

SENATE BILL No. 193

By Committee on Assessment and Taxation

2-11

1 AN ACT concerning sales taxation; relating to food sales tax refunds,
2 information required in support of claim; **income tax returns, social**
3 **security numbers**; amending K.S.A. 79-32,111a and 79-3637 and
4 **K.S.A. 2010 Supp. 79-3221** and repealing the existing ~~section~~
5 ~~sections~~.

6
7 *Be it enacted by the Legislature of the State of Kansas:*

8 **New Section 1. Except as otherwise provided, no deduction or**
9 **credit provided under the Kansas income tax act, and amendments**
10 **thereto, shall be allowed any individual who fails to provide a valid**
11 **social security number issued to such individual, the individual's**
12 **spouse and dependents of the individual for purposes of section 205 (c)**
13 **(2)(A) of the social security act on such individual's Kansas income tax**
14 **return as the identifying number for such individual for tax purposes.**
15 **The provisions of this section shall not apply to the credit provided by**
16 **K.S.A. 79-32,111, and amendments thereto.**

17 **Sec. 2. K.S.A. 2010 Supp. 79-3221 is hereby amended to read as**
18 **follows: 79-3221. (a) All returns required by this act shall be made as**
19 **nearly as practical in the same form as the corresponding form of**
20 **income tax return by the United States. Unless another identifying**
21 **number has been assigned to an individual by the internal revenue service**
22 **for purposes of filing such individual's federal income tax return, the**
23 **social security number issued to an individual, the individual's spouse,**
24 **and all dependents of such individual for purposes of section 205 (c)(2)(A)**
25 **of the social security act shall be used as the identifying number and**
26 **included on the return when filing such return.**

27 **(b) All returns shall be filed in the office of the director of**
28 **taxation on or before the 15th day of the fourth month following the**
29 **close of the taxable year, except as provided in subsection (c) hereof.**
30 **Tentative returns may be filed before the close of the taxable year and**
31 **the estimated tax computed on such return, paid, but no interest will**
32 **be paid on any overpayment of tax liability, computed on such**
33 **tentative return.**

34 **(c) The director of taxation may grant a reasonable extension of**

1 time for filing returns in accordance with rules and regulations of the
2 secretary of revenue. Whenever any such extension of time to file is
3 requested by a taxpayer and granted by the director with respect to
4 any tax year commencing after December 31, 1992, no penalty
5 authorized by K.S.A. 79-3228, and amendments thereto, shall be
6 imposed if 90% of the liability is paid on or before the original due
7 date.

8 (d) In the case of an individual serving in the armed forces of the
9 United States, or serving in support of such armed forces, in an area
10 designated by the president of the United States by executive order as
11 a "combat zone" as defined under 26 U.S.C. § 112 at any time during
12 the period designated by the president by executive order as the
13 period of combatant activities in such zone for the purposes of such
14 section, or hospitalized as a result of injury received or sickness
15 incurred while serving in such an area during such time, the period of
16 service in such area, plus the period of continuous qualified
17 hospitalization attributable to such injury or sickness, and the next
18 180 days thereafter, shall be disregarded in determining, under article
19 32 of chapter 79 of the Kansas Statutes Annotated, *and amendments*
20 *thereto*, in respect of to any tax liability, (including any interest,
21 penalty, additional amount, or addition to the tax,) of such individual:

22 (1) Whether any of the following acts was performed within the
23 time prescribed therefor: (A) Filing any return of income tax; (B)
24 payment of any income tax or installment thereof; (C) filing a notice of
25 appeal with the director of taxation or the state court of tax appeals
26 for redetermination of a deficiency or for a review of a decision
27 rendered by either the director or the state court of tax appeals; (D)
28 allowance of a credit or refund of any income tax; (E) filing a claim for
29 credit or refund of any income tax; (F) bringing suit upon any such
30 claim for credit or refund; (G) assessment of any income tax; (H)
31 giving or making any notice or demand for the payment of any income
32 tax, or with respect to any liability to the state of Kansas in respect of
33 any income tax; (I) collection, by the director of taxation or ~~his or her~~
34 *the director's* agent, by warrant, levy or otherwise, of the amount of
35 any liability in respect to any income tax; (J) bringing suit by the state
36 of Kansas, or any officer on its behalf, in respect to any liability in
37 respect of any income tax; and (K) any other act required or
38 permitted under the Kansas income tax act specified in rules and
39 regulations adopted by the secretary of revenue under this section;

40 (2) The amount of any credit or refund.

41 (e) (1) Subsection (d) shall not apply for purposes of determining
42 the amount of interest on any overpayment of tax.

43 (2) If an individual is entitled to the benefits of subsection (d)

1 with respect to any return and such return is timely filed, ~~(determined~~
2 ~~after the application of such subsection)~~ *subsection (d)*, subsections (e)
3 (5) and (e)(7) of K.S.A. 79-32,105, and amendments thereto, shall not
4 apply.

5 (f) The provisions of ~~subsection (d) and the subsequent subsections~~
6 ~~of this section~~ *subsection (d) through (j)* shall apply to the spouse of any
7 individual entitled to the benefits of subsection (d). Except in the case
8 of the combat zone designated for purposes of the Vietnam conflict, the
9 preceding sentence *this subsection shall not cause* ~~subsection (d) and the~~
10 ~~subsequent subsections of this section~~ *subsection (d) through (j)* to apply
11 for any spouse for any taxable year beginning more than two years
12 after the date designated under 26 U.S.C. § 112, and amendments
13 thereto, as the date of termination of combatant activities in a combat
14 zone.

15 (g) The period of service in the area referred to in subsection (d)
16 shall include the period during which an individual entitled to benefits
17 under subsection (d) is in a missing status, within the meaning of 26
18 U.S.C. § 6013(f)(3).

