



# House of Representatives

**File No. 742**

General Assembly

February Session, 2016

**(Reprint of File No. 280)**

Substitute House Bill No. 5421  
As Amended by House Amendment  
Schedule "A"

Approved by the Legislative Commissioner  
April 27, 2016

***AN ACT CONCERNING INCOME TAX REFUND CONTRIBUTIONS TO SUPPORT THE ARTS.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-743 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective July 1, 2016*):

3 (a) Any taxpayer filing a return under this chapter may contribute  
4 any part of a refund under this chapter to (1) the organ transplant  
5 account established pursuant to section 17b-288, (2) the AIDS research  
6 education account established pursuant to section 19a-32a, (3) the  
7 endangered species, natural area preserves and watchable wildlife  
8 account established pursuant to section 22a-27l, (4) the breast cancer  
9 research and education account established pursuant to section 19a-  
10 32b, (5) the safety net services account established pursuant to section  
11 17b-112f, [or] (6) an individual savings plan established under the  
12 Connecticut Higher Education Trust established pursuant to sections  
13 3-22f to 3-22p, inclusive, or to the CHET Baby Scholars fund  
14 established pursuant to section 3-22u, or (7) the support Connecticut

15 arts and culture account established pursuant to section 2 of this act.  
16 Such contribution shall be made by indicating on the tax return, in a  
17 manner provided for by the Commissioner of Revenue Services  
18 pursuant to subsection (b) of this section, the amount to be contributed  
19 to the account.

20 (b) (1) The Commissioner of Revenue Services shall revise the tax  
21 return form to implement the provisions of subsection (a) of this  
22 section, which form shall include spaces on the return in which  
23 taxpayers may indicate their intention to make a contribution, in a  
24 whole dollar amount, in accordance with this section. The  
25 commissioner shall include in the instructions accompanying the tax  
26 return a description of the purposes for which the organ transplant  
27 account, the AIDS research education account, the endangered species,  
28 natural area preserves and watchable wildlife account, the breast  
29 cancer research and education account, the safety net services account,  
30 [and] the Connecticut Higher Education Trust and the support  
31 Connecticut arts and culture account were created.

32 (2) For purposes of facilitating the registration of a taxpayer as an  
33 organ donor, the commissioner shall include information in the  
34 instructions accompanying the tax return that (A) indicates the manner  
35 by which a taxpayer may contact an organ donor registry organization,  
36 or (B) provides electronic links to appropriate organ donor registry  
37 organizations for such purpose.

38 (3) For purposes of facilitating the participation of a taxpayer in the  
39 Connecticut Higher Education Trust and the CHET Baby Scholars  
40 fund, the commissioner shall include spaces on the return, as provided  
41 in subdivision (1) of this subsection as follows: (A) There shall be a  
42 space indicating a taxpayer's intention to contribute any part of a  
43 refund to someone known to the taxpayer who is a designated  
44 beneficiary, as defined in section 3-22f, including a space for the  
45 taxpayer to provide the name and Social Security number of such  
46 designated beneficiary; and (B) there shall be a space indicating a  
47 taxpayer's intention to contribute any part of a refund to the CHET

48 Baby Scholars fund, including a description of such fund and a  
49 statement that such contribution shall not benefit a specific child. The  
50 commissioner shall include information in the instructions  
51 accompanying the tax return that indicates the manner by which the  
52 taxpayer may contact the administrator of the Connecticut Higher  
53 Education Trust and the CHET Baby Scholars fund, or provides  
54 electronic links to such administrator for such purpose.

55 (c) A designated contribution of all or part of any refund shall be  
56 irrevocable upon the filing of the return and shall be made in the full  
57 amount designated if the refund found due the taxpayer upon the  
58 initial processing of the return, and after any deductions required by  
59 this chapter, is greater than or equal to the designated contribution. If  
60 the refund due, as determined upon initial processing, and after any  
61 deductions required by this chapter, is less than the designated  
62 contribution, the contribution shall be made in the full amount of the  
63 refund. The Commissioner of Revenue Services shall subtract the  
64 amount of any contribution of all or part of any refund from the  
65 amount of the refund initially found due the taxpayer and shall certify  
66 the difference to the Secretary of the Office of Policy and Management  
67 and the Treasurer for payment to the taxpayer in accordance with this  
68 chapter. For the purposes of any subsequent determination of the  
69 taxpayer's net tax payment, such contribution shall be considered a  
70 part of the refund paid to the taxpayer.

71 (d) Except for any funds collected for purposes of subdivision (6) or  
72 (7) of subsection (a) of this section, the Commissioner of Revenue  
73 Services, after notification of and approval by the Secretary of the  
74 Office of Policy and Management, may deduct and retain from the  
75 remaining funds so collected an amount equal to the costs of  
76 implementing this section and sections 17b-288, 19a-32a, 22a-27l, 19a-  
77 32b and 17b-112f but not to exceed seven and one-half per cent of the  
78 funds contributed in any fiscal year and in no event shall exceed the  
79 total cost of implementation of said sections.

