

3
4 **SENATE BILL No. 76**

5
6 By Joint Committee on State-Tribal Relations

7
8 1-19

9
10 AN ACT concerning state and tribal relations; relating to agreements
11 between the state and native American Indian tribes; amending K.S.A.
12 46-2302 and 46-2303 and repealing the existing sections.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 46-2302 is hereby amended to read as follows: 46-
16 2302. (a) Any request by a tribe for negotiation of a gaming compact with
17 the state of Kansas, including a request for renegotiation of an existing
18 gaming compact, received on or after the effective date of this act shall
19 be submitted in writing to the governor.

20 (b) The governor or the governor's designated representatives are
21 authorized to negotiate gaming compacts on behalf of the state of Kansas.
22 *In addition to such gaming compacts, the governor or the governor's des-*
23 *ignated representatives are authorized to negotiate other **compacts and***
24 *agreements with native American Indian tribes who have entered into*
25 *gaming compacts with the state of Kansas. **Such other compacts shall***
26 ***be related to the taxing authority of the tribes or the state, the law***
27 ***enforcement authority of the tribes or the state or the water rights***
28 ***of the tribes or the state.** At the conclusion of negotiations of a gaming*
29 *compact or other agreement, the governor shall submit the proposed com-*
30 *compact or agreement to the joint committee on state-tribal relations for the*
31 *committee's recommendations as to approval or modification of the pro-*
32 *posed compact.*

33 (c) If the joint committee recommends modification of a proposed
34 compact *or other agreement under this section* submitted by the governor,
35 the governor or the governor's representatives may resume negotiations
36 in accordance with the joint committee's recommendations and the mod-
37 ified proposed compact *or agreement* shall be submitted to the joint com-
38 mittee in the same manner as the original proposed compact *or agree-*
39 *ment*. Within 5 five days after receiving the joint committee's
40 recommended modifications, the governor shall notify the joint commit-
41 tee, in writing, as to whether or not the governor has resumed negotia-
42 tions. Within 10 days after receipt of notice that the governor has not
43 resumed negotiations, or if the governor fails to notify the joint committee

1 that the governor has resumed negotiations, the joint committee shall
2 vote to recommend approval or rejection of the proposed compact *or*
3 *agreement* or shall vote to make no recommendation on the proposed
4 compact *or agreement*.

5 (d) (1) If the legislature is in session when the joint committee votes
6 to recommend approval or rejection of a proposed compact *or other*
7 *agreement under this section* or votes to make no recommendation on a
8 proposed compact *or agreement*, as authorized by this section, the joint
9 committee shall introduce in each house of the legislature, within five
10 days after the joint committee's vote, a resolution approving the proposed
11 compact *or agreement* as submitted by the governor. Each resolution shall
12 be accompanied by the report of the joint committee recommending that
13 the resolution be adopted or not be adopted or reporting the resolution
14 without recommendation. If, within 10 days after introduction of the res-
15 olutions, a majority of the members of each house votes to adopt the
16 resolution introduced in such house, the proposed compact *or agreement*
17 shall be considered to have been approved by the legislature and the
18 governor is authorized to execute the compact *or agreement* on behalf of
19 the state. Each house of the legislature shall vote on the resolution intro-
20 duced in such house within 10 days after introduction unless the other
21 house has already voted against adoption of the resolution introduced in
22 such other house.

23 (2) If the legislature is not in session when the joint committee votes
24 to recommend approval or rejection of a proposed compact *or other*
25 *agreement under this section* or votes to make no recommendation on a
26 proposed compact *or agreement*, as authorized by this section, the joint
27 committee shall notify the legislative coordinating council of the joint
28 committee's action within five days after such action. If, within 30 days
29 after receiving such notice, the legislative coordinating council votes, by
30 a vote of five members of the council, to approve the proposed compact
31 *or agreement*, the compact *or agreement* shall be considered to have been
32 approved by the legislative coordinating council and the governor is au-
33 thorized to execute the compact *or agreement* on behalf of the state.

34 (3) Neither the legislature nor the legislative coordinating council has
35 the authority to amend or otherwise modify any proposed gaming com-
36 pact *or other agreement under this section*.

37 (e) The attorney general shall be the legal counsel for the governor
38 or the governor's representatives in negotiating a gaming compact *or*
39 *other agreement* under this section and for the joint committee in review-
40 ing proposed compacts *or agreements*.

41 (f) A gaming compact negotiated on behalf of the state under this
42 section shall contain:

43 (1) A provision recognizing the right of each party to the compact to

1 request that the compact be renegotiated or replaced by a new compact,
2 including the right of the legislature by concurrent resolution to request
3 renegotiation or replacement of the compact, and providing the terms
4 under which either party, including the legislature, may request a rene-
5 gotiation or the negotiation of a new compact; and

6 (2) a provision that, in the event of a request for a renegotiation or a
7 new compact, the existing compact will remain in effect until renegotiated
8 or replaced.

