

SENATE CONCURRENT RESOLUTION No. 1611

A CONCURRENT RESOLUTION expressing the Legislature's opposition to amendments to the Indian Gaming Regulatory Act which eliminate the Governor's right to concur in acquisitions of land for gaming purposes.

WHEREAS, In 1995, the State of Kansas entered into a tribal-state gaming compact with each of the four resident tribes of the state, namely the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas, the Prairie Band Potawatomi Nation of Kansas and the Sac and Fox Nation of Missouri in Kansas and Missouri; and

WHEREAS, The four resident tribes each currently operate a tribal gaming casino under tribal-state gaming compacts; and

WHEREAS, The Wyandotte Tribe of Oklahoma, a nonresident tribe seeks to construct and operate a gaming casino in downtown Kansas City, Kansas, on land which is adjacent to the Huron Cemetery; and

WHEREAS, The Wyandotte Tribe of Oklahoma claims that the Huron Cemetery is a reservation; and

WHEREAS, The Governor of the State of Kansas and the four resident tribes have expressed opposition to the establishment of casino gaming by nonresident tribes; and

WHEREAS, Litigation has been filed to stop the construction and operation of a casino by the Wyandotte Tribe of Oklahoma; and

WHEREAS, The four resident tribes have participated actively in such litigation with the State of Kansas against the Wyandotte Tribe of Oklahoma; and

WHEREAS, The Tenth Circuit Court of Appeals rendered a decision on February 27, 2001, finding that the Huron Cemetery is not a reservation and requested a review by the Department of Interior on the trust status of land purchased by the Wyandotte Tribe of Oklahoma; and

WHEREAS, House Resolution No. 291, introduced in the United States House of Representatives on January 30, 2001, could lead to gaming without the Governor's prior approval on land to be purchased by the Wyandotte Tribe of Oklahoma; and

WHEREAS, The amendment proposed in House Resolution No. 291 would eliminate the right of the Governor of the State of Kansas under the Indian Gaming Regulatory Act to concur in acquisition of land for gaming purposes within the State of Kansas; and

WHEREAS, The Governor of the State of Kansas recently wrote to the Kansas Republican Congressional Delegation expressing his opposition to the legislation; and

WHEREAS, The four resident tribes are in support of the Governor's position and wholly oppose the proposed amendment in House Resolution No. 291: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature of the State of Kansas joins with the Governor of the State of Kansas in expressing its opposition to House Resolution No. 291 or any similar legislation which would nullify the legal rights of the State of Kansas preserved by the Indian Gaming Regulatory Act and the interpretation of such act by the decision of the Tenth Circuit Court of Appeals; and

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Be it further resolved: That the Secretary of State be directed to provide an enrolled copy of this resolution to the Honorable: Secretary of State Colin L. Powell; President pro tempore of the United States Senate, Senator Strom Thurmond; Speaker of the United States House of Representatives, Representative J. Dennis Hastert; Chairperson of the Senate Committee on Indian Affairs, Senator Ben Nighthorse Campbell; Chairperson of the House Committee on Resources, Representative James V. Hansen; and to each member of the Kansas Congressional Delegation, Senator Sam Brownback, Senator Pat Roberts, Representative Todd Tiahrt, Representative Jerry Moran, Representative Jim Ryun and Representative Dennis Moore.

I hereby certify that the above CONCURRENT RESOLUTION originated in the SENATE, and adopted by that body

SENATE concurred in
HOUSE amendments _____

President of the Senate.

Secretary of the Senate.

Adopted by the HOUSE
as amended _____

Speaker of the House.

Chief Clerk of the House.