

SENATE BILL No. 192

By Committee on Assessment and Taxation

2-14

1 AN ACT concerning income taxation; relating to rates, determination of
2 Kansas adjusted gross income, modifications, itemized deductions;
3 amending K.S.A. 2016 Supp. 79-32,110, 79-32,117 and 79-32,120 and
4 repealing the existing sections; also repealing K.S.A. 2016 Supp. 79-
5 32,269.

6

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

8 Section 1. K.S.A. 2016 Supp. 79-32,110 is hereby amended to read as
9 follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided
10 by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed
11 upon the Kansas taxable income of every resident individual, which tax
12 shall be computed in accordance with the following tax schedules:

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

14 (A) For tax year 2012:

If the taxable income is:	The tax is:
15 Not over \$30,000.....	3.5% of Kansas taxable income
16 Over \$30,000 but not over \$60,000.....	\$1,050 plus 6.25% of excess 17 over \$30,000
18 Over \$60,000.....	\$2,925 plus 6.45% of excess 19 over \$60,000

20
21 (B) For tax year 2013:

If the taxable income is:	The tax is:
22 Not over \$30,000.....	3.0% of Kansas taxable income
23 Over \$30,000.....	\$900 plus 4.9% of excess over 24 \$30,000

25
26 (C) For tax year 2014:

If the taxable income is:	The tax is:
27 Not over \$30,000.....	2.7% of Kansas taxable income
28 Over \$30,000.....	\$810 plus 4.8% of excess over 29 \$30,000

30
31 (D) For tax years 2015; and 2016 and 2017:

If the taxable income is:	The tax is:
32 Not over \$30,000.....	2.7% of Kansas taxable income
33 Over \$30,000.....	\$810 plus 4.6% of excess over 34 \$30,000

35
36 ~~(E) For tax year 2018, and all tax years thereafter:~~

1	If the taxable income is:	The tax is:
2	Not over \$30,000.....	2.6% of Kansas taxable income
3	Over \$30,000.....	\$780 plus 4.6% of excess over
4	_____	\$30,000
5	<i>(E) For tax year 2017, and all tax years thereafter:</i>	
6	If the taxable income is:	The tax is:
7	Not over \$30,000.....	2.7% of Kansas taxable income
8	Over \$30,000 but not over \$70,000.....	\$810 plus 4.6% of excess over
9		\$30,000
10	Over \$70,000.....	\$2,650 plus 6.1% over
11		\$70,000
12	<i>(2) All other individuals.</i>	
13	<i>(A) For tax year 2012:</i>	
14	If the taxable income is:	The tax is:
15	Not over \$15,000.....	3.5% of Kansas taxable income
16	Over \$15,000 but not over \$30,000.....	\$525 plus 6.25% of excess
17		over \$15,000
18	Over \$30,000.....	\$1,462.50 plus 6.45% of excess
19		over \$30,000
20	<i>(B) For tax year 2013:</i>	
21	If the taxable income is:	The tax is:
22	Not over \$15,000.....	3.0% of Kansas taxable income
23	Over \$15,000.....	\$450 plus 4.9% of excess over
24		\$15,000
25	<i>(C) For tax year 2014:</i>	
26	If the taxable income is:	The tax is:
27	Not over \$15,000.....	2.7% of Kansas taxable income
28	Over \$15,000.....	\$405 plus 4.8% of excess over
29		\$15,000
30	<i>(D) For tax years 2015, and 2016 and 2017:</i>	
31	If the taxable income is:	The tax is:
32	Not over \$15,000.....	2.7% of Kansas taxable income
33	Over \$15,000.....	\$405 plus 4.6% of excess over
34		\$15,000
35	<i>(E) For tax year 2018, and all tax years thereafter:</i>	
36	If the taxable income is:	The tax is:
37	Not over \$15,000.....	2.6% of Kansas taxable income
38	Over \$15,000.....	\$390 plus 4.6% of excess over
39	_____	\$15,000
40	<i>(E) For tax year 2017, and all tax years thereafter:</i>	
41	If the taxable income is:	The tax is:
42	Not over \$15,000.....	2.7% of Kansas taxable income
43	Over \$15,000 but not over \$35,000.....	\$405 plus 4.6% of excess over

