

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 128

By: Quinn

4  
5  
6 AS INTRODUCED

7 An Act relating to income tax credits and disclosure  
8 of information; providing short title; amending 68  
9 O.S. 2011, Sections 205, as last amended by Section  
10 37, Chapter 210, O.S.L. 2016 and 2357.32A, as amended  
11 by Section 2, Chapter 371, O.S.L. 2013 (68 O.S. Supp.  
12 2016, Sections 205 and 2357.32A), which relate to  
13 information required by taxpayer claiming credits for  
14 electricity produced by zero-emission facilities;  
15 authorizing disclosure of certain tax information by  
16 Oklahoma Tax Commission; requiring report of certain  
17 information by taxpayer claiming credit; requiring  
18 report of noncompliance of certain taxpayer by  
19 Oklahoma Tax Commission; providing for  
20 noncodification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law not to be  
23 codified in the Oklahoma Statutes reads as follows:

24 This act shall be known and may be cited as the "Zero Emission  
Tax Credit Transparency Act of 2017".

SECTION 2. AMENDATORY 68 O.S. 2011, Section 205, as last  
amended by Section 37, Chapter 210, O.S.L. 2016 (68 O.S. Supp. 2016,  
Section 205), is amended to read as follows:

1 Section 205. A. The records and files of the Oklahoma Tax  
2 Commission concerning the administration of the Uniform Tax  
3 Procedure Code or of any state tax law shall be considered  
4 confidential and privileged, except as otherwise provided for by  
5 law, and neither the Tax Commission nor any employee engaged in the  
6 administration of the Tax Commission or charged with the custody of  
7 any such records or files nor any person who may have secured  
8 information from the Tax Commission shall disclose any information  
9 obtained from the records or files or from any examination or  
10 inspection of the premises or property of any person.

11 B. Except as provided in paragraph 26 of subsection C of this  
12 section, neither the Tax Commission nor any employee engaged in the  
13 administration of the Tax Commission or charged with the custody of  
14 any such records or files shall be required by any court of this  
15 state to produce any of the records or files for the inspection of  
16 any person or for use in any action or proceeding, except when the  
17 records or files or the facts shown thereby are directly involved in  
18 an action or proceeding pursuant to the provisions of the Uniform  
19 Tax Procedure Code or of the state tax law, or when the  
20 determination of the action or proceeding will affect the validity  
21 or the amount of the claim of the state pursuant to any state tax  
22 law, or when the information contained in the records or files  
23 constitutes evidence of violation of the provisions of the Uniform  
24 Tax Procedure Code or of any state tax law.

1 C. The provisions of this section shall not prevent the Tax  
2 Commission from disclosing the following information and no  
3 liability whatsoever, civil or criminal, shall attach to any member  
4 of the Tax Commission or any employee thereof for any error or  
5 omission in the disclosure of such information:

6 1. The delivery to a taxpayer or a duly authorized  
7 representative of the taxpayer of a copy of any report or any other  
8 paper filed by the taxpayer pursuant to the provisions of the  
9 Uniform Tax Procedure Code or of any state tax law;

10 2. The exchange of information that is not protected by the  
11 federal Privacy Protection Act, 42 U.S.C., Section 2000aa et seq.,  
12 pursuant to reciprocal agreements entered into by the Tax Commission  
13 and other state agencies or agencies of the federal government;

14 3. The publication of statistics so classified as to prevent  
15 the identification of a particular report and the items thereof;

16 4. The examination of records and files by the State Auditor  
17 and Inspector or the duly authorized agents of the State Auditor and  
18 Inspector;

19 5. The disclosing of information or evidence to the Oklahoma  
20 State Bureau of Investigation, Attorney General, Oklahoma State  
21 Bureau of Narcotics and Dangerous Drugs Control, any district  
22 attorney, or agent of any federal law enforcement agency when the  
23 information or evidence is to be used by such officials to  
24 investigate or prosecute violations of the criminal provisions of

1 the Uniform Tax Procedure Code or of any state tax law or of any  
2 federal crime committed against this state. Any information  
3 disclosed to the Oklahoma State Bureau of Investigation, Attorney  
4 General, Oklahoma State Bureau of Narcotics and Dangerous Drugs  
5 Control, any district attorney, or agent of any federal law  
6 enforcement agency shall be kept confidential by such person and not  
7 be disclosed except when presented to a court in a prosecution for  
8 violation of the tax laws of this state or except as specifically  
9 authorized by law, and a violation by the Oklahoma State Bureau of  
10 Investigation, Attorney General, Oklahoma State Bureau of Narcotics  
11 and Dangerous Drugs Control, district attorney, or agent of any  
12 federal law enforcement agency by otherwise releasing the  
13 information shall be a felony;

