

THE PECK PERSPECTIVE

(From the Capitol)

March 3, 2025

Tax-free Tips (SB 277): During his campaign for president, President Donald Trump stated he would push for eliminating the federal income tax on tips and as president, he's pushing to get that accomplished.

Last month, I joined Kansas Senate President, Ty Masterson, U.S. Senator Roger Marshall, and other State Senators at a press conference to announce plans to remove the state income tax on tips, thereby removing the need for restaurant workers and others to keep track of tips strictly for state income tax purposes. If passed, SB 277 would, starting in January 2026, eliminate the state income tax on tips received up to a total of \$25,000 annually. The Senate Tax committee will hold a hearing on SB 277 soon, where its passage is very likely.

Amending the U.S. Constitution (SCR 1604): Article V of the U.S. Constitution provides two methods by which amendments can be added to the Constitution. Congress, by a two-thirds vote of both houses, may propose amendments to the states for ratification – a procedure that's been used for all 27 current amendments. The second, referred to as the "Article V Convention", authorizes the states to make application to congress for a convention to propose an amendment or amendments. If the legislatures of two-thirds of the states (34) apply for a convention, Congress is directed by the Constitution to convene one. However, this alternative method has never been implemented. No matter which method is used, all proposed amendments require the approval of three-fourths of the states (38) to become a part of the Constitution.

On a vote of 29-11, the Kansas Senate adopted SCR 1604, a resolution calling for a Convention of States. SCR 1604 is limited to two constitutional changes; impose fiscal restraints on the federal government (balanced budget) and place term limits on members of Congress. Both proposals are widely supported by many Americans.

Some oppose calling a convention of the States, saying there is risk involved. Although I understand their thoughts, I disagree and supported SCR 1604. It is imperative that we reign in federal government spending if our nation is to survive.

Referencing the Article V method of amending the U.S. Constitution, Former Supreme Court Justice, Antonin Scalia, said: *"The founders inserted this*

alternative method of obtaining constitutional amendments because they knew the Congress would be unwilling to give attention to many issues the people are concerned with, particularly those involving restrictions on the federal government's own power. The founders foresaw that, and they provided the convention as a remedy."

There are still two huge steps that need to be taken for a convention to be called. The Kansas House must adopt the resolution, and 33 other states must also adopt such a resolution. So far, 19 states have adopted a version of SCR 1604.

Changing How U.S. Senators are replaced (SB 105): The tragic plane crash in late January between a passenger jet from Wichita and a Black Hawk helicopter in Washington DC, brought home the realization of the possibility of Kansas losing both of our U.S. Senators in one instance. On multiple occasions both Senator Jerry Moran and Senator Roger Marshall were on the same flight.

Currently, should there be a vacancy to a statewide elected office, the governor has complete authority to fill the vacancy with whomever they wish. This process has the potential of instantly and radically shifting the balance of power, especially as it pertains to the United States Senate, where in recent years, the body has been divided 50-50. SB 105 would change the process of filling vacancies for U.S. Senator, State Treasurer, and Commissioner of Insurance.

If a seat becomes vacant, SB 105 would establish the Joint Committee on Vacancy Appointments. The committee would be made up of legislators from both parties and would recommend three names for the governor to pick from. If the legislature was in session, both chambers would vote on the names to send to the governor who would be required to select the replacement from the names submitted. When the legislature is not in session, the committee's recommendations would go directly to the governor. The suggested names must be members of the same political party as the person vacating the position and must have been so for at least the last six years. SB 105 passed 31-9. I voted yes.

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

Virgil Peck
State Senator