1		\$15,000
2	Over \$35,000.....	\$1,325 plus 6.1% over
3		\$35,000

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

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

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

15 (2) (A) for tax year 2008, the surtax shall be in an amount equal to
16 3.1% of the Kansas taxable income of such corporation in excess of
17 \$50,000;

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

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

24 (d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable
25 income of estates and trusts at the rates provided in subsection (a)(2)
26 hereof.

27 (e) ~~Tax rates provided in this section shall be adjusted pursuant to the~~
28 ~~provisions of K.S.A. 2016 Supp. 79-32,269, and amendments thereto.~~

29 (f) ~~Notwithstanding the provisions of subsections (a) and (b), for tax~~
30 ~~year 2016, and all tax years thereafter, married individuals filing joint~~
31 ~~returns with taxable income of \$12,500 or less, and all other individuals~~
32 ~~with taxable income of \$5,000 or less, shall have a tax liability of zero.~~

33 (f) *Any taxpayer whose withholding or estimated tax payments were*
34 *based upon the rates as provided in subsection (a) as it appears on June*
35 *30, 2017, shall not be assessed penalties and interest arising from the*
36 *underpayment of taxes due to changes to the rates in subsection (a) that*
37 *became law on July 1, 2017, so long as such underpayment is rectified on*
38 *or before April 15, 2018.*

39 Sec. 2. K.S.A. 2016 Supp. 79-32,117 is hereby amended to read as
40 follows: 79-32,117. (a) The Kansas adjusted gross income of an individual
41 means such individual's federal adjusted gross income for the taxable year,
42 with the modifications specified in this section.

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

1 (i) Interest income less any related expenses directly incurred in the
2 purchase of state or political subdivision obligations, to the extent that the
3 same is not included in federal adjusted gross income, on obligations of
4 any state or political subdivision thereof, but to the extent that interest
5 income on obligations of this state or a political subdivision thereof issued
6 prior to January 1, 1988, is specifically exempt from income tax under the
7 laws of this state authorizing the issuance of such obligations, it shall be
8 excluded from computation of Kansas adjusted gross income whether or
9 not included in federal adjusted gross income. Interest income on
10 obligations of this state or a political subdivision thereof issued after
11 December 31, 1987, shall be excluded from computation of Kansas
12 adjusted gross income whether or not included in federal adjusted gross
13 income.

14 (ii) Taxes on or measured by income or fees or payments in lieu of
15 income taxes imposed by this state or any other taxing jurisdiction to the
16 extent deductible in determining federal adjusted gross income and not
17 credited against federal income tax. This paragraph shall not apply to taxes
18 imposed under the provisions of K.S.A. 79-1107 or 79-1108, and
19 amendments thereto, for privilege tax year 1995, and all such years
20 thereafter.

21 (iii) The federal net operating loss deduction, *except that the federal*
22 *net operating loss deduction shall not be added to an individual's federal*
23 *adjusted gross income for tax years beginning after December 31, 2016.*

24 (iv) Federal income tax refunds received by the taxpayer if the
25 deduction of the taxes being refunded resulted in a tax benefit for Kansas
26 income tax purposes during a prior taxable year. Such refunds shall be
27 included in income in the year actually received regardless of the method
28 of accounting used by the taxpayer. For purposes hereof, a tax benefit shall
29 be deemed to have resulted if the amount of the tax had been deducted in
30 determining income subject to a Kansas income tax for a prior year
31 regardless of the rate of taxation applied in such prior year to the Kansas
32 taxable income, but only that portion of the refund shall be included as
33 bears the same proportion to the total refund received as the federal taxes
34 deducted in the year to which such refund is attributable bears to the total
35 federal income taxes paid for such year. For purposes of the foregoing
36 sentence, federal taxes shall be considered to have been deducted only to
37 the extent such deduction does not reduce Kansas taxable income below
38 zero.

