

**HOUSE BILL No. 2516**

By Committee on Rural Revitalization

1-29

Proposed Amendments to HB2516  
House Rural Revitalization Committee  
Office of Revisor of Statutes  
February, 20, 2020

1 AN ACT establishing the first-time home buyer savings account act;  
2 relating to financial institutions; income taxation, providing for addition  
3 and subtraction modifications for contributions to first-time home  
4 buyer savings accounts; amending K.S.A. 79-32,117 and repealing the  
5 existing section.  
6

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

8 New Section 1. Sections 1 through 6, and amendments thereto, shall  
9 be known and may be cited as the first-time home buyer savings account  
10 act.

11 New Sec. 2. As used in the first-time home buyer savings account  
12 act:

13 (a) "Account" or "first-time home buyer savings account" means an  
14 individual savings account established in accordance with the provisions  
15 of this act.

16 (b) "Account holder" means an individual who establishes an account  
17 that is designated as a first-time home buyer savings account pursuant to  
18 the provisions of section 3, and amendments thereto, with a financial  
19 institution.

20 (c) "Designated beneficiary" means the individual designated by an  
21 account holder pursuant to the provisions of section 3, and amendments  
22 thereto, as the individual whose eligible expenses are expected to be paid  
23 from the account for the purchase or construction of a primary residence in  
24 this state.

25 (d) "Eligible expenses" means a down payment and any closing costs  
26 that may be included as part of a real estate settlement agreement,  
27 including, but not limited to, appraisal fees, mortgage origination fees and  
28 inspection fees or any down payment, costs and fees that may be included  
29 as part of financing the construction of a primary residence.

30 (e) "Financial institution" means any state bank, state trust company,  
31 savings and loan association, federally chartered credit union doing  
32 business in this state, credit union chartered by the state of Kansas,  
33 national bank, broker-dealer, mutual fund, insurance company or other  
34 similar financial entity qualified to do business in this state.

35 (f) "First-time home buyer" means an individual who:

36 (1) Has never owned or purchased under contract for deed, either

1 individually or jointly, a single-family, owner-occupied primary residence  
 2 including, but not limited to, a condominium unit or a manufactured or  
 3 mobile home that was assessed and taxed as real property; or  
 4 (2) as a result of the individual's dissolution of marriage, has not been  
 5 listed on a property title for at least three consecutive years.

6 (g) "Secretary" means the secretary of revenue.

7 New Sec. 3. (a) On and after ~~January 1~~, 2021, any individual may  
 8 open an account with a financial institution and designate the account, in  
 9 its entirety, as a first-time home buyer savings account to be used to pay or  
 10 reimburse a designated beneficiary's eligible expenses for the purchase or  
 11 construction of a primary residence in this state. An individual may be the  
 12 account holder of multiple accounts and an individual may jointly own the  
 13 account with another individual if such individuals file a joint income tax  
 14 return. An account holder shall comply with the requirements of this act to  
 15 be eligible for the modifications set forth in K.S.A. 79-32,117, and  
 16 amendments thereto.

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17 (b) An account holder shall designate, no later than April 15 of the  
 18 year following the taxable year during which the account is established, a  
 19 first-time home buyer as the designated beneficiary of the account.  
 20 Nothing in this section shall prohibit an account holder from designating  
 21 such account holder as the designated beneficiary of an account. An  
 22 account holder may change the designated beneficiary at any time, but no  
 23 account shall have more than one designated beneficiary at any time. An  
 24 individual may be designated as the designated beneficiary of more than  
 25 one account if such accounts are held by separate account holders. No  
 26 account holder shall be authorized to designate the same designated  
 27 beneficiary on multiple accounts held by such account owner.

28 (c) (1) The following limits apply to an account established pursuant  
 29 to this act:

30 (A) The maximum contribution to an account in any tax year shall be  
 31 \$3,000 for an individual and \$6,000 for a married couple filing a joint  
 32 return;

33 (B) the maximum amount of all contributions into an account in all  
 34 tax years shall be \$24,000 for an individual and \$48,000 for a married  
 35 couple filing a joint return; and

36 (C) the maximum total amount in an account shall be \$50,000.

