

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 586

By: Jech of the Senate

and

Pfeiffer of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to game and fish; amending 29 O.S.
12 2011, Section 3-310, as amended by Section 118,
13 Chapter 304, O.S.L. 2012 (29 O.S. Supp. 2016, Section
14 3-310), which relates to the Wildlife Diversity Fund;
15 reauthorizing income tax checkoff; updating language;
16 and providing an effective date.

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

18 SECTION 1. AMENDATORY 29 O.S. 2011, Section 3-310, as
19 amended by Section 118, Chapter 304, O.S.L. 2012 (29 O.S. Supp.
20 2016, Section 3-310), is amended to read as follows:

21 Section 3-310. A. The Oklahoma Tax Commission shall include on
22 each state individual income tax return form for tax years beginning
23 after December 31, 2001, and each state corporate tax return form
24 for tax years beginning after December 31, 2001, an opportunity for

1 the taxpayer to donate from a tax refund for the benefit of the
2 Oklahoma Wildlife Diversity Program.

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

6 C. Except as otherwise provided for in this section, all monies
7 generated pursuant to subsection A of this section shall be paid to
8 the State Treasurer and placed to the credit of the Wildlife
9 Diversity Fund.

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

1 Wildlife Conservation Commission for the purpose of preserving,
2 protecting, perpetuating and enhancing nongame wildlife in this
3 state. Any monies withdrawn from ~~said~~ the fund by the Oklahoma
4 Wildlife Conservation Commission for investment pursuant to this
5 section shall be deemed to be for the purpose of preserving,
6 protecting, perpetuating and enhancing nongame wildlife in this
7 state. Expenditures from ~~said~~ the fund shall be made upon warrants
8 issued by the State Treasurer against claims filed as prescribed by
9 law with the Director of the Office of Management and Enterprise
10 Services for approval and payment.

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

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

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

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6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
7 04/04/2017 - DO PASS, As Amended.
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