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

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

4 (vii) The amount of any charitable contribution made to the extent the
5 same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-
6 32,196, and amendments thereto.

7 (viii) The amount of any costs incurred for improvements to a swine
8 facility, claimed for deduction in determining federal adjusted gross
9 income, to the extent the same is claimed as the basis for any credit
10 allowed pursuant to K.S.A. 2016 Supp. 79-32,204, and amendments
11 thereto.

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

18 (x) Amounts received as nonqualified withdrawals, as defined by
19 K.S.A. 2016 Supp. 75-643, and amendments thereto, if, at the time of
20 contribution to a family postsecondary education savings account, such
21 amounts were subtracted from the federal adjusted gross income pursuant
22 to K.S.A. 79-32,117(c)(xv), and amendments thereto, or if such amounts
23 are not already included in the federal adjusted gross income.

24 (xi) The amount of any contribution made to the same extent the
25 same is claimed as the basis for the credit allowed pursuant to K.S.A. 2016
26 Supp. 74-50,154, and amendments thereto.

27 (xii) For taxable years commencing after December 31, 2004,
28 amounts received as withdrawals not in accordance with the provisions of
29 K.S.A. 2016 Supp. 74-50,204, and amendments thereto, if, at the time of
30 contribution to an individual development account, such amounts were
31 subtracted from the federal adjusted gross income pursuant to subsection
32 (c)(xiii), or if such amounts are not already included in the federal adjusted
33 gross income.

34 (xiii) The amount of any expenditures claimed for deduction in
35 determining federal adjusted gross income, to the extent the same is
36 claimed as the basis for any credit allowed pursuant to K.S.A. 2016 Supp.
37 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

38 (xiv) The amount of any amortization deduction claimed in
39 determining federal adjusted gross income to the extent the same is
40 claimed for deduction pursuant to K.S.A. 2016 Supp. 79-32,221, and
41 amendments thereto.

42 (xv) The amount of any expenditures claimed for deduction in
43 determining federal adjusted gross income, to the extent the same is

1 claimed as the basis for any credit allowed pursuant to K.S.A. 2016 Supp.
2 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233
3 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-
4 32,248 or 79-32,251 through 79-32,254, and amendments thereto.

5 (xvi) The amount of any amortization deduction claimed in
6 determining federal adjusted gross income to the extent the same is
7 claimed for deduction pursuant to K.S.A. 2016 Supp. 79-32,227, 79-
8 32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments
9 thereto.

10 (xvii) The amount of any amortization deduction claimed in
11 determining federal adjusted gross income to the extent the same is
12 claimed for deduction pursuant to K.S.A. 2016 Supp. 79-32,256, and
13 amendments thereto.

14 (xviii) For taxable years commencing after December 31, 2006, the
15 amount of any ad valorem or property taxes and assessments paid to a state
16 other than Kansas or local government located in a state other than Kansas
17 by a taxpayer who resides in a state other than Kansas, when the law of
18 such state does not allow a resident of Kansas who earns income in such
19 other state to claim a deduction for ad valorem or property taxes or
20 assessments paid to a political subdivision of the state of Kansas in
21 determining taxable income for income tax purposes in such other state, to
22 the extent that such taxes and assessments are claimed as an itemized
23 deduction for federal income tax purposes.

24 (xix) For ~~all~~ taxable years beginning after December 31, 2012, *and*
25 *ending before January 1, 2017*, the amount of any: (1) Loss from business
26 as determined under the federal internal revenue code and reported from
27 schedule C and on line 12 of the taxpayer's form 1040 federal individual
28 income tax return; (2) loss from rental real estate, royalties, partnerships, S
29 corporations, except those with wholly owned subsidiaries subject to the
30 Kansas privilege tax, estates, trusts, residual interest in real estate
31 mortgage investment conduits and net farm rental as determined under the
32 federal internal revenue code and reported from schedule E and on line 17
33 of the taxpayer's form 1040 federal individual income tax return; and (3)
34 farm loss as determined under the federal internal revenue code and
35 reported from schedule F and on line 18 of the taxpayer's form 1040
36 federal income tax return; all to the extent deducted or subtracted in
37 determining the taxpayer's federal adjusted gross income. For purposes of
38 this subsection, references to the federal form 1040 and federal schedule
39 C, schedule E, and schedule F, shall be to such form and schedules as they
40 existed for tax year 2011, and as revised thereafter by the internal revenue
41 service.

