

HOUSE BILL No. 2430

By Committee on Taxation

5-5

1 AN ACT concerning income taxation; relating to determination of income,
2 subtraction modifications; rates for resident individuals with income
3 from certain businesses who employ one or more persons; amending
4 K.S.A. 2014 Supp. 79-32,110, 79-32,111 and 79-32,117 and repealing
5 the existing sections.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 New Section 1. (a) As used in this section:

9 (1) "Business entity" means a limited liability company, S
10 corporation, partnership, association, sole proprietorship, joint venture or
11 other similar form of business organization. The term "business entity"
12 shall not include any business organization subject to the income tax on
13 corporations under K.S.A. 79-32,110(c), and amendments thereto, the
14 privilege tax as measured by net income of financial institutions imposed
15 pursuant to chapter 79, article 11 of the Kansas Statutes Annotated, and
16 amendments thereto, or the premium tax or privilege fees imposed
17 pursuant to K.S.A. 40-252, and amendments thereto;

18 (2) "employee" means:

19 (A) Any natural person employed by a business entity and
20 performing duties for such business entity for compensation subject to
21 employer withholding taxes pursuant to K.S.A. 79-3295 et seq., and
22 amendments thereto; and

23 (B) any natural person who performs duties for the business entity but
24 is employed by a third-party employer for compensation subject to
25 employer withholding taxes pursuant to K.S.A. 79-3295 et seq., and
26 amendments thereto, who serves as the legal employer while furnishing
27 such employee to such business entity;

28 (3) (A) "qualified income" means:

29 (i) Net profit from business as determined under the federal internal
30 revenue code and reported from schedule C and on line 12 of the
31 taxpayer's form 1040 federal individual income tax return;

32 (ii) net income from partnerships, S corporations, estates and trusts as
33 determined under the federal internal revenue code and reported from parts
34 II or III of schedule E and on line 17 of the taxpayer's form 1040 federal
35 individual income tax return; and

36 (iii) net farm profit as determined under the federal internal revenue

1 code and reported from schedule F and on line 18 of the taxpayer's form
2 1040 federal income tax return;

3 (B) qualified income shall not include any rental income or royalties
4 paid to the taxpayer, including royalties from intellectual property; and

5 (4) "qualified loss" means:

6 (A) Net loss from business as determined under the federal internal
7 revenue code and reported from schedule C and on line 12 of the
8 taxpayer's form 1040 federal individual income tax return;

9 (B) net loss from partnerships, S corporations, estates and trusts as
10 determined under the federal internal revenue code and reported from
11 schedule E and on line 17 of the taxpayer's form 1040 federal individual
12 income tax return; and

13 (C) net farm loss as determined under the federal internal revenue
14 code and reported from schedule F and on line 18 of the taxpayer's form
15 1040 federal income tax return.

16 (b) (1) For tax year 2015, and all tax years thereafter, any individual
17 who has an ownership interest in a business entity shall be eligible for the
18 lowest marginal individual income tax rate applicable under K.S.A. 2014
19 Supp. 79-32,110, and amendments thereto, with respect to qualified
20 income received from such business entity under paragraph (2) if such
21 business entity has at least one employee who has been compensated for
22 at least 2080 hours of work or paid time off for the business entity in the
23 previous tax year.

24 (2) (A) Any qualified income of the individual received from a
25 business entity meeting the requirements of subsection (b)(1) shall be
26 taxed at the lowest rate for resident individuals pursuant to, and computed
27 in accordance with, the tax schedules listed in K.S.A. 79-32,110, and
28 amendments thereto. Remaining income of the individual shall be taxed
29 pursuant to, and computed in accordance with, the tax schedules listed in
30 K.S.A. 79-32,110, and amendments thereto, without regard to the
31 provisions of this section.

32 (B) To the extent permitted under federal income tax law, any
33 qualified loss of the individual received from a business entity meeting the
34 requirements of subsection (b)(1) may be claimed against any qualified
35 income of the individual received from a business entity that meets the
36 requirements of subsection (b)(1).

