

1 ENGROSSED HOUSE  
2 BILL NO. 2646

By: Fetgatter of the House

3 and

4 Frix of the Senate

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7 [ revenue - taxation - adjustments - waging - tax  
8 year - language - reference - effective date ]  
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11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY 68 O.S. 2021, Section 2358, as  
13 last amended by Section 155, Chapter 452, O.S.L. 2024 (68 O.S. Supp.  
14 2024, Section 2358), is amended to read as follows:

15 Section 2358. For all tax years beginning after December 31,  
16 1981, taxable income and adjusted gross income shall be adjusted to  
17 arrive at Oklahoma taxable income and Oklahoma adjusted gross income  
18 as required by this section.

19 A. The taxable income of any taxpayer shall be adjusted to  
20 arrive at Oklahoma taxable income for corporations and Oklahoma  
21 adjusted gross income for individuals, as follows:

22 1. There shall be added interest income on obligations of any  
23 state or political subdivision thereto which is not otherwise  
24 exempted pursuant to other laws of this state, to the extent that

1 such interest is not included in taxable income and adjusted gross  
2 income.

3 2. There shall be deducted amounts included in such income that  
4 the state is prohibited from taxing because of the provisions of the  
5 ~~Federal~~ United States Constitution, the ~~State~~ Oklahoma Constitution,  
6 federal laws or laws of Oklahoma.

7 3. The amount of any federal net operating loss deduction shall  
8 be adjusted as follows:

9 a. For carryovers and carrybacks to taxable years  
10 beginning before January 1, 1981, the amount of any  
11 net operating loss deduction allowed to a taxpayer for  
12 federal income tax purposes shall be reduced to an  
13 amount which is the same portion thereof as the loss  
14 from sources within this state, as determined pursuant  
15 to this section and Section 2362 of this title, for  
16 the taxable year in which such loss is sustained is of  
17 the total loss for such year;

18 b. For carryovers and carrybacks to taxable years  
19 beginning after December 31, 1980, the amount of any  
20 net operating loss deduction allowed for the taxable  
21 year shall be an amount equal to the aggregate of the  
22 Oklahoma net operating loss carryovers and carrybacks  
23 to such year. Oklahoma net operating losses shall be  
24 separately determined by reference to Section 172 of

1 the Internal Revenue Code of 1986, as amended, 26  
2 U.S.C., Section 172, as modified by the Oklahoma  
3 Income Tax Act, Section 2351 et seq. of this title,  
4 and shall be allowed without regard to the existence  
5 of a federal net operating loss. For tax years  
6 beginning after December 31, 2000, and ending before  
7 January 1, 2008, the years to which such losses may be  
8 carried shall be determined solely by reference to  
9 Section 172 of the Internal Revenue Code of 1986, as  
10 amended, 26 U.S.C., Section 172, with the exception  
11 that the terms "net operating loss" and "taxable  
12 income" shall be replaced with "Oklahoma net operating  
13 loss" and "Oklahoma taxable income". For tax years  
14 beginning after December 31, 2007, and ending before  
15 January 1, 2009, years to which such losses may be  
16 carried back shall be limited to two (2) years. For  
17 tax years beginning after December 31, 2008, the years  
18 to which such losses may be carried back shall be  
19 determined solely by reference to Section 172 of the  
20 Internal Revenue Code of 1986, as amended, 26 U.S.C.,  
21 Section 172, with the exception that the terms "net  
22 operating loss" and "taxable income" shall be replaced  
23 with "Oklahoma net operating loss" and "Oklahoma  
24 taxable income".

1 4. Items of the following nature shall be allocated as  
2 indicated. Allowable deductions attributable to items separately  
3 allocable in subparagraphs a, b and c of this paragraph, whether or  
4 not such items of income were actually received, shall be allocated  
5 on the same basis as those items:

6 a. Income from real and tangible personal property, such  
7 as rents, oil and mining production or royalties, and  
8 gains or losses from sales of such property, shall be  
9 allocated in accordance with the situs of such  
10 property;

11 b. Income from intangible personal property, such as  
12 interest, dividends, patent or copyright royalties,  
13 and gains or losses from sales of such property, shall  
14 be allocated in accordance with the domiciliary situs  
15 of the taxpayer, except that:

16 (1) where such property has acquired a nonunitary  
17 business or commercial situs apart from the  
18 domicile of the taxpayer such income shall be  
19 allocated in accordance with such business or  
20 commercial situs; interest income from  
21 investments held to generate working capital for  
22 a unitary business enterprise shall be included  
23 in apportionable income; a resident trust or  
24 resident estate shall be treated as having a

1 separate commercial or business situs insofar as  
2 undistributed income is concerned, but shall not  
3 be treated as having a separate commercial or  
4 business situs insofar as distributed income is  
5 concerned,

6 (2) for taxable years beginning after December 31,  
7 2003, capital or ordinary gains or losses from  
8 the sale of an ownership interest in a publicly  
9 traded partnership, as defined by Section 7704(b)  
10 of the Internal Revenue Code of 1986, as amended,  
11 shall be allocated to this state in the ratio of  
12 the original cost of such partnership's tangible  
13 property in this state to the original cost of  
14 such partnership's tangible property everywhere,  
15 as determined at the time of the sale; if more  
16 than fifty percent (50%) of the value of the  
17 partnership's assets consists of intangible  
18 assets, capital or ordinary gains or losses from  
19 the sale of an ownership interest in the  
20 partnership shall be allocated to this state in  
21 accordance with the sales factor of the  
22 partnership for its first full tax period  
23 immediately preceding its tax period during which  
24 the ownership interest in the partnership was

1 sold; the provisions of this division shall only  
2 apply if the capital or ordinary gains or losses  
3 from the sale of an ownership interest in a  
4 partnership do not constitute qualifying gain  
5 receiving capital treatment as defined in  
6 subparagraph a of paragraph 2 of subsection F of  
7 this section,

8 (3) income from such property which is required to be  
9 allocated pursuant to the provisions of paragraph  
10 5 of this subsection shall be allocated as herein  
11 provided;

12 c. Net income or loss from a business activity which is  
13 not a part of business carried on within or without  
14 the state of a unitary character shall be separately  
15 allocated to the state in which such activity is  
16 conducted;

17 d. In the case of a manufacturing or processing  
18 enterprise the business of which in ~~Oklahoma~~ this  
19 state consists solely of marketing its products by:

20 (1) sales having a situs without this state, shipped  
21 directly to a point from without the state to a  
22 purchaser within the state, commonly known as  
23 interstate sales,  
24

1 (2) sales of the product stored in public warehouses  
2 within the state pursuant to "in transit"  
3 tariffs, as prescribed and allowed by the  
4 Interstate Commerce Commission, to a purchaser  
5 within the state,

6 (3) sales of the product stored in public warehouses  
7 within the state where the shipment to such  
8 warehouses is not covered by "in transit"  
9 tariffs, as prescribed and allowed by the  
10 Interstate Commerce Commission, to a purchaser  
11 within or without the state,

12 the Oklahoma net income shall, at the option of the  
13 taxpayer, be that portion of the total net income of  
14 the taxpayer for federal income tax purposes derived  
15 from the manufacture and/or processing and sales  
16 everywhere as determined by the ratio of the sales  
17 defined in this section made to the purchaser within  
18 the state to the total sales everywhere. The term  
19 "public warehouse" as used in this subparagraph means  
20 a licensed public warehouse, the principal business of  
21 which is warehousing merchandise for the public;

22 e. In the case of insurance companies, Oklahoma taxable  
23 income shall be taxable income of the taxpayer for  
24 federal tax purposes, as adjusted for the adjustments

1 provided pursuant to the provisions of paragraphs 1  
2 and 2 of this subsection, apportioned as follows:

3 (1) except as otherwise provided by division (2) of  
4 this subparagraph, taxable income of an insurance  
5 company for a taxable year shall be apportioned  
6 to this state by multiplying such income by a  
7 fraction, the numerator of which is the direct  
8 premiums written for insurance on property or  
9 risks in this state, and the denominator of which  
10 is the direct premiums written for insurance on  
11 property or risks everywhere. For purposes of  
12 this subsection, the term "direct premiums  
13 written" means the total amount of direct  
14 premiums written, assessments and annuity  
15 considerations as reported for the taxable year  
16 on the annual statement filed by the company with  
17 the Insurance Commissioner in the form approved  
18 by the National Association of Insurance  
19 Commissioners, or such other form as may be  
20 prescribed in lieu thereof,

21 (2) if the principal source of premiums written by an  
22 insurance company consists of premiums for  
23 reinsurance accepted by it, the taxable income of  
24 such company shall be apportioned to this state



1 by multiplying such income by a fraction, the  
2 numerator of which is the sum of (a) direct  
3 premiums written for insurance on property or  
4 risks in this state, plus (b) premiums written  
5 for reinsurance accepted in respect of property  
6 or risks in this state, and the denominator of  
7 which is the sum of (c) direct premiums written  
8 for insurance on property or risks everywhere,  
9 plus (d) premiums written for reinsurance  
10 accepted in respect of property or risks  
11 everywhere. For purposes of this paragraph,  
12 premiums written for reinsurance accepted in  
13 respect of property or risks in this state,  
14 whether or not otherwise determinable, may at the  
15 election of the company be determined on the  
16 basis of the proportion which premiums written  
17 for insurance accepted from companies  
18 commercially domiciled in ~~Oklahoma~~ this state  
19 bears to premiums written for reinsurance  
20 accepted from all sources, or alternatively in  
21 the proportion which the sum of the direct  
22 premiums written for insurance on property or  
23 risks in this state by each ceding company from  
24 which reinsurance is accepted bears to the sum of

1           the total direct premiums written by each such  
2           ceding company for the taxable year.

