

## HOUSE BILL No. 2438

By Committee on Taxation

3-12

---

AN ACT concerning income taxation; relating to property tax paid on commercial and industrial machinery and equipment; amending K.S.A. 2002 Supp. 79-32,206 and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 79-32,206 is hereby amended to read as follows: 79-32,206. For all taxable years commencing after December 31, 2001, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the premiums tax upon insurance companies imposed pursuant to K.S.A. 40-252, and amendments thereto, and the privilege tax as measured by net income of financial institutions imposed pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, an amount equal to 15% of the property tax levied for property tax years 2002, 2003 and 2004, 20% of the property tax levied for property tax years 2005 and 2006, and 25% of the property tax levied for property tax year 2007, and all such years thereafter, actually and timely paid during an income or privilege taxable year upon commercial and industrial machinery and equipment classified for property taxation purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (5) or (6) of class 2, machinery and equipment classified for such purposes in subclass (2) of class 2. For all taxable years commencing after December 31, 2004, there shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act an amount equal to 20% of the property tax levied for property tax years 2005 and 2006, and 25% of the property tax levied for property tax year 2007 and all such years thereafter, actually and timely paid during an income taxable year upon machinery and equipment classified for property tax purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (3) of class 2. ~~Prior to the 2004 legislative session, the joint committee on economic development shall conduct a study of the economic impact of the foregoing provision. The provisions of this section shall not apply to commercial and industrial machinery and equipment classified for property taxation purposes pursuant to section 1 of article 11 of the Kansas constitution in subclass (5) of class 2 for any taxable year which commences after the adoption of a proposition which~~

1 *amends the constitution of this state to reduce the assessed percentage of*  
2 *value from 25% to 15% for assessment and taxation purposes for such*  
3 *commercial and industrial machinery and equipment classified for prop-*  
4 *erty taxation purposes pursuant to section 1 of article 11 of the Kansas*  
5 *constitution in subclass (5) of class 2. If the amount of such tax credit*  
6 *exceeds the taxpayer's income tax liability for the taxable year, the amount*  
7 *thereof which exceeds such tax liability shall be refunded to the taxpayer.*  
8 *If the taxpayer is a corporation having an election in effect under sub-*  
9 *chapter S of the federal internal revenue code, a partnership or a limited*  
10 *liability company, the credit provided by this section shall be claimed by*  
11 *the shareholders of such corporation, the partners of such partnership or*  
12 *the members of such limited liability company in the same manner as*  
13 *such shareholders, partners or members account for their proportionate*  
14 *shares of the income or loss of the corporation, partnership or limited*  
15 *liability company.*

16 Sec. 2. K.S.A. 2002 Supp. 79-32,206 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its  
18 publication in the statute book.

19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43