

HOUSE BILL No. 2783

By Committee on Taxation

3-9

1 AN ACT concerning sales taxation; relating to exemptions; amending
2 K.S.A. 2011 Supp. 79-3606 and repealing the existing section; also
3 repealing K.S.A. 2011 Supp. 79-3606g.
4

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

6 Section 1. K.S.A. 2011 Supp. 79-3606 is hereby amended to read as
7 follows: 79-3606. The following shall be exempt from the tax imposed by
8 this act:

9 (a) All sales of motor-vehicle fuel or other articles upon which a sales
10 or excise tax has been paid, not subject to refund, under the laws of this
11 state except cigarettes as defined by K.S.A. 79-3301, and amendments
12 thereto, cereal malt beverages and malt products as defined by K.S.A. 79-
13 3817, and amendments thereto, including wort, liquid malt, malt syrup and
14 malt extract, which is not subject to taxation under the provisions of
15 K.S.A. 79-41a02, and amendments thereto, motor vehicles taxed pursuant
16 to K.S.A. 79-5117, and amendments thereto, tires taxed pursuant to K.S.A.
17 65-3424d, and amendments thereto, drycleaning and laundry services
18 taxed pursuant to K.S.A. 65-34,150, and amendments thereto, and gross
19 receipts from regulated sports contests taxed pursuant to the Kansas
20 professional regulated sports act, and amendments thereto;

21 (b) all sales of tangible personal property or service, including the
22 renting and leasing of tangible personal property, purchased directly by the
23 state of Kansas, a political subdivision thereof, other than a school or
24 educational institution, or purchased by a public or private nonprofit
25 hospital or public hospital authority or nonprofit blood, tissue or organ
26 bank and used exclusively for state, political subdivision, hospital or
27 public hospital authority or nonprofit blood, tissue or organ bank purposes,
28 except when: (1) Such state, hospital or public hospital authority is
29 engaged or proposes to engage in any business specifically taxable under
30 the provisions of this act and such items of tangible personal property or
31 service are used or proposed to be used in such business, or (2) such
32 political subdivision is engaged or proposes to engage in the business of
33 furnishing gas, electricity or heat to others and such items of personal
34 property or service are used or proposed to be used in such business;

35 (c) all sales of tangible personal property or services, including the
36 renting and leasing of tangible personal property, purchased directly by a

1 public or private elementary or secondary school or public or private
2 nonprofit educational institution and used primarily by such school or
3 institution for nonsectarian programs and activities provided or sponsored
4 by such school or institution or in the erection, repair or enlargement of
5 buildings to be used for such purposes. The exemption herein provided
6 shall not apply to erection, construction, repair, enlargement or equipment
7 of buildings used primarily for human habitation;

8 (d) all sales of tangible personal property or services purchased by a
9 contractor for the purpose of constructing, equipping, reconstructing,
10 maintaining, repairing, enlarging, furnishing or remodeling facilities for
11 any public or private nonprofit hospital or public hospital authority, public
12 or private elementary or secondary school, a public or private nonprofit
13 educational institution, state correctional institution including a privately
14 constructed correctional institution contracted for state use and ownership,
15 which would be exempt from taxation under the provisions of this act if
16 purchased directly by such hospital or public hospital authority, school,
17 educational institution or a state correctional institution; and all sales of
18 tangible personal property or services purchased by a contractor for the
19 purpose of constructing, equipping, reconstructing, maintaining, repairing,
20 enlarging, furnishing or remodeling facilities for any political subdivision
21 of the state or district described in subsection (s), the total cost of which is
22 paid from funds of such political subdivision or district and which would
23 be exempt from taxation under the provisions of this act if purchased
24 directly by such political subdivision or district. Nothing in this subsection
25 or in the provisions of K.S.A. 12-3418, and amendments thereto, shall be
26 deemed to exempt the purchase of any construction machinery, equipment
27 or tools used in the constructing, equipping, reconstructing, maintaining,
28 repairing, enlarging, furnishing or remodeling facilities for any political
29 subdivision of the state or any such district. As used in this subsection,
30 K.S.A. 12-3418 and 79-3640, and amendments thereto, "funds of a
31 political subdivision" shall mean general tax revenues, the proceeds of any
32 bonds and gifts or grants-in-aid. Gifts shall not mean funds used for the
33 purpose of constructing, equipping, reconstructing, repairing, enlarging,
34 furnishing or remodeling facilities which are to be leased to the donor.
35 When any political subdivision of the state, district described in subsection
36 (s), public or private nonprofit hospital or public hospital authority, public
37 or private elementary or secondary school, public or private nonprofit
38 educational institution, state correctional institution including a privately
39 constructed correctional institution contracted for state use and ownership
40 shall contract for the purpose of constructing, equipping, reconstructing,
41 maintaining, repairing, enlarging, furnishing or remodeling facilities, it
42 shall obtain from the state and furnish to the contractor an exemption
43 certificate for the project involved, and the contractor may purchase

1 materials for incorporation in such project. The contractor shall furnish the
2 number of such certificate to all suppliers from whom such purchases are
3 made, and such suppliers shall execute invoices covering the same bearing
4 the number of such certificate. Upon completion of the project the
5 contractor shall furnish to the political subdivision, district described in
6 subsection (s), hospital or public hospital authority, school, educational
7 institution or department of corrections concerned a sworn statement, on a
8 form to be provided by the director of taxation, that all purchases so made
9 were entitled to exemption under this subsection. As an alternative to the
10 foregoing procedure, any such contracting entity may apply to the
11 secretary of revenue for agent status for the sole purpose of issuing and
12 furnishing project exemption certificates to contractors pursuant to rules
13 and regulations adopted by the secretary establishing conditions and
14 standards for the granting and maintaining of such status. All invoices
15 shall be held by the contractor for a period of five years and shall be
16 subject to audit by the director of taxation. If any materials purchased
17 under such a certificate are found not to have been incorporated in the
18 building or other project or not to have been returned for credit or the sales
19 or compensating tax otherwise imposed upon such materials which will
20 not be so incorporated in the building or other project reported and paid by
21 such contractor to the director of taxation not later than the 20th day of the
22 month following the close of the month in which it shall be determined
23 that such materials will not be used for the purpose for which such
24 certificate was issued, the political subdivision, district described in
25 subsection (s), hospital or public hospital authority, school, educational
26 institution or the contractor contracting with the department of corrections
27 for a correctional institution concerned shall be liable for tax on all
28 materials purchased for the project, and upon payment thereof it may
29 recover the same from the contractor together with reasonable attorney
30 fees. Any contractor or any agent, employee or subcontractor thereof, who
31 shall use or otherwise dispose of any materials purchased under such a
32 certificate for any purpose other than that for which such a certificate is
33 issued without the payment of the sales or compensating tax otherwise
34 imposed upon such materials, shall be guilty of a misdemeanor and, upon
35 conviction therefor, shall be subject to the penalties provided for in
36 subsection (g) of K.S.A. 79-3615, and amendments thereto;

37 (e) all sales of tangible personal property or services purchased by a
38 contractor for the erection, repair or enlargement of buildings or other
39 projects for the government of the United States, its agencies or
40 instrumentalities, which would be exempt from taxation if purchased
41 directly by the government of the United States, its agencies or
42 instrumentalities. When the government of the United States, its agencies
43 or instrumentalities shall contract for the erection, repair, or enlargement

1 of any building or other project, it shall obtain from the state and furnish to
2 the contractor an exemption certificate for the project involved, and the
3 contractor may purchase materials for incorporation in such project. The
4 contractor shall furnish the number of such certificates to all suppliers
5 from whom such purchases are made, and such suppliers shall execute
6 invoices covering the same bearing the number of such certificate. Upon
7 completion of the project the contractor shall furnish to the government of
8 the United States, its agencies or instrumentalities concerned a sworn
9 statement, on a form to be provided by the director of taxation, that all
10 purchases so made were entitled to exemption under this subsection. As an
11 alternative to the foregoing procedure, any such contracting entity may
12 apply to the secretary of revenue for agent status for the sole purpose of
13 issuing and furnishing project exemption certificates to contractors
14 pursuant to rules and regulations adopted by the secretary establishing
15 conditions and standards for the granting and maintaining of such status.
16 All invoices shall be held by the contractor for a period of five years and
17 shall be subject to audit by the director of taxation. Any contractor or any
18 agent, employee or subcontractor thereof, who shall use or otherwise
19 dispose of any materials purchased under such a certificate for any purpose
20 other than that for which such a certificate is issued without the payment
21 of the sales or compensating tax otherwise imposed upon such materials,
22 shall be guilty of a misdemeanor and, upon conviction therefor, shall be
23 subject to the penalties provided for in subsection (g) of K.S.A. 79-3615,
24 and amendments thereto;

25 (f) tangible personal property purchased by a railroad or public utility
26 for consumption or movement directly and immediately in interstate
27 commerce;

28 (g) sales of aircraft including remanufactured and modified aircraft
29 sold to persons using directly or through an authorized agent such aircraft
30 as certified or licensed carriers of persons or property in interstate or
31 foreign commerce under authority of the laws of the United States or any
32 foreign government or sold to any foreign government or agency or
33 instrumentality of such foreign government and all sales of aircraft for use
34 outside of the United States and sales of aircraft repair, modification and
35 replacement parts and sales of services employed in the remanufacture,
36 modification and repair of aircraft;

37 (h) all rentals of nonsectarian textbooks by public or private
38 elementary or secondary schools;

39 (i) the lease or rental of all films, records, tapes, or any type of sound
40 or picture transcriptions used by motion picture exhibitors;

41 (j) meals served without charge or food used in the preparation of
42 such meals to employees of any restaurant, eating house, dining car, hotel,
43 drugstore or other place where meals or drinks are regularly sold to the

1 public if such employees' duties are related to the furnishing or sale of
2 such meals or drinks;

3 (k) any motor vehicle, semitrailer or pole trailer, as such terms are
4 defined by K.S.A. 8-126, and amendments thereto, or aircraft sold and
5 delivered in this state to a *bona fide* resident of another state, which motor
6 vehicle, semitrailer, pole trailer or aircraft is not to be registered or based
7 in this state and which vehicle, semitrailer, pole trailer or aircraft will not
8 remain in this state more than 10 days;

