

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1919

By: Nichols

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6 AS INTRODUCED

7 An Act relating to revenue and taxation; amending
8 Section 19, Chapter 472, O.S.L. 2003, as amended by
9 Section 3, Chapter 518, O.S.L. 2004 (68 O.S. Supp.
10 2009, Section 2357.45), which relates to income tax
11 credit; providing for income tax credits for
12 donations to cancer research institute after certain
13 date; authorizing credits to be claimed for two types
14 of donations; clarifying limits; defining term; and
15 providing an effective date.

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

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

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

1 ~~of the amount donated to an independent biomedical research~~
2 ~~institute but in no event shall the credit exceed One Thousand~~
3 ~~Dollars (\$1,000.00) for each taxpayer.~~ For calendar year 2007 and
4 all subsequent years, the credit percentage, not to exceed fifty
5 percent (50%), shall be adjusted annually so that the total estimate
6 of the credits does not exceed Two Million Dollars (\$2,000,000.00)
7 annually. The formula to be used for the percentage adjusted shall
8 be fifty percent (50%) times Two Million Dollars (\$2,000,000.00)
9 divided by the credits claimed in the preceding year. In no event
10 shall ~~the credit be claimed more than once by a taxpayer~~ claim more
11 than one credit for a donation to any independent biomedical
12 research institute and one credit for a donation to a cancer
13 research institute in each taxable year nor shall the credit exceed
14 One Thousand Dollars (\$1,000.00) for each taxpayer for each type of
15 donation. In the event the total tax credits authorized by this
16 section exceed Two Million Dollars (\$2,000,000.00) in any calendar
17 year, the Oklahoma Tax Commission shall permit any excess over Two
18 Million Dollars (\$2,000,000.00) but shall factor such excess into
19 the percentage adjustment formula for subsequent years.

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

- 3 a. have a board of directors,
- 4 b. be able to accept grants in its own name,
- 5 c. be an identifiable institute that has its own
6 employees and administrative staff, and
- 7 d. receive at least Fifteen Million Dollars
8 (\$15,000,000.00) in National Institute of Health
9 funding each year.

10 3. For purposes of this section, "cancer research institute"
11 means an organization which is exempt from taxation pursuant to the
12 provisions of Section 501(c)(3) of the Internal Revenue Code, 26
13 U.S.C., Section 501(c)(3) whose primary focus is conducting peer-
14 reviewed cancer research and education. The organization shall:

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

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

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

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

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

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