

Eligibility

Session of 2022

HOUSE BILL No. 2464

By Representatives Waymaster, Rahjes, A. Smith and Wasinger

1-5

1 AN ACT concerning sales and compensating use tax; relating to
2 exemptions; providing an exemption for reconstructing, repairing or
3 replacing certain fencing damaged or destroyed by wildfires; amending
4 K.S.A. 79-3606d and repealing the existing section.
5

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

7 Section 1. K.S.A. 79-3606d is hereby amended to read as follows: 79-
8 3606d. (a) The following shall be exempt from the tax imposed by the
9 Kansas retailers' sales tax act: All sales of tangible personal property and
10 services purchased ~~during calendar years 2017 and 2018~~ on and after
11 January 1, 2021, necessary to reconstruct, repair or replace any fence that
12 was damaged or destroyed by wildfires ~~occurring during calendar years~~
13 ~~2016 and 2017~~ on and after January 1, 2021, and the purpose for which is
14 to enclose land devoted to agricultural use. ¹ Sales tax paid on and after
15 January 1, ~~2017~~ 2021, upon the gross receipts received from any such sale
16 shall be refunded. Each claim for a sales tax refund shall be verified and
17 submitted to the director of taxation upon forms furnished by the director
18 and shall be accompanied by any additional documentation required by the
19 director. The director shall review each claim and shall refund that amount
20 of sales tax paid as determined under the provisions of this section. All
21 refunds shall be paid from the sales tax refund fund upon warrants of the
22 director of accounts and reports pursuant to vouchers approved by the
23 director or the director's designee. Any person reconstructing, repairing or
24 replacing such property, or any person who shall contract for the
25 reconstruction, repair or replacement of any such property shall obtain
26 from the state an exemption certificate for the project involved. The
27 certificate shall be furnished to the person or contractor to purchase
28 materials and lease machinery and equipment for such project. The person
29 or contractor shall furnish the number of such certificate to all suppliers
30 from whom such purchases are made, and such suppliers shall execute
31 invoices covering the same bearing the number of such certificate. Upon
32 completion of the project the contractor shall furnish to the person that
33 obtained the exemption certificate, a sworn statement, on a form to be
34 provided by the director of taxation, that all purchases so made were
35 entitled to exemption under this subsection.

36 (b) The provisions of this section shall be ~~deemed to be a part of and~~

wildfire, flood, tornado or other natural disaster

(b) A taxpayer shall be eligible for the exemption pursuant to this section if the affected property containing the damaged or destroyed fencing is located within an area declared to be a disaster by the federal, state or local government.

(c)

(d) As used in this section, "wildfire" means a fire that spreads rapidly over grassland, woodland or brush creating unwanted and unplanned destruction.

(e)

- 1 supplemental to the Kansas retailers' sales tax act.
- 2 Sec. 2. K.S.A. 79-3606d is hereby repealed.
- 3 Sec. 3. This act shall take effect and be in force from and after its
- 4 publication in the Kansas register.