

HOUSE BILL No. 2336

By Committee on Taxation

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

2-7

1 AN ACT concerning taxation; relating to income and privilege taxes;
2 providing for the apportionment of business income by the single sales
3 factor and the apportionment of financial institution income by the
4 receipts factor; establishing deductions from income when using the
5 single sales factor and receipts factor; providing for the decrease in
6 corporate income tax rates; determining when sales other than tangible
7 personal property are made in the state; excluding sales of a unitary
8 business group of electric and natural gas public utilities; amending
9 K.S.A. 79-1129, 79-3271, 79-3279 and 79-3287 and K.S.A. 2024 Supp.
10 79-32,110 and 79-32,113 and repealing the existing sections.

11

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

13 New Section 1. (a) Commencing with fiscal year 2026, the director of
14 the budget, in consultation with the director of legislative research, shall
15 certify, at the end of each such fiscal year, the amount of actual corporate
16 income tax receipt revenues generated pursuant to K.S.A. 79-32,110(c),
17 and amendments thereto, that is in excess of the prior fiscal year's
18 corporate income tax receipts. The director of the budget shall transmit
19 such certification to the secretary of revenue. Upon receipt of such
20 certification, the secretary shall compute the reduction of the corporate
21 income tax rate pursuant to K.S.A. 79-32,110(c), and amendments thereto.
22 The certified amount shall be computed in dollars by the secretary for a
23 reduction rounded down to the nearest 0.1% in the corporate income tax
24 rate, if any, to go into effect for the next calendar year that would reduce
25 the corporate income tax rate in an amount approximately equal to the
26 amount computed by the secretary. The secretary shall reduce the normal
27 tax on corporations. Such rate reductions shall remain in effect unless
28 further reduced pursuant to law.

29 (b) The secretary shall publish by October 1, 2027, the new income
30 tax rates to take effect on January 1, 2028.

31 Sec. 2. K.S.A. 79-1129 is hereby amended to read as follows: 79-
32 1129. (a) Except as otherwise specifically provided, a financial institution
33 whose business activity is taxable both within and without this state shall
34 allocate and apportion its net income as provided in this act. All items of
35 nonbusiness income, income which is not includable in the apportionable

1 income tax base, shall be allocated pursuant to the provisions of K.S.A.
2 79-3274 through 79-3278 and amendments thereto. A financial institution
3 organized under the laws of a foreign country, the commonwealth of
4 Puerto Rico, or a territory or possession of the United States whose
5 effectively connected income, as defined under the federal internal revenue
6 code, is taxable both within this state and within another state, other than
7 the state in which it is organized, shall allocate and apportion its net
8 income as provided in this act and its apportionment factors shall include
9 the part of its property, payroll and receipts that is related to its
10 apportionable income.

11 (b) (1) *For taxable years prior to January 1, 2028, all business*
12 *income shall be apportioned as follows:*

13 (A) All business income, income which is includable in the
14 apportionable income tax base, shall be apportioned to this state by
15 multiplying such income by the apportionment percentage. The
16 apportionment percentage is determined by adding the taxpayer's receipts
17 factor, as described in K.S.A. 79-1130, *and amendments thereto*, property
18 factor, as described in K.S.A. 79-1131, *and amendments thereto*, and
19 payroll factor, as described in K.S.A. 79-1132, *and amendments thereto*,
20 together and dividing the sum by three. If one of the factors is missing, the
21 two remaining factors are added and the sum is divided by two. If two of
22 the factors are missing, the remaining factor is the apportionment
23 percentage. A factor is missing if both its numerator and denominator are
24 zero, but it is not missing merely because its numerator is zero.

25 (B) (i) *For tax years commencing on or after January 1, 2025, and*
26 *ending before January 1, 2028, at the election of the taxpayer, all business*
27 *income that is includable in the apportionable income tax base, may be*
28 *apportioned to this state by the taxpayer's receipts factor, as described in*
29 *K.S.A. 79-1130, and amendments thereto.*

30 (ii) *An election under this subparagraph shall be made by including*
31 *a statement with the original tax return for which the election is made*
32 *indicating that the taxpayer elects to apply this apportionment method.*
33 *The election shall be effective and irrevocable for the taxable year of the*
34 *election and shall be binding on all members of a unitary group of*
35 *corporations.*

36 (2) *For tax years commencing on or after January 1, 2028, all*
37 *business income shall be apportioned to this state by multiplying the*
38 *business income by the receipts factor.*

39 (c) Each factor shall be computed according to the method of
40 accounting, cash or accrual basis, used by the taxpayer for the taxable year.

41 (d) If the allocation and apportionment provisions of this act do not
42 fairly represent the extent of the taxpayer's business activity in this state,
43 the taxpayer may petition for or the secretary of revenue may require, in

1 respect to all or any part of the taxpayer's business activity, if reasonable:

2 (1) Separate accounting;

3 (2) the exclusion of any one or more of the factors;

4 (3) the inclusion of one or more additional factors which will fairly
5 represent the taxpayer's business activity in this state; or

6 (4) the employment of any other method to effectuate an equitable
7 allocation and apportionment of the taxpayer's income.