3           5. The net income or loss remaining after the separate  
4 allocation in paragraph 4 of this subsection, being that which is  
5 derived from a unitary business enterprise, shall be apportioned to  
6 this state on the basis of the arithmetical average of three factors  
7 consisting of property, payroll and sales or gross revenue  
8 enumerated as subparagraphs a, b and c of this paragraph. Net  
9 income or loss as used in this paragraph includes that derived from  
10 patent or copyright royalties, purchase discounts, and interest on  
11 accounts receivable relating to or arising from a business activity,  
12 the income from which is apportioned pursuant to this subsection,  
13 including the sale or other disposition of such property and any  
14 other property used in the unitary enterprise. Deductions used in  
15 computing such net income or loss shall not include taxes based on  
16 or measured by income. Provided, for corporations whose property  
17 for purposes of the tax imposed by Section 2355 of this title has an  
18 initial investment cost equaling or exceeding Two Hundred Million  
19 Dollars (\$200,000,000.00) and such investment is made on or after  
20 July 1, 1997, or for corporations which expand their property or  
21 facilities in this state and such expansion has an investment cost  
22 equaling or exceeding Two Hundred Million Dollars (\$200,000,000.00)  
23 over a period not to exceed three (3) years, and such expansion is  
24 commenced on or after January 1, 2000, the three factors shall be

1 apporportioned with property and payroll, each comprising twenty-five  
2 percent (25%) of the apporportionment factor and sales comprising fifty  
3 percent (50%) of the apporportionment factor. The apporportionment  
4 factors shall be computed as follows:

5 a. The property factor is a fraction, the numerator of  
6 which is the average value of the taxpayer's real and  
7 tangible personal property owned or rented and used in  
8 this state during the tax period and the denominator  
9 of which is the average value of all the taxpayer's  
10 real and tangible personal property everywhere owned  
11 or rented and used during the tax period.

12 (1) Property, the income from which is separately  
13 allocated in paragraph 4 of this subsection,  
14 shall not be included in determining this  
15 fraction. The numerator of the fraction shall  
16 include a portion of the investment in  
17 transportation and other equipment having no  
18 fixed situs, such as rolling stock, buses, trucks  
19 and trailers, including machinery and equipment  
20 carried thereon, airplanes, salespersons'  
21 automobiles and other similar equipment, in the  
22 proportion that miles traveled in ~~Oklahoma~~ this  
23 state by such equipment bears to total miles  
24 traveled,

1 (2) Property owned by the taxpayer is valued at its  
2 original cost. Property rented by the taxpayer  
3 is valued at eight times the net annual rental  
4 rate. Net annual rental rate is the annual  
5 rental rate paid by the taxpayer, less any annual  
6 rental rate received by the taxpayer from  
7 subrentals,

8 (3) The average value of property shall be determined  
9 by averaging the values at the beginning and  
10 ending of the tax period but the Oklahoma Tax  
11 Commission may require the averaging of monthly  
12 values during the tax period if reasonably  
13 required to reflect properly the average value of  
14 the taxpayer's property;

15 b. The payroll factor is a fraction, the numerator of  
16 which is the total compensation for services rendered  
17 in the state during the tax period, and the  
18 denominator of which is the total compensation for  
19 services rendered everywhere during the tax period.  
20 "Compensation", as used in this subsection, means  
21 those paid-for services to the extent related to the  
22 unitary business but does not include officers'  
23 salaries, wages and other compensation.  
24

1 (1) In the case of a transportation enterprise, the  
2 numerator of the fraction shall include a portion  
3 of such expenditure in connection with employees  
4 operating equipment over a fixed route, such as  
5 railroad employees, airline pilots, or bus  
6 drivers, in this state only a part of the time,  
7 in the proportion that mileage traveled in  
8 ~~Oklahoma~~ this state bears to total mileage  
9 traveled by such employees,

10 (2) In any case the numerator of the fraction shall  
11 include a portion of such expenditures in  
12 connection with itinerant employees, such as  
13 traveling salespersons, in this state only a part  
14 of the time, in the proportion that time spent in  
15 ~~Oklahoma~~ this state bears to total time spent in  
16 furtherance of the enterprise by such employees;

17 c. The sales factor is a fraction, the numerator of which  
18 is the total sales or gross revenue of the taxpayer in  
19 this state during the tax period, and the denominator  
20 of which is the total sales or gross revenue of the  
21 taxpayer everywhere during the tax period. "Sales",  
22 as used in this subsection, does not include sales or  
23 gross revenue which are separately allocated in  
24 paragraph 4 of this subsection.

1 (1) Sales of tangible personal property have a situs  
2 in this state if the property is delivered or  
3 shipped to a purchaser other than the United  
4 States government, within this state regardless  
5 of the ~~FOB~~ Freight on Board (FOB) point or other  
6 conditions of the sale; or the property is  
7 shipped from an office, store, warehouse, factory  
8 or other place of storage in this state and (a)  
9 the purchaser is the United States government or  
10 (b) the taxpayer is not doing business in the  
11 state of the destination of the shipment.

12 (2) In the case of a railroad or interurban railway  
13 enterprise, the numerator of the fraction shall  
14 not be less than the allocation of revenues to  
15 this state as shown in its annual report to the  
16 Corporation Commission.

17 (3) In the case of an airline, truck or bus  
18 enterprise or freight car, tank car, refrigerator  
19 car or other railroad equipment enterprise, the  
20 numerator of the fraction shall include a portion  
21 of revenue from interstate transportation in the  
22 proportion that interstate mileage traveled in  
23 ~~Oklahoma~~ this state bears to total interstate  
24 mileage traveled.

1 (4) In the case of an oil, gasoline or gas pipeline  
2 enterprise, the numerator of the fraction shall  
3 be either the total of traffic units of the  
4 enterprise within ~~Oklahoma~~ this state or the  
5 revenue allocated to ~~Oklahoma~~ this state based  
6 upon miles moved, at the option of the taxpayer,  
7 and the denominator of which shall be the total  
8 of traffic units of the enterprise or the revenue  
9 of the enterprise everywhere as appropriate to  
10 the numerator. A "traffic unit" is hereby  
11 defined as the transportation for a distance of  
12 one (1) mile of one (1) barrel of oil, one (1)  
13 gallon of gasoline or one thousand (1,000) cubic  
14 feet of natural or casinghead gas, as the case  
15 may be.

16 (5) In the case of a telephone or telegraph or other  
17 communication enterprise, the numerator of the  
18 fraction shall include that portion of the  
19 interstate revenue as is allocated pursuant to  
20 the accounting procedures prescribed by the  
21 Federal Communications Commission; provided that  
22 in respect to each corporation or business entity  
23 required by the Federal Communications Commission  
24 to keep its books and records in accordance with

1 a uniform system of accounts prescribed by such  
2 Commission, the intrastate net income shall be  
3 determined separately in the manner provided by  
4 such uniform system of accounts and only the  
5 interstate income shall be subject to allocation  
6 pursuant to the provisions of this subsection.  
7 Provided further, that the gross revenue factors  
8 shall be those as are determined pursuant to the  
9 accounting procedures prescribed by the Federal  
10 Communications Commission.

11 In any case where the apportionment of the three factors  
12 prescribed in this paragraph attributes to ~~Oklahoma~~ this state a  
13 portion of net income of the enterprise out of all appropriate  
14 proportion to the property owned and/or business transacted within  
15 this state, because of the fact that one or more of the factors so  
16 prescribed are not employed to any appreciable extent in furtherance  
17 of the enterprise; or because one or more factors not so prescribed  
18 are employed to a considerable extent in furtherance of the  
19 enterprise; or because of other reasons, the Tax Commission is  
20 empowered to permit, after a showing by taxpayer that an excessive  
21 portion of net income has been attributed to ~~Oklahoma~~ this state, or  
22 require, when in its judgment an insufficient portion of net income  
23 has been attributed to ~~Oklahoma~~ this state, the elimination,  
24 substitution, or use of additional factors, or reduction or increase



1 in the weight of such prescribed factors. Provided, however, that  
2 any such variance from such prescribed factors which has the effect  
3 of increasing the portion of net income attributable to ~~Oklahoma~~  
4 this state must not be inherently arbitrary, and application of the  
5 recomputed final apportionment to the net income of the enterprise  
6 must attribute to ~~Oklahoma~~ this state only a reasonable portion  
7 thereof.

