

SENATE BILL No. 446

By Committee on Ways and Means

2-29

1 AN ACT concerning income taxation; relating to credits; restoration,
2 preservation or operation of certain historic sties; amending K.S.A.
3 2011 Supp. 79-32,211a and repealing the existing section.
4

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

6 Section 1. K.S.A. 2011 Supp. 79-32,211a is hereby amended to read
7 as follows: 79-32,211a. (a) For taxable years commencing after December
8 31, 2006, subject to the provisions of subsection (d), any taxpayer which
9 contributes, gifts or donates to a state-owned historic site or an
10 organization which is exempt from federal income taxation pursuant to
11 section 501(c)(3) of the federal internal revenue code of 1986, which such
12 organization owns and operates an historic site, to be used for the purpose
13 of restoration, preservation or operation of such state-owned historic site
14 or historic site or the establishment or maintenance of an endowment to
15 provide for the future stability of such state-owned historic site or historic
16 site shall be allowed a credit against the tax imposed by the Kansas income
17 tax act, the premiums tax upon insurance companies imposed pursuant to
18 K.S.A. 40-252, and amendments thereto, and the privilege tax imposed
19 upon any national banking association, state bank, trust company or
20 savings and loan association pursuant to article 11 of chapter 79 of the
21 Kansas Statutes Annotated in an amount equal to 50% of such
22 contribution, gift or donation, if the total amount of such contribution, gift
23 or donation is at least \$1,000. The amount of the credit shall not exceed
24 \$2,500 for any one taxpayer in any one taxable year. In no event shall the
25 total amount of credits allowed under this section exceed \$200,000 in any
26 one fiscal year.

27 (b) The credit allowed by this section shall be deducted from the
28 taxpayer's income, premiums or privilege tax liability imposed for the
29 taxable year in which the contribution, gift or donation is made.

30 (c) If the amount of the credit allowed by this section exceeds the
31 taxpayer's income tax liability imposed under the Kansas income tax act,
32 such excess amount shall be refunded to the taxpayer.

33 (d) The partnership historic site committee created pursuant to K.S.A.
34 2011 Supp. 75-2732, and amendments thereto, shall develop a prioritized
35 list of historic sites other than state-owned historic sites to which
36 contributions, gifts or donations to organizations which own and operate

1 an historic site qualify for the tax credit provided in this section. As used in
2 this section: (1) "Contributions, gifts or donations" includes monetary
3 contributions, gifts or donations and in kind contributions, gifts or
4 donations that have an established market value;

5 (2) "historic site" means any building or structure that is significant in
6 the history, architecture, archeology or culture of the state of Kansas or
7 Kansas communities or the nation. Such historic site must be listed on the
8 national register of historic places or the register of historic Kansas places,
9 be open to the public or have the potential to be open to the public for at
10 least 500 hours a year and be owned and operated for the purpose of
11 educating the public about a specific aspect of Kansas and United States
12 history; and

13 (3) "state-owned historic site" means an historic site under the
14 jurisdiction and control of the state historical society.

15 (e) Any contribution, gift or donation that is the basis of the credit
16 provided in this section shall not qualify as a qualified expenditure for the
17 purpose of qualifying for the credit provided in K.S.A. 79-32,211, and
18 amendments thereto.

19 ~~(f) The provisions of this section shall expire on June 30, 2012.~~

20 Sec. 2. K.S.A. 2011 Supp. 79-32,211a is hereby repealed.

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