8 (e) In the event a combined report is utilized to determine the Kansas
9 income attributable to a unitary group of financial institutions, the
10 financial institutions in the combined group shall include only those
11 institutions which have a branch or office in Kansas.

12 (f) (1) *There shall be allowed as a deduction an amount computed in
13 accordance with this subsection.*

14 (2) *As of July 1, 2025, only publicly traded companies, including
15 affiliated corporations participating in the filing of a publicly traded
16 company's financial statements prepared in accordance with generally
17 accepted accounting principles, shall be eligible for this deduction.*

18 (3) *If the provisions of this section result in an aggregate increase in
19 the taxpayer's net deferred tax liability or an aggregate decrease in the
20 taxpayer's net deferred tax asset, or an aggregate change from a net
21 deferred tax asset to a net deferred tax liability, the taxpayer shall be
22 entitled to a deduction, as determined in this subsection. For the purposes
23 of this section, the term "taxpayer" includes a unitary group of businesses
24 that is required to file a combined report. The deferred tax impact
25 deduction provided under this section for a unitary group of businesses
26 that is required to file a combined report shall be calculated using unitary
27 net deferred tax assets and liabilities and deducted against unitary group
28 income.*

29 (4) *A taxpayer shall be entitled to a deferred tax impact deduction
30 from the taxpayer's net business income before apportionment equal to the
31 amount necessary to offset the increase in the net deferred tax liability or
32 decrease in the net deferred tax asset, or aggregate change from a net
33 deferred tax asset to a net deferred tax liability. Such increase in the net
34 deferred tax liability, decrease in the net deferred tax asset or the
35 aggregate change from a net deferred tax asset to a net deferred tax
36 liability shall be computed based on the change that would result from the
37 imposition of the single sales factor requirements pursuant to this section,
38 excluding the deduction provided under this paragraph, as of the end of
39 the tax year prior to the year in which the taxpayer makes an election or is
40 required to apportion by the sales factor. The amount of the deduction
41 shall equal the annual deferred tax deduction amount set forth in
42 paragraph (5).*

43 (5) *The annual deferred tax deduction amount shall be calculated as*

1 follows:

2 (A) The deferred tax impact determined in paragraph (4) shall be
3 divided by the income tax rate for corporations in effect for the tax year
4 pursuant to K.S.A. 79-32,110, and amendments thereto;

5 (B) the resulting amount shall be further divided by the Kansas
6 apportionment factor that was used by the taxpayer in the calculation of
7 the deferred tax assets and deferred tax liabilities as provided in this
8 subsection; and

9 (C) the result multiplied by $\frac{1}{10}$ shall represent the total net deferred
10 tax deduction available for the first tax year beginning on or after January
11 1, 2035, and the next nine successive tax years.

12 (6) The deduction calculated under paragraph (5) shall not be
13 adjusted as a result of any events subsequent to such calculation,
14 including, but not limited to, any disposition or abandonment of assets.
15 Such deduction shall be calculated without regard to any tax liabilities
16 under the federal internal revenue code and shall not alter the tax basis of
17 any asset. If the deduction under this section is greater than the taxpayer's
18 net business income before apportionment, any excess deduction shall be
19 carried forward and applied as a deduction for future tax years until fully
20 utilized.

21 (7) At the discretion of the taxpayer, the taxpayer shall be allowed to
22 claim other available tax credits before claiming the deferred tax
23 deduction calculated under this section. Any deferred tax deduction
24 calculated under this section not claimed on a return shall be carried
25 forward and applied as a deduction for future tax years until fully utilized.

26 (8) Any taxpayer intending to claim a deduction under this subsection
27 shall file a statement with the secretary on or before July 1, 2028,
28 specifying the total amount of the deduction that the taxpayer claims. The
29 statement shall be made on such form and in such manner as prescribed
30 by the secretary and shall contain such information or calculations as the
31 secretary may specify. No deduction shall be allowed under this section
32 for any taxable year except to the extent claimed in the manner prescribed
33 on or before July 1, 2028.

34 (9) For purposes of this subsection:

35 (A) "Net deferred tax liability" means deferred tax liabilities that
36 exceed the deferred tax assets of the taxpayer, as computed in accordance
37 with generally accepted accounting principles.

38 (B) "Net deferred tax asset" means that deferred tax assets exceed the
39 deferred tax liabilities of the taxpayer, as computed in accordance with
40 generally accepted accounting principles.