8 6. For calendar years 1997 and 1998, the owner of a new or  
9 expanded agricultural commodity processing facility in this state  
10 may exclude from Oklahoma taxable income, or in the case of an  
11 individual, the Oklahoma adjusted gross income, fifteen percent  
12 (15%) of the investment by the owner in the new or expanded  
13 agricultural commodity processing facility. For calendar year 1999,  
14 and all subsequent years, the percentage, not to exceed fifteen  
15 percent (15%), available to the owner of a new or expanded  
16 agricultural commodity processing facility in this state claiming  
17 the exemption shall be adjusted annually so that the total estimated  
18 reduction in tax liability does not exceed One Million Dollars  
19 (\$1,000,000.00) annually. The Tax Commission shall promulgate rules  
20 for determining the percentage of the investment which each eligible  
21 taxpayer may exclude. The exclusion provided by this paragraph  
22 shall be taken in the taxable year when the investment is made. In  
23 the event the total reduction in tax liability authorized by this  
24 paragraph exceeds One Million Dollars (\$1,000,000.00) in any

1 calendar year, the Tax Commission shall permit any excess over One  
2 Million Dollars (\$1,000,000.00) and shall factor such excess into  
3 the percentage for subsequent years. Any amount of the exemption  
4 permitted to be excluded pursuant to the provisions of this  
5 paragraph but not used in any year may be carried forward as an  
6 exemption from income pursuant to the provisions of this paragraph  
7 for a period not exceeding six (6) years following the year in which  
8 the investment was originally made.

9 For purposes of this paragraph:

- 10 a. "Agricultural commodity processing facility" means  
11 ~~building~~ buildings, structures, fixtures and  
12 improvements used or operated primarily for the  
13 processing or production of marketable products from  
14 agricultural commodities. The term shall also mean a  
15 dairy operation that requires a depreciable investment  
16 of at least Two Hundred Fifty Thousand Dollars  
17 (\$250,000.00) and which produces milk from dairy cows.  
18 The term does not include a facility that provides  
19 only, and nothing more than, storage, cleaning, drying  
20 or transportation of agricultural commodities, and
- 21 b. "Facility" means each part of the facility which is  
22 used in a process primarily for:
- 23 (1) the processing of agricultural commodities,  
24 including receiving or storing agricultural

1 commodities, or the production of milk at a dairy  
2 operation,

3 (2) transporting the agricultural commodities or  
4 product before, during or after the processing,  
5 or

6 (3) packaging or otherwise preparing the product for  
7 sale or shipment.

8 7. Despite any provision to the contrary in paragraph 3 of this  
9 subsection, for taxable years beginning after December 31, 1999, in  
10 the case of a taxpayer which has a farming loss, such farming loss  
11 shall be considered a net operating loss carryback in accordance  
12 with and to the extent of the Internal Revenue Code of 1986, as  
13 amended, 26 U.S.C., Section ~~172(b)(G)~~ 172(b)(1)(B). However, the  
14 amount of the net operating loss carryback shall not exceed the  
15 lesser of:

16 a. Sixty Thousand Dollars (\$60,000.00), or

17 b. the loss properly shown on Schedule F of the Internal  
18 Revenue Service Form 1040 reduced by one-half (1/2) of  
19 the income from all other sources other than reflected  
20 on Schedule F.

21 8. In taxable years beginning after December 31, 1995, all  
22 qualified wages equal to the federal income tax credit set forth in  
23 26 U.S.C.A., Section 45A, shall be deducted from taxable income.  
24 The deduction allowed pursuant to this paragraph shall only be

1 permitted for the tax years in which the federal tax credit pursuant  
2 to 26 U.S.C.A., Section 45A, is allowed. For purposes of this  
3 paragraph, "qualified wages" means those wages used to calculate the  
4 federal credit pursuant to 26 U.S.C.A., Section 45A.

5 9. In taxable years beginning after December 31, 2005, an  
6 employer that is eligible for and utilizes the Safety Pays OSHA  
7 Consultation Service provided by the ~~Oklahoma~~ Department of Labor  
8 shall receive an exemption from taxable income in the amount of One  
9 Thousand Dollars (\$1,000.00) for the tax year that the service is  
10 utilized.

11 10. For taxable years beginning on or after January 1, 2010,  
12 there shall be added to Oklahoma taxable income an amount equal to  
13 the amount of deferred income not included in such taxable income  
14 pursuant to Section 108(i)(1) of the Internal Revenue Code of 1986  
15 as amended by Section 1231 of the American Recovery and Reinvestment  
16 Act of 2009 (P.L. No. 111-5). There shall be subtracted from  
17 Oklahoma taxable income an amount equal to the amount of deferred  
18 income included in such taxable income pursuant to Section 108(i)(1)  
19 of the Internal Revenue Code of 1986 as amended by Section 1231 of  
20 the American Recovery and Reinvestment Act of 2009 (P.L. No. 111-5).

21 11. For taxable years beginning on or after January 1, 2019,  
22 there shall be subtracted from Oklahoma taxable income or adjusted  
23 gross income any item of income or gain, and there shall be added to  
24 Oklahoma taxable income or adjusted gross income any item of loss or

1 deduction that in the absence of an election pursuant to the  
2 provisions of the Pass-Through Entity Tax Equity Act of 2019 would  
3 be allocated to a member or to an indirect member of an electing  
4 pass-through entity pursuant to Section 2351 et seq. of this title,  
5 if (i) the electing pass-through entity has accounted for such item  
6 in computing its Oklahoma net entity income or loss pursuant to the  
7 provisions of the Pass-Through Entity Tax Equity Act of 2019, and  
8 (ii) the total amount of tax attributable to any resulting Oklahoma  
9 net entity income has been paid. The Oklahoma Tax Commission shall  
10 promulgate rules for the reporting of such exclusion to direct and  
11 indirect members of the electing pass-through entity. As used in  
12 this paragraph, "electing pass-through entity", "indirect member",  
13 and "member" shall be defined in the same manner as prescribed by  
14 Section 2355.1P-2 of this title. Notwithstanding the application of  
15 this paragraph, the adjusted tax basis of any ownership interest in  
16 a pass-through entity for purposes of Section 2351 et seq. of this  
17 title shall be equal to its adjusted tax basis for federal income  
18 tax purposes.

19 B. 1. The taxable income of any corporation shall be further  
20 adjusted to arrive at Oklahoma taxable income, except those  
21 corporations electing treatment as provided in subchapter S of the  
22 Internal Revenue Code of 1986, as amended, 26 U.S.C., Section 1361  
23 et seq., and Section 2365 of this title, deductions pursuant to the  
24 provisions of the Accelerated Cost Recovery System as ~~defined~~

1 provided and allowed in the Economic Recovery Tax Act of 1981,  
2 Public Law 97-34, 26 U.S.C., Section 168, for depreciation of assets  
3 placed into service after December 31, 1981, shall not be allowed in  
4 calculating Oklahoma taxable income. Such corporations shall be  
5 allowed a deduction for depreciation of assets placed into service  
6 after December 31, 1981, in accordance with provisions of the  
7 Internal Revenue Code of 1986, as amended, 26 U.S.C., Section 1 et  
8 seq., in effect immediately prior to the enactment of the  
9 Accelerated Cost Recovery System. The Oklahoma tax basis for all  
10 such assets placed into service after December 31, 1981, calculated  
11 in this section shall be retained and utilized for all Oklahoma  
12 income tax purposes through the final disposition of such assets.

13 Notwithstanding any other provisions of the Oklahoma Income Tax  
14 Act, Section 2351 et seq. of this title, or of the Internal Revenue  
15 Code of 1986, as amended, to the contrary, this subsection shall  
16 control calculation of depreciation of assets placed into service  
17 after December 31, 1981, and before January 1, 1983.

18 For assets placed in service and held by a corporation in which  
19 ~~accelerated cost recovery system~~ the Accelerated Cost Recovery  
20 System was previously disallowed, an adjustment to taxable income is  
21 required in the first taxable year beginning after December 31,  
22 1982, to reconcile the basis of such assets to the basis allowed in  
23 the Internal Revenue Code of 1986, as amended. The purpose of this  
24 adjustment is to equalize the basis and allowance for depreciation

1 accounts between that reported to the Internal Revenue Service and  
2 that reported to ~~Oklahoma~~ this state.

3 2. For tax years beginning on or after January 1, 2009, and  
4 ending on or before December 31, 2009, there shall be added to  
5 Oklahoma taxable income any amount in excess of One Hundred Seventy-  
6 five Thousand Dollars (\$175,000.00) which has been deducted as a  
7 small business expense under Internal Revenue Code of 1986, as  
8 amended, Section 179 as provided in the American Recovery and  
9 Reinvestment Act of 2009.

10 C. 1. For taxable years beginning after December 31, 1987, the  
11 taxable income of any corporation shall be further adjusted to  
12 arrive at Oklahoma taxable income for transfers of technology to  
13 qualified small businesses located in ~~Oklahoma~~ this state. Such  
14 transferor corporation shall be allowed an exemption from taxable  
15 income of an amount equal to the amount of royalty payment received  
16 as a result of such transfer; provided, however, such amount shall  
17 not exceed ten percent (10%) of the amount of gross proceeds  
18 received by such transferor corporation as a result of the  
19 technology transfer. Such exemption shall be allowed for a period  
20 not to exceed ten (10) years from the date of receipt of the first  
21 royalty payment accruing from such transfer. No exemption may be  
22 claimed for transfers of technology to qualified small businesses  
23 made prior to January 1, 1988.

24 2. For purposes of this subsection:

1 a. "Qualified small business" means an entity, whether  
2 organized as a corporation, partnership, or  
3 proprietorship, organized for profit with its  
4 principal place of business located within this state  
5 and which meets the following criteria:

6 (1) Capitalization of not more than Two Hundred Fifty  
7 Thousand Dollars (\$250,000.00),

8 (2) Having at least fifty percent (50%) of its  
9 employees and assets located in ~~Oklahoma~~ this  
10 state at the time of the transfer, and

11 (3) Not a subsidiary or affiliate of the transferor  
12 corporation;

13 b. "Technology" means a proprietary process, formula,  
14 pattern, device or compilation of scientific or  
15 technical information which is not in the public  
16 domain;

17 c. "Transferor corporation" means a corporation which is  
18 the exclusive and undisputed owner of the technology  
19 at the time the transfer is made; and

20 d. "Gross proceeds" means the total amount of  
21 consideration for the transfer of technology, whether  
22 the consideration is in money or otherwise.

