



## 2020 LEGISLATIVE CHANGES & ENACTMENTS

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### **Taxpayer Assistance**

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### **Problem Resolution Officer:**

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# INCOME TAX

2017 SB 30  
NOTICE 17-02

## NO CHANGE TO INCOME TAX RATES FOR TAX YEAR 2020

Married Filing Joint	Tax Rate
\$0 - \$30,000	3.10%
\$30,001 – \$60,000	5.25%
\$60,001 and over	5.70%

Single, Head of Household, Married Filing Separate	Tax Rate
\$0 - \$15,000	3.10%
\$15,001 – \$30,000	5.25%
\$30,001 and over	5.70%

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**K.S.A.. 79-32,110. Tax imposed; classes of taxpayers; rates.** (a) Resident Individuals. Except as otherwise provided by K.S.A. 79-3220(a), and amendments thereto, a tax is hereby imposed upon the Kansas taxable income of every resident individual, which tax shall be computed in accordance with the following tax schedules:

(1) *Married individuals filing joint returns.*

**(F) For tax year 2018, and all tax years thereafter:**

If the taxable income is:

Not over \$30,000

Over \$30,000 but not over \$60,000

Over \$60,000

The tax is:

3.1% of Kansas taxable income

\$930 plus 5.25% of excess over \$30,000

\$2,505 plus 5.7% of excess over \$60,000

(2) *All other individuals:*

**(F) For tax year 2018, and all tax years thereafter:**

If the taxable income is:

Not over \$15,000

Over \$15,000 but not over \$30,000

Over \$30,000

The tax is:

3.1% of Kansas taxable income

\$465 plus 5.25% of excess over \$15,000

\$1,252.50 plus 5.7% of excess over \$30,000

(e) Notwithstanding the provisions of subsections (a) and (b): (1) For tax years 2016 and 2017, married individuals filing joint returns with taxable income of \$12,500 or less, and all other individuals with taxable income of \$5,000 or less, shall have a tax liability of zero; and (2) **for tax year 2018, and all tax years thereafter, married individuals filing joint returns with taxable income of \$5,000 or less, and all other individuals with taxable income of \$2,500 or less, shall have a tax liability of zero.**

(f) No taxpayer shall be assessed penalties and interest arising from the underpayment of taxes due to changes to the rates in subsection (a) that became law on July 1, 2017, so long as such underpayment is rectified on or before April 17, 2018.

History: L. 1967, ch. 497, § 3; L. 1969, ch. 454, § 1; L. 1970, ch. 394, § 1; L. 1977, ch. 344, § 3; L. 1978, ch. 407, § 2; L. 1979, ch. 321, § 1; L. 1988, ch. 381, § 2; L. 1989, ch. 303, § 1; L. 1992, ch. 280, § 55; L. 1997, ch. 41, § 13; L. 1998, ch. 130, § 19; L. 2008, ch. 182, § 22; L. 2012, ch. 135, § 10; L. 2013, ch. 135, § 1; L. 2015, ch. 99, § 25; L. 2015, ch. 102, § 3; L. 2017, ch. 84, § 4; July 1.

KANSAS EXEMPTION ALLOWANCE REMAINS  
AT **\$2,250** FOR SELF AND EACH APPLICABLE  
PERSON CLAIMED AS A DEPENDENT  
FOR TAX YEAR 2020

## INCOME TAX

2017 SB 30  
NOTICE 17-07

### CHILD AND DEPENDENT CARE CREDIT RESTORED

CHILD AND DEPENDENT CARE TAX CREDIT AVAILABLE FOR INDIVIDUAL INCOME FILERS FOR TAX YEAR 2020 IS 25% OF THE FEDERAL CHILD AND DEPENDENT CARE CREDIT UNDER 26 U.S.C. § 21 THAT IS ALLOWED AGAINST THE TAXPAYER'S FEDERAL INCOME TAX LIABILITY:

- MUST BE RESIDENT OF KANSAS
- CREDIT FOR CHILD AND DEPENDENT CARE EXPENSES ALLOWED AGAINST FEDERAL TAX LIABILITY
- MUST INCLUDE COPY OF FEDERAL FORM 2441

