I. Sales/Use

A. General

1. Liquor

   a) Effective April 1, 2019, grocery stores and convenience stores will be subject to state and local sales tax, instead of liquor enforcement tax, on the sale of beer with not more than 6.0% alcohol by volume. 2018 HB 2502 (See K.S.A. 79-3602; 41-2701).

B. Private letter rulings/Public notices and guidance/Court cases:


      The Kansas Department of Revenue (“Department”) has issued Private Letter Ruling No. C-18-024 (March 15, 2018), regarding the application of sales tax on labor for construction contracts, specifically where taxes have been paid pursuant thereto by the consumer. In the Ruling the Department emphasizes that each contractor and subcontractor is responsible for collecting and remitting the sales taxes on the labor services they respectfully provide.\(^1\)


      The Department’s publication regarding the applicability of Kansas sales and use tax to motor vehicle transactions has been updated and now contains information regarding other states that allow nonresidents to purchase motor vehicles without tax, and whether tax must be paid if the vehicle is removed from the state. If tax is paid, and the vehicle is then registered in Kansas, a Kansas credit may be available. The general rule for vehicle purchases made by Kansas outside of Kansas provides that sales tax be paid on the purchase at the rate in effect at the purchaser’s place of residence.


      Kansas Information Guide No. KS-1525 was updated in October 2018. It concerns the sales and use tax for contractor, subcontractors and repairmen. Telefile is no longer available as a means of filing, but there is information on how to file and pay online through the Department’s website. The Department has updated certain definitions including “circumstances beyond the owner’s control.” It also clarifies that “gross receipts” do not include sales tax collected from a customer on taxable services.

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\(^1\) The case summaries presented here are incorporated from the 2019 Kansas Bar Association (“KBA”) Annual Survey of state tax cases with permission from the authors of the Survey. The authors of these materials would like to extend their sincere gratitude to the authors of the Survey, James Scott MacBeth of the Hinkle Law Firm LLC and S. Lucky DeFries of Coffman, DeFries & Nothern, P.A., for their invaluable assistance. Any mistakes in these materials are fully the responsibility of the authors thereof.

Public Notice 18-01 concerns K.S.A. 79-3453, which provides a refund for the tax paid on fuel for school buses or for any purpose other than operating motor vehicles on the public highways. The Notice states that concrete mixing/delivery trucks may claim a 25% refund, though a higher percentage may be claimed where a study is provided to prove the higher percentage. Refunds are only allowed to the extent the refund amount exceeds $25.


The Department issued a notice effective July 1, 2018, through June 30, 2021, stating that the selling price does not include cash rebates granted by a manufacturer to a purchaser or lessee of a new vehicle if paid directly to the retailer as a result of the original sale. However, if the rebate is not reported on the bill of sale, it will be presumed it was not paid directly to the retailer and will not be exempt. Rebates relating to trailers and a number of non-highway vehicles will not qualify.


The Department issued a notice effective July 1, 2018, through June 30, 2021, stating that the selling price does not include cash rebates granted by a manufacturer to a purchaser or lessee of a new vehicle if paid directly to the retailer as a result of the original sale. However, if the rebate is not reported on the bill of sale, it will be presumed it was not paid directly to the retailer and will not be exempt. Rebates relating to trailers and a number of non-highway vehicles will not qualify.

7. Overpayment and Underpayment Interest Rates.

The Department has updated the overpayment and underpayment interest rates for both sales and use taxes to 6% or .5% per month (from 5% or .471% per month). See https://www.ksrevenue.org/pandi.html.

C. STAR Bonds

1. Introduction

   a) Sales Tax Revenue (STAR) Bonds provide Kansas municipalities the opportunity to issue bonds to finance the development of major commercial, entertainment, and tourism areas and use the sales tax revenue generated by the development to pay off the bonds.

   b) Kansas Department of Commerce Guidelines

      (1) In order to be considered a major commercial entertainment and tourism area, a proposed project must be capable of being characterized as a statewide and regional destination, and include a high-quality, innovative, entertainment and tourism attraction, containing unique features which will increase tourism, generate significant positive
and diverse economic and fiscal impacts, and be capable of sustainable development over time.

(2) Public benefit must exceed public cost.

(3) As a general rule, STAR Bond financing should constitute less than 50% of total project costs.