37 (c) (1) Any business entity that employs one or more persons shall
38 certify to the secretary of revenue that: (A) The business entity has at least
39 one employee; (B) the business entity employed at least one person who
40 has been compensated as an employee of such business entity for at least
41 2080 hours of work or paid time off in the previous calendar year; (C) any
42 qualified income of the individual received from such business entity is
43 eligible for the lowest marginal individual income tax rate applicable

1 under K.S.A. 2014 Supp. 79-32,110, and amendments thereto; and (D) any
2 qualified loss of the individual received from such business entity is
3 eligible to be claimed against any qualified income pursuant to subsection
4 (b)(1)(B).

5 (2) The certification required by this subsection shall include: (A)
6 The name, social security number, position, location of employment, name
7 of employer, employer FEIN and annual hours compensated for the
8 employee being relied upon for qualification for benefits; and (B) the
9 name, address and social security number of each individual owner of the
10 business entity. Any taxpayer seeking benefits under this section shall
11 provide a copy of the certification with the taxpayer's individual income
12 tax return.

13 (d) The secretary of revenue shall adopt all necessary rules and
14 regulations to implement and administer the provisions of this section.

15 Sec. 2. K.S.A. 2014 Supp. 79-32,110 is hereby amended to read as
16 follows: 79-32,110.(a) *Resident Individuals*. Except as otherwise provided
17 by ~~subsection (a) of K.S.A. 79-3220(a) and section 1~~, and amendments
18 thereto, a tax is hereby imposed upon the Kansas taxable income of every
19 resident individual, which tax shall be computed in accordance with the
20 following tax schedules:

21 (1) *Married individuals filing joint returns.*

22 (A) For tax year 2012:

If the taxable income is:	The tax is:
Not over \$30,000.....	3.5% of Kansas taxable income
Over \$30,000 but not over \$60,000	\$1,050 plus 6.25% of excess over \$30,000
Over \$60,000.....	\$2,925 plus 6.45% of excess over \$60,000

29 (B) For tax year 2013:

If the taxable income is:	The tax is:
Not over \$30,000.....	3.0% of Kansas taxable income
Over \$30,000.....	\$900 plus 4.9% of excess over \$30,000

34 (C) For tax year 2014:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.8% of excess over \$30,000

39 (D) For tax year 2015:

If the taxable income is:	The tax is:
Not over \$30,000.....	2.7% of Kansas taxable income
Over \$30,000.....	\$810 plus 4.6% of excess over \$30,000

1 (E) For tax year 2016:

2 If the taxable income is:	The tax is:
3 Not over \$30,000.....	2.4% of Kansas taxable income
4 Over \$30,000.....	\$720 plus 4.6% of excess over
5	\$30,000

6 (F) For tax year 2017:

7 If the taxable income is:	The tax is:
8 Not over \$30,000.....	2.3% of Kansas taxable income
9 Over \$30,000.....	\$690 plus 4.6% of excess over
10	\$30,000

11 (G) For tax year 2018, and all tax years thereafter:

12 If the taxable income is:	The tax is:
13 Not over \$30,000.....	2.3% of Kansas taxable income
14 Over \$30,000.....	\$690 plus 3.9% of excess over
15	\$30,000

16 (2) *All other individuals.*

17 (A) For tax year 2012:

18 If the taxable income is:	The tax is:
19 Not over \$15,000.....	3.5% of Kansas taxable income
20 Over \$15,000 but not over	\$525 plus 6.25% of excess
21 \$30,000.....	over \$15,000
22 Over \$30,000.....	\$1,462.50 plus 6.45% of excess
23	over \$30,000

24 (B) For tax year 2013:

25 If the taxable income is:	The tax is:
26 Not over \$15,000.....	3.0% of Kansas taxable income
27 Over \$15,000.....	\$450 plus 4.9% of excess over
28	\$15,000

29 (C) For tax year 2014:

30 If the taxable income is:	The tax is:
31 Not over \$15,000.....	2.7% of Kansas taxable income
32 Over \$15,000.....	\$405 plus 4.8% of excess over
33	\$15,000

34 (D) For tax year 2015:

35 If the taxable income is:	The tax is:
36 Not over \$15,000.....	2.7% of Kansas taxable income
37 Over \$15,000.....	\$405 plus 4.6% of excess over
38	\$15,000

39 (E) For tax year 2016:

40 If the taxable income is:	The tax is:
41 Not over \$15,000.....	2.4% of Kansas taxable income
42 Over \$15,000.....	\$360 plus 4.6% of excess over
43	\$15,000

1 (F) For tax year 2017:

2 If the taxable income is:	The tax is:
3 Not over \$15,000.....	2.3% of Kansas taxable income
4 Over \$15,000.....	\$345 plus 4.6% of excess over
5	\$15,000

6 (G) For tax year 2018, and all tax years thereafter:

7 If the taxable income is:	The tax is:
8 Not over \$15,000.....	2.3% of Kansas taxable income
9 Over \$15,000.....	\$345 plus 3.9% of excess over
10	\$15,000

11 (b) *Nonresident Individuals.* A tax is hereby imposed upon the Kansas
 12 taxable income of every nonresident individual, which tax shall be an
 13 amount equal to the tax computed under subsection (a) as if the
 14 nonresident were a resident multiplied by the ratio of modified Kansas
 15 source income to Kansas adjusted gross income.

16 (c) *Corporations.* A tax is hereby imposed upon the Kansas taxable
 17 income of every corporation doing business within this state or deriving
 18 income from sources within this state. Such tax shall consist of a normal
 19 tax and a surtax and shall be computed as follows:

20 (1) The normal tax shall be in an amount equal to 4% of the Kansas
 21 taxable income of such corporation; and

22 (2) (A) for tax year 2008, the surtax shall be in an amount equal to
 23 3.1% of the Kansas taxable income of such corporation in excess of
 24 \$50,000;

25 (B) for tax years 2009 and 2010, the surtax shall be in an amount
 26 equal to 3.05% of the Kansas taxable income of such corporation in excess
 27 of \$50,000; and

28 (C) for tax year 2011, and all tax years thereafter, the surtax shall be
 29 in an amount equal to 3% of the Kansas taxable income of such
 30 corporation in excess of \$50,000.

31 (d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable
 32 income of estates and trusts at the rates provided in ~~paragraph (2) of~~
 33 subsection (a)(2) hereof.

34 (e) Tax rates provided in this section shall be adjusted pursuant to the
 35 provisions of K.S.A. 2014 Supp. 79-32,269, and amendments thereto.

36 Sec. 3. K.S.A. 2014 Supp. 79-32,111 is hereby amended to read as
 37 follows: 79-32,111. (a) The amount of income tax paid to another state by
 38 a resident individual, resident estate or resident trust on income derived
 39 from sources in another state, ~~and included in Kansas adjusted gross~~
 40 ~~income~~, shall be allowed as a credit against the tax computed under the
 41 provisions of this act. Such credit shall not be greater in proportion to the
 42 tax computed under this act than the Kansas adjusted gross income for
 43 such year derived in another state while such taxpayer is a resident of this

1 state is to the total Kansas adjusted gross income of the taxpayer. As used
2 in this subsection, "state" shall have the meaning ascribed thereto by
3 ~~subsection (h) of K.S.A. 79-3271(h)~~, and amendments thereto. The credit
4 allowable hereunder for income tax paid to a foreign country or political
5 subdivision thereof shall not exceed the difference of such income tax paid
6 less the credit allowable for such income tax paid by the federal internal
7 revenue code. No redetermination of income tax paid for the purposes of
8 determining the credit allowed by this subsection shall be required for the
9 taxable year for which an income tax refund payment pursuant to the
10 provisions of section 18 of article 10 of the Missouri constitution is made,
11 but the income tax paid allowable for credit in the next following taxable
12 year shall be reduced by the amount of such refund amount, except that,
13 for tax year 1998, the income tax paid allowable for credit shall be reduced
14 by the amount of such refunds made for all taxable years prior to tax year
15 1998.

16 (b) There shall be allowed as a credit against the tax computed under
17 the provisions of the Kansas income tax act, and amendments thereto, on
18 the Kansas taxable income of an individual, corporation or fiduciary the
19 amount determined under the provisions of K.S.A. 79-32,153 to 79-
20 32,158, and amendments thereto.