23 D. 1. For taxable years beginning after December 31, 2005, the  
24 taxable income of any corporation, estate or trust, shall be further



1 adjusted for qualifying gains receiving capital treatment. Such  
2 corporations, estates or trusts shall be allowed a deduction from  
3 Oklahoma taxable income for the amount of qualifying gains receiving  
4 capital treatment earned by the corporation, estate or trust during  
5 the taxable year and included in the federal taxable income of such  
6 corporation, estate or trust.

7 2. As used in this subsection:

8 a. "qualifying gains receiving capital treatment" means  
9 the amount of net capital gains, as defined in Section  
10 1222(11) of the Internal Revenue Code of 1986, as  
11 amended, included in the federal income tax return of  
12 the corporation, estate or trust that result from:

13 (1) the sale of real property or tangible personal  
14 property located within ~~Oklahoma~~ this state that  
15 has been directly or indirectly owned by the  
16 corporation, estate or trust for a holding period  
17 of at least five (5) years prior to the date of  
18 the transaction from which such net capital gains  
19 arise,

20 (2) the sale of stock or on the sale of an ownership  
21 interest in an Oklahoma company, limited  
22 liability company, or partnership where such  
23 stock or ownership interest has been directly or  
24 indirectly owned by the corporation, estate or

1 trust for a holding period of at least three (3)  
2 years prior to the date of the transaction from  
3 which the net capital gains arise, or

4 (3) the sale of real property, tangible personal  
5 property or intangible personal property located  
6 within ~~Oklahoma~~ this state as part of the sale of  
7 all or substantially all of the assets of an  
8 Oklahoma company, limited liability company, or  
9 partnership where such property has been directly  
10 or indirectly owned by such entity owned by the  
11 owners of such entity, and used in or derived  
12 from such entity for a period of at least three  
13 (3) years prior to the date of the transaction  
14 from which the net capital gains arise,

15 b. "holding period" means an uninterrupted period of  
16 time. The holding period shall include any additional  
17 period when the property was held by another  
18 individual or entity, if such additional period is  
19 included in the taxpayer's holding period for the  
20 asset pursuant to the Internal Revenue Code of 1986,  
21 as amended,

22 c. "Oklahoma company", "limited liability company", or  
23 "partnership" means an entity whose primary  
24 headquarters have been located in ~~Oklahoma~~ this state

1 for at least three (3) uninterrupted years prior to  
2 the date of the transaction from which the net capital  
3 gains arise,

4 d. "direct" means the taxpayer directly owns the asset,  
5 and

6 e. "indirect" means the taxpayer owns an interest in a  
7 pass-through entity (or chain of pass-through  
8 entities) that sells the asset that gives rise to the  
9 qualifying gains receiving capital treatment.

10 (1) With respect to sales of real property or  
11 tangible personal property located within  
12 ~~Oklahoma~~ this state, the deduction described in  
13 this subsection shall not apply unless the pass-  
14 through entity that makes the sale has held the  
15 property for not less than five (5) uninterrupted  
16 years prior to the date of the transaction that  
17 created the capital gain, and each pass-through  
18 entity included in the chain of ownership has  
19 been a member, partner, or shareholder of the  
20 pass-through entity in the tier immediately below  
21 it for an uninterrupted period of not less than  
22 five (5) years.

23 (2) With respect to sales of stock or ownership  
24 interest in or sales of all or substantially all

1 of the assets of an Oklahoma company, limited  
2 liability company, or partnership, the deduction  
3 described in this subsection shall not apply  
4 unless the pass-through entity that makes the  
5 sale has held the stock or ownership interest or  
6 the assets for not less than three (3)  
7 uninterrupted years prior to the date of the  
8 transaction that created the capital gain, and  
9 each pass-through entity included in the chain of  
10 ownership has been a member, partner or  
11 shareholder of the pass-through entity in the  
12 tier immediately below it for an uninterrupted  
13 period of not less than three (3) years.

14 E. The Oklahoma adjusted gross income of any individual  
15 taxpayer shall be further adjusted as follows to arrive at Oklahoma  
16 taxable income:

- 17 1. a. In the case of individuals, there shall be added or  
18 deducted, as the case may be, the difference necessary  
19 to allow personal exemptions of One Thousand Dollars  
20 (\$1,000.00) in lieu of the personal exemptions allowed  
21 by the Internal Revenue Code of 1986, as amended.
- 22 b. There shall be allowed an additional exemption of One  
23 Thousand Dollars (\$1,000.00) for each taxpayer or  
24 spouse who is blind at the close of the tax year. For

1 purposes of this subparagraph, an individual is blind  
2 only if the central visual acuity of the individual  
3 does not exceed 20/200 in the better eye with  
4 correcting lenses, or if the visual acuity of the  
5 individual is greater than 20/200, but is accompanied  
6 by a limitation in the fields of vision such that the  
7 widest diameter of the visual field subtends an angle  
8 no greater than twenty (20) degrees.

9 c. There shall be allowed an additional exemption of One  
10 Thousand Dollars (\$1,000.00) for each taxpayer or  
11 spouse who is sixty-five (65) years of age or older at  
12 the close of the tax year based upon the filing status  
13 and federal adjusted gross income of the taxpayer.  
14 Taxpayers with the following filing status may claim  
15 this exemption if the federal adjusted gross income  
16 does not exceed:

- 17 (1) Twenty-five Thousand Dollars (\$25,000.00) if  
18 married and filing jointly,
- 19 (2) Twelve Thousand Five Hundred Dollars (\$12,500.00)  
20 if married and filing separately,
- 21 (3) Fifteen Thousand Dollars (\$15,000.00) if single,  
22 and
- 23 (4) Nineteen Thousand Dollars (\$19,000.00) if a  
24 qualifying head of household.

1            Provided, for taxable years beginning after December  
2            31, 1999, amounts included in the calculation of  
3            federal adjusted gross income pursuant to the  
4            conversion of a traditional individual retirement  
5            account to a Roth individual retirement account shall  
6            be excluded from federal adjusted gross income for  
7            purposes of the income thresholds provided in this  
8            subparagraph.

- 9            2.    a.    For taxable years beginning on or before December 31,  
10           2005, in the case of individuals who use the standard  
11           deduction in determining taxable income, there shall  
12           be added or deducted, as the case may be, the  
13           difference necessary to allow a standard deduction in  
14           lieu of the standard deduction allowed by the Internal  
15           Revenue Code of 1986, as amended, in an amount equal  
16           to the larger of fifteen percent (15%) of the Oklahoma  
17           adjusted gross income or One Thousand Dollars  
18           (\$1,000.00), but not to exceed Two Thousand Dollars  
19           (\$2,000.00), except that in the case of a married  
20           individual filing a separate return such deduction  
21           shall be the larger of fifteen percent (15%) of such  
22           Oklahoma adjusted gross income or Five Hundred Dollars  
23           (\$500.00), but not to exceed the maximum amount of One  
24           Thousand Dollars (\$1,000.00).

1           b. For taxable years beginning on or after January 1,  
2                   2006, and before January 1, 2007, in the case of  
3                   individuals who use the standard deduction in  
4                   determining taxable income, there shall be added or  
5                   deducted, as the case may be, the difference necessary  
6                   to allow a standard deduction in lieu of the standard  
7                   deduction allowed by the Internal Revenue Code of  
8                   1986, as amended, in an amount equal to:

9                   (1) Three Thousand Dollars (\$3,000.00), if the filing  
10                           status is married filing joint, head of household  
11                           or qualifying widow, or

12                   (2) Two Thousand Dollars (\$2,000.00), if the filing  
13                           status is single or married filing separate.

14           c. For the taxable year beginning on January 1, 2007, and  
15                   ending December 31, 2007, in the case of individuals  
16                   who use the standard deduction in determining taxable  
17                   income, there shall be added or deducted, as the case  
18                   may be, the difference necessary to allow a standard  
19                   deduction in lieu of the standard deduction allowed by  
20                   the Internal Revenue Code of 1986, as amended, in an  
21                   amount equal to:

22                   (1) Five Thousand Five Hundred Dollars (\$5,500.00),  
23                           if the filing status is married filing joint or  
24                           qualifying widow, or

- 1 (2) Four Thousand One Hundred Twenty-five Dollars  
2 (\$4,125.00) for a head of household, or  
3 (3) Two Thousand Seven Hundred Fifty Dollars  
4 (\$2,750.00), if the filing status is single or  
5 married filing separate.

6 d. For the taxable year beginning on January 1, 2008, and  
7 ending December 31, 2008, in the case of individuals  
8 who use the standard deduction in determining taxable  
9 income, there shall be added or deducted, as the case  
10 may be, the difference necessary to allow a standard  
11 deduction in lieu of the standard deduction allowed by  
12 the Internal Revenue Code of 1986, as amended, in an  
13 amount equal to:

- 14 (1) Six Thousand Five Hundred Dollars (\$6,500.00), if  
15 the filing status is married filing joint or  
16 qualifying widow,  
17 (2) Four Thousand Eight Hundred Seventy-five Dollars  
18 (\$4,875.00) for a head of household, or  
19 (3) Three Thousand Two Hundred Fifty Dollars  
20 (\$3,250.00), if the filing status is single or  
21 married filing separate.