9 (l) all isolated or occasional sales of tangible personal property,
10 services, substances or things, except isolated or occasional sale of motor
11 vehicles specifically taxed under the provisions of subsection (o) of K.S.A.
12 79-3603, and amendments thereto;

13 (m) all sales of tangible personal property which become an
14 ingredient or component part of tangible personal property or services
15 produced, manufactured or compounded for ultimate sale at retail within
16 or without the state of Kansas; and any such producer, manufacturer or
17 compounder may obtain from the director of taxation and furnish to the
18 supplier an exemption certificate number for tangible personal property for
19 use as an ingredient or component part of the property or services
20 produced, manufactured or compounded;

21 (n) all sales of tangible personal property which is consumed in the
22 production, manufacture, processing, mining, drilling, refining or
23 compounding of tangible personal property, the treating of by-products or
24 wastes derived from any such production process, the providing of
25 services or the irrigation of crops for ultimate sale at retail within or
26 without the state of Kansas; and any purchaser of such property may
27 obtain from the director of taxation and furnish to the supplier an
28 exemption certificate number for tangible personal property for
29 consumption in such production, manufacture, processing, mining,
30 drilling, refining, compounding, treating, irrigation and in providing such
31 services;

32 (o) all sales of animals, fowl and aquatic plants and animals, the
33 primary purpose of which is use in agriculture or aquaculture, as defined in
34 K.S.A. 47-1901, and amendments thereto, the production of food for
35 human consumption, the production of animal, dairy, poultry or aquatic
36 plant and animal products, fiber or fur, or the production of offspring for
37 use for any such purpose or purposes;

38 (p) all sales of drugs dispensed pursuant to a prescription order by a
39 licensed practitioner or a mid-level practitioner as defined by K.S.A. 65-
40 1626, and amendments thereto. As used in this subsection, "drug" means a
41 compound, substance or preparation and any component of a compound,
42 substance or preparation, other than food and food ingredients, dietary
43 supplements or alcoholic beverages, recognized in the official United

1 States pharmacopoeia, official homeopathic pharmacopoeia of the United
2 States or official national formulary, and supplement to any of them,
3 intended for use in the diagnosis, cure, mitigation, treatment or prevention
4 of disease or intended to affect the structure or any function of the body;

5 (q) all sales of insulin dispensed by a person licensed by the state
6 board of pharmacy to a person for treatment of diabetes at the direction of
7 a person licensed to practice medicine by the board of healing arts;

8 (r) all sales of oxygen delivery equipment, kidney dialysis equipment,
9 enteral feeding systems, prosthetic devices and mobility enhancing
10 equipment prescribed in writing by a person licensed to practice the
11 healing arts, dentistry or optometry, and in addition to such sales, all sales
12 of hearing aids, as defined by subsection (c) of K.S.A. 74-5807, and
13 amendments thereto, and repair and replacement parts therefor, including
14 batteries, by a person licensed in the practice of dispensing and fitting
15 hearing aids pursuant to the provisions of K.S.A. 74-5808, and
16 amendments thereto. For the purposes of this subsection: (1) "Mobility
17 enhancing equipment" means equipment including repair and replacement
18 parts to same, but does not include durable medical equipment, which is
19 primarily and customarily used to provide or increase the ability to move
20 from one place to another and which is appropriate for use either in a
21 home or a motor vehicle; is not generally used by persons with normal
22 mobility; and does not include any motor vehicle or equipment on a motor
23 vehicle normally provided by a motor vehicle manufacturer; and (2)
24 "prosthetic device" means a replacement, corrective or supportive device
25 including repair and replacement parts for same worn on or in the body to
26 artificially replace a missing portion of the body, prevent or correct
27 physical deformity or malfunction or support a weak or deformed portion
28 of the body;

29 (s) except as provided in K.S.A. 2011 Supp. 82a-2101, and
30 amendments thereto, all sales of tangible personal property or services
31 purchased directly or indirectly by a groundwater management district
32 organized or operating under the authority of K.S.A. 82a-1020 *et seq.* and
33 amendments thereto, by a rural water district organized or operating under
34 the authority of K.S.A. 82a-612, and amendments thereto, or by a water
35 supply district organized or operating under the authority of K.S.A. 19-
36 3501 *et seq.*, 19-3522 *et seq.* or 19-3545, and amendments thereto, which
37 property or services are used in the construction activities, operation or
38 maintenance of the district;

39 (t) all sales of farm machinery and equipment or aquaculture
40 machinery and equipment, repair and replacement parts therefor and
41 services performed in the repair and maintenance of such machinery and
42 equipment. For the purposes of this subsection the term "farm machinery
43 and equipment or aquaculture machinery and equipment" shall include a

1 work-site utility vehicle, as defined in K.S.A. 8-126, and amendments
2 thereto, and is equipped with a bed or cargo box for hauling materials, and
3 shall also include machinery and equipment used in the operation of
4 Christmas tree farming but shall not include any passenger vehicle, truck,
5 truck tractor, trailer, semitrailer or pole trailer, other than a farm trailer, as
6 such terms are defined by K.S.A. 8-126, and amendments thereto. "Farm
7 machinery and equipment" includes precision farming equipment that is
8 portable or is installed or purchased to be installed on farm machinery and
9 equipment. "Precision farming equipment" includes the following items
10 used only in computer-assisted farming, ranching or aquaculture
11 production operations: Soil testing sensors, yield monitors, computers,
12 monitors, software, global positioning and mapping systems, guiding
13 systems, modems, data communications equipment and any necessary
14 mounting hardware, wiring and antennas. Each purchaser of farm
15 machinery and equipment or aquaculture machinery and equipment
16 exempted herein must certify in writing on the copy of the invoice or sales
17 ticket to be retained by the seller that the farm machinery and equipment
18 or aquaculture machinery and equipment purchased will be used only in
19 farming, ranching or aquaculture production. Farming or ranching shall
20 include the operation of a feedlot and farm and ranch work for hire and the
21 operation of a nursery;

22 (u) all leases or rentals of tangible personal property used as a
23 dwelling if such tangible personal property is leased or rented for a period
24 of more than 28 consecutive days;

25 (v) all sales of tangible personal property to any contractor for use in
26 preparing meals for delivery to homebound elderly persons over 60 years
27 of age and to homebound disabled persons or to be served at a group-
28 sitting at a location outside of the home to otherwise homebound elderly
29 persons over 60 years of age and to otherwise homebound disabled
30 persons, as all or part of any food service project funded in whole or in
31 part by government or as part of a private nonprofit food service project
32 available to all such elderly or disabled persons residing within an area of
33 service designated by the private nonprofit organization, and all sales of
34 tangible personal property for use in preparing meals for consumption by
35 indigent or homeless individuals whether or not such meals are consumed
36 at a place designated for such purpose, and all sales of food products by or
37 on behalf of any such contractor or organization for any such purpose;

38 (w) all sales of natural gas, electricity, heat and water delivered
39 through mains, lines or pipes: (1) To residential premises for
40 noncommercial use by the occupant of such premises; (2) for agricultural
41 use and also, for such use, all sales of propane gas; (3) for use in the
42 severing of oil; and (4) to any property which is exempt from property
43 taxation pursuant to K.S.A. 79-201b, *Second* through *Sixth*. As used in this

1 paragraph, "severing" shall have the meaning ascribed thereto by
2 subsection (k) of K.S.A. 79-4216, and amendments thereto. For all sales of
3 natural gas, electricity and heat delivered through mains, lines or pipes
4 pursuant to the provisions of subsection (w)(1) and (w)(2), the provisions
5 of this subsection shall expire on December 31, 2005;

6 (x) all sales of propane gas, LP-gas, coal, wood and other fuel sources
7 for the production of heat or lighting for noncommercial use of an
8 occupant of residential premises occurring prior to January 1, 2006;

9 (y) all sales of materials and services used in the repairing, servicing,
10 altering, maintaining, manufacturing, remanufacturing, or modification of
11 railroad rolling stock for use in interstate or foreign commerce under
12 authority of the laws of the United States;

13 (z) all sales of tangible personal property and services purchased
14 directly by a port authority or by a contractor therefor as provided by the
15 provisions of K.S.A. 12-3418, and amendments thereto;

16 (aa) all sales of materials and services applied to equipment which is
17 transported into the state from without the state for repair, service,
18 alteration, maintenance, remanufacture or modification and which is
19 subsequently transported outside the state for use in the transmission of
20 liquids or natural gas by means of pipeline in interstate or foreign
21 commerce under authority of the laws of the United States;

22 (bb) all sales of used mobile homes or manufactured homes. As used
23 in this subsection: (1) "Mobile homes" and "manufactured homes" shall
24 have the meanings ascribed thereto by K.S.A. 58-4202, and amendments
25 thereto; and (2) "sales of used mobile homes or manufactured homes"
26 means sales other than the original retail sale thereof;

27 (cc) all sales of tangible personal property or services purchased prior
28 to January 1, 2012, except as otherwise provided, for the purpose of and in
29 conjunction with constructing, reconstructing, enlarging or remodeling a
30 business or retail business which meets the requirements established in
31 K.S.A. 74-50,115, and amendments thereto, and the sale and installation of
32 machinery and equipment purchased for installation at any such business
33 or retail business, and all sales of tangible personal property or services
34 purchased on or after January 1, 2012, for the purpose of and in
35 conjunction with constructing, reconstructing, enlarging or remodeling a
36 business which meets the requirements established in K.S.A. 74-50,115(e),
37 and amendments thereto, and the sale and installation of machinery and
38 equipment purchased for installation at any such business. When a person
39 shall contract for the construction, reconstruction, enlargement or
40 remodeling of any such business or retail business, such person shall
41 obtain from the state and furnish to the contractor an exemption certificate
42 for the project involved, and the contractor may purchase materials,
43 machinery and equipment for incorporation in such project. The contractor

