

1 ENGROSSED SENATE  
2 BILL NO. 1428

By: Alvord of the Senate

3 and

4 Townley of the House

5  
6 [ economic development - investment rebate program -  
7 claims - payments - Commerce Manufacturing Activity  
8 Development Fund - transfer - codification ]  
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10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

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

3 B. To be eligible for consideration for an investment rebate  
4 payment awarded under the provisions of this act, the establishment  
5 shall:

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

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

16 3. Have filed all Oklahoma tax returns and tax documents  
17 required by law.

18 C. Notwithstanding any other provision of law, no investment  
19 expenditure shall be utilized for calculation purposes that results  
20 in the qualification of more than one establishment under the  
21 provisions of this act, for investment rebate payments based on the  
22 same expenditure.

23 D. 1. The Oklahoma Department of Commerce shall approve or  
24 disapprove claims for rebates and shall issue payment for all

1 approved claims from funds held in the Commerce Manufacturing  
2 Activity Development Fund created in Section 2 of this act.

3 2. The Department shall disapprove all applications and claims  
4 or any portion of applications and claims for rebates that would  
5 exceed the balance of available funds in the Commerce Manufacturing  
6 Activity Development Fund.

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

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

16 2. The Department is authorized to conditionally pre-qualify  
17 and account for anticipated future investment rebate payments. The  
18 Oklahoma Department of Commerce shall not pre-qualify investment  
19 rebate payments, encumber funds, pre-encumber funds, or otherwise  
20 allocate resources that would result in the allocation of investment  
21 rebate payments in excess of the balance of available funds in the  
22 Commerce Manufacturing Activity Development Fund.

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

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

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

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