41 Sec. 3. K.S.A. 79-3271 is hereby amended to read as follows: 79-
42 3271. As used in this act, unless the context otherwise requires: (a) For tax
43 years commencing prior to January 1, 2008, "business income" means

1 income arising from transactions and activity in the regular course of the
2 taxpayer's trade or business and includes income from tangible and
3 intangible property if the acquisition, management, and disposition of the
4 property constitute integral parts of the taxpayer's regular trade or business
5 operations, except that a taxpayer may elect that all income constitutes
6 business income. For tax years commencing after December 31, 2007,
7 "business income" means: (1) Income arising from transactions and
8 activity in the regular course of the taxpayer's trade or business; (2)
9 income arising from transactions and activity involving tangible and
10 intangible property or assets used in the operation of the taxpayer's trade or
11 business; or (3) income of the taxpayer that may be apportioned to this
12 state under the provisions of the Constitution of the United States and laws
13 thereof, except that a taxpayer may elect that all income constitutes
14 business income. Any election made under this subsection shall be
15 effective and irrevocable for the tax year in which the election is made and
16 the following nine tax years and shall be binding on all members of a
17 unitary group of corporations.

18 (b) "Commercial domicile" means the principal place from which the
19 trade or business of the taxpayer is directed or managed.

20 (c) "Compensation" means wages, salaries, commissions and any
21 other form of remuneration paid to employees for personal services.

22 (d) "Financial organization" means any bank, trust company, savings
23 bank, industrial bank, land bank, safe deposit company, private banker,
24 savings and loan association, credit union, cooperative bank, or any type
25 of insurance company, but such term shall not be deemed to include any
26 business entity, other than those hereinbefore enumerated, whose primary
27 business activity is making consumer loans or purchasing retail installment
28 contracts from one or more sellers.

29 (e) "Nonbusiness income" means all income other than business
30 income.

31 (f) "Public utility" means any business entity ~~which~~ *that* owns or
32 operates for public use any plant, equipment, property, franchise, or
33 license for the transmission of communications, transportation of goods or
34 persons, or the production, storage, transmission, sale, delivery, or
35 furnishing of electricity, water, steam, oil, oil products or gas.

36 (g) "Original return" means the first return filed to report the income
37 of a taxpayer for a taxable year or period, irrespective of whether such
38 return is filed on a single entity basis or a combined basis.

39 (h) "Sales" means, except as otherwise provided in K.S.A. 79-3285,
40 and amendments thereto, all gross receipts of the taxpayer not allocated
41 under K.S.A. 79-3274 through 79-3278, and amendments thereto.

42 (i) "State" means any state of the United States, the District of
43 Columbia, the Commonwealth of Puerto Rico, any territory or possession

1 of the United States, and any foreign country or political subdivision
2 thereof.

3 (j) "Telecommunications company" means any business entity or
4 unitary group of entities whose primary business activity is the
5 transmission of communications in the form of voice, data, signals or
6 facsimile communications by wire or fiber optic cable.

7 (k) "Distressed area taxpayer" means a corporation ~~which~~ *that*: (1) Is
8 located in a county which has a population of not more than 45,000
9 persons and which, as certified by the department of commerce, has
10 sustained an adverse economic impact due to the closure of a state hospital
11 in such county pursuant to the recommendations of the hospital closure
12 commission; and (2) ~~which~~ has a total annual payroll of \$20,000,000 or
13 more for employees employed within such county.

14 (l) For the purposes of this subsection and ~~subsection (b)(5) of K.S.A.~~
15 ~~79-3279~~ 79-3279(a)(5), and amendments thereto, the following terms are
16 defined:

17 (1) "Administration services" include clerical, fund or shareholder
18 accounting, participant record keeping, transfer agency, bookkeeping, data
19 processing, custodial, internal auditing, legal and tax services performed
20 for an investment company;

21 (2) "distribution services" include the services of advertising,
22 servicing, marketing, underwriting or selling shares of an investment
23 company, but, in the case of advertising, servicing or marketing shares,
24 only where such service is performed by a person who is, or in the case of
25 a closed end company, was, either engaged in the services of underwriting
26 or selling investment company shares or affiliated with a person who is
27 engaged in the service of underwriting or selling investment company
28 shares. In the case of an open end company, such service of underwriting
29 or selling shares must be performed pursuant to a contract entered into
30 pursuant to 15 U.S.C. § 80a-15(b), as in effect on the effective date of this
31 act;

32 (3) "investment company", means any person registered under the
33 federal Investment Company Act of 1940, as in effect on the effective date
34 of this act, or a company which would be required to register as an
35 investment company under such act except that such person is exempt to
36 such registration pursuant to § 80a-3(c)(1) of such act;

37 (4) "investment funds service corporation" includes any corporation
38 or S corporation headquartered in and doing business in this state which
39 derives more than 50% of its gross income from the provision of
40 management, distribution or administration services to or on behalf of an
41 investment company or from trustees, sponsors and participants of
42 employee benefit plans which have accounts in an investment company;

43 (5) "management services" include the rendering of investment

1 advice to an investment company making determinations as to when sales
2 and purchases of securities are to be made on behalf of the investment
3 company, or the selling or purchasing of securities constituting assets of an
4 investment company, and related activities, but only where such activity or
5 activities are performed:

6 (A) Pursuant to a contract with the investment company entered into
7 pursuant to 15 U.S.C. § 80a-15(a), in effect on the effective date of this
8 act; or

9 (B) for a person that has entered into such contract with the
10 investment company;

11 (6) "qualifying business income" is business income derived from the
12 provision of management, distribution or administration services to or on
13 behalf of an investment company or from trustees, sponsors and
14 participants of employee benefit plans which have accounts in an
15 investment company; and

16 (7) "residence" is the fund shareholder's primary residence address.