22 e. For the taxable year beginning on January 1, 2009, and  
23 ending December 31, 2009, in the case of individuals  
24 who use the standard deduction in determining taxable



1 income, there shall be added or deducted, as the case  
2 may be, the difference necessary to allow a standard  
3 deduction in lieu of the standard deduction allowed by  
4 the Internal Revenue Code of 1986, as amended, in an  
5 amount equal to:

- 6 (1) Eight Thousand Five Hundred Dollars (\$8,500.00),  
7 if the filing status is married filing joint or  
8 qualifying widow,  
9 (2) Six Thousand Three Hundred Seventy-five Dollars  
10 (\$6,375.00) for a head of household, or  
11 (3) Four Thousand Two Hundred Fifty Dollars  
12 (\$4,250.00), if the filing status is single or  
13 married filing separate.

14 Oklahoma adjusted gross income shall be increased by  
15 any amounts paid for motor vehicle excise taxes which  
16 were deducted as allowed by the Internal Revenue Code  
17 of 1986, as amended.

- 18 f. For taxable years beginning on or after January 1,  
19 2010, and ending on December 31, 2016, in the case of  
20 individuals who use the standard deduction in  
21 determining taxable income, there shall be added or  
22 deducted, as the case may be, the difference necessary  
23 to allow a standard deduction equal to the standard  
24 deduction allowed by the Internal Revenue Code of

1           1986, as amended, based upon the amount and filing  
2           status prescribed by such Code for purposes of filing  
3           federal individual income tax returns.

4           g. For taxable years beginning on or after January 1,  
5           2017, in the case of individuals who use the standard  
6           deduction in determining taxable income, there shall  
7           be added or deducted, as the case may be, the  
8           difference necessary to allow a standard deduction in  
9           lieu of the standard deduction allowed by the Internal  
10          Revenue Code of 1986, as amended, as follows:

11          (1) Six Thousand Three Hundred Fifty Dollars  
12             (\$6,350.00) for single or married filing  
13             separately,

14          (2) Twelve Thousand Seven Hundred Dollars  
15             (\$12,700.00) for married filing jointly or  
16             qualifying widower with dependent child, and

17          (3) Nine Thousand Three Hundred Fifty Dollars  
18             (\$9,350.00) for head of household.

19          3. a. In the case of resident and part-year resident  
20             individuals having adjusted gross income from sources  
21             both within and without the state, the itemized or  
22             standard deductions and personal exemptions shall be  
23             reduced to an amount which is the same portion of the  
24             total thereof as Oklahoma adjusted gross income is of

1 adjusted gross income. To the extent itemized  
2 deductions include allowable moving expense, proration  
3 of moving expense shall not be required or permitted  
4 but allowable moving expense shall be fully deductible  
5 for those taxpayers moving within or into ~~Oklahoma~~  
6 this state and no part of moving expense shall be  
7 deductible for those taxpayers moving without or out  
8 of ~~Oklahoma~~ this state. All other itemized or  
9 standard deductions and personal exemptions shall be  
10 subject to proration as provided by law.

11 b. For taxable years beginning on or after January 1,  
12 2018, the net amount of itemized deductions allowable  
13 on an Oklahoma income tax return, subject to the  
14 provisions of paragraph 24 of this subsection, shall  
15 not exceed Seventeen Thousand Dollars (\$17,000.00).  
16 For purposes of this subparagraph, charitable  
17 contributions and medical expenses deductible for  
18 federal income tax purposes shall be excluded from the  
19 amount of Seventeen Thousand Dollars (\$17,000.00) as  
20 specified by this subparagraph. Provided further, for  
21 tax year 2025 and subsequent tax years, wagering  
22 losses which are deductible pursuant to the provisions  
23 of 26 U.S.C., Section 165(d) shall be excluded from  
24

1                   the amount of Seventeen Thousand Dollars (\$17,000.00)  
2                   as specified by this subparagraph.

3           4. A resident individual with a physical disability  
4 constituting a substantial handicap to employment may deduct from  
5 Oklahoma adjusted gross income such expenditures to modify a motor  
6 vehicle, home or workplace as are necessary to compensate for his or  
7 her handicap. A veteran certified by the United States Department  
8 of Veterans Affairs of the federal government as having a service-  
9 connected disability shall be conclusively presumed to be an  
10 individual with a physical disability constituting a substantial  
11 handicap to employment. The Tax Commission shall promulgate rules  
12 containing a list of combinations of common disabilities and  
13 modifications which may be presumed to qualify for this deduction.  
14 The Tax Commission shall prescribe necessary requirements for  
15 verification.

16           5.    a.    Before July 1, 2010, the first One Thousand Five  
17                   Hundred Dollars (\$1,500.00) received by any person  
18                   from the United States as salary or compensation in  
19                   any form, other than retirement benefits, as a member  
20                   of any component of the Armed Forces of the United  
21                   States shall be deducted from taxable income.

22                   b.    On or after July 1, 2010, one hundred percent (100%)  
23                   of the income received by any person from the United  
24                   States as salary or compensation in any form, other

1 than retirement benefits, as a member of any component  
2 of the Armed Forces of the United States shall be  
3 deducted from taxable income.

4 c. Whenever the filing of a timely income tax return by a  
5 member of the Armed Forces of the United States is  
6 made impracticable or impossible of accomplishment by  
7 reason of:

8 (1) absence from the United States, which term  
9 includes only the states and the District of  
10 Columbia,

11 (2) absence from ~~the State of Oklahoma~~ this state  
12 while on active duty, or

13 (3) confinement in a hospital within the United  
14 States for treatment of wounds, injuries or  
15 disease,

16 the time for filing a return and paying an income tax  
17 shall be and is hereby extended without incurring  
18 liability for interest or penalties, to the fifteenth  
19 day of the third month following the month in which:

20 (a) Such individual shall return to the United  
21 States if the extension is granted pursuant  
22 to ~~subparagraph a~~ division (1) of this  
23 ~~paragraph~~ subparagraph, return to ~~the State~~  
24 ~~of Oklahoma~~ this state if the extension is

1 granted pursuant to ~~subparagraph b~~ division  
2 (2) of this ~~paragraph~~ subparagraph or be  
3 discharged from such hospital if the  
4 extension is granted pursuant to  
5 ~~subparagraph e~~ division (3) of this  
6 ~~paragraph~~ subparagraph, or

7 (b) An executor, administrator, or conservator  
8 of the estate of the taxpayer is appointed,  
9 whichever event occurs the earliest.

10 Provided, that the Tax Commission may, in its discretion, grant  
11 any member of the Armed Forces of the United States an extension of  
12 time for filing of income tax returns and payment of income tax  
13 without incurring liabilities for interest or penalties. Such  
14 extension may be granted only when in the judgment of the Tax  
15 Commission a good cause exists therefor and may be for a period in  
16 excess of six (6) months. A record of every such extension granted,  
17 and the reason therefor, shall be kept.

18 6. Before July 1, 2010, the salary or any other form of  
19 compensation, received from the United States by a member of any  
20 component of the Armed Forces of the United States, shall be  
21 deducted from taxable income during the time in which the person is  
22 detained by the enemy in a conflict, is a prisoner of war or is  
23 missing in action and not deceased; provided, after July 1, 2010,  
24

1 all such salary or compensation shall be subject to the deduction as  
2 provided pursuant to paragraph 5 of this subsection.

3 7. a. An individual taxpayer, whether resident or  
4 nonresident, may deduct an amount equal to the federal  
5 income taxes paid by the taxpayer during the taxable  
6 year.

7 b. Federal taxes as described in subparagraph a of this  
8 paragraph shall be deductible by any individual  
9 taxpayer, whether resident or nonresident, only to the  
10 extent they relate to income subject to taxation  
11 pursuant to the provisions of the Oklahoma Income Tax  
12 Act. The maximum amount allowable in ~~the preceding~~  
13 paragraph 5 of this subsection shall be prorated on  
14 the ratio of the Oklahoma adjusted gross income to  
15 federal adjusted gross income.

16 c. For the purpose of this paragraph, "federal income  
17 taxes paid" shall mean federal income taxes, surtaxes  
18 imposed on incomes or excess profits taxes, as though  
19 the taxpayer was on the accrual basis. In determining  
20 the amount of deduction for federal income taxes for  
21 tax year 2001, the amount of the deduction shall not  
22 be adjusted by the amount of any accelerated ten  
23 percent (10%) tax rate bracket credit or advanced  
24 refund of the credit received during the tax year

1 provided pursuant to the federal Economic Growth and  
2 Tax Relief Reconciliation Act of 2001, P.L. No. 107-  
3 16, and the advanced refund of such credit shall not  
4 be subject to taxation.

5 d. The provisions of this paragraph shall apply to all  
6 taxable years ending after December 31, 1978, and  
7 beginning before January 1, 2006.

