

Enrolled
Senate Bill 859

Sponsored by Senator DECKERT; Senator DEVLIN, Representative NELSON (at the request of Oregon Head Start Association)

CHAPTER

AN ACT

Relating to charitable checkoffs; creating new provisions; amending ORS 305.690, 305.710, 305.715, 305.720, 305.727, 305.730, 305.740, 305.745, 305.747, 305.749, 305.753, 316.490, 316.491, 316.493, 431.855, 496.380 and 496.385; repealing ORS 305.749; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 305.690 is amended to read:

305.690. As used in ORS 305.690 to 305.753, unless the context otherwise requires:

(1) "Biennial years" means the two income tax years of individual taxpayers that begin in the two calendar years immediately following the calendar year in which a list is certified under ORS 305.715.

(2) "Commission" means the Oregon Charitable Checkoff Commission.

(3) "Department" means the Department of Revenue.

(4) "**Eligibility roster**" means a list, prepared under ORS 305.715 and maintained by the commission in chronological order based on the date of form listing or date of eligibility determination, whichever is later, of charitable and governmental entities seeking inclusion on the Oregon individual income tax return forms.

(5) "**Form listed**" or "**form listing**" means being listed on the Oregon individual income tax return form.

(6) "**Instruction listing**" means being listed on the Department of Revenue instructions for tax return checkoff contribution.

[(4)] (7) "Internal Revenue Code" means the federal Internal Revenue Code as amended and in effect on December 31, 2004.

SECTION 2. ORS 305.710 is amended to read:

305.710. (1) The Department of Revenue shall notify the Oregon Charitable Checkoff Commission of the number of lines available for the material described in ORS 305.745 (2) without adding a page to the various individual tax forms for full-year residents, nonresidents and part-year residents. **The department shall provide lines on the form to permit legible form listing of at least 12 entities, if possible, but may provide fewer lines if there is insufficient space on the form.** The commission shall limit the number of entities to be listed on the form to conform to the department's notice unless it determines that the number of eligible entities justifies adding a page to the form.

(2) Any new entity added to the list must, in the judgment of the commission, have a high probability of meeting the requirement in ORS 305.720 (5).

SECTION 3. ORS 305.715 is amended to read:

305.715. (1)(a) The Oregon Charitable Checkoff Commission shall[:]

[(1)] determine if a charitable or governmental entity is qualified under ORS 305.720, for the biennial years, for listing on the Oregon individual income tax return to receive contributions by means of checkoff, as described under and subject to ORS 305.710 and 305.745.

(b) **Upon determination, pursuant to an initial application, that an entity qualifies for inclusion on the Oregon individual income tax return forms to receive contributions by means of checkoff, the commission, subject to section 4 of this 2007 Act, shall cause the name of the entity to be included on the eligibility roster prepared under this section.**

(c) **If the commission determines that the entity is not qualified to be included on the eligibility roster, the commission shall give notice in the manner provided in ORS 183.415, and ORS 305.740 (3) shall apply.**

(2) **The commission shall certify [in 1990, and certify] in each even-numbered calendar year [thereafter,] to the Department of Revenue a list of at least 12 charitable and governmental entities to be listed, if possible, on the Oregon individual income tax return to receive contributions by means of checkoff for the biennial years indicated in the certification, as described [under] in and subject to ORS 305.710 and 305.745.**

SECTION 4. (1) In the event that one or more entities are certified and placed on the eligibility roster under ORS 305.715 but not all entities can be included on the Oregon individual income tax return forms because of space limitations, the Oregon Charitable Checkoff Commission shall, prior to determining the entities to be listed on the eligibility roster for the ensuing year, identify those entities that have been included on the tax forms for two or more years.

