

**SENATE BILL No. 426**

By Committee on Ways and Means

2-13

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1 AN ACT concerning income taxation; relating to credits; adoption  
2 expenses; amending K.S.A. 2011 Supp. 79-32,202 and repealing the  
3 existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 79-32,202 is hereby amended to read as  
7 follows: 79-32,202. (a) For all taxable years commencing after December  
8 31, 2005, and in addition to the credit provided in subsection (b), there  
9 shall be allowed as a credit against the tax liability of a resident individual  
10 imposed under the Kansas income tax act an amount equal to: (1) 25% of  
11 the amount of the credit allowed against such taxpayer's federal income tax  
12 liability pursuant to section ~~23~~ determined without regard to subsection (e)  
13 thereof 36C of the federal internal revenue code; (2) in addition to  
14 subsection (a)(1), 25% of the amount of such federal income tax credit, if  
15 the child adopted by the taxpayer was a resident of Kansas prior to such  
16 lawful adoption; and (3) and in addition to subsections (a)(1) and (a)(2),  
17 25% of the amount of such federal income tax credit, if the child adopted  
18 by the taxpayer is a child with special needs, as defined in section ~~23~~ 36C  
19 of the federal internal revenue code, and the child was a resident of Kansas  
20 prior to such lawful adoption, for the taxable year in which such credit was  
21 claimed against the taxpayer's federal income tax liability.

22 (b) For all taxable years commencing after December 31, 1996, there  
23 shall be allowed as a credit against the tax liability of a resident individual  
24 imposed under the Kansas income tax act an amount equal to: (1) \$1,500  
25 for the taxable year in which occurs the lawful adoption of a child in the  
26 custody of the secretary of social and rehabilitation services; or (2) for  
27 all taxable years commencing after December 31, 2011, \$3,500 for the  
28 taxable year in which occurs the lawful adoption of a child at least five  
29 years old who is in the custody of the secretary of social and rehabilitation  
30 services or a child with special needs, whether or not such individual is  
31 reimbursed for all or part of qualified adoption expenses or has received a  
32 public or private grant therefor. As used in this subsection, terms and  
33 phrases shall have the meanings ascribed thereto by the provisions of  
34 section ~~23~~ 36C of the federal internal revenue code. No credit shall be  
35 allowed under subsection (a) for any qualified adoption expenses incurred  
36 in the adoption of a child described by this subsection.

1 (c) The credit allowed by subsections (a) and (b) shall not exceed the  
2 amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto,  
3 reduced by the sum of any other credits allowable pursuant to law. If the  
4 amount of such tax credit exceeds the taxpayer's income tax liability for  
5 such taxable year, the amount thereof which exceeds such tax liability may  
6 be carried over for deduction from the taxpayer's income tax liability in the  
7 next succeeding taxable year or years until the total amount of the tax  
8 credits has been deducted from tax liability.

9 Sec. 2. K.S.A. 2011 Supp. 79-32,202 is hereby repealed.

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