

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL 687

By: Hall of the Senate

and

Caldwell (Trey) of the
House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to sales tax exemption; amending 68 O.S. 2021, Section 1357.21, as last amended by Section 1, Chapter 273, O.S.L. 2024 (68 O.S. Supp. 2024, Section 1357.21), which relates to rebate payments for the sales tax exemption on the consumption of qualifying broadband equipment; requiring the Oklahoma Broadband Office and the Oklahoma Tax Commission to administer program; prescribing deadlines and procedure for filing claims; requiring the Oklahoma Broadband Office to approve or disapprove all claims; requiring Tax Commission to issue rebate payment for approved claims; modifying rebate limit; requiring certain claims to be made on forms prescribed by the Oklahoma Broadband Office; providing for electronic submission of certain report; updating statutory language; creating the Oklahoma Broadband Rebate Revolving Fund; providing sources of fund; providing for expenditures from fund; limiting liability of this state to balance of fund; making an appropriation to the Tax Commission; directing transfer of funds; providing for codification; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 68 O.S. 2021, Section 1357.21, as
2 last amended by Section 1, Chapter 273, O.S.L. 2024 (68 O.S. Supp.
3 2024, Section 1357.21), is amended to read as follows:

4 Section 1357.21. A. The exemption authorized by the provisions
5 of paragraph 43 of Section 1357 of this title shall be administered
6 as a rebate. The rebate program shall be administered by the
7 Oklahoma Broadband Office and the Oklahoma Tax Commission.

8 B. No claim for a rebate shall be approved unless the equipment
9 was purchased in order to establish or expand broadband services in
10 underserved or unserved areas. As used in this subsection and for
11 purposes of the exemption authorized by paragraph 43 of Section 1357
12 of this title, "broadband", "underserved", and "unserved" shall mean
13 those services and areas as defined in Section 139.102 of Title 17
14 of the Oklahoma Statutes.

15 C. No claim for rebate shall be approved unless the claimant
16 establishes that as a result of the equipment purchase there has
17 been net growth in the number of potential customers served in
18 underserved or unserved areas.

19 D. In order to qualify for rebate payments ~~during the fiscal~~
20 ~~year beginning July 1, 2022,~~ for equipment or other items qualifying
21 for the exemption authorized by paragraph 43 of Section 1357 of this
22 title, the items must shall be purchased and placed in service
23 between January 1, 2022, and December 31, 2023. Claims for rebates
24 of sales tax or use tax paid for such equipment purchased in

1 calendar year 2022 shall be filed with the Oklahoma Tax Commission
2 not later than September 1, 2023, and in subsequent calendar years
3 shall be filed with the Oklahoma Tax Commission not later than
4 September 1 of the following year. Beginning in calendar year 2025,
5 claims for rebates for sales or use tax paid for such equipment
6 purchased in calendar year 2025 and subsequent calendar years shall
7 be filed with the ~~Oklahoma Tax Commission~~ Oklahoma Broadband Office
8 not later than September 1 of the following year.

9 E. The Oklahoma Broadband Office shall approve or disapprove
10 all claims for a rebate payment beginning with claims for rebates
11 for sales or use tax paid for such equipment purchased in calendar
12 year 2025 and subsequent calendar years and shall notify the
13 Oklahoma Tax Commission. Upon notification of approval from the
14 Oklahoma Broadband Office, the Tax Commission shall issue a rebate
15 payment for all approved claims from funds in the Oklahoma Broadband
16 Rebate Revolving Fund, created pursuant to Section 2 of this act.

17 F. Qualifying purchases do not include supporting or ancillary
18 functions, such as office operations, field operations, marketing,
19 transportation, warehousing, data storage, or similar operations
20 that do not directly result in the distribution of broadband
21 Internet service. Property directly used or consumed in or during
22 the provision, creation, or production of a data processing service
23 or information service, or property the provider grants, sells, or
24

1 leases to the customer for use within the home or establishment
2 receiving broadband is not eligible for a rebate under this section.

3 ~~F. G.~~ The total amount of rebates that may be paid shall not
4 exceed ~~Forty-two Million Dollars (\$42,000,000.00) with Thirty-one~~
5 ~~Million Five Hundred Thousand Dollars (\$31,500,000.00) of the total~~
6 ~~reserved for eligible projects serving counties having a population~~
7 ~~density of fewer than one hundred persons per square mile and Ten~~
8 ~~Million Five Hundred Thousand Dollars (\$10,500,000.00) of the total~~
9 ~~reserved for eligible projects serving counties having a population~~
10 ~~density of one hundred or more persons per square mile~~ Fourteen
11 Million Seventy-one Thousand Six Hundred Ninety-one Dollars
12 (\$14,071,691.00).

