

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3378

By: Dollens, Wallace and
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AS INTRODUCED

An Act relating to revenue and taxation; defining terms; authorizing income tax credit for certain apprentice positions; specifying amount of tax credit; imposing limitations on number of apprentices with respect to claim of credits; prohibiting use of credit to reduce tax liability to less than designated amount; prohibiting carryover; providing for termination of tax credit; imposing cap on tax credits based on certain computation; providing for usage of credits based on cap limitation provisions; providing for effect of tax credit with respect to certain statutory requirement; authorizing Governor's Council for Workforce and Economic Development to adopt rules; providing for participation by Oklahoma Department of Career and Technology Education; requiring consultation with Oklahoma Tax Commission; requiring annual report; prescribing due date for report; 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 2357.501 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

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

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

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

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

19 B. For taxable years beginning on or after January 1, 2021, and
20 ending not later than December 31, 2025, there shall be allowed as a
21 credit against the tax imposed pursuant to Section 2355 of Title 68
22 of the Oklahoma Statutes in the amount of One Thousand Dollars
23 (\$1,000.00) for each qualified apprentice employed by an eligible
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1 employer for a period of at least seven (7) months during the
2 preceding calendar year.

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

6 D. The credit authorized by the provisions of this section
7 shall not be used to reduce the tax liability of the taxpayer to
8 less than zero (0).

9 E. The credit authorized by the provisions of this section may
10 not be carried over from one taxable year to any other taxable year.

11 F. The provisions of this section shall cease to have the force
12 and effect of law on January 1, 2026.

13 G. The total amount of credits authorized by this section used
14 to offset tax shall be adjusted annually to limit the annual amount
15 of credits to Three Million Dollars (\$3,000,000.00). The Oklahoma
16 Tax Commission shall annually calculate and publish a percentage by
17 which the credits authorized by this section shall be reduced so the
18 total amount of credits used to offset tax does not exceed Three
19 Million Dollars (\$3,000,000.00) per year. The formula to be used
20 for the percentage adjustment shall be Three Million Dollars
21 (\$3,000,000.00) divided by the credits used to offset tax in the
22 second preceding year.

23 H. Pursuant to subsection G of this section, in the event the
24 total tax credits authorized by this section exceed Three Million

1 Dollars (\$3,000,000.00) in any calendar year, the Tax Commission
2 shall permit any excess over Three Million Dollars (\$3,000,000.00)
3 but shall factor such excess into the percentage adjustment formula
4 for subsequent years.

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

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

14 A. The Governor's Council for Workforce and Economic
15 Development, in coordination with the Oklahoma Department of Career
16 and Technology Education, may adopt any rules necessary to establish
17 standards for participation and eligibility and to implement and
18 administer the tax credit program authorized by Section 1 of this
19 act. The Council shall consult with the Oklahoma Tax Commission to
20 coordinate implementation and administration of this act.

21 B. The Council shall provide an annual report to the Chair of
22 the Appropriations and Budget Committee of the Oklahoma House of
23 Representatives and the Chair of the Finance Committee of the
24 Oklahoma State Senate to account for the effectiveness of the

1 apprenticeship program under this act not later than January 31 each
2 year with respect to program activities and program performance with
3 respect to the preceding calendar year.

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

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