19 (h) (1) Notwithstanding the provisions of subsection (d), any
20 action or proceeding authorized by K.S.A. 79-3229, and amendments
21 thereto, as well as any other action or proceeding authorized by law in
22 connection therewith, may be taken, begun or prosecuted. In any
23 other case in which the secretary determines that collection of the
24 amount of any assessment would be jeopardized by delay, the
25 provisions of subsection (d) shall not operate to stay collection of such
26 amount by levy or otherwise as authorized by law. There shall be
27 excluded from any amount assessed or collected pursuant to this
28 subsection the amount of interest, penalty, additional amount, and
29 addition to the tax, if any, in respect of the period disregarded under
30 subsection (d). In any case to which this ~~paragraph~~ *subsections* relates,
31 if the secretary is required to give any notice to or make any demand
32 upon any person, such requirement shall be deemed to be satisfied if
33 the notice or demand is prepared and signed, in any case in which the
34 address of such person last known to the secretary is in an area for
35 which United States post offices under instructions of the postmaster
36 general are not, by reason of the combatant activities, accepting mail
37 for delivery at the time the notice or demand is signed. In such case
38 the notice or demand shall be deemed to have been given or made
39 upon the date it is signed.

40 (2) The assessment or collection of any tax under the provisions of
41 article 32 of chapter 79 of the Kansas Statutes Annotated, and
42 amendments thereto, or any action or proceeding by or on behalf of the
43 state in connection therewith, may be made, taken, begun or

1 prosecuted in accordance with law, without regard to the provisions of
2 subsection (d), unless prior to such assessment, collection, action or
3 proceeding it is ascertained that the person concerned is entitled to the
4 benefits of subsection (d).

5 (i) (1) Any individual who performed Desert Shield services, (and
6 the spouse of such individual), shall be entitled to the benefits of
7 subsection (d) and the subsequent subsections of this section *subsections*
8 *(d) through (j)* in the same manner as if such services were services
9 referred to in subsection (d).

10 (2) For purposes of this subsection, the term "Desert Shield
11 services" means any services in the armed forces of the United States
12 or in support of such armed forces if:

13 (A) Such services are performed in the area designated by the
14 president as the "Persian Gulf Desert Shield area";; and

15 (B) such services are performed during the period beginning on
16 August 2, 1990, and ending on the date on which any portion of the
17 area referred to in ~~subparagraph (A)~~ *subsection (i)(2)(A)* is designated
18 by the president as a combat zone pursuant to 26 U.S.C. § 112.

19 (j) For purposes of subsection (d), the term "qualified
20 hospitalization" means:

21 (1) Any hospitalization outside the United States;; and

22 (2) any hospitalization inside the United States, except that not
23 more than five years of hospitalization may be taken into account
24 under this ~~paragraph~~ *subsection*. This ~~paragraph~~ *subsection* shall not
25 apply for purposes of applying ~~subsection (d) and the subsequent~~
26 ~~subsections of this section~~ *subsections (d) through (j)* with respect to the
27 spouse of an individual entitled to the benefits of subsection (d).

28 Sec. 3. K.S.A. 79-32,111a is hereby amended to read as follows:
29 79-32,111a. (a) There shall be allowed as a credit against the tax
30 liability of a resident individual imposed under the Kansas income tax
31 act an amount equal to 25% of the amount of the credit allowed
32 against such taxpayer's federal income tax liability pursuant to 26
33 U.S.C. § 21 for the taxable year in which such credit was claimed
34 against the taxpayer's federal income tax liability.

35 (b) The credit allowed by subsection (a) shall not exceed the
36 amount of the tax imposed by K.S.A. 79-32,110, and amendments
37 thereto, reduced by the sum of any other credits allowable pursuant to
38 law.

39 (c) *No credit provided under this section shall be allowed any*
40 *individual who fails to provide a valid social security number issued by*
41 *the social security administration, to such individual, the individual's*
42 *spouse and every dependent of the individual.*

43 ~~New Section 1.~~ **New Sec. 4.** (a) No claim for refund under the

1 provisions of K.S.A. 79-3620 and 79-3632 through 79-3639, and
2 amendments thereto, shall be allowed any claimant who fails to provide a
3 valid social security number issued by the social security administration
4 for the claimant, every household member and every dependent child.

5 (b) The provisions of this section shall be part of and supplemental to
6 the provisions of K.S.A. 79-3620 and 79-3632 through 79-3639, and
7 amendments thereto.

8 ~~Sec. 5.~~ K.S.A. 79-3637 is hereby amended to read as follows: 79-
9 3637. Every claimant for the refund of taxes under the provisions of
10 K.S.A. 79-3620 and 79-3632 to 79-3639, *and amendments thereto*, shall
11 supply to the division in support of a claim, *a valid social security number*
12 *issued by the social security administration for each claimant, every*
13 *household member and every dependent child, a clear statement as to*
14 *whether such claimant qualifies for a refund under the provisions of*
15 *subsection (a)(1), (a)(2) or (a)(3) (c)(1), (c)(2) or (c)(3) of K.S.A. 79-3633,*
16 *and amendments thereto*, reasonable proof of age or disability, and
17 household income. A claim alleging disability shall be supported by a
18 report of the examining physician of the claimant with a statement or
19 certificate that the applicant has a disability within the meaning of
20 subsection (f) of K.S.A. 79-3633, *and amendments thereto*.

21 ~~Sec. 6.~~ K.S.A. **79-32,111a and 79-3637** ~~is~~ **and K.S.A. 2010 Supp.**
22 **79-3221** are hereby repealed.

23 ~~Sec. 7.~~ This act shall take effect and be in force from and after its
24 publication in the statute book.