42 (xx) For ~~all~~ taxable years beginning after December 31, 2012, *and*
43 *ending before January 1, 2017*, the amount of any deduction for self-

1 employment taxes under section 164(f) of the federal internal revenue
2 code as in effect on January 1, 2012, and amendments thereto, in
3 determining the federal adjusted gross income of an individual taxpayer, to
4 the extent the deduction is attributable to income reported on schedule C,
5 E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income
6 tax return.

7 (xxi) For ~~all~~ taxable years beginning after December 31, 2012, *and*
8 *ending before January 1, 2017*, the amount of any deduction for pension,
9 profit sharing, and annuity plans of self-employed individuals under
10 section 62(a)(6) of the federal internal revenue code as in effect on January
11 1, 2012, and amendments thereto, in determining the federal adjusted gross
12 income of an individual taxpayer.

13 (xxii) For ~~all~~ taxable years beginning after December 31, 2012, *and*
14 *ending before January 1, 2017*, the amount of any deduction for health
15 insurance under section 162(l) of the federal internal revenue code as in
16 effect on January 1, 2012, and amendments thereto, in determining the
17 federal adjusted gross income of an individual taxpayer.

18 (xxiii) For ~~all~~ taxable years beginning after December 31, 2012, *and*
19 *ending before January 1, 2017*, the amount of any deduction for domestic
20 production activities under section 199 of the federal internal revenue code
21 as in effect on January 1, 2012, and amendments thereto, in determining
22 the federal adjusted gross income of an individual taxpayer.

23 (xxiv) For taxable years commencing after December 31, 2013, that
24 portion of the amount of any expenditure deduction claimed in
25 determining federal adjusted gross income for expenses paid for medical
26 care of the taxpayer or the taxpayer's spouse or dependents when such
27 expenses were paid or incurred for an abortion, or for a health benefit plan,
28 as defined in K.S.A. 2016 Supp. 65-6731, and amendments thereto, for the
29 purchase of an optional rider for coverage of abortion in accordance with
30 K.S.A. 2016 Supp. 40-2,190, and amendments thereto, to the extent that
31 such taxes and assessments are claimed as an itemized deduction for
32 federal income tax purposes.

33 (xxv) For taxable years commencing after December 31, 2013, that
34 portion of the amount of any expenditure deduction claimed in
35 determining federal adjusted gross income for expenses paid by a taxpayer
36 for health care when such expenses were paid or incurred for abortion
37 coverage, a health benefit plan, as defined in K.S.A. 2016 Supp. 65-6731,
38 and amendments thereto, when such expenses were paid or incurred for
39 abortion coverage or amounts contributed to health savings accounts for
40 such taxpayer's employees for the purchase of an optional rider for
41 coverage of abortion in accordance with K.S.A. 2016 Supp. 40-2,190, and
42 amendments thereto, to the extent that such taxes and assessments are
43 claimed as a deduction for federal income tax purposes.

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

2 (i) Interest or dividend income on obligations or securities of any
3 authority, commission or instrumentality of the United States and its
4 possessions less any related expenses directly incurred in the purchase of
5 such obligations or securities, to the extent included in federal adjusted
6 gross income but exempt from state income taxes under the laws of the
7 United States.