14 6. The use by any division of the Tax Commission of any  
15 information or evidence in the possession of or contained in any  
16 report or return filed with any other division of the Tax  
17 Commission;

18 7. The furnishing, at the discretion of the Tax Commission, of  
19 any information disclosed by its records or files to any official  
20 person or body of this state, any other state, the United States, or  
21 foreign country who is concerned with the administration or  
22 assessment of any similar tax in this state, any other state or the  
23 United States. The provisions of this paragraph shall include the  
24 furnishing of information by the Tax Commission to a county assessor

1 to determine the amount of gross household income pursuant to the  
2 provisions of Section 8C of Article X of the Oklahoma Constitution  
3 or Section 2890 of this title. The Tax Commission shall promulgate  
4 rules to give guidance to the county assessors regarding the type of  
5 information which may be used by the county assessors in determining  
6 the amount of gross household income pursuant to Section 8C of  
7 Article X of the Oklahoma Constitution or Section 2890 of this  
8 title. The provisions of this paragraph shall also include the  
9 furnishing of information to the State Treasurer for the purpose of  
10 administration of the Uniform Unclaimed Property Act;

11 8. The furnishing of information to other state agencies for  
12 the limited purpose of aiding in the collection of debts owed by  
13 individuals to such requesting agencies;

14 9. The furnishing of information requested by any member of the  
15 general public and stated in the sworn lists or schedules of taxable  
16 property of public service corporations organized, existing, or  
17 doing business in this state which are submitted to and certified by  
18 the State Board of Equalization pursuant to the provisions of  
19 Section 2858 of this title and Section 21 of Article X of the  
20 Oklahoma Constitution, provided such information would be a public  
21 record if filed pursuant to Sections 2838 and 2839 of this title on  
22 behalf of a corporation other than a public service corporation;

23 10. The furnishing of information requested by any member of  
24 the general public and stated in the findings of the Tax Commission

1 as to the adjustment and equalization of the valuation of real and  
2 personal property of the counties of the state, which are submitted  
3 to and certified by the State Board of Equalization pursuant to the  
4 provisions of Section 2865 of this title and Section 21 of Article X  
5 of the Oklahoma Constitution;

6 11. The furnishing of information to an Oklahoma wholesaler of  
7 low-point beer, licensed under the provisions of Section 163.1 et  
8 seq. of Title 37 of the Oklahoma Statutes, or an association or  
9 organization whose membership is comprised of such wholesalers, of  
10 the licensed retailers authorized by law to purchase low-point beer  
11 in this state or the furnishing of information to a licensed  
12 Oklahoma wholesaler of low-point beer of shipments by licensed  
13 manufacturers into this state;

14 12. The furnishing of information as to the issuance or  
15 revocation of any tax permit, license or exemption by the Tax  
16 Commission as provided for by law. Such information shall be  
17 limited to the name of the person issued the permit, license or  
18 exemption, the name of the business entity authorized to engage in  
19 business pursuant to the permit, license or exemption, the address  
20 of the business entity, and the grounds for revocation;

21 13. The posting of notice of revocation of any tax permit or  
22 license upon the premises of the place of business of any business  
23 entity which has had any tax permit or license revoked by the Tax  
24 Commission as provided for by law. Such notice shall be limited to

1 the name of the person issued the permit or license, the name of the  
2 business entity authorized to engage in business pursuant to the  
3 permit or license, the address of the business entity, and the  
4 grounds for revocation;

5 14. The furnishing of information upon written request by any  
6 member of the general public as to the outstanding and unpaid amount  
7 due and owing by any taxpayer of this state for any delinquent tax,  
8 together with penalty and interest, for which a tax warrant or a  
9 certificate of indebtedness has been filed pursuant to law;

10 15. After the filing of a tax warrant pursuant to law, the  
11 furnishing of information upon written request by any member of the  
12 general public as to any agreement entered into by the Tax  
13 Commission concerning a compromise of tax liability for an amount  
14 less than the amount of tax liability stated on such warrant;

15 16. The disclosure of information necessary to complete the  
16 performance of any contract authorized by this title to any person  
17 with whom the Tax Commission has contracted;

18 17. The disclosure of information to any person for a purpose  
19 as authorized by the taxpayer pursuant to a waiver of  
20 confidentiality. The waiver shall be in writing and shall be made  
21 upon such form as the Tax Commission may prescribe;