TAX YEAR 2020 (AND ALL TAX YEARS THEREAFTER) - 25.00%

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**K.S.A. 79-32,111c. Credit against tax for household and dependent care expenses; limitation.** (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to 12.5% for tax year 2018; an amount equal to 18.75% for tax year 2019; **and an amount equal to 25% for tax year 2020, and all tax years thereafter**, of the amount of the credit allowed against such taxpayer's federal income tax liability pursuant to 26 U.S.C. § 21 for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability. (b) The credit allowed by subsection (a) shall not exceed the amount of the tax imposed by K.S.A. 79-32,110, and amendments thereto, reduced by the sum of any other credits allowable pursuant to law. (c) No credit provided under this section shall be allowed to any individual who fails to provide a valid social security number issued by the social security administration, to such individual, the individual's spouse and every dependent of the individual.

# INCOME TAX

2017 SB 30  
NOTICE 17-02

## Itemized Deductions

**!! IMPORTANT !!**

### Kansas Allowable Itemized Deductions

**Must Itemize on Federal Return  
To Itemize on Kansas Return**



### Tax Year

**2020**

#### ❖ Qualified Charitable Contributions

(as allowed in section 170 of the federal internal revenue code)

**100%**

#### ❖ Qualified Residence Interest

(as provided in section 163(h) of the federal internal revenue code)

**100%**

#### ❖ Taxes on Real and Personal Property

(as provided in section 164(a) of the federal internal revenue code. Federal limitation to the state and local taxes paid are in section 164(b) of the I.R.C.)

**100%**

#### ❖ Expenses for Medical Care

(as allowable as deductions in section 213 of the federal internal revenue code)

**100%**

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**K.S.A. 79-32,120. Kansas itemized deductions of an individual.** (a) (1) If federal taxable income of an individual is determined by itemizing deductions from such individual's federal adjusted gross income, such individual may elect to deduct the Kansas itemized deduction in lieu of the Kansas standard deduction.

(2) For the tax year commencing on January 1, 2013, the Kansas itemized deduction of an individual means 70% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(3) For the tax year commencing on January 1, 2014, the Kansas itemized deduction of an individual means 65% of the total amount of deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section.

(4) For the tax years commencing on and after January 1, 2015, and ending before January 1, 2018, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (C) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

(5) For the tax year commencing on and after January 1, 2018, and ending before January 1, 2019, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 50% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 50% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 50% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

(6) For the tax year commencing on and after January 1, 2019, and ending before January 1, 2020, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 75% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 75% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 75% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.

**(7) For the tax years commencing on and after January 1, 2020, the Kansas itemized deduction of an individual means the following deductions from federal adjusted gross income, other than federal deductions for personal exemptions, as provided in the federal internal revenue code with the modifications specified in this section: (A) 100% of charitable contributions that qualify as charitable contributions allowable as deductions in section 170 of the federal internal revenue code; (B) 100% of expenses for medical care allowable as deductions in section 213 of the federal internal revenue code; (C) 100% of the amount of qualified residence interest as provided in section 163(h) of the federal internal revenue code; and (D) 100% of the amount of taxes on real and personal property as provided in section 164(a) of the federal internal revenue code.**

(b) The total amount of deductions from federal adjusted gross income shall be reduced by the total amount of income taxes imposed by or paid to this state or any other taxing jurisdiction to the extent that the same are deducted in determining the federal itemized deductions and by the amount of all depreciation deductions claimed for any real or tangible personal property upon which the deduction allowed by K.S.A. 79-32,221, 79-32,227, 79-32,232, 79-232,237, 79-32,249, 79-32,250, 79-32,255, or 79-32,256, and amendments thereto, is or has been claimed.

**History:** L. 1967, ch. 497, § 13; L. 1968, ch. 233, § 4; L. 1970, ch. 395, § 2; L. 1976, ch. 433, § 4; L. 1976, ch. 434, § 5; L. 1977, ch. 344, § 2; L. 1978, ch. 405, § 5; L. 1979, ch. 321, § 3; L. 1982, ch. 410, § 1; L. 1983, ch. 327, § 1; L. 1988, ch. 381, § 6; L. 1989, ch. 303, § 3; L. 1992, ch. 280, § 57; L. 2006, ch. 209, § 29; L. 2007, ch. 113, § 22; L. 2007, ch. 195, § 56; L. 2013, ch. 135, § 2; L. 2015, ch. 99, § 26; L. 2017, ch. 84, § 6; July 1.