37 (2) If a limit in paragraph (1) is exceeded, then thereafter all interest  
 38 or other income earned on the investment of moneys in an account shall be  
 39 subject to the tax imposed by the Kansas income tax act.

40 (3) Moneys may remain in an account for an unlimited duration  
 41 without the interest or income being subject to recapture or penalty.

42 (d) The account holder shall not use moneys in an account to pay  
 43 expenses of administering the account, except that a service fee may be

1 deducted from the account by a financial institution. The account holder  
2 shall be responsible for maintaining documentation for the account and for  
3 eligible expenses related to the designated beneficiary's purchase or  
4 construction of a primary residence.

5 New Sec. 4. (a) (1) The moneys in a first-time home buyer savings  
6 account may be:

7 (A) Used for eligible expenses related to a designated beneficiary's  
8 purchase or construction of a primary residence located in this state;

9 (B) used for eligible expenses related to a designated beneficiary's  
10 purchase or construction of a primary residence located outside of this  
11 state if such designated beneficiary is active-duty military and was  
12 stationed in Kansas for any time after the creation of the account;

13 (C) used for eligible expenses that would have qualified pursuant to  
14 paragraph (1)(A) or (1)(B) but the contract for purchase or construction  
15 did not close;

16 (D) transferred to another newly created account; and

17 (E) used to pay service fees assessed by the financial institution.

18 (2) This subsection shall apply even if a designated beneficiary is a  
19 joint owner of a primary residence with another person who is not a  
20 designated beneficiary of an account. Moneys in an account shall not be  
21 used to purchase a manufactured or mobile home that is not taxed as real  
22 property.

23 (3) The title of any home purchased or constructed with moneys from  
24 an account shall not transfer for at least two years unless reasonable  
25 circumstances exist that were unforeseen at the time the home was  
26 purchased or constructed. A designated beneficiary may request an  
27 exception from the requirements of this paragraph from the secretary.

28 (b) Moneys withdrawn from an account shall be subject to recapture  
29 by the secretary in the tax year in which they were withdrawn if:

30 (1) At the time of the withdrawal, it has been less than a year since  
31 the first deposit in the account; or

32 (2) the moneys are used for any purpose other than the expenses or  
33 transactions authorized pursuant to subsection (a)(1).

34 (c) Moneys that are subject to recapture shall be an amount equal to  
35 the moneys withdrawn from an account and shall be added to the Kansas  
36 adjusted gross income pursuant to K.S.A. 79-32,117(b)(xxvii), and  
37 amendments thereto, of the account holder or, if the account holder is no  
38 longer living, the designated beneficiary. If any moneys are subject to  
39 recapture, the account holder shall pay a penalty in the following amounts:

40 (1) If the withdrawal of moneys occurred 10 or less years after the first  
41 deposit in the account, 5% of the amount subject to recapture; and (2) if  
42 the withdrawal of moneys occurred more than 10 years after the first  
43 deposit in the account, 10% of the amount subject to recapture.

1 (d) The penalties provided in subsection (c) shall not apply if: (1) The  
 2 withdrawn moneys are used for eligible expenses related to a designated  
 3 beneficiary's purchase or construction of a primary residence outside of  
 4 this state; or (2) the withdrawn moneys are from an account in which the  
 5 designated beneficiary died, and the account holder did not designate a  
 6 new designated beneficiary during the same tax year.

7 (e) If the account holder dies or, if the account is jointly owned and  
 8 the account owners die, and the account does not have a surviving transfer  
 9 on death beneficiary, then all of the moneys in the account resulting from  
 10 contributions or income earned from assets in the account pursuant to  
 11 K.S.A. 79-32,117, and amendments thereto, shall be subject to recapture in  
 12 the tax year of the death or deaths, but no penalty shall be assessed  
 13 pursuant to subsection (c).

