AN ACT concerning income taxation; establishing the golden years homestead property tax freeze act, providing residential property tax refunds; collectively renaming homestead property relief as the golden years homestead property tax freeze program; relating to corporations, providing for an extension of the net operating loss carryforward period; amending K.S.A. 79-32,143 and repealing the existing section.

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

New Section 1. The provisions of sections 1 through 17, and amendments thereto, shall be known as and may be cited as the golden years homestead property tax freeze act. The purpose of this act shall be to provide refunds arising from increased ad valorem tax assessments to: (a) Certain persons who are of qualifying age and who own their homesteads; or (b) certain persons who have a disability as a result of military service and who own their homesteads.

New Sec. 2. As used in sections 1 through 17, and amendments thereto:

(a) "Act" means the golden years homestead property tax freeze act.

(b) "Base year" means the year in which an individual becomes an eligible claimant and who is also eligible for a claim for refund pursuant to section 16, and amendments thereto. For any individual who would otherwise be an eligible claimant prior to 2019, such base year shall be deemed to be 2019 for the purposes of this act. In the event an individual is no longer an eligible claimant under this act, the individual shall establish a new base year in the year that the individual becomes an eligible claimant.

(c) "Claimant" means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in section 3, and amendments thereto, both domiciled in this state and was: (1) A person who is 65 years of age or older; or (2) a disabled veteran. The surviving spouse of a person 65 years of age or older or a disabled veteran who was receiving benefits pursuant to this section at the time of the claimant's death, shall be eligible to continue to receive benefits until such time the surviving spouse remarries.

(d) "Disabled veteran" means a person who is a resident of Kansas
and has been honorably discharged from active service in any branch of
the armed forces of the United States or the Kansas national guard and
who has been certified by the United States department of veterans affairs
or its successor to have a 50% or greater permanent disability sustained
through military action or accident or resulting from a disease contracted
while in such active service.

(e) "Homestead" means the dwelling, or any part thereof, owned and
occupied as a residence by the household and so much of the land
surrounding it, as defined as a home site for ad valorem tax purposes, and
may consist of a part of a multi-dwelling or multi-purpose building and a
part of the land upon which it is built or a manufactured home or mobile
home and the land upon which it is situated. "Owned" includes one or
more joint tenants or tenants in common.

When a homestead is occupied by two or more individuals and more
than one of the individuals is able to qualify as a claimant, the individuals
may determine between them as to who the claimant will be. If they are
unable to agree, the matter shall be referred to the secretary of revenue,
whose decision shall be final.

(f) "Household" means a claimant, a claimant and spouse who occupy
the homestead or a claimant and one or more individuals not related as
married individuals who together occupy a homestead.

(g) "Household income" means all income received by all persons of
a household in a calendar year while members of such household.

(h) "Income" means the sum of adjusted gross income under the
Kansas income tax act effective for tax year 2020, and tax years thereafter,
without regard to any maintenance, support money, cash public assistance
and relief, not including any refund granted under this act, the gross
amount of any pension or annuity, including all monetary retirement
benefits from whatever source derived, including, but not limited to, all
payments received under the railroad retirement act, except disability
payments, payments received under the federal social security act, except
that for determination of what constitutes income, such amount shall not
exceed 50% of any such social security payments and shall not include any
social security payments to a claimant who, prior to attaining full
retirement age, had been receiving disability payments under the federal
social security act in an amount not to exceed the amount of such disability
payments or 50% of any such social security payments, whichever is
greater, all dividends and interest from whatever source derived not
included in adjusted gross income, workers compensation and the gross
amount of loss of time insurance. Income does not include gifts from
nongovernmental sources or surplus food or other relief in kind supplied
by a governmental agency, nor shall net operating losses and net capital
losses be considered in the determination of income. Income does not
include veterans disability pensions or disability payments received under
the federal social security act.

