

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 3417

By: Pfeiffer

AS INTRODUCED

An Act relating to redcedar trees; 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 and 18-408 (2 O.S. Supp. 2017, Section 18-407), which relate to the Eastern Red Cedar Registry Board Act; replacing Eastern Red Cedar Registry Board Act with Eastern Redcedar Management Act; modifying legislative intent; replacing Board with Oklahoma Department of Agriculture, Food, and Forestry; directing Department to consult with certain commissions and departments to establish certain procedures and standards; directing the Department to develop a landowner directory; updating references; removing limit on certain number of acres and harvesters on registry; removing procedures for Board member election and meetings; eliminating requirement for annual report; eliminating authorization for state agencies to issue certain permits; renaming certain revolving fund; updating citations; repealing 2 O.S. 2011, Sections 18-403 and 18-405, which relate to red cedars; 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 ~~Registry Board~~ Redcedar Management Act".

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

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

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

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

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

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

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

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

1        1. The administration of the ~~Red Cedar Registry~~ Eastern  
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~~  
5 Redcedar trees on the property, and average size of the trees on the  
6 property. The ~~Board~~ Department shall develop and implement an  
7 ~~application and 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;

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.

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~~ this  
4 title, known as the Oklahoma Forestry Code, when managing and  
5 harvesting Eastern ~~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.

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, Sections 18-403 and 18-  
14 405, are hereby repealed.

15        SECTION 8. This act shall become effective November 1, 2018.

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17        56-2-9292        AMM        01/17/18  
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