14 New Sec. 5. (a) The secretary shall establish forms for an account  
 15 holder to annually report information about any accounts held by such  
 16 account holder. An account holder shall annually file with the account  
 17 holder's state income tax return all forms required by the secretary under  
 18 this section, the form 1099 for the account issued by the financial  
 19 institution and any other supporting documentation the secretary requires.

20 (b) Prior to ~~January 1, 2021~~, the secretary shall adopt rules and  
 21 regulations necessary to administer the provisions of the first-time home  
 22 buyer savings account act.

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23 New Sec. 6. (a) No financial institution shall be required to:

- 24 (1) Designate an account as a first-time home buyer savings account
- 25 or designate the beneficiaries of an account in the financial institution's
- 26 account contracts or systems or in any other way;
- 27 (2) track the use of moneys withdrawn from an account; or
- 28 (3) report any information to the department of revenue or any other
- 29 governmental agency that is not otherwise required by law.

30 (b) No financial institution shall be responsible or liable for:

- 31 (1) Determining or ensuring that an account holder is eligible for a
- 32 Kansas adjusted gross income modification pursuant to K.S.A. 79-32,117,
- 33 and amendments thereto;
- 34 (2) determining or ensuring that moneys in the account are used for
- 35 eligible expenses; or
- 36 (3) reporting or remitting taxes or penalties related to the use of
- 37 account moneys.

38 Sec. 7. K.S.A. 79-32,117 is hereby amended to read as follows: 79-  
 39 32,117. (a) The Kansas adjusted gross income of an individual means such  
 40 individual's federal adjusted gross income for the taxable year, with the  
 41 modifications specified in this section.

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

- 43 (i) Interest income less any related expenses directly incurred in the

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

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

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

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

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

43 (vi) Any amount of designated employee contributions picked up by

1 an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965,  
2 and amendments thereto.

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

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

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

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

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

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

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

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

40 (xv) The amount of any expenditures claimed for deduction in  
41 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. 79-32,223  
43 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-

1 32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-  
2 32,251 through 79-32,254, and amendments thereto.

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

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

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

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

39 (xx) For taxable years beginning after December 31, 2012, and  
40 ending before January 1, 2017, the amount of any deduction for self-  
41 employment taxes under section 164(f) of the federal internal revenue  
42 code as in effect on January 1, 2012, and amendments thereto, in  
43 determining the federal adjusted gross income of an individual taxpayer, to

1 the extent the deduction is attributable to income reported on schedule C,  
2 E or F and on line 12, 17 or 18 of the taxpayer's form 1040 federal income  
3 tax return.

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

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

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

20 (xxiv) For taxable years commencing after December 31, 2013, that  
21 portion of the amount of any expenditure deduction claimed in  
22 determining federal adjusted gross income for expenses paid for medical  
23 care of the taxpayer or the taxpayer's spouse or dependents when such  
24 expenses were paid or incurred for an abortion, or for a health benefit plan,  
25 as defined in K.S.A. 65-6731, and amendments thereto, for the purchase of  
26 an optional rider for coverage of abortion in accordance with K.S.A. 2019  
27 Supp. 40-2,190, and amendments thereto, to the extent that such taxes and  
28 assessments are claimed as an itemized deduction for federal income tax  
29 purposes.

30 (xxv) For taxable years commencing after December 31, 2013, that  
31 portion of the amount of any expenditure deduction claimed in  
32 determining federal adjusted gross income for expenses paid by a taxpayer  
33 for health care when such expenses were paid or incurred for abortion  
34 coverage, a health benefit plan, as defined in K.S.A. 65-6731, and  
35 amendments thereto, when such expenses were paid or incurred for  
36 abortion coverage or amounts contributed to health savings accounts for  
37 such taxpayer's employees for the purchase of an optional rider for  
38 coverage of abortion in accordance with K.S.A. 2019 Supp. 40-2,190, and  
39 amendments thereto, to the extent that such taxes and assessments are  
40 claimed as a deduction for federal income tax purposes.

