



## States' Biofuels Statutes

### STATE OF KANSAS

*This project was undertaken in partnership with the USDA Office of the Chief Economist, The Office of Energy Policy and New Uses. For information on the full project, visit [States' Biofuels Statutory Citations](#). These statutes are placed in reverse chronological order using the date of the most recent amendment to the statute. Many biofuels laws were enacted as amendments to previously passed laws.*

*Current through the 2013 Legislative Session of the Kansas General Assembly.*

#### **79-34,155. Biodiesel fuel; definitions**

As used in K.S.A. 79-34,155 through 79-34,158, and amendments thereto:

- (a) “Biodiesel fuel” means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from vegetable oils or animal fats and that meets the specifications adopted by rules and regulations of the secretary of agriculture pursuant to K.S.A. 55-442, and amendments thereto. Such specification shall meet American society for testing and materials specification D6751-07 for biodiesel fuel (B100) blend stock for distillate fuels, but may be more stringent regarding biodiesel quality and usability than specification D6751-07.
- (b) “Kansas qualified biodiesel fuel producer” means any producer of biodiesel fuel whose principal place of business and facility for the production of biodiesel fuel are located within the state of Kansas and who has made formal application to and conformed to the requirements by the department of revenue pursuant to this act.
- (c) “Secretary” means the secretary of the department of revenue of the state of Kansas.
- (d) “Kansas qualified biodiesel fuel producer incentive fund” means a fund created in K.S.A. 79-34,157, and amendments thereto, from which producer incentives shall be provided pursuant to this act to Kansas qualified biodiesel fuel producers.

**Credits:** Laws 2006, ch. 137, § 1; Laws 2007, ch. 180, § 15, eff. July 1, 2007.

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#### **79-34,156. Kansas qualified biodiesel fuel producer incentive fund; funding**

On July 1, 2015, and quarterly thereafter, the director of accounts and reports shall transfer \$875,000 from the state highway fund to the Kansas qualified biodiesel fuel producer incentive fund. If sufficient

moneys are not available in the state highway fund for such transfer on July 1, 2015, and on the first day of any calendar quarter thereafter, in any such fiscal year, then the director of accounts and reports shall transfer on such date the amount available in the state highway fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund.

**Credits:** Laws 2006, ch. 137, § 2; Laws 2009, ch. 2, § 91, eff. March 19, 2009; Laws 2009, ch. 144, § 87, eff. June 11, 2009; Laws 2010, ch. 165, § 155, eff. July 1, 2010; Laws 2011, ch. 118, § 188, eff. July 1, 2011; Laws 2012, ch. 175, § 165, eff. July 1, 2012; Laws 2013, ch. 136, § 277, eff. July 1, 2013.

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#### **79-34,157. Kansas qualified biodiesel fuel producer incentive fund**

(a) There is hereby created in the state treasury the Kansas qualified biodiesel fuel producer incentive fund.

(b) All moneys in the Kansas qualified biodiesel fuel producer incentive fund shall be expended by the secretary of the department of revenue for the payment of producer incentives for the production of biodiesel fuel under the provisions of this act.

(c) All moneys remaining in the Kansas qualified biodiesel fuel producer incentive fund upon the expiration of this act shall be credited by the state treasurer to the state economic development initiatives fund.

**Credits:** Laws 2006, ch. 137, § 3.

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#### **79-34,158. Biodiesel fuel; production incentives; rules and regulations**

(a) A Kansas qualified biodiesel fuel producer shall be paid a production incentive for the production of biodiesel fuel in the amount of \$.30 for each gallon of biodiesel fuel sold by the producer. The incentive shall be payable to the Kansas qualified biodiesel fuel producer from the Kansas qualified biodiesel fuel producer incentive fund.

(b) The Kansas qualified biodiesel fuel producer shall file for the production incentive beginning July 1, 2007, and quarterly thereafter, on a form furnished by the department of revenue. The form shall require the producer to file such information as the secretary of revenue may require by rules and regulations, but shall include information relating to the original production records and invoices issued to the biodiesel fuel blender at the time of delivery, showing the total number of gallons of biodiesel fuel sold to the biodiesel fuel blender for the previous three months.

(c) The secretary of revenue may adopt such rules and regulations necessary to administer the provisions of this act, including the development of a procedure for the payment of the production incentive. Such payment procedure shall include the development procedure for the payment of the production incentive on a pro rata basis.

**Credits:** Laws 2006, ch. 137, § 4.

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**79-34,159. Expiration date of incentives**

The provisions of K.S.A. 79-34,155 through 79-34,158, and amendments thereto, shall expire on July 1, 2016.

**Credits:** Laws 2006, ch. 137, § 5.