

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 HOUSE BILL 4037

By: Townley

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6 AS INTRODUCED

7 An Act relating to economic development; creating
8 investment rebate program until certain date;
9 providing qualifying criteria; requiring submission
10 of application; requiring the Oklahoma Department of
11 Commerce to approve or disapprove certain claims and
12 issue payment; limiting source of payments; making
13 payments contingent upon deposits to certain fund;
14 providing amount of rebate; authorizing conditional
15 pre-qualification; creating the Commerce
16 Manufacturing Activity Development Fund; establishing
17 fund procedures; providing sources of funds;
18 providing for expenditures from fund; directing
19 transfer of unencumbered fund upon certain date;
20 making appropriation; directing deposit in certain
21 fund; providing for codification; providing an
22 effective date; and declaring an emergency.

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

24 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

1 establishments defined by Section 3645.3 of Title 68 of the Oklahoma
2 Statutes, that:

3 1. Are defined or classified in the NAICS Manual under Industry
4 Group No. 325120; and

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

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

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

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

22 3. Have filed all Oklahoma tax returns and tax documents
23 required by law.
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1 C. Notwithstanding any other provision of law, no investment
2 expenditure shall be utilized for calculation purposes that results
3 in the qualification of more than one establishment under the
4 provisions of this act, for investment rebate payments based on the
5 same expenditure.

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

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

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

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

23 2. The Department is authorized to conditionally pre-qualify
24 and account for anticipated future investment rebate payments. The
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1 Oklahoma Department of Commerce shall not pre-qualify investment
2 rebate payments, encumber funds, pre-encumber funds, or otherwise
3 allocate resources that would result in the allocation of investment
4 rebate payments in excess of the balance of available funds in the
5 Commerce Manufacturing Activity Development Fund.

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

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

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

1 SECTION 3. There is hereby appropriated to the Oklahoma
2 Department of Commerce for deposit in the Commerce Manufacturing
3 Activity Development Fund, from any monies not otherwise
4 appropriated from the General Revenue Fund of the State Treasury for
5 the fiscal year ending June 30, 2023, the sum of Fifty Million
6 Dollars (\$50,000,000.00).

7 SECTION 4. This act shall become effective July 1, 2024.

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

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