

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 9

By: Gumm

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5  
6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending 68  
8 O.S. 2001, Section 2357.32, which relates to income  
9 tax credits; modifying amount of costs which may be  
10 claimed; modifying expiration dates and time periods  
11 during which certain amount of expenditures may be  
12 claimed for credit; modifying carryforward;  
13 authorizing designee of certain entities to make  
14 certification; modifying time period for certain  
15 warranty requirement; and providing an effective date.

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

17 SECTION 1. AMENDATORY 68 O.S. 2001, Section 2357.32, is  
18 amended to read as follows:

19 Section 2357.32 A. 1. For all taxable years beginning after  
20 ~~December 31, 1992~~ December 31, 2009, any taxpayer, having a wind or  
21 photovoltaic energy system installed on residential property in this  
22 state, may claim a credit against the tax imposed by Section 2355 of  
23 this title. In determining the amount of credit allowed, the  
24 taxpayer may include in the total costs of the wind or photovoltaic  
energy system such direct expenses incurred for equipment,  
construction and installation of the system, less all rebates and

1 remuneration of any type resulting from the installation. For the  
2 purposes of the allowable tax credit provided for in this subsection,  
3 the total cost allowed to be claimed shall not exceed ~~Twenty-five~~  
4 ~~Thousand Dollars (\$25,000.00)~~ Seventy-five Thousand Dollars  
5 (\$75,000.00).

6 2. ~~The following percentage~~ Forty percent (40%) of the qualified  
7 renewable energy system expenditures shall be allowed as a credit  
8 under the provisions of this subsection for the taxable year in which  
9 the cost is incurred:

<del>Taxable Year</del>	<del>Percentage of Expenditure</del>
a. <del>1993</del>	<del>40%</del>
b. <del>1994</del>	<del>40%</del>
c. <del>1995</del>	<del>30%</del> .

14 3. If the tax credit allowable to a taxpayer for the cost of a  
15 renewable energy system exceeds the taxes due on the income of the  
16 taxpayer, the amount of the claim not used as an offset against the  
17 income taxes of a taxable year may be carried forward as a credit  
18 against subsequent income tax liability for a period not to exceed  
19 ~~five (5)~~ ten (10) years.

20 B. 1. For all taxable years beginning after ~~December 31, 1992~~  
21 December 31, 2009, any taxpayer, having a wind or photovoltaic energy  
22 system installed on nonresidential property in this state, may claim  
23 a credit against the tax imposed by Section 2355 of this title. In  
24 determining the amount of credit allowed, the taxpayer may include in

1 the total costs of the wind or photovoltaic energy system such direct  
2 expenses incurred for equipment, construction and installation of the  
3 system, less all rebates and remunerations of any type resulting from  
4 the installation. For the purposes of the allowable tax credit  
5 provided for in this subsection, the total cost allowed to be claimed  
6 shall not exceed ~~One Hundred Fifty Thousand Dollars (\$150,000.00)~~ Two  
7 Hundred Thousand Dollars (\$200,000.00).

8 2. ~~The following percentage~~ Thirty percent (30%) of the  
9 qualified renewable energy system expenditures shall be allowed as a  
10 credit under the provisions of this subsection for the taxable year  
11 in which the cost is incurred.

<del>Taxable Year</del>	<del>Percentage of Expenditure</del>
a. <del>1993</del>	<del>30%</del>
b. <del>1994</del>	<del>30%</del>
c. <del>1995</del>	<del>20%</del> .

16 3. If the tax credit allowable to a taxpayer for the cost of a  
17 renewable energy system exceeds the taxes due on the income of the  
18 taxpayer, the amount of the claim not used as an offset against the  
19 income taxes of a taxable year may be carried forward as a credit  
20 against subsequent income tax liability for a period not to exceed  
21 ~~five (5)~~ ten (10) years.

22 4. For purposes of qualifying for the tax credit provided for in  
23 this subsection, more than fifty percent (50%) of the energy produced  
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1 by the wind or photovoltaic energy system must be utilized on the  
2 premises of the installation.

3 C. An itemized accounting of the cost and an affidavit attesting  
4 to the facts thereof shall be furnished to the taxpayer by the  
5 supplier of the renewable energy system. The itemized accounting  
6 shall include the amounts properly attributable to the cost of  
7 construction, reconstruction, installation and acquisition of the  
8 renewable energy system. The taxpayer shall include a copy of ~~said~~  
9 the accounting when claiming either credit provided for in this  
10 section.

11 D. Wind turbines or photovoltaic modules shall be certified by  
12 the Solar Rating and Certification Corporation (SRCC), the American  
13 Wind Energy Association (AWEA) or its designee, the Oklahoma Solar  
14 Energy Industries Association (OK-SEIA) or its designee, or other  
15 nationally recognized certification agency in order to qualify for  
16 the credits provided for in this section. Product performance  
17 specifications conforming to the Solar Energy Industries Association  
18 (SEIA), SRCC, Jet Propulsion Laboratory (JPL), or AWEA standards, as  
19 appropriate, for renewable energy-generating equipment shall be  
20 provided to potential purchasers prior to any qualifying purchase.  
21 Solar and/or wind energy resource information, as most recently  
22 published by the U.S. Department of Energy, for the state shall also  
23 be provided to potential purchasers prior to any qualifying purchase  
24 pursuant to the provisions of this section.

1 E. For purposes of either credit provided for in this section,  
2 qualifying renewable energy\_generating equipment shall carry, as a  
3 minimum, a ~~three-year~~ five-year warranty against defects in design,  
4 manufacture or installation.

5 F. For purposes of either credit provided for in this section,  
6 qualifying renewable energy technologies shall utilize solar energy  
7 and/or wind energy.

8 G. Renewable energy resource assessment equipment, such as wind  
9 data loggers, qualifies for either credit provided for in this  
10 section, if ~~said~~ the equipment is utilized solely for the purpose of  
11 determining the feasibility of installing renewable energy systems.

12 SECTION 2. This act shall become effective November 1, 2009.

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14 52-1-61 JCR 3/6/2009 7:30:22 AM  
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