(i) "Property taxes accrued" means property taxes, exclusive of
special assessments, delinquent interest and charges for service, levied on
a claimant's homestead in 2019 or any calendar year thereafter by the state
of Kansas and the political and taxing subdivisions of the state. When a
homestead is owned by two or more persons or entities as joint tenants or
tenants in common and one or more of the persons or entities is not a
member of the claimant's household, "property taxes accrued" is that part
of property taxes levied on the homestead that reflects the ownership
percentage of the claimant's household. For purposes of this act, property
taxes are levied when the tax roll is delivered to the local treasurer with the
treasurer's warrant for collection. When a claimant and household own
their homestead for only a part of a calendar year, "property taxes accrued"
means only taxes levied on the homestead when both owned and occupied
as a homestead by the claimant's household at the time of the levy,
multiplied by the percentage of 12 months that the property was owned
and occupied by the household as its homestead in that year. When a
household owns and occupies two or more different homesteads in the
same calendar year, property taxes accrued shall be the sum of the taxes
allocable to those several properties while occupied by the household as its
homesteads during the year. Whenever a homestead is an integral part of a
larger unit such as a multi-purpose or multi-dwelling building, property
taxes accrued shall be that percentage of the total property taxes that is
equal to the percentage of the value of the homestead compared to the total
unit's value. For the purpose of this act, the word "unit" refers to that
parcel of property covered by a single tax statement of which the
homestead is a part.

New Sec. 3. The right to file a claim under this act may be exercised
on behalf of a claimant by such person's legal guardian, conservator or
attorney-in-fact. When a claimant dies after having filed a timely claim,
the amount thereof shall be disbursed to another member of the household
as determined by the director of taxation. If the claimant was the only
member of such person's household, the claim may be paid to such
person's executor or administrator, but if neither is appointed and qualified,
the amount of the claim may be paid upon a claim duly made to any heir at
law. In the absence of any such claim within two years of the filing of the
claim, the amount of the claim shall escheat to the state. When a person
who would otherwise be entitled to file a claim under the provisions of this
act dies prior to filing such claim, another member of such person's
household may file such claim in the name of such decedent, subject to the
deadline prescribed by section 5, and amendments thereto, and the director
shall pay the amount to which the decedent would have been entitled to
such person filing the claim. If the decedent was the only member of such
person's household, the decedent's executor or administrator may file such
claim in the name of the decedent, and the claim shall be paid to the
executor or administrator. In the event that neither an executor or
administrator is appointed and qualified, such claim may be made by any
heir at law and the claim shall be payable to such heir at law. Any of the
foregoing provisions shall be applicable in any case where the decedent
dies in the calendar year preceding the year in which a claim may be made
under the provisions of this act, if such decedent was a resident of or
domiciled in this state during the entire part of such year that such
decedent was living. Where the decedent's death occurs during the
calendar year preceding the year in which a claim may be made, the
amount of the claim that would have been allowable if the decedent had
been a resident of or domiciled in this state the entire calendar year of such
person's death shall be reduced in a proportionate amount equal to a
fraction of the claim otherwise allowable, the numerator of which fraction
is the number of months in such calendar year following the month of the
decedent's death, and the denominator of which is 12.

New Sec. 4. A claimant may claim property tax relief under this act
with respect to property taxes accrued and, after audit by the director of
taxation with respect to this act, the allowable amount of such claim shall
be paid, except as otherwise provided in sections 6, 15 and 17, and
amendments thereto, to the claimant from the income tax refund fund upon
warrants of the director of accounts and reports pursuant to vouchers
approved by the director of taxation or by any person designated by the
claimant, but no warrant issued shall be drawn in an amount of less than
$5. No interest shall be allowed on any payment made to a claimant
pursuant to this act.

New Sec. 5. Except as provided in section 14, and amendments
thereto: (a) For tax year 2020, no claim shall be paid or allowed unless
such claim is filed with and in the possession of the department of revenue
on or before April 15, 2022; and (b) for tax year 2021, and all tax years
thereafter, no claim in respect of property taxes levied in any year shall be
paid or allowed unless such claim is filed with and in the possession of the
department of revenue on or before April 15 of the year next succeeding
the year in which such taxes were levied.

New Sec. 6. The amount of any claim otherwise payable under this
act may be applied by the director of taxation against any liability
outstanding on the books of the department of revenue against the
claimant, or against any other individual who was a member of such
person's household in the year that the claim relates.

New Sec. 7. Only one claimant per household per year shall be
entitled to relief under this act.
New Sec. 8. (a) Commencing in tax year 2020, and all tax years thereafter, the amount of any claim pursuant to this act shall be computed by deducting the homestead ad valorem tax amount in the tax year the refund is sought from the amount of a claimant's base year homestead ad valorem tax amount.

(b) The amount of claim shall be computed only to the nearest $1.

(c) A taxpayer shall not be eligible for a claim pursuant to this act if such taxpayer has received for such property for such tax year either: (1) A homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and amendments thereto; or (2) the selective assistance for effective senior relief (SAFESR) credit pursuant to K.S.A. 79-32,263, and amendments thereto.

