

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2056

By Committee on Taxation

1-23

1 AN ACT concerning taxation; relating to permitted use of tax information;
2 tax liens upon personal property; tax warrants; amending K.S.A. 2012
3 Supp. 75-5133, 79-3234, 79-3235, 79-3235a and 79-3617 and repealing
4 the existing sections; also repealing K.S.A. 2012 Supp. 75-5133b, 79-
5 3234c and 79-3235b.

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

8 Section 1. K.S.A. 2012 Supp. 75-5133 is hereby amended to read as
9 follows: 75-5133. (a) Except as otherwise more specifically provided by
10 law, all information received by the secretary of revenue, the director of
11 taxation or the director of alcoholic beverage control from returns, reports,
12 license applications or registration documents made or filed under the
13 provisions of any law imposing any sales, use or other excise tax
14 administered by the secretary of revenue, the director of taxation, or the
15 director of alcoholic beverage control, or from any investigation conducted
16 under such provisions, shall be confidential, and it shall be unlawful for
17 any officer or employee of the department of revenue to divulge any such
18 information except in accordance with other provisions of law respecting
19 the enforcement and collection of such tax, in accordance with proper
20 judicial order or as provided in K.S.A. 74-2424, and amendments thereto.

21 (b) The secretary of revenue or the secretary's designee may:

22 (1) Publish statistics, so classified as to prevent identification of
23 particular reports or returns and the items thereof;

24 (2) allow the inspection of returns by the attorney general or the
25 attorney general's designee;

26 (3) provide the post auditor access to all such excise tax reports or
27 returns in accordance with and subject to the provisions of subsection (g)
28 of K.S.A. 46-1106, and amendments thereto;

29 (4) disclose taxpayer information from excise tax returns to persons
30 or entities contracting with the secretary of revenue where the secretary
31 has determined disclosure of such information is essential for completion
32 of the contract and has taken appropriate steps to preserve confidentiality;

33 (5) provide information from returns and reports filed under article 42
34 of chapter 79 of the Kansas Statutes Annotated, and amendments thereto,
35 to county appraisers as is necessary to insure proper valuations of property.
36 Information from such returns and reports may also be exchanged with any

1 other state agency administering and collecting conservation or other taxes
2 and fees imposed on or measured by mineral production;

3 (6) provide, upon request by a city or county clerk or treasurer or
4 finance officer of any city or county receiving distributions from a local
5 excise tax, monthly reports identifying each retailer doing business in such
6 city or county or making taxable sales sourced to such city or county,
7 setting forth the tax liability and the amount of such tax remitted by each
8 retailer during the preceding month, and identifying each business location
9 maintained by the retailer and such retailer's sales or use tax registration or
10 account number;

11 (7) provide information from returns and applications for registration
12 filed pursuant to K.S.A. 12-187, and amendments thereto, and K.S.A. 79-
13 3601, and amendments thereto, to a city or county treasurer or clerk or
14 finance officer to explain the basis of statistics contained in reports
15 provided by subsection (b)(6);

16 (8) disclose the following oil and gas production statistics received by
17 the department of revenue in accordance with K.S.A. 79-4216 et seq., and
18 amendments thereto: Volumes of production by well name, well number,
19 operator's name and identification number assigned by the state
20 corporation commission, lease name, leasehold property description,
21 county of production or zone of production, name of purchaser and
22 purchaser's tax identification number assigned by the department of
23 revenue, name of transporter, field code number or lease code, tax period,
24 exempt production volumes by well name or lease, or any combination of
25 this information;

26 (9) release or publish liquor brand registration information provided
27 by suppliers, farm wineries, *microdistilleries* and microbreweries in
28 accordance with the liquor control act. The information to be released is
29 limited to: Item number, universal numeric code, type status, product
30 description, alcohol percentage, selling units, unit size, unit of
31 measurement, supplier number, supplier name, distributor number and
32 distributor name;

33 (10) release or publish liquor license information provided by liquor
34 licensees, distributors, suppliers, farm wineries, *microdistilleries* and
35 microbreweries in accordance with the liquor control act. The information
36 to be released is limited to: County name, owner, business name, address,
37 license type, license number, license expiration date and the process agent
38 contact information;