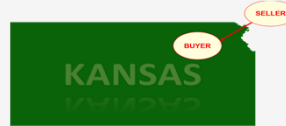
**Source or Prior Law:**  
79-3206.

#### Revisor's Note:

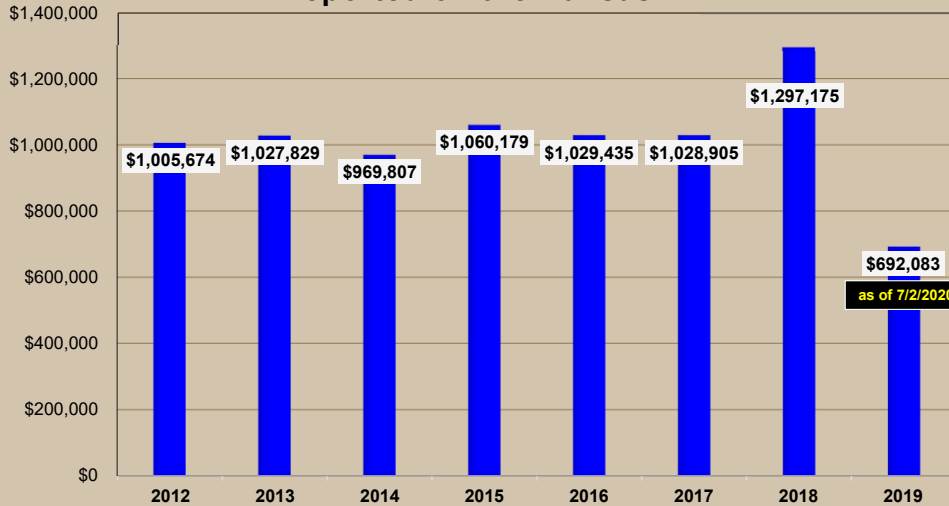
Section was also amended by L. 2007, ch. 73, § 9, but that version was repealed by L. 2007, ch. 195, § 59.

# COMPENSATING USE TAX

(K.S.A. 79-3703)



**State and Local Use Tax  
Reported on the Kansas K-40**



- ❖ The tax is on goods purchased by Kansans (**individuals** and **businesses**) from outside Kansas and used, stored, or consumed in Kansas which no sales tax was paid or the sales tax paid was less than the Kansas combined state and local rate.
- ❖ Use tax is due on out-of-state purchases whether the property is shipped into Kansas or picked up in another state and brought back to Kansas

K.S.A. 79-3221o. Individual tax returns; line for reporting compensating use tax. (a) In order to raise awareness of liabilities of use taxes levied in article 37 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto, for purchases of tangible personal property made outside this state to be consumed within this state, and to increase compliance with such provisions of law, the director of taxation is hereby directed to include a line for the remittance of sales tax on out-of-state and internet purchases where the tax was not paid on individual tax returns for tax years beginning on or after July 1, 2016.

(b) The director shall include the following information in the income tax form instructions:

(1) An explanation of an individual's obligation to pay use tax on items purchased from mail order, internet or other sellers that do not collect state and local sales and use taxes on the items; and

(2) a method to help an individual determine the amount of use tax the individual owes. The method may include a table that gives the average amounts of use tax payable by taxpayers in various income ranges.

(c) No penalties or interest shall be applied with respect to any taxes remitted pursuant to the provisions of this section.

History: L. 2016, ch. 84, § 2; July 1.

## 2020 MAXIMUM "HOUSEHOLD INCOME" INDEXED TO INFLATION



### Homestead

## \$36,300

- ❖ 55 or older the entire year or;
- ❖ Dependent under 18 the entire year or;
- ❖ Totally & Permanently Disabled the entire year
- 50% Social Security Income, SSI Excluded as Household Income
- May File Claim if Property Taxes are Delinquent
- Maximum Refund \$700

You May claim either  
a Homestead or a  
SAFESR

### Not Both

### SAFESR

## \$20,700

- ❖ 65 or older the entire year
- 75% of property taxes paid
- 100% of Social Security Income, SSI included in Household Income
- Property Taxes must be Paid Timely
- Refund 75% of Property Taxes Paid
- Refund can be more than \$700

HOMESTEAD AND SAFESR DUE DATE FOR 2020  
APRIL 15, 2021

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K.S.A. 79-4508(d) In the case of all tax years commencing after December 31, 2004, the upper limit threshold amount prescribed in this section, shall be increased by an amount equal to such threshold 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.

