

2023 Kansas Statutes

74-50,319. Sales tax exemption for qualified firms or qualified suppliers; eligibility; certification of eligibility by secretary of commerce; agreement; notice by secretary of commerce to secretary of revenue; expiration of exemption; certification by secretary of commerce required; revocation; breach of agreement, repayment. (a) On and after the effective date of this act, a qualified firm or a qualified supplier that meets the requirements of K.S.A. 2023 Supp. 74-50,312, and amendments thereto, and this section may be eligible for a sales tax exemption under the provisions of K.S.A. 79-3606(oooo), and amendments thereto.

(b) (1) Qualified firms that satisfy the requirements set forth in subsection (c) shall qualify for the sales tax exemption commencing on the date the qualified firm commences construction of the qualified business facility, as determined by the secretary of commerce, or an earlier date if agreed by the secretary and incorporated into the agreement pursuant to K.S.A. 2023 Supp. 74-50,312, and amendments thereto.

(2) Qualified suppliers that satisfy the requirements set forth in subsection (c) shall qualify for the sales tax exemption commencing on the date that the qualified firm selected the qualified supplier for benefit eligibility pursuant to K.S.A. 2023 Supp. 74-50,312, and amendments thereto. The secretary of commerce shall certify to the secretary of revenue that a qualified supplier is eligible and the date of eligibility of the qualified supplier.

(c) To be eligible to receive the sales tax exemption, the qualified firm or qualified supplier shall have been approved by and entered into an agreement with the secretary for a qualified investment in a qualified business facility including, with respect to a qualified firm, a requirement of an investment of at least \$1,000,000,000 pursuant to the requirements of K.S.A. 2023 Supp. 74-50,312, and amendments thereto. The secretary of commerce shall provide notice to the secretary of revenue regarding an approval of a sales tax exemption under this section. The sales tax exemption shall be valid until construction of the qualified business facility has been completed as certified by the secretary of commerce to the secretary of revenue or the date specified for completion of the qualified business facility in the agreement executed pursuant to K.S.A. 2023 Supp. 74-50,312, and amendments thereto, whichever occurs first. No sales tax exemption shall be issued by the secretary of revenue unless the qualified firm or the qualified supplier has been certified by the secretary of commerce, as provided in K.S.A. 2023 Supp. 74-50,312, and amendments thereto, as meeting all requirements of this act, the rules and regulations of the secretary, if any, and the agreement executed pursuant to K.S.A. 2023 Supp. 74-50,312, and amendments thereto.

(d) A sales tax exemption shall be revoked by the secretary of revenue upon notification by the secretary of commerce that the qualified firm or qualified supplier has been disapproved by the secretary of commerce.

(e) If the qualified firm or qualified supplier breaches the terms and conditions of the agreement pursuant to K.S.A. 2023 Supp. 74-50,312, and amendments thereto, the amount of sales tax exempted shall be repaid to the state as provided by K.S.A. 2023 Supp. 74-50,312, and amendments thereto.

History: L. 2022, ch. 3, § 9; February 10.