

REPORTS OF STANDING COMMITTEES

MR. SPEAKER:

The Committee on **Financial Institutions and Pensions** recommends **SB 34** be amended on page 1, in line 7, by striking all after "city"; by striking all in line 8; in line 9, by striking "thereto,"; also in line 9, by striking "rural" and inserting "urban"; in line 10, after "Such" by inserting "urban housing incentive districts designated by such"; in line 12, after "thereto" by inserting ", except as specifically provided in this section"; in line 13, by striking "a rural" and inserting "an urban"; in line 28, by striking "a rural" and inserting "an urban"; in line 33, by striking all after "be"; in line 34, by striking all before "housing" and inserting "known and may be cited as the Kansas urban"; following line 34, by inserting:

"(e) For purposes of this section, "city" means any city incorporated in accordance with Kansas law with a population of 60,000 or more, as certified to the secretary of state by the director of the budget on the previous July 1 in accordance with K.S.A. 11-201, and amendments thereto, except the city of Topeka.";

On page 2, in line 1, by striking "and section 1, and amendments thereto,"; by striking all in lines 3 through 43;

On page 3, by striking all in lines 1 through 12;

On page 4, following line 17, by inserting:

"Sec. 4. K.S.A. 2022 Supp. 79-32,313 is hereby amended to read as follows: 79-32,313.  
(a) (1) For tax year 2022 and all tax years thereafter, a credit against the income tax liability imposed pursuant to the Kansas income tax act, the privilege tax liability imposed upon any national banking association, state bank, trust company or savings and loan association pursuant

to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, or the premium tax liability imposed upon an insurance company pursuant to K.S.A. 40-252, and amendments thereto, shall be allowed to:

(A) A qualified investor for a cash investment in a qualified housing project that has been approved and issued a tax credit by the director. The tax credit may be claimed in its entirety in the taxable year the cash investment is made; and

(B) a project builder or developer of a qualified housing project that has been approved and issued a tax credit by the director.

(2) To claim such tax credit, the qualified investor ~~or~~, project builder or developer or transferee shall provide all information or documentation in the form and manner required by the secretary of revenue. If the amount of the credit exceeds the taxpayer's tax liability in any one taxable year, the remaining portion of the credit may be carried forward in the succeeding taxable years until the total amount of the credit is used, except that no credit may be claimed after four taxable years next succeeding the taxable year that such credit was issued, and any remaining credit shall be forfeited. Any portion of the credit that is carried forward may be transferred pursuant to subsection (d) and claimed by the transferee in the same manner as the transferor.

(b) (1) Tax credits may be issued by the director for a qualified housing project as follows:

(A) For qualified housing projects located in a county with a population of not more than 8,000, in an amount not to exceed \$35,000 per residential unit;

(B) for qualified housing projects located in a county with a population of more than 8,000 but not more than 25,000, in an amount not to exceed \$32,000 per residential unit; and

(C) for all other qualified housing projects, in an amount not to exceed \$30,000.

(2) A qualified housing project shall be limited to a total of 40 such residential units per

year for both single-family and multi-family dwellings.

(3) Tax credits may be issued to a qualified investor in the amount of a cash investment of up to the total amount that may be issued by the director under this subsection for the qualified housing project, or as provided in the agreement required by K.S.A. 2022 Supp. 79-32,312, and amendments thereto. Project builders or developers may apply to the director each year for tax credits for additional units or phases of a project. Qualified investors may be issued tax credits for cash investments in multiple qualified housing projects. Project builders or developers may apply and be approved for multiple qualified housing projects in the same tax year.

(4) The aggregate amount of tax credits that may be issued under this section shall not exceed \$13,000,000 each tax year, except that if the director issues an aggregate amount of tax credits in one tax year that is less than \$13,000,000, then the director may carry forward the difference and issue such amount of tax credits in the immediately succeeding tax year in addition to the statutory amount that may be issued under this section. Of the aggregate amount of tax credits issued in one tax year, the director shall allocate:

(A) Not less than \$2,500,000 in tax credits for qualified housing projects located in counties with a population of not more than 8,000;

(B) not less than \$2,500,000 in tax credits for qualified housing projects located in counties with a population of more than 8,000 but not more than 25,000; and

(C) up to \$8,000,000 in tax credits for qualified housing projects located in counties with a population of more than 25,000 but not more than 75,000.

(c) A cash investment in a qualified housing project shall be deemed to have been made on the date of acquisition of the qualified security, as such date is determined by the director.

(d) Any qualified investor ~~without a current tax liability at the time of the investment in a qualified housing project that does not reasonably believe such investor will owe any such tax~~

~~for the current taxable year and~~ who receives a tax credit pursuant to this section shall be deemed to acquire an interest in the nature of a transferable credit limited to the amount of the credit issued to the qualified investor by the director. ~~This interest~~ All or a portion of such credit may be transferred by the qualified investor or any subsequent transferee to any person one or more persons whether or not such ~~person transferee~~ is then a qualified investor and be claimed by the transferee as a credit against the transferee's Kansas tax liability in the same manner as the transferor beginning in the year the credit is transferred. The credit may be carried forward as permitted by subsection (a). There shall be no limit on the number of times a credit or any portion thereof can be transferred. No person shall be entitled to a refund for any interest on such tax credit that may be created under this section. ~~Only the full amount of the tax credit for any one qualified housing project investment may be transferred and may only be transferred one time.~~ A credit acquired by transfer shall be subject to the limitations prescribed in this section. Any such transferee succeeds to all remaining rights and restrictions of the transferor with respect to the credit being transferred on the date of such transfer. Documentation of any credit acquired by transfer shall be provided by the taxpayer claiming such credit in the manner required by the secretary of revenue. The qualified investor or subsequent transferee transferring such credit shall provide the director and the secretary of revenue with the name, address and taxpayer identification number of each person to whom ~~tax~~ credits have been transferred and such other information as may be required by the director or the secretary of revenue. The provisions of this subsection shall apply to credits issued for tax year 2022 and all tax years thereafter.

(e) The secretary of revenue may adopt rules and regulations as necessary to implement and administer the provisions of this act.

(f) For purposes of calculating any tax due under K.S.A. 40-253, and amendments

thereto, the credit allowed by this section shall be treated as a tax paid under K.S.A. 40-252, and amendments thereto.";

Also on page 4, in line 18, by striking ", 12-5242"; also in line 18, after "12-5249" by inserting "and K.S.A. 2022 Supp. 79-32,313"; in line 20, by striking "statute book" and inserting "Kansas register";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after the semicolon; in line 2, by striking all before "expanding"; also in line 2, by striking all after "the"; in line 3, by striking all before "use"; also in line 3, after "proceeds" by inserting "under the Kansas rural housing incentive district act; transferability of income, privilege and premium tax credits issued under the Kansas housing investor tax credit act; enacting the Kansas urban housing incentive district act"; also in line 3, by striking the comma; in line 4, by striking "12-5242"; also in line 4, after the second "and" by inserting "K.S.A. 2022 Supp. 79-32,313 and"; and the bill be passed as amended.

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Chairperson