ENGROSSED SENATE
BILL NO. 1085 By: Dahm of the Senate

and

Billy of the House

An Act relating to income tax; requiring tax return forms to contain specified provision; authorizing income tax checkoff for the General Revenue Fund of the State of Oklahoma; allowing taxpayer to designate elected amount of income tax refund to the General Revenue Fund; creating the Income Tax Checkoff Revolving Fund for the Support of the Oklahoma General Revenue Fund, and providing for distribution and expenditures thereof; authorizing refund for certain donations under specified circumstances; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2368.28 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. Each state individual income tax return form for tax years beginning after December 31, 2016, and each state corporate tax return form for tax years beginning after December 31, 2016, shall contain provisions to allow a donation from a tax refund or a direct donation for the benefit of the General Revenue Fund of the State of Oklahoma, as follows:

Support of Oklahoma General Revenue Fund. Check if you wish to donate from your tax refund: ( ) entire amount, or ( ) $____. Check if you wish to make a direct donation to the General Revenue Fund: (_____) amount $_____.

B. Except as otherwise provided for in this section, all monies generated pursuant to subsection A of this section shall be paid to the State Treasurer by the Oklahoma Tax Commission and placed to the credit of the Income Tax Checkoff Revolving Fund for the Support of the Oklahoma General Revenue Fund created in subsection C of this section.

C. There is hereby created in the State Treasury a revolving fund for the Oklahoma General Revenue Fund to be designated the "Income Tax Checkoff Revolving Fund for the Support of the Oklahoma General Revenue Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies apportioned to the fund pursuant to the provisions of this section. All monies accruing to the credit of the fund shall be deposited to the credit of the General Revenue Fund and appropriation of such funds shall be subject to the provisions of Section 23 of Article X of the Oklahoma Constitution. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

SECTION 2. This act shall become effective January 1, 2017.

Passed the Senate the 1st day of March, 2016.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2016.

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Presiding Officer of the House of Representatives