

As Amended by House Committee

Session of 2023

HOUSE BILL No. 2219

By Committee on Taxation

1-30

1 AN ACT concerning income taxation; allowing an itemized deduction for  
2 certain wagering losses; amending K.S.A. ~~2022~~ 2023 Supp. 79-32,120  
3 and repealing the existing section.  
4

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

6 Section 1. K.S.A. ~~2022~~ 2023 Supp. 79-32,120 is hereby amended to  
7 read as follows: 79-32,120. (a) (1) ~~(A) For all tax years prior to tax year~~  
8 ~~2021, if federal taxable income of an individual is determined by itemizing~~  
9 ~~deductions from such individual's federal adjusted gross income, such~~  
10 ~~individual may elect to deduct the Kansas itemized deduction in lieu of the~~  
11 ~~Kansas standard deduction.~~

12 ~~(B)—~~For tax year 2021, and all tax years thereafter, an individual may  
13 elect to deduct the Kansas itemized deduction in lieu of the Kansas  
14 standard deduction, regardless of whether or not such individual's federal  
15 taxable income is determined by itemizing deductions from such  
16 individual's federal adjusted gross income.

17 (2) ~~For the tax years commencing on and after January 1, 2015, and~~  
18 ~~ending before January 1, 2018, the Kansas itemized deduction of an~~  
19 ~~individual means the following deductions from federal adjusted gross~~  
20 ~~income, other than federal deductions for personal exemptions, as~~  
21 ~~provided in the federal internal revenue code with the modifications~~  
22 ~~specified in this section: (A) 100% of charitable contributions that qualify~~  
23 ~~as charitable contributions allowable as deductions in section 170 of the~~  
24 ~~federal internal revenue code; (B) 50% of the amount of qualified~~  
25 ~~residence interest as provided in section 163(h) of the federal internal~~  
26 ~~revenue code; and (C) 50% of the amount of taxes on real and personal~~  
27 ~~property as provided in section 164(a) of the federal internal revenue code.~~

28 (3) ~~For the tax year commencing on and after January 1, 2018, and~~  
29 ~~ending before January 1, 2019, the Kansas itemized deduction of an~~  
30 ~~individual means the following deductions from federal adjusted gross~~  
31 ~~income, other than federal deductions for personal exemptions, as~~  
32 ~~provided in the federal internal revenue code with the modifications~~  
33 ~~specified in this section: (A) 100% of charitable contributions that qualify~~  
34 ~~as charitable contributions allowable as deductions in section 170 of the~~  
35 ~~federal internal revenue code; (B) 50% of expenses for medical care~~  
36 ~~allowable as deductions in section 213 of the federal internal revenue~~

1 code; (C) 50% of the amount of qualified residence interest as provided in  
2 section 163(h) of the federal internal revenue code; and (D) 50% of the  
3 amount of taxes on real and personal property as provided in section  
4 164(a) of the federal internal revenue code.

5 ~~(4) For the tax year commencing on and after January 1, 2019, and~~  
6 ~~ending before January 1, 2020, the Kansas itemized deduction of an~~  
7 ~~individual means the following deductions from federal adjusted gross~~  
8 ~~income, other than federal deductions for personal exemptions, as~~  
9 ~~provided in the federal internal revenue code with the modifications~~  
10 ~~specified in this section: (A) 100% of charitable contributions that qualify~~  
11 ~~as charitable contributions allowable as deductions in section 170 of the~~  
12 ~~federal internal revenue code; (B) 75% of expenses for medical care~~  
13 ~~allowable as deductions in section 213 of the federal internal revenue~~  
14 ~~code; (C) 75% of the amount of qualified residence interest as provided in~~  
15 ~~section 163(h) of the federal internal revenue code; and (D) 75% of the~~  
16 ~~amount of taxes on real and personal property as provided in section~~  
17 ~~164(a) of the federal internal revenue code.~~

18 (5)—For the tax years commencing on and after January 1, 2020, *and*  
19 *ending before January 1, 2023* **2024**, the Kansas itemized deduction of an  
20 individual means the following deductions from federal adjusted gross  
21 income, other than federal deductions for personal exemptions, as  
22 provided in the federal internal revenue code with the modifications  
23 specified in this section: (A) 100% of charitable contributions that qualify  
24 as charitable contributions allowable as deductions in section 170 of the  
25 federal internal revenue code; (B) 100% of expenses for medical care  
26 allowable as deductions in section 213 of the federal internal revenue  
27 code; (C) 100% of the amount of qualified residence interest as provided  
28 in section 163(h) of the federal internal revenue code; and (D) 100% of the  
29 amount of taxes on real and personal property as provided in section  
30 164(a) of the federal internal revenue code.

31 (3) *For the tax years commencing on and after January 1, 2023*  
32 **2024**, *the Kansas itemized deduction of an individual means the following*  
33 *deductions from federal adjusted gross income, other than federal*  
34 *deductions for personal exemptions, as provided in the federal internal*  
35 *revenue code with the modifications specified in this section: (A) 100% of*  
36 *charitable contributions that qualify as charitable contributions allowable*  
37 *as deductions in section 170 of the federal internal revenue code; (B)*  
38 *100% of expenses for medical care allowable as deductions in section 213*  
39 *of the federal internal revenue code; (C) 100% of the amount of qualified*  
40 *residence interest as provided in section 163(h) of the federal internal*  
41 *revenue code; (D) 100% of the amount of taxes on real and personal*  
42 *property as provided in section 164(a) of the federal internal revenue*  
43 *code; and (E) 100% of the losses from wagering transactions allowable as*

1 *deductions in section 165(d) of the federal internal revenue code.*

2 (b) The total amount of deductions from federal adjusted gross  
3 income shall be reduced by the total amount of income taxes imposed by  
4 or paid to this state or any other taxing jurisdiction to the extent that the  
5 same are deducted in determining the federal itemized deductions and by  
6 the amount of all depreciation deductions claimed for any real or tangible  
7 personal property upon which the deduction allowed by K.S.A. 79-32,221,  
8 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250, 79-32,255 or 79-  
9 32,256, and amendments thereto, is or has been claimed.

10 Sec. 2. K.S.A. ~~2022~~ **2023** Supp. 79-32,120 is hereby repealed.

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