- \* Household Income limit for TY 2016 - \$34,100
- \* Household Income limit for TY 2017 - \$34,450
- \* Household Income limit for TY 2018 - \$35,000
- \* Household Income limit for TY 2019 - \$35,700
- \* Household Income limit for TY 2020 - \$36,300

K.S.A. 79-4501 The title of this act shall be the homestead property tax refund act. The purpose of this act shall be to provide *ad valorem tax refunds to: (a) Certain persons who are of qualifying age who own their homestead; (b) certain persons who have a disability, who own their homestead; and (c) certain persons other than persons included under the provisions of (a) or (b) who have low incomes and dependent children and own their homestead.*

K.S.A. 79-4505. Same; deadline for filing claim. Except as provided in K.S.A. 79-4517, and amendments thereto, no claim in respect of property taxes levied in any year shall be paid or allowed unless such claim is actually filed with and in the possession of the department of revenue on or before April 15 of the year next succeeding the year in which said taxes were levied.

K.S.A. 79-32,263 Tax credit for property taxes paid by certain senior citizens; selective assistance for effective senior relief (SAFESR). This act shall be known and may be cited as the selective assistance for effective senior relief (SAFESR). There shall be allowed as a credit against the tax liability of a taxpayer imposed under the Kansas income tax act, the following: (a) For tax years 2008, 2009 and 2010, an amount equal to 45% of the amount of property and ad valorem taxes actually and timely paid as described in this section; and (b) for tax year 2011 and all tax years thereafter, an amount equal to 75% of the amount of property and ad valorem taxes actually and timely paid by a taxpayer who is 65 years of age or older and who has household income equal to or less than 120% of the federal poverty level for two persons if such taxes were paid upon real or personal property used for residential purposes of such taxpayer which is the taxpayer's principal place of residence for the tax year in which the tax credit is claimed. The amount of any such credit for any such taxpayer shall not exceed the amount of property and ad valorem taxes paid by such taxpayer as specified in this section. A taxpayer shall not take the credit pursuant to this section if such taxpayer has received a homestead property tax refund pursuant to K.S.A. 79-4501et seq., and amendments thereto, for such property for such tax year. Subject to the provisions of this section, if the amount of such tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount of such excess credit which exceeds such tax liability shall be refunded to the taxpayer. The secretary of revenue shall adopt rules and regulations regarding the filing of documents that support the amount of the credit claimed pursuant to this section. For purposes of this section, "household income" means all income as defined in K.S.A. 79-4502(a), and amendments thereto, including any payments received under the federal social security act, received by persons of a household in a calendar year while members of such household. The provisions of this act shall be part of and supplemental to the homestead property tax refund act.

# Miscellaneous

**Interest rate — 4%** (.333 monthly) for calendar year **2021** on delinquent or unpaid taxes and over payment of taxes.



**K.S.A 79-2968.** Rate of interest on delinquent or unpaid taxes and overpayments of taxes. Except as otherwise specifically provided by law, whenever interest is charged under any law of this state upon any delinquent or unpaid taxes levied or imposed by the state of Kansas or any taxing subdivision thereof, or whenever interest is allowed under any law of this state upon any overpayment of taxes levied or imposed by the state of Kansas or any taxing subdivision thereof, the rate thereof shall be the underpayment rate per annum prescribed and determined under paragraph (2) of subsection (a) of section 6621, without regard to subsection (c) thereof, of the federal internal revenue code, as in effect on September 1, 1996, and which rate is in effect thereunder on July 1 of the year immediately preceding the calendar year for which the rate is being annually fixed hereunder, plus one percentage point, if computed annually. Beginning on January 1, 2012, the rate for property tax delinquencies or underpayments of \$10,000 or more shall be as provided for under this section or 10% per annum, whichever is greater. In the event the interest rate prescribed under this section cannot be determined by reference to section 6621 of the federal internal revenue code, as in effect on September 1, 1996, the rate at which interest shall be collected on underpayments shall be the rate prescribed by K.S.A. 16-204, and amendments thereto, for interest on judgments for the applicable period. History: L. 1980, ch. 308, § 1; L. 1994, ch. 85, § 1; L. 1997, ch. 126, § 1; L. 2011, ch. 88, § 5; July 1.



