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STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1839

By: Osborn (Leslie) of the
House

and

David of the Senate

AS INTRODUCED

An Act relating to revenue and taxation; amending 68 O.S. 2011, Sections 2357.302, 2357.303 and 2357.304, as amended by Sections 2, 3 and 4, Chapter 30, O.S.L. 2014 (68 O.S. Supp. 2016, Sections 2357.302, 2357.303 and 2357.304), which relate to tax credits for aerospace engineers; modifying reference to taxable years; and providing an effective date.

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

SECTION 1. AMENDATORY 68 O.S. 2011, Section 2357.302, as amended by Section 2, Chapter 30, O.S.L. 2014 (68 O.S. Supp. 2016, Section 2357.302), is amended to read as follows:

Section 2357.302 A. Except as provided in subsection F of this section, for taxable years beginning after December 31, 2008, and ending before January 1, ~~2018~~ 2022, a qualified employer shall be allowed a credit against the tax imposed pursuant to Section 2355 of this title for tuition reimbursed to a qualified employee.

1 B. The credit authorized by subsection A of this section may be
2 claimed only if the qualified employee has been awarded an
3 undergraduate or graduate degree within one (1) year of commencing
4 employment with the qualified employer.

5 C. The credit authorized by subsection A of this section shall
6 be in the amount of fifty percent (50%) of the tuition reimbursed to
7 a qualified employee for the first through fourth years of
8 employment. In no event shall this credit exceed fifty percent
9 (50%) of the average annual amount paid by a qualified employee for
10 enrollment and instruction in a qualified program at a public
11 institution in Oklahoma.

12 D. The credit authorized by subsection A of this section shall
13 not be used to reduce the tax liability of the qualified employer to
14 less than zero (0).

15 E. No credit authorized by this section shall be claimed after
16 the fourth year of employment.

17 F. No credit otherwise authorized by the provisions of this
18 section may be claimed for any event, transaction, investment,
19 expenditure or other act occurring on or after July 1, 2010, for
20 which the credit would otherwise be allowable. The provisions of
21 this subsection shall cease to be operative on July 1, 2011.
22 Beginning July 1, 2011, the credit authorized by this section may be
23 claimed for any event, transaction, investment, expenditure or other
24

1 act occurring on or after July 1, 2011, according to the provisions
2 of this section.

3 SECTION 2. AMENDATORY 68 O.S. 2011, Section 2357.303, as
4 amended by Section 3, Chapter 30, O.S.L. 2014 (68 O.S. Supp. 2016,
5 Section 2357.303), is amended to read as follows:

6 Section 2357.303 A. Except as provided in subsection F of this
7 section, for taxable years beginning after December 31, 2008, and
8 ending before January 1, ~~2018~~ 2022, a qualified employer shall be
9 allowed a credit against the tax imposed pursuant to Section 2355 of
10 this title for compensation paid to a qualified employee.

11 B. The credit authorized by subsection A of this section shall
12 be in the amount of:

13 1. Ten percent (10%) of the compensation paid for the first
14 through fifth years of employment in the aerospace sector if the
15 qualified employee graduated from an institution located in this
16 state; or

17 2. Five percent (5%) of the compensation paid for the first
18 through fifth years of employment in the aerospace sector if the
19 qualified employee graduated from an institution located outside
20 this state.

21 C. The credit authorized by this section shall not exceed
22 Twelve Thousand Five Hundred Dollars (\$12,500.00) for each qualified
23 employee annually.

1 D. The credit authorized by this section shall not be used to
2 reduce the tax liability of the qualified employer to less than zero
3 (0).

4 E. No credit authorized pursuant to this section shall be
5 claimed after the fifth year of employment.

6 F. No credit otherwise authorized by the provisions of this
7 section may be claimed for any event, transaction, investment,
8 expenditure or other act occurring on or after July 1, 2010, for
9 which the credit would otherwise be allowable. The provisions of
10 this subsection shall cease to be operative on July 1, 2011.
11 Beginning July 1, 2011, the credit authorized by this section may be
12 claimed for any event, transaction, investment, expenditure or other
13 act occurring on or after July 1, 2011, according to the provisions
14 of this section.

15 SECTION 3. AMENDATORY 68 O.S. 2011, Section 2357.304, as
16 amended by Section 4, Chapter 30, O.S.L. 2014 (68 O.S. Supp. 2016,
17 Section 2357.304), is amended to read as follows:

18 Section 2357.304 A. Except as provided in subsection D of this
19 section, for taxable years beginning after December 31, 2008, and
20 ending before January 1, ~~2018~~ 2022, a qualified employee shall be
21 allowed a credit against the tax imposed pursuant to Section 2355 of
22 this title of up to Five Thousand Dollars (\$5,000.00) per year for a
23 period of time not to exceed five (5) years.

1 B. The credit authorized by this section shall not be used to
2 reduce the tax liability of the taxpayer to less than zero (0).

3 C. Any credit claimed, but not used, may be carried over, in
4 order, to each of the five (5) subsequent taxable years.

5 D. No credit otherwise authorized by the provisions of this
6 section may be claimed for any event, transaction, investment,
7 expenditure or other act occurring on or after July 1, 2010, for
8 which the credit would otherwise be allowable. The provisions of
9 this subsection shall cease to be operative on July 1, 2011.

10 Beginning July 1, 2011, the credit authorized by this section may be
11 claimed for any event, transaction, investment, expenditure or other
12 act occurring on or after July 1, 2011, according to the provisions
13 of this section.

14 SECTION 4. This act shall become effective November 1, 2017.
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16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
17 02/14/2017 - DO PASS, As Coauthored.
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