(4) Retail tenants of projects financed by STAR Bonds must comply with all Kansas laws, including the Kansas “affiliate nexus” law, and collect sales tax on remote sales to Kansas residents.

c) Approval Process (Steps)

(1) City identifies potential STAR bond district boundaries;

(2) Local council sets public hearings to discuss creation of STAR bond district;

(3) Secretary of Commerce approves the potential district;

(4) Local council holds public hearings and adopts ordinances to create district;

(5) Feasibility studies completed and delivered to the city;

(6) Project planning prepared and delivered to the city;

(7) Local planning commission reviews the project;

(8) Local council sets and holds public hearings to adopt the project plan;

(9) Local council adopts the project plan;

(10) Secretary of Commerce approves the project plan;

(11) Bond documents developed;

(12) STAR bonds issued for project;

(13) Project begins; and

(14) 20-year Repayment Period.
2. Examples

a) Salina - Salina Field House (67,000 square foot multi-sport athletic facility); automotive museum; Alley Entertainment Complex (47,000 square foot family entertainment complex); 114-room hotel.

(1) Project Update – Various components of the project are currently under construction (including the new 113 Home Wood Suites and various restaurant developments). The $160M private-public partnership project (termed “Salina 2020”) for downtown revitalization is the largest in the city’s history. The majority of the project is set to be completed throughout the remainder of 2019 and 2020.

b) Derby - Field Station: Dinosaurs (animatronic dinosaur exhibition & park); 100-room hotel; “big-box” retail development; restaurants.

(1) Project Update – Largest animatronic dinosaur park in North America opened the weekend of May 25, 2018, in Derby, Kansas (though a 3,000-pound stegosaurus living in the park was no match for a powerful south-central Kansas wind gusting to about 60 mph on March 13, 2019 (no one was injured)). On an unrelated note, the $40,000,000 hospital component of the project is nearing completion and anticipates employing 175 people by year end.

c) Wichita (Arkansas River Developments) - Delano Catalyst (apartments, commercial space, and hotel rooms); $40M - $60M baseball stadium (to replace Lawrence Dumont and lure AA-level baseball team).

(1) Project Update – Mayor Jeff Longwell announced on September 6, 2018, that the city had successfully used the promise of the new baseball stadium and related improvements to lure the AAA New Orleans Baby Cakes to Wichita. The stadium is scheduled to be completed in time for opening day of the 2020 season when the Wichita [???] will begin playing in their new stadium. The project is also set to include the new NBC museum, riverbank improvements, a pedestrian bridge connecting the stadium to Century II Performing Arts Center and related infrastructure.

d) Others - Kansas City Speedway (Kansas City); The Kansas Underground Salt Museum (Hutchinson); Dodge City (Heritage District – Boot Hill); Garden City (Sports of the World).

3. Policy Considerations

a) Supporters

(1) STAR bonds are a proven tool for spurring economic development in the state (increasing jobs & economic productivity in the districts they fund).
(2) It is estimated that completed STAR bond projects bring in tens of millions of dollars in increased state tax revenue every year.

b) Criticisms

(1) State does not perform an independent 3rd party feasibility study of the projects (feasibility studies often performed by developers and approved at the local level). Some legislators believe that the state should perform additional diligence given that state tax revenues are being forgone in STAR bond districts.

4. Update

a) Legislative Reform Efforts – HB 2006 would provide legislators with a comprehensive review of some of the state’s economic tools and require the state to create a public incentive database. As to STAR bonds, this database would include the names and addresses of those who receive STAR bonds, the names of principals and officers of developers who use STAR bonds on projects, the amount of incentive claimed and distributed to recipients as well as their qualifications for the program, like the number of jobs created through the project. The Bill’s supporters, such as Sen. Julia Lynn, believe that HB 2006, is “just the beginning.” Rep. Lynn and other transparency proponents believe that evaluation is key, and that, in the future, they’d like to see legislation that allows private sector professional experts in banking and financing to help assess a project’s potential return on investment before the incentive is awarded. Both HB 2006 and its proponents’ future goals echo historic criticisms of the STAR Bond program and similar Kansas economic development programs.