(d) The maximum amount of a claim that may be claimed by a claimant in any one tax year pursuant to this act shall be $2,500.

New Sec. 9. (a) In administering this act, the director of taxation shall make available suitable forms with instructions for claimants. Copies of such forms shall also be made available to all county clerks and county treasurers in sufficient numbers to supply claimants residing in their respective counties. It shall be the duty of the county clerk to assist any claimant seeking assistance in the filing of a claim under the provisions of this act. The county treasurer of each county shall mail to each taxpayer, with the property tax statement of such taxpayer, information on eligibility for relief under this act to be provided by the secretary of revenue.

(b) The secretary of revenue is hereby authorized to adopt such rules and regulations as may be necessary for the administration of the provisions of this act.

New Sec. 10. (a) Every claimant under this act shall supply to the director of taxation, in support of a claim, reasonable proof of age and changes of homestead, household membership, household income, household assets and size and nature of property claimed as the homestead.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the director of taxation, in support of a claim, the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant. Upon request by the director, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) The information required to be furnished under subsection (b)
shall be in addition to that required under subsection (a).

New Sec. 11. In any case in which it is determined that a claim is or was excessive and was filed with fraudulent intent, the claim shall be disallowed in full, and, if the claim has been paid, the amount paid may be recovered by assessment as income taxes are assessed, and such assessment shall bear interest from the date of payment or credit of the claim, until recovered, at the rate of 1% per month. The claimant in such case and any person who assisted in the preparation or filing of such excessive claim, or supplied information upon which such excessive claim was prepared, with fraudulent intent, shall be guilty of a class B misdemeanor. In any case in which it is determined that a claim is or was excessive and was negligently prepared, 10% of the corrected claim shall be disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed, and such assessment shall bear interest at the rate of 1% per month from the date of payment until recovered. In any case in which it is determined that a claim is or was excessive due to the fact that the claimant neglected to include certain income received during the year, the claim shall be corrected and the excess disallowed, and, if the claim has been paid, the proper portion of any amount paid shall be similarly recovered by assessment as income taxes are assessed.

New Sec. 12. No claim for relief under the provisions of this act shall be allowed to any claimant who is a recipient of public funds specifically designated for the payment of taxes during the period for which the claim is filed.

New Sec. 13. A claim shall be disallowed if the director of taxation finds that the claimant received title to such person's homestead primarily for the purpose of receiving benefits under this act.

New Sec. 14. For claims in respect to property taxes levied in any year, the director of taxation may extend the time for filing any claim or accept a claim filed after the filing deadline when good cause exists, if the claim has been filed within four years of the deadline.

New Sec. 15. (a) The director of taxation shall issue to the county clerk by October 1 of each year an electronic record containing the name of each eligible claimant who received a refund of property taxes under this act for the prior year.

(b) When initially filing a claim under this act, the claimant shall be given an election to receive such refund directly from the director of taxation or have such refund applied to the claimant's ad valorem taxes in the county. The claimant shall make the election on a form supplied by the director of taxation. Such refund shall not be applied to any special assessment.

(c) After the electronic record under subsection (a) has been received
from the director of taxation, the county clerk of the county in which the property is located shall make any corrections needed, if any, based upon information known by the county clerk concerning any change in eligibility of any claimant listed in such record. After any needed corrections have been made to the electronic record, the county clerk, on behalf of each claimant listed in such record, shall certify the information contained in such record to the county treasurer in lieu of paying that portion of the first half of taxes on the claimant's homestead in the current year, which equals the amount of the golden years homestead property tax freeze refund received by the claimant for taxes levied in the preceding year up to the amount of the first half of the property taxes due.

(d) The county treasurer shall certify and return the electronic record referred to in subsection (a), including any changes made by the county clerk pursuant to subsection (c), to the director of taxation by December 31 of each year. After receiving a claim of any claimant who is listed in the electronic record submitted by the county treasurer, the director shall examine the same, and, if the claim is valid, the director of accounts and reports shall draw a warrant in favor of the county in which the claimant's homestead is located upon a voucher approved by the director of taxation in the amount of the allowable claim for refund. Sufficient information to identify the claimant shall be directed to the county treasurer with each warrant. Any taxes levied in any year on the homestead of any claimant who has obtained the eligibility herein provided for in excess of the amount paid to the county by the state and by the claimant on or before December 20 of such year shall be paid by the claimant on or before May 10 of the succeeding year.

(e) For the purposes of this section, "electronic record" means the same as defined in K.S.A. 16-1602, and amendments thereto.

New Sec. 16. A claimant shall only be eligible for a claim for refund under this act if: (a) The household income for the year in which the claim is filed is $75,000 or less; and (b) the appraised value of the homestead is $485,000 or less. In the case of all tax years commencing after December 31, 2020, the upper limit household income threshold amount prescribed in this subsection shall be increased by an amount equal to such threshold amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) of the federal internal revenue code for the calendar year in which the taxable year commences.

New Sec. 17. If there are delinquent property taxes on the claimant's homestead, the refund shall be paid to the county treasurer of the county in which such homestead is located and applied first to the oldest of such delinquent property taxes and applied forward to the most recent delinquent property taxes and then to any other property taxes due on the claimant's homestead.
New Sec. 18. K.S.A. 79-4501 through 79-4531 and 79-32,263, and amendments thereto, and sections 1 through 18, and amendments thereto, shall be collectively known and may be cited as the golden years homestead property tax freeze program.

Sec. 19. K.S.A. 79-32,143 is hereby amended to read as follows: 79-32,143. (a) (1) (A) For net operating losses incurred in taxable years beginning after December 31, 1987, prior to January 1, 2018, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code, except that such net operating loss may only be carried forward to each of the 10 taxable years following the taxable year of the net operating loss.

(B) For net operating losses incurred in taxable years beginning after December 31, 2017, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code, except that such net operating loss deduction may only be carried forward.

(2) For net operating farm losses, as defined by subsection (i) of section 172 of the federal internal revenue code, incurred in taxable years beginning after December 31, 1999, a net operating loss deduction shall be allowed in the same manner that it is allowed under the federal internal revenue code except that such net operating loss may be carried forward to each of the 10 taxable years following the taxable year of the net operating loss.

(3) The amount of the net operating loss that may be carried back or forward for Kansas income tax purposes shall be that portion of the federal net operating loss allocated to Kansas under this act in the taxable year that the net operating loss is sustained.

(b) The amount of the loss to be carried back or forward will be the federal net operating loss after: (1) All modifications required under this act applicable to the net loss in the year the loss was incurred; and (2) after apportionment as to source in the case of corporations, nonresident individuals for losses incurred in taxable years beginning prior to January 1, 1978, and nonresident estates and trusts in the same manner that income for such corporations, nonresident individuals, estates and trusts is required to be apportioned.

(c) If a net operating loss was incurred in a taxable year beginning prior to January 1, 1988, the amount of the net operating loss that may be carried back and carried forward for the period for which it may be carried back and carried forward shall be determined under the provisions of the Kansas income tax laws which were in effect during the year that such net operating loss was incurred.

(d) If any portion of a net operating loss described in subsections (a) and (b) is not utilized prior to the final year of the carryforward period
provided in subsection (a), a refund shall be allowable in such final year in
an amount equal to the refund which would have been allowable in the
taxable year the loss was incurred by utilizing the three year carryback
provided under K.S.A. 79-32,143, as in effect on December 31, 1987,
multiplied by a fraction, the numerator of which is the unused portion of
such net operating loss in the final year, and the denominator of which is
the amount of such net operating loss which could have been carried
back to the three years immediately preceding the year in which the loss
was incurred. In no event may such fraction exceed one.

(e) Notwithstanding any other provisions of the Kansas income tax
act, the net operating loss as computed under subsections (a), (b) and (c)
of this section shall be allowed in full in determining Kansas taxable income
or at the option of the taxpayer allowed in full in determining Kansas
adjusted gross income.

(f) No refund of income tax results from a net operating
farm loss carry back shall be allowed in an amount exceeding $1,500 in
any year. Any overpayment in excess of $1,500 may be carried forward to
any year or years after the year of the loss and may be claimed as a credit
against the tax. The refundable portion of such credit shall not exceed
$1,500 in any year.

(g) For tax year 2013, and all tax years thereafter, a net operating loss
allowed by this section shall only be available to taxpayers subject to the
income tax on corporations imposed pursuant to subsection (c) of K.S.A.
79-32,110(c), and amendments thereto, and used only to determine such
taxpayer's corporate income tax liability.

Sec. 20. K.S.A. 79-32,143 is hereby repealed.

Sec. 21. This act shall take effect and be in force from and after its
publication in the statute book.