21 Sec. 4. K.S.A. 2014 Supp. 79-32,117 is hereby amended to read as
22 follows: 79-32,117. (a) The Kansas adjusted gross income of an individual
23 means such individual's federal adjusted gross income for the taxable year,
24 with the modifications specified in this section.

25 (b) There shall be added to federal adjusted gross income:

26 (i) Interest income less any related expenses directly incurred in the
27 purchase of state or political subdivision obligations, to the extent that the
28 same is not included in federal adjusted gross income, on obligations of
29 any state or political subdivision thereof, but to the extent that interest
30 income on obligations of this state or a political subdivision thereof issued
31 prior to January 1, 1988, is specifically exempt from income tax under the
32 laws of this state authorizing the issuance of such obligations, it shall be
33 excluded from computation of Kansas adjusted gross income whether or
34 not included in federal adjusted gross income. Interest income on
35 obligations of this state or a political subdivision thereof issued after
36 December 31, 1987, shall be excluded from computation of Kansas
37 adjusted gross income whether or not included in federal adjusted gross
38 income.

39 (ii) Taxes on or measured by income or fees or payments in lieu of
40 income taxes imposed by this state or any other taxing jurisdiction to the
41 extent deductible in determining federal adjusted gross income and not
42 credited against federal income tax. This paragraph shall not apply to taxes
43 imposed under the provisions of K.S.A. 79-1107 or 79-1108, and

1 amendments thereto, for privilege tax year 1995, and all such years
2 thereafter.

3 (iii) The federal net operating loss deduction, *except that the federal*
4 *net operating loss deduction shall not be added to an individual's federal*
5 *adjusted gross income for any tax year beginning after December 31,*
6 *2014.*

7 (iv) Federal income tax refunds received by the taxpayer if the
8 deduction of the taxes being refunded resulted in a tax benefit for Kansas
9 income tax purposes during a prior taxable year. Such refunds shall be
10 included in income in the year actually received regardless of the method
11 of accounting used by the taxpayer. For purposes hereof, a tax benefit shall
12 be deemed to have resulted if the amount of the tax had been deducted in
13 determining income subject to a Kansas income tax for a prior year
14 regardless of the rate of taxation applied in such prior year to the Kansas
15 taxable income, but only that portion of the refund shall be included as
16 bears the same proportion to the total refund received as the federal taxes
17 deducted in the year to which such refund is attributable bears to the total
18 federal income taxes paid for such year. For purposes of the foregoing
19 sentence, federal taxes shall be considered to have been deducted only to
20 the extent such deduction does not reduce Kansas taxable income below
21 zero.

22 (v) The amount of any depreciation deduction or business expense
23 deduction claimed on the taxpayer's federal income tax return for any
24 capital expenditure in making any building or facility accessible to the
25 handicapped, for which expenditure the taxpayer claimed the credit
26 allowed by K.S.A. 79-32,177, and amendments thereto.

27 (vi) Any amount of designated employee contributions picked up by
28 an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965,
29 and amendments thereto.

30 (vii) The amount of any charitable contribution made to the extent the
31 same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-
32 32,196, and amendments thereto.

33 (viii) The amount of any costs incurred for improvements to a swine
34 facility, claimed for deduction in determining federal adjusted gross
35 income, to the extent the same is claimed as the basis for any credit
36 allowed pursuant to K.S.A. 2014 Supp. 79-32,204, and amendments
37 thereto.

38 (ix) The amount of any ad valorem taxes and assessments paid and
39 the amount of any costs incurred for habitat management or construction
40 and maintenance of improvements on real property, claimed for deduction
41 in determining federal adjusted gross income, to the extent the same is
42 claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203,
43 and amendments thereto.

1 (x) Amounts received as nonqualified withdrawals, as defined by
2 K.S.A. 2014 Supp. 75-643, and amendments thereto, if, at the time of
3 contribution to a family postsecondary education savings account, such
4 amounts were subtracted from the federal adjusted gross income pursuant
5 to ~~paragraph (xv) of subsection (c) of~~ K.S.A. 79-32,117(c)(xv), and
6 amendments thereto, or if such amounts are not already included in the
7 federal adjusted gross income.

8 (xi) The amount of any contribution made to the same extent the
9 same is claimed as the basis for the credit allowed pursuant to K.S.A. 2014
10 Supp. 74-50,154, and amendments thereto.

