

# Journal of the House

## SIXTEENTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Tuesday, January 31, 2023, 11:00 a.m.

The House met pursuant to adjournment with Speaker Hawkins in the chair.

The roll was called with 119 members present.

Rep. Weigel was excused on verified illness.

Reps. Boyd, Landwehr, Poetter Parshall, Robinson and Winn were excused on excused absence by the Speaker.

Prayer by Chaplain Brubaker:

Father God,  
It is another beautiful day that You have  
enabled us to come together to work.  
Help our leaders to work as a team.  
Remove comparison and rivalry mentality  
from our hearts and help us to focus on the greater good,  
which is the betterment of our constituents.  
Help us to work in harmony and unity  
and may the only thing that divides us today  
be the team we are cheering for tonight  
in the great Sunflower Showdown.  
In Your all-powerful Name I pray, Amen.

The Pledge of Allegiance was led by Rep. Chuck Smith.

### CELEBRATION OF KANSAS DAY

In recognition of the 162<sup>nd</sup> birthday of Kansas on January 29<sup>th</sup>, Reps. Ballard and Thomas led the members of the House in singing Home on the Range.

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2229**, AN ACT concerning sales and compensating use tax; relating to motor vehicles; providing for a deduction for calculating tax owed when selling a motor vehicle that is purchased within 180 days of the sale of another vehicle; amending K.S.A. 12-199 and repealing the existing section, by Representatives Turner and Resman.

**HB 2230**, AN ACT concerning veterans and military; updating certain provisions related to the Kansas army and air national guard; providing for the appointment of a state judge advocate; amending K.S.A. 48-101, 48-202, 48-205, 48-209, 48-211, 48-214, 48-216, 48-242, 48-243, 48-252c, 48-301, 48-509 and 48-516 and K.S.A. 2022 Supp. 48-204 and repealing the existing sections; also repealing K.S.A. 48-103, 48-219, 48-221, 48-222, 48-223, 48-237 and 48-252, by Committee on Veterans and Military.

**HB 2231**, AN ACT concerning property taxation; relating to exemptions; providing for an exemption for residential property where a property day care facility operates; amending K.S.A. 79-201 and repealing the existing section, by Committee on Taxation.

**HB 2232**, AN ACT concerning county appraisers; relating to qualifications for designation as a registered mass appraiser; granting authority to the director of property valuation to develop qualifying courses; amending K.S.A. 2022 Supp. 19-430 and repealing the existing section, by Committee on Taxation.

**HB 2233**, AN ACT concerning the historic Kansas act; eliminating the annual cap on tax credits that may be claimed for the restoration and preservation of certain commercial structures; amending K.S.A. 2022 Supp. 79-32,211c and repealing the existing section, by Committee on Taxation.

**HB 2234**, AN ACT relating to state construction or building improvement projects; increasing the cost threshold for the mandatory convening of a negotiating committee by the secretary of administration or agency head and the selection of architectural, engineering or land surveying services from a list of qualified firms; changing the measure of the cost threshold from "total project cost" to "construction cost"; amending K.S.A. 75-1253 and 75-5804 and repealing the existing sections, by Committee on Commerce, Labor and Economic Development.

**HB 2235**, AN ACT concerning the department of administration; relating to the division of printing; authorizing the division to print for units of local government and schools; amending K.S.A. 2022 Supp. 75-1005 and repealing the existing section, by Committee on Appropriations.

**HB 2236**, AN ACT concerning education; relating to school districts; establishing parents' right to direct the education and upbringing of their children including the right to object to harmful or inappropriate educational materials and activities, by Committee on Education.

**HB 2237**, AN ACT concerning counties; relating to public right-of-way; authorizing certain telecommunications and video service providers to operate in the county right-of-way; amending K.S.A. 2022 Supp. 17-1902 and repealing the existing section, by Committee on Local Government.

**HB 2238**, AN ACT concerning education; relating to student athletes; creating the fairness in women's sports act; restricting participation on women's teams to female students; providing a cause of action for violations of the act, by Committee on Education.

**HB 2239**, AN ACT concerning occupational licensure; relating to continuing education requirements; allowing exemptions from continuing education requirements for work experience, by Committee on Welfare Reform.

