

# An Act

ENROLLED SENATE  
BILL NO. 154

By: Mazzei of the Senate

and

Dank of the House

An Act relating to the 21st Century Quality Jobs Incentive Act; amending Section 5, Chapter 285, O.S.L. 2009 (68 O.S. Supp. 2010, Section 3915), which relates to quarterly incentive payments; clarifying condition under which an establishment becomes ineligible for payments; and providing an effective date.

SUBJECT: 21st Century Quality Jobs Incentive Act

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

SECTION 1. AMENDATORY Section 5, Chapter 285, O.S.L. 2009 (68 O.S. Supp. 2010, Section 3915), is amended to read as follows:

Section 3915. A. 1. Beginning with the first complete calendar quarter after the application of the establishment is approved by the Oklahoma Department of Commerce, the establishment shall begin filing quarterly reports with the Oklahoma Tax Commission that specify the actual number and individual gross taxable payroll of new direct jobs for the establishment and such other information as required by the Tax Commission. In no event

shall the first claim for incentive payments be filed later than three (3) years from the start date designated by the Department. The Tax Commission shall verify the actual individual gross taxable payroll for new direct jobs. If the Tax Commission is not able to provide such verification utilizing all available resources, the Tax Commission may request additional information from the establishment as may be necessary or may request the establishment to revise its reports.

The establishment shall continue filing such reports during the ten-year incentive period or until it is no longer qualified to receive incentive payments. Such reports shall constitute a claim for quarterly incentive payments by the establishment.

2. Upon receipt of a report for the initial calendar quarter of the incentive period and for each subsequent calendar quarter thereafter, the Tax Commission shall determine if the establishment has met the following requirements:

- a. during the initial twelve (12) quarters of the contract or until the establishment creates ten new direct jobs, paid the individuals it employed in new direct jobs an average annualized wage that exceeded the requirements of paragraph 3 of subsection C of ~~Section 4 of this act~~ Section 3914 of this title, or
- b. after the establishment created ten new direct jobs:
  - (1) paid the individuals it employed in new direct jobs an average annualized wage which equaled or exceeded the requirements of paragraph 3 of subsection C of ~~Section 4 of this act~~ Section 3914 of this title, and
  - (2) created and/or maintained the minimum number of new direct jobs as specified in ~~this act~~ the 21st Century Quality Jobs Incentive Act.

3. Upon determining that an establishment has met the requirements of paragraph 2 of this subsection for the initial calendar quarter of the incentive period, the Tax Commission shall

issue a warrant to the establishment in an amount which shall be equal to either:

- a. the initial net benefit rate multiplied by the amount of gross taxable payroll of new direct jobs actually paid by the establishment during the initial twelve (12) quarters of the contract or until the establishment reaches ten new direct jobs, whichever comes first, or
- b. the fulfillment net benefit rate multiplied by the amount of gross taxable payroll of new direct jobs actually paid by the establishment after it creates or maintains ten new direct jobs.

B. Except as provided in subsection C of this section, the quarterly incentive payment provided for in subsection A of this section shall be allowed in each of the thirty-nine (39) subsequent calendar quarters.

C. 1. An establishment which does not meet the requirements of paragraph 2 of subsection A of this section within twelve (12) quarters of the date of its application shall be ineligible to receive any incentive payments pursuant to its application and approval.

2. An establishment which at any time during the thirty-nine (39) subsequent calendar quarters does not meet the requirements of paragraph 2 of subsection A of this section shall be ineligible to receive an incentive payment during the calendar quarter in which such requirements are not met.

3. An establishment which has met the requirements of paragraph 2 of subsection A of this section within twelve (12) quarters of the date of its application, but which at any time during the ~~thirty-nine (39)~~ subsequent ~~twenty-eight (28)~~ quarters that does not meet, in four (4) consecutive quarters, fails to meet the requirements of paragraph 2 of subsection A of this section in four (4) consecutive quarters, shall be ineligible to receive any further incentive payments pursuant to its application and approval.

SECTION 2. This act shall become effective November 1, 2011.

Passed the Senate the 18th day of May, 2011.

*Anthony Sykes*

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of May, 2011.

*Jeff Peterson*

Presiding Officer of the House  
of Representatives

**OFFICE OF THE GOVERNOR**

Received by the Governor this 20<sup>th</sup>  
day of May, 20 11,  
at 11:32 o'clock AM.

By: Jessie R. Poyser

Approved by the Governor of the State of Oklahoma the 25<sup>th</sup> day of  
May, 20 11, at 10:16 o'clock AM.

*Mary Fallin*  
Governor of the State of Oklahoma

**OFFICE OF THE SECRETARY OF STATE**

Received by the Secretary of State this  
25<sup>th</sup> day of May, 20 11,  
at 11:19 o'clock A M.

By: Auchelle R. Day