22 18. The disclosure of information required in order to comply  
23 with the provisions of Section 2369 of this title;

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1 19. The disclosure to an employer, as defined in Sections  
2 2385.1 and 2385.3 of this title, of information required in order to  
3 collect the tax imposed by Section 2385.2 of this title;

4 20. The disclosure to a plaintiff of a corporation's last-known  
5 address shown on the records of the Franchise Tax Division of the  
6 Tax Commission in order for such plaintiff to comply with the  
7 requirements of Section 2004 of Title 12 of the Oklahoma Statutes;

8 21. The disclosure of information directly involved in the  
9 resolution of the protest by a taxpayer to an assessment of tax or  
10 additional tax or the resolution of a claim for refund filed by a  
11 taxpayer, including the disclosure of the pendency of an  
12 administrative proceeding involving such protest or claim, to a  
13 person called by the Tax Commission as an expert witness or as a  
14 witness whose area of knowledge or expertise specifically addresses  
15 the issue addressed in the protest or claim for refund. Such  
16 disclosure to a witness shall be limited to information pertaining  
17 to the specific knowledge of that witness as to the transaction or  
18 relationship between taxpayer and witness;

19 22. The disclosure of information necessary to implement an  
20 agreement authorized by Section 2702 of this title when such  
21 information is directly involved in the resolution of issues arising  
22 out of the enforcement of a municipal sales tax ordinance. Such  
23 disclosure shall be to the governing body or to the municipal  
24 attorney, if so designated by the governing body;

1       23. The furnishing of information regarding incentive payments  
2 made pursuant to the provisions of Sections 3601 through 3609 of  
3 this title or incentive payments made pursuant to the provisions of  
4 Sections 3501 through 3508 of this title;

5       24. The furnishing to a prospective purchaser of any business,  
6 or his or her authorized representative, of information relating to  
7 any liabilities, delinquencies, assessments or warrants of the  
8 prospective seller of the business which have not been filed of  
9 record, established, or become final and which relate solely to the  
10 seller's business. Any disclosure under this paragraph shall only  
11 be allowed upon the presentment by the prospective buyer, or the  
12 buyer's authorized representative, of the purchase contract and a  
13 written authorization between the parties;

14       25. The furnishing of information as to the amount of state  
15 revenue affected by the issuance or granting of any tax permit,  
16 license, exemption, deduction, credit or other tax preference by the  
17 Tax Commission as provided for by law. Such information shall be  
18 limited to the type of permit, license, exemption, deduction, credit  
19 or other tax preference issued or granted, the date and duration of  
20 such permit, license, exemption, deduction, credit or other tax  
21 preference and the amount of such revenue. The provisions of this  
22 paragraph shall not authorize the disclosure of the name of the  
23 person issued such permit, license, exemption, deduction, credit or  
24 other tax preference, or the name of the business entity authorized

1 to engage in business pursuant to the permit, license, exemption,  
2 deduction, credit or other tax preference;

3       26. The examination of records and files of a person or entity  
4 by the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
5 Control pursuant to a court order by a magistrate in whose  
6 territorial jurisdiction the person or entity resides, or where the  
7 Tax Commission records and files are physically located. Such an  
8 order may only be issued upon a sworn application by an agent of the  
9 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,  
10 certifying that the person or entity whose records and files are to  
11 be examined is the target of an ongoing investigation of a felony  
12 violation of the Uniform Controlled Dangerous Substances Act and  
13 that information resulting from such an examination would likely be  
14 relevant to that investigation. Any records or information obtained  
15 pursuant to such an order may only be used by the Oklahoma State  
16 Bureau of Narcotics and Dangerous Drugs Control in the investigation  
17 and prosecution of a felony violation of the Uniform Controlled  
18 Dangerous Substances Act. Any such order issued pursuant to this  
19 paragraph, along with the underlying application, shall be sealed  
20 and not disclosed to the person or entity whose records were  
21 examined, for a period of ninety (90) days. The issuing magistrate  
22 may grant extensions of such period upon a showing of good cause in  
23 furtherance of the investigation. Upon the expiration of ninety  
24 (90) days and any extensions granted by the magistrate, a copy of

1 the application and order shall be served upon the person or entity  
2 whose records were examined, along with a copy of the records or  
3 information actually provided by the Tax Commission;