11 (xii) For taxable years commencing after December 31, 2004,
12 amounts received as withdrawals not in accordance with the provisions of
13 K.S.A. 2014 Supp. 74-50,204, and amendments thereto, if, at the time of
14 contribution to an individual development account, such amounts were
15 subtracted from the federal adjusted gross income pursuant to ~~paragraph~~
16 ~~(xiii) of~~ subsection (c)(xiii), or if such amounts are not already included in
17 the federal adjusted gross income.

18 (xiii) The amount of any expenditures claimed for deduction in
19 determining federal adjusted gross income, to the extent the same is
20 claimed as the basis for any credit allowed pursuant to K.S.A. 2014 Supp.
21 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

22 (xiv) The amount of any amortization deduction claimed in
23 determining federal adjusted gross income to the extent the same is
24 claimed for deduction pursuant to K.S.A. 2014 Supp. 79-32,221, and
25 amendments thereto.

26 (xv) The amount of any expenditures claimed for deduction in
27 determining federal adjusted gross income, to the extent the same is
28 claimed as the basis for any credit allowed pursuant to K.S.A. 2014 Supp.
29 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233
30 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-
31 32,248 or 79-32,251 through 79-32,254, and amendments thereto.

32 (xvi) The amount of any amortization deduction claimed in
33 determining federal adjusted gross income to the extent the same is
34 claimed for deduction pursuant to K.S.A. 2014 Supp. 79-32,227, 79-
35 32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments
36 thereto.

37 (xvii) The amount of any amortization deduction claimed in
38 determining federal adjusted gross income to the extent the same is
39 claimed for deduction pursuant to K.S.A. 2014 Supp. 79-32,256, and
40 amendments thereto.

41 (xviii) For taxable years commencing after December 31, 2006, the
42 amount of any ad valorem or property taxes and assessments paid to a state
43 other than Kansas or local government located in a state other than Kansas

1 by a taxpayer who resides in a state other than Kansas, when the law of
2 such state does not allow a resident of Kansas who earns income in such
3 other state to claim a deduction for ad valorem or property taxes or
4 assessments paid to a political subdivision of the state of Kansas in
5 determining taxable income for income tax purposes in such other state, to
6 the extent that such taxes and assessments are claimed as an itemized
7 deduction for federal income tax purposes.

8 (xix) For all taxable years beginning after December 31, 2012, *and*
9 *ending prior to January 1, 2015*, the amount of any: (1) Loss from
10 business as determined under the federal internal revenue code and
11 reported from schedule C and on line 12 of the taxpayer's form 1040
12 federal individual income tax return; (2) loss from rental real estate,
13 royalties, partnerships, S corporations, except those with wholly owned
14 subsidiaries subject to the Kansas privilege tax, estates, trusts, residual
15 interest in real estate mortgage investment conduits and net farm rental as
16 determined under the federal internal revenue code and reported from
17 schedule E and on line 17 of the taxpayer's form 1040 federal individual
18 income tax return; and (3) farm loss as determined under the federal
19 internal revenue code and reported from schedule F and on line 18 of the
20 taxpayer's form 1040 federal income tax return; all to the extent deducted
21 or subtracted in determining the taxpayer's federal adjusted gross income.
22 For purposes of this subsection, references to the federal form 1040 and
23 federal schedule C, schedule E, and schedule F, shall be to such form and
24 schedules as they existed for tax year 2011, and as revised thereafter by the
25 internal revenue service.

26 (xx) For all taxable years beginning after December 31, 2012, *and*
27 *ending prior to January 1, 2015*, the amount of any deduction for self-
28 employment taxes under section 164(f) of the federal internal revenue
29 code as in effect on January 1, 2012, and amendments thereto, in
30 determining the federal adjusted gross income of an individual taxpayer, to
31 the extent the deduction is attributable to income reported on schedule C,
32 E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income
33 tax return.

34 (xxi) For all taxable years beginning after December 31, 2012, *and*
35 *ending prior to January 1, 2015*, the amount of any deduction for pension,
36 profit sharing, and annuity plans of self-employed individuals under
37 section 62(a)(6) of the federal internal revenue code as in effect on January
38 1, 2012, and amendments thereto, in determining the federal adjusted gross
39 income of an individual taxpayer.

