

HOUSE BILL No. 2479

By Committee on Federal and State Affairs

2-16

9 AN ACT concerning state-tribal gaming compacts; amending K.S.A. 46-
10 2302 and repealing the existing section.

11

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

13 Section 1. K.S.A. 46-2302 is hereby amended to read as follows: 46-
14 2302. (a) Any request by a tribe for negotiation of a gaming compact with
15 the state of Kansas, including a request for renegotiation of an existing
16 gaming compact, received on or after the effective date of this act shall
17 be submitted in writing to the governor.

18 (b) The governor or the governor's designated representatives are
19 authorized to negotiate gaming compacts on behalf of the state of Kansas.
20 At the conclusion of negotiations, the governor shall submit the proposed
21 compact to the joint committee on state-tribal relations for the commit-
22 tee's recommendations as to approval or modification of the proposed
23 compact.

24 (c) If the joint committee recommends modification of a proposed
25 compact submitted by the governor, the governor or the governor's rep-
26 resentatives may resume negotiations in accordance with the joint com-
27 mittee's recommendations and the modified proposed compact shall be
28 submitted to the joint committee in the same manner as the original
29 proposed compact. Within 5 days after receiving the joint committee's
30 recommended modifications, the governor shall notify the joint commit-
31 tee, in writing, as to whether or not the governor has resumed negotia-
32 tions. Within 10 days after receipt of notice that the governor has not
33 resumed negotiations, or if the governor fails to notify the joint committee
34 that the governor has resumed negotiations, the joint committee shall
35 vote to recommend approval or rejection of the proposed compact or
36 shall vote to make no recommendation on the proposed compact.

37 (d) (1) If the legislature is in session when the joint committee votes
38 to recommend approval or rejection of a proposed compact or votes to
39 make no recommendation on a proposed compact, as authorized by this
40 section, the joint committee shall introduce in each house of the legisla-
41 ture, within five days after the joint committee's vote, a resolution ap-
42 proving the proposed compact as submitted by the governor.

43 (2) *If the legislature is not in session when the joint committee votes*

1 *to recommend approval or rejection of a proposed compact or votes to*
2 *make no recommendation on a proposed compact, as authorized by this*
3 *section, the joint committee shall introduce in each house of the legislature,*
4 *within five days after the beginning of the next regular or special legis-*
5 *lative session following the joint committee's vote, a resolution approving*
6 *the proposed compact as submitted by the governor.*

7 (3) Each resolution introduced pursuant to this section shall be ac-
8 companied by the report of the joint committee recommending that the
9 resolution be adopted or not be adopted or reporting the resolution with-
10 out recommendation. If, within 10 days after introduction of the resolu-
11 tions, a majority of the members of each house votes to adopt the reso-
12 lution introduced in such house, the proposed compact shall be
13 considered to have been approved by the legislature and the governor is
14 authorized to execute the compact on behalf of the state. Each house of
15 the legislature shall vote on the resolution introduced in such house
16 within 10 days after introduction unless the other house has already voted
17 against adoption of the resolution introduced in such other house.

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

28 ~~—(3) Neither the legislature nor the legislative coordinating council has~~
29 (4) *The legislature shall not have* the authority to amend or otherwise
30 modify any proposed gaming compact.

31 (e) The attorney general shall be the legal counsel for the governor
32 or the governor's representatives in negotiating a gaming compact under
33 this section and for the joint committee in reviewing proposed compacts.

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

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

42 (2) a provision that, in the event of a request for a renegotiation or a
43 new compact, the existing compact will remain in effect until renegotiated

1 or replaced.

2 (g) The governor or the governor's designated representatives and
3 the attorney general shall report to the joint committee, at such times as
4 requested by the joint committee, regarding gaming compacts negotiated
5 and prospective negotiations.

6 Sec. 2. K.S.A. 46-2302 is hereby repealed.

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