4 27. The disclosure of information, as prescribed by this  
5 paragraph, which is related to the proposed or actual usage of tax  
6 credits pursuant to Section 2357.7 of this title, the Small Business  
7 Capital Formation Incentive Act or the Rural Venture Capital  
8 Formation Incentive Act. Unless the context clearly requires  
9 otherwise, the terms used in this paragraph shall have the same  
10 meaning as defined by Section 2357.7, 2357.61 or 2357.72 of this  
11 title. The disclosure of information authorized by this paragraph  
12 shall include:

- 13 a. the legal name of any qualified venture capital  
14 company, qualified small business capital company, or  
15 qualified rural small business capital company,
- 16 b. the identity or legal name of any person or entity  
17 that is a shareholder or partner of a qualified  
18 venture capital company, qualified small business  
19 capital company, or qualified rural small business  
20 capital company,
- 21 c. the identity or legal name of any Oklahoma business  
22 venture, Oklahoma small business venture, or Oklahoma  
23 rural small business venture in which a qualified  
24 investment has been made by a capital company, or

1 d. the amount of funds invested in a qualified venture  
2 capital company, the amount of qualified investments  
3 in a qualified small business capital company or  
4 qualified rural small business capital company and the  
5 amount of investments made by a qualified venture  
6 capital company, qualified small business capital  
7 company, or qualified rural small business capital  
8 company;

9 28. The disclosure of specific information as required by  
10 Section 46 of Title 62 of the Oklahoma Statutes;

11 29. The disclosure of specific information as required by  
12 Section 205.5 of this title;

13 30. The disclosure of specific information as required by  
14 Section 205.6 of this title;

15 31. The disclosure of information to the State Treasurer  
16 necessary to implement Section 2368.27 of this title; ~~or~~

17 32. The disclosure of specific information to the Oklahoma  
18 Health Care Authority for purposes of determining eligibility for  
19 current or potential recipients of assistance from the Oklahoma  
20 Medicaid Program; or

21 33. The disclosure of information as required by Section  
22 2357.32A of this title.

23 D. The Tax Commission shall cause to be prepared and made  
24 available for public inspection in the office of the Tax Commission

1 in such manner as it may determine an annual list containing the  
2 name and post office address of each person, whether individual,  
3 corporate, or otherwise, making and filing an income tax return with  
4 the Tax Commission.

5 It is specifically provided that no liability whatsoever, civil  
6 or criminal, shall attach to any member of the Tax Commission or any  
7 employee thereof for any error or omission of any name or address in  
8 the preparation and publication of the list.

9 E. The Tax Commission shall prepare or cause to be prepared a  
10 report on all provisions of state tax law that reduce state revenue  
11 through exclusions, deductions, credits, exemptions, deferrals or  
12 other preferential tax treatments. The report shall be prepared not  
13 later than October 1 of each even-numbered year and shall be  
14 submitted to the Governor, the President Pro Tempore of the Senate  
15 and the Speaker of the House of Representatives. The Tax Commission  
16 may prepare and submit supplements to the report at other times of  
17 the year if additional or updated information relevant to the report  
18 becomes available. The report shall include, for the previous  
19 fiscal year, the Tax Commission's best estimate of the amount of  
20 state revenue that would have been collected but for the existence  
21 of each such exclusion, deduction, credit, exemption, deferral or  
22 other preferential tax treatment allowed by law. The Tax Commission  
23 may request the assistance of other state agencies as may be needed  
24 to prepare the report. The Tax Commission is authorized to require

1 any recipient of a tax incentive or tax expenditure to report to the  
2 Tax Commission such information as requested so that the Tax  
3 Commission may fulfill its obligations as required by this  
4 subsection. The Tax Commission may require this information to be  
5 submitted in an electronic format. The Tax Commission may disallow  
6 any claim of a person for a tax incentive due to its failure to file  
7 a report as required under the authority of this subsection.

8 F. It is further provided that the provisions of this section  
9 shall be strictly interpreted and shall not be construed as  
10 permitting the disclosure of any other information contained in the  
11 records and files of the Tax Commission relating to income tax or to  
12 any other taxes.

13 G. Unless otherwise provided for in this section, any violation  
14 of the provisions of this section shall constitute a misdemeanor and  
15 shall be punishable by the imposition of a fine not exceeding One  
16 Thousand Dollars (\$1,000.00) or by imprisonment in the county jail  
17 for a term not exceeding one (1) year, or by both such fine and  
18 imprisonment, and the offender shall be removed or dismissed from  
19 office.

