

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 1490

By: Pugh of the Senate

3 and

4 Miller of the House

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7 [ income tax - credit - effective date ]

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10 AMENDMENT NO. 1. Page 1, line 9, strike the enacting clause

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Passed the House of Representatives the 17th day of April, 2024.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2024.

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Presiding Officer of the Senate

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1 ENGROSSED SENATE  
2 BILL NO. 1490

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6 [ income tax - credit - effective date ]  
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9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

10 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2357.301, is  
11 amended to read as follows:

12 Section 2357.301. As used in Sections 2357.301 through 2357.304  
13 of this title:

14 1. "Aerospace sector" means a private or public organization  
15 located in this state and engaged in the manufacture of aerospace or  
16 defense hardware or software, aerospace maintenance, aerospace  
17 repair and overhaul, supply of parts to the aerospace industry,  
18 provision of services and support relating to the aerospace  
19 industry, research and development of aerospace technology and  
20 systems and the education and training of aerospace personnel;

21 2. "Compensation" means payments in the form of contract labor  
22 for which the payor is required to provide a Form 1099 to the person  
23 paid, wages subject to withholding tax paid to a part-time employee  
24 or full-time employee or salary or other remuneration. Compensation

1 shall not include employer-provided retirement, medical or health-  
2 care benefits, reimbursement for travel, meals, lodging or any other  
3 expense;

4 3. "Institution" means an institution within The Oklahoma State  
5 System of Higher Education or any other public or private college or  
6 university that is accredited by a national accrediting body;

7 4. "Qualified employer" means a sole proprietor, general  
8 partnership, limited partnership, limited liability company,  
9 corporation, other legally recognized business entity or public  
10 entity whose principal business activity involves the aerospace  
11 sector;

12 5. "Qualified employee" means any person, regardless of the  
13 date of hire, employed in this state by or contracting in this state  
14 with a qualified employer on or after January 1, 2009, who was not  
15 employed in the aerospace sector in this state immediately preceding  
16 employment or contracting with a qualified employer, and who has  
17 been either:

18 a. awarded an undergraduate or graduate degree from a  
19 qualified program by an institution, or

20 b. licensed as a ~~Professional Engineer~~ professional  
21 engineer by the State Board of Licensure for  
22 Professional Engineers and Land Surveyors pursuant to  
23 Section 475.15 of Title 59 of the Oklahoma Statutes.

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1        Provided, the definition shall not be interpreted to exclude any  
2 person who was employed in the aerospace sector, but not as a full-  
3 time engineer, prior to being awarded an undergraduate or graduate  
4 degree from a qualified program by an institution or any person who  
5 has been awarded an undergraduate or graduate degree from a  
6 qualified program by an institution and is employed by a  
7 professional staffing company and assigned to work in the aerospace  
8 sector in this state. The definition shall also not be interpreted  
9 to exclude any person who previously qualified and established the  
10 credit against the tax imposed pursuant to Section 2355 of this  
11 title and became employed by a different qualified employer, or who  
12 establishes the credit against the tax imposed pursuant to Section  
13 2355 of this title for the first time and becomes employed by a  
14 different qualified employer in subsequent years, provided a person  
15 in either case has not claimed the credit for the lifetime maximum  
16 of five (5) years;

17        6. "Qualified program" means a program at an institution that  
18 includes a graduate or undergraduate program that has been  
19 accredited by the Engineering Accreditation Commission of the  
20 Accreditation Board for Engineering and Technology (ABET) and that  
21 awards an undergraduate or graduate degree. Both the undergraduate  
22 and graduate programs of the same discipline of engineering at an  
23 institution shall be part of the qualified program if either program  
24 is ABET accredited; and

1           7. "Tuition" means the average annual amount paid by a  
2 qualified employee for enrollment and instruction in a qualified  
3 program. Tuition shall not include the cost of books, fees or room  
4 and board.

5           SECTION 2.           AMENDATORY           68 O.S. 2021, Section 2357.304, is  
6 amended to read as follows:

7           Section 2357.304. A. Except as provided in subsection D of  
8 this section, for taxable years beginning after December 31, 2008,  
9 and ending before January 1, 2026, a qualified employee shall be  
10 allowed a credit against the tax imposed pursuant to Section 2355 of  
11 this title of up to Five Thousand Dollars (\$5,000.00) per tax year  
12 for a period of time not to exceed five (5) years during the  
13 lifetime of the qualified employee. The credit may be claimed in  
14 nonconsecutive tax years.

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

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

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

24 Beginning July 1, 2011, the credit authorized by this section may be

1 | claimed for any event, transaction, investment, expenditure, or  
2 | other act occurring on or after July 1, 2011, according to the  
3 | provisions of this section.

4 | SECTION 3. This act shall become effective November 1, 2024.

5 | Passed the Senate the 5th day of March, 2024.

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Presiding Officer of the Senate

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9 | Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

10 | 2024.

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Presiding Officer of the House  
of Representatives

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