

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 586

By: Hall

6 AS INTRODUCED

7 An Act relating to incentives; amending 68 O.S. 2021,  
8 Section 3603, which relates to the Oklahoma Quality  
9 Jobs Program Act; modifying definition to establish  
relationship between establishment and certain leased  
or contracted employee; and providing an effective  
date.

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

13 SECTION 1. AMENDATORY 68 O.S. 2021, Section 3603, is  
14 amended to read as follows:

15 Section 3603. A. As used in the Oklahoma Quality Jobs Program  
16 Act:

17 1. a. "Basic industry" means:

18 (1) those manufacturing activities defined or  
19 classified in the NAICS Manual under Industry  
20 Sector Nos. 31, 32 and 33, Industry Group No.  
21 5111 or Industry No. 11331,

22 (2) those electric power generation, transmission and  
23 distribution activities defined or classified in

1                   the NAICS Manual under U.S. Industry Nos. 221111  
2                   through 221122, if:

- 3                   (a) an establishment engaged therein qualifies  
4                   as an exempt wholesale generator as defined  
5                   by 15 U.S.C., Section 79z-5a,
- 6                   (b) the exempt wholesale generator facility  
7                   consumes from sources located within the  
8                   state at least ninety percent (90%) of the  
9                   total energy used to produce the electrical  
10                  output which qualifies for the specialized  
11                  treatment provided by the Energy Policy Act  
12                  of 1992, P.L. 102-486, 106 Stat. 2776, as  
13                  amended, and federal regulations adopted  
14                  pursuant thereto,
- 15                  (c) the exempt wholesale generator facility  
16                  sells to purchasers located outside the  
17                  state for consumption in activities located  
18                  outside the state at least ninety percent  
19                  (90%) of the total electrical energy output  
20                  which qualifies for the specialized  
21                  treatment provided by the Energy Policy Act  
22                  of 1992, P.L. 102-486, 106 Stat. 2776, as  
23                  amended, and federal regulations adopted  
24                  pursuant thereto, and

(d) the facility is constructed on or after July 1, 1996,

(3) those administrative and facilities support service activities defined or classified in the NAICS Manual under Industry Group Nos. 5611 and 5612, Industry Nos. 51821, 519130, 52232 and 56142 or U.S. Industry Nos. 524291 and 551114, those other support activities for air transportation defined or classified in the NAICS Manual under Industry Group No. 488190, and those support, repair, and maintenance service activities for the wind industry defined or classified in the NAICS Manual under Industry Group No. 811310,

(4) those professional, scientific and technical service activities defined or classified in the NAICS Manual under U.S. Industry Nos. 541710 and 541380,

(5) distribution centers for retail or wholesale businesses defined or classified in the NAICS Manual under Sector No. 42, if forty percent (40%) or more of the inventory processed through such warehouse is shipped out-of-state,

- (6) those adjustment and collection service activities defined or classified in the NAICS Manual under U.S. Industry No. 561440, if seventy-five percent (75%) of the loans to be serviced were made by out-of-state debtors,

(7) (a) those air transportation activities defined or classified in the NAICS Manual under Industry Group No. 4811, if the following facilities are located in this state:

(i) the corporate headquarters of an establishment classified therein, and

(ii) a facility or facilities at which reservations for transportation provided by such an establishment are processed, whether such services are performed by employees of the establishment, by employees of a subsidiary of or other entity affiliated with the establishment or by employees of an entity with whom the establishment has contracted for the performance of such services; provided, this provision shall not disqualify an establishment which uses an out-of-

state entity or employees for some reservations services, or

- (b) those air transportation activities defined or classified in the NAICS Manual under Industry Group No. 4811, if an establishment classified therein has or will have within one (1) year sales of at least seventy-five percent (75%) of its total sales, as determined by the Incentive Approval Committee pursuant to the provisions of subsection B of this section, to out-of-state customers or buyers, to in-state customers or buyers if the product or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government,

- (8) flight training services activities defined or  
classified in the NAICS Manual under U.S.  
Industry Group No. 611512, which for purposes of  
the Oklahoma Quality Jobs Program Act shall  
include new direct jobs for which gross payroll  
existed on or after January 1, 2003, as  
identified in the NAICS Manual,