8 8. Retirement benefits not to exceed Five Thousand Five Hundred  
9 Dollars (\$5,500.00) for the 2004 tax year, Seven Thousand Five  
10 Hundred Dollars (\$7,500.00) for the 2005 tax year and Ten Thousand  
11 Dollars (\$10,000.00) for the 2006 tax year and all subsequent tax  
12 years, which are received by an individual from the civil service of  
13 the United States, the Oklahoma Public Employees Retirement System,  
14 the Teachers' Retirement System of Oklahoma, the Oklahoma Law  
15 Enforcement Retirement System, the Oklahoma Firefighters Pension and  
16 Retirement System, the Oklahoma Police Pension and Retirement  
17 System, the employee retirement systems created by counties pursuant  
18 to Section 951 et seq. of Title 19 of the Oklahoma Statutes, the  
19 Uniform Retirement System for Justices and Judges, the Oklahoma  
20 Wildlife Conservation Department Retirement Fund, the Oklahoma  
21 Employment Security Commission Retirement Plan, or the employee  
22 retirement systems created by municipalities pursuant to Section 48-  
23 101 et seq. of Title 11 of the Oklahoma Statutes shall be exempt  
24 from taxable income.



1           9. In taxable years beginning after December 31, 1984, Social  
2 Security benefits received by an individual shall be exempt from  
3 taxable income, to the extent such benefits are included in the  
4 federal adjusted gross income pursuant to the provisions of Section  
5 86 of the Internal Revenue Code of 1986, as amended, 26 U.S.C.,  
6 Section 86.

7           10. For taxable years beginning after December 31, 1994, lump-  
8 sum distributions from employer plans of deferred compensation,  
9 which are not qualified plans within the meaning of Section 401(a)  
10 of the Internal Revenue Code of 1986, as amended, 26 U.S.C., Section  
11 401(a), and which are deposited in and accounted for within a  
12 separate bank account or brokerage account in a financial  
13 institution within this state, shall be excluded from taxable income  
14 in the same manner as a qualifying rollover contribution to an  
15 individual retirement account within the meaning of Section 408 of  
16 the Internal Revenue Code of 1986, as amended, 26 U.S.C., Section  
17 408. Amounts withdrawn from such bank or brokerage account,  
18 including any earnings thereon, shall be included in taxable income  
19 when withdrawn in the same manner as withdrawals from individual  
20 retirement accounts within the meaning of Section 408 of the  
21 Internal Revenue Code of 1986, as amended.

22           11. In taxable years beginning after December 31, 1995,  
23 contributions made to and interest received from a medical savings  
24

1 account established pursuant to Sections 2621 through 2623 of Title  
2 63 of the Oklahoma Statutes shall be exempt from taxable income.

3 12. For taxable years beginning after December 31, 1996, the  
4 Oklahoma adjusted gross income of any individual taxpayer who is a  
5 swine or poultry producer may be further adjusted for the deduction  
6 for depreciation allowed for new construction or expansion costs  
7 which may be computed using the same depreciation method elected for  
8 federal income tax purposes except that the useful life shall be  
9 seven (7) years for purposes of this paragraph. If depreciation is  
10 allowed as a deduction in determining the adjusted gross income of  
11 an individual, any depreciation calculated and claimed pursuant to  
12 this section shall in no event be a duplication of any depreciation  
13 allowed or permitted on the federal income tax return of the  
14 individual.

15 13. a. In taxable years beginning before January 1, 2005,  
16 retirement benefits not to exceed the amounts  
17 specified in this paragraph, which are received by an  
18 individual sixty-five (65) years of age or older and  
19 whose Oklahoma adjusted gross income is Twenty-five  
20 Thousand Dollars (\$25,000.00) or less if the filing  
21 status is single, head of household, or married filing  
22 separate, or Fifty Thousand Dollars (\$50,000.00) or  
23 less if the filing status is married filing joint or  
24 qualifying widow, shall be exempt from taxable income.

1 In taxable years beginning after December 31, 2004,  
2 retirement benefits not to exceed the amounts  
3 specified in this paragraph, which are received by an  
4 individual whose Oklahoma adjusted gross income is  
5 less than the qualifying amount specified in this  
6 paragraph, shall be exempt from taxable income.

7 b. For purposes of this paragraph, the qualifying amount  
8 shall be as follows:

9 (1) in taxable years beginning after December 31,  
10 2004, and prior to January 1, 2007, the  
11 qualifying amount shall be Thirty-seven Thousand  
12 Five Hundred Dollars (\$37,500.00) or less if the  
13 filing status is single, head of household, or  
14 married filing separate, or Seventy-five Thousand  
15 Dollars (\$75,000.00) or less if the filing status  
16 is married filing jointly or qualifying widow,

17 (2) in the taxable year beginning January 1, 2007,  
18 the qualifying amount shall be Fifty Thousand  
19 Dollars (\$50,000.00) or less if the filing status  
20 is single, head of household, or married filing  
21 separate, or One Hundred Thousand Dollars  
22 (\$100,000.00) or less if the filing status is  
23 married filing jointly or qualifying widow,  
24

1 (3) in the taxable year beginning January 1, 2008,  
2 the qualifying amount shall be Sixty-two Thousand  
3 Five Hundred Dollars (\$62,500.00) or less if the  
4 filing status is single, head of household, or  
5 married filing separate, or One Hundred Twenty-  
6 five Thousand Dollars (\$125,000.00) or less if  
7 the filing status is married filing jointly or  
8 qualifying widow,

9 (4) in the taxable year beginning January 1, 2009,  
10 the qualifying amount shall be One Hundred  
11 Thousand Dollars (\$100,000.00) or less if the  
12 filing status is single, head of household, or  
13 married filing separate, or Two Hundred Thousand  
14 Dollars (\$200,000.00) or less if the filing  
15 status is married filing jointly or qualifying  
16 widow, and

17 (5) in the taxable year beginning January 1, 2010,  
18 and subsequent taxable years, there shall be no  
19 limitation upon the qualifying amount.

20 c. For purposes of this paragraph, "retirement benefits"  
21 means the total distributions or withdrawals from the  
22 following:

23 (1) an employee pension benefit plan which satisfies  
24 the requirements of Section 401 of the Internal

1 Revenue Code of 1986, as amended, 26 U.S.C.,  
2 Section 401,

3 (2) an eligible deferred compensation plan that  
4 satisfies the requirements of Section 457 of the  
5 Internal Revenue Code of 1986, as amended, 26  
6 U.S.C., Section 457,

7 (3) an individual retirement account, annuity or  
8 trust or simplified employee pension that  
9 satisfies the requirements of Section 408 of the  
10 Internal Revenue Code of 1986, as amended, 26  
11 U.S.C., Section 408,

12 (4) an employee annuity subject to the provisions of  
13 Section 403(a) or (b) of the Internal Revenue  
14 Code of 1986, as amended, 26 U.S.C., Section  
15 403(a) or (b),

16 (5) United States Retirement Bonds which satisfy the  
17 requirements of Section 86 of the Internal  
18 Revenue Code of 1986, as amended, 26 U.S.C.,  
19 Section 86, or

20 (6) lump-sum distributions from a retirement plan  
21 which satisfies the requirements of Section  
22 402(e) of the Internal Revenue Code of 1986, as  
23 amended, 26 U.S.C., Section 402(e).

24

1           d.    The amount of the exemption provided by this paragraph  
2                   shall be limited to Five Thousand Five Hundred Dollars  
3                   (\$5,500.00) for the 2004 tax year, Seven Thousand Five  
4                   Hundred Dollars (\$7,500.00) for the 2005 tax year and  
5                   Ten Thousand Dollars (\$10,000.00) for the tax year  
6                   2006 and for all subsequent tax years. Any individual  
7                   who claims the exemption provided for in paragraph 8  
8                   of this subsection shall not be permitted to claim a  
9                   combined total exemption pursuant to this paragraph  
10                  and paragraph 8 of this subsection in an amount  
11                  exceeding Five Thousand Five Hundred Dollars  
12                  (\$5,500.00) for the 2004 tax year, Seven Thousand Five  
13                  Hundred Dollars (\$7,500.00) for the 2005 tax year and  
14                  Ten Thousand Dollars (\$10,000.00) for the 2006 tax  
15                  year and all subsequent tax years.

16           14. In taxable years beginning after December 31, 1999, for an  
17 individual engaged in production agriculture who has filed a  
18 Schedule F form with the taxpayer's federal income tax return for  
19 such taxable year, there shall be excluded from taxable income any  
20 amount which was included as federal taxable income or federal  
21 adjusted gross income and which consists of the discharge of an  
22 obligation by a creditor of the taxpayer incurred to finance the  
23 production of agricultural products.

1       15. In taxable years beginning December 31, 2000, an amount  
2 equal to one hundred percent (100%) of the amount of any scholarship  
3 or stipend received from participation in the Oklahoma Police Corps  
4 Program, as established in Section 2-140.3 of Title 47 of the  
5 Oklahoma Statutes shall be exempt from taxable income.

6       16. a. In taxable years beginning after December 31, 2001,  
7 and before January 1, 2005, there shall be allowed a  
8 deduction in the amount of contributions to accounts  
9 established pursuant to the Oklahoma College Savings  
10 Plan Act. The deduction shall equal the amount of  
11 contributions to accounts, but in no event shall the  
12 deduction for each contributor exceed Two Thousand  
13 Five Hundred Dollars (\$2,500.00) each taxable year for  
14 each account.

