

STATE OF KANSAS

HOUSE OF REPRESENTATIVES

MR. CHAIRMAN:

I move to amend **SB 50**, as amended by House Committee, on page 5, following line 28, by inserting:

"New Sec. 6. (a) For any taxable year commencing after December 31, 2020, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual taxpayer who: (1) Purchased food in this state; (2) had federal adjusted gross income for the tax year that did not exceed \$30,000 if single filing status or married filing separate filing status or \$40,000 if head of household filing status or married filing jointly filing status; and (3) meets the qualifications in subsection (b).

(b) The taxpayer filing single, head of household or married filing separate or the taxpayer and taxpayer's spouse if married filing jointly must be domiciled in this state during the entire tax year. For purposes of this credit, "domicile" shall not include any correctional institution, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau of prisons located in the state of Kansas or any city or county jail facility in the state of Kansas.

(c) The amount of the credit shall be \$60 for single filing status and married filing separate filing status, \$180 for head of household filing status and \$240 for married filing jointly filing status.

(d) If the amount of the credit allowed exceeds the taxpayer's income tax liability under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.

(e) In the case of all tax years commencing after December 31, 2021, the threshold income amounts and the amounts of the tax credit, as prescribed in this section, shall be increased by an amount equal to such threshold amount and tax credit 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.

(f) The county treasurer of each county shall mail to each taxpayer with the property tax statement of such taxpayer information provided by the secretary of revenue with respect to claiming of a refund of retailers' sales taxes paid upon food pursuant to this section.

(g) 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 section.";

On page 18, in line 5, by striking all after "(xxv)"; by striking all in lines 6 through 8; in line 9, by striking "(xxvi)";

And by redesignating subsections, paragraphs, subparagraphs and clauses accordingly;

On page 22, in line 5, after the stricken material by inserting "and"; in line 6, by striking all after "deduction"; by striking all in lines 7 and 8; in line 9, by striking all before the period; in line 38, by striking all after "income"; by striking all in lines 39 through 43;

On page 23, by striking all in line 1; in line 2, by striking all before the semicolon;

On page 28, following line 22, by inserting:

"Sec. 15. K.S.A. 79-32,271 is hereby amended to read as follows: 79-32,271. (a) For any taxable year commencing after December 31, 2014, and ending prior to January 1, 2021, a credit shall be allowed against the tax imposed by the Kansas income tax act on the Kansas taxable income of an individual income taxpayer who purchased food in this state, had federal adjusted gross income for the tax year that did not exceed \$30,615, and meets the qualifications in subsections (b) and (c).

(b) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer and the taxpayer's spouse if married filing jointly, must be domiciled in this state. For purposes of this credit, "domicile" shall not include any correctional facility, or portion thereof, as defined in K.S.A. 75-5202, and amendments thereto, any juvenile correctional facility, or portion thereof, as defined in K.S.A. 38-2302, and amendments thereto, any correctional facility of the federal bureau of prisons located in the state of Kansas, or any city or county jail facility in the state of Kansas.

(c) During the entire tax year a taxpayer filing single, head of household, or married filing separate, or the taxpayer or the taxpayer's spouse if married filing jointly, must be either: (1) A person having a disability, regardless of age; (2) a person without a disability who is 55 years of age or older; or (3) a person without a disability who is younger than 55 years of age who claims an exemption for one or more dependent children under 18 years of age.

(d) The amount of the credit shall be \$125 for every exemption claimed on the taxpayer's federal income tax return, except that no exemption shall be counted for a dependent unless the dependent is a child under 18 years of age.

(e) The credit allowed under this provision shall be applied against the taxpayer's income tax liability after all other credits allowed under the income tax act. It shall not be refundable and may not be carried forward.

(f) (1) Every taxpayer claiming the credit shall supply the division in support of a claim, reasonable proof of domicile, age and disability.

(2) A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability as defined in subsection (g).

(g) "Disability" means: (1) Inability to engage in any substantial gainful activity by

reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of this paragraph, with respect to any individual, "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; and "physical or mental impairment" means an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time. For purposes of this paragraph, "blindness" means central visual acuity of $20/200$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $20/200$ or less.

(h) 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 section.";

On page 32, in line 12, after "79-32,143a" by inserting ", 79-32,271";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, by striking "global"; in line 7, by striking all before "business"; in line 16, after the semicolon by inserting "providing a refundable food sales tax credit; discontinuing the nonrefundable food sales tax credit;"; in line 18, after "79-32,143a" by inserting ", 79-32,271"

_____ District.