13 ~~G. H.~~ The amount of ~~rebate~~ rebates paid to each claimant shall
14 be computed by dividing the applicable total rebate pool amount by
15 the dollar amount of claims timely received by the Tax Commission
16 with respect to each fiscal year, and paying in full the amount of
17 the claims submitted if the amount of claims are equal to, or less
18 than, the total rebate pool, or a pro rata share if the total amount
19 of claims submitted exceed the rebate pool.

20 ~~H. I.~~ ~~For the fiscal year beginning July 1, 2023, and all~~
21 ~~subsequent fiscal years, the~~ The total amount of ~~rebate~~ rebates that
22 may be paid shall not exceed ~~Forty-two Million Dollars~~
23 ~~(\$42,000,000.00)~~ Fourteen Million Seventy-one Thousand Six Hundred
24 Ninety-one Dollars (\$14,071,691.00).

1 ~~F.~~ J. Claims for rebate shall be on such forms as the Oklahoma
2 Tax Commission may prescribe for such purpose and shall contain any
3 required information or supporting documentation the Commission
4 requires to verify eligibility for the rebate payment. Claims for
5 rebate for sales or use tax paid for equipment purchased in calendar
6 year 2025 and subsequent calendar years shall be on such forms as
7 the Oklahoma Broadband Office may prescribe for such purpose.

8 ~~F.~~ K. The Oklahoma Department of Commerce shall use information
9 provided by the Oklahoma Tax Commission and the Oklahoma Broadband
10 Office to prepare a report to identify the qualifying rural
11 broadband projects completed with the equipment purchased together
12 with the location of the equipment and the geographic areas served
13 as a result of the equipment purchases, including the total number
14 of potential new customers receiving qualifying broadband services
15 resulting from the project. The report shall not identify any
16 entity by name that purchased equipment.

17 ~~K.~~ L. The report shall be filed not later than April 1, 2025,
18 with respect to rebates paid for equipment purchases made during
19 calendar years 2022 and 2023 and April 1 of the second succeeding
20 year for equipment purchases made in subsequent calendar years. The
21 Oklahoma Tax Commission and the Oklahoma Broadband Office shall make
22 information available as required by subsection ~~F~~ K of this section
23 as claims are completed to assist with the timely preparation of the
24 report.

1 ~~H.~~ M. The report shall be electronically filed with the
2 Governor, the Speaker of the House of Representatives and the
3 President Pro Tempore of the Senate and posted on the Oklahoma
4 Broadband Office website.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1357.22 of Title 68, unless
7 there is created a duplication in numbering, reads as follows:

8 A. There is hereby created in the State Treasury a revolving
9 fund for the Oklahoma Tax Commission to be designated the "Oklahoma
10 Broadband Rebate Revolving Fund". The fund shall be a continuing
11 fund, not subject to fiscal year limitations, and shall consist of
12 all monies received by the Tax Commission which are specifically
13 required by law to be deposited in the fund. All monies accruing to
14 the credit of the fund are hereby appropriated and may be budgeted
15 and expended by the Commission for the purpose of paying rebate
16 claims pursuant to Section 1357.21 of Title 68 of the Oklahoma
17 Statutes. Expenditures from the fund shall be made upon warrants
18 issued by the State Treasurer against claims filed as prescribed by
19 law with the Director of the Office of Management and Enterprise
20 Services for approval and payment.

21 B. The liability of this state to make rebate payments pursuant
22 to the program created in Section 1357.21 of Title 68 of the
23 Oklahoma Statutes shall be limited to the balance of the Oklahoma
24 Broadband Rebate Revolving Fund.

1 SECTION 3. There is hereby appropriated to the Oklahoma Tax
2 Commission from any monies not otherwise appropriated from the
3 General Revenue Fund of the State Treasury for the fiscal year
4 ending June 30, 2025, the sum of Fourteen Million Seventy-one
5 Thousand Six Hundred Ninety-one Dollars (\$14,071,691.00) to be
6 transferred to the Oklahoma Broadband Rebate Revolving Fund created
7 pursuant to Section 2 of this act.

8 SECTION 4. This act shall become effective July 1, 2025.

9 SECTION 5. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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