

bHOUSE BILL No. 2106

By Committee on Taxation

1-21

1 AN ACT concerning income taxation; relating to corporate tax returns;
2 extending the dates when tax returns are required to be filed; amending
3 K.S.A. 79-3221 and repealing the existing section.
4

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

6 Section 1. K.S.A. 79-3221 is hereby amended to read as follows: 79-
7 3221. (a) All returns required by this act shall be made as nearly as
8 practical in the same form as the corresponding form of income tax return
9 by the United States. Unless another identifying number has been assigned
10 to an individual by the internal revenue service for purposes of filing such
11 individual's federal income tax return, the social security number issued to
12 an individual, the individual's spouse, and all dependents of such
13 individual for purposes of section 205(c)(2)(A) of the social security act
14 shall be used as the identifying number and included on the return when
15 filing such return.

16 (b) All returns shall be filed in the office of the director of taxation on
17 or before the 15th day of the fourth month following the close of the
18 taxable year, except as provided in subsection (c) ~~hereof~~. Tentative returns
19 may be filed before the close of the taxable year and the estimated tax
20 computed on such return, paid, but no interest will be paid on any
21 overpayment of tax liability, computed on such tentative return.

22 (c) (1) The director of taxation may grant a reasonable extension of
23 time for filing returns in accordance with rules and regulations of the
24 secretary of revenue. Whenever any such extension of time to file is
25 requested by a taxpayer and granted by the director with respect to any tax
26 year commencing after December 31, 1992, no penalty authorized by
27 K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the
28 liability is paid on or before the original due date.

29 (2) *For any tax year commencing after December 31, 2019, any*
30 *taxpayer filing a corporate tax return shall file the return in the office of*
31 *the director of taxation:*

32 (A) *No later than one month after the due date established under the*
33 *federal internal revenue code, including any applicable extensions granted*
34 *by the internal revenue service; and*

35 (B) *no penalty authorized by K.S.A. 79-3228, and amendments*
36 *thereto, shall be imposed if the return is filed within one month after*

1 *receiving an extension to file a tax return with the internal revenue*
2 *service. The taxpayer shall not be required to file an extension request*
3 *with the director pursuant to this subparagraph.*

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

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

35 (2) the amount of any credit or refund.

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

38 (2) If an individual is entitled to the benefits of subsection (d) with
39 respect to any return and such return is timely filed, determined after the
40 application of ~~subsection (d), subsections (e)(5) and (e)(7) of K.S.A. 79-~~
41 ~~32,105(d), (e)(5) and (e)(7),~~ and amendments thereto, shall not apply.

42 (f) The provisions of subsections (d) through (j) shall apply to the
43 spouse of any individual entitled to the benefits of subsection (d). Except

1 in the case of the combat zone designated for purposes of the Vietnam
2 conflict, this subsection shall not cause subsections (d) through (j) to apply
3 for any spouse for any taxable year beginning more than two years after
4 the date designated under 26 U.S.C. § 112, and amendments thereto, as the
5 date of termination of combatant activities in a combat zone.

6 (g) The period of service in the area referred to in subsection (d) shall
7 include the period during which an individual entitled to benefits under
8 subsection (d) is in a missing status, within the meaning of 26 U.S.C. §
9 6013(f)(3).

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

30 (2) The assessment or collection of any tax under the provisions of
31 article 32 of chapter 79 of the Kansas Statutes Annotated, and amendments
32 thereto, or any action or proceeding by or on behalf of the state in
33 connection therewith, may be made, taken, begun or prosecuted in
34 accordance with law, without regard to the provisions of subsection (d),
35 unless prior to such assessment, collection, action or proceeding it is
36 ascertained that the person concerned is entitled to the benefits of
37 subsection (d).

38 (i) (1) Any individual who performed Desert Shield services, and the
39 spouse of such individual, shall be entitled to the benefits of subsections
40 (d) through (j) in the same manner as if such services were services
41 referred to in subsection (d).

42 (2) For purposes of this subsection, the term "Desert Shield services"
43 means any services in the armed forces of the United States or in support

1 of such armed forces if:

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

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

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

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

11 (2) any hospitalization inside the United States, except that not more
12 than five years of hospitalization may be taken into account under this
13 subsection. This subsection shall not apply for purposes of applying
14 subsections (d) through (j) with respect to the spouse of an individual
15 entitled to the benefits of subsection (d).

16 Sec. 2. K.S.A. 79-3221 is hereby repealed.

17 Sec. 3. This act shall take effect and be in force from and after its
18 publication in the statute book.