

Approved

Date: *February 5, 2001*

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:55 a.m. on February 2, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Research

Gordon Self, Revisor

Mary Blair, Secretary

Conferees appearing before the committee:

Ron Hein, Hein and Weir, Chartered

Others attending: see attached list

Minutes of the February 1, 2001 regular meeting were approved on a motion by Senator Haley and seconded by Senator Umbarger. Carried.

**SB 75—concerning joint committee on state-tribal relations**

The Chair reviewed **SB 75**, a bill which sets forth recommended changes and procedures for the joint committee on state-tribal relations. Senator Oleen stated that this joint committee began two years ago and was formed to establish better relations with tribes. (no attachment)

**SB 76—concerning state and tribal relations; re: agreements between the state and Native American Indian tribes**

Conferee Hein testified in support of **SB 76**, a bill which authorizes the governor to enter into non-gaming compacts with the tribes which have entered into gaming compacts. He stated that this will permit a process by which the governor can negotiate compacts on other issues with the tribes if both parties are willing to enter into such compacts, issues such as: taxes, education, healthcare, and social services. This process requires involvement of the legislature for approval of the compacts. The Conferee called Committee's attention to an circa 1859 document which admitted Kansas into the Union. The document sets forth both Kansas rights as well as Indian tribe rights. (attachment 1) The Chair stated that Natalie Haag from the governor's office is preparing several balloon amendments to the bill one of which will broaden the bill allowing the governor to enter into other agreements with non-gaming tribes. Discussion followed.

The Chair distributed Senate Confirmation Data on Paula S. Salazar who is being recommended for re-appointment as a Member of the Crime Victims Compensation Board. Committee was asked to read the data over the weekend and decide whether or not they thought a formal hearing to re-confirm Ms. Salazar was necessary.

The meeting adjourned at 10:18 a.m.

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: February 2, 2001

NAME	REPRESENTING
Nancy Bean	Kickapoo Tribe
John Thomas	KICKAPOO TRIBE
Doug Churchill	Kickapoo Tribe
Megann Brengentz	Benedictine College
Jessica Burton	Benedictine College
Jessie Hart	Benedictine College
Regina Casanova	Benedictine College
Vincent Cox	Benedictine College
Rebecca Bellinger	Benedictine College
James Quinn	Benedictine College
Allyson	Benedictine College
M.H. Doherty	myself
Joe Herold	KSC
Matthew Riede	Benedictine College
Ray Dalton	SRS
Ron Hein	Indian Nations in Kansas
J. Chubb	SOS
Rachel Richard	SOS

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# HEIN AND WEIR, CHARTERED

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**Testimony re: SB 76**  
**Senate Judiciary Committee**  
**Presented by Ronald R. Hein**  
**on behalf of**  
**Indian Nations In Kansas**  
**February 2, 2001**

Mr. Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Indian Nations in Kansas (INIK). INIK is an ad hoc coalition of three of the four Kansas Native American Indian Tribes, the Kickapoo Tribe in Kansas, the Prairie Band Potawatomi Nation, and the Sac and Fox Nation of Missouri.

The Indian Nations in Kansas support SB 76, which authorizes the Governor to enter into non-gaming compacts with the tribes which have entered into gaming compacts. This bill will permit a process by which the Governor can negotiate compacts on other issues with the tribes, if the Governor and the tribes are both willing to enter into such compacts. By setting up the procedure pursuant to the Indian gaming compact statutes, this process also requires the legislature to be involved in the approval of these compacts. After the compact has been negotiated by the Governor, it is submitted to the Joint Committee on State-Tribal Relations, and subsequent action by the full legislature.

The four resident Indian Tribes in Kansas, the three that our firm represents, as well as the Iowa, are sovereign governments with a special relationship to state and federal government. The four Native American Indian Tribes in Kansas have a primary relationship with the federal government which is based in federal law and federal treaties.

When the U. S. Congress brought Kansas into the union, in the Act for Admission, they specifically recognized the sovereignty of the four Tribes and their reservations. I have attached a copy of the Act for Admission, and would call your attention to the fact that when describing the territory to be known as Kansas, they specifically exempted the reservations of the four native Kansas Tribes. Recognizing this unique relationship which the Tribes have with Kansas is important to recognizing the relationship between state government and the tribes.

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Senate Judiciary Committee

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It is because of this unique relationship that it would be important to have a process by which the Tribes and state government could enter into non-gaming compacts to deal with issues such as taxes, education, healthcare, social services, and other programs. The creation by the Legislature of the Joint Committee on State-Tribal Relations was a tremendous step forward in attempting to establish a government to government dialogue with the Tribes.

Currently, the Tribes are in the midst of discussions with the State of Kansas regarding tax issues. It is possible that these discussions, if successful, will lead to numerous other meetings on other issues in the future that will improve the relationship between the State and the Tribes.

We urge your favorable recommendation on SB 76.

Thank you very much for permitting me to testify, and I will be happy to yield to questions.