

Memorandum

To: Committee on Federal and State Affairs

From: Anna M. Krstulic

Re: H.B. 2384

Date: February 20, 2025

H.B. 2384 proposes to convey from the State to the Shawnee Tribe ownership of the Shawnee Indian Mission Historic Site (the "Site") located in Fairway, Kansas. The Site is currently owned by the State of Kansas (through the Kansas State Historical Society) and is operated by the City of Fairway with private support from the Shawnee Indian Mission Foundation.

To alleviate concerns about the possibility of the Site being acquired by the Shawnee Tribe for the purpose of establishing casino gaming, H.B. 2384 conditions conveyance of the Site on the inclusion of restrictive covenants that prohibit any gaming or gambling activities. However, there are significant legal concerns regarding the extent of jurisdictional control at both the State and local level, which may be extinguished upon conveyance.

If fee title to the Site is conveyed to the Shawnee Tribe, it is possible the Tribe could establish both civil and criminal jurisdiction over the Site by seeking recognition of tribal sovereign authority under the Indian Reorganization Act ("IRA"). Furthermore, the Tribe could also seek to establish gaming operations pursuant to the Indian Gaming Regulatory Act ("IGRA"). Such actions by the Tribe could call into question the validity and/or enforceability of any legislative prohibition or private restrictions on gaming operations placed on the Site.

1201 Walnut Street, Suite 2900, Kansas City, MO 64106