

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 84

By: Mazzei

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5
6 AS INTRODUCED

7 An Act relating to income tax credits; amending 68
8 O.S. 2011, Section 2357.45, which relates to tax
9 credits; modifying the time period during which
certain credits are allowed and providing condition
thereto; and providing contingent effective date.

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

13 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2357.45, is
14 amended to read as follows:

15 Section 2357.45. A. 1. ~~For~~ Except as otherwise provided in
16 this subsection, for tax years beginning after December 31, 2004,
17 there shall be allowed against the tax imposed by Section 2355 of
18 this title, a credit for any taxpayer who makes a donation to an
19 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. No credits shall
22 be allowed pursuant to this section for donations made on or after
23 January 1, 2019, unless this section is reauthorized by the Oklahoma

1 Legislature after review of the report required pursuant to
2 paragraph 14 of Section 5017 of Title 74 of the Oklahoma Statutes.

3 2. The credit authorized by paragraph 1 of this subsection
4 shall be limited as follows:

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

18 b. in no event shall a taxpayer claim more than one
19 credit for a donation to any independent biomedical
20 research institute and one credit for a donation to a
21 cancer research institute in each taxable year nor
22 shall the credit exceed One Thousand Dollars
23 (\$1,000.00) for each taxpayer for each type of
24 donation,

- 1 c. for tax year 2011, no more than Fifty Thousand Dollars
2 (\$50,000.00) in total tax credits for donations to a
3 cancer research institute shall be allowed,
- 4 d. in no event shall more than fifty percent (50%) of the
5 Two Million Dollars (\$2,000,000.00) in total tax
6 credits authorized by this section, for any calendar
7 year after the effective date of this act, be
8 allocated for credits for donations to a cancer
9 research institute, and
- 10 e. in the event the total tax credits authorized by this
11 section exceed One Million Dollars (\$1,000,000.00) in
12 any calendar year for either a cancer research
13 institute or an independent biomedical research
14 institute, the Oklahoma Tax Commission shall permit
15 any excess over One Million Dollars (\$1,000,000.00)
16 but shall factor such excess into the percentage
17 adjustment formula for subsequent years for that type
18 of donation. However, any such adjustment to the
19 formula for donations to an independent biomedical
20 research institute shall not affect the formula for
21 donations to a cancer research institute, and any such
22 adjustment to the formula for donations to a cancer
23 research institute shall not affect the formula for
24

1 donations to an independent biomedical research
2 institute.

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

- 9 a. have a board of directors,
- 10 b. be able to accept grants in its own name,
- 11 c. be an identifiable institute that has its own
12 employees and administrative staff, and
- 13 d. receive at least Fifteen Million Dollars
14 (\$15,000,000.00) in National Institute of Health
15 funding each year.

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

1 organization whose primary focus is raising the standard of cancer
2 clinical care in Oklahoma through peer-reviewed cancer research and
3 education shall:

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

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

10 B. In no event shall the amount of the credit exceed the amount
11 of any tax liability of the taxpayer.

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

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

18 SECTION 2. This act shall not become effective as law unless
19 Senate Bill No. 72 of the 1st Session of the 55th Oklahoma
20 Legislature becomes effective as law.

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