



Date: March 6, 2024

To: House Committee on Taxation
Representative Adam Smith, Chair

From: Alex Orel, Senior Vice President – Government Relations
Kansas Bankers Association

Re: HB 2798 – Written Proponent Testimony

Mr. Chairman and committee members, I am Alex Orel, and I am submitting proponent testimony on behalf of the Kansas Bankers Association (KBA). I am also pleased to submit this testimony on behalf of my colleague Kelly VanZwoell, our Vice President – Government Relations & Staff Attorney. We look forward to being a resource for you and the committee for the remainder of this legislative session and thank you for the opportunity to submit written proponent testimony on HB 2798.

Kansas Bankers Association Background Information:

The KBA was founded in 1887 and is a voluntary, non-profit trade association governed by its membership. The KBA is headquartered in Topeka, Kansas, and is led by our 24-member board of directors. The KBA staff, which President/CEO Doug Wareham leads, includes 40 professionals, including 13 attorneys, that provide services to Kansas bankers ranging from legislative advocacy to educational training to insurance services to legal and regulatory compliance support. Our mission statement is direct:

"Together, we support our member banks and bankers with leadership, advocacy, and education to benefit the communities and customers they serve."

KBA's membership includes 98% of the headquartered banks in Kansas. Our membership also includes 20 out-of-state commercial banks operating in Kansas. Our member banks employ more than 21,000 Kansans who provide financial services in every county across the state. While our member banks range in assets from the smallest to the largest in our state, each member bank that belongs to the KBA has one vote on policy positions adopted by either our general membership or our Board of Directors. One member, one vote.



HB 2798 —Written Proponent Testimony

We appreciate the legislature's work this year in looking at tax relief for all Kansans and allowing us to submit proponent testimony on HB 2798. This bill would provide corporate and privilege income taxpayers, a three-year election, with a switch on the fourth year to mandatory, for a single factor apportionment method when determining corporate income tax liability. HB 2796 being heard today does not include the privilege tax provisions contained in HB 2798.

As the committee has discussed before, the privilege tax is the financial institution's income tax for banks, savings, loans, and trust companies. Kansas banks, trust companies, and savings and loans are not subject to Kansas corporate income tax because they pay the privilege tax, which is their income tax. The privilege tax requires these entities to pay taxes on the interest income from U.S. Treasury Agency & Securities, whereas the corporate income tax does not require it. The difference in the rate between the two types of income taxes is meant to reflect the difference in taxation.

Kansas is one of only six states that still uses a three-factor apportionment method. This formula weighs a company's payroll, property, and sales or receipts in the state to calculate the amount of income attributable to Kansas privilege tax. Another difference in the two types of income taxation is that privilege taxpayers use the "receipts" factor instead of the "sales" factor. The primary difference is that gross sales refer specifically to sales income, while gross receipts include income from non-sales sources, such as interest, dividends or donations.

Because Kansas includes payroll and property in the apportionment calculation of the privilege tax, taxpayers are disadvantaged with higher taxes for every dollar of capital investment made in the state and for every new employee hired in Kansas. The three-factor apportionment is a burden to privilege taxpayers as they are effectively getting double taxed on their income as many states have switched to single factor apportionment.

Thank you for the opportunity to submit proponent testimony and we appreciate your consideration. We respectfully request that when the Committee takes action on HB 2798 it act favorably. If you have questions or require additional information, please contact me at aorel@ksbankers.com or (785) 232-3444.