

{As Amended by House Committee of the Whole}

Session of 2013

House Substitute for SENATE BILL No. 84

By Committee on Taxation

3-13

AN ACT concerning taxation; relating to income tax rates, adjustment, procedure and requirements; income tax deductions; ~~distribution of sales tax revenues~~; amending K.S.A. 2012 Supp. 79-32,110; ~~{and} 79-32,120, 79-3620 and 79-3710~~ and repealing the existing sections.

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

New Section 1. (a) (1) Except as provided in subsection (a)(2), commencing with fiscal year 2014, in any fiscal year in which the amount of selected actual state general fund receipts from such fiscal year exceeds the selected actual state general fund receipts for the immediately preceding fiscal year by more than 2%, the director of legislative research shall certify such excess amount to the secretary of revenue and the director of the budget. Upon receipt of such certified amount, the secretary shall compute the excess percentage increase in selected actual state general fund receipts above 2%. Based on such excess percentage of calculated receipt growth, the secretary shall compute the income tax rate reductions to go into effect for the next tax year that would reduce by such certified amount the tax rates during the fiscal year after the next fiscal year according to the provisions of this section, as follows: (A) Rate reductions for individual income tax rates shall be applied to reduce the highest marginal income tax rate applicable to the current tax year, by such excess percentage minus 0.5%, and the lowest marginal income tax rate applicable to the current tax year by such excess percentage plus 0.5%, except that in no case shall such excess percentage plus 0.5% result in an income tax rate increase. In any such computation by the secretary pursuant to this subsection in which the income tax rate for any individual marginal income tax rate is below 0.4%, such rate shall be 0%. Based on all such determinations, the secretary shall reduce individual income tax rates prescribed by K.S.A. 79-32,110, and amendments thereto, as required by this section;

(B) upon all individual marginal income tax rates being reduced to 0% pursuant to the provisions of subsection (a)(1)(A), rate reduction next shall be applied for the surtax on corporations applicable to the current tax year by such excess percentage. In any such computation by the secretary pursuant to this subsection in which the surtax is below 0.4%, such surtax rate shall be 0%. Based on such determination, the secretary shall reduce

1 the surtax on corporations prescribed by K.S.A. 79-32,110, and
2 amendments thereto, as required by this section; and

3 (C) upon the surtax on corporations being reduced to a rate which
4 when combined with the normal tax rate on corporations is equal to or
5 below the combined surtax and normal tax imposed on national banking
6 associations and state banks or is equal to or below the combined surtax
7 and normal tax imposed on trust companies and savings and loan
8 associations, rate reductions shall be proportionately applied for the tax on
9 corporations, the tax on national banking associations and state banks, and
10 the tax on trust companies and savings and loan associations. Such rate
11 reductions shall be first applied to the surtax until reduced to 0% and then
12 applied to the normal tax for each such tax. In any such computation by
13 the secretary pursuant to this subsection in which any such tax is below
14 0.4%, such tax rate shall be 0%. Based on such determination, the
15 secretary shall reduce the surtax and the normal tax on corporations
16 prescribed by K.S.A. 79-32,110, and amendments thereto, the surtax and
17 normal tax on national banking associations and state banks prescribed by
18 K.S.A. 79-1107, and amendments thereto, and the surtax and normal tax
19 on trust companies and savings and loan associations prescribed by K.S.A.
20 79-1108, and amendments thereto, as required by this section.

21 (2) In any fiscal year in which the amount of selected actual state
22 general fund receipts for such fiscal year are 102% or less than the selected
23 actual state general fund receipts from the immediately preceding fiscal
24 year, the director of legislative research shall certify such amount and fact
25 to the secretary of revenue and the director of the budget. Upon receipt of
26 such amount and fact, the secretary of revenue shall not make any
27 adjustment to the income tax rates for that tax year.

28 (b) The secretary of revenue shall report any reduction in income tax
29 rates prescribed by this section to the chairperson of the assessment and
30 taxation committee of the senate, the chairperson of the taxation
31 committee of the house of representatives and the governor, and shall
32 cause notice of any such reduction to be published in the Kansas register
33 prior to September 15 of the calendar year immediately preceding the tax
34 year in which such reduction takes effect.

