

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

SUBCOMMITTEE RECOMMENDATION
FOR

HOUSE BILL NO. 3197

By: Newton

SUBCOMMITTEE RECOMMENDATION

An Act relating to revenue and taxation; enacting the Vision Care and Research Tax Credit Act of 2024; defining term; providing income tax credit for donation to vision institute; imposing limitation on credit amounts; prohibiting use of tax credit to reduce tax liability to less than zero; authorizing carryover; providing for cap amount; prescribing procedures for administration of cap amount; 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 "Vision Care and Research Tax Credit Act of 2024".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2357.45.1 of Title 68, unless there is created a duplication in numbering, reads as follows:

A. As used in this section, "vision institute" means an organization which is exempt from taxation pursuant to the Internal

1 Revenue Code of 1986, as amended, with a focus on raising the
2 standard of clinical and surgical vision care in Oklahoma through
3 patient care at or above national standards and peer-reviewed vision
4 research or a not-for-profit supporting organization, as that term
5 is defined by the Internal Revenue Code, affiliated with a tax-
6 exempt organization with a focus on raising the standard of clinical
7 and surgical vision care in Oklahoma through patient care at or
8 above national standards and peer-reviewed vision research. The
9 tax-exempt organization with a focus on raising the standard of
10 clinical and surgical vision care in Oklahoma through patient care
11 at or above national standards and peer-reviewed vision research
12 shall:

- 13 1. Be an independent vision institute;
- 14 2. Have a board of directors;
- 15 3. Be able to accept donations in its own name or the name of
16 its supporting organization;
- 17 4. Be an identifiable institute that has its own employees and
18 administrative staff;
- 19 5. Be involved in direct patient care; and
- 20 6. Be involved in the conduct of research funded by the
21 National Institutes of Health at a minimum level of Two Million
22 Dollars (\$2,000,000.00) per year averaged over five (5) years.

23 B. For taxable years beginning on or after January 1, 2025,
24 there shall be allowed as a credit against the tax imposed pursuant

1 to Section 2355 of Title 68 of the Oklahoma Statutes a credit for
2 any taxpayer who makes a donation to a vision institute. The credit
3 otherwise authorized by this section shall not exceed One Thousand
4 Dollars (\$1,000.00) for a single individual, Two Thousand Dollars
5 (\$2,000.00) for married individuals filing jointly, or Fifty
6 Thousand Dollars (\$50,000.00) for any taxpayer that is a legal
7 business entity including limited and general partnerships,
8 corporations, subchapter S corporations, and limited liability
9 companies. The dollar amounts for limiting the tax credits as
10 described by this subsection shall be applicable to each type of
11 taxpayer for each one of such tax credits and shall not be a
12 limitation on the aggregate total of all such credits that may be
13 claimed for any single tax year.

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

16 D. To the extent not used, the tax credit authorized by this
17 section may be carried over, in order, to each of the five (5)
18 subsequent taxable years.

19 E. For tax years beginning on or after January 1, 2025, the
20 total amount of credits authorized by this section used to offset
21 tax shall be adjusted annually to limit the annual amount of credits
22 to Two Million Dollars (\$2,000,000.00). The Tax Commission shall
23 annually calculate and publish a percentage by which the credits
24 authorized by this section shall be reduced so the total amount of

1 credits used to offset tax does not exceed Two Million Dollars
2 (\$2,000,000.00) per year. The formula to be used for the percentage
3 adjustment shall be Two Million Dollars (\$2,000,000.00) divided by
4 the credits used to offset tax in the second preceding year.

5 F. Pursuant to subsection E of this section, in the event the
6 total tax credits authorized by this section exceed Two Million
7 Dollars (\$2,000,000.00) in any calendar year, the Tax Commission
8 shall permit any excess over Two Million Dollars (\$2,000,000.00) but
9 shall factor such excess into the percentage adjustment formula for
10 subsequent years.

11 SECTION 3. This act shall become effective January 1, 2025.

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