

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Senator Lana Oleen at 11:10 a.m. on February 22, 2000 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Mary Galligan, Legislative Research Department
Russell Mills, Legislative Research Department
Theresa Kiernan, Revisor of Statutes
Judy Glasgow, Committee Secretary

Conferees appearing before the committee:
Ron Hein, Indian Nations in Kansas
Representative Becky Hutchins
Doug Fletcher, Circleville
Daina Durham, Sheriff Jackson County

Others attending: See attached sheet

Senator Biggs introduced his daughter, Donna Warden and two of his grandchildren, Erin and Blaine, of Warrensburg, Missouri. Senator Oleen welcomed them on behalf of the committee.

Mary Galligan reviewed information from the National Conference of State Legislatures (NCSL) on a project to improve state-tribal relations. She stated that the NCSL and National Congress of American Indians (NCAI) are working jointly to sponsor projects to improve relationships between tribes and state legislatures. A "Call for Papers" relating to the theme of "Tribal-State Partnerships: Models of Cooperation in Government" are being requested for the NCAI Midyear Session in Juneau, Alaska. (Attachment 1) Mary Galligan provided copies of a report from Dr. Charles J. Barden, Kansas State University, describing a project to establish several riparian buffer demonstration sites on the Prairie Band Potawatomi Reservation. It is described as a water and land conservation activity. (Attachment 2). The project received excellent cooperation with young people from the Potawatomi Band as well as students and faculty from Kansas State.

Chairman Oleen stated that it would be her intention to offer this project as an example of a partnership that has worked between a tribal reservation and the state of Kansas. The paper could be prepared and submitted as a future resource for tribes and states to consider in other jurisdictions. It was the general consensus of the committee that the paper be prepared and submitted to the NCAI Midyear Session 2000.

Chairman Oleen opened hearing on:

SB 607 – Interlocal agreements with Native American Indian tribes

Chairman Oleen recognized Ron Hein, appearing on behalf of the Indian Nations in Kansas (INK). Mr. Hein stated that the Indian Nations support **SB 607**; this bill would permit the tribes to enter into agreements with any county, township, city, school district, or any other political subdivision or any other state or any state agency of the State of Kansas pursuant to the terms of that act. (Attachment 3) Mr. Hein stated that there are areas where the tribes and various local units of government would benefit from having cooperative agreements. He strongly urged the committee to support **SB 607**.

There were no opponents to the bill.

CONTINUATION SHEET

Chairman Oleen closed the hearing on **SB 607**.

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS, Room 245-N Statehouse, at 11:00 a.m. on February 22, 2000.

Questions and discussion by the committee concerned the definition of Native American Indian tribe and if there were a need to limit the measure to tribes which had entered into gaming compact with the state of Kansas. Senator Biggs moved to recommend the bill favorably to the full Senate. Senator Becker seconded the motion. On discussion, Senator Vratil offered a substitute motion to amend the bill to "Native American Indian Nation, shall mean any Native American Indian nation which is recognized by the government of the United States and which has a reservation in the state of Kansas. Senator Jones seconded the motion. The motion carried. Senator Vratil moved to recommend the bill favorable to the full Senate. Senator Jones seconded the motion. Chairman Oleen ask staff for further clarification on the language change and use of definition between Indian tribe(s) and Indian Nation(s) and stated that the committee would return to the bill.

Chairman Oleen opened hearings on:

SB 608 – Issuance of temporary memberships at class B clubs located at tribal gaming facilities

Chairman Oleen called on opponents of the bill first and recognized Representative Hutchins. Representative Hutchins stated that the compact between the State of Kansas and the Prairie Band Potawatomi tribe states that sale and consumption of alcoholic and cereal malt beverages in gaming facility shall be regulated pursuant to the tribal compacts. Transactions must be in conformity with the liquor laws of the State. (Attachment 4). Representative Hutchins stated that in 1986 the State of Kansas approved a constitutional amendment which permitted the counties to decide on liquor by the drink in public places. Jackson County voted the issue down in 1986, and again in 1998. She ask that the committee honor Jackson County's decision and not pass **SB 608**.

Chairman Oleen recognized Daina Durham, Sheriff of Jackson County, as an opponent to **SB 608**. Sheriff Durham stated that in 1996 there were 60 DUI arrests in Jackson and by 1998 there were 213 DUI's. She said Harrah's expects approximately 3.4 million visitors this year, and with the limited number of officers in Jackson County, an increase of DUI's in Jackson County would create a hardship. Sheriff Durham stated that the people in Jackson County have already voted that Jackson County should remain a dry county and that their decision should be honored.

Chairman Oleen called on Doug Fletcher, Circleville, as an opponent to **SB 608**. Mr. Fletcher stated that when counties were given the option in 1986 to be wet or dry, Jackson County voted to be dry and has remained a dry county. (Attachment 5) The Indian gaming facilities agreed to follow state laws in Kansas, including the counties of which they are located. Mr. Fletcher stated that treating Native American class B clubs as a sovereign nation is to treat non-Native American class B clubs in a different manner.. Mr. Fletcher ask the committee to let the residents of all counties, (in which Indian gaming facilities are located) determine the way in which alcohol is purchased and served.

Chairman Oleen noted that written testimony had been received from Ellen Schirmer, Jackson County Commissioner, proponent to **SB 608**. (Attachment 6)

Chairman Oleen announced that because of time constraints, Proponents of **SB 608** would be heard on a later date. The committee will continue to accept written testimony from on the bill.

The meeting adjourned at 12:15 p.m. The next meeting will be held on February 23, 2000 at 11:00 a.m.