

HOUSE BILL No. 2627

By Representative Toplikar

2-11

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

4
5 Be it enacted by the Legislature of the State of Kansas:

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

24 Married individuals filing joint returns.

25 26 Taxpayers 27 Federal Adjusted 28 Gross Income	% of expenditures eligible for credit
29 \$0 to <del>\$25,000</del> \$60,000.....	100%
30 Over <del>\$25,000</del> \$60,000 but not over <del>\$30,000</del> \$70,000.....	90%
31 Over <del>\$30,000</del> \$70,000 but not over <del>\$35,000</del> \$80,000.....	80%
32 Over <del>\$35,000</del> \$80,000 but not over <del>\$40,000</del> \$90,000.....	70%
33 Over <del>\$40,000</del> \$90,000 but not over <del>\$45,000</del> \$100,000.....	60%
34 Over <del>\$45,000</del> \$100,000 but not over <del>\$55,000</del> \$110,000.....	50%
35 Over <del>\$55,000</del> \$110,000 but not over \$120,000.....	40%
36 Over \$120,000 but not over \$130,000.....	30%

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

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

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

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

11 *(c) In the case of all tax years commencing after December 31, 2020,*  
12 *the maximum tax credit amount, as prescribed in subsection (a), and the*  
13 *tax liability threshold amount in the first, second and third years, as*  
14 *prescribed in subsection (b), shall be increased by an amount equal to*  
15 *such maximum tax credit amount and tax liability threshold amount*  
16 *multiplied by the cost-of-living adjustment determined under section 1(f)*  
17 *(3) of the federal internal revenue code for the calendar year in which the*  
18 *taxable year commences.*

19 ~~(e)~~(d) The provisions of this section are applicable to tax year ~~2013~~  
20 2020, and all tax years thereafter.

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

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