

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3268

By: McBride

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5
6 AS INTRODUCED

7 An Act relating to renewable power; creating the
8 Oklahoma Renewable Power Assessment Act of 2018;
9 defining terms; imposing assessment on renewable
10 power production; establishing amount of assessment
11 per megawatt hour; making assessment applicable after
12 certain date; establishing timeline for remittance of
13 assessment and filing of reports; requiring the
14 prescription of certain forms; providing fine and
15 penalty for filing and remittance failures; requiring
16 certain annual reporting; providing for apportionment
17 of monies; creating the Oklahoma Renewable Energy
18 Assessment Revolving Fund; establishing the nature of
19 the fund; declaring funds appropriated; providing for
20 budgeting and expenditure of funds for certain
21 purpose; and providing procedure for expenditure of
22 funds.
23
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 160.51 of Title 17, unless there
21 is created a duplication in numbering, reads as follows:

22 This act shall be known and may be cited as the "Oklahoma
23 Renewable Power Assessment Act of 2018".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 160.52 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 As used in this act:

5 1. "Megawatt-hour" means the energy equivalent of one million
6 (1,000,000) watts consumed within a period of one (1) hour;

7 2. "Renewable power" means the production of electricity from a
8 source that is not depleted when used, including but not limited to
9 wind power and solar power; and

10 3. "Renewable power business" means any for-profit business
11 enterprise engaged in the wholesale production of electricity by
12 means of renewable power.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 160.53 of Title 17, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Effective January 1, 2019, there shall be imposed an
17 assessment of Five Dollars (\$5.00) per megawatt-hour upon
18 electricity produced by a renewable power business within the state.

19 B. The assessment shall be due and owing not later than the
20 fifteenth day of the month immediately following the month during
21 which the electricity was produced.

22 C. The Oklahoma Tax Commission shall prescribe a form for use
23 in reporting the assessment imposed pursuant to the provisions of
24 this act.

1 D. The renewable power business shall timely file the report
2 and make remittance of the assessment as required by this section.
3 Failure to timely file the report shall result in a fine of One
4 Hundred Dollars (\$100.00) per day for each day the return remains
5 unfiled not to exceed a maximum of sixty (60) days.

6 E. Failure to remit the assessment to the Tax Commission as
7 required pursuant to the provisions of this section shall result in
8 a penalty equal to ten percent (10%) of the principal amount of the
9 monthly assessment amount due and owing. The penalty shall become
10 part of the principal amount of the assessment due and owing.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 160.54 of Title 17, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Any renewable power business subject to the assessment
15 imposed pursuant to the provisions of this act shall be required to
16 file an annual report with the Oklahoma Tax Commission which
17 summarizes the total amount of electric power produced from any and
18 all renewable power facilities owned by the renewable power business
19 within the state for the period of January 1 through December 31 of
20 the year prior to the year in which the report is filed as required
21 by this section. The summary shall include the amount of electric
22 power produced each month by each renewable power facility device
23 owned by the renewable power business in the state.

1 B. The Oklahoma Tax Commission shall prescribe a form for the
2 report required by this section. The report shall be filed with the
3 Oklahoma Tax Commission not later than February 15 each year
4 covering the electric power produced by renewable power facilities
5 owned by a renewable power business located in the state for the
6 preceding calendar year.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 160.55 of Title 17, unless there
9 is created a duplication in numbering, reads as follows:

10 The monies derived from assessments, fines and penalties imposed
11 pursuant to the provisions of this act shall be apportioned to the
12 Oklahoma Renewable Energy Assessment Revolving Fund created pursuant
13 to Section 6 of this act.

14 SECTION 6. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 160.56 of Title 17, unless there
16 is created a duplication in numbering, reads as follows:

17 There is hereby created in the State Treasury a revolving fund
18 to be designated the "Oklahoma Renewable Energy Assessment Revolving
19 Fund". The fund shall be a continuing fund, not subject to fiscal
20 year limitations, and shall consist of all monies received by the
21 Oklahoma Tax Commission from the assessment imposed pursuant to the
22 provisions of this act. All monies accruing to the credit of the
23 fund are hereby appropriated and may be budgeted and expended by the
24 State Board of Education for the purpose of implementing salary

increases for certified employees. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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