

OKLAHOMA STATE SENATE
GENERAL CONFERENCE COMMITTEE ON APPROPRIATIONS

Mr. President:

Date: _____

Mr. Speaker:

The Conference Committee, to which was referred

SB 949

By: Nichols of the Senate and Enns and Dorman of the House

Title: Act Income tax; creating Oklahoma Sports Eye Safety Program Act; authorizing taxpayers to donate from income tax refund for specified purpose; creating Oklahoma Sports Eye Safety Program Revolving Fund. Noncodification. Codification. Effective date.

together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

SENATE CONFEREES:

Ballenger _____

Branan _____

Brinkley _____

Burrage _____

Crain _____

Ford _____

Halligan _____

Ivester _____

Jolley _____

Justice _____

Mazzei _____

Myers _____

Newberry _____

Nichols _____

Paddack _____

Rice _____

Stanislowski _____

Sykes _____

Wilson _____

Wyrick _____

Marlatt _____

HOUSE CONFEREES:

General Conference Committee on Appropriations

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 949

6 By: Nichols of the Senate

7 and

8 Enns and Dorman of the
9 House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to income tax; creating the Oklahoma
12 Sports Eye Safety Program Act; providing short title;
13 providing opportunity for taxpayer to donate from a
14 refund to Oklahoma Sports Eye Safety Program
15 Revolving Fund; providing for distribution of funds;
16 creating Oklahoma Sports Eye Safety Program Revolving
17 Fund and providing for administration and expenditure
18 thereof; allowing for refund of certain donations and
19 procedures related thereto; amending Section 3 of
20 Enrolled House Bill No. 1998 of the 1st Session of
21 the 53rd Oklahoma Legislature; which relates to the
22 Oklahoma Lupus Revolving Fund; modifying purpose of
23 fund; providing for taxpayer donation from income tax
24 refund for music festivals in Historic Greenwood
District; providing for distribution of funds;
creating specified revolving fund for certain purpose
and providing for expenditures from such fund;
providing procedures for refund if donation is made
in error; providing for noncodification; providing
for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be
2 codified in the Oklahoma Statutes reads as follows:

3 Sections 1 through 3 of this act shall be known and may be cited
4 as the "Oklahoma Sports Eye Safety Program Act".

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2368.25 of Title 68, unless
7 there is created a duplication in numbering, reads as follows:

8 A. Each state individual income tax return form for tax years
9 which begin after December 31, 2011, and each state corporate tax
10 return form for tax years beginning after December 31, 2011, shall
11 contain a provision to allow a donation from a tax refund for the
12 benefit of the Oklahoma Sports Eye Safety Program Revolving Fund.

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 Oklahoma Sports Eye Safety Program Revolving Fund
17 created in Section 3 of this act.

18 C. If a taxpayer makes a donation pursuant to subsection A of
19 this section in error, such taxpayer may file a claim for a refund
20 at any time within three (3) years from the due date of the tax
21 return. Such claims shall be filed pursuant to the provisions of
22 Section 2373 of Title 68 of the Oklahoma Statutes. Prior to the
23 apportionment set forth in this section, an amount equal to the
24 total amount of refunds made pursuant to this subsection during any

1 one (1) year shall be deducted from the total donations received
2 pursuant to this section during the following year and such amount
3 deducted shall be paid to the State Treasurer and placed to the
4 credit of the Income Tax Withholding Refund Account.

5 SECTION 3. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 79 of Title 63, unless there is
7 created a duplication in numbering, reads as follows:

8 There is hereby created in the State Treasury a revolving fund
9 to be designated the "Oklahoma Sports Eye Safety Program Revolving
10 Fund" administered by the State Department of Health. The fund
11 shall be a continuing fund, not subject to fiscal year limitations,
12 and shall consist of all the monies received by the State Department
13 of Health pursuant to the provisions of Section 2 of this act, any
14 other section of law and any other monies that may be deposited in
15 the fund to implement the provisions of this act. All monies
16 accruing to the credit of the fund are appropriated and may be
17 budgeted and expended by the State Department of Health for the
18 purposes of:

19 1. Exploring opportunities to utilize nonprofit organizations
20 to provide sports eye safety information or sports eye safety
21 equipment to children age eighteen (18) and under; and

22 2. To establish a sports eye safety grant program for the
23 purchase and distribution of sports eye safety programs and
24 materials to classrooms in this state and sports eye safety

1 protective wear to children age eighteen (18) and under.
2 Expenditures from the fund shall be made upon warrants issued by the
3 State Treasurer against claims filed as prescribed by law with the
4 Director of State Finance for approval and payment.

5 SECTION 4. AMENDATORY Section 3 of Enrolled House Bill
6 No. 1998 of the 1st Session of the 53rd Oklahoma Legislature, is
7 amended to read as follows:

8 Section 2368.24. A. Each state individual income tax return
9 form for tax years which begin after December 31, 2011, and each
10 state corporate tax return form for tax years beginning after
11 December 31, 2011, shall contain a provision to allow a donation
12 from a tax refund for the benefit of the Oklahoma Lupus Revolving
13 Fund.

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

19 C. There is hereby created in the State Treasury a revolving
20 fund to be designated the "Oklahoma Lupus Revolving Fund" and
21 administered by the State Department of Health. The fund shall be a
22 continuing fund, not subject to fiscal year limitations, and shall
23 consist of all the monies received by the State Department of Health
24 pursuant to the provisions of subsection A of this section. All

1 monies accruing to the credit of the fund are appropriated and may
2 be budgeted and expended by the State Department of Health at the
3 beginning of each fiscal year for the purpose of providing grants to
4 the Oklahoma ~~Medical Research Foundation~~ Chapter of the Lupus
5 Foundation of America for the purpose of promoting awareness, other
6 promotional programs and for funding research into treating and
7 curing Lupus in this state. Expenditures from the fund shall be
8 made upon warrants issued by the State Treasurer against claims
9 filed as prescribed by law with the Director of the Office of State
10 Finance for approval and payment.

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

22 SECTION 5. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2368.26 of Title 68, unless
24 there is created a duplication in numbering, reads as follows:

1 A. Each state individual income tax return form for tax years
2 which begin after December 31, 2011, and each state corporate tax
3 return form for tax years beginning after December 31, 2011, shall
4 contain a provision to allow a donation from a tax refund for the
5 purpose of supporting music festivals held in the Historic Greenwood
6 District.

7 B. Except as otherwise provided for in this section, all monies
8 generated pursuant to subsection A of this section shall be paid to
9 the State Treasurer by the Oklahoma Tax Commission and placed to the
10 credit of the Historic Greenwood District Music Festival Revolving
11 Fund created in subsection C of this section.

12 C. There is hereby created in the State Treasury a revolving
13 fund to be designated the "Historic Greenwood District Music
14 Festival Revolving Fund" and administered by the Oklahoma Historical
15 Society. The fund shall be a continuing fund, not subject to fiscal
16 year limitations, and shall consist of all the monies received by
17 the Oklahoma Historical Society pursuant to the provisions of
18 subsection A of this section. All monies accruing to the credit of
19 the fund are appropriated and may be budgeted and expended by the
20 Oklahoma Historical Society at the beginning of each fiscal year for
21 the purpose of promoting and supporting music festivals in the
22 Historic Greenwood District. Expenditures from the fund shall be
23 made upon warrants issued by the State Treasurer against claims
24

1 filed as prescribed by law with the Director of the Office of State
2 Finance for approval and payment.

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

14 SECTION 6. This act shall become effective November 1, 2011.

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