

1 ENGROSSED HOUSE  
2 BILL NO. 2695

By: Morrissette and Pittman of  
the House

3 and

4 Justice of the Senate

5  
6  
7 ( cedar trees - Oklahoma Resource Reclamation Act -  
8 private unoccupied lands - infested lands and  
9 abandoned property - duty of absentee landowners -  
10 authorizing state and local officials to remove  
11 infestation - liability for removal costs -  
12 Prisoners Public Works Act - authorizing use of  
13 inmate labor - in lieu tax treatment - verification  
14 by Oklahoma Tax Commission - filing of approval and  
15 election with county assessor - providing for  
16 apportionment - disqualifying property for certain  
17 exemption - penalty for nonpayment - expanding list  
18 of in lieu taxes - Purchasing Division of the  
19 Department of Central Services to register certain  
20 manufacturers -

21 effective date )

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

2 SECTION 1. NEW LAW A new section of law not to be  
3 codified in the Oklahoma Statutes reads as follows:

4 This act shall be known and may be cited as the "Oklahoma  
5 Resource Reclamation Act".

6 SECTION 2. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 16-91 of Title 2, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. It is in the public interest that private unoccupied lands  
10 within the state be managed to:

11 1. Discourage the proliferation of wildfires;

12 2. Reduce and control the infestation of Eastern Red Cedar  
13 trees on lands; and

14 3. Modify the growth of all trees, vegetation and other fuel  
15 sources from areas within one hundred (100) feet of homes or other  
16 structures, so as to reduce the threat and severity of wildfires in  
17 accordance with the Firewise Program guidelines adopted by the  
18 National Fire Protection Association.

19 B. For purposes of this section, unoccupied private lands shall  
20 be considered infested and containing abandoned property if:

21 1. Alive and growing Eastern Red Cedar trees, other tree  
22 species, vegetation and other fuel sources cover eighty percent  
23 (80%) or more of the total land area excluding endangered species of  
24 trees or vegetation and cross timber or valuable hardwood;

1           2. The ratio of vegetation and trees that are harmful to open  
2 land constitutes a forest within definitions of the Oklahoma  
3 Forestry Code; and

4           3. City or county officials have determined, based on  
5 information regarding infestation published on the website of the  
6 Oklahoma Department of Agriculture, Food, and Forestry, that the  
7 infestation is harmful or threatening to adjacent private or public  
8 property.

9           C. It shall be the duty of every private absentee landowner in  
10 each county in the state to manage and control infestation in a  
11 manner as shall be sufficient to prevent or reduce the threat of  
12 wildfires and will comply with the purposes of the Oklahoma Forestry  
13 Code. It shall also be the duty of every private absentee landowner  
14 to remove Eastern Red Cedar trees on the property if it is  
15 determined that the property is infested as set forth in subsection  
16 B of this section.

17           D. 1. Failure of an absentee landowner to manage, control and  
18 remove infestation deemed to be a fire hazard shall cause those  
19 trees, vegetation and other fuel sources declared by local  
20 officials, in compliance with local nuisance ordinances, to be  
21 abandoned property.

22           2. By written complaint, the absentee landowner shall be  
23 notified of the intent to remove the abandoned property and shall  
24 have thirty (30) days to submit a response or to file a forest

1 management plan detailing actions to be taken and intent to comply  
2 with fire safety recommendations. The city, county or state  
3 officials shall approve or disapprove the response or forest  
4 management plan.

5 3. If the absentee landowner fails to respond to the complaint  
6 or to file a forest management plan, city, county or state officials  
7 shall determine the most appropriate method for removal of the  
8 infestation, based on information regarding infestation published on  
9 the website of the Oklahoma Department of Agriculture, Food, and  
10 Forestry, and take action to remove the infestation. Any costs  
11 associated with the removal incurred by city, county or state  
12 officials shall be the responsibility of and shall be reimbursed by  
13 the absentee landowner.

14 4. An agreement to reimburse removal costs shall be entered  
15 into between the absentee landowner and the county or city whose  
16 nuisance or abandoned property ordinance(s) was violated or the  
17 state agency whose forest management practices were violated, and  
18 whose assets were extended to remove the infestation.

19 SECTION 3. AMENDATORY 57 O.S. 2011, Section 222, is  
20 amended to read as follows:

21 Section 222. A. It shall be unlawful to use prisoners assigned  
22 to said public works project on any property other than public  
23 property, except that inmate labor may be used on private property  
24 for a public purpose.