1 shall furnish the number of such certificates to all suppliers from whom
2 such purchases are made, and such suppliers shall execute invoices
3 covering the same bearing the number of such certificate. Upon
4 completion of the project the contractor shall furnish to the owner of the
5 business or retail business a sworn statement, on a form to be provided by
6 the director of taxation, that all purchases so made were entitled to
7 exemption under this subsection. All invoices shall be held by the
8 contractor for a period of five years and shall be subject to audit by the
9 director of taxation. Any contractor or any agent, employee or
10 subcontractor thereof, who shall use or otherwise dispose of any materials,
11 machinery or equipment purchased under such a certificate for any
12 purpose other than that for which such a certificate is issued without the
13 payment of the sales or compensating tax otherwise imposed thereon, shall
14 be guilty of a misdemeanor and, upon conviction therefor, shall be subject
15 to the penalties provided for in subsection (g) of K.S.A. 79-3615, and
16 amendments thereto. As used in this subsection, "business" and "retail
17 business" have the meanings respectively ascribed thereto by K.S.A. 74-
18 50,114, and amendments thereto. Project exemption certificates that have
19 been previously issued under this subsection by the department of revenue
20 pursuant to K.S.A. 74-50,115, and amendments thereto, but not including
21 K.S.A. 74-50,115(e), and amendments thereto, prior to January 1, 2012,
22 and have not expired will be effective for the term of the project or two
23 years from the effective date of the certificate, whichever occurs earlier.
24 Project exemption certificates that are submitted to the department of
25 revenue prior to January 1, 2012, and are found to qualify will be issued a
26 project exemption certificate that will be effective for a two-year period or
27 for the term of the project, whichever occurs earlier;

28 (dd) all sales of tangible personal property purchased with food
29 stamps issued by the United States department of agriculture;

30 (ee) all sales of lottery tickets and shares made as part of a lottery
31 operated by the state of Kansas;

32 (ff) on and after July 1, 1988, all sales of new mobile homes or
33 manufactured homes to the extent of 40% of the gross receipts, determined
34 without regard to any trade-in allowance, received from such sale. As used
35 in this subsection, "mobile homes" and "manufactured homes" shall have
36 the meanings ascribed thereto by K.S.A. 58-4202, and amendments
37 thereto;

38 (gg) all sales of tangible personal property purchased in accordance
39 with vouchers issued pursuant to the federal special supplemental food
40 program for women, infants and children;

41 (hh) all sales of medical supplies and equipment, including durable
42 medical equipment, purchased directly by a nonprofit skilled nursing home
43 or nonprofit intermediate nursing care home, as defined by K.S.A. 39-923,

1 and amendments thereto, for the purpose of providing medical services to
2 residents thereof. This exemption shall not apply to tangible personal
3 property customarily used for human habitation purposes. As used in this
4 subsection, "durable medical equipment" means equipment including
5 repair and replacement parts for such equipment, which can withstand
6 repeated use, is primarily and customarily used to serve a medical purpose,
7 generally is not useful to a person in the absence of illness or injury and is
8 not worn in or on the body, but does not include mobility enhancing
9 equipment as defined in subsection (r), oxygen delivery equipment, kidney
10 dialysis equipment or enteral feeding systems;

11 (ii) all sales of tangible personal property purchased directly by a
12 nonprofit organization for nonsectarian comprehensive multidiscipline
13 youth development programs and activities provided or sponsored by such
14 organization, and all sales of tangible personal property by or on behalf of
15 any such organization. This exemption shall not apply to tangible personal
16 property customarily used for human habitation purposes;

17 (jj) all sales of tangible personal property or services, including the
18 renting and leasing of tangible personal property, purchased directly on
19 behalf of a community-based mental retardation facility or mental health
20 center organized pursuant to K.S.A. 19-4001 *et seq.*, and amendments
21 thereto, and licensed in accordance with the provisions of K.S.A. 75-
22 3307b, and amendments thereto and all sales of tangible personal property
23 or services purchased by contractors during the time period from July,
24 2003, through June, 2006, for the purpose of constructing, equipping,
25 maintaining or furnishing a new facility for a community-based mental
26 retardation facility or mental health center located in Riverton, Cherokee
27 County, Kansas, which would have been eligible for sales tax exemption
28 pursuant to this subsection if purchased directly by such facility or center.
29 This exemption shall not apply to tangible personal property customarily
30 used for human habitation purposes;

31 (kk) (1) (A) all sales of machinery and equipment which are used in
32 this state as an integral or essential part of an integrated production
33 operation by a manufacturing or processing plant or facility;

34 (B) all sales of installation, repair and maintenance services
35 performed on such machinery and equipment; and

36 (C) all sales of repair and replacement parts and accessories
37 purchased for such machinery and equipment.

38 (2) For purposes of this subsection:

39 (A) "Integrated production operation" means an integrated series of
40 operations engaged in at a manufacturing or processing plant or facility to
41 process, transform or convert tangible personal property by physical,
42 chemical or other means into a different form, composition or character
43 from that in which it originally existed. Integrated production operations

1 shall include: (i) Production line operations, including packaging
2 operations; (ii) preproduction operations to handle, store and treat raw
3 materials; (iii) post production handling, storage, warehousing and
4 distribution operations; and (iv) waste, pollution and environmental
5 control operations, if any;

6 (B) "production line" means the assemblage of machinery and
7 equipment at a manufacturing or processing plant or facility where the
8 actual transformation or processing of tangible personal property occurs;

9 (C) "manufacturing or processing plant or facility" means a single,
10 fixed location owned or controlled by a manufacturing or processing
11 business that consists of one or more structures or buildings in a
12 contiguous area where integrated production operations are conducted to
13 manufacture or process tangible personal property to be ultimately sold at
14 retail. Such term shall not include any facility primarily operated for the
15 purpose of conveying or assisting in the conveyance of natural gas,
16 electricity, oil or water. A business may operate one or more manufacturing
17 or processing plants or facilities at different locations to manufacture or
18 process a single product of tangible personal property to be ultimately sold
19 at retail;

20 (D) "manufacturing or processing business" means a business that
21 utilizes an integrated production operation to manufacture, process,
22 fabricate, finish, or assemble items for wholesale and retail distribution as
23 part of what is commonly regarded by the general public as an industrial
24 manufacturing or processing operation or an agricultural commodity
25 processing operation. (i) Industrial manufacturing or processing operations
26 include, by way of illustration but not of limitation, the fabrication of
27 automobiles, airplanes, machinery or transportation equipment, the
28 fabrication of metal, plastic, wood, or paper products, electricity power
29 generation, water treatment, petroleum refining, chemical production,
30 wholesale bottling, newspaper printing, ready mixed concrete production,
31 and the remanufacturing of used parts for wholesale or retail sale. Such
32 processing operations shall include operations at an oil well, gas well,
33 mine or other excavation site where the oil, gas, minerals, coal, clay, stone,
34 sand or gravel that has been extracted from the earth is cleaned, separated,
35 crushed, ground, milled, screened, washed, or otherwise treated or
36 prepared before its transmission to a refinery or before any other wholesale
37 or retail distribution. (ii) Agricultural commodity processing operations
38 include, by way of illustration but not of limitation, meat packing, poultry
39 slaughtering and dressing, processing and packaging farm and dairy
40 products in sealed containers for wholesale and retail distribution, feed
41 grinding, grain milling, frozen food processing, and grain handling,
42 cleaning, blending, fumigation, drying and aeration operations engaged in
43 by grain elevators or other grain storage facilities. (iii) Manufacturing or

1 processing businesses do not include, by way of illustration but not of
2 limitation, nonindustrial businesses whose operations are primarily retail
3 and that produce or process tangible personal property as an incidental part
4 of conducting the retail business, such as retailers who bake, cook or
5 prepare food products in the regular course of their retail trade, grocery
6 stores, meat lockers and meat markets that butcher or dress livestock or
7 poultry in the regular course of their retail trade, contractors who alter,
8 service, repair or improve real property, and retail businesses that clean,
9 service or refurbish and repair tangible personal property for its owner;

10 (E) "repair and replacement parts and accessories" means all parts
11 and accessories for exempt machinery and equipment, including, but not
12 limited to, dies, jigs, molds, patterns and safety devices that are attached to
13 exempt machinery or that are otherwise used in production, and parts and
14 accessories that require periodic replacement such as belts, drill bits,
15 grinding wheels, grinding balls, cutting bars, saws, refractory brick and
16 other refractory items for exempt kiln equipment used in production
17 operations;

18 (F) "primary" or "primarily" mean more than 50% of the time.

19 (3) For purposes of this subsection, machinery and equipment shall
20 be deemed to be used as an integral or essential part of an integrated
21 production operation when used:

22 (A) To receive, transport, convey, handle, treat or store raw materials
23 in preparation of its placement on the production line;

24 (B) to transport, convey, handle or store the property undergoing
25 manufacturing or processing at any point from the beginning of the
26 production line through any warehousing or distribution operation of the
27 final product that occurs at the plant or facility;

28 (C) to act upon, effect, promote or otherwise facilitate a physical
29 change to the property undergoing manufacturing or processing;

30 (D) to guide, control or direct the movement of property undergoing
31 manufacturing or processing;

32 (E) to test or measure raw materials, the property undergoing
33 manufacturing or processing or the finished product, as a necessary part of
34 the manufacturer's integrated production operations;

35 (F) to plan, manage, control or record the receipt and flow of
36 inventories of raw materials, consumables and component parts, the flow
37 of the property undergoing manufacturing or processing and the
38 management of inventories of the finished product;

39 (G) to produce energy for, lubricate, control the operating of or
40 otherwise enable the functioning of other production machinery and
41 equipment and the continuation of production operations;

42 (H) to package the property being manufactured or processed in a
43 container or wrapping in which such property is normally sold or

1 transported;

2 (I) to transmit or transport electricity, coke, gas, water, steam or
3 similar substances used in production operations from the point of
4 generation, if produced by the manufacturer or processor at the plant site,
5 to that manufacturer's production operation; or, if purchased or delivered
6 from offsite, from the point where the substance enters the site of the plant
7 or facility to that manufacturer's production operations;

8 (J) to cool, heat, filter, refine or otherwise treat water, steam, acid, oil,
9 solvents or other substances that are used in production operations;

10 (K) to provide and control an environment required to maintain
11 certain levels of air quality, humidity or temperature in special and limited
12 areas of the plant or facility, where such regulation of temperature or
13 humidity is part of and essential to the production process;

14 (L) to treat, transport or store waste or other byproducts of production
15 operations at the plant or facility; or

16 (M) to control pollution at the plant or facility where the pollution is
17 produced by the manufacturing or processing operation.

