

Kansas Department of Revenue
Office of Policy and Research
109 SW 9th St.
Topeka, KS 66601-3506
Mark Burghart, Secretary



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www.ksrevenue.gov

Laura Kelly, Governor

Notice of Hearing on Proposed Administrative Regulations

A public hearing will be conducted by the Department of Revenue at 9:00 a.m. Wednesday, February 4, 2026, in the Secretary's Conference Room on the fourth floor of the Mills Building, 109 SW 9th St., Topeka, KS 66612, regarding the proposed revocation of K.A.R. 92-28-1, 92-28-2, 92-28-3, and 92-28-4.

K.A.R. 92-28-1 through 92-28-4 implement K.S.A. 79-34,170 through 79-34,175, which provide an incentive for selling or dispensing renewable fuels or biodiesel. K.S.A. 79-34,170 through 79-34,175 expire on January 1, 2026, pursuant to K.S.A. 79-34,176. K.S.A. 79-34,171 establishes a budgetary fund to pay out the incentive, but no money was ever transferred to this fund.

The proposed revocation of these regulations does not result in any estimable economic impact on businesses, local governments, or individuals. Copies of the proposed regulations and the Economic Impact Statement may be found online at <https://www.ksrevenue.gov/prproposedregulations.html>, or by contacting Taylor Murray at taylor.murray@ks.gov.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written comments from the public on the proposed regulations. All interested parties may submit written public comments prior to the hearing to Taylor Murray, Office of Policy and Research, Mills Building, 109 SW 9th St., Topeka, Kansas 66601-3506 or taylor.murray@ks.gov. Additionally, interested parties wanting to participate remotely may contact Taylor Murray at taylor.murray@ks.gov to obtain remote access information.

All interested parties will be given a reasonable opportunity to present their views, either orally or in writing or both, concerning the proposed regulations. To give all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to five minutes.

Any individual with a disability may request accommodation in order to participate in the public hearing and may request the proposed regulations and Economic Impact Statement in an accessible format. Requests for accommodation to participate in the hearing should be made at least five working days in advance of the hearing by contacting Taylor Murray at (785) 296-6093 or taylor.murray@ks.gov. Individuals with hearing and/or speech disabilities may contact the Kansas Relay Center at 1-800-766-3777 for communication accommodations. Disabled parking is located on the north side of the Mills Building on either side of 9th Street. The north entrance to the Mills Building is accessible.

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NOV 25 2025

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SECRETARY OF STATE

Proposed

92-28-1 and 92-28-2. (Authorized by and implementing K.S.A. 2007 Supp. 79-34,174; effective Feb. 13, 2009; revoked P-_____.)

92-28-3. (Authorized by K.S.A. 2007 Supp. 79-34,174; implementing K.S.A. 2007 Supp. 79-3415 and 79-34,174; effective Feb. 13, 2009; revoked P-_____.)

92-28-4. (Authorized by K.S.A. 2007 Supp. 79-34,174; implementing K.S.A. 2007 Supp. 79-3420 and 79-34,174; effective Feb. 13, 2009; revoked P-_____.)

APPROVED

AUG 13 2025

DEPT. OF ADMINISTRATION

APPROVED

OCT 06 2025

ATTORNEY GENERAL

APPROVED

NOV 17 2025

DIVISION OF THE BUDGET

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SECRETARY OF STATE

Kansas Administrative Regulations Economic Impact Statement (EIS)

Proposed

Kansas Department of Revenue
Agency

Taylor Murray
Agency Contact

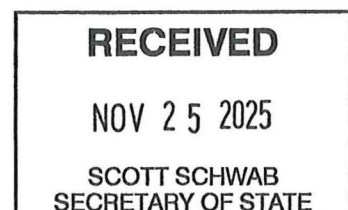
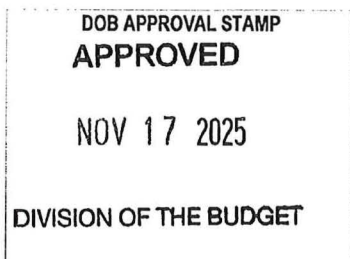
785-296-6093
Contact Phone Number

92-28-1, 92-28-2, 92-28-3, and 92-28-4
K.A.R. Number(s)

Permanent Temporary

Is/Are the proposed rule(s) and regulation(s) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program?

