

HOUSE BILL No. 2113

By Joint Committee on State-Tribal Relations

1-23

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

Be it enacted by the Legislature of the State of Kansas:

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

(b) The governor or the governor's designated representatives are authorized to negotiate gaming compacts on behalf of the state of Kansas. *In addition to such gaming compacts, the governor or the governor's designated representatives are authorized to negotiate other agreements with native American Indian tribes who have entered into gaming compacts with the state of Kansas.* At the conclusion of negotiations of a gaming compact or other agreement, the governor shall submit the proposed compact or agreement to the joint committee on state-tribal relations for the committee's recommendations as to approval or modification of the proposed compact.

(c) If the joint committee recommends modification of a proposed compact or other agreement under this section submitted by the governor, the governor or the governor's representatives may resume negotiations in accordance with the joint committee's recommendations and the modified proposed compact or agreement shall be submitted to the joint committee in the same manner as the original proposed compact or agreement. Within ~~5~~ five days after receiving the joint committee's recommended modifications, the governor shall notify the joint committee, in writing, as to whether or not the governor has resumed negotiations. Within 10 days after receipt of notice that the governor has not resumed negotiations, or if the governor fails to notify the joint committee that the governor has resumed negotiations, the joint committee shall vote to recommend approval or rejection of the proposed compact or agreement or shall vote to make no recommendation on the proposed compact or agreement.

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

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

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

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

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

39 (1) A provision recognizing the right of each party to the compact to
40 request that the compact be renegotiated or replaced by a new compact,
41 including the right of the legislature by concurrent resolution to request
42 renegotiation or replacement of the compact, and providing the terms
43 under which either party, including the legislature, may request a rene-

1 negotiation or the negotiation of a new compact; and

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

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

9 Sec. 2. K.S.A. 46-2303 is hereby amended to read as follows: 46-
10 2303. (a) The joint committee on gaming compacts is hereby reconsti-
11 tuted as the joint committee on state-tribal relations. The joint committee
12 shall consist of 12 members as follows: (1) Five members of the senate
13 and five members of the house of representatives; and (2) the governor
14 or the governor's designee and the attorney general or the attorney gen-
15 eral's designee who shall be nonvoting members. Of the members ap-
16 pointed from the senate, three shall be appointed by the president of the
17 senate and two shall be appointed by the minority leader of the senate.
18 Of the members appointed from the house of representatives, three shall
19 be appointed by the speaker of the house of representatives and two by
20 the minority leader of the house of representatives. ~~Such~~ *Legislative*
21 members shall be selected only from the membership of the standing
22 committees on federal and state affairs, judiciary, taxation and assessment
23 and taxation. All legislative members of the joint committee shall serve
24 for terms ending on the first day of the regular legislative session in odd-
25 numbered years.

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

34 (c) A quorum of the joint committee on state-tribal relations shall be
35 six. Actions of the joint committee recommending that a resolution ap-
36 proving a proposed compact *or other agreement negotiated under K.S.A.*
37 *46-2302, and amendments thereto*, be adopted or not be adopted shall be
38 only on the affirmative vote of eight or more members of the joint com-
39 mittee, at least four of whom shall be senators and at least four of whom
40 shall be members of the house of representatives. Action of the joint
41 committee to report without recommendation a resolution approving a
42 compact *or other agreement* may be on the affirmative vote of any five
43 or more members of the *joint* committee. All other actions of the joint

1 committee may be taken by a majority of those present when there is a
2 quorum.

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

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

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

18 (g) The joint committee:

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

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

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

34 (4) shall recommend modification of proposed gaming compacts *or*
35 *agreements negotiated under K.S.A. 46-2302, and amendments thereto*,
36 submitted by the governor and introduce resolutions approving proposed
37 gaming compacts *or agreements* submitted by the governor and recom-
38 mend that such resolutions be adopted or be not adopted, or report such
39 resolutions without recommendation, and notify the governor, in writing,
40 of the joint committee's action;

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

43 (6) may introduce such legislation as deemed necessary in performing

1 its functions.

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

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

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