17 Sec. 4. K.S.A. 79-3279 is hereby amended to read as follows: 79-
18 3279. ~~(a) All business income of railroads and interstate motor carriers of~~
19 ~~persons or property for hire shall be apportioned to this state by~~
20 ~~multiplying the business income by a fraction, in the case of railroads, the~~
21 ~~numerator of which is the freight car miles in this state and the~~
22 ~~denominator of which is the freight car miles everywhere, and, in the case~~
23 ~~of interstate motor carriers, the numerator of which is the total number of~~
24 ~~miles operated in this state and the denominator of which is the total~~
25 ~~number of miles operated everywhere.~~

26 ~~(b) For the tax years commencing on or after January 1, 2025 and~~
27 ~~ending before January 1, 2028, all business income of any other taxpayer~~
28 ~~shall be apportioned to this state by one of the following methods:~~

29 (1) By multiplying the business income by a fraction, the numerator
30 of which is the property factor plus the payroll factor plus the sales factor,
31 and the denominator of which is three; or

32 (2) at the election of a qualifying taxpayer, by multiplying the
33 business income by a fraction, the numerator of which is the property
34 factor plus the sales factor, and the denominator of which is two.

35 (A) For purposes of this subsection ~~(b)(2)~~ (a)(2), a qualifying
36 taxpayer is any taxpayer whose payroll factor for a taxable year exceeds
37 200% of the average of the property factor and the sales factor. Whenever
38 two or more corporations are engaged in a unitary business and required to
39 file a combined report, the fraction comparison provided by this subsection
40 ~~(b)(2)~~ (a)(2) shall be calculated by using the payroll factor, property factor
41 and sales factor of the combined group of unitary corporations.

42 (B) An election under this subsection ~~(b)(2)~~ (a)(2) shall be made by
43 including a statement with the original tax return indicating that the

1 taxpayer elects to apply the apportionment method under this subsection
2 ~~(b)(2)(a)(2)~~. The election shall be effective and irrevocable for the taxable
3 year of the election and the following nine taxable years. The election shall
4 be binding on all members of a unitary group of corporations.
5 Notwithstanding the above, the secretary of revenue may upon the request
6 of the taxpayer, grant permission to terminate the election under this
7 subsection ~~(b)(2) (a)(2)~~ prior to expiration of the ten-year period.

8 (3) At the election of a qualifying telecommunications company, by
9 multiplying the business income by a fraction, the numerator of which is
10 the information carrying capacity of wire and fiber optic cable available
11 for use in this state, and the denominator of which is the information
12 carrying capacity of wire and fiber optic cable available for use
13 everywhere during the tax year.

14 (A) For purposes of this subsection ~~(b)(3) (a)(3)~~, a qualifying
15 telecommunications company is a telecommunications company that is a
16 qualifying taxpayer under ~~paragraph (A) of subsection (b)(2) (a)(2)(A)~~.

17 (B) A qualifying telecommunications company shall make the
18 election under this ~~subsection (b)(3) paragraph~~ in the same manner as
19 provided under ~~paragraph (B) of subsection (b)(2) (a)(2)(B)~~.

20 (4) At the election of a distressed area taxpayer, by multiplying the
21 business income by the sales factor. The election shall be made by
22 including a statement with the original tax return indicating that the
23 taxpayer elects to apply this apportionment method. The election may be
24 made only once, it must be made on or before December 31, 1999 and it
25 shall be effective for the taxable year of the election and the following nine
26 taxable years for so long as the taxpayer maintains the payroll amount
27 prescribed by ~~subsection (j) of K.S.A. 79-3271(j)~~, and amendments
28 thereto.

29 (5) At the election of the taxpayer made at the time of filing of the
30 original return, the qualifying business income of any investment funds
31 service corporation organized as a corporation or S corporation which
32 maintains its primary headquarters and operations or is a branch facility
33 that employs at least 100 individuals on a full-time equivalent basis in this
34 state and has any investment company fund shareholders resided in this
35 state shall be apportioned to this state as provided in this subsection, as
36 follows:

37 (A) By multiplying the investment funds service corporation's
38 qualifying business income from administration, distribution and
39 management services provided to each investment company by a fraction,
40 the numerator of which shall be the average of the number of shares
41 owned by the investment company's fund shareholders resided in this
42 state at the beginning of and at the end of the investment company's
43 taxable year that ends with or within the investment funds service

1 corporation's taxable year, and the denominator of which shall be the
2 average of the number of shares owned by the investment company's fund
3 shareholders everywhere at the beginning of and at the end of the
4 investment company's taxable year that ends with or within the investment
5 funds service corporation's taxable year.

6 (B) A separate computation shall be made to determine the qualifying
7 business income from each fund of each investment company. The
8 qualifying business income from each investment company shall be
9 multiplied by the fraction calculated pursuant to paragraph (A) for each
10 fund of such investment company.

