

**TITLE 150. OKLAHOMA DEPARTMENT OF COMMERCE
CHAPTER 65. OKLAHOMA QUALITY JOBS PROGRAM**

SUBCHAPTER 3. SAVING QUALITY JOBS PROGRAM [REVOKED]

PART 1. PREMIUM PAYMENT PROGRAM [REVOKED]

150:65-3-1. Eligibility for premium payment [REVOKED]

~~Eligible entities which may apply for premium payments under the Saving Quality Jobs Program are those establishments that qualify for incentive payments under the provisions of 68 O.S. Supp. 1994, Sections 3601 et seq. and 150:65-1-1 through 150:65-1-13 of this chapter and have submitted an application for premium payments, and~~

- ~~(1) Have been certified by the Oklahoma Department of Commerce as having demonstrated that its existing jobs are at-risk; or~~
- ~~(2) Have been certified by the Oklahoma Department of Commerce as being engaged in an industry which is defined as strategically important pursuant to 68 O.S. Supp. 1994, Section 3704(2). Provided, that for an establishment engaged in more than one line of business during the time covered by the application, a majority of the new direct jobs shall be projected to be in a strategic industry or the new jobs were originally approved for the Quality Jobs Program from a project qualifying as a Central Administrative Office~~

150:65-3-2. Additional required information [REVOKED]

~~(a) In addition to the information that the Oklahoma Department of Commerce may require establishments to provide as set forth in 150:65-1-9, the Department may require establishments applying for premium payments for at-risk jobs to provide the following information:~~

- ~~(1) Internal company memos relevant to the issue of at-risk jobs; or~~
- ~~(2) A letter to the Department from the chief executive officer or a decision-maker for Oklahoma operations requesting assistance in retaining jobs; or~~
- ~~(3) Confirmation that the establishment is engaged in a search for a location for a project similar to that existing in the state or is considering an expansion; or~~
- ~~(4) Industry trends as reflected by trade publications; or~~
- ~~(5) Historical data regarding the establishment as supplied by such publications or company memos; or~~
- ~~(6) Any other such information the Executive Director of the Department may require in order to certify that an establishment's existing jobs are at-risk.~~

~~(b) All such materials described in this section may be kept confidential by the Department pursuant to the terms of the Open Records Act.~~

~~(c) The Department may require establishments approved to receive premium payments to provide any information necessary in order to administer the program and prepare program reports.~~

150:65-3-3. Premium payment offer [REVOKED]

~~(a) Before a premium payment is authorized, the Department shall review the balance remaining in the Saving Quality Jobs Premium Payment fund and the High Impact Project Payment fund.~~

~~(b) After a premium payment is authorized by the Oklahoma Department of Commerce, a quality jobs representative shall prepare a premium payment offer for the Executive Director's review and signature. The signed premium payment offer shall be forwarded to the establishment. A premium payment offer may be accepted by the establishment within sixty (60) days of the date of signing by the Executive Director.~~

~~(c) The Department may use a single form that includes the incentive offer provided in 150:65-1-6 and the premium payment offer provided in this section.~~

~~(d) The premium payment offer shall be on a form prescribed by the Department which shall include the following information:~~

- ~~(1) The number of at risk jobs saved, if applicable;~~
- ~~(2) The premium rate calculated as provided in 68 O.S., Supp. 1994, Section 3705;~~
- ~~(3) The maximum allowable premium payment; and~~
- ~~(4) Any other information the Department deems necessary.~~

~~(e) Upon acceptance and certification of the premium payment offer, the establishment shall return the offer to the Department. The original offer, signed by the chief executive officer or authorized representative, shall be returned to the Department by certified mail with return receipt requested, by personal delivery or by other means approved by the Department.~~

~~(f) For all purposes of the Saving Quality Jobs Act, the effective date of approval of the premium payment offer will be the date of the signed, accepted and certified offer is received by the Department.~~

150:65-3-4. Transmittal of information [REVOKED]

~~The Oklahoma Department of Commerce shall notify the Oklahoma Tax Commission of each approved premium payment offer. The Department shall provide the Commission with a copy of the offer which shall include the establishment's premium net benefit rate and the maximum allowable premium payment amount during the three-year payment period. The Department may use a single form that includes the incentive offer provided in 150:65-1-6 and the premium payment offer provided in 150:65-3-3.~~

PART 3. HIGH IMPACT PROJECTS [REVOKED]

150:65-3-10. High impact project eligibility [REVOKED]

~~Eligible entities which may apply for the Saving Quality Jobs High Impact Project Program are establishments that meet the qualifications of 68 O.S. Supp. 1994, Sections 3601 et seq. and 150:65-1-1 through 150:65-1-13 of this chapter, except that the establishment:~~

- ~~(1) Has an annual gross payroll for new direct jobs projected to equal at least One Million Dollars (\$1,000,000) but less than Two Million Five Hundred Thousand Dollars (\$2,500,000) within three (3) years of the anticipated date of receipt of the first incentive payments, and~~
- ~~(2) Will provide a number of new direct jobs that is equal to or greater than one percent (1%) of the total labor force of the county in which the project locates~~

150:65-3-11. High impact project profile [REVOKED]

