

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Representative Tony Powell at 1:30 p.m. on March 15, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Findley, excused.

Committee staff present: Theresa Kiernan, Revisor of Statutes
Russell Mills, Legislative Research
Mary Galligan, Legislative Research
Winnie Crapson, Secretary

Conferees appearing before the committee:
Ron Hein, Indian Nations of Kansas
James Battese, Chief, Potawatomi Tribal Police
Terry J. Scott, Potawatomi Tribal Police
Daina Durham, Sheriff, Jackson County

Others attending: See attached list.

Representative Powell opened the meeting with a general discussion of the bills under consideration today (**HB 2926, HB 3033, SB 307, and SB 543**). Commenting as Chairman of the Joint Committee on State-Tribal Relations he reported that it had held a number of hearings last summer and made informative trips to Indian reservations. The Committee had a number of recommendations, two of their bill introductions are concerned with agreements with the Tribes and interlocal agreements.

Russell Mills, Legislative Research, presented the Report of the Joint Committee on State-Tribal Relations to the 2000 Kansas Legislature (Attachment #1). The Report reviews the organization of the Joint Committee (page 5-1). A sub committee was appointed to review a number of guidelines the Governor should consider in any future gaming compacts. The Joint Committee requested three bill drafts (page 5-4): to authorize the Governor to negotiate state-tribal compacts on topics other than gaming, subject to approval (**HB 2926**); to allow local governmental units to enter into agreements with the four resident tribes (**HB 3033, SB 307**); and to allow Class B clubs at Indian Gaming Casinos to offer temporary memberships (**SB 608** killed in the Senate). **HB 543** did not come directly out of the Joint Committee but was introduced by three members of the committee.

In response to request from Chairman Powell, Mr. Mills described the procedures involved in Indian gaming contracts, Mr. Mills said it was his understanding that under the law agreements negotiated between the Governor and the Tribes must be approved by the Legislature if in session or if not in session, by the Legislative Coordinating Council. When the State-Tribal Relations Committee was created it was given initial approval of any contract to be submitted to the Legislature or Legislative Coordinating Council if the legislature is not in session. **HB 2926** does not change that procedure. If the Governor enters into any side agreement with the tribes, that would be submitted to the Legislature.

Hearing was opened on
SB 543, Native American indian tribal law enforcement officers, powers when providing assistance to state, city or county agencies

The issue basically involves what is called cross-deputization, which relates to the ability of local units of government to authorize law enforcement personnel for the Native American Indian Tribes to act as agents and only grants deputization authority on a case by case basis.

Ron Hein, representing Indian Nations in Kansas, testified in support of SB 543 (Attachment #2).

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He said the issue basically involves what is known as cross-deputization, which relates to the ability of local units of government to authorize law enforcement personnel for the Native American Indian Tribes to act as agents to investigate, arrest, and otherwise execute law enforcement powers with regard to state and local statutes and ordinances.

Terry Scott, Detective and Wildlife Conservation Officer of the Prairie Band Potawatomi Tribal Police Department presented testimony in support of **SB 543** (Attachment #3). He presented the history of the Tribal Police. He described the training and experience of each member. He said the Tribal Police are as well trained and formally educated as any other law enforcement officers in Kansas and would like to make their resource available to other law enforcement agencies in times of need.

Daina Durham, Sheriff of Jackson County, presented testimony in opposition to **SB 543** (Attachment #4). She listed current statutes she believed should be considered and presented copies of Attorneys General Opinions. She said she had attempted to initiate communication with Chief Battese hoping to foster a reasonable working relationship. She listed reasons she believes this legislation is unnecessary. She testified she believes this bill is the first step and infringes on the jurisdiction and purview of the Sheriff.

Hearing was closed on **SB 543**.

Hearing was opened on

HB 2926, Negotiation of agreements with native American Indian tribes,
and **HB 3033, Native American Indian tribes; interlocal agreements.**

Ron Hein testified on behalf of Indian Nations in Kansas (INIK) in support of **HB 3033** (Attachment #5). INIK supports both bills. He said **HB 3033** would provide that Native American Indian Tribes that have gaming compacts with the State of Kansas would be able to serve as parties to interlocal agreements in the same manner and those agreements would be recognized by the State of Kansas with the same degree of recognition as contracts entered into between other political subdivisions of the state.

Mr. Hein presented testimony in support of **HB 2926** (Attachment #6), authorizing the Governor to enter into non-gaming compacts with the tribes which have entered into gaming compacts and permits the legislature to be involved in approval of such agreements. He noted that **SB 607**, a similar bill, has been recommended by the Senate Federal and State Affairs Committee. INIK believes it would be highly appropriate for the legislature to get involved in and have oversight and approval functions regarding non-gaming issues that warrant the compact process.

Meeting adjourned. Next scheduled meeting is March 16.