40 (xxii) For all taxable years beginning after December 31, 2012, *and*
41 *ending prior to January 1, 2015*, the amount of any deduction for health
42 insurance under section 162(l) of the federal internal revenue code as in
43 effect on January 1, 2012, and amendments thereto, in determining the

1 federal adjusted gross income of an individual taxpayer.

2 (xxiii) For all taxable years beginning after December 31, 2012, *and*
3 *ending prior to January 1, 2015*, the amount of any deduction for domestic
4 production activities under section 199 of the federal internal revenue code
5 as in effect on January 1, 2012, and amendments thereto, in determining
6 the federal adjusted gross income of an individual taxpayer.

7 (xxiv) For taxable years commencing after December 31, 2013, that
8 portion of the amount of any expenditure deduction claimed in
9 determining federal adjusted gross income for expenses paid for medical
10 care of the taxpayer or the taxpayer's spouse or dependents when such
11 expenses were paid or incurred for an abortion, or for a health benefit plan,
12 as defined in K.S.A. 2014 Supp. 65-6731, and amendments thereto, for the
13 purchase of an optional rider for coverage of abortion in accordance with
14 K.S.A. 2014 Supp. 40-2,190, and amendments thereto, to the extent that
15 such taxes and assessments are claimed as an itemized deduction for
16 federal income tax purposes.

17 (xxv) For taxable years commencing after December 31, 2013, that
18 portion of the amount of any expenditure deduction claimed in
19 determining federal adjusted gross income for expenses paid by a taxpayer
20 for health care when such expenses were paid or incurred for abortion
21 coverage, a health benefit plan, as defined in K.S.A. 2014 Supp. 65-6731,
22 and amendments thereto, when such expenses were paid or incurred for
23 abortion coverage or amounts contributed to health savings accounts for
24 such taxpayer's employees for the purchase of an optional rider for
25 coverage of abortion in accordance with K.S.A. 2014 Supp. 40-2,190, and
26 amendments thereto, to the extent that such taxes and assessments are
27 claimed as a deduction for federal income tax purposes.

28 (c) There shall be subtracted from federal adjusted gross income:

29 (i) Interest or dividend income on obligations or securities of any
30 authority, commission or instrumentality of the United States and its
31 possessions less any related expenses directly incurred in the purchase of
32 such obligations or securities, to the extent included in federal adjusted
33 gross income but exempt from state income taxes under the laws of the
34 United States.

35 (ii) Any amounts received which are included in federal adjusted
36 gross income but which are specifically exempt from Kansas income
37 taxation under the laws of the state of Kansas.

38 (iii) The portion of any gain or loss from the sale or other disposition
39 of property having a higher adjusted basis for Kansas income tax purposes
40 than for federal income tax purposes on the date such property was sold or
41 disposed of in a transaction in which gain or loss was recognized for
42 purposes of federal income tax that does not exceed such difference in
43 basis, but if a gain is considered a long-term capital gain for federal

1 income tax purposes, the modification shall be limited to that portion of
2 such gain which is included in federal adjusted gross income.

3 (iv) The amount necessary to prevent the taxation under this act of
4 any annuity or other amount of income or gain which was properly
5 included in income or gain and was taxed under the laws of this state for a
6 taxable year prior to the effective date of this act, as amended, to the
7 taxpayer, or to a decedent by reason of whose death the taxpayer acquired
8 the right to receive the income or gain, or to a trust or estate from which
9 the taxpayer received the income or gain.

10 (v) The amount of any refund or credit for overpayment of taxes on
11 or measured by income or fees or payments in lieu of income taxes
12 imposed by this state, or any taxing jurisdiction, to the extent included in
13 gross income for federal income tax purposes.

14 (vi) Accumulation distributions received by a taxpayer as a
15 beneficiary of a trust to the extent that the same are included in federal
16 adjusted gross income.

17 (vii) Amounts received as annuities under the federal civil service
18 retirement system from the civil service retirement and disability fund and
19 other amounts received as retirement benefits in whatever form which
20 were earned for being employed by the federal government or for service
21 in the armed forces of the United States.

