

1 ENGROSSED SENATE  
2 BILL NO. 891

By: Gumm of the Senate

3 and

4 Carey of the House

5  
6 [ revenue and taxation - Oklahoma Quality Jobs

7 Program Act - expanding definition - effective

8 date -

9 emergency ]

10

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

12 SECTION 1. AMENDATORY 68 O.S. 2001, Section 3603, as  
13 last amended by Section 3, Chapter 406, O.S.L. 2008 (68 O.S. Supp.  
14 2008, Section 3603), is amended to read as follows:

15 Section 3603. A. As used in Section 3601 et seq. of this  
16 title:

17 1. a. "Basic industry" means:

18 (1) those manufacturing activities defined or  
19 classified in the NAICS Manual under Industry  
20 Sector Nos. 31, 32 and 33, Industry Group No.  
21 5111 or Industry No. 11331,

22 (2) those electric power generation, transmission and  
23 distribution activities defined or classified in

24

1 the NAICS Manual under U.S. Industry Nos. 221111  
2 through 221122, if:

3 (a) an establishment engaged therein qualifies  
4 as an exempt wholesale generator as defined  
5 by 15 U.S.C., Section 79z-5a,

6 (b) the exempt wholesale generator facility  
7 consumes from sources located within the  
8 state at least ninety percent (90%) of the  
9 total energy used to produce the electrical  
10 output which qualifies for the specialized  
11 treatment provided by the Energy Policy Act  
12 of 1992, P.L. 102-486, 106 Stat. 2776, as  
13 amended, and federal regulations adopted  
14 pursuant thereto,

15 (c) the exempt wholesale generator facility  
16 sells to purchasers located outside the  
17 state for consumption in activities located  
18 outside the state at least ninety percent  
19 (90%) of the total electrical energy output  
20 which qualifies for the specialized  
21 treatment provided by the Energy Policy Act  
22 of 1992, P.L. 102-486, 106 Stat. 2776, as  
23 amended, and federal regulations adopted  
24 pursuant thereto, and

1 (d) the facility is constructed on or after July  
2 1, 1996,

3 (3) those administrative and facilities support  
4 service activities defined or classified in the  
5 NAICS Manual under Industry Group Nos. 5611 and  
6 5612, Industry Nos. 51821, 519130, 52232, 56142  
7 and 54191 or U.S. Industry Nos. 524291 and  
8 551114, and those other support activities for  
9 air transportation defined or classified in the  
10 NAICS Manual under Industry Group No. 488190,

11 (4) those professional, scientific and technical  
12 service activities defined or classified in the  
13 NAICS Manual under U.S. Industry Nos. 541710 and  
14 541380,

15 (5) distribution centers for retail or wholesale  
16 businesses defined or classified in the NAICS  
17 Manual under Sector No. 42, if forty percent  
18 (40%) or more of the inventory processed through  
19 such warehouse is shipped out-of-state,

20 (6) those adjustment and collection service  
21 activities defined or classified in the NAICS  
22 Manual under U.S. Industry No. 561440, if  
23 seventy-five percent (75%) of the loans to be  
24 serviced were made by out-of-state debtors,

1 (7) (a) those air transportation activities defined  
2 or classified in the NAICS Manual under  
3 Industry Group No. 4811, if the following  
4 facilities are located in this state:

5 (i) the corporate headquarters of an  
6 establishment classified therein, and

7 (ii) a facility or facilities at which  
8 reservations for transportation  
9 provided by such an establishment are  
10 processed, whether such services are  
11 performed by employees of the  
12 establishment, by employees of a  
13 subsidiary of or other entity  
14 affiliated with the establishment or by  
15 employees of an entity with whom the  
16 establishment has contracted for the  
17 performance of such services; provided,  
18 this provision shall not disqualify an  
19 establishment which uses an out-of-  
20 state entity or employees for some  
21 reservations services, or

22 (b) those air transportation activities defined  
23 or classified in the NAICS Manual under  
24 Industry Group No. 4811, if an establishment

1 classified therein has or will have within  
2 one (1) year sales of at least seventy-five  
3 percent (75%) of its total sales, as  
4 determined by the Incentive Approval  
5 Committee pursuant to the provisions of  
6 subsection B of this section, to out-of-  
7 state customers or buyers, to in-state  
8 customers or buyers if the product or  
9 service is resold by the purchaser to an  
10 out-of-state customer or buyer for ultimate  
11 use, or to the federal government,

