

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

The Committee on **Commerce** recommends **SB 91** be amended on page 1, in line 12, by striking "8" and inserting "6";

On page 9, in line 12, by striking ", in the sole discretion of the secretary,";

On page 10, in line 13, by striking all after the comma; in line 14, by striking all before the period and inserting "the production company may carry over the amount of the tax credit that exceeds such tax liability for deduction from the production company's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from the production company's tax liability, except that no such tax credit shall be carried over for deduction after the 10th taxable year succeeding the year in which the qualified expenditures were made by the production company"; also on page 10, in line 17, by striking "provided by this section"; in line 24, by striking all after the period; by striking all in lines 25 through 27; in line 37, after the period by inserting "A request by a production company for an extension of time of up to six months to submit a claim shall be granted by the secretary of revenue.";

On page 11, in line 37, by striking "nonrefundable"; in line 38, by striking "production"; in line 38, after the period by inserting "The tax credit shall be applied against the Kansas-based production company's income tax liability for the taxable year in which the qualified expenditures are made by the Kansas-based production company. If the amount of the tax credit exceeds the Kansas-based production company's income tax liability, the Kansas-based production company may carry over the amount of the tax credit that exceeds such tax liability for deduction from the Kansas-based production company's income tax liability in the next

succeeding taxable year or years until the total amount of the tax credit has been deducted from the Kansas-based production company's tax liability, except that no such tax credit shall be carried over for deduction after the 10th taxable year succeeding the year in which the qualified expenditures were made by the Kansas-based production company. If the Kansas-based production company is a corporation having an election in effect under subchapter S of the federal internal revenue code, a partnership or a limited liability company, the credit shall be claimed by the shareholders of such corporation, the partners of such partnership or members of such limited liability company in the same manner as such shareholders, partners or members account for their proportionate shares of the income or loss of the corporation, partnership or limited liability company and in accordance with the agreement executed pursuant to section 3, and amendments thereto. The tax credit may be transferred as provided by subsection (k).";

On page 12, in line 28, after the first "the" by inserting "taxable"; in line 30, by striking "shall be refunded to the transferee" and inserting "may be carried over for deduction from the transferee's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from the transferee's tax liability, except that no such tax credit shall be carried over for deduction after the 10th taxable year succeeding the taxable year in which the credit was transferred to the transferee"; following line 33, by inserting:

"(l) The aggregate total amount of credits allowed under this section shall not exceed \$10,000,000 in a tax year. Ten percent of such aggregate total in each tax year shall be designated for tax credits to Kansas-based production companies.";

On page 13, by striking all in lines 9 through 43;

By striking all on pages 14 through 16;

On page 17, by striking all in lines 1 through 32;

And by renumbering sections accordingly;

On page 1, in the title, in line 3, by striking the comma and inserting "and"; also in line 3, by striking "and loan and grant"; in line 5, by striking all after the semicolon; by striking all in lines 6 and 7; in line 8, by striking all before "amending"; and the bill be passed as amended.

_____ Chairperson