II. Property

A. Public notices/Court cases:

1. Low Income Property Tax Rebates.

The Department reminded taxpayers about three rebate programs for property taxes paid by resident homeowners whose income is $35,000 or less. The maximum rebate is $700, but is subject to the requirements of age, disability, or the existence of a minor dependent living with the taxpayer.


The Kansas Court of Appeals concluded that the Board of Tax Appeals (“BOTA”) improperly adopted its own income approach to valuing a casino’s property by utilizing supposed median figures to establish a profit margin and EBITDA multiplier and a real estate allocation percentage because such alleged median figures were not supported by anything within the record. The Court agreed that the Board had utilized figures that were unsupported by the record making it impossible to determine whether the calculations were supported by
substantial competent evidence. The Court also concluded that the decision by the Board had been “arbitrary and capricious” and as a consequence must be remanded to the Board such that they can apply an approach to value that would be supported by the record.


The Court of Appeals found that BOTA’s depreciation calculation regarding casino property and its functional obsolescence calculations were unsupported by the record. Those issues were remanded for reconsideration by BOTA. The Court affirmed BOTA on the other issues raised, including classification and valuation issues.


The Court of Appeals affirmed BOTA’s decision, finding that BOTA did not make a reversible error notwithstanding both parties raising a number of issues, including the Unified Government argument challenge to BOTA’s adoption of the methodology of the taxpayer’s expert and the taxpayer’s concerns on how BOTA applied the income approach.


The Court of Appeals found that BOTA did not err in discrediting an appraiser’s subjective and factually unsupported assessment of intangible property at a country club. The Court refused to consider an argument regarding mathematical errors that was not raised before BOTA in the taxpayer’s request for a full and complete opinion on its motion to reconsider. The Court found there was substantial evidence to support BOTA’s other findings relating to personal property allocations and the denial of a proposed intangible value deduction.


The Court of Appeals reversed BOTA’s finding that a county appraiser’s request for a full and complete opinion was untimely. The Court determined that K.S.A. 74-2426(a) provides 14 days for such a request and that K.S.A. 77-613(e) extends the time by three days if the decision is served by mail.


The Court of Appeals found that a greenhouse should be classified as real property. The Court noted that the taxpayer gave no authority that the footings were separate from the individual assets and the evidence supported a conclusion that the assembly and disassembly would be very complicated and laborious.
III. Income

A. Senate Bill 30 – July 6, 2017

1. Income Tax Rates

<table>
<thead>
<tr>
<th>TAX YEAR</th>
<th>HIGHEST MARGINAL RATE FOR MARRIED AND SINGLE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prior law</td>
<td>4.6%</td>
</tr>
<tr>
<td>2017</td>
<td>5.2%</td>
</tr>
<tr>
<td>2018 and later</td>
<td>5.7% (for &gt;=$60,001 for MFJ and &gt;=$30,001 for all others)</td>
</tr>
</tbody>
</table>

2. Level at which Individuals are Exempt from Kansas Income Tax

Beginning in tax year 2018, the low income exclusion is reduced from $12,500 to $5,000 for MFJ and from $5,000 to $2,500 for all others.

3. Itemized Deductions of Individuals

<table>
<thead>
<tr>
<th>Allowable Itemized Deduction</th>
<th>IRC §</th>
<th>2018</th>
<th>2019</th>
<th>2020---→</th>
</tr>
</thead>
<tbody>
<tr>
<td>Qualified charitable contributions</td>
<td>170</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
</tr>
<tr>
<td>Qualified residence interest</td>
<td>163(h)</td>
<td>50%</td>
<td>75%</td>
<td>100%</td>
</tr>
<tr>
<td>Expenses for medical care</td>
<td>213</td>
<td>50%</td>
<td>75%</td>
<td>100%</td>
</tr>
<tr>
<td>Real and personal property taxes</td>
<td>164(a)</td>
<td>50%</td>
<td>75%</td>
<td>100%</td>
</tr>
</tbody>
</table>

Federal state and local tax deduction limitations passed in the Tax Cuts and Jobs Act will not affect the real and personal property taxes paid allowed for KS. However, in order to itemize for KS, a taxpayer has to itemize for federal.

4. Credit for Child and Dependent Care (Non-Refundable)

For the 2018 tax year, the Kansas credit is 12.5% of the amount of the federal credit. This amount increases to 18.75% of the federal credit for the 2019 tax year and 25% of the federal credit for the 2020 tax year and thereafter.