- Yes If yes, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. Budget approval is not required; however, the Division of the Budget will require submission of a copy of the EIS at the end of the review process.
- No If no, do the total annual implementation and compliance costs for the proposed rule(s) and regulation(s), calculated from the effective date of the rule(s) and regulation(s), exceed \$1.0 million or more in implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation over the initial five-year period following adoption of such rule(s) and regulation(s) (as calculated in Section III, F)?
- Yes If "Yes," then the agency shall not adopt the rule(s) and regulation(s) until the rule(s) and regulation(s) has been ratified by the Legislature with a bill, unless the proposed rule(s) and regulation(s) are: 1) mandated by the federal government as a requirement for participating in or implementing a federally subsidized or assisted program, as described in K.S.A. 77-416(b)(1)(B), and amendments thereto; 2) temporary rule(s) and regulation(s) adopted pursuant to K.S.A. 77-722, and amendments thereto; or 3) rules and regulations adopted pursuant to K.S.A. 2-3710 (Kansas Agricultural Remediation Board). Continue to fill out the remaining EIS form to be included with the regulation packet in the review process to the Department of Administration and the Attorney General. The submitted EIS will be independently analyzed by the Division of the Budget for approval.
- No If no, continue to fill out the remaining form to be included with the regulation packet submitted in the review process to the Department of Administration and the Attorney General. The submitted EIS will be analyzed by the Division of the Budget for approval.



Section I

Analysis, brief description, and cost and benefit quantification of the proposed rule(s) and regulation(s). If the approach chosen by the Kansas agency to address the policy issue is different from that utilized by agencies of contiguous states or of the federal government, the economic impact statement shall include an explanation of why the Kansas agency's rule and regulation differs.

The Department of Revenue proposes revoking four unnecessary regulations: K.A.R. 92-28-1 through 92-28-4. K.A.R. 92-28-1 through 92-28-4 implement K.S.A. 79-34,170 through 79-34,175, which provide an incentive for selling or dispensing renewable fuels or biodiesel. K.S.A. 79-34,170 through 79-34,175 expire on January 1, 2026, pursuant to K.S.A. 79-34,176. K.S.A. 79-34,171 establishes a budgetary fund to pay out the incentive, but no money was ever transferred to this fund.

Section II

Explain whether the proposed rule and regulation is mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program and whether the proposed rules and regulations exceed the requirements of applicable federal law.

These regulations are not mandated by federal law.

Section III

Agency analysis specifically addressing the following:

- A. The extent to which the rule(s) and regulation(s) will enhance or restrict business activities and growth;

There is no anticipated effect on business activities and growth based on these revocations.

- B. The economic effect, including a detailed quantification of implementation and compliance costs, on the specific businesses, sectors, public utility ratepayers, individuals, and local governments that will be affected by the proposed rule(s) and regulation(s) and on the state economy as a whole;

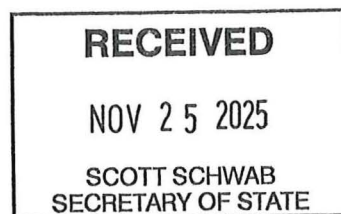
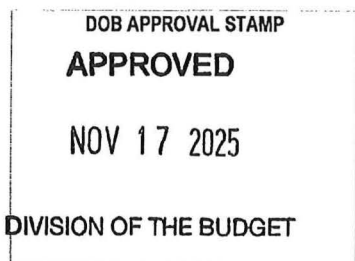
There is no anticipated economic effect based on these revocations.

- C. Businesses that would be directly affected by the proposed rule(s) and regulation(s);

There are no businesses that would be affected by the revocation of these regulations.

- D. Benefits of the proposed rule(s) and regulation(s) compared to the costs;

Revoking these regulations is estimated to have \$0 annual cost. The public benefits from removing unneeded regulations.



- E. Measures taken by the agency to minimize the cost and impact of the proposed rule(s) and regulation(s) on business and economic development within the State of Kansas, local government, and individuals;

No measures were taken to minimize the cost and impact because revoking these regulations is estimated to have \$0 annual cost.

