

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3969 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Ty Burns

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 3969

By: Burns

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to revenue and taxation; enacting the County Road and Bridge Funding Incentive Act of 2022; providing income tax credit for donations to certain counties; specifying amount of income tax credit; providing for credit percentage based upon county population; providing method for determination of county population; prohibiting reduction of income tax liability to less than specified amount; prohibiting claim of income tax credit by legal entities other than natural persons acting in individual capacity; authorizing carryover; providing for fiscal year limit on total credits available; prescribing procedures for computation of fiscal year limit; providing for noncodification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "County Road and Bridge Funding Incentive Act of 2022".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.801 of Title 68, unless there is created a duplication in numbering, reads as follows:

1       A. For taxable years beginning on or after January 1, 2023, and  
2 ending not later than December 31, 2027, there shall be allowed as a  
3 credit against the tax imposed pursuant to Section 2355 of Title 68  
4 of the Oklahoma Statutes upon the taxable income of natural persons,  
5 for a qualified donation made by a natural person acting in their  
6 individual capacity to a county for deposit into its County Road and  
7 Bridge Donation account of its general fund as follows:

8       1. One hundred percent (100%) of the amount of the donation to  
9 a county with a population of less than twenty-five thousand  
10 (25,000) persons;

11       2. Seventy-five percent (75%) of the amount of the donation to  
12 a county with a population of at least twenty five thousand (25,000)  
13 persons but not more than fifty thousand (50,000) persons;

14       3. Fifty percent (50%) of the amount of the donation to a  
15 county with a population of at least fifty thousand (50,000) persons  
16 but not more than seventy-five thousand (75,000) persons; or

17       4. Twenty-five percent (25%) of the amount of the donation to a  
18 county with a population of more than seventy-thousand (75,000)  
19 persons, but not more than one hundred thousand (100,000) persons.

20       B. No tax credit otherwise authorized by this section shall be  
21 claimed for a donation to a county having a population in excess of  
22 one hundred thousand (100,000) persons.  
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1 C. All population determinations required by this section shall  
2 be governed by the federal Decennial Census or most recent  
3 population estimate based on the date of the donation.

4 D. The credit authorized by this section shall not be used to  
5 reduce the tax liability of the taxpayer to less than zero (0).

6 E. The credit otherwise authorized by this section may only be  
7 used by a natural person for a donation made by that natural person  
8 in their individual capacity and shall not be claimed by any other  
9 legal entity.

10 F. To the extent not used the credit authorized by this section  
11 may be carried over, in order, to each of the five (5) succeeding  
12 taxable years.

13 G. For tax years beginning on or after January 1, 2023, and  
14 ending not later than December 31, 2027, the total amount of credits  
15 authorized by this section used to offset tax shall be adjusted  
16 annually to limit the annual amount of credits to Twenty-five  
17 Million Dollars (\$25,000,000.00). The Tax Commission shall annually  
18 calculate and publish a percentage by which the credits authorized  
19 by this section shall be reduced so the total amount of credits used  
20 to offset tax does not exceed Twenty-five Million Dollars  
21 (\$25,000,000.00) per year. The formula to be used for the  
22 percentage adjustment shall be Twenty-five Million Dollars  
23 (\$25,000,000.00) divided by the credits used to offset tax in the  
24 second preceding year.

1 H. Pursuant to subsection G of this section, in the event the  
2 total tax credits authorized by this section exceed Twenty-five  
3 Million Dollars (\$25,000,000.00) in any calendar year, the Tax  
4 Commission shall permit any excess over Twenty-five Million Dollars  
5 (\$25,000,000.00) but shall factor such excess into the percentage  
6 adjustment formula for subsequent years.

7 I. Each county treasurer of the county to which a donation can  
8 be made to qualify for the tax credit authorized by this section  
9 shall create within the county general fund an account to be  
10 designated the "County Road and Bridge Incentive Account" and any  
11 donation made to the county by a natural person for the purpose of  
12 qualifying for the income tax credit authorized by this section  
13 shall be credited to such account. No funds in the account may be  
14 used to acquire new equipment, but may be used for repairs to  
15 existing equipment acquired with other funds of the county or  
16 acquired by other methods. The balance of the account may be used  
17 by the county for improvements to county roads or bridges in  
18 accordance with other requirements of law governing such  
19 expenditure.

20 SECTION 3. This act shall become effective January 1, 2023.

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22 58-2-10292 MAH 02/13/22  
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