

As Amended by House Committee

Session of 2009

HOUSE BILL No. 2388

By Committee on Taxation

3-19

10 AN ACT concerning the county business restoration assistance program;
11 amending K.S.A. 2008 Supp. 75-3713e and repealing the existing
12 section.
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 2008 Supp. 75-3713e is hereby amended to read
16 as follows: 75-3713e. (a) There is hereby established the county business
17 restoration assistance program which shall be implemented and admin-
18 istered by the secretary of revenue in accordance with this section. The
19 program is established for the purpose of assisting businesses that were
20 in operation in a county which was struck by the tornado and other severe
21 weather in Kansas on May 4, 2007, which had damage and destruction
22 to governmental buildings and facilities to the extent that there was a
23 complete interruption of all governmental services provided by a major
24 town and the county government, and which suffered a major loss of the
25 property tax base for the county of 25% or more, and that were damaged
26 by such tornado and other severe storms on May 4, 2007, to rebuild
27 business facilities, to acquire business machinery and equipment, and to
28 reestablish jobs in such county for such businesses.

29 (b) The assistance payments under the program shall be available
30 only for qualifying businesses as defined by this section. The program
31 shall provide investment assistance payments and job restoration assis-
32 tance payments that are applied for during the period commencing on
33 the effective date of this act through June 30, 2008.

34 (c) Each investment assistance payment shall be an amount of not
35 more than 10% of a qualifying investment made to rebuild or replace the
36 building or structure or to replace the business machinery and equipment
37 in the county. In accordance with policies adopted by the secretary of
38 revenue, the investment assistance payment shall be for the purpose of
39 assisting the business recover from the damage sustained from the storm
40 on May 4, 2007. To be a qualifying investment under this program, the
41 investment must be made between May 4, 2007, and June 30, ~~2008~~ 2010.

42 (d) Each job restoration assistance payment shall be an amount of
43 not more than \$3,500 per full-time-equivalent job for an employee the

1 applicant business hires back in the county. In accordance with policies
2 adopted by the secretary of revenue, the job restoration assistance pay-
3 ment shall be for the purpose of assisting the business recover from the
4 damages sustained from the storm on May 4, 2007.

5 (e) As used in this section:

6 (1) “Business facility” means a building or structure used in business
7 operations located within the county;

8 (2) “business machinery and equipment” means the real and tangible
9 personal property permanently and physically located at a business facility
10 and used in the business operations and shall not include (A) mobile
11 equipment, such as motor vehicles, or (B) any items held for sale, such
12 as business inventory;

13 (3) “qualifying business” means a business that was in existence and
14 in operation providing goods or services within a county, which was struck
15 by the tornado and other severe weather in Kansas on May 4, 2007, which
16 had damage and destruction to governmental buildings and facilities to
17 the extent that there was a complete interruption of all governmental
18 services provided by a major town and the county government, and which
19 suffered a major loss of the property tax base for the county of 25% or
20 more, and that was damaged by the tornado and other severe storms that
21 struck Kansas on May 4, 2007; and

22 (4) “qualifying job” means a job with a qualifying business that was
23 lost as a result of damage sustained by the tornado and other severe
24 storms that struck Kansas on May 4, 2007, that is restored and filled by
25 an employee hired back in the county between May 4, 2007, and June
26 30, ~~2008~~ [2010], and shall not include any part-time job that provides
27 the employee with less than 20 hours per week of paid employment.

28 (f) In accordance with the provisions of this section, the secretary of
29 revenue shall adopt policies and procedures for the implementation and
30 administration of the county business restoration assistance program and
31 shall present such information to the state finance council requesting
32 approval to make expenditures from the state emergency fund for assis-
33 tance payments under the program in accordance with the proposed im-
34 plementation and administration of the program. Upon approval of the
35 state finance council by the affirmative vote of the governor and by a
36 majority vote of the legislative members of the state finance council, act-
37 ing on this matter which is hereby characterized as a matter of legislative
38 delegation and subject to the guidelines prescribed in subsection (c) of
39 K.S.A. 75-3711c, and amendments thereto, and subject to the limitation
40 that not more than \$5,000,000 may be approved by the state finance
41 council to be expended from the state emergency fund for such payments,
42 the director of the budget shall certify to the director of accounts and
43 reports the amount approved by the state finance council for expenditure

- 1 by the department of revenue for such assistance payments from the state
- 2 emergency fund.
- 3 Sec. 2. K.S.A. 2008 Supp. 75-3713e is hereby repealed.
- 4 Sec. 3. This act shall take effect and be in force from and after its
- 5 publication in the Kansas register.