11 (C) The qualifying portion of total business income of an investment
12 funds service corporation shall be determined by multiplying such total
13 business income by a fraction, the numerator of which is the gross receipts
14 from the provision of management, distribution and administration
15 services to or on behalf of an investment company, and the denominator of
16 which is the gross receipts of the investment funds service company. To
17 the extent an investment funds service corporation has business income
18 that is not qualifying business income, such business income shall be
19 apportioned to this state pursuant to subsection ~~(b)(1)~~ (a)(1).

20 (D) For tax year 2002, the tax liability of an investment funds service
21 corporation that has elected to apportion its business income pursuant to
22 paragraph (5) shall be increased by an amount equal to 50% of the
23 difference of the amount of such tax liability if determined pursuant to
24 subsection ~~(b)(1)~~ (a)(1) less the amount of such tax liability determined
25 with regard to paragraph (5).

26 (E) When an investment funds service corporation is part of a unitary
27 group, the business income of the unitary group attributable to the
28 investment funds service corporation shall be determined by multiplying
29 the business income of the unitary group by a fraction, the numerator of
30 which is the property factor plus the payroll factor plus the sales factor,
31 and the denominator of which is three. The property factor is a fraction,
32 the numerator of which is the average value of the investment funds
33 service corporation's real and tangible personal property owned or rented
34 and used during the tax period and the denominator of which is the
35 average value of the unitary group's real and tangible personal property
36 owned or rented and used during the tax period. The payroll factor is a
37 fraction, the numerator of which is the total amount paid during the tax
38 period by the investment funds service corporation for compensation, and
39 the denominator of which is the total compensation paid by the unitary
40 group during the tax period. The sales factor is a fraction, the numerator of
41 which is the total sales of the investment funds service corporation during
42 the tax period, and the denominator of which is the total sales of the
43 unitary group during the tax period.

1 (F) A taxpayer seeking to make the election available pursuant to
2 ~~subsection (b)(5)~~ of K.S.A. 79-3279(a)(5), and amendments thereto, shall
3 only be eligible to continue to make such election if the taxpayer maintains
4 at least 95% of the Kansas employees in existence at the time the taxpayer
5 first makes such an election.

6 (6) At the election of a qualifying taxpayer, by multiplying such
7 taxpayer's business income by the sales factor. The election shall be made
8 by including a statement with the original tax return indicating that the
9 taxpayer elects to apply this apportionment method. The election may be
10 made only once and must be made on or before the last day of the taxable
11 year during which the investment described in paragraph (A) is placed in
12 service, but not later than December 31, 2009, and it shall be effective for
13 the taxable year of the election and the following nine taxable years or for
14 so long as the taxpayer maintains the wage requirements set forth in
15 paragraph (A). If the qualifying taxpayer is a member of a unitary group of
16 corporations, all other members of the unitary group doing business within
17 this state shall apportion their business income to this state pursuant to
18 ~~subsection (b)(4)~~ (a)(1).

19 (A) For purposes of this subsection, a qualifying taxpayer is any
20 taxpayer making an investment of \$100,000,000 for construction in
21 Kansas of a new business facility identified under the North American
22 industry classification system (NAICS) subsectors of 31-33, as assigned
23 by the secretary of the department of labor, employing 100 or more new
24 employees at such facility after July 1, 2007, and prior to December 31,
25 2009, and meeting the following requirements for paying such employees
26 higher-than-average wages within the wage region for such facility:

27 (i) The taxpayer's new Kansas business facility with 500 or fewer
28 full-time equivalent employees will provide an average wage that is above
29 the average wage paid by all Kansas business facilities that share the same
30 assigned NAICS category used to develop wage thresholds and that have
31 reported 500 or fewer employees to the Kansas department of labor on the
32 quarterly wage reports;

33 (ii) the taxpayer's new Kansas business facility with 500 or fewer
34 full-time equivalent employees is the sole facility within its assigned
35 NAICS category that has reported wages for 500 or fewer employees to
36 the Kansas department of labor on the quarterly wage reports;

37 (iii) the taxpayer's new Kansas business facility with more than 500
38 full-time equivalent employees will provide an average wage that is above
39 the average wage paid by all Kansas business facilities that share the same
40 assigned NAICS category used to develop wage thresholds and that have
41 reported more than 500 employees to the Kansas department of labor on
42 the quarterly wage reports;

43 (iv) the taxpayer's new Kansas business facility with more than 500

1 full-time equivalent employees is the sole facility within its assigned
2 NAICS category that has reported wages for more than 500 employees to
3 the Kansas department of labor on the quarterly wage reports, in which
4 event it shall either provide an average wage that is above the average
5 wage paid by all Kansas business facilities that share the same assigned
6 NAICS category and that have reported wages for 500 or fewer employees
7 to the Kansas department of labor on the quarterly wage reports, or be the
8 sole Kansas business facility within its assigned NAICS category that has
9 reported wages to the Kansas department of labor on the quarterly wage
10 reports;

11 (v) the number of NAICS digits to use in developing each set of wage
12 thresholds for comparison purposes shall be determined by the secretary of
13 commerce;

14 (vi) the composition of wage regions used in connection with each set
15 of wage thresholds shall be determined by the secretary of commerce; and

16 (vii) alternatively, a taxpayer may wage-qualify its new Kansas
17 business facility if, after excluding the headcount and wages reported on
18 the quarterly wage reports to the Kansas department of labor for
19 employees at that new Kansas business facility who own five percent or
20 more equity in the taxpayer, the average wage calculated for the taxpayer's
21 new Kansas business facility is greater than or equal to 1.5 times the
22 aggregate state-wide average wage paid by industries covered by the
23 employment security law based on data maintained by the secretary of
24 labor.