(2) **To the extent there are entities on the eligibility roster that have not been form listed, the commission shall direct the Department of Revenue to remove from the tax forms for the next year those entities that have been included on the tax forms for two or more years.**

(3)(a) **The identified entities shall be removed from inclusion on the tax forms based on the number of calendar years for which the entities have been included on the forms, with entities that have been included on the forms for the greatest number of years being removed first.**

(b) **If identified entities have been included on the tax forms for an equal number of years and space limitations require the removal of some, but not all, of the entities identified in subsection (1) of this section, in order to permit inclusion of entities from the eligibility roster on the tax forms for the next year, the commission shall direct the department to remove the entity or entities garnering the smallest average amount of donations for the years that the entity or entities appeared on the tax forms.**

(4) **If an entity removed from form listing under subsection (3) of this section continues to meet the eligibility requirements under ORS 305.720, an entity removed from the charitable checkoff portion of the tax forms shall be placed at the end of the eligibility roster for form listing in succeeding tax years and shall be considered to be an entity that has not been form listed for purposes of subsection (2) of this section.**

SECTION 5. ORS 305.720 is amended to read:

305.720. Subject to ORS 305.710 and 305.745 and section 4 of this 2007 Act, an entity qualifies for listing on the **eligibility roster for form listing** [Oregon individual income tax return] to receive contributions by means of checkoff if:

(1) The entity supports private charitable causes or engages in public activities that are consistent with policies and programs of the state and:

(a) Checkoff resources are used to augment existing programs or provide new funding to related activities of proven value. Checkoff funds are not to be used to meet the administrative expenses of the entity;

(b) Programs funded by checkoff resources must result in substantial and direct benefits to the human and natural resources of the state that the Oregon Charitable Checkoff Commission determines are unlikely to occur under existing public and private programs; and

(c) After checkoff resources are received by the entity, the entity shows a pattern over several years of increasing its total revenues from other than checkoff sources or reaches the level where no more than 50 percent of its revenues are from checkoff sources.

(2) The entity is qualified to receive contributions that are tax deductible under the following:

(a) Section 170 of the Internal Revenue Code (relating to contributions and gifts to charitable and governmental entities).

(b) Section 501(k) of the Internal Revenue Code (relating to contributions to certain organizations providing child care).

(c) Section 7871 of the Internal Revenue Code (relating to contributions to Indian tribal governments).

(d) Any other federal law allowing a deduction from federal individual income tax for charitable contributions to an entity classified by rule of the Department of Revenue as being an entity belonging to the general class described in paragraphs (a) to (c) of this subsection.

(3) The entity makes application for listing within the time and in the manner prescribed by ORS 305.725.

(4) The entity files a financial report, and other information, with the commission as described under ORS 305.730.

(5) The entity received [~~\$50,000~~] **\$25,000** or more in checkoff contributions in at least one of the two tax years immediately preceding the tax year for which it is to be listed on the Oregon income tax return. This subsection does not apply if the entity has not been included on the Oregon personal income tax return for each of the two tax years immediately preceding the tax year for which determination for purposes of this subsection is being made.

SECTION 6. ORS 305.727 is amended to read:

305.727. (1) In addition to the opportunity to [*apply to the Oregon Charitable Checkoff Commission for listing*] **be listed** on the Oregon individual tax return forms under ORS 305.725, an entity **on the eligibility roster** may apply to the commission for listing in the Department of Revenue instructions [*and eligibility*] for tax return checkoff contribution as provided in this section.

(2) In order to qualify for instruction listing, the entity must apply to the commission in the manner in which an entity applies for listing on the individual tax forms under ORS 305.725.

(3) In order to qualify for instruction listing, the entity must meet the qualifications described in ORS 305.720, collect 10,000 or more signatures from electors of this state attesting that the electors support the entity qualifying for instruction listing and be:

(a) The Oregon Veterans' Home, **the Alzheimer's Disease Research Fund, the Oregon Military Emergency Financial Assistance Fund or the subaccount described in ORS 316.493 for contributions dedicated to the prevention of child abuse and neglect;**

(b) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code with a gross income of at least \$1 million for the year prior to application; or

(c) The central office for a group of affiliated nonprofit organizations with a collective gross income of at least \$1 million in the year prior to the year of application.

(4) The commission shall review applications and approve those that meet the qualifications of ORS 305.720 and this section. An entity that is approved by the commission shall thereafter qualify for instruction listing for six years and thereafter must reapply under this section for continued listing in additional six-year periods, **except that an entity that reapplies does not need to collect 10,000 or more signatures.**

(5) The commission shall certify those entities that **are on the eligibility roster and that** the commission has approved in the interim since the last preceding certification to the Department of Revenue for listing in the instructions to the forms described in ORS 305.710.

