

“ THE PECK PERSPECTIVE ”

(From the Capitol)

April 30, 2022

Early Friday morning, April 29th, after a 16-hour workday (starting at 10:00 a.m. on Thursday), the Senate had accomplished more than I expected during the veto session and adjourned, at 2:21 a.m. We'll return to the Capitol on May 23rd.

There's still good legislation on the table that I desire to see passed, and it may be dealt with when we return on the 23rd, but I'm pleased with several of the bills passed and sent to the Governor. The two I see as most impactful for Kansans are the elimination of the sales tax on groceries, HB 2106, and legislation ensuring mask mandates and vaccine passports never return to Kansas, SB 34.

Having said that, I share the frustration of many at the lack of ability by the Kansas House to override several of Governor Kelly's vetoes. Thus, proving once again that elections have consequences. The only successful override by both chambers was HB 2448; legislation to help and encourage able-bodied adults, aged 18-49, with no children, to move into the workforce or participate in an employment and training program to receive welfare benefits – food stamps.

In the Senate, we voted to override Kelly's vetoes of four other bills: SB 160, legislation to keep males from intruding into females' athletics, locker rooms and showers (vote was 28-10); SB 58, giving parents greater ability to be involved in what children are being taught in school (vote 27-12); SB 199, giving Kansans the freedom to extend the time, up to 36 months, they could keep their short-term health insurance policy (vote 28-9); and SB 493, prohibiting municipalities from taxing or regulating plastic straws, bags, cups, bottles, etc. (vote 27-12). As previously promised, I voted yes to all the overrides.

Typically, at this point of a session, the legislature would return for a one-day wrap up known as "Sine Die" to consider any additional gubernatorial vetoes. This year will be a little different. Due to some leftist groups bringing a lawsuit challenging the congressional map passed by the legislature with supermajorities, the Senate 27-11 and the House 85-37, when the legislature returns on the 23rd we will review the status of the court case and assess any necessary steps moving forward. I personally think expecting a ruling from the court by the 23rd is a little ambitious – since the case is not slated to be heard until May 16th.

Elimination of the Sales Tax on Groceries (HB 2106): In 2019, the Legislature voted to phaseout the state sales tax on groceries (prior to my time in the senate). However, Governor Kelly vetoed the legislation. Had the sales tax elimination been signed into law in 2019, the state sales tax on groceries in Kansas would currently be 2.08 percent and scheduled to go to zero next year. Interestingly, in 2022 (election year epiphany?), the Governor has taken a different position. Good to see she has seen the light.

By a unanimous vote in the Senate, 39–0, and near unanimous in the House, 114–3, the Legislature passed HB 2106 – a bill to phaseout the state sales tax on groceries. On January 1, 2023 the sales tax rate will drop from the current 6.5 percent to 4 percent. Then on January 1st of 2024 it will be reduced to 2 percent and finally eliminated on January 1, 2025. This is only the state sales tax, local municipalities can choose to continue assessing sales tax on groceries.

The sales tax elimination is only on groceries – it doesn't include all food. Sadly, Kansas is one of 23 states in the Streamlined Sales Tax agreement, which dictates the definitions we must follow for elimination of the grocery sales tax. There is discussion regarding Kansas walking away from Streamlined Sales Tax, but that won't happen until at least the 2023 session. The Senate tax committee recommended eliminating the sales tax on food, including restaurants, but the fiscal note was \$750 million – more than many legislators were willing to accept.

Passage of HB 2106, along with the previously passed HB 2139, legislation to reduce property taxes in Kansas, will provide tax relief to all Kansans. The tax saving for Kansas families from HB 2109 is expected to be \$77 million in FY '23, \$252 million in FY '24, \$411 million in FY '25 and \$500 million in FY '26.

Protecting Kansans From Government Mandates (SB 34): For the past two years Americans have been subjected to an overreaching federal and state government that has implemented burdensome restrictions such as mask mandates, vaccine passports, attendance restrictions and closures. And the Biden Administration is appealing a recent federal court ruling invalidating mask mandates on transportation. To combat such restrictions and provide Kansans with the freedoms they deserve, SB 34 passed the Senate, 23–17, and the House, 64–53. SB 34 prohibits government officials from issuing a mask mandate, prohibits COVID-19 vaccine passports and increases the due process for Kansans aggrieved by an executive order issued by the Governor.

Some may wonder if such legislation is needed. I realize this is Kansas, but states like Rhode Island have nearly passed left-wing, extremist legislation. Introduced in Rhode Island by a democrat senator, SB 552 would require every person age 16 and older in Rhode Island to be “fully vaccinated” against COVID-19 or face a monthly fine of \$50, plus a personal doubling of their taxes. Further, all employers would be forced to serve as the “police” and make certain their workers complied with the mandate or face a \$5,000 fine per employee.

I mention Rhode Island's SB 552 because what happens in other states can find its way into Kansas.

Until next time, may the blessings of God be yours.

Virgil Peck
State Senator