25 (B) For the purposes of the wage requirements in paragraph (A), the
26 number of full-time equivalent employees shall be determined by dividing
27 the number of hours worked by part-time employees during the pertinent
28 measurement interval by an amount equal to the corresponding multiple of
29 a 40-hour work week and adding the quotient to the average number of
30 full-time employees.

31 (C) When the qualifying taxpayer is part of a unitary group, the
32 business income of the unitary group attributable to the qualifying
33 taxpayer shall be determined by multiplying the business income of the
34 unitary group by a fraction, the numerator of which is the property factor
35 plus the payroll factor plus the sales factor, and the denominator of which
36 is three. The property factor is a fraction, the numerator of which is the
37 average value of the qualifying taxpayer's real and tangible personal
38 property owned or rented and used during the tax period and the
39 denominator of which is the average value of the unitary group's real and
40 tangible personal property owned or rented and used during the tax period.
41 The payroll factor is a fraction, the numerator of which is the total amount
42 paid during the tax period by the qualifying taxpayer for compensation,
43 and the denominator of which is the total compensation paid by the unitary

1 group during the tax period. The sales factor is a fraction, the numerator of
2 which is the total sales of the qualifying taxpayer during the tax period,
3 and the denominator of which is the total sales of the unitary group during
4 the tax period.

5 (D) For purposes of this subsection, the secretary of revenue, upon a
6 showing of good cause and after receiving a certification by the secretary
7 of commerce of substantial compliance with provisions of this subsection
8 ~~(b)(6)~~ (a)(6), may extend any required performance date provided in this
9 subsection ~~(b)(6)~~ (a)(6) for a period not to exceed six months.

10 (b) *For tax years commencing on or after January 1, 2025, and*
11 *before January 1, 2028, at the election of the taxpayer, all business income*
12 *of any other taxpayer may be apportioned to this state by multiplying such*
13 *taxpayer's business income by the sales factor. An election under this*
14 *subsection shall be made by including a statement with the original tax*
15 *return for which the election is made indicating that the taxpayer elects to*
16 *apply this apportionment method. The election shall be effective and*
17 *irrevocable for the taxable year of the election.*

18 (c) *For tax years commencing on or after January 1, 2028, all*
19 *business income shall be apportioned to this state by multiplying the*
20 *business income by the sales factor.*

21 (d) *Any taxpayer having previously made an election pursuant to*
22 *subsection (a)(2) shall be permitted to make a new election pursuant to*
23 *subsection (b).*

24 (e) (1) *There shall be allowed as a deduction an amount computed in*
25 *accordance with this subsection.*

26 (2) *As of July 1, 2025, only publicly traded companies, including*
27 *affiliated corporations participating in the filing of a publicly traded*
28 *company's financial statements prepared in accordance with generally*
29 *accepted accounting principles, shall be eligible for this deduction.*

30 (3) *If the provisions of this section result in an aggregate increase in*
31 *the taxpayer's net deferred tax liability or an aggregate decrease in the*
32 *taxpayer's net deferred tax asset, or an aggregate change from a net*
33 *deferred tax asset to a net deferred tax liability, the taxpayer shall be*
34 *entitled to a deduction, as determined in this subsection. For the purposes*
35 *of this section, the term "taxpayer" includes a unitary group of businesses*
36 *that is required to file a combined report. The deferred tax impact*
37 *deduction provided under this section for a unitary group of businesses*
38 *that is required to file a combined report shall be calculated using unitary*
39 *net deferred tax assets and liabilities and deducted against unitary group*
40 *income.*

41 (4) *A taxpayer shall be entitled to a deferred tax impact deduction*
42 *from the taxpayer's net business income before apportionment equal to the*
43 *amount necessary to offset the increase in the net deferred tax liability or*

1 decrease in the net deferred tax asset, or aggregate change from a net
2 deferred tax asset to a net deferred tax liability. Such increase in the net
3 deferred tax liability, decrease in the net deferred tax asset or the
4 aggregate change from a net deferred tax asset to a net deferred tax
5 liability shall be computed based on the change that would result from the
6 imposition of the single sales factor requirements pursuant to this section,
7 excluding the deduction provided under this paragraph, as of the end of
8 the tax year prior to the year in which the taxpayer makes an election or is
9 required to apportion by the sales factor. The amount of the deduction
10 shall equal the annual deferred tax deduction amount set forth in
11 paragraph (5).

