

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3378

By: Dollens, Wallace, Blancett
and **Fetgatter** of the House

7 and

8 **Leewright** of the Senate

9
10
11 COMMITTEE SUBSTITUTE

12 [revenue and taxation - income tax credits -
13 apprentice positions - cap on tax credits -
14 Governor's Council for Workforce and Economic
15 Development rules - Oklahoma Department of Commerce
16 - consultation Oklahoma Tax Commission - annual
17 report - report - codification - effective date]

18
19
20
21 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2357.501 of Title 68, unless
24 there is created a duplication in numbering, reads as follows:

1 A. As used in this section:

2 1. "Apprentice" means a worker at least sixteen (16) years of
3 age, except where a higher minimum age standard is otherwise fixed
4 by law, who is employed to learn an apprenticeable occupation as
5 provided in 29 C.F.R., Section 29.4. The term includes a person who
6 is compensated by a third party but whose apprenticeable work occurs
7 under the supervision of an eligible employer;

8 2. "Apprenticeable agreement" means a written agreement,
9 complying with 29 C.F.R., Section 29.2, between an apprentice and
10 either the apprentice's program sponsor, or an apprenticeship
11 committee acting as agent for the program sponsors, which contains
12 the terms and conditions of the employment and training of the
13 apprentice;

14 3. "Council" means the Governor's Council for Workforce and
15 Economic Development; and

16 4. "Eligible employer" means a taxpayer who employs an
17 apprentice pursuant to an apprentice agreement registered with the
18 Office of Apprenticeship of the Employment and Training
19 Administration of the United States Department of Labor.

20 B. For taxable years beginning on or after January 1, 2021, and
21 ending not later than December 31, 2025, there shall be allowed as a
22 credit against the tax imposed pursuant to Section 2355 of Title 68
23 of the Oklahoma Statutes in the amount of One Thousand Dollars
24 (\$1,000.00) for each qualified apprentice employed by an eligible

1 employer for a period of at least seven (7) months during the
2 preceding calendar year.

3 C. Any eligible employer who enters into an apprenticeship
4 agreement must ensure compliance with any applicable Oklahoma state
5 law in regards to that industry or trade, including demonstrating
6 compliance for each qualified apprentice, to qualify for this
7 credit.

8 D. No employer shall be able to claim the credit authorized by
9 this section for more than ten apprentices for the duration of the
10 five (5) taxable years for which the credit is available.

11 E. The credit authorized by the provisions of this section
12 shall not be used to reduce the tax liability of the taxpayer to
13 less than zero (0).

14 F. The credit authorized by the provisions of this section may
15 not be carried over from one taxable year to any other taxable year.

16 G. The provisions of this section shall cease to have the force
17 and effect of law on January 1, 2026.

18 H. The total amount of credits authorized by this section used
19 to offset tax shall be adjusted annually to limit the annual amount
20 of credits to Three Million Dollars (\$3,000,000.00). The Oklahoma
21 Tax Commission shall annually calculate and publish a percentage by
22 which the credits authorized by this section shall be reduced so the
23 total amount of credits used to offset tax does not exceed Three
24 Million Dollars (\$3,000,000.00) per year. The formula to be used

1 for the percentage adjustment shall be Three Million Dollars
2 (\$3,000,000.00) divided by the credits used to offset tax in the
3 second preceding year.

4 I. Pursuant to subsection H of this section, in the event the
5 total tax credits authorized by this section exceed Three Million
6 Dollars (\$3,000,000.00) in any calendar year, the Tax Commission
7 shall permit any excess over Three Million Dollars (\$3,000,000.00)
8 but shall factor such excess into the percentage adjustment formula
9 for subsequent years.

10 J. The tax credit authorized by the provisions of this section
11 fulfills the requirements of Section 46A of Title 62 of the Oklahoma
12 Statutes because it is based on employment of persons who might not
13 otherwise be employed or who, although employed, would not have the
14 same skill level for the job position without the tax credit
15 authorized pursuant to the provisions of this section.

16 SECTION 2. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2357.502 of Title 68, unless
18 there is created a duplication in numbering, reads as follows:

19 A. The Governor's Council for Workforce and Economic
20 Development, in coordination with the Oklahoma Department of
21 Commerce, may adopt any rules necessary to establish standards for
22 participation and eligibility and to implement and administer the
23 tax credit program authorized by Section 1 of this act. The Council
24

1 shall consult with the Oklahoma Tax Commission to coordinate
2 implementation and administration of this act.

3 B. The Council shall provide an annual report to the Chair of
4 the Appropriations and Budget Committee of the Oklahoma House of
5 Representatives and the Chair of the Finance Committee of the
6 Oklahoma State Senate to account for the effectiveness of the
7 apprenticeship program under this act not later than January 31 each
8 year with respect to program activities and program performance with
9 respect to the preceding calendar year.

10 SECTION 3. This act shall become effective November 1, 2020.

11
12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
13 02/20/2020 - DO PASS, As Amended and Coauthored.
14
15
16
17
18
19
20
21
22
23
24