

THE STATE SENATE
Monday, February 22, 2010

Committee Substitute for
Senate Bill No. 1919

COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 1919 - By: Nichols of the Senate and Terrill of the House.

[revenue and taxation - income tax credit - 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 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

1 of the credits does not exceed Two Million Dollars (\$2,000,000.00)
2 annually. The formula to be used for the percentage adjusted shall
3 be fifty percent (50%) times Two Million Dollars (\$2,000,000.00)
4 divided by the credits claimed in the preceding year. In no event
5 shall ~~the credit be claimed more than once by a taxpayer~~ claim more
6 than one credit for a donation to any independent biomedical
7 research institute and one credit for a donation to a cancer
8 research institute in each taxable year nor shall the credit exceed
9 One Thousand Dollars (\$1,000.00) for each taxpayer for each type of
10 donation. In the event the total tax credits authorized by this
11 section exceed Two Million Dollars (\$2,000,000.00) in any calendar
12 year, the Oklahoma Tax Commission shall permit any excess over Two
13 Million Dollars (\$2,000,000.00) but shall factor such excess into
14 the percentage adjustment formula for subsequent years.

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

- 21 a. have a board of directors,
- 22 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 3. 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.

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.

10 COMMITTEE REPORT BY: COMMITTEE ON FINANCE, dated 2-16-10 - DO PASS,
11 As Amended and Coauthored.