AN ACT concerning income taxation; relating to reporting requirements,  
dates; amending K.S.A. 2016 Supp. 79-3298 and 79-3299 and  
repealing the existing sections.

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

Section 1. K.S.A. 2016 Supp. 79-3298 is hereby amended to read as  
follows: 79-3298. (a) Every employer, payer, person or organization  
deducting and withholding tax shall remit the taxes and file returns in  
accordance with the following provisions:

(1) Whenever the total amount withheld exceeds $100,000 in any  
calendar year, the employer, payer, person or organization deducting and  
withholding tax shall remit the taxes withheld in accordance with the  
following schedule: Each calendar month shall be divided into four  
remittance periods that end on the 7th, 15th, 21st and the last day of such  
month. If at the end of any one or all of such remittance periods the total  
undeposited taxes equal or exceed $667, the taxes shall be remitted within  
three banking days. Saturdays, Sundays and legal holidays shall not be  
treated as banking days.

(2) Whenever the total amount withheld exceeds $8,000 but does not  
exceed $100,000 in any calendar year, the employer, payer, person or  
organization deducting and withholding tax shall remit the taxes withheld  
for wages paid during the first 15 days of any month on or before the 25th  
day of the month. The employer, payer, person or organization deducting  
and withholding tax shall remit the taxes withheld for wages paid during  
the remainder of that month on or before the 10th day of the following  
month.

(3) Whenever the total amount withheld exceeds $1,200 but does not  
exceed $8,000 in any calendar year, the employer, payer, person or  
organization deducting and withholding tax shall remit the taxes withheld  
during any month on or before the 15th day of the following month.

(4) Whenever the total amount withheld exceeds $200 but does not  
exceed $1,200 in any calendar year, the employer, payer, person or  
organization deducting and withholding tax shall remit the taxes withheld  
in any calendar quarter on or before the 25th day of the first month  
following the end of that calendar quarter.

(5) Whenever the total amount withheld does not exceed $200 in any
calendar year, the employer, payer, person or organization deducting and withholding tax shall remit the taxes withheld during that year on or before January 25 of the following year.

(b) Each remittance required under the provisions of subsection (a) shall be accompanied by a Kansas withholding tax remittance form and shall be filed in the manner prescribed by the director, including electronic filing.

(c) Every employer, payer, person or organization deducting and withholding tax and making remittances pursuant to subsection (a) shall file a return on a form or in the format and shall file in the manner prescribed by the director, including electronic filing, for each calendar year on or before the last day of February January 31 of the following year.

(d) The excess of any remittance over the actual taxes withheld in any withholding period shall be credited against the liability for following withholding periods until exhausted. A refund shall be allowed in accordance with K.S.A. 79-32,105, and amendments thereto, where an overpayment cannot be adjusted by an offset against the liability for a subsequent withholding period.

(e) For purposes of determining filing requirements, determinations of amounts withheld during a calendar year by employers, payers, persons or organizations deducting and withholding tax shall be made by the director upon the basis of amounts withheld by those employers, payers, persons or organizations during the preceding calendar year or by estimates in cases of employers, payers, persons or organizations having no previous withholding histories. The director is hereby authorized to modify the filing schedule for any employer, payer, person or organization deducting and withholding tax when it is apparent that the original determination was inaccurate.

(f) Whenever the director has cause to believe that money withheld by an employer, payer, person or organization deducting and withholding tax pursuant to this act may be converted, diverted, lost, or otherwise not timely paid in accordance with this section, the director shall have the power to require returns and payment from any such employer, payer, person or organization at any time at more frequent intervals than prescribed by this section in order to secure full payment to the state of all amounts withheld by such employer, payer, person or organization in accordance with this act.

Sec. 2. K.S.A. 2016 Supp. 79-3299 is hereby amended to read as follows: 79-3299. (a) Every employer, payer, person or organization deducting and withholding tax, on or before January 31 of each year, shall prepare a statement for each employee or payee on a form prescribed by the director stating the amount of wages or payments other than wages
subject to Kansas income tax paid during the preceding year, the total
amount of tax withheld, if any, from such wages or payments other than
wages by the employer, payer, person or organization pursuant to this act
and such other information as may be prescribed by the director. One copy
of such statement shall be filed by the employer, payer, person or
organization with the division of taxation on or before the last day of
February January 31 of each year. Except as otherwise provided, if the
employer, payer, person or organization files statements which report such
withholding information for 51 or more employees or payees, the
statements shall be filed by electronic means. If filing such statements by
electronic means would be a hardship for any such employer, payer,
person or organization, the secretary may permit such statements to be
filed other than by electronic means. Two copies of such statement shall be
given to the employee or payee concerned, one of which will be filed by
the employee or payee with the tax return required by this chapter.
(b) In the case of an employee whose employment is terminated
before the end of a calendar year, the statement required by subsection (a)
may be mailed at the time provided in that subsection to the last known
address of the employee, or issued at the time of the last payment to the
employee, at the employer's option.
(c) Any employer, payer, person or organization deducting and
withholding tax who intentionally fails to furnish a statement to an
employee or payee as required under the provisions of subsections (a) and
(b) shall be guilty of a nonperson misdemeanor and upon conviction
thereof shall be punished by a fine not exceeding $100 for each such
offense.
(d) The annual statement of wages and salaries paid and amount
withheld required by this section shall be in lieu of the annual information
return required under K.S.A. 79-3222, and amendments thereto.
Sec. 3. K.S.A. 2016 Supp. 79-3298 and 79-3299 are hereby repealed.
Sec. 4. This act shall take effect and be in force from and after its
publication in the statute book.