35 (c) As used in this section, "selected actual state general fund
36 receipts" means receipts from the following taxes and fees: Individual and
37 corporation income taxes imposed under K.S.A. 79-32,110, and
38 amendments thereto, financial institutions privilege taxes imposed under
39 article 11 of chapter 79 of the Kansas Statutes Annotated, and amendments
40 thereto, retail sales taxes imposed under K.S.A. 79-3601 et seq., and
41 amendments thereto, compensating use taxes imposed under K.S.A. 79-
42 3701 et seq., and amendments thereto, cigarette and tobacco product taxes
43 imposed under K.S.A. 79-3301 et seq., and amendments thereto, cereal

1 malt beverage and liquor gallonage taxes imposed under K.S.A. 41-501 et
 2 seq., and amendments thereto, liquor enforcement taxes imposed under
 3 K.S.A. 79-4101 et seq., and amendments thereto, liquor drink taxes
 4 imposed under K.S.A. 79-41a01 et seq., and amendments thereto,
 5 corporation franchise taxes imposed under K.S.A. 79-5401, and
 6 amendments thereto, annual franchise fees charged pursuant to law and
 7 mineral severance taxes imposed under K.S.A. 79-4216 et seq., and
 8 amendments thereto.

9 Sec. 2. K.S.A. 2012 Supp. 79-32,110 is hereby amended to read as
 10 follows: 79-32,110. (a) *Resident Individuals*. Except as otherwise provided
 11 by subsection (a) of K.S.A. 79-3220, and amendments thereto, a tax is
 12 hereby imposed upon the Kansas taxable income of every resident
 13 individual, which tax shall be computed in accordance with the following
 14 tax schedules:

15 (1) *Married individuals filing joint returns.*

16 (A) For tax year 2012:

17 If the taxable income is:	The tax is:
18 Not over \$30,000.....	3.5% of Kansas taxable income
19 Over \$30,000 but not over	\$1,050 plus 6.25% of excess
20 \$60,000.....	over \$30,000
21 Over \$60,000.....	\$2,925 plus 6.45% of excess
22	over \$60,000

23 (B) For tax year 2013, and all tax years thereafter:

24 If the taxable income is:	The tax is:
25 Not over \$30,000.....	3.0% of Kansas taxable income
26 Over \$30,000.....	\$900 plus 4.9% of excess over
27	\$30,000

28 (2) *All other individuals.*

29 (A) For tax year 2012:

30 If the taxable income is:	The tax is:
31 Not over \$15,000.....	3.5% of Kansas taxable income
32 Over \$15,000 but not over	\$525 plus 6.25% of excess
33 \$30,000.....	over \$15,000
34 Over \$30,000.....	\$1,462.50 plus 6.45% of excess
35	over \$30,000

36 (B) For tax year 2013, and all tax years thereafter:

37 If the taxable income is:	The tax is:
38 Not over \$15,000.....	3.0 % of Kansas taxable income
39 Over \$15,000.....	\$450 plus 4.9% of excess over
40	\$15,000

41 (b) *Nonresident Individuals*. A tax is hereby imposed upon the Kansas
 42 taxable income of every nonresident individual, which tax shall be an
 43 amount equal to the tax computed under subsection (a) as if the

1 nonresident were a resident multiplied by the ratio of modified Kansas
2 source income to Kansas adjusted gross income.

3 (c) *Corporations.* A tax is hereby imposed upon the Kansas taxable
4 income of every corporation doing business within this state or deriving
5 income from sources within this state. Such tax shall consist of a normal
6 tax and a surtax and shall be computed as follows:

7 (1) The normal tax shall be in an amount equal to 4% of the Kansas
8 taxable income of such corporation; and

9 (2) (A) for tax year 2008, the surtax shall be in an amount equal to
10 3.1% of the Kansas taxable income of such corporation in excess of
11 \$50,000;

12 (B) for tax years 2009 and 2010, the surtax shall be in an amount
13 equal to 3.05% of the Kansas taxable income of such corporation in excess
14 of \$50,000; and

15 (C) for tax year 2011, and all tax years thereafter, the surtax shall be
16 in an amount equal to 3% of the Kansas taxable income of such
17 corporation in excess of \$50,000.

18 (d) *Fiduciaries.* A tax is hereby imposed upon the Kansas taxable
19 income of estates and trusts at the rates provided in paragraph (2) of
20 subsection (a) hereof.

21 (e) *Tax rates provided in this section shall be adjusted pursuant to the*
22 *provisions of section 1, and amendments thereto.*

23 Sec. 3. K.S.A. 2012 Supp. 79-32,120 is hereby amended to read as
24 follows: 79-32,120. (a) If federal taxable income of an individual is
25 determined by itemizing deductions from such individual's federal
26 adjusted gross income, such individual may elect to deduct the Kansas
27 itemized deduction in lieu of the Kansas standard deduction. The Kansas
28 itemized deduction of an individual means the total amount of deductions
29 from federal adjusted gross income, other than federal deductions for
30 personal exemptions, as provided in the federal internal revenue code with
31 the modifications specified in this section.