39 (11) release or publish cigarette and tobacco license information
40 obtained from cigarette and tobacco licensees in accordance with the
41 Kansas cigarette and tobacco products act. The information to be released
42 is limited to: County name, owner, business name, address, license type
43 and license number;

1 (12) provide environmental surcharge or solvent fee, or both,
2 information from returns and applications for registration filed pursuant to
3 K.S.A. 65-34,150 and 65-34,151, and amendments thereto, to the secretary
4 of health and environment or the secretary's designee for the sole purpose
5 of ensuring that retailers collect the environmental surcharge tax or solvent
6 fee, or both;

7 (13) provide water protection fee information from returns and
8 applications for registration filed pursuant to K.S.A. 82a-954, and
9 amendments thereto, to the secretary of the state board of agriculture or the
10 secretary's designee and the secretary of the Kansas water office or the
11 secretary's designee for the sole purpose of verifying revenues deposited to
12 the state water plan fund;

13 (14) provide to the secretary of commerce copies of applications for
14 project exemption certificates sought by any taxpayer under the enterprise
15 zone sales tax exemption pursuant to subsection (cc) of K.S.A. 79-3606,
16 and amendments thereto;

17 (15) disclose information received pursuant to the Kansas cigarette
18 and tobacco act and subject to the confidentiality provisions of this act to
19 any criminal justice agency, as defined in subsection (c) of K.S.A. 22-
20 4701, and amendments thereto, or to any law enforcement officer, as
21 defined in K.S.A. 2012 Supp. 21-5111, and amendments thereto, on behalf
22 of a criminal justice agency, when requested in writing in conjunction with
23 a pending investigation;

24 (16) provide to retailers tax exemption information for the sole
25 purpose of verifying the authenticity of tax exemption numbers issued by
26 the department;

27 (17) provide information concerning remittance by sellers, as defined
28 in K.S.A. 2012 Supp. 12-5363, and amendments thereto, of prepaid
29 wireless 911 fees from returns to the local collection point administrator,
30 as defined in K.S.A. 2012 Supp. 12-5363, and amendments thereto, for
31 purposes of verifying seller compliance with collection and remittance of
32 such fees; ~~and~~

33 (18) release or publish charitable gaming information obtained in
34 bingo licensee and registration applications and renewals in accordance
35 with the bingo act, K.S.A. 79-4701 et seq., and amendments thereto. The
36 information to be released is limited to: The name, address, phone number,
37 license or registration number and email address of the organization,
38 distributor or lessor of premises; *and*

39 *(19) disclose taxpayer information in any civil or criminal action or*
40 *proceeding, or both, brought to enforce the tax or revenue laws of this*
41 *state with respect to such taxpayer.*

42 (c) Any person receiving any information under the provisions of
43 subsection (b) shall be subject to the confidentiality provisions of

1 subsection (a) and to the penalty provisions of subsection (d).

2 (d) Any violation of this section shall be a class A, nonperson
3 misdemeanor, and if the offender is an officer or employee of this state,
4 such officer or employee shall be dismissed from office. Reports of
5 violations of this paragraph shall be investigated by the attorney general.
6 The district attorney or county attorney and the attorney general shall have
7 authority to prosecute any violation of this section if the offender is a city
8 or county clerk or treasurer or finance officer of a city or county.

9 Sec. 2. K.S.A. 2012 Supp. 79-3234 is hereby amended to read as
10 follows: 79-3234. (a) All reports and returns required by this act shall be
11 preserved for three years and thereafter until the director orders them to be
12 destroyed.

13 (b) Except in accordance with proper judicial order, or as provided in
14 subsection (c) or in K.S.A. 17-7511, subsection (g) of K.S.A. 46-1106,
15 K.S.A. 46-1114, or K.S.A. 79-32,153a, and amendments thereto, it shall be
16 unlawful for the secretary, the director, any deputy, agent, clerk or other
17 officer, employee or former employee of the department of revenue or any
18 other state officer or employee or former state officer or employee to
19 divulge, or to make known in any way, the amount of income or any
20 particulars set forth or disclosed in any report, return, federal return or
21 federal return information required under this act; and it shall be unlawful
22 for the secretary, the director, any deputy, agent, clerk or other officer or
23 employee engaged in the administration of this act to engage in the
24 business or profession of tax accounting or to accept employment, with or
25 without consideration, from any person, firm or corporation for the
26 purpose, directly or indirectly, of preparing tax returns or reports required
27 by the laws of the state of Kansas, by any other state or by the United
28 States government, or to accept any employment for the purpose of
29 advising, preparing material or data, or the auditing of books or records to
30 be used in an effort to defeat or cancel any tax or part thereof that has been
31 assessed by the state of Kansas, any other state or by the United States
32 government.

