

**74-50,202. Same; definitions.** As used in this act:

- (a) "Account holder" means a legal resident who is the owner of an individual development account.
- (b) "Community-based organization" means any religious or charitable association or tribal entity that is approved by the department to implement the individual development account reserve fund.
- (c) "Department" means the department of commerce.
- (d) "Federal poverty level" means the most recent poverty income guidelines published in the calendar year by the United States department of health and human services.
- (e) "Financial institution" means any bank, trust company, savings bank, credit union or savings and loan association or any other financial institution regulated by the state of Kansas, any agency of the United States or other state with an office in Kansas which is approved by the secretary to create and maintain the necessary financial instruments setting up individual development accounts for eligible families or individuals to implement this program.
- (f) "Individual development account" means a financial instrument established in K.S.A. 2016 Supp. 74-50,203, and amendments thereto.
- (g) "Individual development account reserve fund" means the fund created by an approved community-based organization for the purposes of funding the costs incurred in the administration of the program by the financial institutions and the community-based organizations and for providing matching funds for moneys in individual development accounts.
- (h) "Matching funds" mean the moneys designated for contribution from an individual development account reserve fund to an individual development account by a community-based organization at a one-to-one ratio up to a three-to-one ratio.
- (i) "Postsecondary education expenses" mean tuition and fees required for enrollment or attendance, and fees, books, supplies and equipment required for courses of instruction at an educational institution.
- (j) "Program" means the Kansas individual development account program established in K.S.A. 2016 Supp. 74-50,201 through 74-50,208, and amendments thereto.
- (k) "Program contributor" means a person or entity who makes a contribution to an individual development account reserve fund.
- (l) "Qualified acquisition costs" mean the costs of acquiring, constructing or reconstructing a residence. The term includes any usual or reasonable settlement, financing or other closing costs.
- (m) "Qualified business" means any business that does not contravene any law or public policy, as determined by the secretary.
- (n) "Qualified business capitalization expenses" mean qualified expenditures for the capitalization of a qualified business pursuant to a qualified plan.
- (o) "Qualified expenditures" mean expenditures included in a qualified plan, including capital, plant, equipment, working capital and inventory expenses.
- (p) "Qualified first-time homebuyer" means a taxpayer, and, if married, the taxpayer's spouse, who has no present ownership interest in a principal residence during the three-year period ending on the date on which a binding contract to acquire, construct or reconstruct the principal residence to which this subsection applies is entered into.
- (q) "Qualified plan" means a business plan which:
  - (1) Is approved by a financial institution, or by a nonprofit loan fund having demonstrated fiduciary integrity;
  - (2) includes a description of services or goods to be sold, a marketing plan and projected financial statements; and
  - (3) may require the eligible individual to obtain the assistance of an experienced entrepreneurial advisor.
- (r) "Qualified principal residence" means a principal residence, the qualified acquisition costs of which do not exceed 100% of the average area purchase price applicable to such residence.
- (s) "Secretary" means the secretary of commerce.

**History:** L. 2005, ch. 104, § 2; Apr. 21.