

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 301

By: Hall

AS INTRODUCED

An Act relating to income tax; amending 68 O.S. 2021, Section 2357.45, which relates to credit for donations to certain research institutes; modifying credit limit for certain institute in certain tax years; modifying credit limit for taxpayer in certain tax years; modifying definition; updating statutory references; updating statutory language; and providing an effective date.

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

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

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

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

1 a. ~~for calendar year 2007 and all subsequent years~~ tax
2 years 2007 through 2025, the credit percentage, not to
3 exceed fifty percent (50%), shall be adjusted annually
4 so that the total estimate of the credits does not
5 exceed Two Million Dollars (\$2,000,000.00) annually.
6 The formula to be used for the percentage adjusted
7 shall be fifty percent (50%) times One Million Dollars
8 (\$1,000,000.00) divided by the credits claimed in the
9 preceding year for each donation to an independent
10 biomedical research institute and fifty percent (50%)
11 times One Million Dollars (\$1,000,000.00) divided by
12 the credits claimed in the preceding year for each
13 donation to a cancer research institute,

14 b. for tax year 2026 and subsequent tax years, the credit
15 percentage, not to exceed fifty percent (50%), shall
16 be adjusted annually so that the total estimate of the
17 credits does not exceed One Million Five Hundred
18 Thousand Dollars (\$1,500,000.00) annually for
19 donations to independent biomedical research
20 institutes. The formula to be used for the percentage
21 adjustment shall be fifty percent (50%) times One
22 Million Five Hundred Thousand Dollars (\$1,500,000.00)
23 divided by the credits claimed in the second preceding
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1 tax year for each donation to an independent

2 biomedical research institute,

3 c. for tax year 2026 and subsequent tax years, the credit
4 percentage, not to exceed fifty percent (50%), shall
5 be adjusted annually so that the total estimate of the
6 credits does not exceed Five Hundred Thousand Dollars
7 (\$500,000.00) annually for donations to cancer
8 research institutes. The formula to be used for the
9 percentage adjusted shall be fifty percent (50%) times
10 Five Hundred Thousand Dollars (\$500,000.00) divided by
11 the credits claimed in the second preceding year for
12 each donation to a cancer research institute,

13 d. (1) in no event shall a taxpayer claim more than one
14 credit for a donation to any independent
15 biomedical research institute and one credit for
16 a donation to a cancer research institute in each
17 taxable year nor for tax years 2005 through 2025
18 shall the credit exceed One Thousand Dollars
19 (\$1,000.00) for each taxpayer ~~for each type of~~
20 ~~donation,~~ and for tax year 2026 and subsequent
21 tax years, the credit for donating to a cancer
22 research institute shall not exceed One Thousand
23 Dollars (\$1,000.00) for single filers and married
24 filing separate, or Two Thousand Dollars

1 (\$2,000.00) for married filing joint, head of
2 household, or qualifying widow, or
3 (2) for tax year 2026 and subsequent tax years, the
4 credit for donations to any independent
5 biomedical research institute shall not exceed
6 One Thousand Dollars (\$1,000.00) for single
7 filers and married filing separate; Two Thousand
8 Dollars (\$2,000.00) for married filing joint,
9 head of household, and qualifying widow; and
10 Twenty-five Thousand Dollars (\$25,000.00) for any
11 taxpayer that is a business entity formed under
12 the laws of any state, including limited and
13 general partnerships, corporations, and limited
14 liability companies,

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

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

1 e. for tax year 2026 and subsequent tax years, in the
2 event the total tax credits authorized by this section
3 exceed ~~One Million Dollars (\$1,000,000.00) in any~~
4 ~~calendar year~~ Five Hundred Thousand Dollars
5 (\$500,000.00) for ~~either~~ a cancer research institute
6 or One Million Five Hundred Thousand Dollars
7 (\$1,500,000.00) for an independent biomedical research
8 institute, the Oklahoma Tax Commission shall permit
9 any excess over ~~One Million Dollars (\$1,000,000.00)~~
10 the applicable limitation amount but shall factor such
11 excess into the percentage adjustment formula for
12 subsequent years for ~~that~~ the applicable type of
13 donation. However, any such adjustment to the formula
14 for donations to an independent biomedical research
15 institute shall not affect the formula for donations
16 to a cancer 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.

21 3. For purposes of this section, "independent biomedical
22 research institute" means an organization in this state which is
23 exempt from taxation pursuant to the provisions of Section 501(c)(3)
24 of the Internal Revenue Code of 1986, as amended, 26 U.S.C., Section

1 501(c)(3), whose primary focus is conducting peer-reviewed basic
2 biomedical research. The organization shall:

- 3 a. have a board of directors,
- 4 b. be able to accept grants in its own name,
- 5 c. be an identifiable institute that has its own
6 employees and administrative staff, and
- 7 d. receive at least ~~Fifteen Million Dollars~~
8 ~~(\$15,000,000.00)~~ Twenty Million Dollars
9 (\$20,000,000.00) in National ~~Institute~~ Institutes of
10 Health funding each year.

11 4. For purposes of this section, "cancer research institute"
12 means an organization which is exempt from taxation pursuant to the
13 Internal Revenue Code of 1986, as amended, and whose primary focus
14 is raising the standard of cancer clinical care in Oklahoma through
15 peer-reviewed cancer research and education or a not-for-profit
16 supporting organization, as that term is defined by the Internal
17 Revenue Code of 1986, as amended, affiliated with a tax-exempt
18 organization whose primary focus is raising the standard of cancer
19 clinical care in Oklahoma through peer-reviewed cancer research and
20 education. The 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 shall:

- 23 a. either be an independent research institute or a
24 program that is part of a state university which is a
25

1 member of The Oklahoma State System of Higher
2 Education, and

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

5 B. In no event shall the amount of the credit exceed the amount
6 of any tax liability of the taxpayer.

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

10 D. The Oklahoma Tax Commission shall have the authority to
11 prescribe forms for purposes of claiming the credit authorized by
12 this section.

13 SECTION 2. This act shall become effective November 1, 2025.

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