

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1392

 By: Pfeiffer

7 AS INTRODUCED

8 An Act relating to game and fish; amending 29 O.S.
9 2011, Section 3-310, as amended by Section 118,
10 Chapter 304, O.S.L. 2012 (29 O.S. Supp. 2016, Section
11 3-310), which relates to the Wildlife Diversity Fund;
12 reauthorizing income tax checkoff; and providing an
13 effective date.

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

14 SECTION 1. AMENDATORY 29 O.S. 2011, Section 3-310, as
15 amended by Section 118, Chapter 304, O.S.L. 2012 (29 O.S. Supp.
16 2016, Section 3-310), is amended to read as follows:

17 Section 3-310. A. The Oklahoma Tax Commission shall include on
18 each state individual income tax return form for tax years beginning
19 after December 31, 2001, and each state corporate tax return form
20 for tax years beginning after December 31, 2001, an opportunity for
21 the taxpayer to donate from a tax refund for the benefit of the
22 Oklahoma Wildlife Diversity Program.

1 B. For purposes of this section, "nongame wildlife" means any
2 species of wildlife not legally classified as a game species or
3 furbearer by statute or by rule adopted pursuant to statute.

4 C. 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 and placed to the credit of the Wildlife
7 Diversity Fund.

8 D. There is hereby created in the State Treasury a revolving
9 fund for the Oklahoma Wildlife Conservation Commission to be
10 designated the "Wildlife Diversity Fund". The fund shall be a
11 continuing fund, not subject to fiscal year limitations, and shall
12 consist of all monies received under the provisions of paragraph 2
13 of subsection C of this section by the Oklahoma Wildlife
14 Conservation Commission. The Oklahoma Wildlife Conservation
15 Commission is hereby authorized to invest all or part of the monies
16 of said fund in any investment permitted by a written investment
17 policy adopted by the Wildlife Conservation Commission; provided,
18 all investments shall be made in accordance with the Oklahoma
19 Uniform Prudent Investor Act. Any interest or dividends accruing
20 from such investments shall be deposited in the Wildlife Diversity
21 Fund. All monies accruing to the credit of said fund are hereby
22 appropriated and may be budgeted and expended by the Oklahoma
23 Wildlife Conservation Commission for the purpose of preserving,
24 protecting, perpetuating and enhancing nongame wildlife in this

1 state. Any monies withdrawn from said fund by the Oklahoma Wildlife
2 Conservation Commission for investment pursuant to this section
3 shall be deemed to be for the purpose of preserving, protecting,
4 perpetuating and enhancing nongame wildlife in this state.

5 Expenditures from said fund shall be made upon warrants issued by
6 the State Treasurer against claims filed as prescribed by law with
7 the Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 E. If a taxpayer makes a donation pursuant to subsection A of
10 this section in error, such taxpayer may file a claim for refund at
11 any time within three (3) years from the due date of the tax return.
12 Such claims shall be filed pursuant to the provisions of Section
13 2373 of Title 68 of the Oklahoma Statutes and, if allowed, shall be
14 paid pursuant to the provisions of said section. Prior to the
15 apportionment set forth in subsection C of this section, an amount
16 equal to the total amount of refunds made pursuant to this
17 subsection during any one (1) year shall be deducted from the total
18 donations received pursuant to this section during the following
19 year and such amount deducted shall be paid to the State Treasurer
20 and placed to the credit of the Income Tax Withholding Refund
21 Account.

22 F. Pursuant to Section 2368.18 of Title 68 of the Oklahoma
23 Statutes, the income tax checkoff contained in this section is
24 hereby reauthorized effective January 1, 2018.

SECTION 2. This act shall become effective November 1, 2017.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
02/21/2017 - DO PASS.