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

11 (iii) The portion of any gain or loss from the sale or other disposition
12 of property having a higher adjusted basis for Kansas income tax purposes
13 than for federal income tax purposes on the date such property was sold or
14 disposed of in a transaction in which gain or loss was recognized for
15 purposes of federal income tax that does not exceed such difference in
16 basis, but if a gain is considered a long-term capital gain for federal
17 income tax purposes, the modification shall be limited to that portion of
18 such gain which is included in federal adjusted gross income.

19 (iv) The amount necessary to prevent the taxation under this act of
20 any annuity or other amount of income or gain which was properly
21 included in income or gain and was taxed under the laws of this state for a
22 taxable year prior to the effective date of this act, as amended, to the
23 taxpayer, or to a decedent by reason of whose death the taxpayer acquired
24 the right to receive the income or gain, or to a trust or estate from which
25 the taxpayer received the income or gain.

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

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

33 (vii) Amounts received as annuities under the federal civil service
34 retirement system from the civil service retirement and disability fund and
35 other amounts received as retirement benefits in whatever form which
36 were earned for being employed by the federal government or for service
37 in the armed forces of the United States.

38 (viii) Amounts received by retired railroad employees as a
39 supplemental annuity under the provisions of 45 U.S.C. §§ 228b (a) and
40 228c (a)(1) et seq.

41 (ix) Amounts received by retired employees of a city and by retired
42 employees of any board of such city as retirement allowances pursuant to
43 K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter

1 ordinance exempting a city from the provisions of K.S.A. 13-14,106, and
2 amendments thereto.

3 (x) For taxable years beginning after December 31, 1976, the amount
4 of the federal tentative jobs tax credit disallowance under the provisions of
5 26 U.S.C. § 280 C. For taxable years ending after December 31, 1978, the
6 amount of the targeted jobs tax credit and work incentive credit
7 disallowances under 26 U.S.C. § 280 C.

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

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

14 (xiii) For taxable years beginning after December 31, 2004, amounts
15 contributed to and the amount of income earned on contributions deposited
16 to an individual development account under K.S.A. 2016 Supp. 74-50,201
17 et seq., and amendments thereto.

18 (xiv) For all taxable years commencing after December 31, 1996, that
19 portion of any income of a bank organized under the laws of this state or
20 any other state, a national banking association organized under the laws of
21 the United States, an association organized under the savings and loan
22 code of this state or any other state, or a federal savings association
23 organized under the laws of the United States, for which an election as an
24 S corporation under subchapter S of the federal internal revenue code is in
25 effect, which accrues to the taxpayer who is a stockholder of such
26 corporation and which is not distributed to the stockholders as dividends of
27 the corporation. For ~~all~~ taxable years beginning after December 31, 2012,
28 *and ending before January 1, 2017*, the amount of modification under this
29 subsection shall exclude the portion of income or loss reported on schedule
30 E and included on line 17 of the taxpayer's form 1040 federal individual
31 income tax return.

32 (xv) For all taxable years beginning after December 31, 2006,
33 amounts not exceeding \$3,000, or \$6,000 for a married couple filing a
34 joint return, for each designated beneficiary which are contributed to a
35 family postsecondary education savings account established under the
36 Kansas postsecondary education savings program or a qualified tuition
37 program established and maintained by another state or agency or
38 instrumentality thereof pursuant to section 529 of the internal revenue
39 code of 1986, as amended, for the purpose of paying the qualified higher
40 education expenses of a designated beneficiary at an institution of
41 postsecondary education. The terms and phrases used in this paragraph
42 shall have the meaning respectively ascribed thereto by the provisions of
43 K.S.A. 2016 Supp. 75-643, and amendments thereto, and the provisions of

1 such section are hereby incorporated by reference for all purposes thereof.

2 (xvi) For all taxable years beginning after December 31, 2004,
3 amounts received by taxpayers who are or were members of the armed
4 forces of the United States, including service in the Kansas army and air
5 national guard, as a recruitment, sign up or retention bonus received by
6 such taxpayer as an incentive to join, enlist or remain in the armed services
7 of the United States, including service in the Kansas army and air national
8 guard, and amounts received for repayment of educational or student loans
9 incurred by or obligated to such taxpayer and received by such taxpayer as
10 a result of such taxpayer's service in the armed forces of the United States,
11 including service in the Kansas army and air national guard.

