

1 **SENATE FLOOR VERSION**

2 March 24, 2021

3 ENGROSSED HOUSE
4 BILL NO. 2866

By: Wallace, Lawson, Russ,
Blancett and Pae of the
House

5 and

6 Thompson of the Senate
7
8
9

10 An Act relating to revenue and taxation; amending 68
11 O.S. 2011, Section 2370.1, as last amended by Section
12 1, Chapter 131, O.S.L. 2018 (68 O.S. Supp. 2020,
13 Section 2370.1), which relates to credits against the
banking privilege tax; modifying time periods during
which certain credit may be claimed; and providing an
effective date.

14
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2370.1, as
17 last amended by Section 1, Chapter 131, O.S.L. 2018 (68 O.S. Supp.
18 2020, Section 2370.1), is amended to read as follows:

19 Section 2370.1. A. There shall be allowed a credit against the
20 tax imposed by Section 2370 of this title for any state banking
21 association, national banking association and credit union organized
22 under the laws of this state for the amount of the guaranty fee paid
23 by the banking association or credit union to the United States
24

1 Small Business Administration pursuant to the "7(a)" loan guaranty
2 program.

3 B. The credit authorized by this section may be claimed for
4 guaranty fees paid on or after January 1, ~~2000~~ 2022, and before
5 January 1, ~~2022~~ 2025.

6 C. No credit may be claimed pursuant to this section if,
7 pursuant to the agreement between the banking association or credit
8 union and the entity to which proceeds are made available, the
9 banking association or credit union adds the amount of the SBA 7(a)
10 loan guaranty fee to the amount financed by the borrower or in any
11 other way recovers the guaranty fee amount from the borrower.

12 D. The credit authorized by this section may be claimed and if
13 not fully used in the initial year for which the credit is claimed
14 may be carried over, in order, to each of the five (5) succeeding
15 taxable years. The credit authorized by this section may not be
16 used to reduce the tax liability of the credit claimant below zero
17 (0).

18 E. The Oklahoma Tax Commission shall prepare a report regarding
19 the amount of tax credits claimed as authorized by this section.
20 The report shall be submitted to the Speaker of the House of
21 Representatives and to the President Pro Tempore of the Senate not
22 later than March 31 of each year.

23 F. Pursuant to Section 46A of Title 62 of the Oklahoma
24 Statutes, there shall be a measurable goal of retaining and/or

1 creating two thousand jobs per year in Oklahoma for the credit
2 against the tax imposed by Section 2370 of this title.

3 SECTION 2. This act shall become effective January 1, 2022.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
5 March 24, 2021 - DO PASS
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24