

HOUSE BILL No. 2954

By Committee on Taxation

3-6

9 AN ACT concerning taxation; relating to employment of unauthorized
10 aliens; credits, deductions and exemptions, forfeiture thereof; duties
11 of department of revenue.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) Any taxpayer or employer who knowingly employs an
15 unauthorized alien employee shall no longer be entitled to any Kansas
16 income tax credit or deductible business expense, property tax exemption,
17 sales tax exemption or exemption from any other tax imposed by the state
18 of Kansas to which such taxpayer is otherwise entitled pursuant to law,
19 and to such end any right of the taxpayer or employer to any such credit,
20 deduction or exemption is forfeited.

21 (b) In addition to any other requirement imposed by law, any tax-
22 payer or employer claiming an income tax credit or deductible business
23 expense, property tax exemption, sales tax exemption or any exemption
24 from any tax imposed by the state of Kansas shall submit an affidavit to
25 the department of revenue stating that such taxpayer or employer has not
26 knowingly hired or employed an unauthorized alien employee in order to
27 qualify for such credit, deduction or exemption. Such affidavit shall be
28 signed by the taxpayer or employer under penalty of perjury. The sec-
29 retary of revenue shall periodically require a taxpayer or employer who
30 qualified for any such credit, deduction or exemption to submit an ad-
31 ditional affidavit or any and all additional information necessary to deter-
32 mine if such taxpayer or employer still meets the requirements of this
33 section to qualify for any such credit, deduction or exemption, except that
34 such time requirement for an additional affidavit shall not exceed three
35 years from the date of the original affidavit. If the secretary determines
36 that the taxpayer or employer is not in compliance with the requirements
37 of this section, the secretary shall notify the taxpayer or employer of such
38 noncompliance, and any tax credits, deductions or exemptions claimed
39 pursuant to law for any tax year in which the noncompliance occurred
40 shall be forfeited by the taxpayer or employer. In such case, the tax lia-
41 bility of such taxpayer or employer for such tax year shall be determined
42 without such credit, deduction or exemption.

43 (c) The department of revenue may audit a taxpayer or employer who

1 fails to timely submit the affidavit required by this section or who the
2 department has probable cause to believe is not complying with the
3 requirements of this section.

4 (d) The secretary of revenue shall adopt rules and regulations nec-
5 essary to carry out the provisions of this section.

6 (e) As used in this section: (1) "Employee" means the same as pro-
7 vided in K.S.A. 44-313, and amendments thereto;

8 (2) "knowingly employs an unauthorized alien" means the actions de-
9 scribed in 8 U.S.C. 1324a. This term shall be interpreted consistently
10 with 8 U.S.C. 1324a and any applicable federal rules and regulations; and

11 (3) "unauthorized alien employee" means an employee who is an
12 alien who does not have the legal right or authorization under federal law
13 to work in the United States, as defined by 8 U.S.C. 1324a(h)(3).

14 Sec. 2. This act shall take effect and be in force from and after its
15 publication in the statute book.