15       b. In taxable years beginning after December 31, 2004,  
16 each taxpayer shall be allowed a deduction for  
17 contributions to accounts established pursuant to the  
18 Oklahoma College Savings Plan Act. The maximum annual  
19 deduction shall equal the amount of contributions to  
20 all such accounts plus any contributions to such  
21 accounts by the taxpayer for prior taxable years after  
22 December 31, 2004, which were not deducted, but in no  
23 event shall the deduction for each tax year exceed Ten  
24 Thousand Dollars (\$10,000.00) for each individual

1 taxpayer or Twenty Thousand Dollars (\$20,000.00) for  
2 taxpayers filing a joint return. Any amount of a  
3 contribution that is not deducted by the taxpayer in  
4 the year for which the contribution is made may be  
5 carried forward as a deduction from income for the  
6 succeeding five (5) years. For taxable years  
7 beginning after December 31, 2005, deductions may be  
8 taken for contributions and rollovers made during a  
9 taxable year and up to April 15 of the succeeding  
10 year, or the due date of a taxpayer's state income tax  
11 return, excluding extensions, whichever is later.  
12 Provided, a deduction for the same contribution may  
13 not be taken for two (2) different taxable years.

14 c. In taxable years beginning after December 31, 2006,  
15 deductions for contributions made pursuant to  
16 subparagraph b of this paragraph shall be limited as  
17 follows:

18 (1) for a taxpayer who qualified for the five-year  
19 carryforward election and who takes a rollover or  
20 nonqualified withdrawal during that period, the  
21 tax deduction otherwise available pursuant to  
22 subparagraph b of this paragraph shall be reduced  
23 by the amount which is equal to the rollover or  
24 nonqualified withdrawal, and



1 (2) for a taxpayer who elects to take a rollover or  
2 nonqualified withdrawal within the same tax year  
3 in which a contribution was made to the  
4 taxpayer's account, the tax deduction otherwise  
5 available pursuant to subparagraph b of this  
6 paragraph shall be reduced by the amount of the  
7 contribution which is equal to the rollover or  
8 nonqualified withdrawal.

9 d. If a taxpayer elects to take a rollover on a  
10 contribution for which a deduction has been taken  
11 pursuant to subparagraph b of this paragraph within  
12 one (1) year of the date of contribution, the amount  
13 of such rollover shall be included in the adjusted  
14 gross income of the taxpayer in the taxable year of  
15 the rollover.

16 e. If a taxpayer makes a nonqualified withdrawal of  
17 contributions for which a deduction was taken pursuant  
18 to subparagraph b of this paragraph, such nonqualified  
19 withdrawal and any earnings thereon shall be included  
20 in the adjusted gross income of the taxpayer in the  
21 taxable year of the nonqualified withdrawal.

22 f. As used in this paragraph:  
23  
24

1 (1) "non-qualified withdrawal" means a withdrawal  
2 from an Oklahoma College Savings Plan account  
3 other than one of the following:

4 (a) a qualified withdrawal,

5 (b) a withdrawal made as a result of the death  
6 or disability of the designated beneficiary  
7 of an account,

8 (c) a withdrawal that is made on the account of  
9 a scholarship or the allowance or payment  
10 described in Section 135(d)(1)(B) or (C) or  
11 by the Internal Revenue Code of 1986, as  
12 amended, received by the designated

13 beneficiary to the extent the amount of the  
14 refund does not exceed the amount of the  
15 scholarship, allowance, or payment, or

16 (d) a rollover or change of designated  
17 beneficiary as permitted by subsection F of  
18 Section 3970.7 of Title 70 of the Oklahoma  
19 Statutes, and

20 (2) "rollover" means the transfer of funds from the  
21 Oklahoma College Savings Plan to any other plan  
22 under Section 529 of the Internal Revenue Code of  
23 1986, as amended.

24

1       17. For tax years 2006 through 2021, retirement benefits  
2 received by an individual from any component of the Armed Forces of  
3 the United States in an amount not to exceed the greater of seventy-  
4 five percent (75%) of such benefits or Ten Thousand Dollars  
5 (\$10,000.00) shall be exempt from taxable income but in no case less  
6 than the amount of the exemption provided by paragraph 13 of this  
7 subsection. For tax year 2022 and subsequent tax years, retirement  
8 benefits received by an individual from any component of the Armed  
9 Forces of the United States shall be exempt from taxable income.

10       18. For taxable years beginning after December 31, 2006,  
11 retirement benefits received by federal civil service retirees,  
12 including survivor annuities, paid in lieu of Social Security  
13 benefits shall be exempt from taxable income to the extent such  
14 benefits are included in the federal adjusted gross income pursuant  
15 to the provisions of Section 86 of the Internal Revenue Code of  
16 1986, as amended, 26 U.S.C., Section 86, according to the following  
17 schedule:

- 18           a. in the taxable year beginning January 1, 2007, twenty  
19           percent (20%) of such benefits shall be exempt,
- 20           b. in the taxable year beginning January 1, 2008, forty  
21           percent (40%) of such benefits shall be exempt,
- 22           c. in the taxable year beginning January 1, 2009, sixty  
23           percent (60%) of such benefits shall be exempt,

24

- 1           d.    in the taxable year beginning January 1, 2010, eighty  
2           percent (80%) of such benefits shall be exempt, and  
3           e.    in the taxable year beginning January 1, 2011, and  
4           subsequent taxable years, one hundred percent (100%)  
5           of such benefits shall be exempt.

6           19. a.   For taxable years beginning after December 31, 2007, a  
7           resident individual may deduct up to Ten Thousand  
8           Dollars (\$10,000.00) from Oklahoma adjusted gross  
9           income if the individual, or the dependent of the  
10          individual, while living, donates one or more human  
11          organs of the individual to another human being for  
12          human organ transplantation. As used in this  
13          paragraph, "human organ" means all or part of a liver,  
14          pancreas, kidney, intestine, lung, or bone marrow. A  
15          deduction that is claimed under this paragraph may be  
16          claimed in the taxable year in which the human organ  
17          transplantation occurs.

18          b.    An individual may claim this deduction only once, and  
19          the deduction may be claimed only for unreimbursed  
20          expenses that are incurred by the individual and  
21          related to the organ donation of the individual.

22          c.    The Oklahoma Tax Commission shall promulgate rules to  
23          implement the provisions of this paragraph which shall  
24          contain a specific list of expenses which may be

1           presumed to qualify for the deduction. The Tax  
2           Commission shall prescribe necessary requirements for  
3           verification.

4           20. For taxable years beginning after December 31, 2009, there  
5 shall be exempt from taxable income any amount received by the  
6 beneficiary of the death benefit for an emergency medical technician  
7 or a registered emergency medical responder provided by Section 1-  
8 2505.1 of Title 63 of the Oklahoma Statutes.

9           21. For taxable years beginning after December 31, 2008,  
10 taxable income shall be increased by any unemployment compensation  
11 exempted under Section 85(c) of the Internal Revenue Code of 1986,  
12 as amended, 26 U.S.C., Section 85(c) ~~(2009)~~.

13           22. For taxable years beginning after December 31, 2008, there  
14 shall be exempt from taxable income any payment in an amount less  
15 than Six Hundred Dollars (\$600.00) received by a person as an award  
16 for participation in a competitive livestock show event. For  
17 purposes of this paragraph, the payment shall be treated as a  
18 scholarship amount paid by the entity sponsoring the event and the  
19 sponsoring entity shall cause the payment to be categorized as a  
20 scholarship in its books and records.

21           23. For taxable years beginning on or after January 1, 2016,  
22 taxable income shall be increased by any amount of state and local  
23 sales or income taxes deducted under 26 U.S.C., Section 164 of the  
24 Internal Revenue Code of 1986, as amended. If the amount of state

1 and local taxes deducted on the federal return is limited, taxable  
2 income on the state return shall be increased only by the amount  
3 actually deducted after any such limitations are applied.

4 24. For taxable years beginning after December 31, 2020, each  
5 taxpayer shall be allowed a deduction for contributions to accounts  
6 established pursuant to the Achieving a Better Life Experience  
7 (ABLE) ~~Program~~ program as established in Section 4001.1 et seq. of  
8 Title 56 of the Oklahoma Statutes. For any tax year, the deduction  
9 provided for in this paragraph shall not exceed Ten Thousand Dollars  
10 (\$10,000.00) for an individual taxpayer or Twenty Thousand Dollars  
11 (\$20,000.00) for taxpayers filing a joint return. Any amount of  
12 contribution not deducted by the taxpayer in the tax year for which  
13 the contribution is made may be carried forward as a deduction from  
14 income for up to five (5) tax years. Deductions may be taken for  
15 contributions made during the tax year and through April 15 of the  
16 succeeding tax year, or through the due date of a taxpayer's state  
17 income tax return excluding extensions, whichever is later.  
18 Provided, a deduction for the same contribution may not be taken in  
19 more than one (1) tax year.

20 F. 1. For taxable years beginning after December 31, 2004, a  
21 deduction from the Oklahoma adjusted gross income of any individual  
22 taxpayer shall be allowed for qualifying gains receiving capital  
23 treatment that are included in the federal adjusted gross income of  
24 such individual taxpayer during the taxable year.

