

SHORT TITLE: Revenue and taxation; income tax deduction for certain amounts paid to precollege mathematics or science teacher or part-time precollege mathematics or science instructor; providing limitations; codification; effective date.

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

SENATE BILL NO. 1238

By: Williams of the Senate

and

Roach of the House

AS INTRODUCED

An Act relating to revenue and taxation; defining terms; allowing deduction from taxable income for certain amounts paid to precollege mathematics or science teacher or part-time precollege mathematics or science instructor; specifying tax years for which such deduction allowed; providing certain limitations; allowing amount of deduction allowed but not used to be carried forward for certain time period; providing for codification; and providing an effective date.

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 2358.4 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Precollege mathematics or science teacher" means an individual who:

- a. is a full-time member of the faculty of a public elementary or secondary school for the entire academic year of such school which ends during the applicable tax year, and

- b. teaches a course of instruction in mathematics or science or both during such academic year;

2. "Summer month technology employment" means employment of a precollege mathematics or science teacher which:

- a. provides the teacher with experience in the applied use of advanced technology, and
- b. provides a full-time position for the teacher during the summer interval in an academic year ending during the applicable tax year;

3. "Annual teaching salary" means the compensation paid to a precollege mathematics or science teacher for the academic year ending during the applicable tax year by the school of which the teacher is a full-time faculty member; and

4. "Part-time precollege mathematics or science instructor" means an individual who:

- a. is a full-time employee of the taxpayer for the entire tax year,
- b. is teaching at a public elementary or secondary school for at least ten (10) hours per week during the academic year ending during the applicable tax year, of which at least five (5) hours per week must be actual instruction in a classroom, performing duties for which no other qualified teacher was available for employment on a full-time basis, and
- c. does not receive any compensation from such school for such teaching.

B. For all tax years beginning after December 31, 1998, and ending on or before December 31, 2003, there shall be deducted from taxable income of any taxpayer an amount equal to:

1. Twenty-five percent (25%) of the aggregate amount of compensation paid to a precollege mathematics or science teacher by the taxpayer for summer month technology employment during the tax

year if the aggregate amount of such compensation exceeds an amount equal to twenty-five percent (25%) of the annual salary paid to the teacher by the public school by which he or she is employed; and

2. The aggregate amount of compensation paid by the taxpayer during the tax year to an employee who is a part-time precollege mathematics or science instructor, not to exceed an amount equal to One Thousand Dollars (\$1,000.00) multiplied by the number of months of the tax year during which the employee was a precollege mathematics or science instructor.

C. In the case of an individual who:

1. Owns an interest in an unincorporated trade or business;
2. Is a partner in a partnership;
3. Is a beneficiary of an estate or trust; or
4. Is a shareholder in an electing small business corporation as defined in Section 1371 of Title 26 of the United States Code;

the deduction allowed pursuant to the provisions of subsection B of this section for any tax year shall not exceed an amount equal to the amount of deduction attributable to that portion of the taxable income of the individual which is allocable or apportionable to the interest of the individual in such trade, business, partnership, estate, trust or corporation.

D. The amount of any deduction allowed but not used in any tax year may be carried forward and deducted from taxable income in subsequent tax years for a period not to exceed five (5) years.

SECTION 2. This act shall become effective November 1, 1998.

46-2-1972

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