20 H. Offenses described in Section 2376 of this title shall be  
21 reported to the appropriate district attorney of this state by the  
22 Tax Commission as soon as the offenses are discovered by the Tax  
23 Commission or its agents or employees. The Tax Commission shall  
24 make available to the appropriate district attorney or to the

1 authorized agent of the district attorney its records and files  
2 pertinent to prosecutions, and such records and files shall be fully  
3 admissible as evidence for the purpose of such prosecutions.

4 SECTION 3. AMENDATORY 68 O.S. 2011, Section 2357.32A, as  
5 amended by Section 2, Chapter 371, O.S.L. 2013 (68 O.S. Supp. 2016,  
6 Section 2357.32A), is amended to read as follows:

7 Section 2357.32A. A. Except as otherwise provided in  
8 subsection H of this section, for tax years beginning on or after  
9 January 1, 2003, there shall be allowed a credit against the tax  
10 imposed by Section 2355 of this title to a taxpayer for the  
11 taxpayer's production and sale to an unrelated person of electricity  
12 generated by zero-emission facilities located in this state. As  
13 used in this section:

14 1. "Electricity generated by zero-emission facilities" means  
15 electricity that is exclusively produced by any facility located in  
16 this state with a rated production capacity of one megawatt (1 mw)  
17 or greater, constructed for the generation of electricity and placed  
18 in operation after June 4, 2001, which utilizes eligible renewable  
19 resources as its fuel source. The construction and operation of  
20 such facilities shall result in no pollution or emissions that are  
21 or may be harmful to the environment, pursuant to a determination by  
22 the Department of Environmental Quality; and

23 2. "Eligible renewable resources" means resources derived from:

24 a. wind,

- b. moving water,
- c. sun, or
- d. geothermal energy.

B. For facilities placed in operation on or after January 1, 2003, and before January 1, 2007, the amount of the credit for the electricity generated on or after January 1, 2003, but prior to January 1, 2004, shall be seventy-five one-hundredths of one cent (\$0.0075) for each kilowatt-hour of electricity generated by zero-emission facilities. For electricity generated on or after January 1, 2004, but prior to January 1, 2007, the amount of the credit shall be fifty one-hundredths of one cent (\$0.0050) per kilowatt-hour for electricity generated by zero-emission facilities. For electricity generated on or after January 1, 2007, but prior to January 1, 2012, the amount of the credit shall be twenty-five one-hundredths of one cent (\$0.0025) per kilowatt-hour of electricity generated by zero-emission facilities. For facilities placed in operation on or after January 1, 2007, and before January 1, 2021, the amount of the credit for the electricity generated on or after January 1, 2007, shall be fifty one-hundredths of one cent (\$0.0050) for each kilowatt-hour of electricity generated by zero-emission facilities.

C. Credits may be claimed with respect to electricity generated on or after January 1, 2003, during a ten-year period following the

1 date that the facility is placed in operation on or after June 4,  
2 2001.

3 D. 1. For credits generated prior to January 1, 2014, if the  
4 credit allowed pursuant to this section exceeds the amount of income  
5 taxes due or if there are no state income taxes due on the income of  
6 the taxpayer, the amount of the credit allowed but not used in any  
7 tax year may be carried forward as a credit against subsequent  
8 income tax liability for a period not exceeding ten (10) years.

9 2. For credits generated, but not used, on or after January 1,  
10 2014, the Oklahoma Tax Commission shall refund, at the taxpayer's  
11 election, directly to the taxpayer eighty-five percent (85%) of the  
12 face amount of such credits. The direct refund of the credits  
13 pursuant to this paragraph shall be available to all taxpayers,  
14 including, without limitation, pass-through entities and taxpayers  
15 subject to Section 2355 of this title, but shall not be available to  
16 any entities falling within the provisions of subsection E of this  
17 section. The amount of any direct refund of credits actually  
18 received at the eighty-five percent (85%) level by the taxpayer  
19 pursuant to this paragraph shall not be subject to the tax imposed  
20 by Section 2355 of this title. If the pass-through entity does not  
21 file a claim for a direct refund, the pass-through entity shall  
22 allocate the credit to one or more of the shareholders, partners or  
23 members of the pass-through entity; provided, the total of all  
24 credits refunded or allocated shall not exceed the amount of the

1 credit or refund to which the pass-through entity is entitled. For  
2 the purposes of this paragraph, "pass-through entity" means a  
3 corporation that for the applicable tax year is treated as an S  
4 corporation under the Internal Revenue Code of 1986, as amended,  
5 general partnership, limited partnership, limited liability  
6 partnership, trust or limited liability company that for the  
7 applicable tax year is not taxed as a corporation for federal income  
8 tax purposes.