32 (b) The total amount of deductions from federal adjusted gross
33 income shall be reduced by the total amount of income taxes imposed by
34 or paid to this state or any other taxing jurisdiction to the extent that the
35 same are deducted in determining the federal itemized deductions and by
36 the amount of all depreciation deductions claimed for any real or tangible
37 personal property upon which the deduction allowed by K.S.A. 2012
38 Supp. 79-32,221, 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250,
39 79-32,255 or 79-32,256, and amendments thereto, is or has been claimed.

40 (c) *For taxable years commencing on or after January 1, 2013, the*
41 *secretary of revenue shall annually establish a ratio for each tax year to*
42 *determine the maximum total amount of deductions from federal adjusted*
43 *gross income that can be claimed by an individual under this section by*

1 *dividing the current highest marginal income tax rate for the applicable*
2 *tax year found in K.S.A. 79-32,110, and amendments thereto, by the*
3 *baseline highest marginal income tax rate of 6.45%. The resulting number,*
4 *rounded up to the nearest two decimal points, shall be the ratio for each*
5 *tax year to be established annually by the secretary of revenue. The ratio*
6 *established by the secretary of revenue under this subsection shall not*
7 *exceed a maximum of 1.00.*

8 (d) *In determining the maximum total amount of deductions from*
9 *federal adjusted gross income that can be claimed by an individual under*
10 *this section, an individual shall multiply the total amount of deductions*
11 *from federal adjusted gross income allowed under this section by the ratio*
12 *established by the secretary of revenue in subsection (c). The resulting*
13 *number shall be the maximum total amount of deductions from federal*
14 *adjusted gross income that can be claimed on the individual's state income*
15 *tax return in lieu of the standard deduction.*

16 ~~Sec. 4. K.S.A. 2012 Supp. 79-3620 is hereby amended to read as~~
17 ~~follows: 79-3620. (a) All revenue collected or received by the director of~~
18 ~~taxation from the taxes imposed by this act shall be remitted to the state~~
19 ~~treasurer in accordance with the provisions of K.S.A. 75-4215, and~~
20 ~~amendments thereto. Upon receipt of each such remittance, the state~~
21 ~~treasurer shall deposit the entire amount in the state treasury, less amounts~~
22 ~~withheld as provided in subsection (b) and amounts credited as provided in~~
23 ~~subsection (c), (d) and (e), to the credit of the state general fund.~~

24 (b) ~~A refund fund, designated as "sales tax refund fund" not to exceed~~
25 ~~\$100,000 shall be set apart and maintained by the director from sales tax~~
26 ~~collections and estimated tax collections and held by the state treasurer for~~
27 ~~prompt payment of all sales tax refunds including refunds authorized~~
28 ~~under the provisions of K.S.A. 79-3635, and amendments thereto. Such~~
29 ~~fund shall be in such amount, within the limit set by this section, as the~~
30 ~~director shall determine is necessary to meet current refunding~~
31 ~~requirements under this act. In the event such fund as established by this~~
32 ~~section is, at any time, insufficient to provide for the payment of refunds~~
33 ~~due claimants thereof, the director shall certify the amount of additional~~
34 ~~funds required to the director of accounts and reports who shall promptly~~
35 ~~transfer the required amount from the state general fund to the sales tax~~
36 ~~refund fund, and notify the state treasurer, who shall make proper entry in~~
37 ~~the records.~~

38 (c) (1) ~~The state treasurer shall credit $\frac{5}{100}$ of the revenue collected or~~
39 ~~received from the tax imposed by K.S.A. 79-3603, and amendments~~
40 ~~thereto, at the rate of 4.9%, and deposited as provided in subsection (a),~~
41 ~~exclusive of amounts credited pursuant to subsection (d), in the state~~
42 ~~highway fund.~~

43 (2) ~~The state treasurer shall credit $\frac{5}{100}$ of the revenue collected or~~

1 ~~received from the tax imposed by K.S.A. 79-3603, and amendments~~
2 ~~thereto, at the rate of 5.3%, and deposited as provided in subsection (a),~~
3 ~~exclusive of amounts credited pursuant to subsection (d), in the state~~
4 ~~highway fund.~~