12 (5) The annual deferred tax deduction amount shall be calculated as
13 follows:

14 (A) The deferred tax impact determined in paragraph (4) shall be
15 divided by the income tax rate for corporations in effect for the tax year
16 pursuant to K.S.A. 79-32,110, and amendments thereto;

17 (B) the resulting amount shall be further divided by the Kansas
18 apportionment factor that was used by the taxpayer in the calculation of
19 the deferred tax assets and deferred tax liabilities as provided in this
20 subsection; and

21 (C) the result multiplied by $\frac{1}{10}$ shall represent the total net deferred
22 tax deduction available for the first tax year beginning on or after January
23 1, 2035, and the next nine successive tax years.

24 (6) The deduction calculated under paragraph (5) shall not be
25 adjusted as a result of any events subsequent to such calculation,
26 including, but not limited to, any disposition or abandonment of assets.
27 Such deduction shall be calculated without regard to any tax liabilities
28 under the federal internal revenue code and shall not alter the tax basis of
29 any asset. If the deduction under this section is greater than the taxpayer's
30 net business income before apportionment, any excess deduction shall be
31 carried forward and applied as a deduction for future tax years until fully
32 utilized.

33 (7) At the discretion of the taxpayer, the taxpayer shall be allowed to
34 claim other available tax credits before claiming the deferred tax
35 deduction calculated under this section. Any deferred tax deduction
36 calculated under this section not claimed on a return shall be carried
37 forward and applied as a deduction for future tax years until fully utilized.

38 (8) Any taxpayer intending to claim a deduction under this subsection
39 shall file a statement with the secretary on or before July 1, 2028,
40 specifying the total amount of the deduction that the taxpayer claims on
41 such form and in such manner as prescribed by the secretary and shall
42 contain such information or calculations as the secretary may specify. No
43 deduction shall be allowed under this section for any taxable year except

1 to the extent claimed in the manner prescribed on or before July 1, 2028.

2 (9) For purposes of this subsection:

3 (A) "Net deferred tax liability" means deferred tax liabilities that
4 exceed the deferred tax assets of the taxpayer, as computed in accordance
5 with generally accepted accounting principles.

6 (B) "Net deferred tax asset" means that deferred tax assets exceed the
7 deferred tax liabilities of the taxpayer, as computed in accordance with
8 generally accepted accounting principles.

9 (f) The amendments made to this section by this act shall apply
10 commencing on and after January 1, 2025.

11 Sec. 5. K.S.A. 79-3287 is hereby amended to read as follows: 79-
12 3287. Sales, other than sales of tangible personal property, are in this state
13 if:

14 ~~(a) the income-producing activity is performed in this state; or~~

15 ~~(b) the income-producing activity is performed both in and outside~~
16 ~~this state and a greater proportion of the income-producing activity is~~
17 ~~performed in this state than in any other state, based on costs of~~
18 ~~performance the taxpayer's market for the sales is in this state. The~~
19 ~~taxpayer's market for the sales is in this state if:~~

20 (a) (1) In the case of sale of a service, if and to the extent that the
21 service is delivered to a location in this state;

22 (2) in the case of intangible property, such property is:

23 (A) Rented, leased or licensed, if and to the extent that the property is
24 used in this state, if that intangible property utilized in marketing a good
25 or service to a consumer is used in this state, provided that such good or
26 service is purchased by a consumer who is in this state; or

27 (B) that is sold, if and to the extent the property is used in this state,
28 if:

29 (i) A contract right, government license or similar intangible
30 property that authorizes the holder to conduct a business activity in a
31 specific geographic area is used in this state if the geographic area
32 includes all or part of this state; or

33 (ii) net gains from intangible property sales that are contingent on
34 the productivity, use or disposition of the intangible property shall be
35 treated as receipts from the rental, lease or licensing of such intangible
36 property under paragraph (2)(A);

37 (3) in the case of interest from a loan:

38 (A) Secured by real property, if and to the extent the property is
39 located in this state; or

40 (B) not secured by real property, if and to the extent the borrower is
41 located in this state; or

42 (b) in the case of dividends, if and to the extent the payor's
43 commercial domicile is located in this state.

1 (c) If the state or states of assignment of receipts under subsection (a)
2 (1) or (2) cannot be determined, the state or states of assignment shall be
3 reasonably approximated. If the state or states of assignment of receipts or
4 net gains cannot be reasonably approximated, such assignment of receipts
5 shall be excluded from the denominator of the sales factor.

6 (d) Notwithstanding the provisions of this section, a communications
7 service provider may assign sales, other than sales of tangible personal
8 property, to this state pursuant to this section as it applied to tax years
9 ending before January 1, 2025.

10 (e) For purposes of this subsection:

11 (A) "Communications service" means telecommunications service as
12 defined in K.S.A. 79-3602, and amendments thereto, internet access as
13 defined in section 1105(5) of the internet tax freedom act, 47 U.S.C. § 151,
14 note, and cable service as defined in 47 U.S.C. § 522(6), or any
15 combination thereof.

