

INSTRUCTIONS FOR SCHEDULE K-57

GENERAL INFORMATION

K.S.A. 40-2246 allows an income tax credit to those employers that make contributions to a health savings account of an eligible covered employee after December 31, 2004. The credit is \$70 per month per eligible covered employee for the first 12 months of participation, \$50 per month per eligible covered employee for the next 12 months of participation and \$35 per month per eligible covered employee for the next 12 months of participation.

Any small employer as defined by K.S.A. 40-2209d that has between 2 and 50 employees may establish a small employer health benefit plan for the purpose of providing a health benefit plan as described under K.S.A. 40-2240 covering such employer's eligible employees and such employees' family members. For those plans established **prior to January 1, 2005**, a certificate issued by the Commissioner of Insurance entitling a "small employer" to claim the tax credit authorized by K.S.A. 40-2246 must have been obtained.

An eligible employee is one who is employed for an average of at least 30 hours per week and elects to participate in one of the benefit plans provided under this act, and includes individuals who are sole proprietors, business partners, and limited partners who own the business. The term "eligible employee" does not include: 1) individuals engaged as independent contractors; 2) individuals whose periods of employment are on an intermittent or irregular basis; or, 3) individuals who have been employed by the employer for fewer than 90 days.

A health savings account means a trust created or organized in the United States as a health savings account exclusively for the purpose of paying the qualified medical expenses of the account beneficiary, but only if the written governing instrument creating the trust meets the requirements specified by the medicare, prescription drug, improvement and modernization act of 2003, Pub. L. No. 108-173, 117 Stat. 2067.

As a condition to participate as a member of any small employer health benefit plan, an employer shall have not contributed within the preceding two years to any health insurance premium or health savings account on behalf of an employee who is to be covered by the employer's contribution other than a contribution by an employer to a health insurance premium or health savings account within the preceding two years solely for the benefit of the employer or the employer's dependents.

If the credit exceeds the current year's tax liability, the unused portion shall be refunded to the taxpayer.

Addition Modification Required: The employer must reduce any expense deduction that is included in federal taxable income for the tax year by the dollar amount of the credit.

Please retain your monthly insurance billings with your records as KDOR (Kansas Department of Revenue) reserves the right to request additional information as necessary.

SPECIFIC LINE INSTRUCTIONS

Complete the information at the top of the schedule.

PART A – COMPUTATION OF ELIGIBLE EMPLOYEE AMOUNT

Complete the appropriate schedule. If the employer established this plan after 12/31/04, complete Schedule I. If the employer established this plan prior to 1/1/05, complete Schedule II.

LINES 1-12 – Schedule I (Plans after 12/31/04)

Column (a): Enter the number of eligible employees covered by this plan for each month of the employer's tax year.

Column (b): If you established or made contributions during this tax year which constitutes the FIRST 12 MONTHS of participation, multiply the number of eligible employees for each month of participation by the lesser of \$70 or the actual amount paid per employee.

Column (c): If you established or made contributions during this tax year which constitutes the NEXT 12 MONTHS of participation, multiply the number of eligible employees for each month of participation by the lesser of \$50 or the actual amount paid per employee.

Column (d): If you established or made contributions during this tax year which constitutes the NEXT 12 MONTHS of participation, multiply the number of eligible employees for each month of participation by the lesser of \$35 or the actual amount paid per employee. The total of b, c & d should only be 12 months.

LINES 1-12 – Schedule II (Plans prior to 1/1/05)

Column (e): Enter the number of eligible employees covered by this plan for each month of the employer's tax year.

Column (f): Multiply the number of eligible employees for each month by \$35.

LINE 13 – Add lines 1 through 12. If the plan was established after December 31, 2004 and you have completed Schedule I, proceed to line 18. If the plan was established prior to January 1, 2005 and you have completed Schedule II, proceed to line 14.

LINE 14 – Enter your total health insurance premium or health savings account contributions for covered employees during the tax period. Review your health insurance billings for this particular tax year to obtain your cost.

LINE 15 – Multiply line 14 by 50%. This is the maximum credit allowed.

LINE 16 – Enter the lesser of line 13, column (f) or line 15.

LINE 17 – Check the appropriate box for the number of tax years you have participated in this credit.

PART B – COMPUTATION OF CREDIT

LINES 18a & 18b – If the plan was established after December 31, 2004 and you have completed Schedule I, enter the amount from line 13, columns (b), (c), and/or (d). If the plan was established prior to January 1, 2005 and you have completed Schedule II, multiply line 16 by the appropriate percentage from line 17.

Form K-120 filers – skip lines 19-23 of this schedule. The following lines are for Form K-40 and Form K-41 filers only.

LINE 19 – Partners, shareholders or members must enter their proportionate share percentage in the partnership, S corporation, LLC, etc.

LINES 20a & 20b – Multiply line 18a by line 19 and enter the result on line 20a. Multiply amount on line 20a by 90% (.90) and enter the result on line 20b. This is your share of the credit for this year.

LINES 21a & 21b – Enter on line 21a your total Kansas tax liability for this tax year to be applied against this credit. Multiply the amount on line 21a by 90% (.90) and enter the result on line 21b.

LINE 22 – Enter the lesser of line 20b or line 21b. Also, enter this amount on the appropriate line of Form K-40 or Form K-41.

PART C – COMPUTATION OF REFUND

LINE 23 – Subtract line 22 from line 20b. This is the amount of excess credit to be refunded on this year's return. Enter this amount on the appropriate line of Form K-40 or Form K-41.

TAXPAYER ASSISTANCE

For assistance and information on establishing a Small Employer Health Benefit Plan, call the Insurance Commissioner's office at (785) 296-7850. For assistance with Schedule K-57, call KDOR at (785) 368-8222.