9 (g) The governor or the governor's designated representatives and
10 the attorney general shall report to the joint committee, at such times as
11 requested by the joint committee, regarding gaming compacts *and other*
12 *agreements negotiated under this section and prospective negotiations.*

13 Sec. 2. K.S.A. 46-2303 is hereby amended to read as follows: 46-
14 2303. (a) The joint committee on gaming compacts is hereby reconsti-
15 tuted as the joint committee on state-tribal relations. The joint committee
16 shall consist of 12 members as follows: (1) Five members of the senate
17 and five members of the house of representatives; and (2) the governor
18 or the governor's designee and the attorney general or the attorney gen-
19 eral's designee who shall be nonvoting members. Of the members ap-
20 pointed from the senate, three shall be appointed by the president of the
21 senate and two shall be appointed by the minority leader of the senate.
22 Of the members appointed from the house of representatives, three shall
23 be appointed by the speaker of the house of representatives and two by
24 the minority leader of the house of representatives. ~~Such~~ *Legislative*
25 members shall be selected only from the membership of the standing
26 committees on federal and state affairs, judiciary, taxation and assessment
27 and taxation. All legislative members of the joint committee shall serve
28 for terms ending on the first day of the regular legislative session in odd-
29 numbered years.

30 (b) Each year the members of the joint committee shall elect from
31 its membership a chairperson and a vice-chairperson. During odd-num-
32 bered years, the chairperson shall be a member from the senate and the
33 vice-chairperson shall be a member from the house of representatives.
34 During even-numbered years, the chairperson shall be a member from
35 the house of representatives and the vice-chairperson shall be a member
36 from the senate. The vice-chairperson shall exercise all of the powers and
37 duties of the chairperson in the absence of the chairperson.

38 (c) A quorum of the joint committee on state-tribal relations shall be
39 six. Actions of the joint committee recommending that a resolution ap-
40 proving a proposed compact *or other agreement negotiated under K.S.A.*
41 *46-2302, and amendments thereto,* be adopted or not be adopted shall be
42 only on the affirmative vote of eight or more members of the joint com-
43 mittee, at least four of whom shall be senators and at least four of whom

1 shall be members of the house of representatives. Action of the joint
2 committee to report without recommendation a resolution approving a
3 compact *or other agreement* may be on the affirmative vote of any five
4 or more members of the *joint* committee. All other actions of the joint
5 committee may be taken by a majority of those present when there is a
6 quorum.

7 (d) The joint committee may meet at any time and at any place within
8 the state on the call of the chairperson. The joint committee may appoint
9 subcommittees as deemed appropriate. Members of the joint committee
10 and subcommittees thereof, shall receive compensation, travel, subsis-
11 tence allowance and mileage as provided by K.S.A. 75-3212, and amend-
12 ments thereto, when attending meetings of the joint committee or sub-
13 committee thereof.

14 (e) The provisions of the acts contained in article 12 of chapter 46 of
15 the Kansas Statutes Annotated, and amendments thereto, applicable to
16 special committees shall apply to the joint committee to the extent that
17 the same do not conflict with the specific provisions of this act applicable
18 to the joint committee.

19 (f) In accordance with K.S.A. 46-1204, and amendments thereto, the
20 legislative coordinating council may provide for such professional services
21 as may be requested by the joint committee on state-tribal relations.

22 (g) The joint committee:

23 (1) May establish and transmit to the governor proposed guidelines
24 reflecting the public policies and state interests, as embodied in the con-
25 stitution, statutes and case law of the state of Kansas, consistent with the
26 Indian gaming regulatory act (25 U.S.C. 2701 et seq.), that the joint com-
27 mittee will consider in reviewing proposed compacts *or other agreements*
28 *negotiated under K.S.A. 46-2302, and amendments thereto;*

29 (2) may recommend to the governor that any gaming compact *or*
30 *other agreement negotiated under K.S.A. 46-2302, and amendments*
31 *thereto*, provide for the imposition and collection of state sales and excise
32 taxes on sales of nongaming goods and services to persons other than
33 tribal members and imposition and collection of state income tax on rev-
34 enues derived from sales of nongaming goods and services;

35 (3) may hold public hearings on proposed gaming compacts *or other*
36 *agreements negotiated under K.S.A. 46-2302, and amendments thereto*,
37 submitted to the joint committee by the governor;

38 (4) shall recommend modification of proposed gaming compacts *or*
39 *agreements negotiated under K.S.A. 46-2302, and amendments thereto*,
40 submitted by the governor and introduce resolutions approving proposed
41 gaming compacts *or agreements* submitted by the governor and recom-
42 mend that such resolutions be adopted or be not adopted, or report such
43 resolutions without recommendation, and notify the governor, in writing,

1 of the joint committee's action;

2 (5) shall meet, discuss and hold hearings on issues concerning state
3 and tribal relations; and

4 (6) may introduce such legislation as deemed necessary in performing
5 its functions.

6 Sec. 3. K.S.A. 46-2302 and 46-2303 are hereby repealed.

7 Sec. 4. This act shall take effect and be in force from and after its
8 publication in the statute book.

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