MADAM PRESIDENT:

I move to amend SB 104, as amended by Senate Committee, on page 1, in line 8, before "Section" by inserting "New"; in line 11, before "Sec." by inserting "New"; in line 29, before "Sec." by inserting "New";

On page 2, in line 17, before "Sec." by inserting "New";

On page 3, in line 39, before "Sec." by inserting "New";

On page 4, in line 17, before "Sec." by inserting "New"; following line 18, by inserting:

"Sec. 7. K.S.A. 2018 Supp. 79-32,143a is hereby amended to read as follows: 79-32,143a. (a) For taxable years beginning after December 31, 2011, a taxpayer may elect to take an expense deduction from Kansas net income before expensing or recapture allocated or apportioned to this state for the cost of the following property placed in service in this state during the taxable year: (1) Tangible property eligible for depreciation under the modified accelerated cost recovery system in section 168 of the internal revenue code, as amended, but not including residential rental property, nonresidential real property, any railroad grading or tunnel bore or any other property with an applicable recovery period in excess of 25 years as defined under section 168(c) or (g) of the internal revenue code, as amended; and (2) computer software as defined in section 197(e)(3)(B) of the internal revenue code, as amended, and as described in section 197(e)(3)(A)(i) of the internal revenue code, as amended, to which section 167 of the internal revenue code, as amended, applies. If such election is made, the amount of expense deduction for such cost shall equal the difference between the depreciable cost of such property for federal income tax purposes and the amount of bonus depreciation being claimed for such property pursuant to section 168(k) of the internal revenue code, as amended, for federal income tax purposes in
such tax year, but without regard to any expense deduction being claimed for such property under
section 179 of the internal revenue code, as amended, multiplied by the applicable factor, determined
by using, the table provided in subsection (f), based on the method of depreciation selected pursuant to
section 168(b)(1), (2), or (3) or (g) of the internal revenue code, as amended, and the applicable
recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as
amended. This election shall be made by the due date of the original return, including any extensions,
and may be made only for the taxable year in which the property is placed in service, and once made,
shall be irrevocable. If the section 179 expense deduction election has been made for federal income
tax purposes for any asset, the applicable factor to be utilized is in the IRC § 168 (b)(1) column of the
table provided in subsection (f) for the applicable recovery period of the respective assets.

(b) If the amount of expense deduction calculated pursuant to subsection (a) exceeds the
taxpayer's Kansas net income before expensing or recapture allocated or apportioned to this state, such
excess amount shall be treated as a Kansas net operating loss as provided in K.S.A. 79-32,143, and
amendments thereto.

(c) If the property for which an expense deduction is taken pursuant to subsection (a) is
subsequently sold during the applicable recovery period for such property as defined under section
168(c) of the internal revenue code, as amended, and in a manner that would cause recapture of any
previously taken expense or depreciation deductions for federal income tax purposes, or if the situs of
such property is otherwise changed such that the property is relocated outside the state of Kansas
during such applicable recovery period, then the expense deduction determined pursuant to subsection
(a) shall be subject to recapture and treated as Kansas taxable income allocated to this state. The
amount of recapture shall be the Kansas expense deduction determined pursuant to subsection (a)
multiplied by a fraction, the numerator of which is the number of years remaining in the applicable
recovery period for such property as defined under section 168(c) or (g) of the internal revenue code, as
amended, after such property is sold or removed from the state including the year of such disposition, and the denominator of which is the total number of years in such applicable recovery period.

(d) The situs of tangible property for purposes of claiming and recapture of the expense deduction shall be the physical location of such property. If such property is mobile, the situs shall be the physical location of the business operations from where such property is used or based. The situs of computer software shall be apportioned to Kansas based on the fraction, the numerator of which is the number of the taxpayer's users located in Kansas of licenses for such computer software used in the active conduct of the taxpayer's business operations, and the denominator of which is the total number of the taxpayer's users of the licenses for such computer software used in the active conduct of the taxpayer's business operations everywhere.

(e) Any member of a unitary group filing a combined report may elect to take an expense deduction pursuant to subsection (a) for an investment in property made by any member of the combined group, provided that the amount calculated pursuant to subsection (a) may only be deducted from the Kansas net income before expensing or recapture allocated to or apportioned to this state by such member making the election.

(f) The following table shall be used in determining the expense deduction calculated pursuant to subsection (a):

<table>
<thead>
<tr>
<th>IRC§168 Recovery Period (year)</th>
<th>IRC§168(b)(1) Depreciation Method</th>
<th>IRC§168(b)(2) Depreciation Method</th>
<th>IRC§168(b)(3) or (g) Depreciation Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>2.5</td>
<td>.077</td>
<td>.077</td>
<td>.092</td>
</tr>
<tr>
<td>3</td>
<td>.091</td>
<td>.102</td>
<td>.106</td>
</tr>
<tr>
<td>3.5</td>
<td>.114</td>
<td>.116</td>
<td>.116</td>
</tr>
<tr>
<td>4</td>
<td>.114</td>
<td>.135</td>
<td>.129</td>
</tr>
<tr>
<td>5</td>
<td>.116</td>
<td>.154</td>
<td>.150</td>
</tr>
<tr>
<td>6</td>
<td>.116</td>
<td>.163</td>
<td>.170</td>
</tr>
<tr>
<td>6.5</td>
<td>.151</td>
<td>.173</td>
<td>.179</td>
</tr>
<tr>
<td>7</td>
<td>.151</td>
<td>.173</td>
<td>.190</td>
</tr>
</tbody>
</table>

(h) (1) For tax year 2013, the deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (e) of K.S.A. 79-32,110(c), and amendments thereto, and used only to determine such taxpayer's corporate income tax liability.

(2) For tax years 2014, and all tax years thereafter 2015, 2016, 2017 and 2018, the
deduction allowed by this section shall only be available to taxpayers subject to the income tax on corporations imposed pursuant to subsection (e) of K.S.A. 79-32,110(e), and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's corporate income or privilege tax liability.

(3) For tax year 2019, and all tax years thereafter, the deduction allowed by this section shall be available to all taxpayers subject to the income tax imposed pursuant to K.S.A. 79-32,110, and amendments thereto, or the privilege tax imposed upon any national banking association, state bank, savings bank, trust company or savings and loan association pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and used only to determine such taxpayer's income or privilege tax liability.

Sec. 8. K.S.A. 2018 Supp. 79-32,143a is hereby repealed.

And by renumbering sections accordingly;

On page 1, in the title, in line 5, after "conduct" by inserting "; expanding expense deduction to all taxpayers; amending K.S.A. 2018 Supp. 79-32,143a and repealing the existing section"