

1 **SENATE FLOOR VERSION**

2 February 24, 2021

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 915

By: Howard and Hall of the
Senate

and

Caldwell (Trey) of the
House

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10 [income tax deduction - deduction for certain
11 investments - investors eligible - exemption to the
12 Oklahoma Open Records Act - certain report -
13 codification - 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 2358.200 of Title 68, unless
17 there is created a duplication in numbering, reads as follows:

18 A. For tax year 2022 and subsequent tax years, there shall be
19 allowed a deduction against the tax imposed in Section 2355 of Title
20 68 of the Oklahoma Statutes for making investments in qualified
21 venture capital and growth funds, qualified special purpose
22 investment vehicles and qualified Oklahoma-based startups by
23 accredited investors, as defined by the United States Securities and
24 Exchange Commission (SEC) provided in 17 CFR, Section 230.501

1 (Regulation D). The Oklahoma Department of Commerce shall determine
2 the investments that qualify for the deduction.

3 B. A program shall be created within the Oklahoma Department of
4 Commerce and shall be known as the "Oklahoma Back a Business"
5 program. As part of the Oklahoma Back a Business program, the
6 Oklahoma Department of Commerce shall maintain a list of Oklahoma
7 qualified investments for which the tax deduction may be sought. In
8 determining whether an investment is a qualified investment that
9 will be eligible for the tax deduction, the Oklahoma Department of
10 Commerce shall consider the following factors:

- 11 1. The primary location of the entity;
- 12 2. The number of employees located or to be located in this
13 state;
- 14 3. Revenues generated;
- 15 4. The type and amount of investment being sought;
- 16 5. The current capitalization level and strategy; and
- 17 6. The industry classification.

18 C. Any records sent to or received by the Oklahoma Department
19 of Commerce will not be subject to disclosure pursuant to Section
20 24A.10 of Title 51 of the Oklahoma Statutes.

21 D. Accredited investors seeking a tax deduction shall apply to
22 the Oklahoma Department of Commerce for a tax deduction certificate
23 detailing the level of investment in an Oklahoma qualified
24 investment. The Oklahoma Department of Commerce shall review the

1 application to ensure it meets the requirements of the program and
2 forward it to the Oklahoma Tax Commission.

3 E. The Oklahoma Tax Commission shall report once a year to the
4 Oklahoma Department of Commerce the number and amount of tax
5 deductions granted. Upon completion of the report, the Commission
6 shall deliver a copy of the report to the Speaker of the House of
7 Representatives and the President Pro Tempore of the Senate.

8 F. The Department may promulgate rules to enforce the
9 provisions of this act. The Department shall annually publish a
10 report on the program created in this section.

11 SECTION 2. This act shall become effective November 1, 2021.

12 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
13 February 24, 2021 - DO PASS AS AMENDED
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