9 E. Any nontaxable entities, including agencies of the State of  
10 Oklahoma or political subdivisions thereof, shall be eligible to  
11 establish a transferable tax credit in the amount provided in  
12 subsection B of this section. Such tax credit shall be a property  
13 right available to a state agency or political subdivision of this  
14 state to transfer or sell to a taxable entity, whether individual or  
15 corporate, who shall have an actual or anticipated income tax  
16 liability under Section 2355 of this title. These tax credit  
17 provisions are authorized as an incentive to the State of Oklahoma,  
18 its agencies and political subdivisions to encourage the expenditure  
19 of funds in the development, construction and utilization of  
20 electricity from zero-emission facilities as defined in subsection A  
21 of this section.

22 F. For credits generated prior to January 1, 2014, the amount  
23 of the credit allowed, but not used, shall be freely transferable at  
24 any time during the ten (10) years following the year of

1 qualification. Any person to whom or to which a tax credit is  
2 transferred shall have only such rights to claim and use the credit  
3 under the terms that would have applied to the entity by whom or by  
4 which the tax credit was transferred. The provisions of this  
5 subsection shall not limit the ability of a tax credit transferee to  
6 reduce the tax liability of the transferee, regardless of the actual  
7 tax liability of the tax credit transferor, for the relevant taxable  
8 period. The transferor initially allowed the credit and any  
9 subsequent transferees shall jointly file a copy of any written  
10 transfer agreement with the Oklahoma Tax Commission within thirty  
11 (30) days of the transfer. The written agreement shall contain the  
12 name, address and taxpayer identification number or social security  
13 number of the parties to the transfer, the amount of the credit  
14 being transferred, the year the credit was originally allowed to the  
15 transferor, and the tax year or years for which the credit may be  
16 claimed. The Tax Commission may promulgate rules to permit  
17 verification of the validity and timeliness of the tax credit  
18 claimed upon a tax return pursuant to this subsection but shall not  
19 promulgate any rules that unduly restrict or hinder the transfers of  
20 such tax credit. The tax credit allowed by this section, upon the  
21 election of the taxpayer, may be claimed as a payment of tax, a  
22 prepayment of tax or a payment of estimated tax for purposes of  
23 Section 1803 or Section 2355 of this title.

24

1 G. For electricity generation produced and sold in a calendar  
2 year, the tax credit allowed by the provisions of this section, upon  
3 election of the taxpayer, shall be treated and may be claimed as a  
4 payment of tax, a prepayment of tax or a payment of estimated tax  
5 for purposes of Section 2355 of this title on or after July 1 of the  
6 following calendar year.

7 H. No credit otherwise authorized by the provisions of this  
8 section may be claimed for any event, transaction, investment,  
9 expenditure or other act occurring on or after July 1, 2010, for  
10 which the credit would otherwise be allowable until the provisions  
11 of this subsection shall cease to be operative on July 1, 2011.  
12 Beginning July 1, 2011, the credit authorized by this section may be  
13 claimed for any event, transaction, investment, expenditure or other  
14 act occurring on or after July 1, 2010, according to the provisions  
15 of this section. Any tax credits which accrue during the period of  
16 July 1, 2010, through June 30, 2011, may not be claimed for any  
17 period prior to the taxable year beginning January 1, 2012. No  
18 credits which accrue during the period of July 1, 2010, through June  
19 30, 2011, may be used to file an amended tax return for any taxable  
20 year prior to the taxable year beginning January 1, 2012.

21 I. Each taxpayer claiming the credit provided by this  
22 subsection for electricity generated on or after January 1, 2018,  
23 shall report annually to the Oklahoma Tax Commission the amount of  
24 electricity:

1        1. Produced during the prior calendar year for each month; and

2        2. Sold during the prior calendar year for each month to a  
3 purchasing utility, public power authority, electric cooperative or  
4 any other purchaser.

5 The report required by this subsection shall be due no later than  
6 January 15th of each year and shall be signed and notarized by the  
7 owner or representative of the owner of the facility producing  
8 electricity. By March 15th of each year, the Oklahoma Tax  
9 Commission shall provide to the Governor, President Pro Tempore of  
10 the Senate and Speaker of the House of Representatives a report  
11 which lists by name those taxpayers who fail to comply with this  
12 subsection.

13        SECTION 4. This act shall become effective November 1, 2017.

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15        56-1-131            JCR            1/11/2017 11:21:24 AM  
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