



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.

79-34,170. Definitions

As used in K.S.A. 79-34,170 through 79-34,175, and amendments thereto:

- (a) “Biodiesel” 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) “diesel” means any liquid, other than gasoline and biodiesel, which is used as fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark;
- (c) “gasoline” means any liquid product sold as motor fuel for use in a spark-ignition internal combustion engine;
- (d) “motor fuel” means any inflammable liquid by whatever name such liquid shall be known or sold, which is used, or practically or commercially usable, either alone or when mixed or combined in an internal combustion engine for the generation of power;
- (e) “motor fuel pump” means a commercial measuring device used to measure and dispense motor fuel or special fuels on a retail basis at a fixed retail motor fuel site;
- (f) “renewable fuels” means a combustible liquid derived from grain starch, oil seed, animal fat or other biomass; or produced from biogas source, including any nonfossilized, decaying, organic matter which is capable of powering spark-ignition machinery; and
- (g) “retail dealer” means a licensed seller of motor fuel or special fuels at retail at a fixed retail motor

fuel site.

Credits: Laws 2007, ch. 180, § 7, eff. July 1, 2007.

79-34,171. Retail dealer incentive fund; transfers from state general fund; purposes

(a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund, except that no moneys shall be transferred pursuant to this section from the state general fund to the Kansas retail dealer incentive fund during the fiscal years ending June 30, 2013, June 30, 2014, June 30, 2015, or June 30, 2016. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of K.S.A. 79-34,170 through 79-34,175, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of K.S.A. 79-34,170 through 79-34,175, and amendments thereto, shall be credited by the state treasurer to the state general fund.

Credits: Laws 2007, ch. 180, § 8, eff. July 1, 2007; Laws 2010, ch. 165, § 156, eff. June 10, 2010; Laws 2011, ch. 118, § 189, eff. July 1, 2011; Laws 2012, ch. 175, § 166, eff. July 1, 2012; Laws 2013, ch. 136, § 278, eff. July 1, 2013.

79-34,172. Incentive for retail dealer selling or dispensing renewable fuels; eligibility and requirements; incentive calculation

(a) A retail dealer of motor fuel shall be paid an incentive for the selling or dispensing of renewable fuels through a motor fuel pump as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses renewable fuels through a motor fuel pump in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate all of the following:

(1) The retail dealer's renewable fuels distribution percentage which is the sum of the retail dealer's total renewable fuels blended into gasoline expressed as a percentage of the retail dealer's total gasoline gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's renewable fuels threshold percentage is as follows:

(A) Ten percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) eleven percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) twelve percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;

(D) thirteen percent for any quarter of the determination period beginning on January 1, 2012, and ending December 31, 2012;

(E) fourteen percent for any quarter of the determination period beginning on January 1, 2013, and ending December 31, 2013;

(F) fifteen percent for any quarter of the determination period beginning on January 1, 2014, and ending December 31, 2014;

(G) sixteen percent for any quarter of the determination period beginning on January 1, 2015, and ending December 31, 2015;

(H) seventeen percent for any quarter of the determination period beginning on January 1, 2016, and ending December 31, 2016;

(I) eighteen percent for any quarter of the determination period beginning on January 1, 2017, and ending December 31, 2017;

(J) nineteen percent for any quarter of the determination period beginning on January 1, 2018, and ending December 31, 2018;

(K) twenty percent for any quarter of the determination period beginning on January 1, 2019, and ending December 31, 2019;

(L) twenty-one percent for any quarter of the determination period beginning on January 1, 2020, and ending December 31, 2020;

(M) twenty-two percent for any quarter of the determination period beginning on January 1, 2021, and ending December 31, 2021;

(N) twenty-three percent for any quarter of the determination period beginning on January 1, 2022, and ending December 31, 2022;

(O) twenty-four percent for any quarter of the determination period beginning on January 1, 2023, and ending December 31, 2023;

(P) twenty-five percent for any quarter of the determination period beginning on January 1, 2024, and ending December 31, 2024; and

(Q) twenty-five percent for any quarter of the determination period beginning on and after January 1, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses renewable fuel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses renewable fuels.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's total renewable fuel gallonage by an incentive rate, which may be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The incentive rate is as follows:

(1) For any quarter in which the retail dealer has attained a renewable fuels threshold percentage for the determination period, the incentive rate is 6 ½ cents.

