



**Office of the President**

**Opponent Testimony of  
Senate Bill No. 309  
For the Senate Committee on Ways and Means  
March 15, 2023  
Dr. JuliAnn Mazachek, President  
Washburn University**

Chairperson Billinger, and Members of the Senate Committee on Ways and Means, thank you for the opportunity to provide written testimony in opposition to Senate Bill 309.

Constitutional and statutory provisions established Washburn University. The Washburn University Board of Regents is composed of nine members appointed by the Governor, Mayor, County Commission, and the Kansas Board of Regents. The Washburn Regents are singularly responsible for the operation of the University. As part of the higher education family, the Kansas Board of Regents (KBOR) has coordination responsibility for our academic programs. Kansas Statutes 13-13a38 and 13-13a39, adopted by the legislature in 1999, authorize the Board of Regents of Washburn University to levy a countywide retailers' sales tax not to exceed .65% within Shawnee County. In exchange for this sales tax authority, Washburn's ability to levy a property tax as a funding source for overall university operations was eliminated. Washburn University receives a smaller percentage of state aid than other higher education public institutions. Revenue from sales taxes and tuition are vital to our ability to offer academic programs and to balance our budget.

Senate Bill 309 creates the fixing instant revenue shock for taxpayers' fund for the purpose of restoring to cities and counties the local retailers' sales or compensating use tax revenue lost due to the enactment of legislation. As currently written, the bill does not permit Washburn University to access this fund. The products and services Washburn University may levy under the countywide retailers' sales tax are tied directly to the same statutory provisions that cities and counties are allowed under K.S.A. 12-189a. If local sales tax authority is removed, amended, or otherwise adjusted and Washburn University can no longer levy and collect its portion of countywide retailers' sales taxes, the University has no ability to receive the appropriate amount determined by the state to restore the local retailers' sales or compensating use tax revenue lost due to the enactment of legislation.

If Senate Bill 309 were amended to allow Washburn University to be a recipient of the fund, we would not receive the funds we are entitled to for at least one year. A determination will need to be made regarding how to pay operating costs and other commitments, particularly debt service payments that had previously been paid with local retailers' sales tax revenue. Additionally, payment from this new fund is not guaranteed, which makes budget planning very challenging.

The House Committee on Taxation is considering Senate Bill 248 which, if adopted, Washburn University will experience an annual sales tax revenue loss between \$3,500,000 to \$5,000,000 with no available mechanism to make up for this reduction other than tuition increases or increases to our state aid.

We request the local authority to keep the ability to levy a sales tax on food and food ingredients and that if Senate Bill 309 advances, request Washburn University be included as an eligible recipient to access the fixing instant revenue shock for taxpayers' fund. This would allow the University to ensure sales tax revenue is available to support operations alongside tuition revenue and state aid.

Thank you.