33 (c) The secretary or the secretary's designee may: (1) Publish
34 statistics, so classified as to prevent the identification of particular reports
35 or returns and the items thereof;

36 (2) allow the inspection of returns by the attorney general or other
37 legal representatives of the state;

38 (3) provide the post auditor access to all income tax reports or returns
39 in accordance with and subject to the provisions of subsection (g) of
40 K.S.A. 46-1106 or K.S.A. 46-1114, and amendments thereto;

41 (4) disclose taxpayer information from income tax returns to persons
42 or entities contracting with the secretary of revenue where the secretary
43 has determined disclosure of such information is essential for completion

- 1 of the contract and has taken appropriate steps to preserve confidentiality;
- 2 (5) disclose to the secretary of commerce the following: (A) Specific
3 taxpayer information related to financial information previously submitted
4 by the taxpayer to the secretary of commerce concerning or relevant to any
5 income tax credits, for purposes of verification of such information or
6 evaluating the effectiveness of any tax credit or economic incentive
7 program administered by the secretary of commerce; (B) the amount of
8 payroll withholding taxes an employer is retaining pursuant to K.S.A.
9 2012 Supp. 74-50,212, and amendments thereto; (C) information received
10 from businesses completing the form required by K.S.A. 2012 Supp. 74-
11 50,217, and amendments thereto; and (D) findings related to a compliance
12 audit conducted by the department of revenue upon the request of the
13 secretary of commerce pursuant to K.S.A. 2012 Supp. 74-50,215, and
14 amendments thereto;
- 15 (6) disclose income tax returns to the state gaming agency to be used
16 solely for the purpose of determining qualifications of licensees of and
17 applicants for licensure in tribal gaming. Any information received by the
18 state gaming agency shall be confidential and shall not be disclosed except
19 to the executive director, employees of the state gaming agency and
20 members and employees of the tribal gaming commission;
- 21 (7) disclose the taxpayer's name, last known address and residency
22 status to the department of wildlife ~~and parks~~, *parks and tourism* to be
23 used solely in its license fraud investigations;
- 24 (8) disclose the name, residence address, employer or Kansas
25 adjusted gross income of a taxpayer who may have a duty of support in a
26 title IV-D case to the secretary of the Kansas department of social and
27 rehabilitation services for use solely in administrative or judicial
28 proceedings to establish, modify or enforce such support obligation in a
29 title IV-D case. In addition to any other limits on use, such use shall be
30 allowed only where subject to a protective order which prohibits
31 disclosure outside of the title IV-D proceeding. As used in this section,
32 "title IV-D case" means a case being administered pursuant to part D of
33 title IV of the federal social security act (42 U.S.C. § 651 et seq.) and
34 amendments thereto. Any person receiving any information under the
35 provisions of this subsection shall be subject to the confidentiality
36 provisions of subsection (b) and to the penalty provisions of subsection
37 (e);
- 38 (9) permit the commissioner of internal revenue of the United States,
39 or the proper official of any state imposing an income tax, or the
40 authorized representative of either, to inspect the income tax returns made
41 under this act and the secretary of revenue may make available or furnish
42 to the taxing officials of any other state or the commissioner of internal
43 revenue of the United States or other taxing officials of the federal

1 government, or their authorized representatives, information contained in
2 income tax reports or returns or any audit thereof or the report of any
3 investigation made with respect thereto, filed pursuant to the income tax
4 laws, as the secretary may consider proper, but such information shall not
5 be used for any other purpose than that of the administration of tax laws of
6 such state, the state of Kansas or of the United States;