80 Sec. 2. (NEW) (*Effective July 1, 2016*) There is established an account

81 to be known as the "support Connecticut arts and culture account"  
 82 which shall be a separate, nonlapsing account within the General  
 83 Fund. Any moneys collected under the contribution system established  
 84 under section 12-743 of the general statutes, as amended by this act,  
 85 shall be deposited by the Commissioner of Revenue Services into the  
 86 account. The account may also receive moneys from public and private  
 87 sources and from the federal government. All moneys deposited in the  
 88 account shall be used by the Department of Economic and Community  
 89 Development or persons acting under a contract with the department  
 90 to (1) encourage participation in and promotion, development,  
 91 acceptance and appreciation of artistic and cultural activities,  
 92 including, but not limited to, music, theater, dance, painting, sculpture,  
 93 architecture, literature, film and allied arts and crafts, and (2) promote  
 94 the income tax contribution system and the support Connecticut arts  
 95 and culture account in accordance with this section and section 12-743  
 96 of the general statutes, as amended by this act. Expenditures from the  
 97 account in any fiscal year for the promotion of the income tax  
 98 contribution system or the account shall not exceed ten per cent of the  
 99 amount of moneys raised during the previous fiscal year, provided  
 100 such limitation shall not apply to an expenditure of not more than  
 101 fifteen thousand dollars from the account on or before July 1, 2017, to  
 102 reimburse expenditures made on or before said date, with prior  
 103 written authorization of the Commissioner of Economic and  
 104 Community Development, by private organizations to promote the  
 105 income tax contribution system and the account.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2016	12-743
Sec. 2	July 1, 2016	New section

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

**OFA Fiscal Note**

**State Impact:**

Agency Affected	Fund-Effect	FY 17 \$	FY 18 \$
Department of Revenue Services	GF - Cost	15,000	None

Note: GF=General Fund

**Municipal Impact:** None

**Explanation**

The bill requires the Department of Revenue Services (DRS) to establish a means by which taxpayers may contribute income tax refunds to the "Support Connecticut Arts and Culture" account established in the bill. This results in a one-time cost to the DRS of \$15,000 in FY 17 for updates to the income tax module within the online Taxpayer Service Center.

The bill has no fiscal impact by requiring the Department of Economic and Community Development to use the funds in the "Support Connecticut Arts and Culture" account for the purposes of (1) the promotion of arts and culture and (2) the promotion of the income tax contribution system under the bill.

The Department of Economic and Community Development promotes arts and culture activities in the state as part of the agency's statutory charge.

House "A" eliminates the ability of the Department of Revenue Services to deduct implementation costs for establishing the account from revenue collected under the program.

***The Out Years***

The fiscal impact of the bill is limited to FY 17 only.

**OLR Bill Analysis****sHB 5421 (as amended by House "A")\******AN ACT CONCERNING INCOME TAX REFUND CONTRIBUTIONS TO SUPPORT THE ARTS.*****SUMMARY:**

This bill creates a system to generate funds for promoting arts and culture. It establishes the "Support Connecticut Arts and Culture" account as a separate, nonlapsing General Fund account and allows taxpayers to contribute all or a portion of their state income tax refunds to it. The account can also receive funds from public and private sources, including the federal government. The Department of Economic and Community Development (DECD) or its contractors must use the account to promote arts and culture and encourage taxpayers to contribute some or all of their tax refunds to the account.

The law already provides a similar system for contributing tax refunds for other specified purposes, including organ transplants, breast cancer research and education, and college savings. The bill uses the administrative processes established for these systems to establish and fund the Support Connecticut Arts and Culture account. The Department of Revenue Services (DRS) must update income tax instructions and forms so that taxpayers can contribute refunds to the account.

Current law allows the DRS commissioner to use a portion of the funds contributed to certain similar accounts to cover their implementation costs, with the Office of Policy and Management (OPM) secretary's approval. The bill prohibits the commissioner from using a portion of the funds contributed to the Support Connecticut Arts and Culture account for this purpose.

\*House Amendment "A" adds a provision prohibiting the DRS commissioner from using a portion of the funds contributed to the Support Connecticut Arts and Culture account to cover implementation costs.

EFFECTIVE DATE: July 1, 2016

**ACCOUNT PURPOSES**

The bill requires DECD or its contractors to use the account to (1) promote arts and culture, (2) encourage taxpayers to contribute some or all of their tax refunds to the account, and (3) encourage people and organizations to participate in or appreciate arts and cultural activities. Arts and cultural activities include music, theater, dance, painting, sculpture, architecture, literature, film, and allied arts and crafts.

The bill allows DECD and its contractors to use up to 10% of the account's funds each fiscal year to market and promote the system. DECD may exceed this limit in FY 17, during which it may spend up to \$15,000 to reimburse private organizations for promotion costs it previously approved in writing.

**CONTRIBUTION SYSTEM**

The system for contributing tax refunds to the account is the same as the one for contributing refunds to other similar accounts. The DRS commissioner must revise the tax return form to include a space where taxpayers can indicate whether they want to contribute some or all of their refunds to the account. He must also describe the account's purposes in the tax return's instructions.

A taxpayer's designated refund contribution is irrevocable once the return is filed. If a contribution exceeds the amount of the refund due the taxpayer, the contribution is limited to the refund amount. Otherwise the contribution is paid in full.

The DRS commissioner must subtract the contribution amount from the refund initially due the taxpayer and certify the difference to the OPM secretary and state treasurer. For purposes of determining a

taxpayer's net tax payment, the contribution is considered part of the refund paid.

**COMMITTEE ACTION**

Commerce Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/15/2016)

Appropriations Committee

Joint Favorable

Yea 54 Nay 0 (04/14/2016)