22 (viii) Amounts received by retired railroad employees as a
23 supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and
24 228c (a)(1) et seq.

25 (ix) Amounts received by retired employees of a city and by retired
26 employees of any board of such city as retirement allowances pursuant to
27 K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter
28 ordinance exempting a city from the provisions of K.S.A. 13-14,106, and
29 amendments thereto.

30 (x) For taxable years beginning after December 31, 1976, the amount
31 of the federal tentative jobs tax credit disallowance under the provisions of
32 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the
33 amount of the targeted jobs tax credit and work incentive credit
34 disallowances under 26 U.S.C. § 280 C.

35 (xi) For taxable years beginning after December 31, 1986, dividend
36 income on stock issued by Kansas venture capital, inc.

37 (xii) For taxable years beginning after December 31, 1989, amounts
38 received by retired employees of a board of public utilities as pension and
39 retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249,
40 and amendments thereto.

41 (xiii) For taxable years beginning after December 31, 2004, amounts
42 contributed to and the amount of income earned on contributions deposited
43 to an individual development account under K.S.A. 2014 Supp. 74-50,201

1 et seq., and amendments thereto.

2 (xiv) For all taxable years commencing after December 31, 1996, that
3 portion of any income of a bank organized under the laws of this state or
4 any other state, a national banking association organized under the laws of
5 the United States, an association organized under the savings and loan
6 code of this state or any other state, or a federal savings association
7 organized under the laws of the United States, for which an election as an
8 S corporation under subchapter S of the federal internal revenue code is in
9 effect, which accrues to the taxpayer who is a stockholder of such
10 corporation and which is not distributed to the stockholders as dividends of
11 the corporation. For all taxable years beginning after December 31, 2012,
12 *and ending prior to January 1, 2015*, the amount of modification under
13 this subsection shall exclude the portion of income or loss reported on
14 schedule E and included on line 17 of the taxpayer's form 1040 federal
15 individual income tax return.

16 (xv) For all taxable years beginning after December 31, 2006,
17 amounts not exceeding \$3,000, or \$6,000 for a married couple filing a
18 joint return, for each designated beneficiary which are contributed to a
19 family postsecondary education savings account established under the
20 Kansas postsecondary education savings program or a qualified tuition
21 program established and maintained by another state or agency or
22 instrumentality thereof pursuant to section 529 of the internal revenue
23 code of 1986, as amended, for the purpose of paying the qualified higher
24 education expenses of a designated beneficiary at an institution of
25 postsecondary education. The terms and phrases used in this paragraph
26 shall have the meaning respectively ascribed thereto by the provisions of
27 K.S.A. 2014 Supp. 75-643, and amendments thereto, and the provisions of
28 such section are hereby incorporated by reference for all purposes thereof.

29 (xvi) For all taxable years beginning after December 31, 2004,
30 amounts received by taxpayers who are or were members of the armed
31 forces of the United States, including service in the Kansas army and air
32 national guard, as a recruitment, sign up or retention bonus received by
33 such taxpayer as an incentive to join, enlist or remain in the armed services
34 of the United States, including service in the Kansas army and air national
35 guard, and amounts received for repayment of educational or student loans
36 incurred by or obligated to such taxpayer and received by such taxpayer as
37 a result of such taxpayer's service in the armed forces of the United States,
38 including service in the Kansas army and air national guard.

39 (xvii) For all taxable years beginning after December 31, 2004,
40 amounts received by taxpayers who are eligible members of the Kansas
41 army and air national guard as a reimbursement pursuant to K.S.A. 48-
42 281, and amendments thereto, and amounts received for death benefits
43 pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section

1 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and
2 amendments thereto, to the extent that such death benefits are included in
3 federal adjusted gross income of the taxpayer.

4 (xviii) For the taxable year beginning after December 31, 2006,
5 amounts received as benefits under the federal social security act which
6 are included in federal adjusted gross income of a taxpayer with federal
7 adjusted gross income of \$50,000 or less, whether such taxpayer's filing
8 status is single, head of household, married filing separate or married filing
9 jointly; and for all taxable years beginning after December 31, 2007,
10 amounts received as benefits under the federal social security act which
11 are included in federal adjusted gross income of a taxpayer with federal
12 adjusted gross income of \$75,000 or less, whether such taxpayer's filing
13 status is single, head of household, married filing separate or married filing
14 jointly.