7 (10) communicate to the executive director of the Kansas lottery
8 information as to whether a person, partnership or corporation is current in
9 the filing of all applicable tax returns and in the payment of all taxes,
10 interest and penalties to the state of Kansas, excluding items under formal
11 appeal, for the purpose of determining whether such person, partnership or
12 corporation is eligible to be selected as a lottery retailer;

13 (11) communicate to the executive director of the Kansas racing
14 commission as to whether a person, partnership or corporation has failed
15 to meet any tax obligation to the state of Kansas for the purpose of
16 determining whether such person, partnership or corporation is eligible for
17 a facility owner license or facility manager license pursuant to the Kansas
18 parimutuel racing act;

19 (12) provide such information to the executive director of the Kansas
20 public employees retirement system for the purpose of determining that
21 certain individuals' reported compensation is in compliance with the
22 Kansas public employees retirement act, K.S.A. 74-4901 et seq., and
23 amendments thereto;

24 (13) (i) provide taxpayer information of persons suspected of
25 violating K.S.A. 2012 Supp. 44-766, and amendments thereto, to the
26 secretary of labor or such secretary's designee for the purpose of
27 determining compliance by any person with the provisions of *subsection*
28 *(i)(3)(D)* of K.S.A. 44-703~~(i)(3)(D)~~ and K.S.A. 2012 Supp. 44-766, and
29 amendments thereto. The information to be provided shall include all
30 relevant information in the possession of the department of revenue
31 necessary for the secretary of labor to make a proper determination of
32 compliance with the provisions of *subsection (i)(3)(D)* of K.S.A. 44-703~~(i)~~
33 ~~(3)(D)~~ and K.S.A. 2012 Supp. 44-766, and amendments thereto, and to
34 calculate any unemployment contribution taxes due. Such information to
35 be provided by the department of revenue shall include, but not be limited
36 to, withholding tax and payroll information, the identity of any person that
37 has been or is currently being audited or investigated in connection with
38 the administration and enforcement of the withholding and declaration of
39 estimated tax act, K.S.A. 79-3294 et seq., and amendments thereto, and the
40 results or status of such audit or investigation.

41 (ii) Any person receiving tax information under the provisions of this
42 paragraph shall be subject to the same duty of confidentiality imposed by
43 law upon the personnel of the department of revenue and shall be subject

1 to any civil or criminal penalties imposed by law for violations of such
2 duty of confidentiality; *and*

3 (iii) each of the secretary of labor and the secretary of revenue may
4 adopt rules and regulations necessary to effect the provisions of this
5 paragraph;

6 (14) provide such information to the state treasurer for the sole
7 purpose of carrying out the provisions of K.S.A. 58-3934, and
8 amendments thereto. Such information shall be limited to current and prior
9 addresses of taxpayers or associated persons who may have knowledge as
10 to the location of an owner of unclaimed property. For the purposes of this
11 paragraph, "associated persons" includes spouses or dependents listed on
12 income tax returns; ~~and~~

13 (15) after receipt of information pursuant to subsection (f), forward
14 such information and provide the following reported Kansas individual
15 income tax information for each listed defendant, if available, to the state
16 board of indigents' defense services in an electronic format and in the
17 manner determined by the secretary: (A) The defendant's name; (B) social
18 security number; (C) Kansas adjusted gross income; (D) number of
19 exemptions claimed; and (E) the relevant tax year of such records. Any
20 social security number provided to the secretary and the state board of
21 indigents' defense services pursuant to this section shall remain
22 confidential; *and*

23 (16) *disclose taxpayer information in any civil or criminal action or*
24 *proceeding, or both, brought to enforce the tax or revenue laws of this*
25 *state with respect to such taxpayer.*

26 (d) Any person receiving information under the provisions of
27 subsection (c) shall be subject to the confidentiality provisions of
28 subsection (b) and to the penalty provisions of subsection (e).

29 (e) Any violation of subsection (b) or (c) is a class A nonperson
30 misdemeanor and, if the offender is an officer or employee of the state,
31 such officer or employee shall be dismissed from office.

32 (f) For the purpose of determining whether a defendant is financially
33 able to employ legal counsel under the provisions of K.S.A. 22-4504, and
34 amendments thereto, in all felony cases with appointed counsel where the
35 defendant's social security number is accessible from the records of the
36 district court, the court shall electronically provide the defendant's name,
37 social security number, district court case number and county to the
38 secretary of revenue in the manner and format agreed to by the office of
39 judicial administration and the secretary.

