

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 1964

6 By: Newton

7 SUBCOMMITTEE RECOMMENDATION

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

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

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

18 Section 2357.45 A. 1. For tax years beginning after December
19 31, 2004, there shall be allowed against the tax imposed by Section
20 2355 of this title, a credit for any taxpayer who makes a donation
21 to an independent biomedical research institute and for tax years
22 beginning after December 31, 2010, a credit for any taxpayer who
23 makes a donation to a cancer research institute and for tax years
24 beginning after December 31, 2023, a credit for any taxpayer who
makes a donation to a vision research institute.

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

3 a. for calendar year ~~2007~~ 2024 and all subsequent years,
4 the credit percentage, not to exceed fifty percent
5 (50%), shall be adjusted annually so that the total
6 estimate of the credits does not exceed ~~Two~~ Six
7 Million Dollars ~~(\$2,000,000.00)~~ (\$6,000,000.00)
8 annually. The formula to be used for the percentage
9 adjusted shall be fifty percent (50%) times ~~One~~ Two
10 Million Dollars ~~(\$1,000,000.00)~~ (\$2,000,000.00)
11 divided by the credits claimed in the preceding year
12 for each donation to an independent biomedical
13 research institute and fifty percent (50%) times ~~One~~
14 Two 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 a cancer research institute and
17 fifty percent (50%) times Two Million Dollars
18 (\$2,000,000.00) divided by the credits claimed in the
19 preceding year for each donation to a vision research
20 institute,

21 b. in no event shall a taxpayer claim more than one
22 credit for a donation to any independent biomedical
23 research institute and one credit for a donation to a
24 cancer research institute and one credit for a

1 donation to a vision research institute in each
2 taxable year nor shall the credit exceed One Thousand
3 Dollars (\$1,000.00) for ~~each taxpayer for each type of~~
4 ~~donation~~ a single individual, Two Thousand Dollars
5 (\$2,000.00) for married individuals filing jointly, or
6 Fifty Thousand Dollars (\$50,000.00) for any taxpayer
7 that is a legal business entity including limited and
8 general partnerships, corporations, subchapter S
9 corporations and limited liability companies. The
10 dollar amounts for limiting the tax credits as
11 described by this subparagraph shall be applicable to
12 each type of taxpayer for each one of such tax credits
13 and shall not be a limitation on the aggregate total
14 of all such credits that may be claimed for any single
15 tax year,

16 c. for tax year 2011, no more than Fifty Thousand Dollars
17 (\$50,000.00) in total tax credits for donations to a
18 cancer research institute shall be allowed,

19 d. in no event shall more than ~~fifty percent (50%)~~ one-
20 third (1/3) of the ~~Two Six~~ Six Million Dollars
21 ~~(\$2,000,000.00)~~ (\$6,000,000.00) in total tax credits
22 authorized by this section, for any calendar year
23 after the effective date of this act, be allocated for
24 credits for donations to a cancer research institute

1 or be allocated for credits for donations to a vision
2 research institute, and

3 e. in the event the total tax credits authorized by this
4 section exceed ~~One~~ Two Million Dollars ~~(\$1,000,000.00)~~
5 (\$2,000,000.00) in any calendar year for either a
6 vision research institute or a cancer research
7 institute or an independent biomedical research
8 institute, the Oklahoma Tax Commission shall permit
9 any excess over ~~One~~ Two Million Dollars
10 ~~(\$1,000,000.00)~~ (\$2,000,000.00) but shall factor such
11 excess into the percentage adjustment formula for
12 subsequent years for that type of donation. However,
13 any such adjustment to the formula for donations to an
14 independent biomedical research institute shall not
15 affect the formula for donations to a cancer research
16 institute or a vision research institute, and any such
17 adjustment to the formula for donations to a cancer
18 research institute shall not affect the formula for
19 donations to an independent biomedical research
20 institute or a vision research institute, and any such
21 adjustment to the formula for donations to a vision
22 research institute shall not affect the formula for
23 donations to an independent biomedical research
24 institute or a cancer research institute.

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

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

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

1 clinical care in Oklahoma through peer-reviewed cancer research and
2 education shall:

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

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

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

20 a. either be an independent research institute or an
21 organization that is affiliated with a state
22 university which is a member of The Oklahoma State
23 System of Higher Education,

24 b. have a board of directors,

- 1 c. be able to accept donations in its own name or the
2 name of its supporting organization,
3 d. be an identifiable institute that has its own
4 employees and administrative staff, and
5 e. be involved in the conduct of research funded by the
6 National Institutes of Health at a minimum level of
7 Two Million Dollars (\$2,000,000.00) each year.

8 B. In no event shall the amount of the credit exceed the amount
9 of any tax liability of the taxpayer.

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

13 D. The Tax Commission shall have the authority to prescribe
14 forms for purposes of claiming the credit authorized by this
15 section.

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

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