

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 SENATE BILL NO. 1919

By: Nichols of the Senate

and

6 Terrill and Nations of the
7 House

8
9 COMMITTEE SUBSTITUTE

10 [revenue and taxation - income tax credit -

11 effective date]

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

16 SECTION 1. AMENDATORY Section 19, Chapter 472, O.S.L.
17 2003, as amended by Section 3, Chapter 518, O.S.L. 2004 (68 O.S.
18 Supp. 2009, Section 2357.45), is amended to read as follows:

19 Section 2357.45 A. 1. For tax years beginning after December
20 31, 2004, there shall be allowed against the tax imposed by Section
21 2355 of this title, a credit for any taxpayer who makes a donation
22 to an independent biomedical research institute and for tax years
23 beginning after December 31, 2010, a credit for any taxpayer who
24 makes a donation to a cancer research institute. ~~For calendar years~~

1 ~~2005 and 2006, the amount of the credit shall be fifty percent (50%)~~
2 ~~of the amount donated to an independent biomedical research~~
3 ~~institute but in no event shall the credit exceed One Thousand~~
4 ~~Dollars (\$1,000.00) for each taxpayer. For~~

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

7 a. for calendar year 2007 and all subsequent years, the
8 credit percentage, not to exceed fifty percent (50%),
9 shall be adjusted annually so that the total estimate
10 of the credits does not exceed Two Million Dollars
11 (\$2,000,000.00) annually. The formula to be used for
12 the percentage adjusted shall be fifty percent (50%)
13 times Two Million Dollars (\$2,000,000.00) divided by
14 the credits claimed in the preceding year.—In,

15 b. in no event shall ~~the credit be claimed more than once~~
16 ~~by~~ a taxpayer claim more than one credit for a
17 donation to any independent biomedical research
18 institute and one credit for a donation to a cancer
19 research institute in each taxable year nor shall the
20 credit exceed One Thousand Dollars (\$1,000.00) for
21 each taxpayer.—In for each type of donation,

22 c. for tax year 2011, no more than Fifty Thousand Dollars
23 (\$50,000.00) in total tax credits for donations to a
24 cancer research institute shall be allowed,

1 d. in no event shall more than fifty percent (50%) of the
2 Two Million Dollars (\$2,000,000.00) in total tax
3 credits authorized by this section, for any calendar
4 year after the effective date of this act, be
5 allocated for credits for donations to a cancer
6 research institute; provided, no limit shall apply to
7 the percentage of total tax credits that may be
8 allocated for credits for donations to an independent
9 biomedical research institute, and

10 e. in the event the total tax credits authorized by this
11 section exceed Two Million Dollars (\$2,000,000.00) in
12 any calendar year, the Oklahoma Tax Commission shall
13 permit any excess over Two Million Dollars
14 (\$2,000,000.00) but shall factor such excess into the
15 percentage adjustment formula for subsequent years.

16 ~~2-~~ 3. For purposes of this section, "independent biomedical
17 research institute" means an organization which is exempt from
18 taxation pursuant to the provisions of Section 501(c)(3) of the
19 Internal Revenue Code, 26 U.S.C., Section 501(c)(3) whose primary
20 focus is conducting peer-reviewed basic biomedical research. The
21 organization shall:

- 22 a. have a board of directors,
23 b. be able to accept grants in its own name,

- 1 c. be an identifiable institute that has its own
2 employees and administrative staff, and
3 d. receive at least Fifteen Million Dollars
4 (\$15,000,000.00) in National Institute of Health
5 funding each year.

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

- 18 a. either be an independent research institute or a
19 program that is part of a state university which is a
20 member of The Oklahoma State System of Higher
21 Education, and
22 b. receive at least Four Million Dollars (\$4,000,000.00)
23 in National Cancer Institute funding each year.
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1 B. In no event shall the amount of the credit exceed the amount
2 of any tax liability of the taxpayer.

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

6 D. The Tax Commission shall have the authority to prescribe
7 forms for purposes of claiming the credit authorized by this
8 section.

9 SECTION 2. This act shall become effective January 1, 2011.

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