**NOTICE 20-01**

**CHANGES TO FILING AND PAYMENT DUE DATES FOR  
HOMESTEAD OR PROPERTY TAX RELIEF REFUND CLAIMS  
AND  
INDIVIDUAL, FIDUCIARY AND CORPORATE INCOME TAX, AND  
PRIVILEGE TAX**

**(MARCH 23, 2020)**

Prompted by events surrounding the novel coronavirus-19, the Department of Revenue is providing the following guidance regarding changes to filing due dates.

**Homestead or Property Tax Relief Refund Claims**

Homestead or property tax relief refund claims are due on April 15<sup>th</sup>. However, due to current circumstances, the Director of Taxation has extended the deadline for filing 2019 claims to October 15, 2020. Those claiming a refund are encouraged to submit their claims as soon as possible, and not to wait until the end of the extension period. Only the regular claim form needs to be submitted; no special forms will be required.

**Filing and Payment Deadlines for the following Calendar Year Filers**

**Individual Income Tax  
Fiduciary Income Tax  
Corporate Income Tax  
Privilege Tax**

The filing deadline for calendar year tax returns for Individual Income Tax, Fiduciary Income Tax, Corporate Income Tax and Privilege Tax is April 15<sup>th</sup>. However, due to current circumstances, the Director of Taxation has extended the deadline for filing the 2019 tax returns for Individual Income Tax, Fiduciary Income Tax, Corporate Income Tax and Privilege Tax to conform to the extended due date of July 15, 2020, established by the Internal Revenue Service. Recognizing the extended filing deadline, the payment due date has also been extended to July 15, 2020. This means if the balance due is paid on or before July 15, 2020, no penalty and interest will be imposed. Those filing returns are encouraged to file as soon as possible, and not to wait until the end of any extended period. Only regular return forms need to be submitted; no special forms will be required.

**Filing and Payment Deadlines for the following Fiscal Year Filers with  
Due Dates Prior to July 15, 2020  
Fiduciary Income Tax  
Corporate Income Tax  
Privilege Tax**

The filing deadline for fiscal year filers for Fiduciary Income Tax, Corporate Income Tax and Privilege Tax is the 15<sup>th</sup> day of the fourth month following the end of the taxable year. However, due to current circumstances, the Director of Taxation has extended the deadline for filing the 2019 tax returns for Fiduciary Income Tax, Corporate Income Tax and Privilege Tax returns of fiscal filers with due dates between April 15, 2020 and July 15, 2020, to conform to the extended due date of July 15, 2020, established by the Internal Revenue Service. Recognizing the extended filing deadline, the payment due date has also been extended to July 15, 2020. This means if the balance due is paid on or before July 15, 2020, no penalty and interest will be imposed. Those filing returns are encouraged to file as soon as possible, and not to wait until the end of any extended period. Only regular return forms need to be submitted; no special forms will be required.

TAXPAYER ASSISTANCE

Additional copies of this notice, forms or publications are available from our web site, [www.ksrevenue.org](http://www.ksrevenue.org). If you have questions about this Notice, please contact:

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Mark A. Burghart, Secretary



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[www.ksrevenue.org](http://www.ksrevenue.org)  
Laura Kelly, Governor

**NOTICE 20-02**

**WAIVER OF PENALTY AND INTEREST FOR  
ESTIMATED TAX PAYMENTS FOR INDIVIDUAL  
AND CORPORATE INCOME TAXES AND PRIVILEGE TAX**

**(APRIL 2, 2020)**

Prompted by events surrounding the novel coronavirus-19, the Department of Revenue is providing the following notice regarding the waiver of penalty and interest for the first quarter 2020 estimated tax payments due April 15, 2020:

**WAIVER OF PENALTY AND INTEREST**

**Individual Income Tax, Corporate Income Tax, Privilege Tax**

The Director of Taxation will waive any applicable penalty and interest for taxpayers whose first-quarter 2020 estimated tax payments are made after April 15, 2020 but on or before July 15, 2020.

**TAXPAYER ASSISTANCE**

Additional copies of this notice, forms or publications are available from our web site, [www.ksrevenue.org](http://www.ksrevenue.org). If you have questions about this Notice, please contact:

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