

HOUSE BILL No. 2304

By Representative Toplikar

2-10

1 AN ACT concerning income taxation; relating to credits; increasing credit
2 for expenditures to make a principal dwelling accessible to persons
3 with a disability; amending K.S.A. 79-32,176a and repealing the
4 existing section.

5
6 Be it enacted by the Legislature of the State of Kansas:

7 Section 1. K.S.A. 79-32,176a is hereby amended to read as follows:
8 79-32,176a. (a) Any resident individual taxpayer who makes expenditures
9 for the purpose of making all or any portion of an existing facility
10 accessible to individuals with a disability, which facility is used as, or in
11 connection with, such taxpayer's principal dwelling or the principal
12 dwelling of a lineal ascendant or descendant, including construction of a
13 small barrier-free living unit attached to such principal dwelling, shall be
14 entitled to claim a tax credit in an amount equal to the applicable
15 percentage of such expenditures or ~~\$9,000~~ \$15,000, whichever is less,
16 against the income tax liability imposed against such taxpayer pursuant to
17 article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments
18 thereto. Nothing in this subsection shall be deemed to prevent any such
19 taxpayer from claiming such credit: (1) For each principal dwelling in
20 which the taxpayer or lineal ascendant or descendant may reside, or
21 facility used in connection therewith; or (2) more than once, but not more
22 often than once every four-year period of time. The applicable percentage
23 of such expenditures eligible for credit shall be as set forth in the following
24 schedule schedules:

25 Married individuals filing joint returns.

Table with 2 columns: Taxpayers Federal Adjusted Gross Income and % of expenditures eligible for credit. Rows show income brackets from \$0 to \$120,000 with corresponding percentages from 100% to 40%.

1	Over \$120,000 but not over \$130,000.....	30%
2	Over \$130,000 but not over \$140,000.....	20%
3	Over \$140,000 but not over \$150,000.....	10%
4	Over \$150,000.....	0%
5	<i>All other individuals.</i>	
6		<i>% of</i>
7	<i>Taxpayers</i>	<i>expenditures</i>
8	<i>Federal Adjusted</i>	<i>eligible for</i>
9	<i>Gross Income</i>	<i>credit</i>
10	\$0 to \$40,000.....	100%
11	Over \$40,000 but not over \$50,000.....	90%
12	Over \$50,000 but not over \$60,000.....	80%
13	Over \$60,000 but not over \$70,000.....	70%
14	Over \$70,000 but not over \$80,000.....	60%
15	Over \$80,000 but not over \$90,000.....	50%
16	Over \$90,000 but not over \$100,000.....	40%
17	Over \$100,000 but not over \$110,000.....	30%
18	Over \$110,000 but not over \$120,000.....	20%
19	Over \$120,000 but not over \$130,000.....	10%
20	Over \$130,000.....	0%

21 Such tax credit shall be deducted from the taxpayer's income tax
 22 liability for the taxable year in which the expenditures are made by the
 23 taxpayer. If the amount of such tax credit exceeds the taxpayer's income
 24 tax liability for such taxable year, the amount thereof which exceeds such
 25 tax liability may be carried over for deduction from the taxpayer's income
 26 tax liability in the next succeeding taxable year or years until the total
 27 amount of the tax credit has been deducted from tax liability, except that
 28 no such tax credit shall be carried over for deduction after the fourth
 29 taxable year succeeding the taxable year in which the expenditures are
 30 made.

31 (b) Notwithstanding the provisions of subsection (a), if the amount of
 32 the taxpayer's tax liability is less than ~~\$2,250~~ \$3,750 in the first year in
 33 which the credit is claimed under this section, an amount equal to the
 34 amount by which $\frac{1}{4}$ of the credit allowable under this section exceeds such
 35 tax liability shall be refunded to the taxpayer and the amount by which
 36 such credit exceeds such tax liability less the amount of such refund may
 37 be carried over for the next three succeeding taxable years. If the amount
 38 of the taxpayer's tax liability is less than ~~\$2,250~~ \$3,750 in the second year
 39 in which the credit is claimed under this section, an amount equal to the
 40 amount by which $\frac{1}{3}$ of the amount of the credit carried over from the first
 41 taxable year exceeds such tax liability shall be refunded to the taxpayer
 42 and the amount by which the amount of the credit carried over from the
 43 first taxable year exceeds such tax liability less the amount of such refund

1 may be carried over for the next two succeeding taxable years. If the
2 amount of the taxpayer's tax liability is less than ~~\$2,250~~ \$3,750 in the third
3 year in which the credit is claimed under this section, an amount equal to
4 the amount by which $\frac{1}{2}$ of the amount carried over from the second
5 taxable year exceeds such tax liability shall be refunded to the taxpayer
6 and the amount by which the amount of the credit carried over from the
7 second taxable year exceeds such tax liability less the amount of such
8 refund may be carried over to the next succeeding taxable year. If the
9 amount of the credit carried over from the third taxable year exceeds the
10 taxpayer's income tax liability for such year, the amount thereof which
11 exceeds such tax liability shall be refunded to the taxpayer.

12 (c) *In the case of all tax years commencing after December 31, 2021,*
13 *the maximum tax credit amount, as prescribed in subsection (a), and the*
14 *tax liability threshold amount in the first, second and third years, as*
15 *prescribed in subsection (b), shall be increased by an amount equal to*
16 *such maximum tax credit amount and tax liability threshold amount*
17 *multiplied by the cost-of-living adjustment determined under section 1(f)*
18 *(3) of the federal internal revenue code for the calendar year in which the*
19 *taxable year commences.*

20 The provisions of this section are applicable to tax year ~~2013~~ 2021, and
21 all tax years thereafter.

22 Sec. 2. K.S.A. 79-32,176a is hereby repealed.

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