(9) the following, if an establishment classified therein has or will have within one (1) year sales of at least seventy-five percent (75%) of its total sales, as determined by the Incentive Approval Committee pursuant to the provisions of subsection B of this section, to out-of-state customers or buyers, to in-state customers or buyers if the product or service is resold by the purchaser to an out-of-state customer or buyer for ultimate use, or to the federal government:

(a) those transportation and warehousing activities defined or classified in the NAICS Manual under Industry Subsector No. 493, if not otherwise listed in this paragraph, Industry Subsector Nos. 482 and 484 and Industry Group Nos. 4884 through 4889,

(b) those passenger transportation activities defined or classified in the NAICS Manual under Industry Nos. 561510 and 561599,

(c) those freight or cargo transportation activities defined or classified in the NAICS Manual under Industry No. 541614,

- (d) those insurance activities defined or classified in the NAICS Manual under Industry Group No. 5241,
  - (e) those services to dwellings and other buildings, as defined or classified in the NAICS Manual under Industry Group No. 5617, excluding U.S. Industry Nos. 561730, 56171, 56172, 56174 and 56179,
  - (f) those equipment rental and leasing activities defined or classified in the NAICS Manual under Industry Group No. 5324,
  - (g) those information technology and other computer-related service activities defined or classified in the NAICS Manual under Industry Group Nos. 5112, 5182, 5191 and 5415,
  - (h) those business support service activities defined or classified in the NAICS Manual under U.S. Industry Nos. 561410 through 561430, excluding 56143, and Industry No. 51911,
  - (i) those medical and diagnostic laboratory activities defined or classified in the NAICS Manual under Industry Group No. 6215,

- (j) those professional, scientific and technical service activities defined or classified in the NAICS Manual under Industry Group Nos. 5412, 5414, 5415, 5416 and 5417, Industry Nos. 54131, 54133, 54136 and 54137, and U.S. Industry No. 541990, if not otherwise listed in this paragraph,
  - (k) those communication service activities defined or classified in the NAICS Manual under Industry Nos. 51741 and 51791,
  - (l) those refuse systems activities defined or classified in the NAICS Manual under Industry Group No. 5622, provided that the establishment is primarily engaged in the capture and distribution of methane gas produced within a landfill,
  - (m) general wholesale distribution of groceries, defined or classified in the NAICS Manual under Industry Group Nos. 4244 and 4245,
  - (n) those activities relating to processing of insurance claims, defined or classified in the NAICS Manual under U.S. Industry Nos. 524210 and 524292; provided, activities described in U.S. Industry Nos. 524210 and

- 1                         524292 in the NAICS Manual other than  
2                         processing of insurance claims shall not be  
3                         included for purposes of this subdivision,  
4             (o) those agricultural activities classified in  
5                         the NAICS Manual under U.S. Industry Nos.  
6                         112120 and 112310,  
7             (p) those professional organization activities  
8                         classified in the NAICS Manual under U.S.  
9                         Industry No. 813920,  
10            (q) alternative energy structure construction  
11                         classified in the NAICS Manual under U.S.  
12                         Industry No. 237130,  
13            (r) solar reflective coating application  
14                         classified in the NAICS Manual under U.S.  
15                         Industry No. 238160,  
16            (s) solar heating equipment installation  
17                         classified in the NAICS Manual under U.S.  
18                         Industry No. 238220,  
19            (t) those wired telecommunications carriers  
20                         classified in the NAICS Manual under U.S.  
21                         Industry No. 517110, and  
22            (u) those securities, commodity contracts and  
23                         investment activities classified in the

## NAICS Manual under Industry Subsector No.

523,

- (10) those activities related to extraction or pipeline transportation of petroleum, natural gas or refined petroleum products, defined or classified in the NAICS Manual under Industry Group No. 2111, 213111, 213112 or 486, subject to the limitations provided in paragraph 3 of this subsection and paragraph 3 of subsection B of this section,
  - (11) those activities performed by the federal civilian workforce at a facility of the Federal Aviation Administration located in this state if the Director of the Oklahoma Department of Commerce determines or is notified that the federal government is soliciting proposals or otherwise inviting states to compete for additional federal civilian employment or expansion of federal civilian employment at such facilities,
  - (12) those activities defined or classified in the NAICS Manual under U.S. Industry No. 711211 (2007 version),

