

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 721

By: Barrington

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5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; creating  
8 opportunity for donation of income tax refund to  
9 Folds of Honor Scholarship Program; specifying  
10 language; providing for distribution of funds;  
11 creating revolving fund and providing for  
12 expenditures from fund; providing procedures for  
13 refund under specified circumstances; providing for  
14 codification; and providing an effective date.

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

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

19 A. Each state individual income tax return form for tax years  
20 which begin after December 31, 2009, and each state corporate tax  
21 return form for tax years beginning after December 31, 2009, shall  
22 contain a provision to allow a donation from a tax refund for the  
23 purpose of providing academic and vocational training scholarships  
24 administered through the Folds of Honor Scholarship Program to  
dependents of military servicemen and servicewomen who were either

1 killed or wounded in action due to military service in the war in  
2 Iraq or Afghanistan where such program is administered through Folds  
3 of Honor Incorporated, a nonprofit charitable organization exempt  
4 from taxation pursuant to the provisions of the Internal Revenue  
5 Code, 26 U.S.C., Section 501(c)(3). The provision to allow donation  
6 shall read as follows:

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

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

19 C. There is hereby created in the State Treasury a revolving  
20 fund for the Military Department of the State of Oklahoma to be  
21 designated the "Income Tax Checkoff Revolving Fund for the Support  
22 of the Folds of Honor Scholarship Program". The fund shall be a  
23 continuing fund, not subject to fiscal year limitations, and shall  
24 consist of all monies apportioned to the fund pursuant to the

1 provisions of this section. All monies accruing to the credit of  
2 the fund are hereby appropriated and may be budgeted and expended by  
3 the Military Department for the purpose of providing grants for  
4 academic and vocational training scholarships administered through  
5 the Folds of Honor Scholarship Program. Such monies shall be  
6 apportioned as and in a manner specified by the Military Department.  
7 Expenditures from the fund shall be made upon warrants issued by the  
8 State Treasurer against claims filed as prescribed by law with the  
9 Director of State Finance for approval and payment.

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

21 SECTION 2. This act shall become effective January 1, 2010.

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23 52-1-735 JCR 3/6/2009 6:19:48 AM

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