

**HOUSE BILL No. 2394**

By Committee on Appropriations

3-23

9 AN ACT concerning income taxation; relating to credits; expenditures to  
10 make facilities accessible to individuals with a disability; amending  
11 K.S.A. 79-32,176, 79-32,177 and 79-32,180 and repealing the existing  
12 sections.  
13

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

15 Section 1. K.S.A. 79-32,176 is hereby amended to read as follows:  
16 79-32,176. (a) Any resident individual taxpayer who makes expenditures  
17 for the purpose of making all or any portion of an existing facility acces-  
18 sible to individuals with a disability, which facility is used as, or in con-  
19 nexion with, such taxpayer's principal dwelling or the principal dwelling  
20 of a lineal ascendant or descendant, including construction of a small  
21 barrier free living unit attached to such principal dwelling, shall be enti-  
22 tled to claim a tax credit in an amount equal to the applicable percentage  
23 of such expenditures or ~~\$0,000~~ \$25,000, whichever is less, against the  
24 income tax liability imposed against such taxpayer pursuant to article 32  
25 of chapter 79 of the Kansas Statutes Annotated. Nothing in this subsection  
26 shall be deemed to prevent any such taxpayer from claiming such credit:  
27 (1) For each principal dwelling in which the taxpayer or lineal ascendant  
28 or descendant may reside, or facility used in connection therewith; or (2)  
29 more than once, but not more often than once every four-year period of  
30 time. The applicable percentage of such expenditures eligible for credit  
31 shall be as set forth in the following schedule:  
32

Taxpayers	% of
Kansas Adjusted	expenditures
Gross Income	eligible for
	credit
\$0 to <del>\$25,000</del> \$35,000 .....	100%
Over <del>\$25,000</del> \$35,000 but not over <del>\$30,000</del> \$40,000 .....	90%
Over <del>\$30,000</del> \$40,000 but not over <del>\$35,000</del> \$45,000 .....	80%
Over <del>\$35,000</del> \$45,000 but not over <del>\$40,000</del> \$50,000 .....	70%
Over <del>\$40,000</del> \$50,000 but not over <del>\$45,000</del> \$55,000 .....	60%
Over <del>\$45,000</del> \$55,000 but not over <del>\$55,000</del> \$65,000 .....	50%
Over <del>\$55,000</del> \$65,000 .....	0

43 Such tax credit shall be deducted from the taxpayer's income tax liability

1 for the taxable year in which the expenditures are made by the taxpayer.  
2 If the amount of such tax credit exceeds the taxpayer's income tax liability  
3 for such taxable year, the amount thereof which exceeds such tax liability  
4 may be carried over for deduction from the taxpayer's income tax liability  
5 in the next succeeding taxable year or years until the total amount of the  
6 tax credit has been deducted from tax liability, except that no such tax  
7 credit shall be carried over for deduction after the fourth taxable year  
8 succeeding the taxable year in which the expenditures are made.

9 (b) Notwithstanding the provisions of subsection (a), if the amount  
10 of the taxpayer's tax liability is less than ~~\$2,250~~ \$6,250 in the first year in  
11 which the credit is claimed under this section, an amount equal to the  
12 amount by which  $\frac{1}{4}$  of the credit allowable under this section exceeds  
13 such tax liability shall be refunded to the taxpayer and the amount by  
14 which such credit exceeds such tax liability less the amount of such refund  
15 may be carried over for the next three succeeding taxable years. If the  
16 amount of the taxpayer's tax liability is less than ~~\$2,250~~ \$6,250 in the  
17 second year in which the credit is claimed under this section, an amount  
18 equal to the amount by which  $\frac{1}{3}$  of the amount of the credit carried over  
19 from the first taxable year exceeds such tax liability shall be refunded to  
20 the taxpayer and the amount by which the amount of the credit carried  
21 over from the first taxable year exceeds such tax liability less the amount  
22 of such refund may be carried over for the next two succeeding taxable  
23 years. If the amount of the taxpayer's tax liability is less than ~~\$2,250~~ \$6,250  
24 in the third year in which the credit is claimed under this section, an  
25 amount equal to the amount by which  $\frac{1}{2}$  of the amount carried over from  
26 the second taxable year exceeds such tax liability shall be refunded to the  
27 taxpayer and the amount by which the amount of the credit carried over  
28 from the second taxable year exceeds such tax liability less the amount of  
29 such refund may be carried over to the next succeeding taxable year. If  
30 the amount of the credit carried over from the third taxable year exceeds  
31 the taxpayer's income tax liability for such year, the amount thereof which  
32 exceeds such tax liability shall be refunded to the taxpayer.

33 Sec. 2. K.S.A. 79-32,177 is hereby amended to read as follows: 79-  
34 32,177. Any taxpayer who makes expenditures for the purpose of making  
35 all or any portion of an existing facility accessible to individuals with a  
36 disability, or who makes expenditures for the purpose of making all or  
37 any portion of a facility or of equipment usable for the employment of  
38 individuals with a disability, which facility or equipment is on real prop-  
39 erty located in this state and used in a trade or business or held for the  
40 production of income, shall be entitled to claim an income tax credit in  
41 an amount equal to 50% of such expenditures or, the amount of ~~\$10,000~~  
42 \$25,000, whichever is less, against the income tax liability imposed against  
43 such taxpayer pursuant to article 32 of chapter 79 of the Kansas Statutes

1 Annotated. Such tax credit shall be deducted from the taxpayer's income  
2 tax liability for the taxable year in which the expenditures are made by  
3 the taxpayer. If the amount of such tax credit exceeds the taxpayer's in-  
4 come tax liability for such taxable year, the amount thereof which exceeds  
5 such tax liability may be carried over for deduction from the taxpayer's  
6 income tax liability in the next succeeding taxable year or years until the  
7 total amount of the tax credit has been deducted from tax liability, except  
8 that no such tax credit shall be carried over for deduction after the fourth  
9 taxable year succeeding the taxable year in which the expenditures are  
10 made.

11 Sec. 3. K.S.A. 79-32,180 is hereby amended to read as follows: 79-  
12 32,180. The provisions of ~~this act~~ *K.S.A. 79-32,175 through 79-32,178*  
13 shall be applicable to all taxable years commencing after December 31,  
14 ~~1980~~ 2008.

15 Sec. 4. K.S.A. 79-32,176, 79-32,177 and 79-32,180 are hereby re-  
16 pealed.

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