18 (4) The following machinery, equipment and materials shall be
19 deemed to be exempt even though it may not otherwise qualify as
20 machinery and equipment used as an integral or essential part of an
21 integrated production operation: (A) Computers and related peripheral
22 equipment that are utilized by a manufacturing or processing business for
23 engineering of the finished product or for research and development or
24 product design; (B) machinery and equipment that is utilized by a
25 manufacturing or processing business to manufacture or rebuild tangible
26 personal property that is used in manufacturing or processing operations,
27 including tools, dies, molds, forms and other parts of qualifying machinery
28 and equipment; (C) portable plants for aggregate concrete, bulk cement
29 and asphalt including cement mixing drums to be attached to a motor
30 vehicle; (D) industrial fixtures, devices, support facilities and special
31 foundations necessary for manufacturing and production operations, and
32 materials and other tangible personal property sold for the purpose of
33 fabricating such fixtures, devices, facilities and foundations. An exemption
34 certificate for such purchases shall be signed by the manufacturer or
35 processor. If the fabricator purchases such material, the fabricator shall
36 also sign the exemption certificate; and (E) a manufacturing or processing
37 business' laboratory equipment that is not located at the plant or facility,
38 but that would otherwise qualify for exemption under subsection (3)(E).

39 (5) "Machinery and equipment used as an integral or essential part of
40 an integrated production operation" shall not include:

41 (A) Machinery and equipment used for nonproduction purposes,
42 including, but not limited to, machinery and equipment used for plant
43 security, fire prevention, first aid, accounting, administration, record

1 keeping, advertising, marketing, sales or other related activities, plant
2 cleaning, plant communications, and employee work scheduling;

3 (B) machinery, equipment and tools used primarily in maintaining
4 and repairing any type of machinery and equipment or the building and
5 plant;

6 (C) transportation, transmission and distribution equipment not
7 primarily used in a production, warehousing or material handling
8 operation at the plant or facility, including the means of conveyance of
9 natural gas, electricity, oil or water, and equipment related thereto, located
10 outside the plant or facility;

11 (D) office machines and equipment including computers and related
12 peripheral equipment not used directly and primarily to control or measure
13 the manufacturing process;

14 (E) furniture and other furnishings;

15 (F) buildings, other than exempt machinery and equipment that is
16 permanently affixed to or becomes a physical part of the building, and any
17 other part of real estate that is not otherwise exempt;

18 (G) building fixtures that are not integral to the manufacturing
19 operation, such as utility systems for heating, ventilation, air conditioning,
20 communications, plumbing or electrical;

21 (H) machinery and equipment used for general plant heating, cooling
22 and lighting;

23 (I) motor vehicles that are registered for operation on public
24 highways; or

25 (J) employee apparel, except safety and protective apparel that is
26 purchased by an employer and furnished gratuitously to employees who
27 are involved in production or research activities.

28 (6) Subsections (3) and (5) shall not be construed as exclusive listings
29 of the machinery and equipment that qualify or do not qualify as an
30 integral or essential part of an integrated production operation. When
31 machinery or equipment is used as an integral or essential part of
32 production operations part of the time and for nonproduction purpose at
33 other times, the primary use of the machinery or equipment shall
34 determine whether or not such machinery or equipment qualifies for
35 exemption.

36 (7) The secretary of revenue shall adopt rules and regulations
37 necessary to administer the provisions of this subsection;

38 (II) all sales of educational materials purchased for distribution to the
39 public at no charge by a nonprofit corporation organized for the purpose of
40 encouraging, fostering and conducting programs for the improvement of
41 public health;

42 (mm) all sales of seeds and tree seedlings; fertilizers, insecticides,
43 herbicides, germicides, pesticides and fungicides; and services, purchased

1 and used for the purpose of producing plants in order to prevent soil
2 erosion on land devoted to agricultural use;

3 (nn) except as otherwise provided in this act, all sales of services
4 rendered by an advertising agency or licensed broadcast station or any
5 member, agent or employee thereof;

6 (oo) all sales of tangible personal property purchased by a community
7 action group or agency for the exclusive purpose of repairing or
8 weatherizing housing occupied by low income individuals;

9 (pp) all sales of drill bits and explosives actually utilized in the
10 exploration and production of oil or gas;

11 (qq) all sales of tangible personal property and services purchased by
12 a nonprofit museum or historical society or any combination thereof,
13 including a nonprofit organization which is organized for the purpose of
14 stimulating public interest in the exploration of space by providing
15 educational information, exhibits and experiences, which is exempt from
16 federal income taxation pursuant to section 501(c)(3) of the federal
17 internal revenue code of 1986;

18 (rr) all sales of tangible personal property which will admit the
19 purchaser thereof to any annual event sponsored by a nonprofit
20 organization which is exempt from federal income taxation pursuant to
21 section 501(c)(3) of the federal internal revenue code of 1986;

22 (ss) all sales of tangible personal property and services purchased by
23 a public broadcasting station licensed by the federal communications
24 commission as a noncommercial educational television or radio station;

25 (tt) all sales of tangible personal property and services purchased by
26 or on behalf of a not-for-profit corporation which is exempt from federal
27 income taxation pursuant to section 501(c)(3) of the federal internal
28 revenue code of 1986, for the sole purpose of constructing a Kansas
29 Korean War memorial;

30 (uu) all sales of tangible personal property and services purchased by
31 or on behalf of any rural volunteer fire-fighting organization for use
32 exclusively in the performance of its duties and functions;

33 (vv) all sales of tangible personal property purchased by any of the
34 following organizations which are exempt from federal income taxation
35 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,
36 for the following purposes, and all sales of any such property by or on
37 behalf of any such organization for any such purpose:

38 (1) The American Heart Association, Kansas Affiliate, Inc. for the
39 purposes of providing education, training, certification in emergency
40 cardiac care, research and other related services to reduce disability and
41 death from cardiovascular diseases and stroke;

42 (2) the Kansas Alliance for the Mentally Ill, Inc. for the purpose of
43 advocacy for persons with mental illness and to education, research and

1 support for their families;

2 (3) the Kansas Mental Illness Awareness Council for the purposes of
3 advocacy for persons who are mentally ill and to education, research and
4 support for them and their families;

5 (4) the American Diabetes Association Kansas Affiliate, Inc. for the
6 purpose of eliminating diabetes through medical research, public education
7 focusing on disease prevention and education, patient education including
8 information on coping with diabetes, and professional education and
9 training;

10 (5) the American Lung Association of Kansas, Inc. for the purpose of
11 eliminating all lung diseases through medical research, public education
12 including information on coping with lung diseases, professional education
13 and training related to lung disease and other related services to reduce the
14 incidence of disability and death due to lung disease;

15 (6) the Kansas chapters of the Alzheimer's Disease and Related
16 Disorders Association, Inc. for the purpose of providing assistance and
17 support to persons in Kansas with Alzheimer's disease, and their families
18 and caregivers;

19 (7) the Kansas chapters of the Parkinson's disease association for the
20 purpose of eliminating Parkinson's disease through medical research and
21 public and professional education related to such disease;

22 (8) the National Kidney Foundation of Kansas and Western Missouri
23 for the purpose of eliminating kidney disease through medical research
24 and public and private education related to such disease;

25 (9) the heartstrings community foundation for the purpose of
26 providing training, employment and activities for adults with
27 developmental disabilities;

28 (10) the Cystic Fibrosis Foundation, Heart of America Chapter, for
29 the purposes of assuring the development of the means to cure and control
30 cystic fibrosis and improving the quality of life for those with the disease;

31 (11) the spina bifida association of Kansas for the purpose of
32 providing financial, educational and practical aid to families and
33 individuals with spina bifida. Such aid includes, but is not limited to,
34 funding for medical devices, counseling and medical educational
35 opportunities;

36 (12) the CHWC, Inc., for the purpose of rebuilding urban core
37 neighborhoods through the construction of new homes, acquiring and
38 renovating existing homes and other related activities, and promoting
39 economic development in such neighborhoods;

40 (13) the cross-lines cooperative council for the purpose of providing
41 social services to low income individuals and families;

42 (14) the Dreams Work, Inc., for the purpose of providing young adult
43 day services to individuals with developmental disabilities and assisting

1 families in avoiding institutional or nursing home care for a
2 developmentally disabled member of their family;

3 (15) the KSDS, Inc., for the purpose of promoting the independence
4 and inclusion of people with disabilities as fully participating and
5 contributing members of their communities and society through the
6 training and providing of guide and service dogs to people with
7 disabilities, and providing disability education and awareness to the
8 general public;

9 (16) the lyme association of greater Kansas City, Inc., for the purpose
10 of providing support to persons with lyme disease and public education
11 relating to the prevention, treatment and cure of lyme disease;

12 (17) the Dream Factory, Inc., for the purpose of granting the dreams
13 of children with critical and chronic illnesses;

14 (18) the Ottawa Suzuki Strings, Inc., for the purpose of providing
15 students and families with education and resources necessary to enable
16 each child to develop fine character and musical ability to the fullest
17 potential;

18 (19) the International Association of Lions Clubs for the purpose of
19 creating and fostering a spirit of understanding among all people for
20 humanitarian needs by providing voluntary services through community
21 involvement and international cooperation;

22 (20) the Johnson county young matrons, inc., for the purpose of
23 promoting a positive future for members of the community through
24 volunteerism, financial support and education through the efforts of an all
25 volunteer organization;

26 (21) the American Cancer Society, Inc., for the purpose of eliminating
27 cancer as a major health problem by preventing cancer, saving lives and
28 diminishing suffering from cancer, through research, education, advocacy
29 and service;

30 (22) the community services of Shawnee, inc., for the purpose of
31 providing food and clothing to those in need;

32 (23) the angel babies association, for the purpose of providing
33 assistance, support and items of necessity to teenage mothers and their
34 babies; and

35 (24) the Kansas fairgrounds foundation for the purpose of the
36 preservation, renovation and beautification of the Kansas state fairgrounds;

37 (ww) all sales of tangible personal property purchased by the Habitat
38 for Humanity for the exclusive use of being incorporated within a housing
39 project constructed by such organization;

40 (xx) all sales of tangible personal property and services purchased by
41 a nonprofit zoo which is exempt from federal income taxation pursuant to
42 section 501(c)(3) of the federal internal revenue code of 1986, or on behalf
43 of such zoo by an entity itself exempt from federal income taxation

