

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2695 \_\_\_\_\_  
 \_\_\_\_\_ Of the printed Bill  
 Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
 \_\_\_\_\_ Of the Engrossed Bill

By inserting on Page 3 Section 2 Line 5 after the word "area" and before the semi-colon ";" the language "excluding endangered species of trees or vegetation and cross timber or valuable hardwood";

By inserting on Page 3 Section 2 Line 6 after the word "of" and before the word "trees" the language "vegetation and";

By inserting on Page 3 Section 2 Line 6 after the word "trees" and before the word "to" the language "that are harmful"; and

By deleting on Page 6 Section 4 Line 8 Section 4 and inserting in lieu thereof a new Section 4 to read as follows:

"See attached."

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Richard

Morrissette  
Adopted: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk



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

12 53-2-10004 CJB 03/06/12

13

14

15

16

17

18

19

20

21

22

23

24