

Journal of the Senate

SIXTY-THIRD DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 27, 2018, 10:00 a.m.

The Senate was called to order by President Susan Wagle.

The roll was called with 39 senators present.

Senator Suellentrop was excused.

Invocation by Reverend Cecil T. Washington:

Reverend Washington sang a beautiful rendition of God Bless America, accompanied by his wife Audry on the keyboard.

The Pledge of Allegiance was led by President Wagle.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to Committees as indicated:

Organization, Calendar and Rules: **HCR 5030**.

Senate Select Committee on Education Finance: **SB 460, SB 462**.

Utilities: **SR 1789**.

Ways and Means: **SB 461**.

ORIGINAL MOTION

Senator Denning moved that subsection 4(k) of the Joint Rules of the Senate and House of Representatives be suspended for the purpose of considering the following bills: **HB 2526, HB 2438; SB 427**.

COMMITTEE OF THE WHOLE

On motion of Senator Denning, the Senate resolved itself into Committee of the Whole, for consideration of bills on the calendar under the heading of General Orders with Senator Petersen in the chair.

HB 2438 be amended by motion of Senator Estes; on page 2, in line 38, by striking "statute book" and inserting "Kansas register", and **HB 2438** be passed as amended.

On motion of Senator Denning, the Senate recessed until 2:00 p.m.

The Senate met pursuant to recess with President Wagle in the Chair.

AFTERNOON SESSION

COMMITTEE OF THE WHOLE

The Senate returned to Committee of the Whole for consideration of bills under the heading of General Orders with Senator Petersen in the chair.

On motion of Senator Petersen the report for the morning and afternoon sessions were adopted.

SB 427 be amended by the adoption of the committee amendments, be further amended by motion of Faust-Goudeau; on page 26, following line 6, by inserting:

"New Sec. 15. (a) All greyhounds used for racing shall: (1) Be housed in comfortable, clean, safe and well-ventilated kennels;

(2) receive plentiful and healthful food and water;

(3) be provided appropriate exercise in clean, safe turnout pens and sprint fields;

(4) be trained using artificial lures; and

(5) receive prompt, appropriate veterinary care.

(b) All racetrack surfaces shall be groomed and maintained daily to ensure the health and safety of the racing greyhounds. All greyhounds shall be trained and cared for by qualified, competent and responsible personnel according to established animal welfare guidelines. All tracks shall enact policies and enforcement procedures that include penalties for violation of proper animal welfare procedures.

(c) All member tracks shall require that proper documentation be filed with and approved by the Kansas racing and gaming commission before any greyhound may be removed from the track premises. The documentation shall verify that the greyhound has been:

(1) Transferred to another greyhound racetrack for purposes of continued racing;

(2) returned to the original owner or breeding farm for pet or breeding purposes; or

(3) upon retirement, placed into an in-house, local or nationally recognized adoption program.

(d) The Kansas racing and gaming commission shall adopt rules and regulations to implement this section.";

And by renumbering sections accordingly; and **SB 427** be passed as further amended.

A motion by Senator Olson to amend **SB 427** failed.

A motion by Senator Pettey to amend **SB 427** failed.

HB 2526 be passed over and retain a place on the calendar.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator Denning an emergency was declared by a 2/3 constitutional majority, and **SB 427** and **HB 2438** were advanced to Final Action and roll call.

SB 427, AN ACT concerning gaming; relating to the Kansas expanded lottery act; state debtor setoff program; horse and greyhound racing; creating the Kansas horse council fund, privilege fee repayment fund and racetrack gaming facility management repayment fund; amending K.S.A. 74-8836 and K.S.A. 2017 Supp. 74-8702, 74-8741, 74-8743, 74-8744, 74-8746, 74-8747, 74-8766, 74-8814 and 75-6204 and repealing the existing sections.

On roll call, the vote was: Yeas 17; Nays 20; Present and Passing 1; Absent or Not Voting 2.

Yeas: Baumgardner, Bollier, Bowers, Denning, Faust-Goudeau, Fitzgerald, Givens, Goddard, Haley, Hardy, Hensley, Holland, Kerschen, Olson, Taylor, Wagle, Wilborn.

Nays: Alley, Berger, Billinger, Estes, Francisco, Hawk, Hilderbrand, Kelly, Longbine, Lynn, McGinn, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Tyson.

Present and Passing: Doll.

Absent or Not Voting: Masterson, Suellentrop.

A constitutional majority having failed to vote in favor of the bill, **SB 427** did not pass.

EXPLANATION OF VOTE

Madam President: This bill combines two topics with differing implications: greyhound racing and gaming. The greyhound is a beautiful dog, especially when it is doing what it has been bred to do - run. This bill allows that, but it's the remainder of their life that concerns me. I've struggled with this bill. I have constituents who support or oppose this measure as well as friends in this Chamber on both sides. So half will be disappointed with my vote. I understand that. I support the rights of constituents in Sedgwick County to re-vote on this issue. Because of how the earlier vote in Sedgwick County was written, I feel it was flawed. But with the unknown litigation cost, treatment issues of greyhounds and the dying nature of the greyhound industry, even as mentioned by a supporter of the bill, I must vote "no" at this time.—LYNN ROGERS

HB 2438, AN ACT concerning information technology projects; prohibiting state agencies from using the same vendor to plan and implement projects in certain cases, exceptions; amending K.S.A. 2017 Supp. 75-7209 and repealing the existing section.

On roll call, the vote was: Yeas 38; Nays 0; Present and Passing 0; Absent or Not Voting 2.

Yeas: Alley, Baumgardner, Berger, Billinger, Bollier, Bowers, Denning, Doll, Estes, Faust-Goudeau, Fitzgerald, Francisco, Givens, Goddard, Haley, Hardy, Hawk, Hensley, Hilderbrand, Holland, Kelly, Kerschen, Longbine, Lynn, McGinn, Olson, Petersen, Pettey, Pilcher-Cook, Pyle, Rogers, V. Schmidt, Skubal, Sykes, Taylor, Tyson, Wagle, Wilborn.

Absent or Not Voting: Masterson, Suellentrop.

The bill passed, as amended.

MESSAGE FROM THE HOUSE

The House adopts the Conference Committee report to agree to disagree on **S Sub HB 2028**, and has appointed Representatives Hawkins, Concannon and Murnan as third conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2042**, and has appointed Representatives Barker, Highland and Ruiz as second conferees on the part of the House.

The House adopts the Conference Committee report to agree to disagree on **HB 2539**, and has appointed Representatives Esau, Carpenter and Miller as second conferees on the part of the House.

CHANGE OF REFERENCE

The President withdrew **SB 461** from the Committee on **Ways and Means** and referred the bill to the calendar under the heading of **General Orders**.

REPORTS OF STANDING COMMITTEES

Committee on **Ways and Means** recommends **HB 2359** be amended by substituting a new bill to be designated as "Senate Substitute for Substitute for HOUSE BILL NO. 2359," as follows:

"Senate Substitute for Substitute for HOUSE BILL NO. 2359

By Committee on Ways and Means

"AN ACT making and concerning appropriations for the fiscal years ending June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures and acts incidental to the foregoing."; and the substitute bill be passed.

REPORT ON ENROLLED BILLS

SR 1790 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 27, 2018.

On motion of Senator Denning, the Senate adjourned until 10:00 a.m., Saturday, April 28, 2018.

CHARLENE BAILEY, CINDY SHEPARD, *Journal Clerks*.

COREY CARNAHAN, *Secretary of the Senate*.

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