

**SENATE CHAMBER**

STATE OF OKLAHOMA

DISPOSITION BY SENATE

**FLOOR AMENDMENT**

No. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Date)

Mr./Madame President:

I move to amend House Bill No. 2714, Page 33, Line 8½,

as follows:

By inserting a new SECTION 2 to read as per attached and by renumbering subsequent sections.

Submitted by:

\_\_\_\_\_  
Senator Rabon

Rabon-JCR-FA-HB2714  
4/8/2008 3:17 PM

1           SECTION 2 .   NEW LAW   A new section of law to be codified in the Oklahoma Statutes  
2 as Section 2357.95 of Title 68, unless there is created a duplication in numbering, reads as follows:

3           A. For taxable years beginning after December 31, 2008, there shall be allowed a credit  
4 against the tax imposed pursuant to Section 2355 or 2370 of Title 68 of the Oklahoma Statutes or  
5 against the tax imposed pursuant to Section 624 or 628 of Title 36 of the Oklahoma Statutes or  
6 against the tax imposed pursuant to Section 1001 of Title 68 of the Oklahoma Statutes for tax credits  
7 originally issued to a qualified housing component manufacturing facility located in Oklahoma. The  
8 credit may be used in the payment of estimated tax payments for the tax imposed by Section 624 or  
9 628 of Title 36 of the Oklahoma Statutes.

10          B. The credit authorized by this section shall be in the amount of Two Thousand Five  
11 Hundred Dollars (\$2,500.00) for each residence for which the initial recipient has provided  
12 components. The owner of any credit claimed shall present with each credit an affidavit or  
13 certificate, in such form as may be prescribed for such purpose by the Oklahoma Tax Commission,  
14 indicating that the credit is based upon providing components from the facility. The credits  
15 authorized by this section may be claimed by any taxpayer on a quarterly basis for any tax as  
16 provided by subsection A of this section that is paid on a quarterly basis.

17          C. The total amount of credits authorized to be claimed pursuant to this section shall not  
18 exceed Four Million Dollars (\$4,000,000.00). Credits in the amount of Four Million Dollars  
19 (\$4,000,000.00) shall be issued directly to a qualified housing component manufacturing facility  
20 upon certification by the Oklahoma Tax Commission that the applicant for such credits is a qualified  
21 initial recipient; provided, the total amount of credits that may be claimed in any fiscal year shall not  
22 exceed One Million Dollars (\$1,000,000.00).

23          D. As used in this section:

1           1. “Qualified housing component manufacturing facility” means real property and related  
2 personal property used exclusively for the manufacture of components or systems to be incorporated  
3 into the structure of residential dwellings, including, but not limited to, wooden house frame  
4 components or sections, plumbing assemblies, electrical wiring systems, roof assemblies or  
5 subassemblies or such other assemblies, components or systems that are designed to be mass-  
6 produced by the facility to achieve cost efficiencies for builders of residences. As used in this  
7 paragraph, “qualified housing component manufacturing facility” does not mean a facility engaged  
8 in the production of manufactured homes as defined by 42 U.S.C., Section 5401 et seq., and rules  
9 promulgated pursuant thereto; and

10           2. “Qualified initial recipient” means a person, firm, partnership, corporation, limited liability  
11 company or other legal entity organized pursuant to the laws of the State of Oklahoma which has as  
12 its principal business purpose and activity the manufacture of components, assemblies, structures or  
13 systems for incorporation into a finished structure consisting of a residential dwelling and which,  
14 after the sale of the credits authorized by this section, will own real property in the state to be used  
15 for the manufacture of such components, assemblies, structures or systems.

16           E. For purposes of this section, the qualified housing component manufacturing facility may  
17 receive the tax credits authorized by subsection A of this section prior to the date as of which actual  
18 manufacturing activity at a qualified facility begins. In order for the Oklahoma Tax Commission to  
19 issue credits to a qualified initial recipient, the applicant shall be required to demonstrate that it is a  
20 legally recognized business entity authorized to do business in the state and that its principal  
21 business purpose meets the requirements of paragraph 1 of subsection D of this section.

22           F. In order to be eligible for receipt of any tax credits authorized by this section, the entity  
23 making application shall present to the Oklahoma Tax Commission, in the form of an affidavit  
24 executed by a principal representing the applicant, whether a member of the board of directors or  
25 officer of a corporation, or a manager or member of a limited liability company, stating that the

1 person executing the affidavit is either a member of the board of directors or an officer of the  
2 applicant or both, in the case of a corporation, or a manager or member or both, in the case of a  
3 limited liability company, and that the affiant is an individual who has at least ten (10) years of  
4 experience in the business of producing, within the State of Oklahoma, wall panels, plumbing  
5 assemblies and electrical wiring components, or any such combination of subassembly components  
6 that will be manufactured by the applicant. The presentation of a duly executed affidavit pursuant to  
7 this subsection shall be sufficient documentation of the requirements for the principal acting on  
8 behalf of the applicant for receipt of the tax credits and no further documentation related to the  
9 factual recitations of the affidavit shall be required.

10 G. The credits authorized by this section shall not be claimed against any income tax, bank  
11 privilege tax or insurance premium tax liability prior to July 1, 2009.

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