

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE.

The meeting was called to order by Chairperson Senator Nancey Harrington at 10:30 a.m. on March 20, 2001 in Room 245-N of the Capitol.

All members were present.

Committee staff present: Russell Mills, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Theresa Kiernan, Office of the Revisor
Nikki Kraus, Committee Secretary

Conferees appearing before the committee: Representative Troy Findley

Others attending: See Attached List

Chairman Harrington opened the hearing on:

HB 2224-Indian gaming compacts; procedure for approval

Representative Troy Findley presented testimony in favor of the bill. (Attachment 1).

In response to a question from Senator Gooch, Representative Findley stated that both State and Federal laws apply to compact negotiation. He stated that there is a 180 day time limit which starts upon the tribe's initial compact request, and that if the request were made at the wrong time of the year, the Legislature would not be in session, and therefore not have an opportunity to vote on the compact.

Natalie Haynes, Office of the Governor, stated that if the Governor does not negotiate a compact with the tribe within the 180 day limit, the tribe may sue the state for not awarding it a compact in good faith. She stated that the tribe essentially has three routes to get a compact, and those were: the state, the Court, or the BIA.

Chairman Harrington stated that she would like to know if the Legislature would be able to place the burden on the Governor to call a special session within the 180 day limit so that the Legislature would not be bypassed in the compact decision.

Representative Findley stated that it was not within Legislative statutes to make the Governor call a special session, but if two-thirds of the Legislature mandated a special session, then it could be done.

In response to a question from Senator O'Connor, Chairman Harrington stated that the compact had to be approved within the 180 day limit and that was why a special session would be necessary even though the bill had alluded to Legislative approval.

Chairman Harrington stated that the committee would not take action on the bill in order to have time to look over testimony. She then stated that Senator Brungardt had a bill he wanted to introduce.

Senator Brungardt made a motion to introduce a bill for Sunday sales of retail malt liquor. Senator Vratil seconded the motion.

Senator Gooch asked if the option to sell alcoholic beverages would be left up to local government and Senator Brungardt affirmed that. In response to further comments from Senator Gooch, Senator Brungardt stated that this bill did not deal with the Home Rule concerns expressed by Senator Gooch, and Senator Vratil concurred.

CONTINUATION SHEET
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Following clarification from Theresa Kiernan, Office of the Revisor of Statutes, the committee voted on the introduction of the bill.

The bill was introduced.

Chairman Harrington stated that the House had a similar bill concerning Sunday liquor sales which it had held hearings on, but this late in session, the issue would most likely be held over until next year.

The meeting was adjourned at 10:57 a.m. The next meeting is scheduled for 10:30 a.m. on March 21, 2001.

SENATE FEDERAL AND STATE AFFAIRS COMMITTEE
GUEST LIST

DATE: March 20, 2001

NAME	REPRESENTING
Andy Shaw	PMA
Rebecca Lepick	Sen. Barnett
Troy Fendley	State Rep. Dist 46
Robert Trauzle	KGE

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HOUSE OF
 REPRESENTATIVES

DEMOCRATIC POLICY CHAIR
 COMMITTEE ASSIGNMENTS
 RANKING MEMBER REDISTRICTING
 MEMBER ETHICS & ELECTIONS
 NEW ECONOMY
 TAXATION

TESTIMONY IN SUPPORT OF HOUSE BILL 2224

Chairman Harrington and Members of the Senate Federal and State Affairs Committee thank you very much for this opportunity to testify in support of House Bill 2224. The intent of HB 2224 is to make certain that all 165 members of the Kansas Legislature, whether the legislature is in the midst of its annual 90 day legislative session or not, have the opportunity to be involved in approving any future tribal gaming compacts.

Under current law, once negotiations have been concluded on any tribal gaming compact between a governor and tribal representatives, compacts are then submitted to the joint committee on state-tribal relations for consideration and to make recommendations as to the approval, rejection or modification of that compact.

After the joint committee makes its' recommendation, if the Legislature is in session, the committee within five days is required to introduce into both houses of the legislature a resolution for approving the proposed compact as submitted by the governor. Each resolution is accompanied by the report of the joint committee recommending that the resolution be adopted or not be adopted or reporting the resolution without recommendation. At that point in time, the entire legislature has ten days to provide approval of such compact.

However, when the legislature is not in session, the Legislative Coordinating Council is empowered to act on behalf of the entire legislature. Essentially, under current law 158 of 165 legislators are cut out of the process. HB 2224 seeks to change current law and ensure that the all members of the legislature, and not just the Legislative Coordinating Council, approve tribal gaming compacts by allowing a special session of the legislature to be called for the purpose of considering tribal gaming compacts.

I greatly appreciate the opportunity to testify in support of HB 2224 and would urge this committee to take favorable action on this measure. I would be pleased to stand for questions.

Senate Fed + State
 3-20-01
 Attachment 1-1