16 (B) "Communications service provider" means any person,
17 corporation, partnership or other entity that provides communications
18 service in this state.

19 Sec. 6. K.S.A. 2024 Supp. 79-32,110 is hereby amended to read as
20 follows: 79-32,110. (a) *Resident individuals*. Except as otherwise provided
21 by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed
22 upon the Kansas taxable income of every resident individual, which tax
23 shall be computed in accordance with the following tax schedules:

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

25 (A) For tax years 2018 through 2023:

26	If the taxable income is:	The tax is:
27	Not over \$30,000.....	3.1% of Kansas taxable
28		income
29	Over \$30,000 but not over \$60,000.....	\$930 plus 5.25% of excess
30		over \$30,000
31	Over \$60,000.....	\$2,505 plus 5.7% of excess
32		over \$60,000

33
34 (B) For tax year 2024, and all tax years thereafter:

35	If the taxable income is:	The tax is:
36	Not over \$46,000	5.2% of Kansas taxable
37		income
38	Over \$46,000.....	\$2,392 plus 5.58% of excess
39		over \$46,000

40
41 (2) *All other individuals*.

42 (A) For tax years 2018 through 2023:

43 If the taxable income is: The tax is:

1	Not over \$15,000.....	3.1% of Kansas taxable
2		income
3	Over \$15,000 but not over \$30,000.....	\$465 plus 5.25% of excess
4		over \$15,000
5	Over \$30,000.....	\$1,252.50 plus 5.7% of
6		excess over \$30,000

7		
8	(B) For tax year 2024, and all tax years thereafter:	
9	If the taxable income is:	The tax is:
10	Not over \$23,000.....	5.2% of Kansas taxable
11		income
12	Over \$23,000.....	\$1,196 plus 5.58% of excess
13		over \$23,000

14

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

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

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

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

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

32 (e) Notwithstanding the provisions of subsections (a) and (b), for tax
 33 years 2018 through 2023, married individuals filing joint returns with
 34 taxable income of \$5,000 or less, and all other individuals with taxable
 35 income of \$2,500 or less, shall have a tax liability of zero.

36 Sec. 7. K.S.A. 2024 Supp. 79-32,113 is hereby amended to read as
 37 follows: 79-32,113. (a) A person or organization exempt from federal
 38 income taxation under the provisions of the federal internal revenue code
 39 shall also be exempt from the tax imposed by this act in each year in which
 40 such person or organization satisfies the requirements of the federal
 41 internal revenue code for exemption from federal income taxation. If the
 42 exemption applicable to any person or organization under the provisions of
 43 the federal internal revenue code is limited or qualified in any manner, the

1 exemption from taxes imposed by this article shall be limited or qualified
 2 in a similar manner.

3 (b) Notwithstanding the provisions of subsection (a), the unrelated
 4 business taxable income, as computed under the provisions of the federal
 5 internal revenue code, of any person or organization otherwise exempt
 6 from the tax imposed by this act and subject to the tax imposed on
 7 unrelated business income by the federal internal revenue code shall be
 8 subject to the tax which would have been imposed by this act but for the
 9 provisions of subsection (a).

10 (c) In addition to the persons or organizations exempt from federal
 11 income taxation under the provision of the federal internal revenue code,
 12 there shall also be exempt from the tax imposed by this act, insurance
 13 companies, banks, trust companies, savings and loan associations, credit
 14 unions and any other organizations, entities or persons specifically exempt
 15 from Kansas income taxation under the laws of the state of Kansas.

16 (d) Notwithstanding the provisions of K.S.A. 79-32,110, and
 17 amendments thereto, the following entities shall be exempt from the tax
 18 imposed by the Kansas income tax act pursuant to K.S.A. 79-32,110, and
 19 amendments thereto:

20 (1) Any utility that is a cooperative as defined in K.S.A. 66-104d, and
 21 amendments thereto, or owned by one or more such cooperatives; and

22 (2) effective for tax years ending on or after January 1, 2021, every
 23 electric and natural gas public utility as defined in K.S.A. 66-104, and
 24 amendments thereto, that is subject to rate regulation by the state
 25 corporation commission.

26 (e) Every electric and natural gas public utility as defined in K.S.A.
 27 66-104, and amendments thereto, not including any such utility that is a
 28 cooperative as defined in K.S.A. 66-104d, and amendments thereto, or
 29 owned by one or more such cooperatives shall:

30 (1) Not be permitted to be included in a consolidated or unitary
 31 combined return; ~~and~~

32 (2) except as provided in K.S.A. 2024 Supp. 66-1,239, and
 33 amendments thereto, not collect, as a component of such utility's retail
 34 rates, Kansas income tax expenses; and

35 (3) *exclude sales from the sales factor from sales to the affiliated*
 36 *utility by members in a unitary business group.*

37 Sec. 8. K.S.A. 79-1129, 79-3271, 79-3279 and 79-3287 and K.S.A.
 38 2024 Supp. 79-32,110 and 79-32,113 are hereby repealed.

39 Sec. 9. This act shall take effect and be in force from and after its
 40 publication in the statute book.