

## HOUSE BILL No. 2350

By Representative Williams

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9 AN ACT concerning sales taxation; relating to refunds; sales tax paid  
10 upon food; amending K.S.A. 2006 Supp. 79-3633 and 79-3635 and  
11 repealing the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 79-3633 is hereby amended to read as  
15 follows: 79-3633. As used in K.S.A. 79-3620 and 79-3632 to 79-3639 and  
16 amendments thereto, unless the context clearly indicates otherwise:

17 (a) "Income" means adjusted gross income determined under the  
18 Kansas income tax act without regard to the modifications specified by  
19 subsections (c)(i), (ii) regarding Kansas public employee retirement sys-  
20 tem retirement benefits, (vii), (ix) and (xii) of K.S.A. 79-32,117, and  
21 amendments thereto.

22 (b) "Household" means a claimant and all other persons for whom a  
23 personal exemption is claimed who together occupy a common residence.

24 (c) "Claimant" means a person who has filed a claim for a refund or  
25 credit under the provisions of this act and was, during the entire calendar  
26 year preceding the year in which the claim was filed for relief under this  
27 act, domiciled in this state, was a member of a household, had income of  
28 not more than ~~\$25,000~~ \$32,000 in the calendar year for which a claim is  
29 filed and was: (1) A person having a disability; (2) a person other than a  
30 person included under *clause* (1), who has attained 55 years of age in the  
31 calendar year for which a claim is filed or (3) a person other than a person  
32 included under *clause* (1) or (2) having one or more dependent children  
33 under 18 years of age residing at the person's homestead during the cal-  
34 endar year for which a claim is filed.

35 (d) "Head of household" means the person filing a claim under the  
36 provisions of this act.

37 (e) "Disability" means: (1) Inability to engage in any substantial gain-  
38 ful activity by reason of any medically determinable physical or mental  
39 impairment which can be expected to result in death or has lasted or can  
40 be expected to last for a continuous period of not less than 12 months,  
41 and an individual shall be determined to be under a disability only if the  
42 physical or mental impairment or impairments are of such severity that  
43 the individual is not only unable to do the individual's previous work but

1 cannot, considering age, education and work experience, engage in any  
2 other kind of substantial gainful work which exists in the national econ-  
3 omy, regardless of whether such work exists in the immediate area in  
4 which the individual lives or whether a specific job vacancy exists for the  
5 individual, or whether the individual would be hired if application was  
6 made for work. For purposes of ~~the preceding sentence~~ *(this subsection*  
7 *with respect to any individual)*, “work which exists in the national econ-  
8 omy” means work which exists in significant numbers either in the region  
9 where the individual lives or in several regions of the country; ~~for pur-~~  
10 ~~poses of this subsection, a~~ and “physical or mental impairment” ~~is means~~  
11 an impairment that results from anatomical, physiological or psychological  
12 abnormalities which are demonstrable by medically acceptable clinical  
13 and laboratory diagnostic techniques; or

14 (2) blindness and inability by reason of blindness to engage in sub-  
15 stantial gainful activity requiring skills or abilities comparable to those of  
16 any gainful activity in which the individual has previously engaged with  
17 some regularity and over a substantial period of time.

18 (f) “Blindness” means central visual acuity of  $\frac{20}{200}$  or less in the better  
19 eye with the use of a correcting lens. An eye which is accompanied by a  
20 limitation in the fields of vision such that the widest diameter of the visual  
21 field subtends an angle no greater than 20 degrees shall be considered  
22 for the purpose of this paragraph as having a central visual acuity of  $\frac{20}{200}$   
23 or less.

24 Sec. 2. K.S.A. 2006 Supp. 79-3635 is hereby amended to read as  
25 follows: 79-3635. (a) (1) A claimant shall be entitled to a refund of re-  
26 tailers’ sales taxes paid upon food during the calendar year ~~1998~~ 2007 and  
27 each year thereafter in the amount hereinafter provided. There shall be  
28 allowed for each member of a household of a claimant having income of  
29 ~~\$12,500~~ \$16,000 or less, an amount equal to \$72. There shall be allowed  
30 for each member of a household of a claimant having income of more  
31 than ~~\$12,500~~ \$16,000 but not more than ~~\$25,000~~ \$32,000, an amount  
32 equal to \$36. There shall be allowed for a claimant who qualifies for an  
33 additional personal exemption amount pursuant to K.S.A. 79-32,121, and  
34 amendments thereto, an additional amount of \$36 or \$72, as the case  
35 requires. All such claims shall be paid from the sales tax refund fund upon  
36 warrants of the director of accounts and reports pursuant to vouchers  
37 approved by the director of taxation or by a person or persons designated  
38 by the director.

39 (2) As an alternative to the procedure described by subsection (a)(1),  
40 ~~for all taxable years commencing after December 31, 2001,~~ there shall  
41 be allowed as a credit against the tax liability of a resident individual  
42 imposed under the Kansas income tax act an amount equal to \$36 or \$72,  
43 as the case requires, for each member of a household. There shall be

1 allowed for a claimant who qualifies for an additional personal exemption  
2 amount pursuant to K.S.A. 79-32,121, and amendments thereto, an ad-  
3 ditional amount of \$36 or \$72, as the case requires. If the amount of such  
4 tax credit exceeds the claimant's income tax liability for such taxable year,  
5 such excess amount shall be refunded to the claimant.

6 (b) A head of household shall make application for refunds for all  
7 members of the same household upon a common form provided for the  
8 making of joint claims. All claims paid to members of the same household  
9 shall be paid as a joint claim by means of a single warrant.

10 (c) No claim for a refund of taxes under the provisions of K.S.A. 79-  
11 3632 et seq., and amendments thereto, shall be paid or allowed unless  
12 such claim is actually filed with and in the possession of the department  
13 of revenue on or before April 15 of the year next succeeding the year in  
14 which such taxes were paid. The director of taxation may: (1) Extend the  
15 time for filing any claim under the provisions of this act when good cause  
16 exists therefor; or (2) accept a claim filed after the deadline for filing in  
17 the case of sickness, absence or disability of the claimant if such claim  
18 has been filed within four years of such deadline.

19 ~~(d) In the case of all tax years commencing after December 31, 2005,~~  
20 The threshold income amounts prescribed in this section and subsection  
21 (c) of K.S.A. 79-3633, and amendments thereto, and the amounts of re-  
22 fund of taxes and the amounts of the tax credit, both as prescribed in this  
23 section, shall be increased by an amount equal to such threshold amount  
24 multiplied by the cost-of-living adjustment determined under section 1  
25 (f)(3) of the federal internal revenue code for the calendar year in which  
26 the taxable year commences.

27 Sec. 3. K.S.A. 2006 Supp. 79-3633 and 79-3635 are hereby repealed.

28 Sec. 4. This act shall take effect and be in force from and after its  
29 publication in the statute book.