(13) those real estate or brokerage activities classified in the NAICS Manual under U.S. Industry No. 53120 for which at least seventy-five percent (75%) of the establishment's revenues are attributed to out-of-state sales and at least seventy-five percent (75%) of the real estate transactions generating those revenues are attributed to real property located outside the State of Oklahoma, or

(14) those support activities for rail transportation  
and those support activities for water  
transportation defined or classified in the NAICS  
Manual under U.S. Industry Nos. 4882 and 4883.

b. An establishment described in subparagraph a of this paragraph shall not be considered to be engaged in a basic industry unless it offers, or will offer within one hundred eighty (180) days of employment, a basic health benefits plan to the individuals it employs in new direct jobs in this state which is determined by the Oklahoma Department of Commerce to consist of the following elements or elements substantially equivalent thereto:

(1) not more than fifty percent (50%) of the premium shall be paid by the employee.

- (2) coverage for basic hospital care,
  - (3) coverage for physician care,
  - (4) coverage for mental health care,
  - (5) coverage for substance abuse treatment,
  - (6) coverage for prescription drugs, and
  - (7) coverage for prenatal care;

e-in-control event" means the transfer to one or more establishments or unrelated persons, of either:

beneficial ownership of more than fifty percent (50%) in value and more than fifty percent (50%) in voting power of the outstanding equity securities of the transferred establishment, or

more than fifty percent (50%) in value of the assets of an establishment.

A transferor shall be treated as related to a transferee if more than fifty percent (50%) of the voting interests of the transferor and transferee are owned, directly or indirectly, by the other or are owned, directly or indirectly, by the same person or persons, unless such transferred establishment has an outstanding class of equity securities registered under Sections 12(b) or 15(d) of the Securities Exchange Act of 1934, as amended, in which event the transferor and transferee will be treated as unrelated; provided, an establishment applying for the Oklahoma Quality Jobs Program Act as a result of a change-in-control event is required to apply within

1 one hundred eighty (180) days of the change-in-control event to  
2 qualify for consideration. An establishment entering the Oklahoma  
3 Quality Jobs Program Act as the result of a change-in-control event  
4 shall be required to maintain a level of new direct jobs as agreed  
5 to in its contract with the Oklahoma Department of Commerce and to  
6 pay new direct jobs an average annualized wage which equals or  
7 exceeds one hundred twenty-five percent (125%) of the average county  
8 wage as that percentage is determined by the Oklahoma Department of  
9 Commerce based upon the most recent U.S. Department of Commerce data  
10 for the county in which the new jobs are located. For purposes of  
11 this paragraph, healthcare premiums paid by the applicant for  
12 individuals in new direct jobs shall not be included in the  
13 annualized wage. Such establishment entering the Oklahoma Quality  
14 Jobs Program Act as the result of a change-in-control event shall be  
15 required to retain the contracted average annualized wage and  
16 maintain the contracted maintenance level of new direct jobs numbers  
17 as certified by the Tax Commission. If the required average  
18 annualized wage or the required new direct jobs numbers do not equal  
19 or exceed such contracted level during any quarter, the quarterly  
20 incentive payments shall not be made and shall not be resumed until  
21 such time as such requirements are met. An establishment described  
22 in this paragraph shall be required to repay all incentive payments  
23 received under the Oklahoma Quality Jobs Program Act if the  
24 establishment is determined by the Tax Commission to no longer have

1 business operations in the state within three (3) years from the  
2 beginning of the calendar quarter for which the first incentive  
3 payment claim is filed;

4       3. "New direct job":

5           a. means full-time-equivalent employment in this state in  
6           an establishment which has qualified to receive an  
7           incentive payment pursuant to the provisions of the  
8           Oklahoma Quality Jobs Program Act which employment did  
9           not exist in this state prior to the date of approval  
10          by the Department of the application of the  
11          establishment pursuant to the provisions of Section  
12          3604 of this title and with respect to an  
13          establishment qualifying for incentive payments  
14          pursuant to division (12) of subparagraph a of  
15          paragraph 1 of this subsection shall not include  
16          compensation paid to an employee or independent  
17          contractor for an athletic contest conducted in the  
18          state if the compensation is paid by an entity that  
19          does not have its principal place of business in the  
20          state or that does not own real or personal property  
21          having a market value of at least One Million Dollars  
22          (\$1,000,000.00) located in the state, and the  
23          employees or independent contractors of such entity  
24          are compensated to compete against the employees or

