

1 ENGROSSED SENATE
2 BILL NO. 721

By: Barrington, Garrison and
Bass of the Senate

3 and

4 Banz of the House

5
6
7 [revenue and taxation - income tax refund donation -
8 codification -

9 effective date]

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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2368.17 of Title 68, unless
14 there is created a duplication in numbering, reads as follows:

15 A. Each state individual income tax return form for tax years
16 which begin after December 31, 2009, and each state corporate tax
17 return form for tax years beginning after December 31, 2009, shall
18 contain a provision to allow a donation from a tax refund for the
19 purpose of providing academic and vocational training scholarships
20 administered through the Folds of Honor Scholarship Program to
21 dependents of military servicemen and servicewomen who were either
22 killed or wounded in action due to military service in the war in
23 Iraq or Afghanistan where such program is administered through Folds
24 of Honor Incorporated, a nonprofit charitable organization exempt

1 from taxation pursuant to the provisions of the Internal Revenue
2 Code, 26 U.S.C., Section 501(c)(3). The provision to allow donation
3 shall read as follows:

4 Support of Folds of Honor Scholarship Program, a nonprofit
5 charitable organization providing academic and vocational training
6 scholarships to dependents of military servicemen and servicewomen
7 who were either killed or wounded in action due to military service
8 in the war in Iraq or Afghanistan. Check if you wish to donate from
9 your tax refund: () \$2, () \$5, or () \$____.

10 B. Except as otherwise provided for in this section, all monies
11 generated pursuant to subsection A of this section shall be paid to
12 the State Treasurer by the Oklahoma Tax Commission and placed to the
13 credit of the Income Tax Checkoff Revolving Fund for the Support of
14 the Folds of Honor Scholarship Program created in subsection C of
15 this section.

16 C. There is hereby created in the State Treasury a revolving
17 fund for the Military Department of the State of Oklahoma to be
18 designated the "Income Tax Checkoff Revolving Fund for the Support
19 of the Folds of Honor Scholarship Program". The fund shall be a
20 continuing fund, not subject to fiscal year limitations, and shall
21 consist of all monies apportioned to the fund pursuant to the
22 provisions of this section. All monies accruing to the credit of
23 the fund are hereby appropriated and may be budgeted and expended by
24 the Military Department for the purpose of providing grants for

1 academic and vocational training scholarships administered through
2 the Folds of Honor Scholarship Program. Such monies shall be
3 apportioned as and in a manner specified by the Military Department.
4 Expenditures from the fund shall be made upon warrants issued by the
5 State Treasurer against claims filed as prescribed by law with the
6 Director of State Finance for approval and payment.

7 D. If a taxpayer makes a donation pursuant to subsection A of
8 this section in error, such taxpayer may file a claim for refund at
9 any time within three (3) years from the due date of the tax return.
10 Such claims shall be filed pursuant to the provisions of Section
11 2373 of Title 68 of the Oklahoma Statutes. Prior to the
12 apportionment set forth in this section, an amount equal to the
13 total amount of refunds made pursuant to this subsection during any
14 one (1) year shall be deducted from the total donations received
15 pursuant to this section during the following year and such amount
16 deducted shall be paid to the State Treasurer and placed to the
17 credit of the Income Tax Withholding Refund Account.

18 SECTION 2. This act shall become effective January 1, 2010.
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1 Passed the Senate the 9th day of March, 2009.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2009.

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8 _____
9 Presiding Officer of the House
10 of Representatives