(6) The department shall include in the instructions to the forms described in ORS 305.710 a list of entities that have been certified by the commission under this section as of the date the instructions for the forms must be prepared.

(7) The department shall cause [*a line*] **two lines** to be included on the Oregon individual tax return forms following the listing of the entities described in ORS 305.715 (2). [*The line*] **These lines**

may be used by a taxpayer to designate [an entity that has] **one or two entities that have** qualified for instruction listing under this section as the recipient of a checkoff contribution by the taxpayer. [The space for designation shall also provide for checkoff boxes in the amount of \$1, \$5, \$10 or other dollar amounts.]

(8) Amounts contributed by charitable checkoff to an instruction-listed entity shall be subject to and distributed as provided in ORS 305.747.

SECTION 7. ORS 305.727, as amended by section 6 of this 2007 Act, is amended to read:

305.727. (1) In addition to the opportunity to be listed on the Oregon individual tax return forms under ORS 305.725, an entity on the eligibility roster may apply to the commission for listing in the Department of Revenue instructions for tax return checkoff contribution as provided in this section.

(2) In order to qualify for instruction listing, the entity must apply to the commission in the manner in which an entity applies for listing on the individual tax forms under ORS 305.725.

(3) In order to qualify for instruction listing, the entity must meet the qualifications described in ORS 305.720, collect 10,000 or more signatures from electors of this state attesting that the electors support the entity qualifying for instruction listing and be:

(a) The Oregon Veterans' Home, **the Nongame Wildlife Fund**, the Alzheimer's Disease Research Fund, the Oregon Military Emergency Financial Assistance Fund or the subaccount described in ORS 316.493 for contributions dedicated to the prevention of child abuse and neglect;

(b) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code with a gross income of at least \$1 million for the year prior to application; or

(c) The central office for a group of affiliated nonprofit organizations with a collective gross income of at least \$1 million in the year prior to the year of application.

(4) The commission shall review applications and approve those that meet the qualifications of ORS 305.720 and this section. An entity that is approved by the commission shall thereafter qualify for instruction listing for six years and thereafter must reapply under this section for continued listing in additional six-year periods, except that an entity that reapplies does not need to collect 10,000 or more signatures.

(5) The commission shall certify those entities that are on the eligibility roster and that the commission has approved in the interim since the last preceding certification to the Department of Revenue for listing in the instructions to the forms described in ORS 305.710.

(6) The department shall include in the instructions to the forms described in ORS 305.710 a list of entities that have been certified by the commission under this section as of the date the instructions for the forms must be prepared.

(7) The department shall cause two lines to be included on the Oregon individual tax return forms following the listing of the entities described in ORS 305.715 (2). These lines may be used by a taxpayer to designate one or two entities that have qualified for instruction listing under this section as the recipient of a checkoff contribution by the taxpayer.

(8) Amounts contributed by charitable checkoff to an instruction-listed entity shall be subject to and distributed as provided in ORS 305.747.

SECTION 8. Notwithstanding ORS 305.727, an entity that qualified for instruction listing before the tax year beginning on January 1, 2007, is not required to collect signatures in order to qualify for instruction listing for any tax year beginning on or after January 1, 2007.

SECTION 9. ORS 305.730 is amended to read:

305.730. (1) Each entity desiring to be listed on the Oregon individual income tax return in order to receive contributions by means of checkoff for the biennial years shall file a financial report with the Oregon Charitable Checkoff Commission no later than July 1 [of 1990, or July 1] of each even-numbered year [thereafter].

(2) The financial report shall contain, in detail:

(a) The amount of funds received from contributions made by means of checkoff.

(b) The disposition of the funds received from contributions made by means of checkoff.

(3) If required by the commission by rule, the entity shall also file with the commission its budget, financial statements or other documents or information needed by the commission to determine the use of funds received through checkoff.

(4) All information required by this section shall be as of the close of each fiscal year of the two fiscal years of the entity that ended during the 12-month period ending prior to July 1 of the even-numbered calendar year.

SECTION 10. ORS 305.740 is amended to read:

305.740. (1) Prior to the end of [1990 and prior to the end of] each even-numbered calendar year [thereafter], and subject to subsection (2) of this section, the Oregon Charitable Checkoff Commission shall examine the list of entities included on the Oregon personal income tax return for the tax year beginning in the calendar year immediately preceding and shall determine if each entity listed is qualified under ORS 305.710 and 305.720 to be listed on the return to receive contributions by means of checkoff for the ensuing biennial years.

(2)(a) The Department of Revenue shall determine for each tax year if each entity listed for checkoff on the return for the preceding tax year meets the criteria under ORS 305.720 (5) and shall notify the commission, if and when appropriate. In determining the amount received in contributions from checkoffs for an entity for a particular tax year:

(A) For purposes of meeting the [\$50,000] **\$25,000** minimum contribution, the amount received in contributions from checkoffs in the amount shown in the department's financial statement for the fiscal year shall be counted.

(B) The amount of receipts shall not be reduced by the amount of administrative expense referred to in ORS 305.747.

(b) The determination of the department made under paragraph (a) of this subsection is final and may not be appealed. Notwithstanding subsection (1) of this section, an entity that has not met the criteria of ORS 305.720 (5) shall not be listed on the return for checkoff.

(3)(a) If the commission, for any reason other than that contributions by means of checkoff did not reach the amount required under ORS 305.720 (5), determines that an entity included on the list certified under ORS 305.715 (2) for the prior biennial years is not qualified to be included, or that an entity making application is not qualified to be included, or is not included because of determinations under ORS 305.710, on the list for the ensuing biennial years, the commission shall so order.

(b) The commission shall serve upon the entity, either by personal service or by certified mail, return receipt requested, the order issued under paragraph (a) of this subsection. The order shall comply with the applicable notice requirements of ORS 183.415.

(c) The entity or person or persons to whom the order is directed shall have 20 days from the date of personal service or mailing of the notice in which to make written application to the commission for a contested case hearing to be held in accordance with ORS 183.415 to 183.500 before the commission or the designee of the commission. In any hearing before the designee of the commission, the designee is authorized to issue the final order in the matter.

(d) Upon failure to request a contested case hearing within the time specified, the order shall become final.

(e) Appeal may be taken from a final order as specified under ORS 183.480 to 183.497.

(f) A final order issued by the commission, the designee of the commission, the Court of Appeals or the Oregon Supreme Court determining that an entity be included on the list certified under ORS 305.715 (2) may require only that the entity be included on the list next certified after the effective date of the final order.

SECTION 11. ORS 305.745 is amended to read:

305.745. (1) Upon receipt of the list certified by the Oregon Charitable Checkoff Commission under ORS 305.715 (2), the Department of Revenue shall cause the name of each entity so listed to be included on the Oregon individual income tax return forms prepared for the biennial years as certified.

(2) Individual taxpayers who file an Oregon income tax return and who will receive a tax refund from the department may designate that a contribution be made to one or more entities listed.

Designation shall be made [*by marking the appropriate box which*] **in a space that** the department shall cause to be printed on the return form. [*For each entity, the space for designating the contribution shall provide for checkoff boxes in the amount of \$1, \$5, \$10 or other dollar amount.*]

(3) Overpayments of tax that are insufficient, due to ORS 293.250 or otherwise, to satisfy the total amount of checkoffs designated on a tax return under subsection (2) of this section and under statute other than ORS 305.690 to 305.753 shall be allocated among the entities designated on a pro rata basis.

SECTION 12. ORS 305.747 is amended to read:

305.747. (1) Amounts equal to the amounts checked off under ORS 305.745 shall be remitted by the Department of Revenue to the State Treasurer who shall deposit the amounts in a suspense account established under ORS 293.445.

(2)(a) Of the amounts remitted and deposited under subsection (1) of this section [*or remitted and deposited under ORS 305.749 (1)*], a portion is continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the Oregon Charitable Checkoff Commission in administering the checkoff programs established under ORS 305.690 to 305.753. No more than one percent of the moneys generated by the checkoff programs per fiscal year ending June 30, 1990, or per any fiscal year thereafter, is appropriated under this paragraph.

(b) Of the amounts remitted and deposited under subsection (1) of this section, a portion is continuously appropriated for use in reimbursing the General Fund for costs paid or incurred by the department in administering the checkoff program established under ORS 305.690 to 305.753. The department shall adopt by rule a formula or other method of determining the cost of administering each checkoff program. Each program shall be charged the cost of administration not to exceed 10 percent of the amount received in checkoff contributions.

(c) Moneys appropriated under this subsection shall be transferred to the General Fund on a quarterly basis.

(3) The records of the department shall reflect the amount that the department has credited to each entity less administrative expenses. Subject to ORS 305.745 (3), the amount credited to each entity shall be equal to the amount checked off for that entity under ORS 305.745 less administrative expenses. The net amount of moneys credited to an entity shall be transferred by the department to the entity, as specified by law, on a periodic basis, or is continuously appropriated to the department for payment to the entity and the department shall pay and remit the net amount credited to the entity, without interest, to the entity on a periodic basis. The department shall adopt rules governing the transferring or remitting of checkoff moneys to the entities for which the amounts were checked off. The rules shall specify the time, no less often than quarterly, that the moneys are to be transferred or remitted to the entities by the department.

SECTION 13. ORS 305.749 is amended to read:

305.749. [*Except as provided in ORS 305.690 to 305.753 and as otherwise specifically provided,*] The following are applicable to the [*various*] **Nongame Wildlife Fund** checkoff [*programs*] **program** established under ORS [*316.491 and 496.380 and ORS chapter 316*] **496.380 to 496.390**:

(1) Subject to subsection (4) of this section, the dollar amounts of contributions made by taxpayer checkoff on Oregon tax returns shall be remitted by the Department of Revenue to the State Treasurer, who shall deposit them to a suspense account established under ORS 293.445.

(2) Of the contributions so deposited, a portion is continuously appropriated for use to reimburse the General Fund for costs incurred in administering the [*various checkoff programs*] **checkoff program**. No more than 10 percent of the moneys generated by [*each*] **the** checkoff program per fiscal year ending June 30 may be appropriated under this subsection.

(3) The remainder of the contributions shall be credited by the department to [*each*] **the** checkoff program [*in proportion to the total amounts checked off for the tax year, the proportions to be determined on the basis of tax returns processed as of the June 30 following the tax year*]. The amounts so credited to [*each of the checkoff programs*] **the checkoff program** are continuously appropriated to the department for payment to the checkoff designee, or shall be transferred by the department to the checkoff designee, as specified under the law governing the [*particular*] checkoff program. The

department may adopt rules governing the crediting and payment or transfer of checkoff moneys. In addition to any other provision, if adopted, the rules shall specify the time that the contributions to [a] **the** program so credited are to be paid or transferred by the department.

(4)[(a)] Space for designating the dollar amount of a contribution made to [each] **the** checkoff program shall be printed on the Oregon tax return. [*The space shall provide for checkoff boxes for the program in the amounts of \$1, \$5, \$10 or other dollar amount.*]

[(b)] *Overpayments of tax that are insufficient, due to ORS 293.250 or otherwise, to satisfy the total amount of checkoffs designated on a tax return shall be allocated among the designees on a pro rata basis as provided under ORS 305.745 (3).*]

[(5)(a)] *If, as of June 30 of the calendar year immediately following the calendar year in which a particular tax year begins, the department determines that the total amount checked off for that tax year for a checkoff program is \$50,000 or less, the department shall notify a person administering the program or other appropriate person.*]

[(b)] *If, as determined by the department under paragraph (a) of this subsection, the total amount checked off for a particular checkoff program is \$50,000 or less for each year in a period of two consecutive tax years, a checkoff line and appropriate box for that program shall not be provided on the Oregon individual tax return for the tax year immediately following the later year of the two-year period nor for any tax year thereafter, except as otherwise provided by law.*]

[(c)] *As used in this subsection, "total amount checked off" means the total amount checked off by taxpayers as reflected by tax returns for the tax year processed as of June 30 before any deduction for administrative costs as required under subsection (2) of this section has occurred but after any pro-ration under subsection (4) of this section.*]

SECTION 14. ORS 305.753 is amended to read:

305.753. (1) The State Treasurer may solicit and accept from private and public sources and cause to be credited and paid to any entity gifts, grants and other donations, in money or otherwise, if the entity is currently listed or entitled to be listed on the Oregon tax return for checkoff.

