

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SENATE BILL 1190

By: Mazzei

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7 AS INTRODUCED

8 An Act relating to income tax; amending 68 O.S. 2011,
9 Section 2357.301, which relates to the aerospace
10 sector income tax credit; modifying definition;
11 authorizing amended return for specified circumstance
12 and providing deadlines for filing; providing for
13 codification; and providing an effective date.

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

15 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2357.301, is
16 amended to read as follows:

17 Section 2357.301. As used in Sections ~~1 through 4~~ 2357.301
18 through 2357.304 of this ~~act~~ title:

19 1. "Aerospace sector" means a private or public organization
20 engaged in the manufacture of aerospace or defense hardware or
21 software, aerospace maintenance, aerospace repair and overhaul,
22 supply of parts to the aerospace industry, provision of services and
23 support relating to the aerospace industry, research and development
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1 of aerospace technology and systems, and the education and training
2 of aerospace personnel;

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

7 Compensation shall not include employer-provided retirement, medical
8 or health-care benefits, reimbursement for travel, meals, lodging or
9 any other expense;

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

13 4. "Qualified employer" means a sole proprietor, general
14 partnership, limited partnership, limited liability company,
15 corporation, other legally recognized business entity, or public
16 entity whose principal business activity involves the aerospace
17 sector;

18 5. "Qualified employee" means any person employed by or
19 contracting with a qualified employer on or after January 1, who has
20 been awarded an undergraduate or graduate degree from a qualified
21 program by an institution, and who was not employed in the aerospace
22 sector in this state immediately preceding employment or contracting
23 with a qualified employer. For purposes of this paragraph, prior
24 employment in the aerospace sector shall not include employment or

1 contracting with a qualified employer as an intern on a nonpermanent
2 basis;

3 6. "Qualified program" means a program that has been accredited
4 by the Engineering Accreditation Commission of the Accreditation
5 Board for Engineering and Technology (ABET) and that awards an
6 undergraduate or graduate degree; and

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

11 SECTION 2. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2357.305 of Title 68, unless
13 there is created a duplication in numbering, reads as follows:

14 For the tax years 2009 through 2011, any qualified employee that
15 was employed or contracted as an intern on a nonpermanent basis in
16 the aerospace sector or any qualified employer who employed or
17 contracted with a qualified employee as an intern may file an
18 amended Oklahoma income tax return in order to claim the income tax
19 credit provided for in Section 2357.302, 2357.303 or 2357.304 of
20 Title 68 of the Oklahoma Statutes. Tax year 2009 amended returns
21 may be filed on or before October 15, 2014, and be considered timely
22 filed for purposes of claiming an income tax refund. All other tax
23 years are subject to the statute of limitations for refund claims
24 set forth in Section 2373 of Title 68 of the Oklahoma Statutes.

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SECTION 3. This act shall become effective January 1, 2013.

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