

2021 Kansas Statutes

74-50,211. **Definitions.** As used in this act, unless the context otherwise requires:

- (a) "Act" means the provisions of K.S.A. 74-50,210 through 74-50,219, and amendments thereto.
- (b) "County median wage" means the median wage paid to employees located in the county where the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.
- (c) "Department" means the department of commerce.
- (d) "Expanding business" means the expansion of an existing business facility, office, department or other operation located in the state of Kansas and locating in Kansas the jobs directly related to such business facility, office, department or other operation.
- (e) "High-impact project" means a business development project for which the qualified company shall meet the requirements of subsection (c) of K.S.A. 74-50,212, and amendments thereto.
- (f) "Metropolitan county" means the county of Douglas, Johnson, Leavenworth, Sedgwick, Shawnee or Wyandotte.
- (g) "NAICS" means the North American industry classification system.
- (h) "NAICS code industry average wage" means the average wage paid to employees of companies classified in the same NAICS code as the qualified company for the region in which the qualified company intends to employ new employees as reported by the department of labor in its annual report for the previous year.
- (i) "New business" means a facility, plant, division, office, department, production line, production shift or other business operations of a company that was not doing business in Kansas prior to the submission of an application for benefits under this act and that provides documentation of such to the satisfaction of the secretary.
- (j) "New employee" means a person newly employed by the qualified company in the qualified company's business operating in Kansas during the taxable year for which benefits are sought under K.S.A. 74-50,212, and amendments thereto. A person shall be deemed to be so engaged if such person performs duties in Kansas in connection with the operation of the Kansas business on: (1) A regular, full-time basis; or (2) a part-time basis, provided such person is customarily performing such duties at least 20 hours per week throughout the taxable year. Employees performing functions directly related to a relocating, expanding, or new business facility, office, department or other operation shall be considered new employees.
- (k) "Non-metropolitan county" means any county that is not a metropolitan county.
- (l) (1) (A) "Qualified company" means any for-profit corporation, partnership or other entity making available to its full-time employees adequate health insurance coverage and paying at least 50% of the premium for such health insurance, which meets the requirements of K.S.A. 74-50,212, and amendments thereto, and submits an application for benefits meeting requirements established by the secretary.
(B) "Qualified company" also includes any not-for-profit corporation which locates within the state of Kansas a regional, national or international headquarters and which meets the requirements of subparagraph (A).
- (2) "Qualified company" shall not include any corporation, partnership or other entity: (A) Which is identified by any of the following NAICS code groups, sectors or subsectors:
 - (i) Industry group 7132 or 8131;
 - (ii) sectors 44, 45, 61, 92 or 221 (including water and sewer services); or
 - (iii) subsector 722;

(B) which is a bioscience company, as defined in K.S.A. 74-99b33, and amendments thereto;
(C) which is delinquent in the payment of any nonprotested taxes or any other amounts due to the federal government, the state of Kansas or any other political taxing subdivision;
or

(D) which has filed for or has publicly announced its intention to file for bankruptcy protection.

(3) Notwithstanding any provision of this subsection, except for paragraphs (2)(B), (C) and (D), a company may be deemed a qualified company if such company's headquarters or administrative offices located in this state serve an international or multi-state territory and such company meets the requirements of K.S.A. 74-50,212, and amendments thereto.

(m) "Retained job" means an existing job which will be lost without participation by the employer under the provisions of the promoting employment across Kansas act.

(n) "Secretary" means the secretary of the department of commerce.

History: L. 2009, ch. 104, § 2; L. 2010, ch. 144, § 3; L. 2011, ch. 115, § 10; July 1.