

“ THE PECK PERSPECTIVE ”

(From the Capitol)

March 27, 2023

Legislative debate and votes during the week of March 27th–31st will begin to bring into focus which bills will ultimately pass the legislature and make it to the governor’s desk and which ones don’t have sufficient legislative support for passage. Except for an occasional break from the norm, no committees will meet and both the Senate and the House will spend many hours in their respective chambers considering a wide variety of legislation.

To this point in the session, only three bills have passed both chambers and made their way to the governor for her consideration. Those bills are HB 2238 – the Fairness in Women’s Sports Act (keeping boys out of girls’ sports, locker rooms and showers), SB 11 – authorizing the development and approval of the Ad Astra Plaza on the Capitol grounds and SB 39 – providing for a mural in the Statehouse honoring the 1st Kansas Colored Voluntary Infantry Regiment.

As has been widely reported, HB 2238 has been vetoed – but awaits a potential veto override – while SB 11 and SB 39 have been signed into law.

Tax Credits for Hollywood? The Senate passed legislation, SB 91, designed to bring economic activity to Kansas in the area of film production. SB 91 would enact the Kansas Film and Digital Media Industry Production Development Act (Act). The Act would provide a tax credit, sales tax exemption and loans and grants to incentivize film, video and digital media production in Kansas. Language in the bill puts the Secretary of Commerce in charge of administering the Act. The bill was heard in the Senate Commerce Committee, a committee I serve on, where a variety of business groups and groups devoted to increasing film production in Kansas testified in support of the Act. Although Kansas is one of only a handful of states without such tax incentives, and it is fun to have films or movies made in our state, I’m hesitant to use taxpayer money to incentivize places like Hollywood to make movies. Ultimately, SB 91 passed 28-7. I voted no (along with six others) and 4 senators voted pass. The House will likely consider SB 91 this week.

Working to Amend the US Constitution: When writing the Constitution of the United States, our founding father placed two methods – in Article V – whereby the US Constitution can be amended. Rightfully so, both methods are difficult to achieve. One method, and the only one to have been successfully used, is by a two-thirds vote of both the US House and the Senate, followed by ratification/approval by three-fourths of the state legislatures. The other method, which is much more difficult, is for two-thirds of the states (34) to pass a resolution to call for a convention of states. After a convention is convened and has proposed an amendment, or amendments, there must be a vote (ratification) by three-fourths (38) of the states to approve the proposed amendment(s) for the constitution to be amended.

Since 2014, there are 19 states, including our neighboring states of Oklahoma (2016), Missouri (2017) and Nebraska (2022), who have called for an Article V convention of states for the purpose of proposing two amendments. Both are designed to reign in the federal government. One would impose fiscal restraints on the federal government and the other would put term limits on congress.

The Senate debated and voted on SCR 1607 to join the call for a convention of states and the House did the same thing in HCR 5008. Although both resolutions received a majority of votes, 22–16 in the Senate and 74–48 in the House, neither garnered the necessary two-thirds majority for passage, 27 in the Senate and 84 in the House, as required by the Kansas Constitution. I voted yes to SCR 1607. I see a convention of states as the only sure way to regain power over the out-of-control federal government spending.

This is not the first time an attempt to call a convention has been voted on by the Kansas Legislature – there have been several attempts over the past 8 years, but each has failed the two-thirds majority threshold. As a result, if Kansas is to join the call, it will be accomplished by a future legislature.

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

Virgil Peck
State Senator