

“ THE PECK PERSPECTIVE ”

(From the Capitol)

May 14, 2022

Sometimes, when I listen to myself, I say, “Self, you sound like a broken record”. Then I realize the “broken record” comment reveals I must be of the older generation (maybe so – I’m 62). I say that because many of the younger generation have little to no knowledge of what that phrase means.

A quick internet search of the phrase defines it as: *“To be very tiresome or irritating in the way one continues to say or reiterate the same thing over and over again”*. That doesn’t sound pleasant, but here goes – elections have consequences. The 2022 session has shown this to be true time and time again. The reason? Last week Governor Kelly again vetoed good legislation supported by a significant majority of Kansans.

The vetoed bills are: SB 34, HB 2252 and HB 2387. What are these bills and what are the chances of overriding them when the legislature returns to Topeka on May 23? As a reminder, to override a gubernatorial veto, two-thirds of the legislature – 27 in the Senate and 84 in the House – must vote in favor of the override.

SB 34 is legislation to protect Kansans from an overreaching government. The bill was passed to prohibit government officials from issuing a mask mandate, prohibit COVID-19 vaccine passports and increase the due process for Kansans aggrieved by an executive order issued by the Governor. Additionally, SB 34 would remove the authority of the Secretary of Health and Environment, or local health officer, to order any law enforcement officer to assist in the enforcement of any order regarding infectious diseases. Since SB 34 narrowly passed – the Senate 23–17 and House 64–53 – a veto override is unlikely. I originally voted yes, and will vote yes to a veto override.

HB 2252 was passed to protect the integrity of elections in Kansas. The bill prohibits the Governor, Secretary of State and any officer of the executive branch from entering into an agreement with a state or federal court regarding the enforcement of an election law or alteration of any election procedures without specific approval by the Legislature; including provisions in law regarding remote voting, early voting and weather-constricted voting. HB 2252 would help make certain that any change in election laws in Kansas were only done by members of the legislature. I voted yes to HB 2252 and support overriding the Governor’s veto. A veto override is very likely as it passed the Senate 27–12 and the House 84–38.

The final veto, **HB 2387**, would prevent the executive branch, prior to January 31, 2023, from putting out for bidding or awarding a new contract to any Medical Care Organization (MCO). MCOs administer the nearly \$4 billion in benefits under

the medical assistance program (Medicaid) for the poor, disabled or elderly in Kansas.

HB 2387 also contains language amending the Kansas Emergency Management Act (KEMA) statute addressing the powers of the Governor. Specifically, the bill continues to protect Kansans' rights by making certain the Governor does not have the power or authority under KEMA or any other law to "*limit or otherwise restrict the sale, purchase, transfer, ownership, storage, carrying or transporting of firearms or ammunition*". Other language states that the Governor shall not have the power or authority under KEMA or any other law to "*prohibit attending or conducting any religious service or worship service in a church, synagogue or place of worship*." HB 2387 passed the Senate 26 – 12 and the House 84–38; making a veto override possible. I have supported HB 2387, and will continue to do so.

Allowing for Driverless Vehicles (SB 313): On Friday the 13th of May, the Governor did sign into law a bill, SB 313, to allow driverless-capable vehicles in Kansas – provided they meet certain safety standards.

The safety standards include: a capability of achieving a minimal risk condition if a malfunction of the automated driving system occurs (meaning rendering the vehicle's system unable to perform the driving task – including moving over to the shoulder, stopping, and activating emergency signal lights); is capable of operating in compliance with traffic and safety laws; bears a certificate indicating compliance with federal motor vehicle safety standards; does not exceed 34,000 pounds on tandem axles (until July 1, 2025); and carries a human driver for 12 consecutive months from the date an entity places such vehicle into service in Kansas – unless the vehicle is not designed for human occupancy or lacks manual controls.

Of course, the owners of driverless vehicles must make certain they are properly registered and maintain all required insurance. As with other vehicles on Kansas roads, evidence of registration and insurance must be carried in the vehicle. Additionally, prior to operating on public roads in Kansas, owners must submit a law enforcement interaction plan to the Kansas Highway Patrol.

I personally was not confident all the safety features and "kinks" for allowing driverless vehicles on Kansas roads have been worked out, therefore, I voted no to SB 313. It passed the Senate 23–17 and the House 75–44.

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

Virgil Peck
State Senator