15 (xix) Amounts received by retired employees of Washburn university
16 as retirement and pension benefits under the university's retirement plan.

17 (xx) For all taxable years beginning after December 31, 2012, *and*
18 *ending prior to January 1, 2015*, the amount of any: (1) Net profit from
19 business as determined under the federal internal revenue code and
20 reported from schedule C and on line 12 of the taxpayer's form 1040
21 federal individual income tax return; (2) net income from rental real estate,
22 royalties, partnerships, S corporations, estates, trusts, residual interest in
23 real estate mortgage investment conduits and net farm rental as determined
24 under the federal internal revenue code and reported from schedule E and
25 on line 17 of the taxpayer's form 1040 federal individual income tax
26 return; and (3) net farm profit as determined under the federal internal
27 revenue code and reported from schedule F and on line 18 of the taxpayer's
28 form 1040 federal income tax return; all to the extent included in the
29 taxpayer's federal adjusted gross income. For purposes of this subsection,
30 references to the federal form 1040 and federal schedule C, schedule E,
31 and schedule F, shall be to such form and schedules as they existed for tax
32 year 2011 and as revised thereafter by the internal revenue service.

33 (xxi) For all taxable years beginning after December 31, 2013,
34 amounts equal to the unreimbursed travel, lodging and medical
35 expenditures directly incurred by a taxpayer while living, or a dependent
36 of the taxpayer while living, for the donation of one or more human organs
37 of the taxpayer, or a dependent of the taxpayer, to another person for
38 human organ transplantation. The expenses may be claimed as a
39 subtraction modification provided for in this section to the extent the
40 expenses are not already subtracted from the taxpayer's federal adjusted
41 gross income. In no circumstances shall the subtraction modification
42 provided for in this section for any individual, or a dependent, exceed
43 \$5,000. As used in this section, "human organ" means all or part of a liver,

1 pancreas, kidney, intestine, lung or bone marrow. The provisions of this
 2 paragraph shall take effect on the day the secretary of revenue certifies to
 3 the director of the budget that the cost for the department of revenue of
 4 modifications to the automated tax system for the purpose of
 5 implementing this paragraph will not exceed \$20,000.

6 (xxii) For all taxable years beginning after December 31, 2012, *and*
 7 *ending prior to January 1, 2015*, the amount of net gain from the sale of:
 8 (1) Cattle and horses, regardless of age, held by the taxpayer for draft,
 9 breeding, dairy or sporting purposes, and held by such taxpayer for 24
 10 months or more from the date of acquisition; and (2) other livestock,
 11 regardless of age, held by the taxpayer for draft, breeding, dairy or
 12 sporting purposes, and held by such taxpayer for 12 months or more from
 13 the date of acquisition. The subtraction from federal adjusted gross income
 14 shall be limited to the amount of the additions recognized under the
 15 provisions of ~~paragraph (xix)~~ subsection (b)(*xix*) attributable to the
 16 business in which the livestock sold had been used. As used in this
 17 paragraph, the term "livestock" shall not include poultry.

18 (xxiii) For all taxable years beginning after December 31, 2012,
 19 amounts received under either the Overland Park, Kansas police
 20 department retirement plan or the Overland Park, Kansas fire department
 21 retirement plan, both as established by the city of Overland Park, pursuant
 22 to the city's home rule authority.

23 (d) There shall be added to or subtracted from federal adjusted gross
 24 income the taxpayer's share, as beneficiary of an estate or trust, of the
 25 Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and
 26 amendments thereto.

27 (e) The amount of modifications required to be made under this
 28 section by a partner which relates to items of income, gain, loss, deduction
 29 or credit of a partnership shall be determined under K.S.A. 79-32,131, and
 30 amendments thereto, to the extent that such items affect federal adjusted
 31 gross income of the partner.

32 Sec. 5. K.S.A. 2014 Supp. 79-32,110, 79-32,111 and 79-32,117 are
 33 hereby repealed.

34 Sec. 6. This act shall take effect and be in force from and after its
 35 publication in the statute book.