

**HOUSE BILL No. 2320**

By Committee on Taxation

2-13

Proposed Amendments for HB 2320

For Committee on Education

March 12, 2013

Re: Tax credit limit

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Office of Revisor of Statutes

1 AN ACT concerning public charter schools; creating the Kansas public  
2 charter school act; amending K.S.A. 2012 Supp. 72-6407, 79-32,117  
3 and 79-32,138 and repealing the existing sections; also repealing  
4 K.S.A. 72-1903, 72-1904, 72-1908, 72-1909 and 72-1911 and K.S.A.  
5 2012 Supp. 72-1906, 72-1907 and 72-1910.  
6

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

8 New Section 1. The provisions of sections 1 through 27, and  
9 amendments thereto, shall be known and may be cited as the Kansas  
10 public charter school act.

11 New Sec. 2. (a) The legislature hereby finds and declares the  
12 following:

13 (1) The state of Kansas recognizes the establishment of public charter  
14 schools as necessary to improving the opportunities of all families to  
15 choose the public school that meets the needs of their children, and  
16 believes that public charter schools serve a distinct purpose in supporting  
17 innovations and best practices that can be adopted among all public  
18 schools.

19 (2) The state of Kansas recognizes that there must be a variety of  
20 public institutions that can authorize the establishment of public charter  
21 schools as defined by law, and recognizes that independent but publicly  
22 accountable multiple authorizing authorities, such as independent state  
23 entities or universities, contribute to the health and growth of strong and  
24 innovative public charter schools.

25 (b) The legislature hereby finds and declares that the purpose of this  
26 act is to do the following:

27 (1) Allow the creation of innovative public charter schools which  
28 may operate independently of state laws or rules and regulations, other  
29 than those specified in this act, deemed by the public charter school  
30 authorizer to hinder its goals to achieve at the highest level possible;

31 (2) establish that existing or new public entities may be created to  
32 approve and monitor public charter schools in addition to unified school  
33 district school boards; and

34 (3) remove procedural and funding barriers to public charter school  
35 success.

36 New Sec. 3. As used in sections 1 through 27, and amendments

1 New Sec. 25. The provisions of sections 1 through 27, and  
2 amendments thereto, should be interpreted liberally to support the findings  
3 and purposes of this section and to advance a renewed commitment by the  
4 state to the mission, goals and diversity of public education.

5 New Sec. 26. Notwithstanding any provision of law to the contrary, to  
6 the extent that any provision of sections 1 through 27, and amendments  
7 thereto, is inconsistent with any other state or local law, rule or regulation,  
8 the provisions of sections 1 through 27, and amendments thereto, shall  
9 govern and be controlling.

10 New Sec. 27. If any provisions of sections 1 through 27, and  
11 amendments thereto, or the application thereof to any person or  
12 circumstance is held invalid, the invalidity shall not affect other provisions  
13 or applications of sections 1 through 27, and amendments thereto, which  
14 can be given effect without the invalid provisions or application and, to  
15 this end, the provisions of sections 1 through 27, and amendments thereto,  
16 are severable.

17 New Sec. 28. (a) There shall be allowed a credit against the income  
18 tax liability imposed upon a taxpayer pursuant to the Kansas income tax  
19 act, the privilege tax liability imposed upon a taxpayer pursuant to the  
20 privilege tax imposed upon any national banking association, state bank,  
21 trust company or savings and loan association pursuant to article 11 of  
22 chapter 79 of the Kansas Statutes Annotated, and amendments thereto, and  
23 the premium tax liability imposed upon a taxpayer pursuant to the  
24 premiums tax and privilege fees imposed upon an insurance company  
25 pursuant to K.S.A. 40-252, and amendments thereto, for tax years  
26 commencing after December 31, 2012, an amount equal to 50% of the  
27 amount contributed to a school district or public charter school, as defined  
28 in section 3. and amendments thereto.

29 (b) The credit shall be claimed and deducted from the taxpayer's tax  
30 liability during the tax year in which the contribution was made to the  
31 school district or public charter school.

32 (c) If the amount of any such tax credit claimed by a taxpayer  
33 exceeds the taxpayer's income, privilege or premium tax liability, such  
34 excess amount may be carried over for deduction from the taxpayer's  
35 income, privilege or premium tax liability in the next succeeding year or  
36 years until the total amount of the credit has been deducted from tax  
37 liability.

38 (d) The secretary shall adopt rules and regulations regarding the filing  
39 of documents that support the amount of credit claimed pursuant to this  
40 section.

41 Sec. 29. K.S.A. 2012 Supp. 72-6407 is hereby amended to read as  
42 follows: 72-6407. (a) (1) "Pupil" means any person who is regularly  
43 enrolled in a district and attending kindergarten or any of the grades one

50%

Insert: "(c) For each tax year, in no event shall the total amount of credits allowed under this section exceed \$10,000,000 for any one tax year.  
(d) The amount of the credit shall not exceed \$100,000 for any one taxpayer in any one taxable year."; and by relettering the remaining subsections accordingly.