1 independent contractors of an establishment that  
2 qualifies for incentive payments pursuant to division  
3 (12) of subparagraph a of paragraph 1 of this  
4 subsection and which is organized under Oklahoma law  
5 or that is lawfully registered to do business in the  
6 state and which does have its principal place of  
7 business located in the state and owns real or  
8 personal property having a market value of at least  
9 One Million Dollars (\$1,000,000.00) located in the  
10 state; provided, that if an application of an  
11 establishment is approved by the Oklahoma Department  
12 of Commerce after a change-in-control event and the  
13 Director of the Oklahoma Department of Commerce  
14 determines that the jobs located at such establishment  
15 are likely to leave the state, "new direct job" shall  
16 include employment that existed in this state prior to  
17 the date of application which is retained in this  
18 state by the new establishment following a change in  
19 control event, if such job otherwise qualifies as a  
20 new direct job, and

- 21 b. shall include full-time-equivalent employment in this  
22 state of employees who are employed by an employment  
23 agency or similar entity other than the establishment  
24 which has qualified to receive an incentive payment

1 and who are leased or otherwise provided under  
2 contract to the qualified establishment, if such job  
3 did not exist in this state prior to the date of  
4 approval by the Department of the application of the  
5 establishment or the job otherwise qualifies as a new  
6 direct job following a change-in-control event. The  
7 leasing of employees by the establishment or employees  
8 provided under contract with an establishment shall  
9 constitute an employer-employee relationship between  
10 those employees and the establishment. A job shall be  
11 deemed to exist in this state prior to approval of an  
12 application if the activities and functions for which  
13 the particular job exists have been ongoing at any  
14 time within six (6) months prior to such approval.  
15 With respect to establishments defined in division  
16 (10) of subparagraph a of paragraph 1 of this  
17 subsection, new direct jobs shall be limited to those  
18 jobs directly comprising the corporate headquarters of  
19 or directly relating to manufacturing, maintenance,  
20 administrative, financial, engineering, surveying,  
21 geological or geophysical services performed by the  
22 establishment. Under no circumstances shall  
23 employment relating to field services be considered  
24 new direct jobs;

4. "Estimated direct state benefits" means the tax revenues projected by the Department to accrue to the state as a result of new direct jobs;

5. "Estimated direct state costs" means the costs projected by the Department to accrue to the state as a result of new direct jobs. Such costs shall include, but not be limited to:

- a. the costs of education of new state resident children,
  - b. the costs of public health, public safety and transportation services to be provided to new state residents,
  - c. the costs of other state services to be provided to new state residents, and
  - d. the costs of other state services;

6. "Estimated net direct state benefits" means the estimated direct state benefits less the estimated direct state costs;

7. "Net benefit rate" means the estimated net direct state benefits computed as a percentage of gross payroll; provided:

- a. except as otherwise provided in this paragraph, the net benefit rate may be variable and shall not exceed five percent (5%),
  - b. the net benefit rate shall not exceed six percent (6%) in connection with an establishment which is owned and operated by an entity which has been awarded a United States Department of Defense contract for which:

- 1                     (1) bids were solicited and accepted by the United  
2                         States Department of Defense from facilities  
3                         located outside this state,  
4                     (2) the term is or is renewable for not less than  
5                         twenty (20) years, and  
6                     (3) the average annual salary, excluding benefits  
7                         which are not subject to Oklahoma income taxes,  
8                         for new direct jobs created as a direct result of  
9                         the awarding of the contract is projected by the  
10                         Oklahoma Department of Commerce to equal or  
11                         exceed Forty Thousand Dollars (\$40,000.00) within  
12                         three (3) years of the date of the first  
13                         incentive payment,  
14                     c. except as otherwise provided in subparagraph d of this  
15                         paragraph, in no event shall incentive payments,  
16                         cumulatively, exceed the estimated net direct state  
17                         benefits,  
18                     d. the net benefit rate shall be five percent (5%) for an  
19                         establishment locating:  
20                         (1) in an opportunity zone located in a high-  
21                         employment county, as such terms are defined in  
22                         subsection G of Section 3604 of this title, or  
23                         (2) in a county in which:

