

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB750 _____
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

Adopted: _____

Amendment submitted by: Ryan Martinez _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED
4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 750

By: Jech of the Senate

and

7 Newton, Martinez and
8 Fetgatter of the House

9
10 PROPOSED COMMITTEE SUBSTITUTE

11 An Act relating to revenue and taxation; amending 68
12 O.S. 2021, Section 2357.45, which relates to income
13 tax credits for certain medical research activities;
14 providing income tax credit for donations to vision
15 research institutes; modifying provisions related to
16 certain estimate of credits; defining term; and
17 providing an effective date.

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

19 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2357.45, is
20 amended to read as follows:

21 Section 2357.45 A. 1. For tax years beginning after December
22 31, 2004, there shall be allowed against the tax imposed by Section
23 2355 of this title, a credit for any taxpayer who makes a donation
24 to an independent biomedical research institute and for tax years

1 beginning after December 31, 2010, a credit for any taxpayer who
2 makes a donation to a cancer research institute and for tax years
3 beginning after December 31, 2023, a credit for any taxpayer who
4 makes a donation to a vision research institute.

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

7 a. for calendar year ~~2007~~ 2024 and all subsequent years,
8 the credit percentage, not to exceed fifty percent
9 (50%), shall be adjusted annually so that the total
10 estimate of the credits does not exceed ~~Two~~ Six
11 Million Dollars ~~(\$2,000,000.00)~~ (\$6,000,000.00)
12 annually. The formula to be used for the percentage
13 adjusted shall be fifty percent (50%) times ~~One~~ Two
14 Million Dollars ~~(\$1,000,000.00)~~ (\$2,000,000.00)
15 divided by the credits claimed in the preceding year
16 for each donation to an independent biomedical
17 research institute and fifty percent (50%) times ~~One~~
18 Two Million Dollars ~~(\$1,000,000.00)~~ (\$2,000,000.00)
19 divided by the credits claimed in the preceding year
20 for each donation to a cancer research institute and
21 fifty percent (50%) times Two Million Dollars
22 (\$2,000,000.00) divided by the credits claimed in the
23 preceding year for each donation to a vision research
24 institute,

1 b. in no event shall a taxpayer claim more than one
2 credit for a donation to any independent biomedical
3 research institute and one credit for a donation to a
4 cancer research institute and one credit for a
5 donation to a vision research institute in each
6 taxable year nor shall the credit exceed One Thousand
7 Dollars (\$1,000.00) for ~~each taxpayer for each type of~~
8 ~~donation~~ a single individual, Two Thousand Dollars
9 (\$2,000.00) for married individuals filing jointly, or
10 Fifty Thousand Dollars (\$50,000.00) for any taxpayer
11 that is a legal business entity including limited and
12 general partnerships, corporations, subchapter S
13 corporations and limited liability companies. The
14 dollar amounts for limiting the tax credits as
15 described by this subparagraph shall be applicable to
16 each type of taxpayer for each one of such tax credits
17 and shall not be a limitation on the aggregate total
18 of all such credits that may be claimed for any single
19 tax year,

20 c. for tax year 2011, no more than Fifty Thousand Dollars
21 (\$50,000.00) in total tax credits for donations to a
22 cancer research institute shall be allowed,

23 d. in no event shall more than ~~fifty percent (50%)~~ one-
24 third (1/3) of the ~~Two~~ Six Million Dollars

1 ~~(\$2,000,000.00)~~ (\$6,000,000.00) in total tax credits
2 authorized by this section, for any calendar year
3 after the effective date of this act, be allocated for
4 credits for donations to a cancer research institute
5 or be allocated for credits for donations to a vision
6 research institute, and

7 e. in the event the total tax credits authorized by this
8 section exceed ~~One~~ Two Million Dollars ~~(\$1,000,000.00)~~
9 (\$2,000,000.00) in any calendar year for either a
10 vision research institute or a cancer research
11 institute or an independent biomedical research
12 institute, the Oklahoma Tax Commission shall permit
13 any excess over ~~One~~ Two Million Dollars
14 ~~(\$1,000,000.00)~~ (\$2,000,000.00) but shall factor such
15 excess into the percentage adjustment formula for
16 subsequent years for that type of donation. However,
17 any such adjustment to the formula for donations to an
18 independent biomedical research institute shall not
19 affect the formula for donations to a cancer research
20 institute or a vision research institute, and any such
21 adjustment to the formula for donations to a cancer
22 research institute shall not affect the formula for
23 donations to an independent biomedical research
24 institute or a vision research institute, and any such

1 adjustment to the formula for donations to a vision
2 research institute shall not affect the formula for
3 donations to an independent biomedical research
4 institute or a cancer research institute.

5 3. For purposes of this section, "independent biomedical
6 research institute" means an Oklahoma organization which is exempt
7 from taxation pursuant to the provisions of Section 501(c)(3) of the
8 Internal Revenue Code, 26 U.S.C., Section 501(c)(3) whose primary
9 focus is conducting peer-reviewed basic biomedical research. The
10 organization shall:

- 11 a. have a board of directors,
- 12 b. be able to accept grants in its own name,
- 13 c. be an identifiable institute that has its own
14 employees and administrative staff, and
- 15 d. receive at least Fifteen Million Dollars
16 (\$15,000,000.00) in National ~~Institute~~ Institutes of
17 Health funding each year.

18 4. For purposes of this section, "cancer research institute"
19 means an organization which is exempt from taxation pursuant to the
20 Internal Revenue Code and whose primary focus is raising the
21 standard of cancer clinical care in Oklahoma through peer-reviewed
22 cancer research and education or a not-for-profit supporting
23 organization, as that term is defined by the Internal Revenue Code,
24 affiliated with a tax-exempt organization whose primary focus is

1 raising the standard of cancer clinical care in Oklahoma through
2 peer-reviewed cancer research and education. The tax-exempt
3 organization whose primary focus is raising the standard of cancer
4 clinical care in Oklahoma through peer-reviewed cancer research and
5 education shall:

6 a. either be an independent research institute or a
7 program that is part of a state university which is a
8 member of The Oklahoma State System of Higher
9 Education, and

10 b. receive at least Four Million Dollars (\$4,000,000.00)
11 in National Cancer Institute funding each year.

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

23 a. either be an independent research institute or an
24 organization that is affiliated with a state

1 university which is a member of The Oklahoma State
2 System of Higher Education,

3 b. have a board of directors,

4 c. be able to accept donations in its own name or the
5 name of its supporting organization,

6 d. be an identifiable institute that has its own
7 employees and administrative staff, and

8 e. be involved in the conduct of research funded by the
9 National Institutes of Health at a minimum level of
10 Two Million Dollars (\$2,000,000.00) each year.

11 B. In no event shall the amount of the credit exceed the amount
12 of any tax liability of the taxpayer.

13 C. Any credits allowed but not used in any tax year may be
14 carried over, in order, to each of the four (4) years following the
15 year of qualification.

16 D. The Tax Commission shall have the authority to prescribe
17 forms for purposes of claiming the credit authorized by this
18 section.

19 SECTION 2. This act shall become effective November 1, 2023.

20
21 59-1-8254 MJ 04/17/23