

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 1428

By: Alvord of the Senate

and

Townley of the House

COMMITTEE SUBSTITUTE

[economic development - investment rebate program -
claims - payments - Commerce Manufacturing Activity
Development Fund - transfer - codification]

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 3647.1 of Title 68, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created until July 1, 2030, an investment
rebate program for the cost of qualified capital expenditures
defined by Section 3645.3 of Title 68 of the Oklahoma Statutes, by
establishments defined by Section 3645.3 of Title 68 of the Oklahoma
Statutes, that:

1 1. Refine, manufacture, or process compounds or elements into
2 hydrogen-based products in industries defined or classified in the
3 NAICS Manual under Industry Group No. 324 or 325; and

4 2. Have acquired real property located within the boundaries of
5 a municipality with a population between twenty thousand (20,000)
6 and thirty thousand (30,000), according to the latest Federal
7 Decennial Census, where the qualified capital will be located.

8 B. To be eligible for consideration for an investment rebate
9 payment awarded under the provisions of this act, the establishment
10 shall:

11 1. Submit an application and documentation to the Oklahoma
12 Department of Commerce, as required by the Department, outlining a
13 capital expenditure plan in this state associated with qualified
14 capital expenditures totaling no less than Eight Hundred Million
15 Dollars (\$800,000,000.00);

16 2. Have made qualified capital expenditures of no less than
17 twenty percent (20%) of the capital expenditure plan outlined in the
18 application submitted by the primary establishment and approved by
19 the Oklahoma Department of Commerce, pursuant to the provisions of
20 this act; and

21 3. Have filed all Oklahoma tax returns and tax documents
22 required by law.

23 C. Notwithstanding any other provision of law, no investment
24 expenditure shall be utilized for calculation purposes that results

1 in the qualification of more than one establishment under the
2 provisions of this act, for investment rebate payments based on the
3 same expenditure.

4 D. 1. The Oklahoma Department of Commerce shall approve or
5 disapprove claims for rebates and shall issue payment for all
6 approved claims from funds held in the Commerce Manufacturing
7 Activity Development Fund created in Section 2 of this act.

8 2. The Department shall disapprove all applications and claims
9 or any portion of applications and claims for rebates that would
10 exceed the balance of available funds in the Commerce Manufacturing
11 Activity Development Fund.

12 3. The total amount of applications approved and investment
13 rebate payments awarded under the provisions of this act shall not
14 exceed the total amount of monies designated by law for deposit to
15 the Commerce Manufacturing Activity Development Fund.

16 E. 1. Subject to the approval and ongoing review of the
17 eligibility application by the Oklahoma Department of Commerce, the
18 investment rebate payment authorized by this act shall be equal to
19 six and twenty-five hundredths percent (6.25%) of the cost of the
20 qualified capital expenditure in the year of expenditure.

21 2. The Department is authorized to conditionally pre-qualify
22 and account for anticipated future investment rebate payments. The
23 Oklahoma Department of Commerce shall not pre-qualify investment
24 rebate payments, encumber funds, pre-encumber funds, or otherwise

1 allocate resources that would result in the allocation of investment
2 rebate payments in excess of the balance of available funds in the
3 Commerce Manufacturing Activity Development Fund.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 3647.2 of Title 68, unless there
6 is created a duplication in numbering, reads as follows:

7 A. There is hereby created in the State Treasury a fund for the
8 Oklahoma Department of Commerce to be designated the "Commerce
9 Manufacturing Activity Development Fund". The fund shall be a
10 continuing fund, not subject to fiscal year limitations, and shall
11 consist of all monies designated for deposit to the fund by law.
12 All monies accruing to the credit of the fund are hereby
13 appropriated and may be budgeted and expended by the Department for
14 the purpose of paying rebates as provided in this act. Expenditures
15 from such fund shall be made upon warrants issued by the State
16 Treasurer against claims filed as prescribed by law with the
17 Director of the Office of Management and Enterprise Services for
18 approval and payment.

19 B. All unencumbered funds remaining in the Commerce
20 Manufacturing Activity Development Fund upon January 1, 2030, shall
21 be transferred to the State Treasurer for deposit in the General
22 Revenue Fund.

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