40 (g) Nothing in this section shall be construed to allow disclosure of
41 the amount of income or any particulars set forth or disclosed in any
42 report, return, federal return or federal return information, where such
43 disclosure is prohibited by the federal internal revenue code as in effect on

1 September 1, 1996, and amendments thereto, related federal internal
2 revenue rules or regulations, or other federal law.

3 Sec. 3. K.S.A. 2012 Supp. 79-3235 is hereby amended to read as
4 follows: 79-3235. (a) If any tax imposed by this act or any portion of such
5 tax is not paid within 60 days after it becomes due, the secretary or the
6 secretary's designee shall issue a warrant under the secretary's or the
7 secretary's designee's hand and official seal, directed to the sheriff of any
8 county of the state, commanding the sheriff to levy upon and sell the real
9 and personal property of the taxpayer found within the sheriff's county for
10 the payment of the amount thereof, with the added penalties, interest and
11 the cost of executing the warrant and to return the warrant to the secretary
12 or the secretary's designee and pay to the secretary or the secretary's
13 designee the money collected by virtue of it not more than 60 days from
14 the date of the warrant. Firearms seized may be appraised and disposed of
15 in the same manner prescribed in K.S.A. 79-5212, and amendments
16 thereto. The sheriff, within five days after the receipt of the warrant, shall
17 file with the clerk of the district court of the county a copy thereof, and
18 thereupon the clerk shall either enter in the appearance docket the name of
19 the taxpayer mentioned in the warrant, the amount of the tax or portion of
20 it, interest and penalties for which the warrant is issued and the date such
21 copy is filed and note the taxpayer's name in the general index. No fee
22 shall be charged for either entry. The amount of such warrant so docketed
23 shall thereupon become a lien upon the title to and interest in the real ~~and~~
24 ~~personal~~ property of the taxpayer against whom it is issued. The sheriff
25 shall proceed in the same manner and with the same effect as prescribed
26 by law with respect to executions issued against property upon judgments
27 of a court of record and shall be entitled to the same fees for services to be
28 collected in the same manner.

29 **(b) Once the warrant has been docketed with the clerk of the**
30 **district court, the secretary or the secretary's designee shall file with**
31 **the office of the secretary of state a notice of lien. The notice of lien**
32 **shall be filed in the uniform commercial code filing system with the**
33 **secretary of state in accordance with part 5 of article 9 of the uniform**
34 **commercial code, and amendments thereto, in an electronic format as**
35 **prescribed by the secretary of state. No fee shall be charged by the**
36 **secretary of state for the initial filing. The fee to terminate the filing**
37 **shall be set in accordance with the rules and regulations filing act. The**
38 **notice of lien shall thereupon become a lien upon the title to and**
39 **interest in the tangible personal property, wherever located in the**
40 **state of Kansas, of the taxpayer against whom the notice of lien was**
41 **filed.**

42 **(c)** The court in which the warrant is docketed shall have jurisdiction
43 over all subsequent proceedings as fully as though a judgment had been

1 rendered in the court. In the discretion of the secretary or the secretary's
2 designee a warrant of like terms, force and effect may be issued and
3 directed to any officer or employee of the secretary, and in the execution
4 thereof such officer or employee shall have all the powers conferred by
5 law upon sheriffs, and the subsequent proceedings thereunder shall be the
6 same as provided where the warrant is issued directly to the sheriff. The
7 taxpayer shall have the right to redeem the real estate within a period of 18
8 months from the date of such sale. If a warrant is returned, unsatisfied in
9 full, the secretary or the secretary's designee shall have the same remedies
10 to enforce the claim for taxes as if the state of Kansas had recovered
11 judgment against the taxpayer for the amount of the tax. No law exempting
12 any goods and chattels, lands and tenements from forced sale under
13 execution shall apply to a levy and sale under any such warrant or upon
14 any execution issued upon any judgment rendered in any action for income
15 taxes. Except as provided ~~further in subsection (e)~~ **(d)**, the secretary or the
16 secretary's designee shall have the right after a warrant has been returned
17 unsatisfied or satisfied only in part, to issue alias warrants until the full
18 amount of the tax is collected.