41 (xxvi) For all taxable years beginning after December 31, 2016, the  
42 amount of any charitable contribution made to the extent the same is  
43 claimed as the basis for the credit allowed pursuant to K.S.A. 72-99a07,

1 and amendments thereto, and is also claimed as an itemized deduction for  
2 federal income tax purposes.

3 *(xxvii) For all taxable years beginning after December 31, 2020, the*  
4 *amount of any contributions to, or earnings from, a first-time home buyers*  
5 *savings account if distributions from the account were not used to pay for*  
6 *expenses or transactions authorized pursuant to section 4, and*  
7 *amendments thereto, or were not held for the minimum length of time*  
8 *required pursuant to section 4, and amendments thereto. Contributions to,*  
9 *or earnings from, such account shall also include any amount resulting*  
10 *from the account holder not designating a surviving transfer on death*  
11 *beneficiary pursuant to section 4(e), and amendments thereto.*

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

13 (i) Interest or dividend income on obligations or securities of any  
14 authority, commission or instrumentality of the United States and its  
15 possessions less any related expenses directly incurred in the purchase of  
16 such obligations or securities, to the extent included in federal adjusted  
17 gross income but exempt from state income taxes under the laws of the  
18 United States.

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

22 (iii) The portion of any gain or loss from the sale or other disposition  
23 of property having a higher adjusted basis for Kansas income tax purposes  
24 than for federal income tax purposes on the date such property was sold or  
25 disposed of in a transaction in which gain or loss was recognized for  
26 purposes of federal income tax that does not exceed such difference in  
27 basis, but if a gain is considered a long-term capital gain for federal  
28 income tax purposes, the modification shall be limited to that portion of  
29 such gain which is included in federal adjusted gross income.

30 (iv) The amount necessary to prevent the taxation under this act of  
31 any annuity or other amount of income or gain which was properly  
32 included in income or gain and was taxed under the laws of this state for a  
33 taxable year prior to the effective date of this act, as amended, to the  
34 taxpayer, or to a decedent by reason of whose death the taxpayer acquired  
35 the right to receive the income or gain, or to a trust or estate from which  
36 the taxpayer received the income or gain.

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

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

- 1 (vii) Amounts received as annuities under the federal civil service  
2 retirement system from the civil service retirement and disability fund and  
3 other amounts received as retirement benefits in whatever form which  
4 were earned for being employed by the federal government or for service  
5 in the armed forces of the United States.
- 6 (viii) Amounts received by retired railroad employees as a  
7 supplemental annuity under the provisions of 45 U.S.C. §§ 228b(a) and  
8 228c(a)(1) et seq.
- 9 (ix) Amounts received by retired employees of a city and by retired  
10 employees of any board of such city as retirement allowances pursuant to  
11 K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter  
12 ordinance exempting a city from the provisions of K.S.A. 13-14,106, and  
13 amendments thereto.
- 14 (x) For taxable years beginning after December 31, 1976, the amount  
15 of the federal tentative jobs tax credit disallowance under the provisions of  
16 26 U.S.C. § 280C. For taxable years ending after December 31, 1978, the  
17 amount of the targeted jobs tax credit and work incentive credit  
18 disallowances under 26 U.S.C. § 280C.
- 19 (xi) For taxable years beginning after December 31, 1986, dividend  
20 income on stock issued by Kansas venture capital, inc.
- 21 (xii) For taxable years beginning after December 31, 1989, amounts  
22 received by retired employees of a board of public utilities as pension and  
23 retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249,  
24 and amendments thereto.
- 25 (xiii) For taxable years beginning after December 31, 2004, amounts  
26 contributed to and the amount of income earned on contributions deposited  
27 to an individual development account under K.S.A. 74-50,201 et seq., and  
28 amendments thereto.
- 29 (xiv) For all taxable years commencing after December 31, 1996, that  
30 portion of any income of a bank organized under the laws of this state or  
31 any other state, a national banking association organized under the laws of  
32 the United States, an association organized under the savings and loan  
33 code of this state or any other state, or a federal savings association  
34 organized under the laws of the United States, for which an election as an  
35 S corporation under subchapter S of the federal internal revenue code is in  
36 effect, which accrues to the taxpayer who is a stockholder of such  
37 corporation and which is not distributed to the stockholders as dividends of  
38 the corporation. For taxable years beginning after December 31, 2012, and  
39 ending before January 1, 2017, the amount of modification under this  
40 subsection shall exclude the portion of income or loss reported on schedule  
41 E and included on line 17 of the taxpayer's form 1040 federal individual  
42 income tax return.
- 43 (xv) For all taxable years beginning after December 31, 2017, the

