

“ THE PECK PERSPECTIVE ”

(From the Capitol)

February 26, 2024

The Legislature reached “Turnaround” on February 23rd. Turnaround is the unofficial mid-way point of the session where non-exempt bills, those introduced by individual legislators or committees other than Tax, Ways & Means, and Federal & State Affairs, must have passed their house of origin. Prior to Turnaround, the Senate debated and passed bills on a wide range of topics, from property rights to ensuring the horrific policies like those used during COVID never return. Keep in mind, other than SB 15 I wrote about a few weeks ago, none of the bills have passed both chambers.

The 2024 session is currently scheduled to conclude on April 5th.

Where Legislators Live: An article in the January/February issue of *Kansas Government Journal* reported that 76 percent (95 of 165) of Kansas legislators have the address of a town with a population of 20,000 or more – 21 Senators (52% of the Senate) and 74 House members (59% of the House). If we increase the population to 100,000 or more, we see that there are 11 Senators (27%) and 42 House members (34%) who live in a big city.

The only SEK town above the 20,000 population is Pittsburg at 20,610. There’s one House member with a Pittsburg address. The next largest SEK town is Parsons at 9,564. A total of 22 legislators (7 Senators & 15 House) have an address from a town with a population of less than 2,000, including me – Havana, population 82.

I have a great relationship with many of my colleagues in both parties who live in some of the larger population centers, so I mean no disrespect to any, but the above numbers help better understand why some legislation is more difficult to pass.

Too Many Registered Voters on the Books? On January 3, 2024, Kansas had 1,958,566 registered voters. However, nearly 50,000 (49,667) who registered in 2012 or before, have never voted, and another 78,000 (77,948) registered voters who voted in 2012 or before have not cast a ballot since 2012 – that’s twelve years ago. Adding the numbers together reveals there are more than 127,000 “inactive” registered voters (6.5% of the total) on the rolls in Kansas, which creates opportunities for voter fraud.

It can rightfully be asked, “How is this allowed to happen?” In 2022, KSA 25-231c was amended to flag such voters, but it takes time to purge the files. KSA 25-231c(e), (f) & (g) specify circumstances when a county election officer must remove a voter from the rolls and the steps they must take for the removal to be legal.

Among the reasons for a removal are: a request by the voter, a person has a change of address as provided to the election officer by the postal service, mail is returned undelivered by the postal service, there's no election-related activity for a four-calendar year period, a conviction of a felony, KDHE or the Social Security Administration provides the election officer with a notice of death, or a person's obituary is printed in a newspaper with general circulation. Within 45 days of any of these events, except death or a felony conviction, the election officer shall mail a notice to the address of record letting the voter know their name will be removed from the rolls. The notice must be sent by forwardable mail and include a preaddressed, postage paid return card as prescribed by the Secretary of State.

In the November 2022 election, 1,004,041 voters in Kansas cast a ballot. That number was down from the 1,323,344 who voted in November of 2020.

The John D. Springer Patient's Bill of Rights. (SB 352): Never again. I repeat, never again can we allow patients in hospitals to suffer and die alone – as happened during the COVID-19 pandemic. The government's primary function is to protect the liberty and freedom of its citizens. That's why the Senate passed SB 352, the John D. Springer Patient's Bill of Rights. The bill specifies that a medical care facility cannot prevent a patient from receiving in-person visitation from persons they designate, if the patient has the capacity to make such designation. If the patient is incapable of such designation, the patient's agent for health care decisions established by a durable power of attorney can make those designations.

The bill authorizes a medical care facility to require visitors to adhere to infection control procedures, including wearing personal protective equipment. And limit in-person visitation to two individuals at a time unless a patient is terminally ill or receiving end-of-life care. Language in SB 352 allows a patient to refuse in-person visits or revoke previously granted in-person visitation from any person at any time. There are protections in the bill for medical care facilities from civil liability for damages for complying with the bill unless there was gross negligence or willful, wanton, or reckless conduct. SB 352 passed the Senate 26-13. I voted yes.

Protecting Privacy (SB 420): Current law protects a person from being photographed or videoed under or through their clothing, or while nude or in a state of undress using a concealed device in a secret manner. A loophole was discovered where someone using a non-concealed device, like a home security camera or baby monitor, could not be prosecuted. SB 420 would amend the breach of privacy law by removing the elements of concealment and secrecy from the crime and simply make it a crime in all circumstances to secretly photograph or video a person. The bill passed the Senate 40-0.

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

Virgil Peck
State Senator