19 ~~(e)~~**(d)** If execution is not issued within 10 years from the date of the
20 docketing of any such warrant, or if 10 years shall have intervened
21 between the date of the last execution issued on such warrant, and the time
22 of issuing another writ of execution thereon, such warrant shall become
23 dormant, and shall cease to operate as a lien on the real ~~estate and~~
24 ~~personal property~~ **estate** of the delinquent taxpayer. Such dormant
25 warrant may be revived in like manner as dormant judgment under the
26 code of civil procedure. **If the warrant is dormant, it shall cause the lien**
27 **upon personal property filed with the office of the secretary of state to**
28 **be dormant as well. In the event the warrant is revived, the lien upon**
29 **personal property filed with the office of the secretary of state shall be**
30 **revived as well.**

31 **(e) The lien on tangible personal property provided in subsection**
32 **(b) shall cease to exist 10 years from the date of the filing of the notice**
33 **of lien with the office of the secretary of state, unless before such time**
34 **the secretary or the secretary's designee files with the office of the**
35 **secretary of state a notice of renewal of such lien. The notice of**
36 **renewal shall operate to extend the lien for 10 years from the date of**
37 **the filing of the notice. The lien may be extended through the filing of**
38 **a notice of renewal an unlimited number of times, as long as each**
39 **notice of renewal is filed within 10 years of the date the previous**
40 **notice of renewal was filed.**

41 Sec. 4. K.S.A. 2012 Supp. 79-3235a is hereby amended to read as
42 follows: 79-3235a. (a) Notwithstanding any provision of K.S.A. 79-3235,
43 and amendments thereto, to the contrary, the procedures set forth by this

1 section shall apply to the issuance of any warrant and the levy upon
2 property pursuant to such provisions.

3 (b) The secretary or the secretary's designee shall notify in writing the
4 person who is the subject of the warrant of the filing of a warrant under
5 K.S.A. 79-3235, and amendments thereto. The notice required shall be
6 ~~given in person, left at the dwelling or usual place of business of such~~
7 ~~person or sent by certified or registered mail to such person's last known~~
8 ~~dwelling address, not more than five business days after the day of the~~
9 ~~filing of the notice of lien~~ *with the warrant*. The notice shall include in
10 simple and nontechnical terms the amount of unpaid taxes, the
11 administrative appeals available to the taxpayer with respect to such
12 warrant and the procedures relating to such appeals, and the provisions of
13 law and procedures relating to the release of warrants on property.

14 Sec. 5. K.S.A. 2012 Supp. 79-3617 is hereby amended to read as
15 follows: 79-3617. (a) Whenever any taxpayer liable to pay any sales or
16 compensating tax, refuses or neglects to pay the tax, the amount, including
17 any interest or penalty, shall be collected in the following manner. The
18 secretary of revenue or the secretary's designee shall issue a warrant under
19 the hand of the secretary or the secretary's designee and official seal
20 directed to the sheriff of any county of the state commanding the sheriff to
21 levy upon and sell the real and personal property of the taxpayer found
22 within the sheriff's county to satisfy the tax, including penalty and interest,
23 and the cost of executing the warrant and to return such warrant to the
24 secretary or the secretary's designee and pay to the secretary or the
25 secretary's designee the money collected by virtue thereof not more than
26 90 days from the date of the warrant. Firearms seized may be appraised
27 and disposed of in the same manner prescribed in K.S.A. 79-5212, and
28 amendments thereto. The sheriff ~~shall~~, within five days, after the receipt of
29 the warrant, *shall* file with the clerk of the district court of the county a
30 copy thereof, and thereupon the clerk shall either enter in the appearance
31 docket the name of the taxpayer mentioned in the warrant, the amount of
32 the tax or portion of it, interest and penalties for which the warrant is
33 issued and the date such copy is filed and note the taxpayer's name in the
34 general index. No fee shall be charged for either such entry. The amount of
35 such warrant so docketed shall thereupon become a lien upon the title to,
36 and interest in, the real ~~and personal~~ property of the taxpayer against
37 whom it is issued. The sheriff shall proceed in the same manner and with
38 the same effect as prescribed by law with respect to executions issued
39 against property upon judgments of a court of record, and shall be entitled
40 to the same fees for services.