1 cumulative amounts not exceeding \$3,000, or \$6,000 for a married couple  
2 filing a joint return, for each designated beneficiary that are contributed to:  
3 (1) A family postsecondary education savings account established under  
4 the Kansas postsecondary education savings program or a qualified tuition  
5 program established and maintained by another state or agency or  
6 instrumentality thereof pursuant to section 529 of the internal revenue  
7 code of 1986, as amended, for the purpose of paying the qualified higher  
8 education expenses of a designated beneficiary; or (2) an achieving a  
9 better life experience (ABLE) account established under the Kansas ABLE  
10 savings program or a qualified ABLE program established and maintained  
11 by another state or agency or instrumentality thereof pursuant to section  
12 529A of the internal revenue code of 1986, as amended, for the purpose of  
13 saving private funds to support an individual with a disability. The terms  
14 and phrases used in this paragraph shall have the meaning respectively  
15 ascribed thereto by the provisions of K.S.A. 75-643 and 75-652, and  
16 amendments thereto, and the provisions of such sections are hereby  
17 incorporated by reference for all purposes thereof.

18 (xvi) For all taxable years beginning after December 31, 2004,  
19 amounts received by taxpayers who are or were members of the armed  
20 forces of the United States, including service in the Kansas army and air  
21 national guard, as a recruitment, sign up or retention bonus received by  
22 such taxpayer as an incentive to join, enlist or remain in the armed services  
23 of the United States, including service in the Kansas army and air national  
24 guard, and amounts received for repayment of educational or student loans  
25 incurred by or obligated to such taxpayer and received by such taxpayer as  
26 a result of such taxpayer's service in the armed forces of the United States,  
27 including service in the Kansas army and air national guard.

28 (xvii) For all taxable years beginning after December 31, 2004,  
29 amounts received by taxpayers who are eligible members of the Kansas  
30 army and air national guard as a reimbursement pursuant to K.S.A. 48-  
31 281, and amendments thereto, and amounts received for death benefits  
32 pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section  
33 1 or section 2 of chapter 207 of the 2005 Session Laws of Kansas, and  
34 amendments thereto, to the extent that such death benefits are included in  
35 federal adjusted gross income of the taxpayer.

36 (xviii) For the taxable year beginning after December 31, 2006,  
37 amounts received as benefits under the federal social security act which  
38 are included in federal adjusted gross income of a taxpayer with federal  
39 adjusted gross income of \$50,000 or less, whether such taxpayer's filing  
40 status is single, head of household, married filing separate or married filing  
41 jointly; and for all taxable years beginning after December 31, 2007,  
42 amounts received as benefits under the federal social security act which  
43 are included in federal adjusted gross income of a taxpayer with federal

1 adjusted gross income of \$75,000 or less, whether such taxpayer's filing  
2 status is single, head of household, married filing separate or married filing  
3 jointly.