- (a) the per capita personal income, as determined by the Department, is eighty-five percent (85%) or less of the statewide average per capita personal income,
  - (b) the population has decreased over the previous ten (10) years, as determined by the Oklahoma Department of Commerce based on the most recent U.S. Department of Commerce data, or
  - (c) the unemployment rate exceeds the lesser of five percent (5%) or two percentage points above the state average unemployment rate as certified by the Oklahoma Employment Security Commission,

e. the net benefit rate shall not exceed six percent (6%) in connection with an establishment which:

  - (1) is, as of the date of application, receiving incentive payments pursuant to the Oklahoma Quality Jobs Program Act and has been receiving such payments for at least one (1) year prior to the date of application, and
  - (2) expands its operations in this state by creating additional new direct jobs which pay average annualized wages which equal or exceed one

hundred fifty percent (150%) of the average annualized wages of new direct jobs on which incentive payments were received during the preceding calendar year,

f. with respect to an establishment defined or classified in the NAICS Manual under U.S. Industry No. 711211 (2007 version) or any establishment defined or classified in the NAICS Manual as a U.S. Industry Number which is not included within the definition of "basic industry" as such term is defined in this section on April 17, 2008, the net benefit rate shall not exceed the highest rate of income tax imposed upon the Oklahoma taxable income of individuals pursuant to subparagraph (g) or subparagraph (h), as applicable, of paragraph 1 and paragraph 2 of subsection B of Section 2355 of this title. Any change in such highest rate of individual income tax imposed pursuant to the provisions of Section 2355 of this title shall be applicable to the computation of incentive payments to an establishment as described by this subparagraph and shall be effective for purposes of incentive payments based on payroll paid by such establishment on or after January 1 of any applicable year for which

1                   the net benefit rate is modified as required by this  
2                   subparagraph, and

3       g.    the net benefit rate shall not exceed six percent (6%)  
4                   in connection with an establishment which employs  
5                   United States military veterans in at least ten  
6                   percent (10%) of its gross payroll. The net benefit  
7                   rate for an establishment which employs United States  
8                   military veterans in at least ten percent (10%) of its  
9                   payroll shall not be lower than five percent (5%).

10                  Incentive payments made pursuant to the provisions of this  
11                  subparagraph shall be based upon payroll associated with such new  
12                  direct jobs. For purposes of this subparagraph, the amount of  
13                  health insurance premiums or other benefits paid by the  
14                  establishment shall not be included for purposes of computation of  
15                  the average annualized wage;

16       8. "Gross payroll" means wages, as defined in Section 2385.1 of  
17                  this title for new direct jobs;

18       9. a. "Establishment" means any business or governmental  
19                  entity, no matter what legal form, including, but not  
20                  limited to, a sole proprietorship; partnership;  
21                  limited liability company; corporation or combination  
22                  of corporations which have a central parent  
23                  corporation which makes corporate management decisions  
24                  such as those involving consolidation, acquisition,

merger or expansion; federal agency; political subdivision of the State of Oklahoma; or trust authority; provided, distinct, identifiable subunits of such entities may be determined to be an establishment, for all purposes of the Oklahoma Quality Jobs Program Act, by the Department subject to the following conditions:

- (1) within three (3) years of the first complete calendar quarter following the start date, the entity must have a minimum payroll of Two Million Five Hundred Thousand Dollars (\$2,500,000.00) and the subunit must also have or will have a minimum payroll of Two Million Five Hundred Thousand Dollars (\$2,500,000.00),
- (2) the subunit is engaged in an activity or service or produces a product which is demonstratively independent and separate from the entity's other activities, services or products and could be conducted or produced in the absence of any other activity, service or production of the entity,
- (3) has an accounting system capable of tracking or facilitating an audit of the subunit's payroll, expenses, revenue and production. Limited interunit overlap of administrative and

1                   purchasing functions shall not disqualify a  
2                   subunit from consideration as an establishment by  
3                   the Department,

4                 (4) the entity has not previously had a subunit  
5                   determined to be an establishment pursuant to  
6                   this section; provided, the restriction set forth  
7                   in this division shall not apply to subunits  
8                   which qualify pursuant to the provisions of  
9                   subparagraph b of paragraph 7 of this subsection,  
10                  and

11                (5) it is determined by the Department that the  
12                  entity will have a probable net gain in total  
13                  employment within the incentive period.

