

1 ENGROSSED HOUSE  
2 BILL NO. 1964

By: Newton, Martinez, and  
Fetgatter of the House

3 and

4 Jech of the Senate  
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8 [ revenue and taxation - medical research activities  
9 - income tax credit - vision research institutes -  
10 effective date ]  
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12

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

14 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2357.45, is  
15 amended to read as follows:

16 Section 2357.45 A. 1. For tax years beginning after December  
17 31, 2004, there shall be allowed against the tax imposed by Section  
18 2355 of this title, a credit for any taxpayer who makes a donation  
19 to an independent biomedical research institute and for tax years  
20 beginning after December 31, 2010, a credit for any taxpayer who  
21 makes a donation to a cancer research institute and for tax years  
22 beginning after December 31, 2023, a credit for any taxpayer who  
23 makes a donation to a vision research institute.  
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1        2. The credit authorized by paragraph 1 of this subsection  
2 shall be limited as follows:

3            a. for calendar year ~~2007~~ 2024 and all subsequent years,  
4 the credit percentage, not to exceed fifty percent  
5 (50%), shall be adjusted annually so that the total  
6 estimate of the credits does not exceed ~~Two~~ Six  
7 Million Dollars ~~(\$2,000,000.00)~~ (\$6,000,000.00)  
8 annually. The formula to be used for the percentage  
9 adjusted shall be fifty percent (50%) times ~~One~~ Two  
10 Million Dollars ~~(\$1,000,000.00)~~ (\$2,000,000.00)  
11 divided by the credits claimed in the preceding year  
12 for each donation to an independent biomedical  
13 research institute and fifty percent (50%) times ~~One~~  
14 Two Million Dollars ~~(\$1,000,000.00)~~ (\$2,000,000.00)  
15 divided by the credits claimed in the preceding year  
16 for each donation to a cancer research institute and  
17 fifty percent (50%) times Two Million Dollars  
18 (\$2,000,000.00) divided by the credits claimed in the  
19 preceding year for each donation to a vision research  
20 institute,

21            b. in no event shall a taxpayer claim more than one  
22 credit for a donation to any independent biomedical  
23 research institute and one credit for a donation to a  
24 cancer research institute and one credit for a

1            donation to a vision research institute in each  
2 taxable year nor shall the credit exceed One Thousand  
3 Dollars (\$1,000.00) for ~~each taxpayer for each type of~~  
4 ~~donation~~ a single individual, Two Thousand Dollars  
5 (\$2,000.00) for married individuals filing jointly, or  
6 Fifty Thousand Dollars (\$50,000.00) for any taxpayer  
7 that is a legal business entity including limited and  
8 general partnerships, corporations, subchapter S  
9 corporations and limited liability companies. The  
10 dollar amounts for limiting the tax credits as  
11 described by this subparagraph shall be applicable to  
12 each type of taxpayer for each one of such tax credits  
13 and shall not be a limitation on the aggregate total  
14 of all such credits that may be claimed for any single  
15 tax year,

16            c. for tax year 2011, no more than Fifty Thousand Dollars  
17            (\$50,000.00) in total tax credits for donations to a  
18            cancer research institute shall be allowed,

19            d. in no event shall more than ~~fifty percent (50%)~~ one-  
20            third (1/3) of the ~~Two Six~~ Six Million Dollars  
21            ~~(\$2,000,000.00)~~ (\$6,000,000.00) in total tax credits  
22            authorized by this section, for any calendar year  
23            after the effective date of this act, be allocated for  
24            credits for donations to a cancer research institute

1           or be allocated for credits for donations to a vision  
2           research institute, and