**HB 2240**, AN ACT concerning the department for children and families; relating to qualified residential treatment programs; requiring the clerk of the district court to give notice of placement; amending K.S.A. 38-2291 and repealing the existing section, by Committee on Child Welfare and Foster Care.

**HB 2241**, AN ACT concerning financial institutions; relating to finance charges; increasing the amount charged per annum on closed end credit consumer loans; amending K.S.A. 16a-2-401 and repealing the existing section, by Committee on Financial Institutions and Pensions.

#### REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Corrections and Juvenile Justice: **HB 2212, HB 2213, HB 2214, HB 2217.**

Education: **HB 2223, HB 2224.**

Elections: **HB 2207.**

Energy, Utilities and Telecommunications: **HB 2225, HB 2226, HB 2227, HB 2228.**

Federal and State Affairs: **HB 2208.**

Judiciary: **HB 2215, HB 2216, HB 2222.**

K-12 Education Budget: **HB 2218.**

Taxation: **HB 2219, HB 2220, HB 2221.**

Veterans and Military: **HB 2209, HB 2210, HB 2211.**

On motion of Rep. Croft, the House resolved into the Committee of the Whole, with Rep. A. Smith in the chair.

#### COMMITTEE OF THE WHOLE

On motion of Rep. A. Smith, Committee of the Whole report, as follows, was adopted:

Recommended that **HB 2015, HB 2016, HB 2017, HB 2018** be passed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Commerce, Labor and Economic Development** recommends **HB 2042** be amended on page 1, following line 9, by inserting:

"Section 1. K.S.A. 8-1103 is hereby amended to read as follows: 8-1103. (a) (1) Whenever any person providing wrecker or towing service, as defined by K.S.A. 66-1329, and amendments thereto, while lawfully in possession of a vehicle, at the direction of a law enforcement officer~~or~~, the owner or, if a city ordinance or county resolution authorizes the towing of vehicles by a wrecker or towing service, a self-storage unit operator as provided by K.S.A. 58-817, and amendments thereto, or as otherwise provided by a city ordinance or county resolution, renders any service to the owner thereof by the recovery, transportation, protection, storage or safekeeping thereof, a first and prior lien on the vehicle is hereby created in favor of such person rendering such service and the lien shall amount to the full amount and value of the service rendered. The lien may be foreclosed in the manner provided in this act.

(2) If the name of the owner of the vehicle is known to the person in possession of such vehicle, then within 15 days, notice shall be given to the owner that the vehicle is being held subject to satisfaction of the lien. Any vehicle remaining in the possession of a person providing wrecker or towing service for a period of 30 days after such wrecker or towing service was provided may be sold to pay the reasonable or agreed charges for such recovery, transportation, protection, storage or safekeeping of such vehicle and personal property therein, the costs of such sale, the costs of notice to the owner of the

vehicle and publication after giving the notices required by this act, unless a court order has been issued to hold such vehicle for the purpose of a criminal investigation or for use as evidence at a trial.

(3) If a court orders any vehicle to be held for the purpose of a criminal investigation or for use as evidence at a trial, then such order shall be in writing, and the court shall assess as costs the reasonable or agreed charges for the protection, storage or safekeeping accrued while the vehicle was held pursuant to such written order.

(4) Any personal property within the vehicle need not be released to the owner thereof until the reasonable or agreed charges for such recovery, transportation or safekeeping have been paid, or satisfactory arrangements for payment have been made, except as provided under subsection (c) or for personal medical supplies which shall be released to the owner thereof upon request. The person in possession of such vehicle and personal property shall be responsible only for the reasonable care of such property. Any personal property within the vehicle not returned to the owner shall be sold at the auction authorized by this act.

(b) At the time of providing wrecker or towing service, any person providing such wrecker or towing service shall give written notice to the driver, if available, of the vehicle being towed that a fee will be charged for storage of such vehicle. Failure to give such written notice shall invalidate any lien established for such storage fee.

(c) A city ordinance or county resolution authorizing the towing of vehicles from private property shall specify in such ordinance or resolution:

(1) The maximum rate such wrecker or towing service may charge for such wrecker or towing service and storage fees;

(2) that an owner of a vehicle towed shall have access to personal property in such vehicle for 48 hours after such vehicle has been towed and such personal property shall be released to the owner; and

(3) that the wrecker or towing service shall report the location of such vehicle to local law enforcement within two hours of such tow.