1 2. As used in this subsection:

2 a. "qualifying gains receiving capital treatment" means  
3 the amount of net capital gains, as defined in Section  
4 1222(11) of the Internal Revenue Code of 1986, as  
5 amended, included in an individual taxpayer's federal  
6 income tax return that result from:

7 (1) the sale of real property or tangible personal  
8 property located within ~~Oklahoma~~ this state that  
9 has been directly or indirectly owned by the  
10 individual taxpayer for a holding period of at  
11 least five (5) years prior to the date of the  
12 transaction from which such net capital gains  
13 arise,

14 (2) the sale of stock or the sale of a direct or  
15 indirect ownership interest in an Oklahoma  
16 company, limited liability company, or  
17 partnership where such stock or ownership  
18 interest has been directly or indirectly owned by  
19 the individual taxpayer for a holding period of  
20 at least two (2) years prior to the date of the  
21 transaction from which the net capital gains  
22 arise, or

23 (3) the sale of real property, tangible personal  
24 property or intangible personal property located

1                   within ~~Oklahoma~~ this state as part of the sale of  
2                   all or substantially all of the assets of an  
3                   Oklahoma company, limited liability company, or  
4                   partnership or an Oklahoma proprietorship  
5                   business enterprise where such property has been  
6                   directly or indirectly owned by such entity or  
7                   business enterprise or owned by the owners of  
8                   such entity or business enterprise for a period  
9                   of at least two (2) years prior to the date of  
10                  the transaction from which the net capital gains  
11                  arise,

12           b.    "holding period" means an uninterrupted period of  
13                  time. The holding period shall include any additional  
14                  period when the property was held by another  
15                  individual or entity, if such additional period is  
16                  included in the taxpayer's holding period for the  
17                  asset pursuant to the Internal Revenue Code of 1986,  
18                  as amended,

19           c.    "Oklahoma company," "limited liability company," or  
20                  "partnership" means an entity whose primary  
21                  headquarters have been located in ~~Oklahoma~~ this state  
22                  for at least three (3) uninterrupted years prior to  
23                  the date of the transaction from which the net capital  
24                  gains arise,



1 d. "direct" means the individual taxpayer directly owns  
2 the asset,

3 e. "indirect" means the individual taxpayer owns an  
4 interest in a pass-through entity (or chain of pass-  
5 through entities) that sells the asset that gives rise  
6 to the qualifying gains receiving capital treatment.

7 (1) With respect to sales of real property or  
8 tangible personal property located within  
9 ~~Oklahoma~~ this state, the deduction described in  
10 this subsection shall not apply unless the pass-  
11 through entity that makes the sale has held the  
12 property for not less than five (5) uninterrupted  
13 years prior to the date of the transaction that  
14 created the capital gain, and each pass-through  
15 entity included in the chain of ownership has  
16 been a member, partner, or shareholder of the  
17 pass-through entity in the tier immediately below  
18 it for an uninterrupted period of not less than  
19 five (5) years.

20 (2) With respect to sales of stock or ownership  
21 interest in or sales of all or substantially all  
22 of the assets of an Oklahoma company, limited  
23 liability company, partnership or Oklahoma  
24 proprietorship business enterprise, the deduction

1 described in this subsection shall not apply  
2 unless the pass-through entity that makes the  
3 sale has held the stock or ownership interest for  
4 not less than two (2) uninterrupted years prior  
5 to the date of the transaction that created the  
6 capital gain, and each pass-through entity  
7 included in the chain of ownership has been a  
8 member, partner or shareholder of the pass-  
9 through entity in the tier immediately below it  
10 for an uninterrupted period of not less than two  
11 (2) years. For purposes of this division,  
12 uninterrupted ownership prior to July 1, 2007,  
13 shall be included in the determination of the  
14 required holding period prescribed by this  
15 division, and

16 f. "Oklahoma proprietorship business enterprise" means a  
17 business enterprise whose income and expenses have  
18 been reported on Schedule C or F of an individual  
19 taxpayer's federal income tax return, or any similar  
20 successor schedule published by the Internal Revenue  
21 Service and whose primary headquarters have been  
22 located in ~~Oklahoma~~ this state for at least three (3)  
23 uninterrupted years prior to the date of the  
24 transaction from which the net capital gains arise.

1 G. 1. For purposes of computing its Oklahoma taxable income  
2 under this section, the dividends-paid deduction otherwise allowed  
3 by federal law in computing net income of a real estate investment  
4 trust that is subject to federal income tax shall be added back in  
5 computing the tax imposed by this state under this title if the real  
6 estate investment trust is a captive real estate investment trust.

7 2. For purposes of computing its Oklahoma taxable income under  
8 this section, a taxpayer shall add back otherwise deductible rents  
9 and interest expenses paid to a captive real estate investment trust  
10 that is not subject to the provisions of paragraph 1 of this  
11 subsection. As used in this subsection:

12 a. the term "real estate investment trust" or "REIT"  
13 means the meaning ascribed to such term in Section 856  
14 of the Internal Revenue Code of 1986, as amended,

15 b. the term "captive real estate investment trust" means  
16 a real estate investment trust, the shares or  
17 beneficial interests of which are not regularly traded  
18 on an established securities market and more than  
19 fifty percent (50%) of the voting power or value of  
20 the beneficial interests or shares of which are owned  
21 or controlled, directly or indirectly, or  
22 constructively, by a single entity that is:  
23  
24

1 (1) treated as an association taxable as a  
2 corporation under the Internal Revenue Code of  
3 1986, as amended, and

4 (2) not exempt from federal income tax pursuant to  
5 the provisions of Section 501(a) of the Internal  
6 Revenue Code of 1986, as amended.

7 The term shall not include a real estate investment  
8 trust that is intended to be regularly traded on an  
9 established securities market, and that satisfies the  
10 requirements of Section 856(a)(5) and (6) of the ~~U.S.~~  
11 Internal Revenue Code of 1986, as amended, by reason  
12 of Section 856(h)(2) of the Internal Revenue Code of  
13 1986, as amended,

14 c. the term "association taxable as a corporation" shall  
15 not include the following entities:

16 (1) any real estate investment trust as defined in  
17 ~~paragraph subparagraph~~ a of paragraph 2 of this  
18 subsection other than a "~~captive real estate~~  
19 ~~investment trust~~" captive real estate investment  
20 trust,

21 (2) any qualified real estate investment trust  
22 subsidiary under Section 856(i) of the Internal  
23 Revenue Code of 1986, as amended, other than a  
24 qualified REIT subsidiary of a "~~captive real~~

1           ~~estate investment trust~~" captive real estate  
2           investment trust,

3           (3) any ~~Listed Australian Property Trust~~ listed  
4           Australian property trust (meaning an Australian  
5           unit trust registered as a "~~Managed Investment~~  
6           ~~Scheme~~" "managed investment scheme" under the  
7           Australian Corporations Act 2001 in which the  
8           principal class of units is listed on a  
9           recognized stock exchange in Australia and is  
10          regularly traded on an established securities  
11          market), or an entity organized as a trust,  
12          provided that a ~~Listed Australian Property Trust~~  
13          listed Australian property trust owns or  
14          controls, directly or indirectly, seventy-five  
15          percent (75%) or more of the voting power or  
16          value of the beneficial interests or shares of  
17          such trust, or

18          (4) any ~~Qualified Foreign Entity~~ qualified foreign  
19          entity, meaning a corporation, trust, association  
20          or partnership organized outside the laws of the  
21          United States and which satisfies the following  
22          criteria:

23               (a) at least seventy-five percent (75%) of the  
24               entity's total asset value at the close of

1 its taxable year is represented by real  
2 estate assets, as defined in Section  
3 856(c) (5) (B) of the Internal Revenue Code of  
4 1986, as amended, thereby including shares  
5 or certificates of beneficial interest in  
6 any real estate investment trust, cash and  
7 cash equivalents, and U.S. Government  
8 securities,

9 (b) the entity receives a dividend-paid  
10 deduction comparable to Section 561 of the  
11 Internal Revenue Code of 1986, as amended,  
12 or is exempt from entity level tax,

13 (c) the entity is required to distribute at  
14 least eighty-five percent (85%) of its  
15 taxable income, as computed in the  
16 jurisdiction in which it is organized, to  
17 the holders of its shares or certificates of  
18 beneficial interest on an annual basis,

19 (d) not more than ten percent (10%) of the  
20 voting power or value in such entity is held  
21 directly or indirectly or constructively by  
22 a single entity or individual, or the shares  
23 or beneficial interests of such entity are  
24

1 regularly traded on an established

2 securities market, and

3 (e) the entity is organized in a country which

4 has a tax treaty with the United States.

5 3. For purposes of this subsection, the constructive ownership  
6 rules of Section 318(a) of the Internal Revenue Code, as modified by  
7 Section 856(d) (5) of the Internal Revenue Code of 1986, as amended,  
8 shall apply in determining the ownership of stock, assets, or net  
9 profits of any person.

10 4. A real estate investment trust that does not become  
11 regularly traded on an established securities market within one (1)  
12 year of the date on which it first becomes a real estate investment  
13 trust shall be deemed not to have been regularly traded on an  
14 established securities market, retroactive to the date it first  
15 became a real estate investment trust, and shall file an amended  
16 return reflecting such retroactive designation for any tax year or  
17 part year occurring during its initial year of status as a real  
18 estate investment trust. For purposes of this subsection, a real  
19 estate investment trust becomes a real estate investment trust on  
20 the first day it has both met the requirements of Section 856 of the  
21 Internal Revenue Code of 1986, as amended, and has elected to be  
22 treated as a real estate investment trust pursuant to Section  
23 856(c) (1) of the Internal Revenue Code of 1986, as amended.

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

1 Passed the House of Representatives the 25th day of March, 2025.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
5 of Representatives

6 Passed the Senate the \_\_\_\_\_ day of \_\_\_\_\_, 2025.

7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate