

House Bill 3484

Sponsored by Representative MCLAIN

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Modifies method by which taxpayers may donate surplus revenue refunds to funding of education. Permits taxpayers to specify maximum amount of donation.

Applies to income tax returns for tax years beginning on or after January 1, 2016.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

1
2 Relating to donation of surplus revenue refunds; creating new provisions; amending ORS 305.792;
3 and prescribing an effective date.

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

5 **SECTION 1.** ORS 305.792 is amended to read:

6 305.792. (1) The Department of Revenue shall [*provide a means by which personal income tax*
7 *return filers may indicate that a surplus refund credit to which the taxpayer may otherwise be entitled*
8 *to under ORS 291.349 shall instead be used for funding education.*] **cause to be printed on personal**
9 **income tax returns for the appropriate tax year:**

10 (a) **A checkoff box by which a taxpayer may indicate that all or part of a surplus refund**
11 **credit to which the taxpayer may otherwise be entitled under 291.349 shall instead be used**
12 **for funding education; and**

13 (b) **A means for the taxpayer to indicate the maximum amount of the taxpayer's surplus**
14 **refund credit that the taxpayer intends to donate to education.**

15 (2)(a) A personal income taxpayer may elect not to claim a surplus refund credit that the tax-
16 payer would otherwise be entitled to pursuant to ORS 291.349, in order to achieve a corresponding
17 transfer of such moneys from the General Fund to the State School Fund for the support of public
18 elementary and secondary school education. [*The taxpayer may make the election in the form and*
19 *manner prescribed by the department by rule.*]

20 (b) A taxpayer that indicates that the credit will not be claimed but that nevertheless claims the
21 credit in determining the taxpayer's tax liability shall be considered to not have made the election
22 under this subsection.

23 (c) The election not to claim a credit under this subsection may not be revoked by filing an
24 amended return.

25 (3) Following the determination to credit personal income taxes pursuant to ORS 291.349, the
26 department shall annually certify to the State Treasurer the total amount of allowable credits that
27 have not been claimed pursuant to an election made under subsection (2) of this section. The certi-
28 fication shall be made on or before December 31 of each year, until the tax year for which the credit
29 would otherwise be claimed becomes a closed tax year.

30 **SECTION 2.** **The amendments to ORS 305.792 by section 1 of this 2015 Act apply to income**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 tax returns for tax years beginning on or after January 1, 2016.

2 SECTION 3. This 2015 Act takes effect on the 91st day after the date on which the 2015
3 regular session of the Seventy-eighth Legislative Assembly adjourns sine die.

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