41 (b) **Once the warrant has been docketed with the clerk of the**
42 **district court, the secretary or the secretary's designee shall file with**
43 **the office of the secretary of state a notice of lien. The notice of lien**

1 shall be filed in the uniform commercial code filing system with the
2 secretary of state in accordance with part 5 of article 9 of the uniform
3 commercial code, and amendments thereto, in an electronic format as
4 prescribed by the secretary of state. No fee shall be charged by the
5 secretary of state for the initial filing. The fee to terminate the filing
6 shall be set in accordance with the rules and regulations filing act. The
7 notice of lien shall thereupon become a lien upon the title to and
8 interest in the tangible personal property, wherever located in the
9 state of Kansas, of the taxpayer against whom the notice of lien was
10 filed. The department shall release any lien upon the property of a
11 taxpayer upon payment of all tax, penalty and interest within 30 days
12 of payment. Liens filed in error shall be so noted on the satisfaction of
13 judgment. The department shall be liable for any court costs
14 associated with the release of such erroneous liens.

15 (e) The court in which the warrant is docketed shall have jurisdiction
16 over all subsequent proceedings as fully as though a judgment had been
17 rendered in the court. A warrant of similar terms, force and effect may be
18 issued by the secretary or the secretary's designee and directed to any
19 officer or employee of the secretary or the secretary's designee, and in the
20 execution thereof such officer or employee shall have all the powers
21 conferred by law upon sheriffs with respect to executions issued against
22 property upon judgments of a court of record and the subsequent
23 proceedings thereunder shall be the same as provided where the warrant is
24 issued directly to the sheriff. The taxpayer shall have the right to redeem
25 the real estate within a period of 18 months from the date of such sale. If a
26 warrant is returned, unsatisfied in full, the secretary or the secretary's
27 designee shall have the same remedies to enforce the claim for taxes as if
28 the state of Kansas had recovered judgment against the taxpayer for the
29 amount of the tax. No law exempting any goods and chattels, land and
30 tenements from forced sale under execution shall apply to a levy and sale
31 under any of the warrants or upon any execution issued upon any
32 judgment rendered in any action for sales or compensating taxes. Except
33 as provided ~~further in subsection (e)(d)~~, the secretary or the secretary's
34 designee shall have the right after a warrant has been returned unsatisfied,
35 or satisfied only in part, to issue alias warrants until the full amount of the
36 tax is collected. No costs incurred by the sheriff or the clerk of the court
37 shall be charged to the secretary or the secretary's designee.

38 ~~(e)(d)~~ If execution is not issued within 10 years from the date of the
39 docketing of any such warrant, or if 10 years shall have intervened
40 between the date of the last execution issued on such warrant, and the time
41 of issuing another writ of execution thereon, such warrant shall become
42 dormant, and shall cease to operate as a lien on the real ~~estate and~~
43 ~~personal property~~ estate of the delinquent taxpayer. Such dormant

1 warrant may be revived in like manner as dormant judgments under the
2 code of civil procedure. **If the warrant is dormant, it shall cause the lien**
3 **upon personal property filed with the office of the secretary of state to**
4 **be dormant as well. In the event the warrant is revived, the lien upon**
5 **personal property filed with the office of the secretary of state shall be**
6 **revived as well.**

7 (e) **The lien on tangible personal property provided in subsection**
8 **(b) shall cease to exist 10 years from the date of the filing of the notice**
9 **of lien with the office of the secretary of state, unless before such time**
10 **the secretary or the secretary's designee files with the office of the**
11 **secretary of state a notice of renewal of such lien. The notice of**
12 **renewal shall operate to extend the lien for 10 years from the date of**
13 **the filing of the notice. The lien may be extended through the filing of**
14 **a notice of renewal an unlimited number of times, as long as each**
15 **notice of renewal is filed within 10 years of the date the previous**
16 **notice of renewal was filed.**

17 Sec. 6. K.S.A. 2012 Supp. 75-5133, 75-5133b, 79-3234, 79-3234c,
18 79-3235, 79-3235a, 79-3235b and 79-3617 are hereby repealed.

19 Sec. 7. This act shall take effect and be in force from and after its
20 publication in the statute book.