B. House Bill 2067 – effective tax year 2018

<table>
<thead>
<tr>
<th>Attribute</th>
<th>Learning Quest &amp; other state 529 plan</th>
<th>Qualified ABLE* account &amp; other state qualified ABLE account</th>
</tr>
</thead>
<tbody>
<tr>
<td>K-40 subtraction limit for MFJ</td>
<td>$6,000 contribution per beneficiary per year</td>
<td>SAME</td>
</tr>
<tr>
<td>K-40 subtraction limit for other</td>
<td>$3,000 contribution per beneficiary per year</td>
<td>SAME</td>
</tr>
<tr>
<td>Miscellaneous provision</td>
<td>Effective 2018, qualified expenditures include up to $10,000/beneficiary/yr for K-12 tuition too.</td>
<td>Accounts may be transferred on death of beneficiary to (1) estate OR (2) eligible account.</td>
</tr>
</tbody>
</table>

* ABLE stands for Achieving a Better Life Experience Act.
C. Kansas Residency Status

The question of whether or not one has ceased to be a resident of Kansas is fact-driven, and there is no absolute assurance of how Kansas will treat a move. The longer one can show a lack of strong association with Kansas, the more likely that Kansas will fail in any attempt to claim a taxpayer as a resident. Factors indicative of being a non-Kansas resident follow, but they do not provide a conclusive result as to residency. This is because of K.A.R. 92-19-4a(b)(7)(S) which states that the KDOR may consider “any other fact relevant to the determination of that person’s domicile”, which is broad and ambiguous.

1. Be outside of Kansas for more than 183 days/year to avoid residency presumption. Keep a calendar and try and attach one receipt per day showing that you were outside the state for that day as evidence of being outside of Kansas.
2. Buy (preferably) or rent a non-Kansas residence and furnish it.
3. Move the “near and dear” items outside Kansas.
4. Declare a homestead exemption in another state.
5. If possible, sell or transfer any real estate in Kansas to family or other entities.
6. Have no salary or other earned income in Kansas.
7. Change driver’s license to a new state and surrender your Kansas license.
8. Change all bank accounts to another state and try not to retain any bank accounts in Kansas.
9. Move your only safe deposit box to another state.
10. Change vehicle registration(s) and insurance to another state.
11. Identify another state’s residence as your principal residence for insurance.
12. Obtain a library card in another state.
13. Change social and service clubs to another state and serve local non-Kansas charities.
14. Change voter registration to another state and terminate your Kansas voter registration. Do not vote in Kansas.
15. Do wills, medical directives and powers of attorney under another state’s law.
16. Engage a local doctor, dentist and/or chiropractor; have some or all of your medical records moved to your local doctor.
17. Move your religious affiliation and membership to a local group in another state; make local contributions.
18. Have all of your income tax returns sent to a non-Kansas address; never have them go to your former Kansas address.
19. Have credit cards, brokerage statements and other financial-related mail go to an address outside Kansas.
20. Obtain a resident fishing and/or hunting license from the new state.
21. Focus your social, economic and other activities in the new state of residency.
22. Avoid spending significant amounts of time in Kansas.
23. Take vacations and other trips that begin and end in another state.
24. Change your passport address to another state.
25. Order personalized stationery with a non-Kansas address.
26. File a nonresident Kansas income tax return, if required.
27. If feasible, have family gatherings centered outside Kansas.
28. Send a change of address notification to the Kansas Department of Revenue.
29. Send letters using stationery with a non-Kansas address.
D. Credits

1. Angel Investor Tax Credit
   KDOC Rachell Rowand (785)296-3345

   This tax credit has been extended to tax year 2021. The Angel Investor tax credit is available to qualified individuals who provide seed-capital financing for emerging Kansas businesses engaged in development, implementation, and commercialization of innovative technologies, products and services.

   a) Process for approval:
      1) Investments before approval are not eligible for credits.
      2) Application process takes 30 days:
         a. 1-2 weeks with Rachell
         b. A committee of peer professionals then has 10 days to approve or deny
         c. Rachell has to do a site visit
      3) Angel investors must meet income or net worth requirements and register with KS.