1 pursuant to section 501(c)(3) of the federal internal revenue code of 1986
2 contracted with to operate such zoo and all sales of tangible personal
3 property or services purchased by a contractor for the purpose of
4 constructing, equipping, reconstructing, maintaining, repairing, enlarging,
5 furnishing or remodeling facilities for any nonprofit zoo which would be
6 exempt from taxation under the provisions of this section if purchased
7 directly by such nonprofit zoo or the entity operating such zoo. Nothing in
8 this subsection shall be deemed to exempt the purchase of any construction
9 machinery, equipment or tools used in the constructing, equipping,
10 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling
11 facilities for any nonprofit zoo. When any nonprofit zoo shall contract for
12 the purpose of constructing, equipping, reconstructing, maintaining,
13 repairing, enlarging, furnishing or remodeling facilities, it shall obtain
14 from the state and furnish to the contractor an exemption certificate for the
15 project involved, and the contractor may purchase materials for
16 incorporation in such project. The contractor shall furnish the number of
17 such certificate to all suppliers from whom such purchases are made, and
18 such suppliers shall execute invoices covering the same bearing the
19 number of such certificate. Upon completion of the project the contractor
20 shall furnish to the nonprofit zoo concerned a sworn statement, on a form
21 to be provided by the director of taxation, that all purchases so made were
22 entitled to exemption under this subsection. All invoices shall be held by
23 the contractor for a period of five years and shall be subject to audit by the
24 director of taxation. If any materials purchased under such a certificate are
25 found not to have been incorporated in the building or other project or not
26 to have been returned for credit or the sales or compensating tax otherwise
27 imposed upon such materials which will not be so incorporated in the
28 building or other project reported and paid by such contractor to the
29 director of taxation not later than the 20th day of the month following the
30 close of the month in which it shall be determined that such materials will
31 not be used for the purpose for which such certificate was issued, the
32 nonprofit zoo concerned shall be liable for tax on all materials purchased
33 for the project, and upon payment thereof it may recover the same from
34 the contractor together with reasonable attorney fees. Any contractor or
35 any agent, employee or subcontractor thereof, who shall use or otherwise
36 dispose of any materials purchased under such a certificate for any purpose
37 other than that for which such a certificate is issued without the payment
38 of the sales or compensating tax otherwise imposed upon such materials,
39 shall be guilty of a misdemeanor and, upon conviction therefor, shall be
40 subject to the penalties provided for in subsection (g) of K.S.A. 79-3615,
41 and amendments thereto;

42 (yy) all sales of tangible personal property and services purchased by
43 a parent-teacher association or organization, and all sales of tangible

1 personal property by or on behalf of such association or organization;

2 (zz) all sales of machinery and equipment purchased by over-the-air,
3 free access radio or television station which is used directly and primarily
4 for the purpose of producing a broadcast signal or is such that the failure
5 of the machinery or equipment to operate would cause broadcasting to
6 cease. For purposes of this subsection, machinery and equipment shall
7 include, but not be limited to, that required by rules and regulations of the
8 federal communications commission, and all sales of electricity which are
9 essential or necessary for the purpose of producing a broadcast signal or is
10 such that the failure of the electricity would cause broadcasting to cease;

11 (aaa) all sales of tangible personal property and services purchased by
12 a religious organization which is exempt from federal income taxation
13 pursuant to section 501(c)(3) of the federal internal revenue code, and used
14 exclusively for religious purposes, and all sales of tangible personal
15 property or services purchased by a contractor for the purpose of
16 constructing, equipping, reconstructing, maintaining, repairing, enlarging,
17 furnishing or remodeling facilities for any such organization which would
18 be exempt from taxation under the provisions of this section if purchased
19 directly by such organization. Nothing in this subsection shall be deemed
20 to exempt the purchase of any construction machinery, equipment or tools
21 used in the constructing, equipping, reconstructing, maintaining, repairing,
22 enlarging, furnishing or remodeling facilities for any such organization.
23 When any such organization shall contract for the purpose of constructing,
24 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or
25 remodeling facilities, it shall obtain from the state and furnish to the
26 contractor an exemption certificate for the project involved, and the
27 contractor may purchase materials for incorporation in such project. The
28 contractor shall furnish the number of such certificate to all suppliers from
29 whom such purchases are made, and such suppliers shall execute invoices
30 covering the same bearing the number of such certificate. Upon
31 completion of the project the contractor shall furnish to such organization
32 concerned a sworn statement, on a form to be provided by the director of
33 taxation, that all purchases so made were entitled to exemption under this
34 subsection. All invoices shall be held by the contractor for a period of five
35 years and shall be subject to audit by the director of taxation. If any
36 materials purchased under such a certificate are found not to have been
37 incorporated in the building or other project or not to have been returned
38 for credit or the sales or compensating tax otherwise imposed upon such
39 materials which will not be so incorporated in the building or other project
40 reported and paid by such contractor to the director of taxation not later
41 than the 20th day of the month following the close of the month in which it
42 shall be determined that such materials will not be used for the purpose for
43 which such certificate was issued, such organization concerned shall be

1 liable for tax on all materials purchased for the project, and upon payment
2 thereof it may recover the same from the contractor together with
3 reasonable attorney fees. Any contractor or any agent, employee or
4 subcontractor thereof, who shall use or otherwise dispose of any materials
5 purchased under such a certificate for any purpose other than that for
6 which such a certificate is issued without the payment of the sales or
7 compensating tax otherwise imposed upon such materials, shall be guilty
8 of a misdemeanor and, upon conviction therefor, shall be subject to the
9 penalties provided for in subsection (g) of K.S.A. 79-3615, and
10 amendments thereto. Sales tax paid on and after July 1, 1998, but prior to
11 the effective date of this act upon the gross receipts received from any sale
12 exempted by the amendatory provisions of this subsection shall be
13 refunded. Each claim for a sales tax refund shall be verified and submitted
14 to the director of taxation upon forms furnished by the director and shall
15 be accompanied by any additional documentation required by the director.
16 The director shall review each claim and shall refund that amount of sales
17 tax paid as determined under the provisions of this subsection. All refunds
18 shall be paid from the sales tax refund fund upon warrants of the director
19 of accounts and reports pursuant to vouchers approved by the director or
20 the director's designee;

21 (bbb) all sales of food for human consumption by an organization
22 which is exempt from federal income taxation pursuant to section 501(c)
23 (3) of the federal internal revenue code of 1986, pursuant to a food
24 distribution program which offers such food at a price below cost in
25 exchange for the performance of community service by the purchaser
26 thereof;

27 (ccc) on and after July 1, 1999, all sales of tangible personal property
28 and services purchased by a primary care clinic or health center the
29 primary purpose of which is to provide services to medically underserved
30 individuals and families, and which is exempt from federal income
31 taxation pursuant to section 501(c)(3) of the federal internal revenue code,
32 and all sales of tangible personal property or services purchased by a
33 contractor for the purpose of constructing, equipping, reconstructing,
34 maintaining, repairing, enlarging, furnishing or remodeling facilities for
35 any such clinic or center which would be exempt from taxation under the
36 provisions of this section if purchased directly by such clinic or center.
37 Nothing in this subsection shall be deemed to exempt the purchase of any
38 construction machinery, equipment or tools used in the constructing,
39 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or
40 remodeling facilities for any such clinic or center. When any such clinic or
41 center shall contract for the purpose of constructing, equipping,
42 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling
43 facilities, it shall obtain from the state and furnish to the contractor an

1 exemption certificate for the project involved, and the contractor may
2 purchase materials for incorporation in such project. The contractor shall
3 furnish the number of such certificate to all suppliers from whom such
4 purchases are made, and such suppliers shall execute invoices covering the
5 same bearing the number of such certificate. Upon completion of the
6 project the contractor shall furnish to such clinic or center concerned a
7 sworn statement, on a form to be provided by the director of taxation, that
8 all purchases so made were entitled to exemption under this subsection.
9 All invoices shall be held by the contractor for a period of five years and
10 shall be subject to audit by the director of taxation. If any materials
11 purchased under such a certificate are found not to have been incorporated
12 in the building or other project or not to have been returned for credit or
13 the sales or compensating tax otherwise imposed upon such materials
14 which will not be so incorporated in the building or other project reported
15 and paid by such contractor to the director of taxation not later than the
16 20th day of the month following the close of the month in which it shall be
17 determined that such materials will not be used for the purpose for which
18 such certificate was issued, such clinic or center concerned shall be liable
19 for tax on all materials purchased for the project, and upon payment
20 thereof it may recover the same from the contractor together with
21 reasonable attorney fees. Any contractor or any agent, employee or
22 subcontractor thereof, who shall use or otherwise dispose of any materials
23 purchased under such a certificate for any purpose other than that for
24 which such a certificate is issued without the payment of the sales or
25 compensating tax otherwise imposed upon such materials, shall be guilty
26 of a misdemeanor and, upon conviction therefor, shall be subject to the
27 penalties provided for in subsection (g) of K.S.A. 79-3615, and
28 amendments thereto;

29 (ddd) on and after January 1, 1999, and before January 1, 2000, all
30 sales of materials and services purchased by any class II or III railroad as
31 classified by the federal surface transportation board for the construction,
32 renovation, repair or replacement of class II or III railroad track and
33 facilities used directly in interstate commerce. In the event any such track
34 or facility for which materials and services were purchased sales tax
35 exempt is not operational for five years succeeding the allowance of such
36 exemption, the total amount of sales tax which would have been payable
37 except for the operation of this subsection shall be recouped in accordance
38 with rules and regulations adopted for such purpose by the secretary of
39 revenue;

40 (eee) on and after January 1, 1999, and before January 1, 2001, all
41 sales of materials and services purchased for the original construction,
42 reconstruction, repair or replacement of grain storage facilities, including
43 railroad sidings providing access thereto;