12 (xvii) For all taxable years beginning after December 31, 2004,
13 amounts received by taxpayers who are eligible members of the Kansas
14 army and air national guard as a reimbursement pursuant to K.S.A. 48-
15 281, and amendments thereto, and amounts received for death benefits
16 pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section
17 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and
18 amendments thereto, to the extent that such death benefits are included in
19 federal adjusted gross income of the taxpayer.

20 (xviii) For the taxable year beginning after December 31, 2006,
21 amounts received as benefits under the federal social security act which
22 are included in federal adjusted gross income of a taxpayer with federal
23 adjusted gross income of \$50,000 or less, whether such taxpayer's filing
24 status is single, head of household, married filing separate or married filing
25 jointly; and for all taxable years beginning after December 31, 2007,
26 amounts received as benefits under the federal social security act which
27 are included in federal adjusted gross income of a taxpayer with federal
28 adjusted gross income of \$75,000 or less, whether such taxpayer's filing
29 status is single, head of household, married filing separate or married filing
30 jointly.

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

33 (xx) For ~~all~~ taxable years beginning after December 31, 2012, *and*
34 *ending before January 1, 2017*, the amount of any: (1) Net profit from
35 business as determined under the federal internal revenue code and
36 reported from schedule C and on line 12 of the taxpayer's form 1040
37 federal individual income tax return; (2) net income, not including
38 guaranteed payments as defined in section 707(c) of the federal internal
39 revenue code and as reported to the taxpayer from federal schedule K-1,
40 (form 1065-B), in box 9, code F or as reported to the taxpayer from federal
41 schedule K-1, (form 1065) in box 4, from rental real estate, royalties,
42 partnerships, S corporations, estates, trusts, residual interest in real estate
43 mortgage investment conduits and net farm rental as determined under the

1 federal internal revenue code and reported from schedule E and on line 17
2 of the taxpayer's form 1040 federal individual income tax return; and (3)
3 net farm profit as determined under the federal internal revenue code and
4 reported from schedule F and on line 18 of the taxpayer's form 1040
5 federal income tax return; all to the extent included in the taxpayer's
6 federal adjusted gross income. For purposes of this subsection, references
7 to the federal form 1040 and federal schedule C, schedule E, and schedule
8 F, shall be to such form and schedules as they existed for tax year 2011
9 and as revised thereafter by the internal revenue service.

10 (xxi) For all taxable years beginning after December 31, 2013,
11 amounts equal to the unreimbursed travel, lodging and medical
12 expenditures directly incurred by a taxpayer while living, or a dependent
13 of the taxpayer while living, for the donation of one or more human organs
14 of the taxpayer, or a dependent of the taxpayer, to another person for
15 human organ transplantation. The expenses may be claimed as a
16 subtraction modification provided for in this section to the extent the
17 expenses are not already subtracted from the taxpayer's federal adjusted
18 gross income. In no circumstances shall the subtraction modification
19 provided for in this section for any individual, or a dependent, exceed
20 \$5,000. As used in this section, "human organ" means all or part of a liver,
21 pancreas, kidney, intestine, lung or bone marrow. The provisions of this
22 paragraph shall take effect on the day the secretary of revenue certifies to
23 the director of the budget that the cost for the department of revenue of
24 modifications to the automated tax system for the purpose of
25 implementing this paragraph will not exceed \$20,000.

26 (xxii) For ~~all~~ taxable years beginning after December 31, 2012, *and*
27 *ending before January 1, 2017*, the amount of net gain from the sale of: (1)
28 Cattle and horses, regardless of age, held by the taxpayer for draft,
29 breeding, dairy or sporting purposes, and held by such taxpayer for 24
30 months or more from the date of acquisition; and (2) other livestock,
31 regardless of age, held by the taxpayer for draft, breeding, dairy or
32 sporting purposes, and held by such taxpayer for 12 months or more from
33 the date of acquisition. The subtraction from federal adjusted gross income
34 shall be limited to the amount of the additions recognized under the
35 provisions of subsection (b)(xix) attributable to the business in which the
36 livestock sold had been used. As used in this paragraph, the term
37 "livestock" shall not include poultry.