   b) Annual tax credit limits:
      1) Individual taxpayer at 50% of equity or debt investment:
         a. $50,000 for a single Kansas business per year
         b. $250,000 per year with carryforward allowed
      2) On average, approved companies receive $200,000 in credits to allocate each year

   c) Utilization out of $6,000,000 cap:

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>Angel Credit Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$5,427,683</td>
</tr>
<tr>
<td>2013</td>
<td>$3,359,989</td>
</tr>
<tr>
<td>2014</td>
<td>$4,110,725</td>
</tr>
<tr>
<td>2015</td>
<td>$3,975,840</td>
</tr>
<tr>
<td>2016</td>
<td>$3,406,503</td>
</tr>
<tr>
<td>2017</td>
<td>$3,149,641</td>
</tr>
</tbody>
</table>

2. Rural Opportunity Zone (ROZ) Credit
   KDOC Rachell Rowand (785)296-3345

   “If you’re looking for lower cost of living, better quality of life, and help repaying your student loans; Kansas is the best choice.” This is how KS advertises this program on the KDOC website.

   a) Through 2021, the ROZ credit provides an income tax exemption for certain nonresident individuals who:
      1) establish residency in ROZ counties (77 out of 105) and
      2) file income tax returns electronically.
b) 5 year-benefits available in 77/105 counties (based on where you LIVE not where you WORK):
   1) 100% of income tax liability and
   2) Student loan repayments up to $15,000

c) Utilization:
   1) There is no cap on the income tax credit benefit.

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>ROZ Tax Credit Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$236,660</td>
</tr>
<tr>
<td>2013</td>
<td>$575,331</td>
</tr>
<tr>
<td>2014</td>
<td>$968,896</td>
</tr>
<tr>
<td>2015</td>
<td>$1,289,433</td>
</tr>
<tr>
<td>2016</td>
<td>$1,349,433</td>
</tr>
<tr>
<td>2017</td>
<td>$1,725,206</td>
</tr>
</tbody>
</table>

2) The student loan repayment benefit is subject to a cap of $1,200,000, which is funded by Lottery money.

3. **Individual Development Account (IDA) Credit**
   KDOC Rachell Rowand (785)296-3345

   The Individual Development Account (IDA) program allows qualified Kansans of low income levels the opportunity to achieve financial self-sufficiency through education and asset development via special savings accounts.

a) Participants must:
   1) Meet income and asset guidelines and
   2) Complete an online money management course.

b) Benefits:
   1) Donors get a 75% refundable tax credit.
   2) Participants receive a 2:1 match for every dollar they save, and money can be used to:
      a. Purchase a first home,
      b. Pay for home repairs,
      c. Capitalize a small business, or
      d. Pay for college or specialized training.

c) $500,000 in credits are allowed annually and are administered by Interfaith Housing and Community Services, Inc. in Hutchinson. $339,315 was claimed for the 2016 tax year.
4. **High Performance Incentive Program (HPIP) Credit**

KDOC Richard Martinez (785)296-7174

The HPIP credit provides tax incentives to employers that pay above-average wages, have a strong commitment to training and education for their workers, and invest capital in facilities and technology.

<table>
<thead>
<tr>
<th>Tax Year</th>
<th>HPIP Credit Allowed</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$55,793,769</td>
</tr>
<tr>
<td>2013</td>
<td>$64,527,276</td>
</tr>
<tr>
<td>2014</td>
<td>$59,656,757</td>
</tr>
<tr>
<td>2015</td>
<td>$52,585,609</td>
</tr>
<tr>
<td>2016</td>
<td>$35,940,773</td>
</tr>
<tr>
<td>2017</td>
<td>$10,926,818</td>
</tr>
</tbody>
</table>

a) Company qualifications for HPIP:

1. be a for-profit company subject to state taxes;
2. pay above-average wages (as compared to other similar firms in the same geographical area with matching North American Industry Classification System (NAICS) codes);
3. make a significant investment in eligible employee training; and
   a. spend more than 2% of payroll for training and education expenditures (see employee training tax credit below) OR
   b. participate during the tax year in the Kansas industrial training (KIT), Kansas industrial retraining (KIR) or the State of Kansas investments in lifelong learning (SKILL) program.
   i. The KIT program provides training assistance to manufacturing, distribution, or regional or national firms and other businesses primarily engaged in the development or production of goods or the provision of services for out-of-state sale. The business must create at least five new jobs. The KIT program will pay a negotiated amount of the costs of training including instructor salaries, training aids and supplies, and materials.
   ii. KIR provides retraining assistance to employees of restructuring industries that are likely to be displaced because of obsolete skills. At least five existing employees must be trained to qualify.
   iii. SKILL provides funds for training assistance to businesses that are creating a large number of new jobs or creating new jobs paying higher-than-average wages.
4. be either a manufacturer or able to document that most of its sales are to Kansas manufacturers and/or out-of-state businesses or government agencies. A business in any NAICS code can qualify if it is a headquarters or back-office operation of a national or multi-national corporation.
b) **HPIP benefits:**

