

ENGROSSED HOUSE
BILL NO. 1469

By: DeWitt, Dorman and Nance of
the House

and

Myers of the Senate

(revenue and taxation - cash donations - charitable
conservation organizations -
effective date)

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2357.101 of Title 68, unless
there is created a duplication in numbering, reads as follows:

A. Subject to the limitations imposed by subsection C of this
section, for taxable years beginning after December 31, 2005, there
shall be allowed a credit against the tax imposed pursuant to
Section 2355 of Title 68 of the Oklahoma Statutes equal to one
hundred percent (100%) of the cash amount contributed to a qualified
charitable conservation organization.

B. As used in this section, "qualified charitable conservation
organization" means an entity organized pursuant to Oklahoma law as
a nonprofit corporation or a nonprofit corporation organized under
the laws of another state properly registered with the Oklahoma
Secretary of State, having an exemption from federal income taxation
pursuant to Section 501(c)(3) or Section 501(c)(4) of the Internal
Revenue Code of 1986, as amended, and having as its principal
charitable purpose the conservation, protection and sustainable
utilization of natural resources in the state or the conservation
and preservation of wildlife habitats located in the state.

C. The maximum amount of income tax credits that may be claimed for any fiscal year by all claimants pursuant to this section shall be Two Million Dollars (\$2,000,000.00). For calendar year 2006, and all subsequent years, the credit percentage, not to exceed one hundred percent (100%), shall be adjusted annually so that the total estimate of credits does not exceed Two Million Dollars (\$2,000,000.00) annually. The formula to be used for the percentage adjustment shall be one hundred percent (100%) times Two Million Dollars (\$2,000,000.00) divided by the credits claimed in the preceding year. In no event shall the credit be claimed more than once by a taxpayer each taxable year. In the event the total tax credits authorized by this section exceed Two Million Dollars (\$2,000,000.00) in any calendar year, the Oklahoma Tax Commission shall permit any excess over Two Million Dollars (\$2,000,000.00) but shall factor such excess into the percentage adjustment formula for subsequent years.

D. The credit authorized by this section may not be used to reduce the tax liability of the claimant to less than zero (0). Any credits claimed but not used in a taxable year may be carried over, in order, to each of the five (5) succeeding taxable years.

SECTION 2. This act shall become effective January 1, 2006.

Passed the House of Representatives the 16th day of March, 2005.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2005.

Presiding Officer of the Senate