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

6 (xx) For taxable years beginning after December 31, 2012, and  
7 ending before January 1, 2017, the amount of any: (1) Net profit from  
8 business as determined under the federal internal revenue code and  
9 reported from schedule C and on line 12 of the taxpayer's form 1040  
10 federal individual income tax return; (2) net income, not including  
11 guaranteed payments as defined in section 707(c) of the federal internal  
12 revenue code and as reported to the taxpayer from federal schedule K-1,  
13 (form 1065-B), in box 9, code F or as reported to the taxpayer from federal  
14 schedule K-1, (form 1065) in box 4, from rental real estate, royalties,  
15 partnerships, S corporations, estates, trusts, residual interest in real estate  
16 mortgage investment conduits and net farm rental as determined under the  
17 federal internal revenue code and reported from schedule E and on line 17  
18 of the taxpayer's form 1040 federal individual income tax return; and (3)  
19 net farm profit as determined under the federal internal revenue code and  
20 reported from schedule F and on line 18 of the taxpayer's form 1040  
21 federal income tax return; all to the extent included in the taxpayer's  
22 federal adjusted gross income. For purposes of this subsection, references  
23 to the federal form 1040 and federal schedule C, schedule E, and schedule  
24 F, shall be to such form and schedules as they existed for tax year 2011  
25 and as revised thereafter by the internal revenue service.

26 (xxi) For all taxable years beginning after December 31, 2013,  
27 amounts equal to the unreimbursed travel, lodging and medical  
28 expenditures directly incurred by a taxpayer while living, or a dependent  
29 of the taxpayer while living, for the donation of one or more human organs  
30 of the taxpayer, or a dependent of the taxpayer, to another person for  
31 human organ transplantation. The expenses may be claimed as a  
32 subtraction modification provided for in this section to the extent the  
33 expenses are not already subtracted from the taxpayer's federal adjusted  
34 gross income. In no circumstances shall the subtraction modification  
35 provided for in this section for any individual, or a dependent, exceed  
36 \$5,000. As used in this section, "human organ" means all or part of a liver,  
37 pancreas, kidney, intestine, lung or bone marrow. The provisions of this  
38 paragraph shall take effect on the day the secretary of revenue certifies to  
39 the director of the budget that the cost for the department of revenue of  
40 modifications to the automated tax system for the purpose of  
41 implementing this paragraph will not exceed \$20,000.

42 (xxii) For taxable years beginning after December 31, 2012, and  
43 ending before January 1, 2017, the amount of net gain from the sale of: (1)

1 Cattle and horses, regardless of age, held by the taxpayer for draft,  
2 breeding, dairy or sporting purposes, and held by such taxpayer for 24  
3 months or more from the date of acquisition; and (2) other livestock,  
4 regardless of age, held by the taxpayer for draft, breeding, dairy or  
5 sporting purposes, and held by such taxpayer for 12 months or more from  
6 the date of acquisition. The subtraction from federal adjusted gross income  
7 shall be limited to the amount of the additions recognized under the  
8 provisions of subsection (b)(xix) attributable to the business in which the  
9 livestock sold had been used. As used in this paragraph, the term  
10 "livestock" shall not include poultry.

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

16 (xxiv) For taxable years beginning after December 31, 2013, and  
17 ending before January 1, 2017, the net gain from the sale from Christmas  
18 trees grown in Kansas and held by the taxpayer for six years or more.

19 (xxv) *For all taxable years beginning after December 31, 2020: (1)*  
20 *The amount contributed to a first-time home buyer savings account*  
21 *pursuant to section 3, and amendments thereto, in an amount not to*  
22 *exceed \$3,000 for an individual or \$6,000 for a married couple filing a*  
23 *joint return; or (2) amounts received as income earned from assets in a*  
24 *first-time home buyer savings account.*

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

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

34 (f) No taxpayer shall be assessed penalties and interest from the  
35 underpayment of taxes due to changes to this section that became law on  
36 July 1, 2017, so long as such underpayment is rectified on or before April  
37 17, 2018.

38 Sec. 8. K.S.A. 79-32,117 is hereby repealed.

39 Sec. 9. This act shall take effect and be in force from and after its  
40 publication in the statute book.