

SENATE BILL No. 177

By Committee on Assessment and Taxation

2-3

9 AN ACT concerning income taxation; relating to credits; adoption ex-
10 penses; amending K.S.A. 2008 Supp. 79-32,202 and repealing the ex-
11 isting section.
12

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

14 Section 1. K.S.A. 2008 Supp. 79-32,202 is hereby amended to read
15 as follows: 79-32,202. (a) For all taxable years commencing after Decem-
16 ber 31, 2005, and in addition to the credit provided in subsection (b),
17 there shall be allowed as a credit against the tax liability of a resident
18 individual imposed under the Kansas income tax act an amount equal to:
19 (1) 25% of the amount of the credit allowed against such taxpayer's federal
20 income tax liability pursuant to section 23 determined without regard to
21 subsection (c) thereof of the federal internal revenue code; (2) in addition
22 to subsection (a)(1), 25% of the amount of such federal income tax credit,
23 if the child adopted by the taxpayer was a resident of Kansas prior to such
24 lawful adoption; and (3) and in addition to subsections (a)(1) and (a)(2),
25 25% of the amount of such federal income tax credit, if the child adopted
26 by the taxpayer is a child with special needs, as defined in section 23 of
27 the federal internal revenue code, and the child was a resident of Kansas
28 prior to such lawful adoption, for the taxable year in which such credit
29 was claimed against the taxpayer's federal income tax liability.

30 (b) For all taxable years commencing after December 31, ~~1996~~ 2003,
31 *in addition to the credit provided in subsection (a)*, there shall be allowed
32 as a credit against the tax liability of a resident individual imposed under
33 the Kansas income tax act an amount equal to \$1,500 for the taxable year
34 in which occurs the lawful adoption of a child in the custody of the sec-
35 retary of social and rehabilitation services or a child with special needs,
36 whether or not such individual is reimbursed for all or part of qualified
37 adoption expenses or has received a public or private grant therefor. As
38 used in this subsection, terms and phrases shall have the meanings as-
39 cribed thereto by the provisions of section 23 of the federal internal rev-
40 enue code. ~~No credit shall be allowed under subsection (a) for any qual-~~
41 ~~ified adoption expenses incurred in the adoption of a child described by~~
42 ~~this subsection.~~ *Notwithstanding any provision of law to the contrary, a*
43 *taxpayer may file an amended return to claim the credit under this sub-*

1 *section or subsection (a) for taxable years 2004, 2005, 2006, 2007 and*
2 *2008, as applicable, if the taxpayer only claimed the credit under subsec-*
3 *tion (a) or (b), but not both subsections for such applicable tax years.*

4 (c) The credit allowed by subsections (a) and (b) shall not exceed the
5 amount of the tax imposed by ~~K.S.A. 79-32,110, and amendments thereto,~~
6 *under the Kansas income tax act* reduced by the sum of any other credits
7 allowable pursuant to law. If the amount of such tax credit exceeds the
8 taxpayer's income tax liability for such taxable year, the amount thereof
9 which exceeds such tax liability may be carried over for deduction from
10 the taxpayer's income tax liability in the next succeeding taxable year or
11 years until the total amount of the tax credits has been deducted from tax
12 liability.

13 Sec. 2. K.S.A. 2008 Supp. 79-32,202 is hereby repealed.

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