

# “ THE PECK PERSPECTIVE ”

(From the Capitol)

February 19, 2024

Each session day, there is more legislation being passed by the two chambers – but not yet by both chambers. Last week the Senate voted on and passed 12 bills and one resolution. Nine of the bills passed unanimously or with little opposition, while three, and the resolution, saw significant opposition.

**Supporting Texas’ Battle Against Illegal Border Crossings (SR 1737):** Last week, I wrote about SR 1737, a resolution affirming Texas Governor Greg Abbott’s right to defend Texas from unrestrained illegal immigration. We debated the resolution on Tuesday (February 13<sup>th</sup>) and voted on it Thursday. Understanding that a porous and lawless border is a danger to all Americans, no matter where they live, and the issue of states’ rights, the resolution passed 26–11. Three Senators refused to vote and passed. I voted yes.

**Senate Confirmation of the Wildlife & Parks Commission (SB 347):** Another bill that proved to be somewhat controversial was one I carried on the floor, SB 347. Passage of SB 347 would require appointments to the Kansas Wildlife and Parks Commission (Commission) to be subject to Senate confirmation and prohibit an unconfirmed appointee from exercising any power, duty, or function until confirmed.

Although some said the Commission only serves in an advisory role, Kansas law, in KSA 32-805(d), says, *“The commission shall have such powers, duties and functions as prescribed by law. Other than rules and regulations pertaining to personnel matters of the department, the secretary shall submit to the commission all proposed rules and regulations. The commission shall either approve, modify and approve, or reject such proposed rules and regulations. The secretary **shall** adopt such rules and regulations so approved or so modified and approved. Fees established for licenses, permits, stamps and other issues of the department **shall be subject to the approval of the commission.**”* (emphasis added)

Additional language in the bill states that Senate confirmation preserves the rights guaranteed by Section 21 of the Bill of Rights of the Kansas Constitution regarding the right of the public to hunt, fish, and trap wildlife.

In 2016, by a margin of 81% to 19%, voters adopted an amendment to the Kansas Bill of Rights which added language to protect the right to hunt, fish and trap. Section 21 says in part: *“The people have the right to hunt, fish and trap, including by the use of traditional methods, subject to reasonable laws and regulations that promote wildlife conservation and management and that preserve the future of hunting and*

*fishing. Public hunting and fishing shall be a preferred means of managing and controlling wildlife."* Because of that language, I was pleased to take the lead during floor debate to protect that constitutional right. SB 347 passed the Senate 24-15.

**KPERS Investments (SB 23):** There was plenty of discussion on the Senate floor regarding SB 23, a bill amending the Kansas Public Employees Retirement Trust Fund and investment standards. As recommended by the Financial Institutions and Insurance Committee, the bill would remove the 15 percent cap on high yield (more risky) alternative investments and give the Kansas Public Employees Retirement System (KPERS) Board of Trustees the responsibility to determine a cap, if any. The 15 percent cap of the investment assets of the fund in alternative investments was enacted in 2012. "Alternative investment" is defined to include a broad group of investments that are not one of the traditional asset types of public equities, fixed income, cash, or real estate.

Ultimately, SB 23 was amended to raise the percentage cap to 20 percent, rather than having no cap. I don't believe putting a larger percentage of the KPERS investments in higher yield, yet riskier, alternative investments is the right thing to do. I voted no to SB 23, but it passed 24-13.

**Increasing the KPERS Death Benefit (and Unfunded Actuarial Liability) (SB 172):** Another KPERS bill from last week, SB 172, also proved to be quite controversial. The bill would increase the KPERS lump sum death benefit from the current \$4,000 to \$6,000. Increasing the death benefit for the approximate 4,000 KPERS retirants who die each year may sound nice, but a closer look reveals that the death benefit increase would also increase the unfunded actuarial liability by \$108 million. I do not support risky investments with taxpayer money, nor do I think intentionally increasing the unfunded liability is wise. Therefore, I voted no. However, SB 172 passed 25-14.

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

Virgil Peck  
State Senator