1) Kansas Investment Tax Credit, which equals 10 percent of all eligible capital investment that exceeds $50,000. In the five metro counties of Johnson, Douglas, Shawnee, Wyandotte and Sedgwick, the threshold is $1 million. The credit is limited to the taxpayer’s tax liability and can be carried forward for 16 years and has no cap.

2) Employee Training Tax Credit, which provides a dollar-for-dollar state tax credit up to $50,000, for training and education expenditures that exceed 2% of total payroll at the worksite. This tax credit has no carry-forward provision.

3) Sales Tax Project Exemptions (STPE) on purchases of materials and services related to capital investment at the worksite.

c) **Steps to be HPIP-certified (can be concurrent):**

1) Complete the **Project Description form**, which demonstrates the applicant’s foreknowledge of the program. This form must be received by the Department of Commerce prior to any formal commitment to make an investment.

2) Request the STPE from the Department of Revenue.

3) Complete the **HPIP application** at the end of the four-quarter measurement period, which directly precedes the certification period during which one intends to capture tax credits for new capital investment.

d) **Claim HPIP benefits:**

1) All HPIP tax credits are claimed on Kansas Department of Revenue Form K-59 when the business files its state income tax return.

2) The sales tax exemption is claimed by first requesting an exemption certificate from the Department of Revenue (after submittal of the Project Description) on Form PR-70b. This certificate will be issued upon HPIP certification.
IV. Miscellaneous

A. Promoting Employment Across Kansas (PEAK) Program
KDOC Brett Sayre (785)296-5418

The creation of the PEAK Act, K.S.A. 2015 Supp. 74-50,210 through 74-50,219, was passed by the Kansas legislature in 2009. PEAK is intended to encourage economic development in Kansas by incenting companies to **relocate, locate or expand business operations and jobs in Kansas**. The Secretary of Commerce has discretion to approve applications of qualified companies and determine the PEAK benefit. During the benefit term, participating PEAK companies may **receive 95% of the Kansas withholding tax** of PEAK-eligible employees/jobs that are paid at or above the county median wage where the PEAK business facility is located. Depending on the number of PEAK jobs/employees to be hired over a five-year period and their wage levels, the Secretary can approve a benefit for up to ten years.

<table>
<thead>
<tr>
<th>Fiscal Yr</th>
<th>PEAK Benefits Received</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
<td>$8,880,930</td>
</tr>
<tr>
<td>2013</td>
<td>$14,167,697</td>
</tr>
<tr>
<td>2014</td>
<td>$24,140,271</td>
</tr>
<tr>
<td>2015</td>
<td>$28,549,096</td>
</tr>
<tr>
<td>2016</td>
<td>$30,532,347</td>
</tr>
<tr>
<td>2017</td>
<td>$33,455,960</td>
</tr>
<tr>
<td>2018</td>
<td>$43,500,000</td>
</tr>
</tbody>
</table>

PEAK requires that a company:

1. commit to creating five new jobs in non-metropolitan counties or 10 new jobs in the metropolitan counties of Shawnee, Douglas, Wyandotte, Johnson, Leavenworth and Sedgwick within a two-year period.

2. pay wages to the PEAK jobs/employees that, when aggregated, meet or exceed the county median wage or NAICS average wage for their industry.

3. be for-profit in eligible NAICS codes or not-for-profit headquarters facilities.

4. make available to its full-time employees “adequate” health insurance coverage and pay at least 50% of the premium.

5. work with a KDOC regional project manager to apply to the PEAK program. Applications are accepted throughout the year and must be received **prior** to hiring PEAK jobs/employees and within 180 days of acknowledgment that the project will be located in Kansas.