14               b. The Department may promulgate rules to further limit  
15                  the circumstances under which a subunit may be  
16                  considered an establishment. The Department shall  
17                  promulgate rules to determine whether a subunit of an  
18                  entity achieves a net gain in total employment. The  
19                  Department shall establish criteria for determining  
20                  the period of time within which such gain must be  
21                  demonstrated and a method for determining net gain in  
22                  total employment;

23               10. "NAICS Manual" means any manual, book or other publication  
24                  containing the North American Industry Classification System, United  
25

1 States, 1997, promulgated by the Office of Management and Budget of  
2 the United States of America, or the latest revised edition;

3       11. "Qualified federal contract" means a contract between an  
4 agency or instrumentality of the United States government, including  
5 but not limited to the Department of Defense or any branch of the  
6 United States Armed Forces, but exclusive of any contract performed  
7 for the Federal Emergency Management Agency as a direct result of a  
8 natural disaster declared by the Governor or the President of the  
9 United States with respect to damage to property located in Oklahoma  
10 or loss of life or personal injury to persons in Oklahoma, and a  
11 lawfully recognized business entity, whether or not the business  
12 entity is organized under the laws of the State of Oklahoma or  
13 whether or not the principal place of business of the business  
14 entity is located within the State of Oklahoma, for the performance  
15 of services, including but not limited to testing, research,  
16 development, consulting or other services in a basic industry, if  
17 the contract involves the performance of such services performed on  
18 or after July 1, 2009, by the employees of the business entity  
19 within the State of Oklahoma or if the contract involves the  
20 performance of such services performed on or after July 1, 2009, by  
21 employees of a lawfully recognized business entity that is a  
22 subcontractor of the business entity with which the prime contract  
23 has been formed. A qualified federal contract described in this  
24 paragraph shall not qualify unless both the qualified federal

1 contractor and any subcontractors originally involved in the work or  
2 added subsequently during the period of performance verify to the  
3 qualified federal contractor verifier that it offers, or will offer  
4 within one hundred eighty (180) days of employment of its respective  
5 employees, a basic health benefits plan as described in subparagraph  
6 b of paragraph 1 of this subsection to individuals who perform  
7 qualified labor hours in this state;

8       12. "Qualified federal contractor verifier" means a nonprofit  
9 entity organized under the laws of the State of Oklahoma, having an  
10 affiliation with a comprehensive university which is part of The  
11 Oklahoma State System of Higher Education, and having the following  
12 characteristics:

13           a. established multiyear classified and unclassified  
14                    indefinite-delivery/indefinite-quantity federal  
15                    contract vehicles in excess of Fifty Million Dollars  
16                    (\$50,000,000.00),

17           b. current capability to sponsor and maintain personnel  
18                    security clearances and authorized by the federal  
19                    government to handle and perform classified work up to  
20                    the Top Secret Sensitive Compartmented Information  
21                    levels,

22           c. at least one on-site federally certified Sensitive  
23                    Compartmented Information Facility,

- 1           d. on-site secure mass data storage complex with the  
2           capability of isolating, segregating and protecting  
3           corporate proprietary and classified information,  
4           e. trusted agent status by maintaining no ownership of,  
5           vested interest in, nor royalty production from any  
6           intellectual property,  
7           f. at least one hundred thousand (100,000) square feet of  
8           configurable laboratory and support space,  
9           g. the direct access to restricted air space through a  
10           formalized memorandum of agreement with the Department  
11           of Defense,  
12           h. at least five thousand (5,000) acres available for  
13           outdoor testing and training facilities, and  
14           i. the ability to house state-of-the-art surety  
15           facilities, including chemical, biological,  
16           radiological, explosives, electronics, and unmanned  
17           systems laboratories and ranges;

18        13. "SIC Manual" means the 1987 revision to the Standard

19        Industrial Classification Manual, promulgated by the Office of  
20        Management and Budget of the United States of America;

21        14. "Start date" means the date on which an establishment may  
22        begin accruing benefits for the creation of new direct jobs, which  
23        date shall be determined by the Department;