1 B. As used in this section "public purpose" means a purpose  
2 affecting the inhabitants of the state or political subdivision  
3 utilizing the inmate labor, as a group, and not merely as  
4 individuals. The work performed shall be essentially public and for  
5 the general good of the inhabitants of the state or political  
6 subdivision, and may include eradication of graffiti on private  
7 buildings or harvesting Eastern Red Cedar trees. For purposes of  
8 this section:

9 1. "Graffiti" shall include but not be limited to any  
10 inscription, slogan or drawing, crudely scratched, drawn, printed,  
11 painted or scribbled on a wall or other surface visible to the  
12 public and which is likely to endanger the health or safety of the  
13 public. Provided, however, that this definition shall never be  
14 construed to include any sign or advertising device lawfully erected  
15 or installed by the owner of property ~~or his~~, lessee or authorized  
16 agent; and

17 2. "Owner" means the owner of record as shown by the most  
18 current tax rolls of the county treasurer.

19 C. The purpose of the work performed shall be to aid the  
20 federal government, a state agency or a political subdivision,  
21 utilizing the inmate labor in the exercise of a governmental  
22 function. Any person convicted of willfully violating the  
23 provisions of this section shall be guilty of a felony.

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1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2902.5 of Title 68, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Legislature hereby finds that nineteen counties  
5 in this state have reported a loss of use devaluation due to eastern  
6 red cedar encroachment in somewhere between eight million  
7 (8,000,000) and ten million (10,000,000) acres thereby threatening  
8 the twenty-eight-billion-dollar Oklahoma agricultural industry.

9 B. As used in this section, qualifying eastern red cedar  
10 property means property:

11 1. Used in farming or ranching by the owner for the previous  
12 ten (10) or more years;

13 2. With red cedar encroachment of eighty percent (80%) or more;

14 3. Registered pursuant to the Eastern Red Cedar Registry Board  
15 Act; and

16 4. On which the owner is actively engaged in the removal of red  
17 cedar.

18 C. An owner of qualifying eastern red cedar property may apply  
19 for in lieu tax treatment for a single tax year pursuant to this  
20 section. The owner must reapply and be approved pursuant to this  
21 section for each additional tax year.

22 D. Upon application by a property owner the Oklahoma Tax  
23 Commission shall verify that the applicant satisfies the provisions  
24 of subsection B of this section for the applicable tax year. The

1 Oklahoma Tax Commission may request such additional information as  
2 may be necessary in order to complete the verification required by  
3 this subsection. If approved, the Oklahoma Tax Commission shall  
4 provide the approval to qualifying property owners in writing  
5 specifying the tax year for which the property qualifies pursuant to  
6 this section. The Oklahoma Tax Commission shall approve not more  
7 than a total of one thousand (1,000) acres of qualifying eastern red  
8 cedar property at any one time. The Oklahoma Tax Commission shall  
9 develop any forms necessary for application pursuant to this  
10 section.

11 E. Beginning January 1, 2013, an owner of qualifying eastern  
12 red cedar property that applies to and is approved by the Oklahoma  
13 Tax Commission who then files proof of the Oklahoma Tax Commission  
14 approval and an election with the county assessor of the county in  
15 which the property is located to be subject to the in lieu tax  
16 payment requirements imposed by this section shall be subject to an  
17 in lieu tax which shall be levied at the rate of One Dollar (\$1.00)  
18 per acre of qualifying eastern red cedar property for the applicable  
19 tax year. An election authorized by this subsection shall be filed  
20 not later than March 15 of the applicable tax year. Once the  
21 election to be subject to the in lieu tax treatment provided by this  
22 section has been filed, it shall be irrevocable and the in lieu tax  
23 treatment for the applicable tax year shall not be subject to  
24 modification.

1 F. The in lieu payment required by this section shall be paid  
2 to the county treasurer of the county or counties in which  
3 qualifying eastern red cedar property is located not later than  
4 December 1 of the applicable tax year.

5 G. The revenue derived from the in lieu tax required by this  
6 section shall be apportioned by the county treasurer each year based  
7 upon the ratio that the millage levy of each local taxing  
8 jurisdiction in which the qualifying eastern red cedar property is  
9 located bears to the total amount of all millage levies imposed by  
10 all local taxing jurisdictions in which the qualifying eastern red  
11 cedar property is located. The provisions of this subsection shall  
12 be applicable to general fund millage levies, building fund millage  
13 levies and sinking fund millage levies imposed each year.

14 H. The payment of the tax imposed pursuant to the provisions of  
15 this section shall be in lieu of any and all ad valorem taxes that  
16 would otherwise be imposed as a result of the millage levied against  
17 the taxable value of the qualifying eastern red cedar property for  
18 the applicable tax year.

