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February 18, 2021

SENATE BILL NO. 436

By: Paxton of the Senate

and

Pae of the House

An Act relating to income tax refunds; amending 68 O.S. 2011, Section 2368.17, as last amended by Section 1, Chapter 51, O.S.L. 2015 (68 O.S. Supp. 2020, Section 2368.17), which relates to income tax refund checkoffs; reauthorizing checkoff for certain Y.M.C.A. Youth and Government program beginning for specified tax year; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2368.17, as last amended by Section 1, Chapter 51, O.S.L. 2015 (68 O.S. Supp. 2020, Section 2368.17), is amended to read as follows:

Section 2368.17. A. Each state individual income tax return form for tax ~~years which begin after December 31, 2015~~ year 2021 and subsequent tax years, and each state corporate tax return form for tax ~~years beginning after December 31, 2015~~ year 2021 and subsequent tax years, shall contain a provision to allow a donation from a tax refund for the benefit of the Oklahoma chapter of the Y.M.C.A. Youth and Government program. Pursuant to Section 2368.18 of this title,

1 all income tax checkoffs provided for in state statute shall expire
2 four (4) years after enactment, unless reauthorized by the
3 Legislature.

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

9 C. There is hereby created in the State Treasury a revolving
10 fund to be designated the "Oklahoma Youth and Government Revolving
11 Fund" administered by the State Department of Education. The fund
12 shall be a continuing fund, not subject to fiscal year limitations,
13 and shall consist of all the monies received by the State Department
14 of Education pursuant to the provisions of subsection A of this
15 section. All monies accruing to the credit of the fund are
16 appropriated and may be budgeted and expended by the State
17 Department of Education at the beginning of each fiscal year for the
18 purpose of providing grants to the Oklahoma chapter of the Y.M.C.A.
19 Youth and Government program for purposes of educating young people
20 regarding government and the legislative process. Expenditures from
21 the fund shall be made upon warrants issued by the State Treasurer
22 against claims filed as prescribed by law with the Director of the
23 Office of Management and Enterprise Services for approval and
24 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 a refund
3 at any time within three (3) years from the due date of the tax
4 return. Such claims shall be filed pursuant to the provisions of
5 Section 2373 of this title. Prior to the apportionment set forth in
6 this 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 SECTION 2. This act shall become effective November 1, 2021.

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
14 February 18, 2021 - DO PASS
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