

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1085

By: Dahm

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6 AS INTRODUCED

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

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

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

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

1 Support of Oklahoma General Revenue Fund. Check if you wish to
2 donate from your tax refund: () entire amount, or () \$_____.

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

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

22 D. If a taxpayer makes a donation pursuant to subsection A of
23 this section in error, such taxpayer may file a claim for refund at
24 any time within three (3) years from the due date of the tax return.

1 Such claims shall be filed pursuant to the provisions of Section
2 2373 of this title. Prior to the apportionment set forth in this
3 section, an amount equal to the total amount of refunds made
4 pursuant to this subsection during any one (1) year shall be
5 deducted from the total donations received pursuant to this section
6 during the following year and such amount deducted shall be paid to
7 the State Treasurer and placed to the credit of the Income Tax
8 Withholding Refund Account.

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

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