Session of 2016

HOUSE BILL No. 2457

By Committee on Federal and State Affairs

1-13

~~AN ACT concerning schools; relating to the tax credit for low income students scholarship program act; amending K.S.A. 2015 Supp. 72-99a02, 72-99a03, 72-99a04 and 72-99a07 and repealing the existing sections.~~

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

~~Section 1. K.S.A. 2015 Supp. 72-99a02 is hereby amended to read as follows: 72-99a02. As used in the tax credit for low income students scholarship program act:~~

~~(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.~~

~~(b) "Department" means the Kansas department of revenue.~~

~~(c) "Educational scholarship" means an amount not to exceed $8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of *for an eligible student to attend* a qualified school and, if applicable, the costs of transportation *cost to transport such student* to a qualified school if provided by such qualified school.~~

~~(d) "Eligible student" means a child who:~~

~~(1) (A) Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, prior to its repeal, and who is attending a public school *Whose family household income does not exceed 250% of the federal poverty level established under the most recent poverty income guidelines published in the calendar year by the United States department of health and human services*; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age; *and*~~

~~(2) *who* resides in Kansas while eligible for an educational scholarship; and~~

~~(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the child is under the age of six years.~~

~~(e) "Parent" includes a guardian, custodian or other person with~~

Balloon Amendments for HB 2457
House Committee on Education
Representative Boldra
Requires a "qualified school" to be a public school
Prepared by Tamera Lawrence
Office of Revisor of Statutes
February 8, 2016

See attached Substitute Bill

[~~70%~~ ~~*100%*~~ ~~of the amount contributed to a scholarship granting organization authorized pursuant to K.S.A. 2015 Supp. 72-99a01 et seq., and amendments thereto.~~

~~(b) The credit shall be claimed and deducted from the taxpayer's tax liability during the tax year in which the contribution was made to any such scholarship granting organization.~~

~~*(c) No credit shall be allowed to any taxpayer who designates such taxpayer's contribution to a scholarship granting organization, or any portion thereof, for the direct benefit of any dependent of such taxpayer, or who designates a student beneficiary as a condition of the contribution to a scholarship granting organization. No credit shall be allowed to any taxpayer who, with the intent to benefit a dependent of the taxpayer, agrees with one or more other taxpayers to designate each taxpayer's contribution to a scholarship granting organization, or any portion thereof, for the direct benefit of any dependent of such taxpayer.*~~

~~(c)~~~~*(d)*~~ ~~For each tax year, in no event shall the total amount of credits allowed under this section exceed $10,000,000~~ ~~*$12,500,000*~~ ~~for any one tax year. Except as otherwise provided, the allocation of such tax credits for each scholarship granting organization shall be determined by the scholarship granting organization in consultation with the secretary, and such determination shall be completed prior to the issuance of any tax credits pursuant to this section.~~

~~(d)~~~~*(e)*~~ ~~If the amount of any such tax credit claimed by a taxpayer exceeds the taxpayer's income, privilege or premium tax liability, such excess amount may be carried over for deduction from the taxpayer's income, privilege or premium tax liability in the next succeeding year or years until the total amount of the credit has been deducted from tax liability.~~

~~(e)~~~~*(f)*~~ ~~The secretary shall adopt rules and regulations regarding filing of documents that support the amount of credit claimed pursuant to this section.~~

~~Sec. 5. K.S.A. 2015 Supp. 72-99a02, 72-99a03, 72-99a04 and 72-99a07 are hereby repealed.~~

~~Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.~~]

2016

SUBSTITUTE FOR HOUSE BILL NO. 2457

By Committee on Education

AN ACT concerning schools; relating to the tax credit for low income students scholarship program act;; amending K.S.A. 2015 Supp. 72-99a02 and repealing the existing section.

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

Sec. 1. K.S.A. 2015 Supp. 72-99a02 is hereby amended to read as follows: 72-99a02. As used in the tax credit for low income students scholarship program act:

(a) "Contributions" means monetary gifts or donations and in-kind contributions, gifts or donations that have an established market value.

(b) "Department" means the Kansas department of revenue.

(c) "Educational scholarship" means an amount not to exceed $8,000 per school year provided to an eligible student, or to a qualified school with respect to an eligible student, to cover all or a portion of the costs of education including tuition, fees and expenses of a qualified school and, if applicable, the costs of transportation to a qualified school if provided by such qualified school.

(d) "Eligible student" means a child who:

(1) (A) Qualifies as an at-risk pupil as defined in K.S.A. 72-6407, prior to its repeal, and who is attending a public school; or (B) has been eligible to receive an educational scholarship under this program and has not graduated from high school or reached 21 years of age;

(2) resides in Kansas while eligible for an educational scholarship; and

(3) (A) was enrolled in any public school in the previous school year in which an educational scholarship is first sought for the child; or (B) is eligible to be enrolled in any public school in the school year in which an educational scholarship is first sought for the child and the

child is under the age of six years.

(e) "Parent" includes a guardian, custodian or other person with authority to act on behalf of the child.

(f) "Program" means the tax credit for low income students scholarship program established in K.S.A. 2015 Supp. 72-99a01 through 72-99a07, and amendments thereto.

(g) "Public school" means a school that would qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013 and is operated by a school district.

(h) "Qualified school" means any ~~nonpublic~~ school that:

(1) is operated by a school district;

(2) does not qualify as either a title I focus school or a title I priority school as described by the state board under the elementary and secondary education act flexibility waiver as amended in January 2013;

(3) provides education to elementary or secondary students~~,~~;

(4) has notified the state board of its intention to participate in the program; and

(5) complies with the requirements of the program.

(i) "Scholarship granting organization" means an organization that complies with the requirements of this program and provides educational scholarships to eligible students or to qualified schools in which parents have enrolled eligible students.

(j) "School district" or "district" means any unified school district organized and operating under the laws of this state.

(k) "School year" shall have the meaning ascribed thereto in K.S.A. 2015 Supp. 72-6464, and amendments thereto.

(l) "Secretary" means the secretary of revenue.

(m) "State board" means the state board of education.

Sec. 2. K.S.A. 2015 Supp. 72-99a02 is hereby repealed.

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