- F. An estimate of the total annual implementation and compliance costs that are reasonably expected to be incurred by or passed along to businesses, local governments, or individuals. *Note: Do not account for any actual or estimated cost savings that may be realized. Implementation and compliance costs determined shall be those additional costs reasonably expected to be incurred and shall be separately identified for the affected businesses, local governmental units, and individuals.*

Costs to Affected Businesses – \$0.00

Costs to Local Governmental Units – \$0.00

Costs to Individuals – \$0.00

Total Annual Costs – \$0.00

(sum of above amounts)

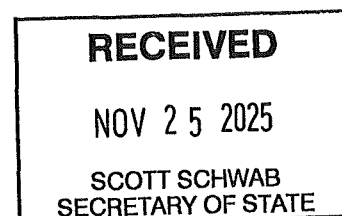
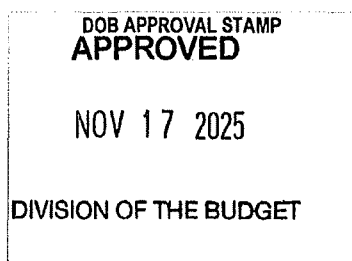
Give a detailed statement of the data and methodology used in estimating the above cost estimate.

No businesses are able to participate in this program and the statutes authorizing the program expire on January 1, 2026. Revoking these regulations is estimated to have \$0 annual cost.

- Yes If the total implementation and compliance costs exceed \$1.0 million or more in implementation and compliance costs over the initial five-year period following adoption of such rule(s) and regulation(s) that are reasonably expected to be incurred by or passed along to businesses, local governmental units and individuals as a result of the proposed rule and regulation, did the agency hold a public hearing to find that the estimated costs have been accurately determined and are necessary for achieving legislative intent? If applicable, document when the public hearing was held, those in attendance, and any pertinent information from the hearing.
- No
- Not Applicable

Provide an estimate to any changes in aggregate state revenues and expenditures for the implementation of the proposed rule(s) and regulation(s), for both the current fiscal year and next fiscal year.

Revoking these regulations will have no impact to state revenues and expenditures for the current and future fiscal year.



Provide an estimate of any immediate or long-range economic impact of the proposed rule(s) and regulation(s) on any individual(s), small employers, and the general public. If no dollar estimate can be given for any individual(s), small employers, and the general public, give specific reasons why no estimate is possible.

No individuals, small employers, or members of the general public are able to participate in this program and the statutes authorizing the program expire on January 1, 2026. Revoking these regulations will have no immediate or long-range economic impact on individuals, small employers, or the general public.

- G. If the proposed rule(s) and regulation(s) increases or decreases revenues of cities, counties or school districts, or imposes functions or responsibilities on cities, counties or school districts that will increase expenditures or fiscal liability, describe how the state agency consulted with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

Because revoking these regulations will result in no changes to revenues or expenditures of cities, counties, or school districts and impose no additional functions or responsibilities on cities, counties, or school districts, the Department of Revenue did not consult with the League of Kansas Municipalities, Kansas Association of Counties, and/or the Kansas Association of School Boards.

- H. Describe how the agency consulted and solicited information from businesses, business associations, local governmental units, state agencies, or institutions and members of the public that may be affected by the proposed rule(s) and regulation(s) or may provide relevant information.

Because revoking these regulations will result in no changes for businesses, business associations, local governmental units, state agencies, institutions or members of the public, the Department of Revenue did not consult with or solicit information from these entities.

Section IV

Does the Economic Impact Statement involve any environmental rule(s) and regulation(s)?

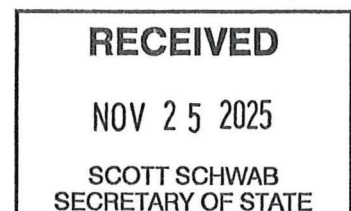
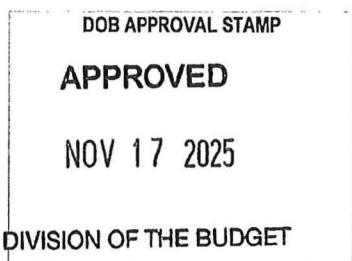
- Yes If yes, complete the remainder of Section IV.
 No If no, skip the remainder of Section IV.

- A. Describe the capital and annual costs of compliance with the proposed rule(s) and regulation(s), and the individuals or entities who would bear the costs.

N/A

- B. Describe the initial and annual costs of implementing and enforcing the proposed rule(s) and regulation(s), including the estimated amount of paperwork, and the state agencies, other governmental agencies, or other individuals who will bear the costs.

N/A



C. Describe the costs that would likely accrue if the proposed rule(s) and regulation(s) are not adopted, the individuals or entities who will bear the costs and who will be affected by the failure to adopt the rule(s) and regulation(s).

N/A

D. Provide a detailed statement of the data and methodology used in estimating the costs used.

N/A

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