1       15. "Effective date" means the date of approval of a contract  
2 under which incentive payments will be made pursuant to the Oklahoma  
3 Quality Jobs Program Act, which shall be the date the signed and  
4 accepted incentive contract is received by the Department; provided,  
5 an approved project may have a start date which is different from  
6 the effective date;

7       16. "Total qualified labor hours" means the reimbursed payment  
8 amount for hours of work performed by the State of Oklahoma  
9 workforce of a qualified federal contractor or the State of Oklahoma  
10 workforce of a subcontractor of a qualified federal contractor and  
11 which are required for the full performance of a qualified federal  
12 contract;

13       17. "Qualified labor rate" means the fully reimbursed labor  
14 rate paid through a qualified federal contract for qualified labor  
15 hours to the qualified federal contractor or subcontractor;

16       18. "Qualified federal contractor" means a business entity:

- 17           a. maintaining a prime contract with the federal  
18              government as defined in paragraph 11 of this  
19              subsection,
- 20           b. providing notice of intent to apply to the Department  
21              within one hundred eighty (180) days of July 1, 2010,  
22              or one hundred eighty (180) days of the date of the  
23              award of a qualified federal contract or award of a

1           new qualified subcontract under an existing qualified  
2           federal contract, and  
3       c. adding substantively to the contract by performing at  
4           least eight percent (8%) of the total labor whether  
5           qualified and nonqualified labor as determined by the  
6           federal contractor verifier on a direct contract or  
7           individual task order or delivery order on an  
8           indefinite-delivery/indefinite-quantity or other  
9           blanket contract vehicle.

10          Should a prime contractor provide notice to the Department of  
11       its intent not to apply for incentive for a qualified federal  
12       contract or fails to qualify under the criteria above,  
13       subcontractors in order of tier ranking as determined by the federal  
14       contract verifier may assume the role of the prime and apply to  
15       become a qualified federal contractor provided the entity meets the  
16       same criteria above with the exception that notice of intent to  
17       apply with the Department must be provided within sixty (60) days of  
18       the prime's disqualification or one hundred eighty (180) days of the  
19       award of its subcontract, whichever is later; and

20       19. "Proxy establishment" means a public trust which:

21       a. is organized and existing under Section 176 of Title  
22           60 of the Oklahoma Statutes for the benefit of a  
23           geographic area which includes a city or county or  
24           some combination thereof, and

1                   b. benefits a geographic area where new direct jobs which  
2                   meet the requirements of the Oklahoma Quality Jobs  
3                   Program Act are created by an establishment, other  
4                   than the proxy establishment, which is a branch of the  
5                   Armed Forces of the United States.

6                   A proxy establishment may be determined to be an establishment  
7                   for all purposes of the Oklahoma Quality Jobs Program Act by the  
8                   Department and incentive payments may be made to such proxy  
9                   establishment for new direct jobs otherwise qualified pursuant to  
10                  the Oklahoma Quality Jobs Program Act. The Department may  
11                  promulgate rules to further specify the circumstances under which a  
12                  proxy establishment may be considered an establishment for the  
13                  purposes of making application for incentive payments pursuant to  
14                  the Oklahoma Quality Jobs Program Act. Provided however, that with  
15                  respect to any data on qualifying direct new jobs from a branch of  
16                  the Armed Forces of the United States, such rules shall only require  
17                  a proxy establishment to provide such data as would otherwise be  
18                  publicly releasable by the branch of the Armed Forces of the United  
19                  States.

20                  B. The Incentive Approval Committee is hereby created and shall  
21                  consist of the Director of the Office of Management and Enterprise  
22                  Services, the Director of the Department and one member of the  
23                  Oklahoma Tax Commission appointed by the Tax Commission, or a  
24                  designee from each agency approved by such member. It shall be the

1       duty of the Committee to determine the eligibility of all applicants  
2       for the Oklahoma Quality Jobs Program Act, subject to the applicable  
3       requirements.

4           C. For an establishment defined as a "basic industry" pursuant  
5       to division (4) of subparagraph a of paragraph 1 of subsection A of  
6       this section, the Incentive Approval Committee shall consist of the  
7       members provided by subsection B of this section and the Executive  
8       Director of the Oklahoma Center for the Advancement of Science and  
9       Technology, or a designee from the Center appointed by the Executive  
10      Director.

11           SECTION 2. This act shall become effective November 1, 2025.

13       60-1-939

14       QD

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