

Statement of James F. Duncan regarding Kansas income taxation of social security benefits.

I live at 29 Compton Ct. in Prairie Village. I am not an accountant or paid tax preparer. I was a volunteer tax preparer in the TaxAide program for nine years ending in 2015. TaxAide is a national program sponsored by the IRS and AARP for the purpose of providing free income tax preparation services for seniors and others, usually low income tax payers. It has offices in Kansas and prepares thousands of returns for Kansas tax payers each tax season. The volunteers receive training each January for the upcoming tax season. I have not received the training since 2015, and am not knowledgeable on the 2017 federal tax act.

I married in 2017 and we filed joint federal and Kansas income tax returns for tax year 2017. The returns were prepared by accountants. When I reviewed the returns before they were filed, I saw the Kansas return did not reduce our income by the amount of the social security payments taxed on the federal return. This reduction had been taken on my individual returns filed for the tax years before my marriage. The accountants told me we could not take the reduction because the total reported income for my wife and I exceeded \$75,000. This cap was not exceeded when I was single. My wife and I reported social security receipts on our federal return of \$52,656, of which \$44,758 was taxed income. Our Kansas adjusted gross income was increased \$44,758, because of the cap, resulting in a substantial increase in the tax we owed Kansas.

I suggest fairness dictates the \$75,000 cap applicable to a single tax payer should be doubled when there are two joint tax payers. Otherwise, we have a marriage penalty. Dated: February 15, 2019