1 (fff) all sales of material handling equipment, racking systems and
2 other related machinery and equipment that is used for the handling,
3 movement or storage of tangible personal property in a warehouse or
4 distribution facility in this state; all sales of installation, repair and
5 maintenance services performed on such machinery and equipment; and
6 all sales of repair and replacement parts for such machinery and
7 equipment. For purposes of this subsection, a warehouse or distribution
8 facility means a single, fixed location that consists of buildings or
9 structures in a contiguous area where storage or distribution operations are
10 conducted that are separate and apart from the business' retail operations,
11 if any, and which do not otherwise qualify for exemption as occurring at a
12 manufacturing or processing plant or facility. Material handling and
13 storage equipment shall include aeration, dust control, cleaning, handling
14 and other such equipment that is used in a public grain warehouse or other
15 commercial grain storage facility, whether used for grain handling, grain
16 storage, grain refining or processing, or other grain treatment operation;

17 (ggg) all sales of tangible personal property and services purchased
18 by or on behalf of the Kansas Academy of Science which is exempt from
19 federal income taxation pursuant to section 501(c)(3) of the federal
20 internal revenue code of 1986, and used solely by such academy for the
21 preparation, publication and dissemination of education materials;

22 (hhh) all sales of tangible personal property and services purchased
23 by or on behalf of all domestic violence shelters that are member agencies
24 of the Kansas coalition against sexual and domestic violence;

25 (iii) all sales of personal property and services purchased by an
26 organization which is exempt from federal income taxation pursuant to
27 section 501(c)(3) of the federal internal revenue code of 1986, and which
28 such personal property and services are used by any such organization in
29 the collection, storage and distribution of food products to nonprofit
30 organizations which distribute such food products to persons pursuant to a
31 food distribution program on a charitable basis without fee or charge, and
32 all sales of tangible personal property or services purchased by a
33 contractor for the purpose of constructing, equipping, reconstructing,
34 maintaining, repairing, enlarging, furnishing or remodeling facilities used
35 for the collection and storage of such food products for any such
36 organization which is exempt from federal income taxation pursuant to
37 section 501(c)(3) of the federal internal revenue code of 1986, which
38 would be exempt from taxation under the provisions of this section if
39 purchased directly by such organization. Nothing in this subsection shall
40 be deemed to exempt the purchase of any construction machinery,
41 equipment or tools used in the constructing, equipping, reconstructing,
42 maintaining, repairing, enlarging, furnishing or remodeling facilities for
43 any such organization. When any such organization shall contract for the

1 purpose of constructing, equipping, reconstructing, maintaining, repairing,
2 enlarging, furnishing or remodeling facilities, it shall obtain from the state
3 and furnish to the contractor an exemption certificate for the project
4 involved, and the contractor may purchase materials for incorporation in
5 such project. The contractor shall furnish the number of such certificate to
6 all suppliers from whom such purchases are made, and such suppliers shall
7 execute invoices covering the same bearing the number of such certificate.
8 Upon completion of the project the contractor shall furnish to such
9 organization concerned a sworn statement, on a form to be provided by the
10 director of taxation, that all purchases so made were entitled to exemption
11 under this subsection. All invoices shall be held by the contractor for a
12 period of five years and shall be subject to audit by the director of taxation.
13 If any materials purchased under such a certificate are found not to have
14 been incorporated in such facilities or not to have been returned for credit
15 or the sales or compensating tax otherwise imposed upon such materials
16 which will not be so incorporated in such facilities reported and paid by
17 such contractor to the director of taxation not later than the 20th day of the
18 month following the close of the month in which it shall be determined
19 that such materials will not be used for the purpose for which such
20 certificate was issued, such organization concerned shall be liable for tax
21 on all materials purchased for the project, and upon payment thereof it
22 may recover the same from the contractor together with reasonable
23 attorney fees. Any contractor or any agent, employee or subcontractor
24 thereof, who shall use or otherwise dispose of any materials purchased
25 under such a certificate for any purpose other than that for which such a
26 certificate is issued without the payment of the sales or compensating tax
27 otherwise imposed upon such materials, shall be guilty of a misdemeanor
28 and, upon conviction therefor, shall be subject to the penalties provided for
29 in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax
30 paid on and after July 1, 2005, but prior to the effective date of this act
31 upon the gross receipts received from any sale exempted by the
32 amendatory provisions of this subsection shall be refunded. Each claim for
33 a sales tax refund shall be verified and submitted to the director of taxation
34 upon forms furnished by the director and shall be accompanied by any
35 additional documentation required by the director. The director shall
36 review each claim and shall refund that amount of sales tax paid as
37 determined under the provisions of this subsection. All refunds shall be
38 paid from the sales tax refund fund upon warrants of the director of
39 accounts and reports pursuant to vouchers approved by the director or the
40 director's designee;

41 (jjj) all sales of dietary supplements dispensed pursuant to a
42 prescription order by a licensed practitioner or a mid-level practitioner as
43 defined by K.S.A. 65-1626, and amendments thereto. As used in this

1 subsection, "dietary supplement" means any product, other than tobacco,
2 intended to supplement the diet that: (1) Contains one or more of the
3 following dietary ingredients: A vitamin, a mineral, an herb or other
4 botanical, an amino acid, a dietary substance for use by humans to
5 supplement the diet by increasing the total dietary intake or a concentrate,
6 metabolite, constituent, extract or combination of any such ingredient; (2)
7 is intended for ingestion in tablet, capsule, powder, softgel, gelcap or
8 liquid form, or if not intended for ingestion, in such a form, is not
9 represented as conventional food and is not represented for use as a sole
10 item of a meal or of the diet; and (3) is required to be labeled as a dietary
11 supplement, identifiable by the supplemental facts box found on the label
12 and as required pursuant to 21 C.F.R. § 101.36;

13 (lll) all sales of tangible personal property and services purchased by
14 special olympics Kansas, inc. for the purpose of providing year-round
15 sports training and athletic competition in a variety of olympic-type sports
16 for individuals with intellectual disabilities by giving them continuing
17 opportunities to develop physical fitness, demonstrate courage, experience
18 joy and participate in a sharing of gifts, skills and friendship with their
19 families, other special olympics athletes and the community, and activities
20 provided or sponsored by such organization, and all sales of tangible
21 personal property by or on behalf of any such organization;

22 (mmm) all sales of tangible personal property purchased by or on
23 behalf of the Marillac Center, Inc., which is exempt from federal income
24 taxation pursuant to section 501(c)(3) of the federal internal revenue code,
25 for the purpose of providing psycho-social-biological and special
26 education services to children, and all sales of any such property by or on
27 behalf of such organization for such purpose;

28 (nnn) all sales of tangible personal property and services purchased
29 by the West Sedgwick County-Sunrise Rotary Club and Sunrise Charitable
30 Fund for the purpose of constructing a boundless playground which is an
31 integrated, barrier free and developmentally advantageous play
32 environment for children of all abilities and disabilities;

33 (ooo) all sales of tangible personal property by or on behalf of a
34 public library serving the general public and supported in whole or in part
35 with tax money or a not-for-profit organization whose purpose is to raise
36 funds for or provide services or other benefits to any such public library;

37 (ppp) all sales of tangible personal property and services purchased
38 by or on behalf of a homeless shelter which is exempt from federal income
39 taxation pursuant to section 501(c)(3) of the federal income tax code of
40 1986, and used by any such homeless shelter to provide emergency and
41 transitional housing for individuals and families experiencing
42 homelessness, and all sales of any such property by or on behalf of any
43 such homeless shelter for any such purpose;

1 (qqq) all sales of tangible personal property and services purchased
2 by TLC for children and families, inc., hereinafter referred to as TLC,
3 which is exempt from federal income taxation pursuant to section 501(c)
4 (3) of the federal internal revenue code of 1986, and which such property
5 and services are used for the purpose of providing emergency shelter and
6 treatment for abused and neglected children as well as meeting additional
7 critical needs for children, juveniles and family, and all sales of any such
8 property by or on behalf of TLC for any such purpose; and all sales of
9 tangible personal property or services purchased by a contractor for the
10 purpose of constructing, maintaining, repairing, enlarging, furnishing or
11 remodeling facilities for the operation of services for TLC for any such
12 purpose which would be exempt from taxation under the provisions of this
13 section if purchased directly by TLC. Nothing in this subsection shall be
14 deemed to exempt the purchase of any construction machinery, equipment
15 or tools used in the constructing, maintaining, repairing, enlarging,
16 furnishing or remodeling such facilities for TLC. When TLC contracts for
17 the purpose of constructing, maintaining, repairing, enlarging, furnishing
18 or remodeling such facilities, it shall obtain from the state and furnish to
19 the contractor an exemption certificate for the project involved, and the
20 contractor may purchase materials for incorporation in such project. The
21 contractor shall furnish the number of such certificate to all suppliers from
22 whom such purchases are made, and such suppliers shall execute invoices
23 covering the same bearing the number of such certificate. Upon
24 completion of the project the contractor shall furnish to TLC a sworn
25 statement, on a form to be provided by the director of taxation, that all
26 purchases so made were entitled to exemption under this subsection. All
27 invoices shall be held by the contractor for a period of five years and shall
28 be subject to audit by the director of taxation. If any materials purchased
29 under such a certificate are found not to have been incorporated in the
30 building or other project or not to have been returned for credit or the sales
31 or compensating tax otherwise imposed upon such materials which will
32 not be so incorporated in the building or other project reported and paid by
33 such contractor to the director of taxation not later than the 20th day of
34 the month following the close of the month in which it shall be determined
35 that such materials will not be used for the purpose for which such
36 certificate was issued, TLC shall be liable for tax on all materials
37 purchased for the project, and upon payment thereof it may recover the
38 same from the contractor together with reasonable attorney fees. Any
39 contractor or any agent, employee or subcontractor thereof, who shall use
40 or otherwise dispose of any materials purchased under such a certificate
41 for any purpose other than that for which such a certificate is issued
42 without the payment of the sales or compensating tax otherwise imposed
43 upon such materials, shall be guilty of a misdemeanor and, upon

1 conviction therefor, shall be subject to the penalties provided for in
2 subsection (g) of K.S.A. 79-3615, and amendments thereto;

3 (rrr) all sales of tangible personal property and services purchased by
4 any county law library maintained pursuant to law and sales of tangible
5 personal property and services purchased by an organization which would
6 have been exempt from taxation under the provisions of this subsection if
7 purchased directly by the county law library for the purpose of providing
8 legal resources to attorneys, judges, students and the general public, and
9 all sales of any such property by or on behalf of any such county law
10 library;

