STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 485

By: Bergstrom

AS INTRODUCED

An Act relating to Small Business Incubators Incentives Act; amending 74 O.S. 2011, Sections 5072, 5075 and 5078, which relate to income tax exemptions; updating statutory reference; modifying purpose; eliminating exception for operator of incubator; eliminating requirement for claiming exemption during specified time period; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 5072, is amended to read as follows:

Section 5072. The purpose of this act the Small Business Incubators Incentives Act shall be to promote, encourage and advance economic prosperity and employment throughout the state by creating a more favorable tax climate for organizations which qualify as sponsors tenants of small business incubators in this state and a more favorable business climate for tenants.

SECTION 2. AMENDATORY 74 O.S. 2011, Section 5075, is amended to read as follows:
Section 5075. A. Income For tax years ending before January 1, 2020, income earned by a sponsor from rental fees, service fees or any other form of payment for services provided to a tenant as an operator of an incubator, or for providing funding for such a facility, shall be exempt from state income tax for a period not to exceed ten (10) years from the date of the tenant's occupancy in an incubator.

B. The Oklahoma Tax Commission shall promulgate rules and regulations to implement the provisions of this section.

SECTION 3. AMENDATORY 74 O.S. 2011, Section 5078, is amended to read as follows:

Section 5078. A. For a period of up to ten (10) years from the date of tenant's occupancy in an incubator, income earned by the tenant as a result of activities conducted as an occupant in an incubator, including income distributed to partners, shareholders of a corporation for which a Subchapter S election is in effect and to the members of a limited liability company, shall be exempt from state income tax. The exemption provided by this section shall remain in effect for such activities by such tenant after the date the tenant is no longer an occupant in an incubator, but not to exceed a total duration of ten (10) years for any tenant.

B. In For tax years ending before January 1, 2020, in order to qualify for the income tax exemption for the sixth through tenth year as authorized by this section, the tenant must make at least
seventy-five percent (75%) of its gross sales constituting the principal business activity of the business to buyers located outside the state or to buyers whose principal business activity is conducted outside the state or to the federal government or to buyers located within the state if the product or service is resold to an out-of-state customer or buyer for ultimate use. Provided, if a tenant does not achieve the qualifying percentage for any one of the above tax years, the tenant shall not be disqualified for subsequent tax years in which the qualifying percentage is achieved. The Oklahoma Tax Commission shall promulgate rules to implement the provisions of this section.

SECTION 4. This act shall become effective in accordance with the provisions of Section 58 of Article V of the Oklahoma Constitution.