

1 ENGROSSED HOUSE
2 BILL NO. 1392

By: Kerbs and Pfeiffer of the
House

3 and

4 Fields of the Senate
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6

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

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

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

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

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

1 C. Except as otherwise provided for in this section, all monies
2 generated pursuant to subsection A of this section shall be paid to
3 the State Treasurer and placed to the credit of the Wildlife
4 Diversity Fund.

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

1 perpetuating and enhancing nongame wildlife in this state.

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

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

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

22 SECTION 2. This act shall become effective November 1, 2017.
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1 Passed the House of Representatives the 14th day of March, 2017.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2017.

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8 Presiding Officer of the Senate