(2) For any quarter in which the retail dealer has not attained a renewable fuels threshold percentage for the determination period, the incentive rate shall be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The amount of the adjusted incentive rate is as follows:

(A) If the retail dealer's renewable fuels threshold percentage disparity equals 2% or less, the incentive rate is 4 ½ cents.

(B) A retail dealer is not eligible for an incentive if the retail dealer's renewable fuels threshold percentage disparity equals more than 2%.

Credits: Laws 2007, ch. 180, § 9, eff. July 1, 2007.

79-34,173. Incentive for retail dealer selling or dispensing biodiesel; eligibility and requirements; incentive calculation

(a) A retail dealer of biodiesel shall be paid an incentive for the selling or dispensing of biodiesel as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses biodiesel in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate the following:

(1) The retail dealer's biodiesel distribution percentage which is the sum of the retail dealer's total biodiesel gallonage expressed as a percentage of the retail dealer's total diesel and biodiesel gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's biodiesel threshold percentage is as follows:

(A) Two percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) four percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) six percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;

(D) eight percent for any quarter of the determination period beginning on January 1, 2012, and ending July 1, 2012;¹

(E) ten percent for any quarter of the determination period beginning on January 1, 2013, and ending on December 31, 2013;

(F) twelve percent for any quarter of the determination period beginning on January 1, 2014, and ending on December 31, 2014;

(G) fourteen percent for any quarter of the determination period beginning on January 1, 2015, and ending on December 31, 2015;

(H) sixteen percent for any quarter of the determination period beginning on January 1, 2016, and ending on December 31, 2016;

(I) seventeen percent for any quarter of the determination period beginning on January 1, 2017, and ending on December 31, 2017;

(J) eighteen percent for any quarter of the determination period beginning on January 1, 2018, and ending on December 31, 2018;

(K) nineteen percent for any quarter of the determination period beginning on January 1, 2019, and ending on December 31, 2019;

(L) twenty percent for any quarter of the determination period beginning on January 1, 2020, and

ending on December 31, 2020;

(M) twenty-one percent for any quarter of the determination period beginning on January 1, 2021, and ending on December 31, 2021;

(N) twenty-two percent for any quarter of the determination period beginning on January 1, 2022, and ending on December 31, 2022;

(O) twenty-three percent for any quarter of the determination period beginning on January 1, 2023, and ending on December 31, 2023;

(P) twenty-four percent for any quarter of the determination period beginning on January 1, 2024, and ending on December 31, 2024; and

(Q) twenty-five percent for any quarter of the determination period beginning on January 1, 2025, and ending on December 31, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses biodiesel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses biodiesel.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's biodiesel gallonage by the incentive rate for any quarter in which the retail dealer has attained a biodiesel threshold percentage for the determination period, the incentive rate is three cents.

Credits: Laws 2007, ch. 180, § 10, eff. July 1, 2007.

79-34,174. Electronic filing for incentive; rules and regulations

(a) The retail dealer shall file electronically for the incentive for selling or dispensing of renewable fuels or biodiesel beginning January 1, 2009, and quarterly thereafter in the manner required by the department of revenue. The retail dealer shall file such information as the secretary of revenue may require by rules and regulations, but shall include the total number of gallons of renewable fuels or biodiesel sold.

(b) The secretary of revenue may adopt rules and regulations necessary to administer the provisions of K.S.A. 79-34,170 through 79-34,175, and amendments thereto, including the development of a procedure for the payment of the incentive on a pro rata basis if the unobligated balance in the fund is insufficient to pay all incentives.

Credits: Laws 2007, ch. 180, § 11, eff. July 1, 2007.

79-34,175. Annual report to legislature of incentives claimed and fuels sold

The secretary of revenue shall annually submit a written report to the house appropriations and energy and utilities committees and to the senate ways and means and agriculture committees, or the successors to those committees, beginning with the 2010 legislative session. The report shall contain information regarding the amount of incentives claimed and paid pursuant to K.S.A. 79-34,170 through 79-34,175, and amendments thereto, and information regarding the amount of renewable fuels and biodiesel sold in the state. The secretary also may include in the report any recommendations for changes to law necessary to implement K.S.A. 79-34,170 through 79-34,175, and amendments thereto.

Credits: Laws 2007, ch. 180, § 12, eff. July 1, 2007.

79-34,176. Expiration date of renewable fuels and biodiesel incentives

The provisions of K.S.A. 79-34,170 through 79-34,175, and amendments thereto, shall expire on January 1, 2026.

Credits: Laws 2007, ch. 180, § 13, eff. July 1, 2007.