3           e.    in the event the total tax credits authorized by this  
4           section exceed ~~One~~ Two Million Dollars ~~(\$1,000,000.00)~~  
5           (\$2,000,000.00) in any calendar year for either a  
6           vision research institute or a cancer research  
7           institute or an independent biomedical research  
8           institute, the Oklahoma Tax Commission shall permit  
9           any excess over ~~One~~ Two Million Dollars  
10          ~~(\$1,000,000.00)~~ (\$2,000,000.00) but shall factor such  
11          excess into the percentage adjustment formula for  
12          subsequent years for that type of donation. However,  
13          any such adjustment to the formula for donations to an  
14          independent biomedical research institute shall not  
15          affect the formula for donations to a cancer research  
16          institute or a vision research institute, and any such  
17          adjustment to the formula for donations to a cancer  
18          research institute shall not affect the formula for  
19          donations to an independent biomedical research  
20          institute or a vision research institute, and any such  
21          adjustment to the formula for donations to a vision  
22          research institute shall not affect the formula for  
23          donations to an independent biomedical research  
24          institute or a cancer research institute.

1           3. For purposes of this section, "independent biomedical  
2 research institute" means an Oklahoma organization which is exempt  
3 from taxation pursuant to the provisions of Section 501(c)(3) of the  
4 Internal Revenue Code, 26 U.S.C., Section 501(c)(3) whose primary  
5 focus is conducting peer-reviewed basic biomedical research. The  
6 organization shall:

- 7           a. have a board of directors,
- 8           b. be able to accept grants in its own name,
- 9           c. be an identifiable institute that has its own  
10           employees and administrative staff, and
- 11           d. receive at least Fifteen Million Dollars  
12           (\$15,000,000.00) in National ~~Institute~~ Institutes of  
13           Health funding each year.

14           4. For purposes of this section, "cancer research institute"  
15 means an organization which is exempt from taxation pursuant to the  
16 Internal Revenue Code and whose primary focus is raising the  
17 standard of cancer clinical care in Oklahoma through peer-reviewed  
18 cancer research and education or a not-for-profit supporting  
19 organization, as that term is defined by the Internal Revenue Code,  
20 affiliated with a tax-exempt organization whose primary focus is  
21 raising the standard of cancer clinical care in Oklahoma through  
22 peer-reviewed cancer research and education. The tax-exempt  
23 organization whose primary focus is raising the standard of cancer  
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1 clinical care in Oklahoma through peer-reviewed cancer research and  
2 education shall:

3 a. either be an independent research institute or a  
4 program that is part of a state university which is a  
5 member of The Oklahoma State System of Higher  
6 Education, and

7 b. receive at least Four Million Dollars (\$4,000,000.00)  
8 in National Cancer Institute funding each year.

9 5. For purposes of this section, "vision research institute"  
10 means an organization which is exempt from taxation pursuant to the  
11 Internal Revenue Code with a focus on raising the standard of  
12 clinical vision care in Oklahoma through peer-reviewed vision  
13 research and education or a not-for-profit supporting organization,  
14 as that term is defined by the Internal Revenue Code, affiliated  
15 with a tax-exempt organization with a focus on raising the standard  
16 of clinical vision care in Oklahoma through peer-reviewed vision  
17 research and education. The tax-exempt organization with a focus on  
18 raising the standard of clinical vision care in Oklahoma through  
19 peer-reviewed vision research and education shall:

20 a. either be an independent research institute or an  
21 organization that is affiliated with a state  
22 university which is a member of The Oklahoma State  
23 System of Higher Education,

24 b. have a board of directors,

- 1           c. be able to accept donations in its own name or the  
2           name of its supporting organization,  
3           d. be an identifiable institute that has its own  
4           employees and administrative staff, and  
5           e. be involved in the conduct of research funded by the  
6           National Institutes of Health at a minimum level of  
7           Two Million Dollars (\$2,000,000.00) each year.

8           B. In no event shall the amount of the credit exceed the amount  
9 of any tax liability of the taxpayer.

10          C. Any credits allowed but not used in any tax year may be  
11 carried over, in order, to each of the four (4) years following the  
12 year of qualification.

13          D. The Tax Commission shall have the authority to prescribe  
14 forms for purposes of claiming the credit authorized by this  
15 section.

16          SECTION 2. This act shall become effective November 1, 2023.  
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1 Passed the House of Representatives the 14th day of March, 2023.

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4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2023.

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9 Presiding Officer of the Senate