5 ~~(3) On July 1, 2006, the state treasurer shall credit ¹⁹/₇₂₆₅ of the revenue~~
6 ~~collected and received from the tax imposed by K.S.A. 79-3603, and~~
7 ~~amendments thereto, at the rate of 5.3%, and deposited as provided by~~
8 ~~subsection (a), exclusive of amounts credited pursuant to subsection (d), in~~
9 ~~the state highway fund.~~

10 ~~(4) On July 1, 2007, the state treasurer shall credit ¹³/₇₄₀₆ of the revenue~~
11 ~~collected and received from the tax imposed by K.S.A. 79-3603, and~~
12 ~~amendments thereto, at the rate of 5.3%, and deposited as provided by~~
13 ~~subsection (a), exclusive of amounts credited pursuant to subsection (d), in~~
14 ~~the state highway fund.~~

15 ~~(5) On July 1, 2010, the state treasurer shall credit 11.427% of the~~
16 ~~revenue collected and received from the tax imposed by K.S.A. 79-3603,~~
17 ~~and amendments thereto, at the rate of 6.3%, and deposited as provided by~~
18 ~~subsection (a), exclusive of amounts credited pursuant to subsection (d), in~~
19 ~~the state highway fund.~~

20 ~~(6) On July 1, 2011, the state treasurer shall credit 11.26% of the~~
21 ~~revenue collected and received from the tax imposed by K.S.A. 79-3603,~~
22 ~~and amendments thereto, at the rate of 6.3%, and deposited as provided by~~
23 ~~subsection (a), exclusive of amounts credited pursuant to subsection (d), in~~
24 ~~the state highway fund.~~

25 ~~(7) On July 1, 2012, the state treasurer shall credit 11.233% of the~~
26 ~~revenue collected and received from the tax imposed by K.S.A. 79-3603,~~
27 ~~and amendments thereto, at the rate of 6.3%, and deposited as provided by~~
28 ~~subsection (a), exclusive of amounts credited pursuant to subsection (d), in~~
29 ~~the state highway fund, as well as such revenue collected and received at~~
30 ~~the rate of 6.3%, after June 30, 2013.~~

31 ~~(8) On July 1, 2013, and thereafter, the state treasurer shall credit~~
32 ~~18.421% 11.233% of the revenue collected and received from the tax~~
33 ~~imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.7%,~~
34 ~~and deposited as provided by subsection (a), exclusive of amounts credited~~
35 ~~pursuant to subsection (d), in the state highway fund.~~

36 ~~(9) On July 1, 2015, and thereafter, the state treasurer shall credit~~
37 ~~18.421% of the revenue collected and received from the tax imposed by~~
38 ~~K.S.A. 79-3603, and amendments thereto, at the rate of 5.7%, and~~
39 ~~deposited as provided by subsection (a), exclusive of amounts credited~~
40 ~~pursuant to subsection (d), in the state highway fund.~~

41 ~~(d) The state treasurer shall credit all revenue collected or received~~
42 ~~from the tax imposed by K.S.A. 79-3603, and amendments thereto, as~~
43 ~~certified by the director, from taxpayers doing business within that portion~~

1 ~~of a STAR bond project district occupied by a STAR bond project or~~
2 ~~taxpayers doing business with such entity financed by a STAR bond~~
3 ~~project as defined in K.S.A. 2012 Supp. 12-17,162, and amendments~~
4 ~~thereto, that was determined by the secretary of commerce to be of~~
5 ~~statewide as well as local importance or will create a major tourism area~~
6 ~~for the state or the project was designated as a STAR bond project as~~
7 ~~defined in K.S.A. 2012 Supp. 12-17,162, and amendments thereto, to the~~
8 ~~city bond finance fund, which fund is hereby created. The provisions of~~
9 ~~this subsection shall expire when the total of all amounts credited~~
10 ~~hereunder and under subsection (d) of K.S.A. 79-3710, and amendments~~
11 ~~thereto, is sufficient to retire the special obligation bonds issued for the~~
12 ~~purpose of financing all or a portion of the costs of such STAR bond~~
13 ~~project.~~