(2) In accordance with ORS chapter 183, the Department of Revenue may adopt rules to carry out the purposes of ORS 305.690 to 305.753.

(3) Except as provided in ORS 305.749, ORS 305.690 to 305.753 do not apply to the Nongame Wildlife Fund established under ORS 496.385. [*the Alzheimer's Disease Research Fund established under section 3, chapter 902, Oregon Laws 1987, the subaccount created pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or its successor, the Oregon Military Emergency Financial Assistance Fund established under ORS 396.364 or other checkoff program established by statute other than ORS 305.690 to 305.753.*]

SECTION 15. ORS 305.753, as amended by section 14 of this 2007 Act, is amended to read:

305.753. (1) The State Treasurer may solicit and accept from private and public sources and cause to be credited and paid to any entity gifts, grants and other donations, in money or otherwise, if the entity is currently listed or entitled to be listed on the Oregon tax return for checkoff.

(2) In accordance with ORS chapter 183, the Department of Revenue may adopt rules to carry out the purposes of ORS 305.690 to 305.753.

[(3)] *Except as provided in ORS 305.749, ORS 305.690 to 305.753 do not apply to the Nongame Wildlife Fund established under ORS 496.385.*]

SECTION 16. ORS 316.490 is amended to read:

316.490. (1) Individual taxpayers who file an Oregon income tax return for purposes of this chapter and who will receive a tax refund from the Department of Revenue may designate that a contribution be made to the Alzheimer's Disease Research Fund [*by marking the appropriate box printed on the return pursuant to subsection (2) of this section*] **as provided in ORS 305.690 to 305.753.**

[(2)] *The Department of Revenue shall print on the face of the Oregon income tax form a space for taxpayers to designate that a contribution be made to the Alzheimer's Disease Research Fund from their income tax refund. The space for designating the contribution shall provide for checkoff boxes as indicated under ORS 305.749.*]

[3] (2) A designation under subsection (1) of this section shall be made with respect to any taxable year on the returns for that taxable year, and once made shall be irrevocable.

SECTION 17. ORS 316.491 is amended to read:

316.491. (1) Personal income taxpayers who file an Oregon income tax return and who will receive a tax refund from the Department of Revenue may designate that a contribution of all or a portion of the refund be made to the Oregon Military Emergency Financial Assistance Program by marking the appropriate box printed on the return [pursuant to subsection (2) of this section] **as provided in ORS 305.690 to 305.753.**

[2(a) Subject to paragraph (b) of this subsection, the Department of Revenue shall print on the face of the Oregon personal income tax return form a space for a taxpayer to designate that a contribution be made to the Oregon Military Emergency Financial Assistance Program from the taxpayer's income tax refund. The space for designating the contribution shall provide for checkoff boxes as indicated under ORS 305.749.]

[b) If space limitations make listing the Oregon Military Emergency Financial Assistance Program on the return form impracticable without the removal of a checkoff program listing described in ORS 316.490, 316.493 or 496.380, the Oregon Military Emergency Financial Assistance Program may be given an instruction listing as described in ORS 305.727. ORS 305.727 (3) does not apply to the Oregon Military Emergency Financial Assistance Program.]

[3] (2) Moneys contributed to the Oregon Military Emergency Financial Assistance Program through the checkoff program described in subsection (1) of this section shall be deposited in the Oregon Military Emergency Financial Assistance Fund.

SECTION 18. ORS 316.493 is amended to read:

316.493. (1) Recognizing that children are Oregon's most valuable resource and that child abuse and neglect is a threat to the physical, mental and emotional health of children; and further recognizing that the incidence of validated cases of reported child abuse and neglect has been increasing at an alarming rate in Oregon and represents an enormous threat to the welfare of our community, the Legislative Assembly hereby provides an additional opportunity to taxpayers to assist in child abuse and neglect prevention by means of an income tax checkoff.

(2) Any individual taxpayer who files an Oregon income tax return and who will receive a tax refund from the Department of Revenue may designate that a contribution be made to the holder of the subaccount established pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund by marking the appropriate box printed on the return [pursuant to subsection (3) of this section] **as provided in ORS 305.690 to 305.753.**

[3] The department shall print on the face of the Oregon income tax form a space for taxpayers to designate that a contribution be made for the prevention of child abuse and neglect from their income tax refund. The space for designating the contribution shall provide for checkoff boxes as indicated under ORS 305.749.]

