

HOUSE BILL No. 2318

By Committee on Taxation

Requested by Eric Stafford on behalf of the Kansas Chamber of Commerce

2-6

1 AN ACT concerning taxation; relating to income tax; providing that future
2 tax rate decreases be contingent on exceeding revenue estimates;
3 amending K.S.A. 2024 Supp. 79-32,110 and repealing the existing
4 section.
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6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) As used in this section:

8 (1) "Adjusted consumer price ratio" means the fiscal year consumer
9 price index divided by the base year consumer price index.

10 (2) "Adjusted general revenue fund collections" means actual tax
11 receipt revenues to the state general fund.

12 (3) "Base year revenues" means actual tax receipt revenues to the
13 state general fund for fiscal year 2024 in the amount of \$10,003,833,599.

14 (4) "Base year consumer price index" means a 12-month average of
15 the not seasonally adjusted consumer price index for all urban consumers
16 for fiscal year 2024.

17 (5) "Excess fiscal year general revenue fund collections" means the
18 positive difference from subtracting the inflation adjusted base year
19 revenues from the adjusted general revenue fund collections from the
20 immediately preceding fiscal year.

21 (6) "Fiscal year consumer price index" means a 12-month average of
22 the not seasonally adjusted consumer price index for all urban consumers
23 for the immediately preceding fiscal year.

24 (7) "Inflation adjusted base year revenues" means the base year
25 revenues multiplied by the adjusted consumer price ratio.

26 (b) Commencing on August 15, 2025, and every August 15 thereafter,
27 the director of the budget, in consultation with the director of legislative
28 research, shall determine whether the total fiscal year adjusted general
29 revenue fund collections from the immediately preceding fiscal year are in
30 excess of the inflation adjusted base year revenues. If the total fiscal year
31 adjusted general revenue fund collections from the immediately preceding
32 fiscal year are in excess of the inflation adjusted base year revenues, the
33 director of the budget shall certify to the secretary of revenue the existence
34 of such excess and the amount of the excess.

35 (c) In the event that the secretary of revenue certifies that the adjusted

1 general revenue fund collections from the immediately preceding fiscal
 2 year are in excess of the inflation adjusted base year revenues, the
 3 secretary shall calculate and publish the income tax rate reduction as a
 4 result of the excess. In calculating the income tax rate reduction, the
 5 excess fiscal year general revenue fund collections shall be computed that
 6 would result in the reduction of the income tax rates pursuant to subsection
 7 (d) in an amount approximately equal to the rate reductions down to the
 8 nearest 0.01% to go into effect for the next tax year. Such rate reductions
 9 shall remain in effect unless further reduced pursuant to this section. The
 10 income tax brackets and taxable income thresholds prescribed in K.S.A.
 11 79-32,110(a), and amendments thereto, shall be adjusted to reflect the
 12 changes in income tax rates.

13 (d) The secretary shall first compute the reduction of the income tax
 14 rates pursuant to K.S.A. 79-32,110(a), and amendments thereto, that
 15 decreases proportionally all tax rates in effect. Once the lower income tax
 16 rate is decreased to 4.5%, there shall be no further reductions to the lower
 17 income tax rate and further reductions shall only be applied to reduce the
 18 higher income tax rate in effect. Upon the higher income tax rate being
 19 decreased to 4.5%, no further reductions shall occur to K.S.A. 79-
 20 32,110(a), and amendments thereto. The secretary shall then compute
 21 decreases to the surtax imposed pursuant to K.S.A. 79-32,110(c), and
 22 amendments thereto. The surtax shall be decreased until the combined
 23 normal and surtax rates equal 4.5% that are imposed pursuant to K.S.A.
 24 79-32,110(c), and amendments thereto. Once the combined normal and
 25 surtax rates pursuant to K.S.A. 79-32,110(a), and amendments thereto,
 26 equal 4.5%, no further reductions shall occur.

27 Sec. 2. K.S.A. 2024 Supp. 79-32,110 is hereby amended to read as
 28 follows: 79-32,110. (a) *Resident individuals*. Except as otherwise provided
 29 by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed
 30 upon the Kansas taxable income of every resident individual, which tax
 31 shall be computed in accordance with the following tax schedules *unless*
 32 *otherwise modified pursuant to section 1, and amendments thereto:*

33 (1) *Married individuals filing joint returns.*

34 (A) For tax years 2018 through 2023:

35 If the taxable income is:	The tax is:
36 Not over \$30,000.....	3.1% of Kansas taxable
37	income
38 Over \$30,000 but not over \$60,000.....	\$930 plus 5.25% of excess
39	over \$30,000
40 Over \$60,000.....	\$2,505 plus 5.7% of excess
41	over \$60,000

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(B) For tax year 2024, and all tax years thereafter:

1	If the taxable income is:	The tax is:
2	Not over \$46,000.....	5.2% of Kansas taxable
3		income
4	Over \$46,000.....	\$2,392 plus 5.58% of excess
5		over \$46,000

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7 (2) *All other individuals.*

8 (A) For tax years 2018 through 2023:

9	If the taxable income is:	The tax is:
10	Not over \$15,000.....	3.1% of Kansas taxable
11		income
12	Over \$15,000 but not over \$30,000.....	\$465 plus 5.25% of excess
13		over \$15,000
14	Over \$30,000.....	\$1,252.50 plus 5.7% of
15		excess over \$30,000

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17 (B) For tax year 2024, and all tax years thereafter:

18	If the taxable income is:	The tax is:
19	Not over \$23,000.....	5.2% of Kansas taxable
20		income
21	Over \$23,000.....	\$1,196 plus 5.58% of excess
22		over \$23,000

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24 (b) *Nonresident individuals.* A tax is hereby imposed upon the Kansas
25 taxable income of every nonresident individual, which tax shall be an
26 amount equal to the tax computed under subsection (a) as if the
27 nonresident were a resident multiplied by the ratio of modified Kansas
28 source income to Kansas adjusted gross income.

29 (c) *Corporations.* A tax is hereby imposed upon the Kansas taxable
30 income of every corporation doing business within this state or deriving
31 income from sources within this state. Such tax shall consist of a normal
32 tax and a surtax and shall be computed as follows unless otherwise
33 modified pursuant to K.S.A. 2024 Supp. 74-50,321 *or section 1*, and
34 amendments thereto:

35 (1) The normal tax shall be in an amount equal to 4% of the Kansas
36 taxable income of such corporation; and

37 (2) the surtax shall be in an amount equal to 3% of the Kansas taxable
38 income of such corporation in excess of \$50,000.

39 (d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable
40 income of estates and trusts at the rates provided in subsection (a)(2).

41 (e) Notwithstanding the provisions of subsections (a) and (b), for tax
42 years 2018 through 2023, married individuals filing joint returns with
43 taxable income of \$5,000 or less; and all other individuals with taxable

- 1 income of \$2,500 or less; shall have a tax liability of zero.
- 2 Sec. 3. K.S.A. 2024 Supp. 79-32,110 is hereby repealed.
- 3 Sec. 4. This act shall take effect and be in force from and after its
- 4 publication in the statute book.