

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 HOUSE BILL 1853

By: Shelton

4
5
6 AS INTRODUCED

7 An Act relating to revenue and taxation; providing
8 tax credit for construction of certain hotels;
9 establishing percentage of credit; defining terms;
10 limiting eligibility for credit; prohibiting multiple
11 claims; allowing carryover; directing promulgation of
12 rules; providing for codification; and providing an
13 effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2357.85 of Title 68, unless
17 there is created a duplication in numbering, reads as follows:

18 A. For tax years beginning after December 31, 2013, there shall
19 be allowed a credit against the tax imposed by Section 2355 of Title
20 68 of Oklahoma Statutes for expenditures incurred by a contractor in
21 the construction of eligible hotel property. The amount of the
22 credit shall be equal to seventy-five percent (75%) of the cost of
23 constructing the eligible hotel property.

24 B. As used in this section:

1 1. "Contractor" means the taxpayer who constructed the eligible
2 hotel property, or if more than one taxpayer qualifies as the
3 contractor, the primary contractor; and

4 2. "Eligible hotel property" means a newly constructed hotel
5 facility contiguous to or located not more than one hundred fifty
6 (150) feet from the closest point of improvements to real property
7 upon which an organization licensee as defined in Section 200.1 of
8 Title 3A of the Oklahoma Statutes conducts horse racing and at which
9 site the organization licensee also conducts gaming activity
10 authorized pursuant to the State-Tribal Gaming Act.

11 C. The credit provided for in subsection A of this section may
12 only be claimed once for the primary contractor of any eligible
13 hotel property during the taxable year when the property is
14 substantially complete.

15 D. If the credit allowed pursuant to this section exceeds the
16 amount of income taxes due or if there are no state income taxes due
17 on the income of the taxpayer, the amount of credit allowed but not
18 used in any taxable year may be carried forward as a credit against
19 subsequent income tax liability for a period not exceeding five (5)
20 years following the qualified expenditures.

21 E. The Oklahoma Tax Commission shall promulgate rules necessary
22 to implement this act.

23
24

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

SECTION 2. This act shall become effective January 1, 2014.

54-1-5212 CJB 01/03/13