(d) A person providing towing services shall not tow a vehicle to a location outside of Kansas without the consent of either:

(1) The driver or owner of the motor vehicle;

(2) a motor club of which the driver or owner of the motor vehicle is a member; or

(3) the insurance company processing a claim with respect to the vehicle or an agent of such insurance company.";

Also on page 1, in line 28, by striking all after "thereto."; in line 29, by striking all before "towing"; in line 30, by striking "as provided by" and inserting "if"; in line 32, after "located" by inserting "authorizes the towing of vehicles by a wrecker or towing service, as provided by K.S.A. 8-1103, and amendments thereto";

On page 3, in line 18, before "K.S.A." by inserting "K.S.A. 8-1103 and"; also in line 18, by striking "is" and inserting "are";

And by renumbering sections accordingly;

On page 1, in the title, in line 6, after the semicolon by inserting "adding self-storage rental unit operators to those persons who are specifically authorized to direct a wrecker or towing service to tow a motor vehicle for purposes of the creation of a lien in favor of a wrecker or towing service;" also in line 6, after "amending" by inserting "K.S.A. 8-1103 and"; in line 7, by striking "section" and inserting "sections"; and the bill be passed as amended.

Upon unanimous consent, the House referred back to the regular business, Introduction of Bills and Concurrent Resolutions.

## INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

**HB 2242**, AN ACT concerning the uniform consumer credit code; relating to consumer loans; providing restrictions and requirements for certain alternative small installment loans; requiring lender reporting; amending K.S.A. 16a-2-308, 16a-2-401, 16a-2-404 and 16a-2-501 and repealing the existing sections, by Committee on Financial Institutions and Pensions.

**HB 2243**, AN ACT concerning securities; relating to financial exploitation and the protection of vulnerable adults therefrom; enacting the protect vulnerable adults from financial exploitation act; requiring reporting of instances of suspected financial exploitation under certain circumstances; providing civil and administrative immunity to individuals who report such instances; amending K.S.A. 17-12a412 and repealing the existing section, by Committee on Financial Institutions and Pensions.

**HB 2244**, AN ACT concerning firearms; relating to the personal and family protection act; providing permanent exemptions for postsecondary educational institutions; amending K.S.A. 75-7c20 and repealing the existing section, by Representatives Ballard, Amyx, Featherston, Haswood, Highberger, Martinez, Meyer, Miller, D., Neighbor, Ruiz, S., Schlingensiepen, Winn and Woodard.

**HB 2245**, AN ACT concerning firearms; creating the gun violence restraining order act; authorizing the issuance of protective orders prohibiting the acquisition and possession of firearms by certain individuals, by Representatives Ballard, Amyx, Featherston, Haswood, Highberger, Martinez, Meyer, Miller, D., Neighbor, Oropeza, Osman, Ruiz, S., Schlingensiepen, Winn and Woodard.

**HB 2246**, AN ACT concerning the adult care home licensure act; relating to involuntary transfer or discharge of residents from an adult residential care facility; creating a right to appeal an involuntary transfer or discharge; requiring the secretary for aging and disability services to review notices and preside over appeals, by Committee on Judiciary.

**HB 2247**, AN ACT concerning minors; related to children in the custody of the secretary; prohibiting banks from requiring a cosigner for an account of a child in the custody of the secretary; amending K.S.A. 9-1204 and repealing the existing section, by Committee on Child Welfare and Foster Care.

## COMMITTEE ASSIGNMENT CHANGES

Speaker Hawkins announced the appointment of Rep. Haskins to replace Rep. Boyd on Committee on K-12 Budget for January 31, 2023.

## REPORT ON ENROLLED RESOLUTIONS

**HR 6004**, **HR 6006** reported correctly enrolled and properly signed on January 31, 2023.

On motion of Rep. Croft, the House adjourned until 11:00 a.m., Wednesday, February 1, 2023.

JENNY HAUGH, JULIA WERNER, *Journal Clerks.*

SUSAN W. KANNARR, *Chief Clerk.*