

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3269

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; imposing lesser assessment for certain  
13 period; establishing timeline for remittance of  
14 assessment and filing of reports; requiring the  
15 prescription of certain forms; providing fine and  
16 penalty for filing and remittance failures; requiring  
17 certain annual reporting; providing for apportionment  
18 of monies; creating the Oklahoma Renewable Energy  
19 Assessment Revolving Fund; establishing the nature of  
20 the fund; declaring funds appropriated; providing for  
21 budgeting and expenditure of funds for certain  
22 purpose; and providing procedure for expenditure of  
23 funds.  
24

18 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. Except as provided in subsection B of this section,  
17 effective January 1, 2019, there shall be imposed an assessment of  
18 Five Dollars (\$5.00) per megawatt-hour upon electricity produced by  
19 a renewable power business within the state.

20 B. The amount of the assessment otherwise provided by  
21 subsection A of this section shall be Two Dollars (\$2.00) per  
22 megawatt-hour for the initial twenty-four-month period a renewable  
23 power facility owned by a renewable power business within the state  
24 is in use.

1 C. The assessment shall be due and owing not later than the  
2 fifteenth day of the month immediately following the month during  
3 which the electricity was produced.

4 D. The Oklahoma Tax Commission shall prescribe a form for use  
5 in reporting the assessment imposed pursuant to the provisions of  
6 this act.

7 E. The renewable power business shall timely file the report  
8 and make remittance of the assessment as required by this section.  
9 Failure to timely file the report shall result in a fine of One  
10 Hundred Dollars (\$100.00) per day for each day the return remains  
11 unfiled not to exceed a maximum of sixty (60) days.

12 F. Failure to remit the assessment to the Tax Commission as  
13 required pursuant to the provisions of this section shall result in  
14 a penalty equal to ten percent (10%) of the principal amount of the  
15 monthly assessment amount due and owing. The penalty shall become  
16 part of the principal amount of the assessment due and owing.

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

20 A. Any renewable power business subject to the assessment  
21 imposed pursuant to the provisions of this act shall be required to  
22 file an annual report with the Oklahoma Tax Commission which  
23 summarizes the total amount of electric power produced from any and  
24 all renewable power facilities owned by the renewable power business

1 within the state for the period of January 1 through December 31 of  
2 the year prior to the year in which the report is filed as required  
3 by this section. The summary shall include the amount of electric  
4 power produced each month by each renewable power facility device  
5 owned by the renewable power business in the state.

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

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

15 The monies derived from assessments, fines and penalties imposed  
16 pursuant to the provisions of this act shall be apportioned to the  
17 Oklahoma Renewable Energy Assessment Revolving Fund created pursuant  
18 to Section 6 of this act.

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

22 There is hereby created in the State Treasury a revolving fund  
23 to be designated the "Oklahoma Renewable Energy Assessment Revolving  
24 Fund". The fund shall be a continuing fund, not subject to fiscal

1 year limitations, and shall consist of all monies received by the  
2 Oklahoma Tax Commission from the assessment imposed pursuant to the  
3 provisions of this act. All monies accruing to the credit of the  
4 fund are hereby appropriated and may be budgeted and expended by the  
5 State Board of Education for the purpose of implementing salary  
6 increases for certified employees. Expenditures from the fund shall  
7 be made upon warrants issued by the State Treasurer against claims  
8 filed as prescribed by law with the Director of the Office of  
9 Management and Enterprise Services for approval and payment.

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