11 (sss) all sales of tangible personal property and services purchased by
12 catholic charities or youthville, hereinafter referred to as charitable family
13 providers, which is exempt from federal income taxation pursuant to
14 section 501(c)(3) of the federal internal revenue code of 1986, and which
15 such property and services are used for the purpose of providing
16 emergency shelter and treatment for abused and neglected children as well
17 as meeting additional critical needs for children, juveniles and family, and
18 all sales of any such property by or on behalf of charitable family
19 providers for any such purpose; and all sales of tangible personal property
20 or services purchased by a contractor for the purpose of constructing,
21 maintaining, repairing, enlarging, furnishing or remodeling facilities for
22 the operation of services for charitable family providers for any such
23 purpose which would be exempt from taxation under the provisions of this
24 section if purchased directly by charitable family providers. Nothing in
25 this subsection shall be deemed to exempt the purchase of any construction
26 machinery, equipment or tools used in the constructing, maintaining,
27 repairing, enlarging, furnishing or remodeling such facilities for charitable
28 family providers. When charitable family providers contracts for the
29 purpose of constructing, maintaining, repairing, enlarging, furnishing or
30 remodeling such facilities, it shall obtain from the state and furnish to the
31 contractor an exemption certificate for the project involved, and the
32 contractor may purchase materials for incorporation in such project. The
33 contractor shall furnish the number of such certificate to all suppliers from
34 whom such purchases are made, and such suppliers shall execute invoices
35 covering the same bearing the number of such certificate. Upon
36 completion of the project the contractor shall furnish to charitable family
37 providers a sworn statement, on a form to be provided by the director of
38 taxation, that all purchases so made were entitled to exemption under this
39 subsection. All invoices shall be held by the contractor for a period of five
40 years and shall be subject to audit by the director of taxation. If any
41 materials purchased under such a certificate are found not to have been
42 incorporated in the building or other project or not to have been returned
43 for credit or the sales or compensating tax otherwise imposed upon such

1 materials which will not be so incorporated in the building or other project
2 reported and paid by such contractor to the director of taxation not later
3 than the 20th day of the month following the close of the month in which it
4 shall be determined that such materials will not be used for the purpose for
5 which such certificate was issued, charitable family providers shall be
6 liable for tax on all materials purchased for the project, and upon payment
7 thereof it may recover the same from the contractor together with
8 reasonable attorney fees. Any contractor or any agent, employee or
9 subcontractor thereof, who shall use or otherwise dispose of any materials
10 purchased under such a certificate for any purpose other than that for
11 which such a certificate is issued without the payment of the sales or
12 compensating tax otherwise imposed upon such materials, shall be guilty
13 of a misdemeanor and, upon conviction therefor, shall be subject to the
14 penalties provided for in subsection (g) of K.S.A. 79-3615, and
15 amendments thereto;

16 (ttt) all sales of tangible personal property or services purchased by a
17 contractor for a project for the purpose of restoring, constructing,
18 equipping, reconstructing, maintaining, repairing, enlarging, furnishing or
19 remodeling a home or facility owned by a nonprofit museum which has
20 been granted an exemption pursuant to subsection (qq), which such home
21 or facility is located in a city which has been designated as a qualified
22 hometown pursuant to the provisions of K.S.A. 75-5071 *et seq.*, and
23 amendments thereto, and which such project is related to the purposes of
24 K.S.A. 75-5071 *et seq.*, and amendments thereto, and which would be
25 exempt from taxation under the provisions of this section if purchased
26 directly by such nonprofit museum. Nothing in this subsection shall be
27 deemed to exempt the purchase of any construction machinery, equipment
28 or tools used in the restoring, constructing, equipping, reconstructing,
29 maintaining, repairing, enlarging, furnishing or remodeling a home or
30 facility for any such nonprofit museum. When any such nonprofit museum
31 shall contract for the purpose of restoring, constructing, equipping,
32 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling
33 a home or facility, it shall obtain from the state and furnish to the
34 contractor an exemption certificate for the project involved, and the
35 contractor may purchase materials for incorporation in such project. The
36 contractor shall furnish the number of such certificates to all suppliers
37 from whom such purchases are made, and such suppliers shall execute
38 invoices covering the same bearing the number of such certificate. Upon
39 completion of the project, the contractor shall furnish to such nonprofit
40 museum a sworn statement on a form to be provided by the director of
41 taxation that all purchases so made were entitled to exemption under this
42 subsection. All invoices shall be held by the contractor for a period of five
43 years and shall be subject to audit by the director of taxation. If any

1 materials purchased under such a certificate are found not to have been
2 incorporated in the building or other project or not to have been returned
3 for credit or the sales or compensating tax otherwise imposed upon such
4 materials which will not be so incorporated in a home or facility or other
5 project reported and paid by such contractor to the director of taxation not
6 later than the 20th day of the month following the close of the month in
7 which it shall be determined that such materials will not be used for the
8 purpose for which such certificate was issued, such nonprofit museum
9 shall be liable for tax on all materials purchased for the project, and upon
10 payment thereof it may recover the same from the contractor together with
11 reasonable attorney fees. Any contractor or any agent, employee or
12 subcontractor thereof, who shall use or otherwise dispose of any materials
13 purchased under such a certificate for any purpose other than that for
14 which such a certificate is issued without the payment of the sales or
15 compensating tax otherwise imposed upon such materials, shall be guilty
16 of a misdemeanor and, upon conviction therefor, shall be subject to the
17 penalties provided for in subsection (g) of K.S.A. 79-3615, and
18 amendments thereto;

19 (uuu) all sales of tangible personal property and services purchased
20 by Kansas children's service league, hereinafter referred to as KCSL,
21 which is exempt from federal income taxation pursuant to section 501(c)
22 (3) of the federal internal revenue code of 1986, and which such property
23 and services are used for the purpose of providing for the prevention and
24 treatment of child abuse and maltreatment as well as meeting additional
25 critical needs for children, juveniles and family, and all sales of any such
26 property by or on behalf of KCSL for any such purpose; and all sales of
27 tangible personal property or services purchased by a contractor for the
28 purpose of constructing, maintaining, repairing, enlarging, furnishing or
29 remodeling facilities for the operation of services for KCSL for any such
30 purpose which would be exempt from taxation under the provisions of this
31 section if purchased directly by KCSL. Nothing in this subsection shall be
32 deemed to exempt the purchase of any construction machinery, equipment
33 or tools used in the constructing, maintaining, repairing, enlarging,
34 furnishing or remodeling such facilities for KCSL. When KCSL contracts
35 for the purpose of constructing, maintaining, repairing, enlarging,
36 furnishing or remodeling such facilities, it shall obtain from the state and
37 furnish to the contractor an exemption certificate for the project involved,
38 and the contractor may purchase materials for incorporation in such
39 project. The contractor shall furnish the number of such certificate to all
40 suppliers from whom such purchases are made, and such suppliers shall
41 execute invoices covering the same bearing the number of such certificate.
42 Upon completion of the project the contractor shall furnish to KCSL a
43 sworn statement, on a form to be provided by the director of taxation, that

1 all purchases so made were entitled to exemption under this subsection.
2 All invoices shall be held by the contractor for a period of five years and
3 shall be subject to audit by the director of taxation. If any materials
4 purchased under such a certificate are found not to have been incorporated
5 in the building or other project or not to have been returned for credit or
6 the sales or compensating tax otherwise imposed upon such materials
7 which will not be so incorporated in the building or other project reported
8 and paid by such contractor to the director of taxation not later than the
9 20th day of the month following the close of the month in which it shall be
10 determined that such materials will not be used for the purpose for which
11 such certificate was issued, KCSL shall be liable for tax on all materials
12 purchased for the project, and upon payment thereof it may recover the
13 same from the contractor together with reasonable attorney fees. Any
14 contractor or any agent, employee or subcontractor thereof, who shall use
15 or otherwise dispose of any materials purchased under such a certificate
16 for any purpose other than that for which such a certificate is issued
17 without the payment of the sales or compensating tax otherwise imposed
18 upon such materials, shall be guilty of a misdemeanor and, upon
19 conviction therefor, shall be subject to the penalties provided for in
20 subsection (g) of K.S.A. 79-3615, and amendments thereto;

21 (vvv) all sales of tangible personal property or services, including the
22 renting and leasing of tangible personal property or services, purchased by
23 Jazz in the Woods, Inc., a Kansas corporation which is exempt from
24 federal income taxation pursuant to section 501(c)(3) of the federal
25 internal revenue code, for the purpose of providing Jazz in the Woods, an
26 event benefiting children-in-need and other nonprofit charities assisting
27 such children, and all sales of any such property by or on behalf of such
28 organization for such purpose;

29 (www) all sales of tangible personal property purchased by or on
30 behalf of the Frontenac Education Foundation, which is exempt from
31 federal income taxation pursuant to section 501(c)(3) of the federal
32 internal revenue code, for the purpose of providing education support for
33 students, and all sales of any such property by or on behalf of such
34 organization for such purpose;

35 (xxx) all sales of personal property and services purchased by the
36 booth theatre foundation, inc., an organization which is exempt from
37 federal income taxation pursuant to section 501(c)(3) of the federal
38 internal revenue code of 1986, and which such personal property and
39 services are used by any such organization in the constructing, equipping,
40 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling
41 of the booth theatre, and all sales of tangible personal property or services
42 purchased by a contractor for the purpose of constructing, equipping,
43 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling

1 the booth theatre for such organization, which would be exempt from
2 taxation under the provisions of this section if purchased directly by such
3 organization. Nothing in this subsection shall be deemed to exempt the
4 purchase of any construction machinery, equipment or tools used in the
5 constructing, equipping, reconstructing, maintaining, repairing, enlarging,
6 furnishing or remodeling facilities for any such organization. When any
7 such organization shall contract for the purpose of constructing, equipping,
8 reconstructing, maintaining, repairing, enlarging, furnishing or remodeling
9 facilities, it shall obtain from the state and furnish to the contractor an
10 exemption certificate for the project involved, and the contractor may
11 purchase materials for incorporation in such project. The contractor shall
12 furnish the number of such certificate to all suppliers from whom such
13 purchases are made, and such suppliers shall execute invoices covering the
14 same bearing the number of such certificate. Upon completion of the
15 project the contractor shall furnish to such organization concerned a sworn
16 statement, on a form to be provided by the director of taxation, that all
17 purchases so made were entitled to exemption under this subsection. All
18 invoices shall be held by the contractor for a period of five years and shall
19 be subject to audit by the director of taxation. If any materials purchased
20 under such a certificate are found not to have been incorporated in such
21 facilities or not to have been returned for credit or the sales or
22 compensating tax otherwise imposed upon such materials which will not
23 be so incorporated in such facilities reported and paid by such contractor
24 to the director of taxation not later than the 20th day of the month following
25 the close of the month in which it shall be determined that such materials
26 will not be used for the purpose for which such certificate was issued, such
27 organization concerned shall be liable for tax on all materials purchased
28 for the project, and upon payment thereof it may recover the same from
29 the contractor together with reasonable attorney fees. Any contractor or
30 any agent, employee or subcontractor thereof, who shall use or otherwise
31 dispose of any materials purchased under such a certificate for any purpose
32 other than that for which such a certificate is issued without the payment
33 of the sales or compensating tax otherwise imposed upon such materials,
34 shall be guilty of a misdemeanor and, upon conviction therefor, shall be
35 subject to the penalties provided for in subsection (g) of K.S.A. 79-3615,
36 and amendments thereto. Sales tax paid on and after January 1, 2007, but
37 prior to the effective date of this act upon the gross receipts received from
38 any sale which would have been exempted by the provisions of this
39 subsection had such sale occurred after the effective date of this act shall
40 be refunded. Each claim for a sales tax refund shall be verified and
41 submitted to the director of taxation upon forms furnished by the director
42 and shall be accompanied by any additional documentation required by the
43 director. The director shall review each claim and shall refund that amount

1 of sales tax paid as determined under the provisions of this subsection. All
2 refunds shall be paid from the sales tax refund fund upon warrants of the
3 director of accounts and reports pursuant to vouchers approved by the
4 director or the director's designee;

5 (yyy) all sales of tangible personal property and services purchased
6 by TLC charities foundation, inc., hereinafter referred to as TLC charities,
7 which is exempt from federal income taxation pursuant to section 501(c)
8 (3) of the federal internal revenue code of 1986, and which such property
9 and services are used for the purpose of encouraging private philanthropy
10 to further the vision, values, and goals of TLC for children and families,
11 inc.; and all sales of such property and services by or on behalf of TLC
12 charities for any such purpose and all sales of tangible personal property or
13 services purchased by a contractor for the purpose of constructing,
14 maintaining, repairing, enlarging, furnishing or remodeling facilities for
15 the operation of services for TLC charities for any such purpose which
16 would be exempt from taxation under the provisions of this section if
17 purchased directly by TLC charities. Nothing in this subsection shall be
18 deemed to exempt the purchase of any construction machinery, equipment
19 or tools used in the constructing, maintaining, repairing, enlarging,
20 furnishing or remodeling such facilities for TLC charities. When TLC
21 charities contracts for the purpose of constructing, maintaining, repairing,
22 enlarging, furnishing or remodeling such facilities, it shall obtain from
23 the state and furnish to the contractor an exemption certificate for the project
24 involved, and the contractor may purchase materials for incorporation in
25 such project. The contractor shall furnish the number of such certificate to
26 all suppliers from whom such purchases are made, and such suppliers shall
27 execute invoices covering the same bearing the number of such certificate.
28 Upon completion of the project the contractor shall furnish to TLC
29 charities a sworn statement, on a form to be provided by the director of
30 taxation, that all purchases so made were entitled to exemption under this
31 subsection. All invoices shall be held by the contractor for a period of five
32 years and shall be subject to audit by the director of taxation. If any
33 materials purchased under such a certificate are found not to have been
34 incorporated in the building or other project or not to have been returned
35 for credit or the sales or compensating tax otherwise imposed upon such
36 materials which will not be incorporated into the building or other project
37 reported and paid by such contractor to the director of taxation not later
38 than the 20th day of the month following the close of the month in which it
39 shall be determined that such materials will not be used for the purpose for
40 which such certificate was issued, TLC charities shall be liable for tax on
41 all materials purchased for the project, and upon payment thereof it may
42 recover the same from the contractor together with reasonable attorney
43 fees. Any contractor or any agent, employee or subcontractor thereof, who

1 shall use or otherwise dispose of any materials purchased under such a
2 certificate for any purpose other than that for which such a certificate is
3 issued without the payment of the sales or compensating tax otherwise
4 imposed upon such materials, shall be guilty of a misdemeanor and, upon
5 conviction therefor, shall be subject to the penalties provided for in
6 subsection (g) of K.S.A. 79-3615, and amendments thereto;

7 (zzz) all sales of tangible personal property purchased by the rotary
8 club of shawnee foundation which is exempt from federal income taxation
9 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,
10 as amended, used for the purpose of providing contributions to community
11 service organizations and scholarships;

12 (aaaa) all sales of personal property and services purchased by or on
13 behalf of victory in the valley, inc., which is exempt from federal income
14 taxation pursuant to section 501(c)(3) of the federal internal revenue code,
15 for the purpose of providing a cancer support group and services for
16 persons with cancer, and all sales of any such property by or on behalf of
17 any such organization for any such purpose;

18 (bbbb) all sales of entry or participation fees, charges or tickets by
19 Guadalupe health foundation, which is exempt from federal income
20 taxation pursuant to section 501(c)(3) of the federal internal revenue code,
21 for such organization's annual fundraising event which purpose is to
22 provide health care services for uninsured workers;

23 (cccc) all sales of tangible personal property or services purchased by
24 or on behalf of wayside waifs, inc., which is exempt from federal income
25 taxation pursuant to section 501(c)(3) of the federal internal revenue code,
26 for the purpose of providing such organization's annual fundraiser, an
27 event whose purpose is to support the care of homeless and abandoned
28 animals, animal adoption efforts, education programs for children and
29 efforts to reduce animal over-population and animal welfare services, and
30 all sales of any such property, including entry or participation fees or
31 charges, by or on behalf of such organization for such purpose;

32 (dddd) all sales of tangible personal property or services purchased
33 by or on behalf of Goodwill Industries or Easter Seals of Kansas, Inc.,
34 both of which are exempt from federal income taxation pursuant to section
35 501(c)(3) of the federal internal revenue code, for the purpose of providing
36 education, training and employment opportunities for people with
37 disabilities and other barriers to employment;

38 (eeee) all sales of tangible personal property or services purchased by
39 or on behalf of All American Beef Battalion, Inc., which is exempt from
40 federal income taxation pursuant to section 501(c)(3) of the federal
41 internal revenue code, for the purpose of educating, promoting and
42 participating as a contact group through the beef cattle industry in order to
43 carry out such projects that provide support and morale to members of the

1 United States armed forces and military services; ~~and~~
2 (ffff) all sales of tangible personal property and services purchased by
3 sheltered living, inc., which is exempt from federal income taxation
4 pursuant to section 501(c)(3) of the federal internal revenue code of 1986,
5 and which such property and services are used for the purpose of
6 providing residential and day services for people with developmental
7 disabilities or mental retardation, or both, and all sales of any such
8 property by or on behalf of sheltered living, inc. for any such purpose; and
9 all sales of tangible personal property or services purchased by a
10 contractor for the purpose of rehabilitating, constructing, maintaining,
11 repairing, enlarging, furnishing or remodeling homes and facilities for
12 sheltered living, inc. for any such purpose which would be exempt from
13 taxation under the provisions of this section if purchased directly by
14 sheltered living, inc. Nothing in this subsection shall be deemed to exempt
15 the purchase of any construction machinery, equipment or tools used in the
16 constructing, maintaining, repairing, enlarging, furnishing or remodeling
17 such homes and facilities for sheltered living, inc. When sheltered living,
18 inc. contracts for the purpose of rehabilitating, constructing, maintaining,
19 repairing, enlarging, furnishing or remodeling such homes and facilities, it
20 shall obtain from the state and furnish to the contractor an exemption
21 certificate for the project involved, and the contractor may purchase
22 materials for incorporation in such project. The contractor shall furnish the
23 number of such certificate to all suppliers from whom such purchases are
24 made, and such suppliers shall execute invoices covering the same bearing
25 the number of such certificate. Upon completion of the project the
26 contractor shall furnish to sheltered living, inc. a sworn statement, on a
27 form to be provided by the director of taxation, that all purchases so made
28 were entitled to exemption under this subsection. All invoices shall be held
29 by the contractor for a period of five years and shall be subject to audit by
30 the director of taxation. If any materials purchased under such a certificate
31 are found not to have been incorporated in the building or other project or
32 not to have been returned for credit or the sales or compensating tax
33 otherwise imposed upon such materials which will not be so incorporated
34 in the building or other project reported and paid by such contractor to the
35 director of taxation not later than the 20th day of the month following the
36 close of the month in which it shall be determined that such materials will
37 not be used for the purpose for which such certificate was issued, sheltered
38 living, inc. shall be liable for tax on all materials purchased for the project,
39 and upon payment thereof it may recover the same from the contractor
40 together with reasonable attorney fees. Any contractor or any agent,
41 employee or subcontractor thereof, who shall use or otherwise dispose of
42 any materials purchased under such a certificate for any purpose other than
43 that for which such a certificate is issued without the payment of the sales

1 or compensating tax otherwise imposed upon such materials, shall be
2 guilty of a misdemeanor and, upon conviction therefor, shall be subject to
3 the penalties provided for in subsection (g) of K.S.A. 79-3615, and
4 amendments thereto;

5 *(gggg) all sales of game birds for which the primary purpose is use in*
6 *hunting; and*

7 *(hhhh) all sales of tangible personal property or services purchased*
8 *by or on behalf of the Thomas P. O'Sullivan IV and Marina G. O'Sullivan*
9 *family fund, also known as the Thomas P. O'Sullivan IV foundations,*
10 *which is exempt from federal income taxation pursuant to section 501 (c)*
11 *(3) of the federal internal revenue code, for the purpose of providing*
12 *funding for the research, education, advocacy, prevention and early*
13 *detection of colorectal cancer, and all sales of any such property, by or on*
14 *behalf of such organization for such purpose.*

15 Sec. 2. K.S.A. 2011 Supp. 79-3606 and 79-3606g are hereby
16 repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.

19