

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on March 28, 2001 in Room 245-N of the Capitol.

All members were present except: Senator John Vratil, Excused  
Senator James Barnett, Excused

Committee staff present: Russell Mills, Legislative Research Department  
Theresa Kiernan, Office of the Revisor  
Nikki Kraus, Committee Secretary

Conferees appearing before the committee:

Natalie Haag, Chief Legal Counsel and Director of Governmental Affairs for the Governor  
Glen Thompson, Stand Up For Kansas  
Ron Hein, Indian Nations in Kansas

Others attending: See Attached List

Chairman Harrington opened the meeting by acknowledging the absence of Senator Brungardt due to the death of his father, and stated that the thoughts and prayers of the committee were with him and his family.

Chairman Harrington opened the hearing on:

**SCR 1611–Expressing opposition to amendments to IGRA; concerning Governor’s approval of land acquisitions**

Chairman Harrington then asked Russell Mills, Legislative Research Department, to give a brief explanation of **SCR 1611**.

Natalie Haag, Chief Legal Council and Director of Governmental Affairs for the Governor, presented testimony in favor of the resolution. (Attachment 1).

In response to a question from Senator O’Connor, Ms. Haag stated that the state had used the 11<sup>th</sup> Amendment in regard to the state having a certain amount of immunity from tribal lawsuits. She stated that **SCR 1611** simply said that the rights of the states should not be circumvented, but instead, kept clear.

Glen Thompson, Stand Up For Kansas, presented testimony in favor of the bill. (Attachment 2). He stated that he would like to commend the Governor’s office for opposing the Wyandott Tribe’s attempts to use the land of a Huron cemetery to expand gambling in Kansas. He stated that the wording of the law was very important because a reservation was considered to be the land that the tribe was living on, not buried on, and casinos could only be built on reservation land.

In response to a question from Senator Gooch, Mr. Thompson stated that it was the ruling of the court that only the land on which Indians were living was part of their reservation, and a similar case had been decided recently in Oklahoma.

In response to a question from Chairman Harrington, Mr. Thompson stated that this would apply to all tribes, including “newly recognized” tribes.

In response to a question from Senator Gilstrap, Mr. Thompson stated that the ruling of the court was that the cemetery was not a reservation. He stated that there was a legal provision which stated that land adjacent to a reservation may be used for casinos, so the Wyandott tribe had tried to say that the cemetery was part of

## CONTINUATION SHEET

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE on March 28, 2001 in Room 245-N of the Capitol.

their reservation in order to use adjacent land for a casino, but this was not in the Indian Gaming Regulatory Act (IGRA).

Ron Hein, Indian Nations in Kansas, presented testimony and proposed amendments in favor of the resolution. (Attachment 3). He stated that he believed the amendments his organization was requesting would show support for the resolution from the tribes and strengthen it.

Chairman Harrington stated that there was some concern about “newly recognized” tribes and their attempts to establish reservation land for gaming. Theresa Kiernan, Office of the Revisor of Statutes, asked if the wording regarded tribes “in” the state of Kansas or “of” the state of Kansas, and Mr. Hein stated that he had intended to keep the wording consistent with the bill, so it should be changed to “of”.

Chairman Harrington asked if there was a preference; Ms. Kiernan stated that “of” seemed like better language.

Senator Barnett stated that this amendment seemed like a self-serving resolution to protect existing tribes, and Senator Gooch agreed. Mr. Hein stated that the tribes he represented did not intend this to be self-serving, but simply to protect existing tribes.

Senator Lana Oleen submitted written testimony in support of **SCR 1611**. (Attachment 4).

Senator O’Connor made a motion to adopt the balloon amendment. Senator Teichman seconded that motion. The resolution was amended.

Senator Gooch made a motion to pass **SCR 1611** favorably to the entire Senate. Senator O’Connor seconded the motion. The motion passed.

Chairman Harrington stated that she would carry the bill on the floor.

The meeting was adjourned at 11:10 a.m. The next meeting is scheduled for first adjournment of the Senate on March 29, 2001.