

ENGROSSED SENATE  
BILL NO. 968

BY: SHURDEN of the SENATE

and

SMITH (Bill) of the HOUSE

AN ACT RELATING TO GAME AND FISH; AMENDING 29 O.S.

1991, SECTION 3-310, WHICH RELATES TO THE NONGAME  
WILDLIFE IMPROVEMENT AND CHILDREN'S EDUCATION  
PROGRAM; MODIFYING METHOD FOR CERTAIN TAX CHECKOFF;  
AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 29 O.S. 1991, Section 3-310, is  
amended to read as follows:

Section 3-310. A. Each state individual income tax return form  
for tax years commencing after December 31, ~~1991~~ 1992, and each  
state corporate tax return form for tax years commencing after  
December 31, ~~1990~~ 1992, shall contain a designation as follows or  
shall contain similar wording as space allows on the tax return  
form:

Oklahoma Nongame Wildlife Improvement and Children's Education  
Program. Check ~~if you wish~~ to donate from your ~~tax~~ refund or add to  
your tax payment: ( ) \$2, ( ) \$5, or ( ) \$\_\_\_.

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

C. Except as otherwise provided for in this section, all monies generated pursuant to subsection A of this section shall be paid to the State Treasurer and placed to the credit of the Nongame Wildlife Improvement and Children's Education Fund.

D. There is hereby created in the State Treasury a revolving fund for the Oklahoma Wildlife Conservation Commission to be designated the "Nongame Wildlife Improvement and Children's Education Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received under the provisions of paragraph 2 of subsection C of this section by the Oklahoma Wildlife Conservation Commission. The Oklahoma Wildlife Conservation Commission is hereby authorized to invest all or part of the monies of said fund in securities of the United States of America. Any interest or dividends accruing from such securities and any monies generated at the time of redemption of such securities shall be deposited in the Nongame Wildlife Improvement and Children's Education Fund. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Oklahoma Wildlife Conservation Commission for the purpose of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Any monies withdrawn from said fund by the Oklahoma Wildlife Conservation Commission for investment pursuant to this section shall be deemed to be for the purpose of preserving, protecting, perpetuating and enhancing nongame wildlife in this state. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

E. If a taxpayer makes a donation pursuant to subsection A of this section in error, such taxpayer may file a claim for refund at any time within three (3) years from the due date of the tax return. Such claims shall be filed pursuant to the provisions of Section

2373 of Title 68 of the Oklahoma Statutes and, if allowed, shall be paid pursuant to the provisions of said section. Prior to the apportionment set forth in subsection C of this section, an amount equal to the total amount of refunds made pursuant to this subsection during any one (1) year shall be deducted from the total donations received pursuant to this section during the following year and such amount deducted shall be paid to the State Treasurer and placed to the credit of the Income Tax Withholding Refund Account.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of March, 1992.

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_, 1992.

Speaker of the House of Representatives