

74-50,213. Application process; agreement with secretary of commerce; participation in other programs; limitation on total amount of benefits. (a) Any qualified company meeting the requirements of K.S.A. 2016 Supp. 74-50,212, and amendments thereto, may apply to the secretary for benefits under this act. The application shall be submitted on a form and in a manner prescribed by the secretary, and shall include: (1) Evidence that the applicant is a qualified company; and (2) evidence that the applicant meets the requirements of K.S.A. 2016 Supp. 74-50,212, and amendments thereto.

(b) The secretary may either approve or disapprove the application. Any qualified company whose application is approved shall be eligible to receive benefits under this act as of the date such qualified company enters into an agreement with the secretary in accordance with this section.

(c) Upon approval of an application for benefits under this act, the secretary may enter into an agreement with the qualified company for benefits under this act. If necessary, the secretary may also enter into an agreement with any third party described in subsection (a) of K.S.A. 2016 Supp. 74-50,212, and amendments thereto, or such third party may be a party to the agreement between the qualified company and the secretary. The agreement shall commit the secretary to certify to the secretary of revenue: (1) That the qualified company is eligible to receive benefits under this act; (2) the number of new employees hired by the qualified company; and (3) the amount of gross wages being paid to each new employee.

(d) The agreement between the qualified company and the secretary shall be entered into before any benefits may be provided under this act, and shall specify that should the qualified company fail to comply with the terms and conditions set forth in the agreement, or fails to comply with the provisions set forth in this act, the secretary may terminate the agreement, and the qualified company shall not be entitled to any further benefits provided under this act and shall be required to remit to the state an amount equal to the aggregate Kansas payroll withholding taxes retained by the qualified company, or remitted to the qualified company by a third party, pursuant to this act as of the date the agreement is terminated.

(e) A qualified company that is already receiving benefits pursuant to this act may apply to the secretary for additional benefits if the qualified company meets the requirements of K.S.A. 2016 Supp. 74-50,212, and amendments thereto.

(f) A qualified company seeking benefits shall be allowed to participate in the IMPACT program pursuant to K.S.A. 74-50,102 et seq., and amendments thereto, but shall not be allowed to participate in any other program in which any portion of such qualified company's Kansas payroll withholding taxes have been pledged to finance indebtedness or transferred to or for the benefit of such company. A qualified company shall not be allowed to claim any credits under K.S.A. 79-32,153, 79-32,160a or 79-32,182b, and amendments thereto, if such credits would otherwise be earned for the hiring of new employees and the qualified company has retained any Kansas payroll withholding taxes from wages of such employees. A qualified company shall not be eligible to receive benefits under K.S.A. 2016 Supp. 74-50,212, and amendments thereto, and under K.S.A. 74-50,102 et seq., and amendments thereto, for the same new employees.

(g) (1) Under no circumstances shall the total amount of benefits received by the aggregate of all expanding businesses, as such term is defined in K.S.A. 2016 Supp. 74-50,211, and amendments thereto, under this act exceed \$4,800,000 in the fiscal year commencing on July 1, 2011, \$6,000,000 in the fiscal year commencing on July 1, 2012, \$12,000,000 in the fiscal year commencing on July 1, 2013, \$18,000,000 in the fiscal year commencing on July 1, 2014, \$24,000,000 in the fiscal year commencing on July 1, 2015, \$30,000,000 in the fiscal year commencing on July 1, 2016, \$36,000,000 in the fiscal year commencing on July 1, 2017, and \$42,000,000 in any fiscal year commencing on or after July 1, 2018.

(2) Under no circumstances shall the total amount of benefits received by the aggregate of businesses under subsections (e) or (f) of K.S.A. 2016 Supp. 74-50,212, and amendments thereto, exceed \$1,200,000 in the fiscal year commencing on July 1, 2012, \$2,400,000 in the fiscal year commencing on July 1, 2013, \$1,200,000 in the fiscal year commencing on July 1, 2014, \$1,200,000 in the fiscal year commencing on July 1, 2015, \$1,200,000 in the fiscal year commencing on July 1, 2016, and \$1,200,000 in the fiscal year commencing on July 1, 2017.

(h) The secretary shall adopt rules and regulations necessary to implement and administer the provisions of this act.

History: L. 2009, ch. 104, § 4; L. 2010, ch. 144, § 5; L. 2011, ch. 115, § 12; L. 2014, ch. 136, § 2; July 1.