

1 ENGROSSED SENATE  
2 BILL NO. 1149

By: Mazzei and Fields of the  
Senate

3 and

4 Sears of the House

5  
6 An Act relating to income tax; amending 68 O.S. 2011,  
7 Section 2357.45, which relates to tax credits for  
8 certain donations; limiting time period during which  
9 certain credits are allowed; and providing an  
effective date.

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

11 SECTION 1. AMENDATORY 68 O.S. 2011, Section 2357.45, is  
12 amended to read as follows:

13 Section 2357.45. A. 1. For tax years beginning after December  
14 31, 2004, and ending before January 1, 2017, there shall be allowed  
15 against the tax imposed by Section 2355 of this title, a credit for  
16 any taxpayer who makes a donation to an independent biomedical  
17 research institute and for tax years beginning after December 31,  
18 2010, and ending before January 1, 2017, a credit for any taxpayer  
19 who makes a donation to a cancer research institute.

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

22 a. for calendar year 2007 and all subsequent years, the  
23 credit percentage, not to exceed fifty percent (50%),  
24 shall be adjusted annually so that the total estimate

1 of the credits does not exceed Two Million Dollars  
2 (\$2,000,000.00) annually. The formula to be used for  
3 the percentage adjusted shall be fifty percent (50%)  
4 times One Million Dollars (\$1,000,000.00) divided by  
5 the credits claimed in the preceding year for each  
6 donation to an independent biomedical research  
7 institute and fifty percent (50%) times One Million  
8 Dollars (\$1,000,000.00) divided by the credits claimed  
9 in the preceding year for each donation to a cancer  
10 research institute,

11 b. in no event shall a taxpayer claim more than one  
12 credit for a donation to any independent biomedical  
13 research institute and one credit for a donation to a  
14 cancer research institute in each taxable year nor  
15 shall the credit exceed One Thousand Dollars  
16 (\$1,000.00) for each taxpayer for each type of  
17 donation,

18 c. for tax year 2011, no more than Fifty Thousand Dollars  
19 (\$50,000.00) in total tax credits for donations to a  
20 cancer research institute shall be allowed,

21 d. in no event shall more than fifty percent (50%) of the  
22 Two Million Dollars (\$2,000,000.00) in total tax  
23 credits authorized by this section, for any calendar  
24 year after ~~the effective date of this act~~ January 1,

1           2011, be allocated for credits for donations to a  
2           cancer research institute, and

3           e.    in the event the total tax credits authorized by this  
4           section exceed One Million Dollars (\$1,000,000.00) in  
5           any calendar year for either a cancer research  
6           institute or an independent biomedical research  
7           institute, the Oklahoma Tax Commission shall permit  
8           any excess over One Million Dollars (\$1,000,000.00)  
9           but shall factor such excess into the percentage  
10          adjustment formula for subsequent years for that type  
11          of donation.  However, any such adjustment to the  
12          formula for donations to an independent biomedical  
13          research institute shall not affect the formula for  
14          donations to a cancer research institute, and any such  
15          adjustment to the formula for donations to a cancer  
16          research institute shall not affect the formula for  
17          donations to an independent biomedical research  
18          institute.

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

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

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

- 20 a. either be an independent research institute or a
- 21 program that is part of a state university which is a
- 22 member of The Oklahoma State System of Higher
- 23 Education, and
- 24

