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AS AMENDED

By: Lepak of the House

and

Fry and Dossett of the
Senate

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[ revenue and taxation - income tax donation
standards - Folds of Honor Scholarship Program -
effective date ]
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~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2368.2, is amended to read as follows:

Section 2368.2 ~~If~~ A. Except as exempted in subsection B of this section, if on September 1 of any year, the total contributions to any one of the funds created through donations or contributions from income tax refunds by checking the appropriate box on the income tax return forms do not equal Fifteen Thousand Dollars (\$15,000.00) or more for three (3) consecutive years, the explanations and spaces for designating contributions to the fund shall be removed from the income tax return forms for the following and all subsequent years. All contributions to the removed fund after September 1 shall be refunded to the taxpayer.

1 B. The provisions of this section shall not apply to the Income
2 Tax Checkoff Revolving Fund for the Support of the Folds of Honor
3 Scholarship Program authorized in Section 2368.19 of this title.

4 SECTION 2. AMENDATORY 68 O.S. 2011, Section 2368.19, as
5 amended by Section 559, Chapter 304, O.S.L. 2012 (68 O.S. Supp.
6 2016, Section 2368.19), is amended to read as follows:

7 Section 2368.19 A. Each state individual income tax return
8 form for tax years which begin after December 31, 2009, and each
9 state corporate tax return form for tax years beginning after
10 December 31, 2009, shall contain a provision to allow a donation
11 from a tax refund for the purpose of providing academic and
12 vocational training scholarships administered through the Folds of
13 Honor Scholarship Program to dependents of military servicemen and
14 servicewomen who were either killed or wounded in action due to
15 military service in the war in Iraq or Afghanistan where such
16 program is administered through Folds of Honor Incorporated, a
17 nonprofit charitable organization exempt from taxation pursuant to
18 the provisions of the Internal Revenue Code, 26 U.S.C., Section
19 501(c)(3). The provision to allow donation shall read as follows:

20 Support of Folds of Honor Scholarship Program, a nonprofit
21 charitable organization providing academic and vocational training
22 scholarships to dependents of military servicemen and servicewomen
23 who were either killed or wounded in action due to military service
24

1 in the war in Iraq or Afghanistan. Check if you wish to donate from
2 your tax refund: () \$2, () \$5, 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 Folds of Honor Scholarship Program created in subsection C of
8 this section.

9 C. There is hereby created in the State Treasury a revolving
10 fund for the Military Department of the State of Oklahoma to be
11 designated the "Income Tax Checkoff Revolving Fund for the Support
12 of the Folds of Honor Scholarship Program". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all monies apportioned to the fund pursuant to the
15 provisions of this section. All monies accruing to the credit of
16 the fund are hereby appropriated and may be budgeted and expended by
17 the Military Department for the purpose of providing grants for
18 academic and vocational training scholarships administered through
19 the Folds of Honor Scholarship Program. Such monies shall be
20 apportioned as and in a manner specified by the Military Department.
21 Expenditures from the fund shall be made upon warrants issued by the
22 State Treasurer against claims filed as prescribed by law with the
23 Director of the Office of Management and Enterprise Services for
24 approval and payment.

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

12 E. Pursuant to Section 2368.18 of this title, the income tax
13 checkoff contained in this section is hereby reauthorized effective
14 January 1, 2017.

15 SECTION 3. This act shall become effective November 1, 2017.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
17 April 5, 2017 - DO PASS AS AMENDED
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