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February 16, 2021

NEUTRAL, APPEARING VIA WEBEX

**TESTIMONY BEFORE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS
HB 2199**

Dear Chairman Barker and Members of the Committee:

My name is Russell Brien and I am outside counsel to Prairie Band Potawatomi Nation (the “Nation”), which owns and, through a subsidiary tribal enterprise, operates Prairie Band Casino & Resort (“PBCR”). PBCR offers Class III Gaming to its patrons pursuant to the Nation’s laws, the federal Indian Gaming Regulatory Act, as amended, and the Tribal State Gaming Compact between the Nation and the State of Kansas. PBCR, which employs several hundred Kansas citizens, has long been a significant contributor to the economy of Northeast Kansas.

The Nation takes no position on whether or not the State of Kansas should legalize sports betting, whether in person or via the Internet or mobile apps. However, to the extent that sports betting is legalized, the Nation is keenly interested in offering sports betting to patrons of PBCR through similar channels and formats. