

## FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB888

			Of the printed Bill
Page	<u>3</u>	Section	<u>2</u>
		Lines	<u>5</u>
			Of the Engrossed Bill

By deleting Section 2 and by inserting in lieu thereof the following language:

(INSERT ATTACHED);

And by renumbering subsequent sections

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: David Perryman

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

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

"SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6201 of Title 68, unless there is created a duplication in numbering, reads as follows: Sections 2 through 8 of this act shall be known and may be cited as the "Oklahoma Zero-Emission Facility Energy Tax Act of 2018".

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6202 of Title 68, unless there is created a duplication in numbering, reads as follows: As required by Section 19 of Article X of the Oklahoma Constitution, the purpose of the levy imposed pursuant to the provisions of this act is to provide revenue for general government functions and public education funding purposes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6203 of Title 68, unless there is created a duplication in numbering, reads as follows:

A new section of law to be codified in the Oklahoma Statutes as Section 6203 of Title 68, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Commercial wind turbine" means a device manufactured for the purpose of producing electric power by means of wind energy and which converts the energy from naturally occurring winds into mechanical energy through the

rotation of blades or rotors and the production of an electric current and which has a nameplate capacity of more than one hundred kilowatts (100 kW); and

2. "Manufacturer nameplate capacity" means the maximum amount of electric power capable of being produced by a commercial wind turbine according to information affixed to a wind turbine or its associated structures and which nameplate is installed or affixed by the business entity which manufactured the wind turbine.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6204 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For any zero-emission facility, which first becomes commercially operational dated on or after January 1, 2019, other than those zero-emission facilities with a fully-executed power purchase agreement that pre-dates June 30, 2018, there is hereby levied upon the production of electricity by each commercial wind turbine in this state which is a zero-emission facility, and any other zero-emission facility as defined by Section 2357.32A of Title 68 of the Oklahoma Statutes, a tax of One Dollar (\$1.00) for each megawatt hour, or portion thereof, which is produced in this state. The tax shall be paid by the person or entity producing such electricity from a commercial wind turbine or other zero emission facility as defined by Section 2357.32A of Title 68 of the Oklahoma Statutes.

B. The tax levied pursuant to this section is in addition to, and is not in lieu of, any other taxes or fees currently levied or assessed, or levied or assessed in the future, on each commercial wind turbine in the

state which is a zero-emission facility, or any other zero-emission facility as defined by Section 2357.32A of Title 68 of the Oklahoma Statutes including, but not limited to, ad valorem taxes.

C. Beginning January 1, 2019, the tax levied pursuant to this Act is hereby levied and shall be collected and apportioned as follows:

1. For all monies collected from the tax levied on zero-emission facilities at the rate of One Dollar (\$1.00) for each megawatt hour, or portion thereof, which is produced in this state pursuant to the provisions of this Act shall be applied as follows:

(a) Fifty percent (50%) of all monies collected under the provisions of this act shall be paid to the State Treasurer and placed to the credit of the General Revenue Fund of the State and used for the general expense of state government, to be paid out pursuant to direct appropriation by the Legislature,

(b) Fifty percent (50%) of all monies collected under this act shall be apportioned and paid each month by the Oklahoma Tax Commission to the various county treasurers and shall be apportioned, on an average daily attendance per capita distribution basis, as certified by the State Superintendent of Public Instruction to the school districts of the county where pupils attend school regardless of residence of such pupil, provided the school district maintains twelve (12) years of instruction.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6205 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. No wind turbine with a nameplate capacity of less than one hundred kilowatts (100 kW) shall be subject to the tax imposed pursuant to the provisions of Section 6204 of this act.

B. No wind turbine, or other zero-emission facility, located on the private property of one or more natural persons which is attached to a single-family residential dwelling or located in close proximity to the single family residential dwelling and used, in whole or in part, to supply electric power to the dwelling and its occupants shall be subject to the tax imposed pursuant to Section 6204 of this act if the wind turbine has a manufacturer nameplate capacity of less than one hundred kilowatts (100 kw).

C. No wind turbine, or other zero-emission facility, located on the property of a for-profit business entity, other than a business entity engaged in the production of electric power by wind and having the North American Industry Classification Code (NAICS) 221115, which is attached to improvements used by the business entity to conduct its primary business activity or in close proximity to such improvements and the electric power from which is used, in whole or in part, by the business entity to conduct its for-profit business activity shall be subject to the tax imposed pursuant to the provisions of Section 6204 of this act if the wind turbine, or other zero-emission facility, has a nameplate capacity of less than fifty kilowatts (50 kw).

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6206 of Title 68, unless there is created a duplication in numbering, reads as follows:

The tax imposed pursuant to the provisions of this act shall be remitted by the owner of the commercial wind turbine or other zero emission facility as defined by Section 2357.32A of Title 68 of the Oklahoma Statutes. The tax shall be remitted monthly and shall be due not later than the twentieth day of the month following the month during which electric power was produced. The tax shall be remitted to the Oklahoma Tax Commission on such form as the Tax Commission may prescribe for such purpose.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6207 of Title 68, unless there is created a duplication in numbering, reads as follows:

If not paid by the delinquent date, there shall be imposed a penalty equal to five percent (5%) of the principal amount of tax due and owing and interest computed as provided in Section 217 of Title 68 of the Oklahoma Statutes until the accrued liability is paid.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6208 of Title 68, unless there is created a duplication in numbering, reads as follows:

All revenues derived from the tax imposed pursuant to the provisions of the Oklahoma Zero-Emission Facility Energy Tax Act of 2018 shall be apportioned as described in Section 6204 (C) (1) above.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6209 of Title 68, unless there is created a duplication in numbering, reads as follows:

If at any time the tax credit earned by the sale of electricity generated by a zero-emission facility, as set out in Section 2357.32A of Title 68, is changed, amended, reduced, delayed, capped, redefined or in any way altered by Oklahoma law, then this act shall be immediately repealed."