

1 **As Amended by House Committee**

2
3 **As Amended by Senate Committee**

4 *Session of 2001*

5
6 **Senate Concurrent Resolution No. 1611**

7
8 By Committee on Federal and State Affairs

9
10 3-21

11
12 A CONCURRENT RESOLUTION expressing the Legislature's oppo-
13 sition to amendments to the Indian Gaming Regulatory Act which
14 eliminate the Governor's right to concur in acquisitions of land for
15 gaming purposes.

16
17 WHEREAS, In 1995, the State of Kansas entered into a tribal-state
18 gaming compact with each of the **four** resident tribes of the state, namely
19 the Iowa Tribe of Kansas and Nebraska, the Kickapoo Tribe in Kansas,
20 the Prairie Band Potawatomi Nation of Kansas and the Sac and Fox Na-
21 tion of Missouri in Kansas and Missouri; and

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

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

27 WHEREAS, The Wyandotte Tribe of Oklahoma claims that the Hu-
28 ron Cemetery is a reservation; and

29 WHEREAS, The Governor of the State of Kansas ~~has~~ **and the four**
30 **resident tribes have** expressed opposition to the establishment of casino
31 gaming by nonresident tribes; and

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

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

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

41 WHEREAS, House Resolution No. 291, introduced in the United
42 States House of Representatives on January 30, 2001, ~~would authorize~~
43 **could lead to** gaming without the Governor's prior approval on land to

1 be purchased by the Wyandotte Tribe of Oklahoma; and

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

6 WHEREAS, The Governor of the State of Kansas recently wrote to
7 the Kansas Republican Congressional Delegation expressing his opposi-
8 tion to the legislation:—~~Now, therefore, ; and~~

9 **WHEREAS, The four resident tribes are in support of the Gov-**
10 **ernor's position and wholly ~~opposed~~ oppose the proposed amend-**
11 **ment in House Resolution No. 291; Now, therefore,**

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

19 *Be it further resolved:* That the Secretary of State be directed to pro-
20 vide an enrolled copy of this resolution to the Honorable: Secretary of
21 State Colin L. Powell; President pro tempore of the United States Senate,
22 Senator Strom Thurmond; Speaker of the United States House of Rep-
23 resentatives, Representative J. Dennis Hastert; Chairperson of the Senate
24 Committee on Indian Affairs, Senator Ben Nighthorse Campbell; Chair-
25 person of the House Committee on Resources, Representative James V.
26 Hansen; and to each member of the Kansas Congressional Delegation,
27 Senator Sam Brownback, Senator Pat Roberts, Representative Todd
28 Tiahrt, Representative Jerry Moran, Representative Jim Ryun and Rep-
29 resentative Dennis Moore.

30
31
32
33
34
35
36
37
38
39
40
41
42
43