19 I. If qualifying eastern red cedar property is subject to the  
20 in lieu payment required by the provisions of this section, the  
21 qualifying eastern red cedar property owner shall not be eligible  
22 for the exemption for qualifying manufacturing concerns otherwise  
23 authorized pursuant to Section 2902 of Title 68 of the Oklahoma  
24 Statutes.

1 J. If the in lieu tax payment required by this section is not  
2 paid by December 31 of the applicable tax year, the principal amount  
3 of the in lieu tax payment shall bear interest at the rate of  
4 fifteen percent (15%) per annum and there shall be imposed an  
5 additional penalty of Five Hundred Dollars (\$500.00) for each month  
6 after December that the in lieu tax is not paid. The penalty shall  
7 accrue at the end of each month if the in lieu tax has not been paid  
8 as of that date. Interest and penalty shall be apportioned in the  
9 same manner as prescribed by this section for the principal amount  
10 of the in lieu tax payment.

11 SECTION 5. AMENDATORY 68 O.S. 2011, Section 2805, is  
12 amended to read as follows:

13 Section 2805. The following fees or taxes levied by the  
14 provisions of the Oklahoma Statutes shall be in lieu of ad valorem  
15 tax, whether in lieu of real property tax, personal property tax, or  
16 both as provided by law:

17 1. The registration fees and taxes imposed upon aircraft by  
18 Section 251 et seq. of Title 3 of the Oklahoma Statutes;

19 2. Registration fees for motor vehicles as provided in Section  
20 1103 of Title 47 of the Oklahoma Statutes, except as otherwise  
21 specifically provided;

22 3. The fee imposed upon transfers of used vehicles in lieu of  
23 the ad valorem tax upon inventories of used motor vehicles by  
24 Section 1137.1 of Title 47 of the Oklahoma Statutes;

1 4. The registration and license fees imposed upon vessels and  
2 motors pursuant to the Oklahoma Vessel and Motor Registration Act,  
3 Section 4001 et seq. of Title 63 of the Oklahoma Statutes;

4 5. The taxes levied upon the gross production of substances  
5 pursuant to Section 1001 of this title;

6 6. The taxes levied upon the gross production of substances  
7 pursuant to Section 1020 of this title;

8 7. The tax imposed upon gross receipts pursuant to Section 1803  
9 of this title;

10 8. The tax imposed upon certain textile products pursuant to  
11 Section 2001 of this title;

12 9. The tax imposed upon certain freight cars pursuant to  
13 Section 2202 of this title;

14 10. The tax imposed on certain parts of the inventories, both  
15 new and used items, owned and/or possessed for sale by retailers of  
16 farm tractors and other equipment pursuant to Sections ~~4~~ 5401  
17 through ~~4~~ 5404 of this ~~act~~ title;

18 11. The tax imposed upon inventories of new vehicles and  
19 certain vessels pursuant to Section 5301 of this title; ~~and~~

20 12. The tax imposed on qualifying eastern red cedar property  
21 pursuant to Section 4 of this act; and

22 13. Such other fees or taxes as may be expressly provided by  
23 law to be in lieu of ad valorem taxation.  
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1 SECTION 6. AMENDATORY 74 O.S. 2011, Section 85.44D, is  
2 amended to read as follows:

3 Section 85.44D A. It is the intent of the Legislature that all  
4 state agencies procure and use products or materials made from or  
5 utilizing materials from trees harvested in Oklahoma when such  
6 products or materials are available.

7 B. By ~~July 1, 2011~~ November 1, 2012, the Purchasing Division of  
8 the Department of Central Services ~~when accepting bids for state~~  
9 ~~purchases of products and materials shall give preference to the~~  
10 ~~suppliers of wood products made from or products manufactured~~  
11 ~~utilizing materials from trees harvested in Oklahoma if the price~~  
12 ~~for the products and materials is not substantially higher than the~~  
13 ~~price for other wood products and materials and the quality and~~  
14 ~~grade requirements are otherwise comparable~~ register any  
15 manufacturer of products made from trees harvested in Oklahoma which  
16 is registered with the Eastern Red Cedar Registry Board pursuant to  
17 Section 18-404 of Title 2 of the Oklahoma Statutes on the central  
18 purchasing vendor registration system for state agency purchasing,  
19 in the appropriate category or categories of commodities. The  
20 Department shall waive any registration fee for the manufacturer for  
21 the first year of registration.

22 C. By July 1, 2011, the Purchasing Division of the Department  
23 of Central Services shall promulgate rules and implement a program  
24 for extending state procurement specifications to products made from

