

ENROLLED SENATE
BILL NO. 1919

By: Nichols and Sparks of the
Senate

and

Terrill, Nations, Tibbs and
Collins of the House

An Act relating to revenue and taxation; amending Section 19, Chapter 472, O.S.L. 2003, as amended by Section 3, Chapter 518, O.S.L. 2004 (68 O.S. Supp. 2009, Section 2357.45), which relates to income tax credits for certain donations; providing for income tax credits based on donations to cancer research institute; modifying formula for computation of certain percentage; imposing restrictions on donations for purposes of credit computations; imposing maximum amount of credits available for certain donations; defining terms; and providing an effective date.

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

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

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

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

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

- a. for calendar year 2007 and all subsequent years, the credit percentage, not to exceed fifty percent (50%), shall be adjusted annually so that the total estimate of the credits does not exceed Two Million Dollars (\$2,000,000.00) annually. The formula to be used for the percentage adjusted shall be fifty percent (50%) times ~~Two Million Dollars (\$2,000,000.00)~~ One Million Dollars (\$1,000,000.00) divided by the credits claimed in the preceding year. In for each donation to an independent biomedical research institute and fifty percent (50%) times One Million Dollars (\$1,000,000.00) divided by the credits claimed in the preceding year for each donation to a cancer research institute,
- b. in no event shall the credit be claimed more than once by a taxpayer claim more than one credit for a donation to any independent biomedical research institute and one credit for a donation to a cancer research institute in each taxable year nor shall the credit exceed One Thousand Dollars (\$1,000.00) for each taxpayer. In for each type of donation,
- c. for tax year 2011, no more than Fifty Thousand Dollars (\$50,000.00) in total tax credits for donations to a cancer research institute shall be allowed,
- d. in no event shall more than fifty percent (50%) of the Two Million Dollars (\$2,000,000.00) in total tax credits authorized by this section, for any calendar year after the effective date of this act, be allocated for credits for donations to a cancer research institute, and

- e. in the event the total tax credits authorized by this section exceed ~~Two Million Dollars (\$2,000,000.00)~~ One Million Dollars (\$1,000,000.00) in any calendar year for either a cancer research institute or an independent biomedical research institute, the Oklahoma Tax Commission shall permit any excess over ~~Two Million Dollars (\$2,000,000.00)~~ One Million Dollars (\$1,000,000.00) but shall factor such excess into the percentage adjustment formula for subsequent years for that type of donation. However, any such adjustment to the formula for donations to an independent biomedical research institute shall not affect the formula for donations to a cancer research institute, and any such adjustment to the formula for donations to a cancer research institute shall not affect the formula for donations to an independent biomedical research institute.

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

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

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

affiliated with a tax-exempt organization whose primary focus is raising the standard of cancer clinical care in Oklahoma through peer-reviewed cancer research and education. The tax-exempt organization whose primary focus is raising the standard of cancer clinical care in Oklahoma through peer-reviewed cancer research and education shall:

- a. either be an independent research institute or a program that is part of a state university which is a member of The Oklahoma State System of Higher Education, and
- b. receive at least Four Million Dollars (\$4,000,000.00) in National Cancer Institute funding each year.

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

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

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

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

Passed the Senate the 10th day of May, 2010.

Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2010.

Presiding Officer of the House
of Representatives

