

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

SENATE BILL 1186

By: Boggs

AS INTRODUCED

An Act relating to the Eastern Redcedar Management Act; amending 2 O.S. 2011, Sections 18-401, 18-402, 18-404, 18-406, 18-407, as amended by Section 19, Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2017, Section 18-407), and 18-408, which relate to short title, purpose of act, board duties, authority to remove Eastern Redcedar trees, the Eastern Redcedar Revolving Fund, and contributions by taxpayers; modifying the title of the act; clarifying statutory language; requiring the Department of Agriculture, Food, and Forestry to create a directory; eliminating the Eastern Red Cedar Registry Board and registry; modifying the name of the Eastern Red Cedar Revolving Fund; repealing 2 O.S. 2011, Sections 18-403 and 18-405, which relate to the Eastern Red Cedar Registry Board, and support for the Eastern Red Cedar Registry Board from the Department of Agriculture, Food, and Forestry; and providing an effective date.

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

SECTION 1. AMENDATORY 2 O.S. 2011, Section 18-401, is amended to read as follows:

Section 18-401. Sections ~~3~~ 18-401 through ~~9~~ 18-408 of this ~~act~~ title shall be known and may be cited as the "Eastern ~~Red Cedar~~ Redcedar Management Act".

1 SECTION 2. AMENDATORY 2 O.S. 2011, Section 18-402, is
2 amended to read as follows:

3 Section 18-402. It is the intent of the Legislature to:

4 1. Create the Eastern ~~Red Cedar Registry~~ Redcedar Directory;

5 2. Provide for a ~~registry~~ directory for Eastern ~~Red Cedar~~
6 Redcedar trees in the state, including but not limited to the
7 location, ownership, level of infestation, and average size of the
8 trees;

9 3. Promote the harvesting of Eastern ~~Red Cedars~~ Redcedars
10 through ~~issuance of harvesting permits, membership~~ registration in
11 the ~~registry, directory and~~ a property owner and harvester
12 information exchange, ~~and maintenance of state harvesting records~~;
13 and

14 4. Promote marketing, research and education efforts concerning
15 the Eastern ~~Red Cedar~~ Redcedar tree and Eastern ~~Red Cedar~~ Redcedar
16 products.

17 SECTION 3. AMENDATORY 2 O.S. 2011, Section 18-404, is
18 amended to read as follows:

19 Section 18-404. A. The ~~Eastern Red Cedar Registry Board~~
20 Oklahoma Department of Agriculture, Food, and Forestry shall consult
21 with the Oklahoma Conservation Commission and the United States
22 Department of Agriculture Natural Resources Conservation Service to
23 establish procedures and standards and oversee the following:
24

1 1. The administration of the Eastern ~~Red Cedar Registry~~
2 Redcedar directory for Eastern ~~Red Cedar~~ Redcedar trees in the
3 state. Private landowners in the state may register the location of
4 their property, the level of infestation of Eastern Red Cedar trees
5 on the property, and average size of the trees on the property. The
6 ~~Board Department~~ shall develop and implement ~~an application and~~
7 ~~registration process~~ a directory for landowners;

8 2. Promote the harvesting of Eastern ~~Red Cedar~~ Redcedar trees.
9 Persons or entities involved in the harvesting of Eastern ~~Red Cedar~~
10 Redcedar trees or the manufacturing of products from Eastern ~~Red~~
11 ~~Cedar~~ Redcedar trees may ~~apply for registration~~ register with the
12 ~~Board Department~~. The ~~Board Department~~ shall develop and implement
13 ~~an application and registration process~~ a directory for harvesters
14 and manufacturers;

15 3. ~~Maintain harvesting records of Eastern Red Cedar trees in~~
16 ~~the state;~~

17 4. Promote the development of new uses and markets for Eastern
18 ~~Red Cedar~~ Redcedar trees and Eastern ~~Red Cedar~~ Redcedar products;

19 5. ~~4.~~ Promote marketing, research and education efforts
20 concerning the Eastern ~~Red Cedar~~ Redcedar tree and Eastern ~~Red Cedar~~
21 Redcedar products;

22 6. ~~5.~~ Cooperate with any local, state, regional, or nationwide
23 organization or agency engaged in work or activities consistent with
24

1 the objectives of the Eastern ~~Red Cedar Registry Board~~ Redcedar
2 Management Act;

3 ~~7.~~ 6. Assist communities located in any county in the state to
4 organize and establish community-owned Eastern ~~Red Cedar~~ Redcedar
5 projects in the community and to recruit and locate private for-
6 profit Eastern ~~Red Cedar~~ Redcedar businesses in the community
7 including but not limited to harvesting operations, biofuel plants,
8 cedar oil manufacturing facilities, or other cedar product
9 manufacturing facilities. The ~~Board~~ Department shall assist in
10 securing financing, infrastructure and other resources. The ~~Board~~
11 Department shall also provide direction and assistance to the
12 community-based projects and individually owned businesses on steps
13 to take in order to qualify for existing sales tax credits and
14 income tax credits;

15 ~~8.~~ 7. Provide a process for the transfer of donated Eastern ~~Red~~
16 ~~Cedar~~ Redcedar trees from landowners ~~registered with the Board~~ to
17 ~~registered~~ harvesters and manufacturers listed in the Department's
18 directory; and

19 ~~9. Establish a limit on the number of acres of private property~~
20 ~~and the number of harvesters that may be registered on the registry~~
21 ~~during a calendar year; and~~

22 ~~10.~~ 8. Take any other actions necessary to implement the
23 Eastern ~~Red Cedar Registry Board~~ Redcedar Management Act.
24

1 B. The ~~Board~~ Department and all landowners and harvesters
2 ~~registered with the Board~~ shall comply with all applicable
3 provisions of Article 16 of Title 2 of the Oklahoma Statutes, known
4 as the Oklahoma Forestry Code, when managing and harvesting Eastern
5 ~~Red Cedar~~ Redcedar trees.

6 ~~C. The Board shall annually elect a chair from among the~~
7 ~~members. The Board shall meet regularly, but in no case shall it~~
8 ~~meet less than one time per calendar quarter, and shall meet at any~~
9 ~~other times as called by the chair, or upon request of three or more~~
10 ~~members of the Board.~~

11 ~~D. Upon the availability of funds, the Board shall prepare an~~
12 ~~annual report of all activities for each fiscal year. The annual~~
13 ~~report shall be filed with the Governor, Speaker of the House of~~
14 ~~Representatives, and the President Pro Tempore of the State Senate.~~

15 SECTION 4. AMENDATORY 2 O.S. 2011, Section 18-406, is
16 amended to read as follows:

17 Section 18-406. ~~A.~~ Eastern ~~Red Cedar~~ Redcedar trees removed
18 from lands owned by any state agency or any person or entity with
19 authority to remove the trees from state-owned lands may be provided
20 to harvesters ~~registered with the Eastern Red Cedar Registry Board~~
21 listed in the Oklahoma Department of Agriculture, Food, and
22 Forestry's directory in a manner consistent with ~~law~~ Section 16-57
23 of this title.
24

1 ~~B. A state agency may cooperate with the Eastern Red Cedar~~
2 ~~Registry Board to issue permits to registered harvesters to allow~~
3 ~~the harvesting of Eastern Red Cedar trees on land owned by the state~~
4 ~~agency.~~

5 SECTION 5. AMENDATORY 2 O.S. 2011, Section 18-407, as
6 amended by Section 19, Chapter 304, O.S.L. 2012 (2 O.S. Supp. 2017,
7 Section 18-407), is amended to read as follows:

8 Section 18-407. There is hereby created in the State Treasury a
9 revolving fund for the Eastern ~~Red Cedar Registry Board~~ Redcedar
10 Management Act to be designated the "Eastern ~~Red Cedar~~ Redcedar
11 Revolving Fund". The fund shall be a continuing fund, not subject
12 to fiscal year limitations, and shall consist of all monies received
13 by the ~~State Board~~ Oklahoma Department of Agriculture ~~for the~~
14 ~~Eastern Red Cedar Registry Board,~~ Food, and Forestry from the state
15 income tax checkoff as provided for in Section 18-408 of this title,
16 the special license plate issued pursuant to Section 1135.5 of Title
17 47 of the Oklahoma Statutes, any state-appropriated funds, federal
18 funds, donations, grants, contributions, and gifts from any public
19 or private source. All monies accruing to the credit of said fund
20 are hereby appropriated and may be budgeted and expended by the
21 ~~State Board of Agriculture as directed by the Eastern Red Cedar~~
22 ~~Registry Board~~ Department for the purposes set forth in the Eastern
23 ~~Red Cedar Registry Board~~ Redcedar Management Act. Expenditures from
24 said fund shall be made upon warrants issued by the State Treasurer

1 against claims filed as prescribed by law with the Director of the
2 Office of Management and Enterprise Services for approval and
3 payment.

4 SECTION 6. AMENDATORY 2 O.S. 2011, Section 18-408, is
5 amended to read as follows:

6 Section 18-408. A. Each individual taxpayer required to file a
7 state income tax return who desires to contribute to the Eastern ~~Red~~
8 ~~Cedar~~ Redcedar Revolving Fund, as created in Section ~~&~~ 18-407 of
9 this ~~act~~ title, may designate the contribution on the appropriate
10 income tax form. The contribution may not increase or decrease the
11 income or liability of the taxpayer and may be made by reducing the
12 income tax refund of a taxpayer by the amount designated or by
13 accepting additional payment from the taxpayer by the amount
14 designated, whichever is appropriate.

15 B. 1. The Oklahoma Tax Commission shall include on each state
16 individual income tax return form for tax years beginning after
17 December 31, 2010, an opportunity for the taxpayer to donate for the
18 benefit of the Eastern ~~Red Cedar~~ Redcedar Revolving Fund. The
19 instructions accompanying the income tax form shall be provided to
20 the Oklahoma Tax Commission by the ~~Eastern Red Cedar Registry Board~~
21 Oklahoma Department of Agriculture, Food, and Forestry and shall
22 contain a description of the purpose for which the Eastern ~~Red Cedar~~
23 Redcedar Revolving Fund was established and information on the use
24 of monies from the income tax contribution.

1 2. Taxpayers who are entitled to refunds shall have the refunds
2 reduced by the amount designated by the taxpayer. The Oklahoma Tax
3 Commission shall annually determine the total amount designated plus
4 the amount received in excess payments and shall report the total
5 amount to the Office of the State Treasurer. The State Treasurer
6 shall credit the total amount to the Eastern ~~Red Cedar~~ Redcedar
7 Revolving Fund created in Section ~~8~~ 18-407 of this ~~act~~ title at the
8 earliest possible time.

9 C. The incremental cost of administration of contributions
10 shall be paid out of the fund to the Oklahoma Tax Commission from
11 amounts received pursuant to this section before funds are expended
12 for the purposes of the fund.

13 SECTION 7. REPEALER 2 O.S. 2011, Section 18-403, is
14 hereby repealed.

15 SECTION 8. REPEALER 2 O.S. 2011, Section 18-405, is
16 hereby repealed.

17 SECTION 9. This act shall become effective November 1, 2018.
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