

SESSION OF 2005

SUPPLEMENTAL NOTE ON SENATE BILL NO. 12

As Amended by Senate Committee on
Assessment and Taxation

Brief*

SB 12, as amended, would allow the Kansas Department of Revenue (KDOR) to attach a lien to the personal property of a taxpayer who is delinquent in paying income, withholding, sales, use, liquor drink, and enforcement taxes (KSA 79-3235 and 79-3617), by filing a tax warrant with the district court clerk.

Background

Current Kansas law allows for a lien to be imposed against the *real* property of a taxpayer who is delinquent in paying the above-mentioned taxes, by filing a tax warrant with the district court clerk. However, to impose a lien against the delinquent taxpayer's personal property requires the property be seized.

SB 12 was introduced upon recommendation of the Special Committee on Assessment and Taxation. The Special Committee considered the issue during the 2004 Interim, after a 2004 Session bill failed to pass the Legislature. The bill was requested by the KDOR, as part of the agency's effort to increase its tax collection efforts.

During the Special Committee's 2004 deliberations, KDOR officials noted the proposed legislation was modeled after the current lien statute found in KSA 44-717, which deals with the collection of contributions taxes by the Kansas Department of Labor. KDOR officials also reported the Internal Revenue Service and several other states' lien statutes allow for lien imposition against both the real and personal property of the taxpayer to secure the payment of delinquent taxes.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

The Senate Committee amended the bill to make technical changes.