12 (8) flight training services activities defined or  
13 classified in the NAICS Manual under U.S.  
14 Industry Group No. 611512, which for purposes of  
15 Section 3601 et seq. of this title shall include  
16 new direct jobs for which gross payroll existed  
17 on or after January 1, 2003, as identified in the  
18 NAICS Manual,

19 (9) animal (except poultry) slaughtering activities  
20 defined or classified in the NAICS Manual under  
21 U.S. Industry Group No. 311611, and meat  
22 processed from carcasses activities defined or  
23 classified in the NAICS Manual under U.S.  
24 Industry Group No. 311612, which for purposes of

1           Section 3601 et seq. of this title shall include  
2           new direct jobs for which gross payroll existed  
3           on or after June 1, 2007, as identified in the  
4           NAICS Manual, notwithstanding the provisions of  
5           subsections A and B of Section 3606 of this  
6           title,

7           (10) the following, if an establishment classified  
8           therein has or will have within one (1) year  
9           sales of at least seventy-five percent (75%) of  
10           its total sales, as determined by the Incentive  
11           Approval Committee pursuant to the provisions of  
12           subsection B of this section, to out-of-state  
13           customers or buyers, to in-state customers or  
14           buyers if the product or service is resold by the  
15           purchaser to an out-of-state customer or buyer  
16           for ultimate use, or to the federal government:

- 17           (a) those transportation and warehousing  
18                 activities defined or classified in the  
19                 NAICS Manual under Industry Subsector No.  
20                 493, if not otherwise listed in this  
21                 paragraph, Industry Subsector No. 484 and  
22                 Industry Group Nos. 4884 through 4889,  
23           (b) those passenger transportation activities  
24                 defined or classified in the NAICS Manual

1 under Industry Nos. 561510, 561520 and  
2 561599,

3 (c) those freight or cargo transportation  
4 activities defined or classified in the  
5 NAICS Manual under Industry No. 541614,

6 (d) those insurance activities defined or  
7 classified in the NAICS Manual under  
8 Industry Group No. 5241,

9 (e) those mailing, reproduction, commercial art  
10 and photography and stenographic service  
11 activities defined or classified in the  
12 NAICS Manual under U.S. Industry Nos.  
13 541430, 541860, 541922, 561439 and 561492,

14 (f) those services to dwellings and other  
15 buildings, as defined or classified in the  
16 NAICS Manual under Industry Group No. 5617,  
17 excluding U.S. Industry No. 561730,

18 (g) those equipment rental and leasing  
19 activities defined or classified in the  
20 NAICS Manual under Industry Group Nos. 5323  
21 and 5324,

22 (h) those employment services defined or  
23 classified in the NAICS Manual under  
24 Industry Group No. 5613,

- 1 (i) those information technology and other  
2 computer-related service activities defined  
3 or classified in the NAICS Manual under  
4 Industry Group Nos. 5112, 5182, 5191 and  
5 5415,
- 6 (j) those business support service activities  
7 defined or classified in the NAICS Manual  
8 under U.S. Industry Nos. 561410 through  
9 561439, Industry Group No. 5616 and Industry  
10 No. 51911,
- 11 (k) those medical and diagnostic laboratory  
12 activities defined or classified in the  
13 NAICS Manual under Industry Group No. 6215,
- 14 (l) those professional, scientific and technical  
15 service activities defined or classified in  
16 the NAICS Manual under Industry Group Nos.  
17 5412, 5414, 5415, 5416 and 5417, Industry  
18 Nos. 54131, 54133, 54136, 54137 and 54182,  
19 and U.S. Industry No. 541990, if not  
20 otherwise listed in this paragraph,
- 21 (m) those communication service activities  
22 defined or classified in the NAICS Manual  
23 under Industry Nos. 51741 and 51791,  
24

1 (n) those refuse systems activities defined or  
2 classified in the NAICS Manual under  
3 Industry Group No. 5622, provided that the  
4 establishment is primarily engaged in the  
5 capture and distribution of methane gas  
6 produced within a landfill,

7 (o) general wholesale distribution of groceries,  
8 defined or classified in the NAICS Manual  
9 under Industry Group Nos. 4244 and 4245,