[4] (3) The Department of Revenue shall transfer to the subaccount established pursuant to section 36 (2), chapter 1084, Oregon Laws 1999, or a successor subaccount, account or fund an amount as credited to the subaccount or its successor [under ORS 305.749].

SECTION 19. ORS 431.855 is amended to read:

431.855. (1) There is established as a separate and distinct fund in the State Treasury an Alzheimer's Disease Research Fund. The Alzheimer's Disease Research Fund shall consist of:

(a) An amount credited to the fund [under ORS 305.749] **pursuant to ORS 305.690 to 305.753,** which shall be transferred by the Department of Revenue to the fund.

(b) Gifts, grants and donations, in money or otherwise, for use as described in subsection (2) of this section, which the State Treasurer may solicit and accept from private and public sources and shall cause to be deposited and credited to the Alzheimer's Disease Research Fund.

(c) Interest or other earnings on the amounts described in paragraphs (a) and (b) of this subsection which shall inure to the benefit of the Alzheimer's Disease Research Fund.

(2) Moneys contained in the Alzheimer's Disease Research Fund are continuously appropriated for the purpose of grants to the Alzheimer's Disease Center of Oregon, a cooperative venture be-

tween Oregon Health and Science University, Good Samaritan Hospital and Medical Center, the United States Department of Veterans Affairs and the Alzheimer's Disease and Related Disorders Association to carry out research on Alzheimer's disease and related disorders.

SECTION 20. ORS 496.380 is amended to read:

496.380. [(1)] Individual taxpayers who file an Oregon income tax return and who will receive a tax refund from the Department of Revenue may designate that a contribution be made to the Nongame Wildlife Fund by marking the appropriate box printed on the return [pursuant to subsection (2) of this section] **as provided in ORS 305.690 to 305.753.**

[(2) The Department of Revenue shall print on the face of the Oregon income tax form for residents a space for taxpayers to designate that a contribution be made to the Nongame Wildlife Fund from their income tax refund. The space for designating the contribution shall provide for checkoff boxes as indicated under ORS 305.749.]

SECTION 21. ORS 496.385 is amended to read:

496.385. (1) There is established as a separate and distinct fund in the State Treasury a Nongame Wildlife Fund. The Nongame Wildlife Fund shall consist of:

(a) An amount credited to the fund under ORS [305.749] **305.690 to 305.753**, which shall be transferred by the Department of Revenue to the fund.

(b) Gifts, grants and donations, in money or otherwise, for use as described in subsection (2) of this section, which the State Treasurer may solicit and accept from private and public sources and shall cause to be deposited and credited to the Nongame Wildlife Fund.

(c) Interest or other earnings on the amounts described in paragraphs (a) and (b) of this subsection which shall inure to the benefit of the Nongame Wildlife Fund.

(2) Moneys contained in the Nongame Wildlife Fund are continuously appropriated for the purposes specified in ORS 496.390.

SECTION 22. Notwithstanding any other provision of ORS 305.690 to 305.753, an entity that is form listed, as that term is defined in ORS 305.690, on individual income tax return forms for the tax year beginning on January 1, 2007, may not be removed from form listing until the return forms for the tax year beginning on January 1, 2009.

SECTION 23. Section 4 of this 2007 Act is added to and made a part of ORS 305.690 to 305.753.

SECTION 24. ORS 305.749 is repealed on January 2, 2012.

SECTION 25. Section 4 of this 2007 Act and the amendments to statutes by sections 1 to 3, 5, 6, 9 to 14 and 16 to 19 of this 2007 Act apply to tax years beginning on or after January 1, 2007.

SECTION 26. The amendments to statutes by sections 7, 15, 20 and 21 of this 2007 Act and the repeal of ORS 305.749 by section 24 of this 2007 Act apply to tax years beginning on or after January 1, 2012.

SECTION 27. This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage.

Passed by Senate May 3, 2007

Repassed by Senate June 21, 2007

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Secretary of Senate

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President of Senate

Passed by House June 15, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State