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

43 (xxiv) For ~~all~~ taxable years beginning after December 31, 2013, *and*

1 *ending before January 1, 2017*, the net gain from the sale from Christmas
2 trees grown in Kansas and held by the taxpayer for six years or more.

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

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

12 (f) *Any taxpayer who is in compliance with the provisions of this*
13 *section, as they appear on June 30, 2017, shall not be assessed penalties*
14 *and interest arising from the underpayment of taxes due to changes to this*
15 *section that became law on July 1, 2017, so long as such underpayment*
16 *occurred prior to July 1, 2017, and is rectified on or before April 15, 2018.*

17 Sec. 3. K.S.A. 2016 Supp. 79-32,120 is hereby amended to read as
18 follows: 79-32,120. (a) (1) If federal taxable income of an individual is
19 determined by itemizing deductions from such individual's federal
20 adjusted gross income, such individual may elect to deduct the Kansas
21 itemized deduction in lieu of the Kansas standard deduction.

22 (2) For the tax year commencing on January 1, 2013, the Kansas
23 itemized deduction of an individual means 70% of the total amount of
24 deductions from federal adjusted gross income, other than federal
25 deductions for personal exemptions, as provided in the federal internal
26 revenue code with the modifications specified in this section.

27 (3) For the tax year commencing on January 1, 2014, the Kansas
28 itemized deduction of an individual means 65% of the total amount of
29 deductions from federal adjusted gross income, other than federal
30 deductions for personal exemptions, as provided in the federal internal
31 revenue code with the modifications specified in this section.

32 (4) For the tax years commencing on and after January 1, 2015, *and*
33 *ending before January 1, 2017*, the Kansas itemized deduction of an
34 individual means the following deductions from federal adjusted gross
35 income, other than federal deductions for personal exemptions, as
36 provided in the federal internal revenue code with the modifications
37 specified in this section: (A) 100% of charitable contributions that qualify
38 as charitable contributions allowable as deductions in section 170 of the
39 federal internal revenue code; (B) 50% of the amount of qualified
40 residence interest as provided in section 163(h) of the federal internal
41 revenue code; and (C) 50% of the amount of taxes on real and personal
42 property as provided in section 164(a) of the federal internal revenue code.

43 (5) *For the tax years commencing on and after January 1, 2017, the*

1 *Kansas itemized deduction of an individual means the following*
2 *deductions from federal adjusted gross income, other than federal*
3 *deductions for personal exemptions, as provided in the federal internal*
4 *revenue code with the modifications specified in this section: (A) 100% of*
5 *charitable contributions that qualify as charitable contributions allowable*
6 *as deductions in section 170 of the federal internal revenue code; (B)*
7 *100% of expenses for medical care allowable as deductions in section 213*
8 *of the federal internal revenue code; (C) 50% of the amount of qualified*
9 *residence interest as provided in section 163(h) of the federal internal*
10 *revenue code; and (D) 50% of the amount of taxes on real and personal*
11 *property as provided in section 164(a) of the federal internal revenue*
12 *code.*

13 (b) The total amount of deductions from federal adjusted gross
14 income shall be reduced by the total amount of income taxes imposed by
15 or paid to this state or any other taxing jurisdiction to the extent that the
16 same are deducted in determining the federal itemized deductions and by
17 the amount of all depreciation deductions claimed for any real or tangible
18 personal property upon which the deduction allowed by K.S.A. 2016
19 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250,
20 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

21 Sec. 4. K.S.A. 2016 Supp. 79-32,110, 79-32,117, 79-32,120 and 79-
22 32,269 are hereby repealed.

23 Sec. 5. This act shall take effect and be in force from and after its
24 publication in the statute book.