10 (p) those activities relating to processing of  
11 insurance claims, defined or classified in  
12 the NAICS Manual under U.S. Industry Nos.  
13 524210 and 524292; provided, activities  
14 described in U.S. Industry Nos. 524210 and  
15 524292 in the NAICS Manual other than  
16 processing of insurance claims shall not be  
17 included for purposes of this subdivision,

18 (q) those agricultural activities classified in  
19 the NAICS Manual under U.S. Industry Nos.  
20 112120 and 112310, and

21 (r) those professional organization activities  
22 classified in the NAICS Manual under U.S.  
23 Industry No. 813920;

24 ~~(10)~~

1           (11) those activities related to extraction of crude  
2           petroleum and natural gas defined or classified  
3           in the NAICS Manual under Industry Group No.  
4           2111, subject to the limitations provided in  
5           paragraph 3 of this subsection and paragraph 3 of  
6           subsection B of this section,

7           ~~(11)~~

8           (12) those activities performed by the federal  
9           civilian workforce at a facility of the Federal  
10          Aviation Administration located in this state if  
11          the Director of the Department of Commerce  
12          determines or is notified that the federal  
13          government is soliciting proposals or otherwise  
14          inviting states to compete for additional federal  
15          civilian employment or expansion of federal  
16          civilian employment at such facilities,

17          ~~(12)~~

18          (13) those activities defined or classified in the  
19          NAICS Manual under U.S. Industry No. 711211 (2007  
20          version), or

21          ~~(13)~~

22          (14) those real estate or brokerage activities  
23          classified in the NAICS Manual under U.S.  
24          Industry No. 53120 for which at least seventy-

1 five percent (75%) of the establishment's  
2 revenues are attributed to out-of-state sales and  
3 at least seventy-five percent (75%) of the real  
4 estate transactions generating those revenues are  
5 attributed to real property located outside the  
6 State of Oklahoma.

7 b. An establishment described in subparagraph a of this  
8 paragraph shall not be considered to be engaged in a  
9 basic industry unless it offers, or will offer within  
10 one hundred eighty (180) days of employment, a basic  
11 health benefits plan to the individuals it employs in  
12 new direct jobs in this state which is determined by  
13 the Oklahoma Department of Commerce to consist of the  
14 following elements or elements substantially  
15 equivalent thereto:

- 16 (1) not more than fifty percent (50%) of the premium  
17 shall be paid by the employee,
- 18 (2) coverage for basic hospital care,
- 19 (3) coverage for physician care,
- 20 (4) coverage for mental health care,
- 21 (5) coverage for substance abuse treatment,
- 22 (6) coverage for prescription drugs, and
- 23 (7) coverage for prenatal care;

1        2. "Change in control event" means the transfer to one or more  
2 unrelated establishments or unrelated persons, of either:

3            a. beneficial ownership of more than fifty percent (50%)  
4                in value and more than fifty percent (50%) in voting  
5                power of the outstanding equity securities of the  
6                transferred establishment, or

7            b. more than fifty percent (50%) in value of the assets  
8                of an establishment.

9            A transferor shall be treated as related to a transferee if more  
10 than fifty percent (50%) of the voting interests of the transferor  
11 and transferee are owned, directly or indirectly, by the other or  
12 are owned, directly or indirectly, by the same person or persons,  
13 unless such transferred establishment has an outstanding class of  
14 equity securities registered under Sections 12(b) or 15(d) of the  
15 Securities Exchange Act of 1934, as amended, in which event the  
16 transferor and transferee will be treated as unrelated; provided, an  
17 establishment applying for the Oklahoma Quality Jobs Program Act as  
18 a result of a change of control event is required to apply within  
19 one hundred eighty (180) days of the change in control event to  
20 qualify for consideration. An establishment entering the Oklahoma  
21 Quality Jobs Program Act as the result of a change of control event  
22 shall be required to maintain a level of new direct jobs as agreed  
23 to in its contract with the Department of Commerce and to pay new  
24 direct jobs an average annualized wage which equals or exceeds one