~~(a) A quality jobs representative shall prepare a high impact project profile for establishments that meet the requirements of 150:65-3-10. In order to prepare a profile the establishment shall be required to provide the following information:~~

- ~~(1) The calendar year and quarter in which the project first starts;~~
- ~~(2) The employment resulting from the project over six (6) years;~~
- ~~(3) The third year average salary of the new workers hired in the new direct jobs;~~
- ~~(4) The county in which the establishment plans to locate;~~
- ~~(5) A description of the establishment's operations and the operations of the project for which an application is being submitted; and~~
- ~~(6) Such other information as may be required by the quality jobs representative.~~

~~(b) The project profile, which includes the preliminary analysis and the net benefit rate and the total possible incentive available to the establishment, will be sent to the eligible establishment for approval.~~

~~(c) Upon approval of the project profile, the establishment shall return the signed project profile to the quality jobs representative. The establishment shall also provide a copy of its basic health benefits plan offered to employees or a description of the plan that will be offered within one hundred and eighty (180) days of the date that it receives the first incentive payment.~~

~~(d) A project profile that has been approved, signed and returned to the Department by an establishment will serve as the application for the Saving Quality Jobs High Impact Project Program.~~

150:65-3-12. Review of information [REVOKED]

~~Before an incentive offer is made to an establishment, the Department shall review the establishment's project profile, health benefits plan, baseline employment, the net benefit rate and the maximum benefits allowable and the balance remaining in the High Impact Project Payment fund and the Saving Quality Job Premium Payment fund. After such review is completed, the Department may authorize the development of an incentive offer.~~

150:65-3-13. High impact project incentive offer [REVOKED]

~~(a) After an high impact project incentive offer is authorized by the Oklahoma Department of Commerce, a quality jobs representative shall prepare an incentive offer for the Executive Director's review and signature. The signed incentive offer shall be forwarded to the establishment. An incentive offer may be accepted by the establishment within sixty (60) days of the date of signing by the Executive Director.~~

~~(b) The high impact project incentive offer shall be on a form prescribed by the Department which shall include the following information:~~

- ~~(1) The net benefit rate which will be multiplied by verified gross quarterly payroll to determine the amount of quarterly payments;~~
- ~~(2) The estimated net direct state benefits which is the maximum amount of benefits payments available;~~
- ~~(3) The approval date of the incentive offer;~~
- ~~(4) The baseline employment if applicable; and~~
- ~~(5) Any other information the Department deems necessary.~~

~~(c) Upon acceptance and certification of the incentive offer, the establishment shall return the incentive offer to the Department. The incentive offer, signed by the chief executive officer or authorized representative, shall be returned to the Department by certified mail with return receipt requested, personal delivery or other means approved by the Department.~~

~~(d) For all purposes of the Saving Quality Jobs Act, the effective date of approval of the incentive offer will be the date the signed, accepted and certified incentive offer is received by the Department. Provided, however, the approved project may have a start date which is different than the effective date of approval.~~

150:65-3-14. Required information [REVOKED]

~~(a) The Oklahoma Department of Commerce may require establishments to provide any of the following information in order to determine eligibility under the provisions of the Saving Quality Jobs Act, 68 O.S. Supp. 1994, Section 3701, et seq:~~

- ~~(1) SIC code number;~~
- ~~(2) County in which the establishment plans to locate;~~
- ~~(3) Business plans;~~
- ~~(4) Feasibility studies;~~
- ~~(5) Financing proposals;~~
- ~~(6) OESC Form 3 or its electronic equivalent;~~
- ~~(7) OTC Income Tax Withholding form;~~
- ~~(8) Evidence of a firm commitment to a particular location;~~
- ~~(9) Industry trends;~~
- ~~(10) Service contracts in place or anticipated;~~
- ~~(11) Historical data on management in place;~~
- ~~(12) Organization structure of the establishment and any related business or governmental entities and the nature of the relationships;~~
- ~~(13) Likelihood of job shifting;~~
- ~~(14) Expansion of existing markets;~~
- ~~(15) Extension of existing product line;~~
- ~~(16) Labor market;~~
- ~~(17) Financial statements or sales contracts; and~~
- ~~(18) Marketing plans; and~~
- ~~(19) Other relevant information.~~

~~(b) All such materials described in this section may be kept confidential by the Department pursuant to the terms of the Open Records Act.~~

~~(c) The Department may require establishments approved to receive incentive payments to provide any information necessary in order to administer the program and prepare program reports.~~

150:65-3-15. Transmittal of information [REVOKED]

~~The Oklahoma Department of Commerce shall notify the Oklahoma Tax Commission of each approved high impact project incentive offer. The Department shall provide the Commission with a copy of each approved incentive offer, high impact project profile and the results of the cost-benefit analysis.~~

150:65-3-16. Origination fees [REVOKED]

~~The Oklahoma Department of Commerce shall charge an origination fee of Two Hundred and Fifty Dollars (\$250.00) for each approved high impact project incentive offer. The fee shall be due at the time an establishment receives its first incentive payment from the Oklahoma Tax Commission. Upon receipt of the first incentive payment, the establishment shall remit the fee to the Department. [74:5012.1]~~