14 ~~(e) All revenue certified by the director of taxation as having been~~
15 ~~collected or received from the tax imposed by subsection (c) of K.S.A. 79-~~
16 ~~3603, and amendments thereto, on the sale or furnishing of gas, water,~~
17 ~~electricity and heat for use or consumption within the intermodal facility~~
18 ~~district described in this subsection, shall be credited by the state treasurer~~
19 ~~to the state highway fund. Such revenue may be transferred by the~~
20 ~~secretary of transportation to the rail service improvement fund pursuant to~~
21 ~~law. The provisions of this subsection shall take effect upon certification~~
22 ~~by the secretary of transportation that a notice to proceed has been~~
23 ~~received for the construction of the improvements within the intermodal~~
24 ~~facility district, but not later than December 31, 2010, and shall expire~~
25 ~~when the secretary of revenue determines that the total of all amounts~~
26 ~~credited hereunder and pursuant to subsection (c) of K.S.A. 79-3710, and~~
27 ~~amendments thereto, is equal to \$53,300,000, but not later than December~~
28 ~~31, 2045. Thereafter, all revenues shall be collected and distributed in~~
29 ~~accordance with applicable law. For all tax reporting periods during which~~
30 ~~the provisions of this subsection are in effect, none of the exemptions~~
31 ~~contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply~~
32 ~~to the sale or furnishing of any gas, water, electricity and heat for use or~~
33 ~~consumption within the intermodal facility district. As used in this~~
34 ~~subsection, "intermodal facility district" shall consist of an intermodal~~
35 ~~transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and~~
36 ~~amendments thereto, located in Johnson county within the polygonal-~~
37 ~~shaped area having Waverly Road as the eastern boundary, 191st Street as~~
38 ~~the southern boundary, Four Corners Road as the western boundary, and~~
39 ~~Highway 56 as the northern boundary, and the polygonal-shaped area~~
40 ~~having Poplar Road as the eastern boundary, 183rd Street as the southern~~
41 ~~boundary, Waverly Road as the western boundary, and the BNSF mainline~~
42 ~~track as the northern boundary, that includes capital investment in an~~
43 ~~amount exceeding \$150 million for the construction of an intermodal~~

~~1 facility to handle the transfer, storage and distribution of freight through
2 railway and trucking operations.~~

~~3 Sec. 5. K.S.A. 2012 Supp. 79-3710 is hereby amended to read as
4 follows: 79-3710. (a) All revenue collected or received by the director
5 under the provisions of this act shall be remitted to the state treasurer in
6 accordance with the provisions of K.S.A. 75-4215, and amendments
7 thereto. Upon receipt of each such remittance, the state treasurer shall
8 deposit the entire amount in the state treasury, less amounts set apart as
9 provided in subsection (b) and amounts credited as provided in subsection
10 (c), (d) and (e), to the credit of the state general fund.~~

~~11 (b) A revolving fund, designated as "compensating tax refund fund"
12 not to exceed \$10,000 shall be set apart and maintained by the director
13 from compensating tax collections and estimated tax collections and held
14 by the state treasurer for prompt payment of all compensating tax refunds.
15 Such fund shall be in such amount, within the limit set by this section, as
16 the director shall determine is necessary to meet current refunding
17 requirements under this act.~~

~~18 (c) (1) The state treasurer shall credit $\frac{5}{728}$ of the revenue collected or
19 received from the tax imposed by K.S.A. 79-3703, and amendments
20 thereto, at the rate of 4.9%, and deposited as provided in subsection (a),
21 exclusive of amounts credited pursuant to subsection (d), in the state
22 highway fund.~~

~~23 (2) The state treasurer shall credit $\frac{5}{7106}$ of the revenue collected or
24 received from the tax imposed by K.S.A. 79-3703, and amendments
25 thereto, at the rate of 5.3%, and deposited as provided in subsection (a),
26 exclusive of amounts credited pursuant to subsection (d), in the state
27 highway fund.~~

~~28 (3) On July 1, 2006, the state treasurer shall credit $\frac{19}{7265}$ of the revenue
29 collected or received from the tax imposed by K.S.A. 79-3703, and
30 amendments thereto, at the rate of 5.3%, and deposited as provided by
31 subsection (a), exclusive of amounts credited pursuant to subsection (d), in
32 the state highway fund.~~

~~33 (4) On July 1, 2007, the state treasurer shall credit $\frac{13}{7106}$ of the revenue
34 collected or received from the tax imposed by K.S.A. 79-3703, and
35 amendments thereto, at the rate of 5.3%, and deposited as provided by
36 subsection (a), exclusive of amounts credited pursuant to subsection (d), in
37 the state highway fund.~~