1 hundred twenty-five percent (125%) of the average county wage as  
2 that percentage is determined by the Oklahoma State Data Center  
3 based upon the most recent U.S. Department of Commerce data for the  
4 county in which the new jobs are located. For purposes of this  
5 paragraph, healthcare premiums paid by the applicant for individuals  
6 in new direct jobs shall not be included in the annualized wage.  
7 Such establishment entering the Quality Jobs Program Act as the  
8 result of a change of control event shall be required to retain the  
9 contracted average annualized wage and maintain the contracted  
10 maintenance level of new direct jobs numbers as certified by the  
11 Oklahoma Tax Commission. If the required average annualized wage or  
12 the required new direct jobs numbers do not equal or exceed such  
13 contracted level during any quarter, the quarterly incentive  
14 payments shall not be made and shall not be resumed until such time  
15 as such requirements are met. An establishment described in this  
16 paragraph shall be required to repay all incentive payments received  
17 under the Quality Jobs Program Act if the establishment is  
18 determined by the ~~Oklahoma~~ Oklahoma Tax Commission to no longer have business  
19 operations in the state within three (3) years from the beginning of  
20 the calendar quarter for which the first incentive payment claim is  
21 filed.

22 3. "New direct job":

- 23 a. means full-time-equivalent employment in this state in  
24 an establishment which has qualified to receive an

1 incentive payment pursuant to the provisions of  
2 Section 3601 et seq. of this title which employment  
3 did not exist in this state prior to the date of  
4 approval by the Department of the application of the  
5 establishment pursuant to the provisions of Section  
6 3604 of this title and with respect to an  
7 establishment qualifying for incentive payments  
8 pursuant to division (12) of subparagraph a of  
9 paragraph 1 of this subsection shall not include  
10 compensation paid to an employee or independent  
11 contractor for an athletic contest conducted in the  
12 state if the compensation is paid by an entity that  
13 does not have its principal place of business in the  
14 state or that does not own real or personal property  
15 having a market value of at least One Million Dollars  
16 (\$1,000,000.00) located in the state, and the  
17 employees or independent contractors of such entity  
18 are compensated to compete against the employees or  
19 independent contractors of an establishment that  
20 qualifies for incentive payments pursuant to division  
21 (12) of subparagraph a of paragraph 1 of this  
22 subsection and which is organized under Oklahoma law  
23 or that is lawfully registered to do business in the  
24 state and which does have its principal place of

1 business located in the state and owns real or  
2 personal property having a market value of at least  
3 One Million Dollars (\$1,000,000.00) located in the  
4 state; provided, that if an application of an  
5 establishment is approved by the Department of  
6 Commerce after a change in control event and the  
7 Director of the Department of Commerce determines that  
8 the jobs located at such establishment are likely to  
9 leave the state, "new direct job" shall include  
10 employment that existed in this state prior to the  
11 date of application which is retained in this state by  
12 the new establishment following a change in control  
13 event, if such job otherwise qualifies as a new direct  
14 job, and

15 b. shall include full-time-equivalent employment in this  
16 state of employees who are employed by an employment  
17 agency or similar entity other than the establishment  
18 which has qualified to receive an incentive payment  
19 and who are leased or otherwise provided under  
20 contract to the qualified establishment, if such job  
21 did not exist in this state prior to the date of  
22 approval by the Department of the application of the  
23 establishment or the job otherwise qualifies as a new  
24 direct job following a change in control event. A job

1 shall be deemed to exist in this state prior to  
2 approval of an application if the activities and  
3 functions for which the particular job exists have  
4 been ongoing at any time within six (6) months prior  
5 to such approval. With respect to establishments  
6 defined in division (10) of subparagraph a of  
7 paragraph 1 of this subsection, new direct jobs shall  
8 be limited to those jobs directly comprising the  
9 corporate headquarters of or directly relating to  
10 administrative, financial, engineering, surveying,  
11 geological or geophysical services performed by the  
12 establishment. Under no circumstances shall  
13 employment relating to drilling or field services be  
14 considered new direct jobs;

15 4. "Estimated direct state benefits" means the tax revenues  
16 projected by the Department to accrue to the state as a result of  
17 new direct jobs;

18 5. "Estimated direct state costs" means the costs projected by  
19 the Department to accrue to the state as a result of new direct  
20 jobs. Such costs shall include, but not be limited to:

- 21 a. the costs of education of new state resident children,
- 22 b. the costs of public health, public safety and  
23 transportation services to be provided to new state  
24 residents,

1 c. the costs of other state services to be provided to  
2 new state residents, and

3 d. the costs of other state services;

4 6. "Estimated net direct state benefits" means the estimated  
5 direct state benefits less the estimated direct state costs;

6 7. "Net benefit rate" means the estimated net direct state  
7 benefits computed as a percentage of gross payroll; provided:

8 a. except as otherwise provided in this paragraph, the  
9 net benefit rate may be variable and shall not exceed  
10 five percent (5%),

11 b. the net benefit rate shall not exceed six percent (6%)  
12 in connection with an establishment which is owned and  
13 operated by an entity which has been awarded a United  
14 States Department of Defense contract for which:

15 (1) bids were solicited and accepted by the United  
16 States Department of Defense from facilities  
17 located outside this state,

18 (2) the term is or is renewable for not less than  
19 twenty (20) years, and

20 (3) the average annual salary, excluding benefits  
21 which are not subject to Oklahoma income taxes,  
22 for new direct jobs created as a direct result of  
23 the awarding of the contract is projected by the  
24 Department of Commerce to equal or exceed Forty

1                   Thousand Dollars (\$40,000.00) within three (3)  
2                   years of the date of the first incentive payment,  
3           c.       except as otherwise provided in subparagraph d of this  
4                   paragraph, in no event shall incentive payments,  
5                   cumulatively, exceed the estimated net direct state  
6                   benefits,  
7           d.       the net benefit rate shall be five percent (5%) for an  
8                   establishment locating:  
9                   (1)   in an opportunity zone located in a high-  
10                   employment county, as such terms are defined in  
11                   subsection G of Section 3604 of this title, or  
12                   (2)   in a county in which:  
13                   (a)   the per capita personal income, as  
14                   determined by the Department, is eighty-five  
15                   percent (85%) or less of the statewide  
16                   average per capita personal income,  
17                   (b)   the population has decreased over the  
18                   previous ten (10) years, as determined by  
19                   the State Data Center based on the most  
20                   recent U.S. Department of Commerce data, or  
21                   (c)   the unemployment rate exceeds the lesser of  
22                   five percent (5%) or two percentage points  
23                   above the state average unemployment rate as  
24

1 certified by the Oklahoma Employment  
2 Security Commission,

3 e. the net benefit rate shall not exceed six percent (6%)  
4 in connection with an establishment which:

5 (1) is, as of the date of application, receiving  
6 incentive payments pursuant to the Oklahoma  
7 Quality Jobs Program Act and has been receiving  
8 such payments for at least one (1) year prior to  
9 the date of application, and

10 (2) expands its operations in this state by creating  
11 additional new direct jobs which pay average  
12 annualized wages which equal or exceed one  
13 hundred fifty percent (150%) of the average  
14 annualized wages of new direct jobs on which  
15 incentive payments were received during the  
16 preceding calendar year, and

17 f. with respect to an establishment defined or classified  
18 in the NAICS Manual under U.S. Industry No. 711211  
19 (2007 version) or any establishment defined or  
20 classified in the NAICS Manual as a U.S. Industry  
21 Number which is not included within the definition of  
22 "basic industry" as such term is defined in this  
23 section on April 17, 2008, the net benefit rate shall  
24 not exceed the highest rate of income tax imposed upon

1 the Oklahoma taxable income of individuals pursuant to  
2 subparagraph (g) or subparagraph (h), as applicable,  
3 of paragraph 1 and paragraph 2 of subsection B of  
4 Section 2355 of this title. Any change in such  
5 highest rate of individual income tax imposed pursuant  
6 to the provisions of Section 2355 of this title shall  
7 be applicable to the computation of incentive payments  
8 to an establishment as described by this subparagraph  
9 and shall be effective for purposes of incentive  
10 payments based on payroll paid by such establishment  
11 on or after January 1 of any applicable year for which  
12 the net benefit rate is modified as required by this  
13 subparagraph.

14 Incentive payments made pursuant to the provisions of this  
15 subparagraph shall be based upon payroll associated with such new  
16 direct jobs. For purposes of this subparagraph, the amount of  
17 health insurance premiums or other benefits paid by the  
18 establishment shall not be included for purposes of computation of  
19 the average annualized wage;

20 8. "Gross payroll" means wages, as defined in Section 2385.1 of  
21 this title for new direct jobs;

22 9. a. "Establishment" means any business or governmental  
23 entity, no matter what legal form, including, but not  
24 limited to, a sole proprietorship; partnership;

1 limited liability company; corporation or combination  
2 of corporations which have a central parent  
3 corporation which makes corporate management decisions  
4 such as those involving consolidation, acquisition,  
5 merger or expansion; federal agency; political  
6 subdivision of the State of Oklahoma; or trust  
7 authority; provided, distinct, identifiable subunits  
8 of such entities may be determined to be an  
9 establishment, for all purposes of Section 3601 et  
10 seq. of this title, by the Department subject to the  
11 following conditions:

12 (1) within three (3) years of the first complete  
13 calendar quarter following the start date, the  
14 entity must have a minimum payroll of Two Million  
15 Five Hundred Thousand Dollars (\$2,500,000.00) and  
16 the subunit must also have or will have a minimum  
17 payroll of Two Million Five Hundred Thousand  
18 Dollars (\$2,500,000.00),

19 (2) the subunit is engaged in an activity or service  
20 or produces a product which is demonstratively  
21 independent and separate from the entity's other  
22 activities, services or products and could be  
23 conducted or produced in the absence of any other  
24 activity, service or production of the entity,

1 (3) has an accounting system capable of tracking or  
2 facilitating an audit of the subunit's payroll,  
3 expenses, revenue and production. Limited  
4 interunit overlap of administrative and  
5 purchasing functions shall not disqualify a  
6 subunit from consideration as an establishment by  
7 the Department,

8 (4) the entity has not previously had a subunit  
9 determined to be an establishment pursuant to  
10 this section; provided, the restriction set forth  
11 in this division shall not apply to subunits  
12 which qualify pursuant to the provisions of  
13 subparagraph b of paragraph 6 of this subsection,  
14 and

15 (5) it is determined by the Department that the  
16 entity will have a probable net gain in total  
17 employment within the incentive period.

18 b. The Department may promulgate rules to further limit  
19 the circumstances under which a subunit may be  
20 considered an establishment. The Department shall  
21 promulgate rules to determine whether a subunit of an  
22 entity achieves a net gain in total employment. The  
23 Department shall establish criteria for determining  
24 the period of time within which such gain must be

1 demonstrated and a method for determining net gain in  
2 total employment;

3 10. "NAICS Manual" means any manual, book or other publication  
4 containing the North American Industry Classification System, United  
5 States, 1997, promulgated by the Office of Management and Budget of  
6 the United States of America, or the latest revised edition;

7 11. "SIC Manual" means the 1987 revision to the Standard  
8 Industrial Classification Manual, promulgated by the Office of  
9 Management and Budget of the United States of America;

10 12. "Start date" means the date on which an establishment may  
11 begin accruing benefits for the creation of new direct jobs, which  
12 date shall be determined by the Department; and

13 13. "Effective date" means the date of approval of a contract  
14 under which incentive payments will be made pursuant to the Oklahoma  
15 Quality Jobs Program Act, which shall be the date the signed and  
16 accepted incentive contract is received by the Department; provided,  
17 an approved project may have a start date which is different from  
18 the effective date.

19 B. The Incentive Approval Committee is hereby created and shall  
20 consist of the Director of State Finance, the Director of the  
21 Department and one member of the ~~Oklahoma~~ Tax Commission appointed  
22 by the Tax Commission, or a designee from each agency approved by  
23 such member. It shall be the duty of the Committee to determine:  
24

1           1. Upon initial application on a form approved by the  
2 Committee, if an establishment is engaged in a basic industry as  
3 defined in subdivision (b) of division (7) or in subdivisions (a)  
4 through (p) of division (9) of subparagraph a of paragraph 1 of  
5 subsection A of this section or as otherwise provided by subsection  
6 C of this section;

7           2. If an establishment would have been defined as a "basic  
8 industry" prior to the amendments to this section to convert from  
9 SIC Codes to NAICS Codes. If the Committee so determines, the  
10 establishment shall be considered as a "basic industry" for purposes  
11 of the Oklahoma Quality Jobs Program Act; and

12           3. If employees of an establishment as defined in division (10)  
13 of subparagraph a of paragraph 1 of subsection A of this section  
14 meet the requirements to be considered employed in new direct jobs  
15 as specified in paragraph 3 of subsection A of this section.

16           C. For an establishment defined as a "basic industry" pursuant  
17 to division (4) of subparagraph a of paragraph 1 of subsection A of  
18 this section, the Incentive Approval Committee shall consist of the  
19 members provided by subsection B of this section and the Executive  
20 Director of the Oklahoma Center for the Advancement of Science and  
21 Technology, or a designee from the Center appointed by the Executive  
22 Director.

23           SECTION 2. This act shall become effective July 1, 2009.  
24