~~38 (5) On July 1, 2010, the state treasurer shall credit 11.427% of the
39 revenue collected and received from the tax imposed by K.S.A. 79-3703,
40 and amendments thereto, at the rate of 6.3%, and deposited as provided by
41 subsection (a), exclusive of amounts credited pursuant to subsection (d), in
42 the state highway fund.~~

~~43 (6) On July 1, 2011, the state treasurer shall credit 11.26% of the~~

~~revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(7) On July 1, 2012, the state treasurer shall credit 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 6.3%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund, as well as such revenue collected and received at the rate of 6.3%, after June 30, 2013.~~

~~(8) On July 1, 2013, and thereafter, the state treasurer shall credit 18.421% 11.233% of the revenue collected and received from the tax imposed by K.S.A. 79-3703, and amendments thereto, at the rate of 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(9) On July 1, 2015, and thereafter, the state treasurer shall credit 18.421% of the revenue collected and received from the tax imposed by K.S.A. 79-3603, and amendments thereto, at the rate of 5.7%, and deposited as provided by subsection (a), exclusive of amounts credited pursuant to subsection (d), in the state highway fund.~~

~~(d) The state treasurer shall credit all revenue collected or received from the tax imposed by K.S.A. 79-3703, and amendments thereto, as certified by the director, from taxpayers doing business within that portion of a redevelopment district occupied by a redevelopment project that was determined by the secretary of commerce to be of statewide as well as local importance or will create a major tourism area for the state as defined in K.S.A. 12-1770a, and amendments thereto, to the city bond finance fund created by subsection (d) of K.S.A. 79-3620, and amendments thereto. The provisions of this subsection shall expire when the total of all amounts credited hereunder and under subsection (d) of K.S.A. 79-3620, and amendments thereto, is sufficient to retire the special obligation bonds issued for the purpose of financing all or a portion of the costs of such redevelopment project.~~

~~This subsection shall not apply to a project designated as a special bond project as defined in subsection (z) of K.S.A. 12-1770a, and amendments thereto.~~

~~(e) All revenue certified by the director of taxation as having been collected or received from the tax imposed by subsection (c) of K.S.A. 79-3603, and amendments thereto, on the sale or furnishing of gas, water, electricity and heat for use or consumption within the intermodal facility district described in this subsection, shall be credited by the state treasurer to the state highway fund. Such revenue may be transferred by the secretary of transportation to the rail service improvement fund pursuant to~~

1 ~~law. The provisions of this subsection shall take effect upon certification~~
2 ~~by the secretary of transportation that a notice to proceed has been~~
3 ~~received for the construction of the improvements within the intermodal~~
4 ~~facility district, but not later than December 31, 2010, and shall expire~~
5 ~~when the secretary of revenue determines that the total of all amounts~~
6 ~~credited hereunder and pursuant to subsection (c) of K.S.A. 79-3620, and~~
7 ~~amendments thereto, is equal to \$53,300,000, but not later than December~~
8 ~~31, 2045. Thereafter, all revenues shall be collected and distributed in~~
9 ~~accordance with applicable law. For all tax reporting periods during which~~
10 ~~the provisions of this subsection are in effect, none of the exemptions~~
11 ~~contained in K.S.A. 79-3601 et seq., and amendments thereto, shall apply~~
12 ~~to the sale or furnishing of any gas, water, electricity and heat for use or~~
13 ~~consumption within the intermodal facility district. As used in this~~
14 ~~subsection, "intermodal facility district" shall consist of an intermodal~~
15 ~~transportation area as defined by subsection (oo) of K.S.A. 12-1770a, and~~
16 ~~amendments thereto, located in Johnson county within the polygonal-~~
17 ~~shaped area having Waverly Road as the eastern boundary, 191st Street as~~
18 ~~the southern boundary, Four Corners Road as the western boundary, and~~
19 ~~Highway 56 as the northern boundary, and the polygonal-shaped area~~
20 ~~having Poplar Road as the eastern boundary, 183rd Street as the southern~~
21 ~~boundary, Waverly Road as the western boundary, and the BNSF mainline~~
22 ~~track as the northern boundary, that includes capital investment in an~~
23 ~~amount exceeding \$150 million for the construction of an intermodal~~
24 ~~facility to handle the transfer, storage and distribution of freight through~~
25 ~~railway and trucking operations.~~

26 ~~Sec. 6{4.} K.S.A. 2012 Supp. 79-32,110; {and} 79-32,120; 79-3620~~
27 ~~and 79-3710 are hereby repealed.~~

28 ~~Sec. 7{5.} This act shall take effect and be in force from and after its~~
29 ~~publication in the statute book.~~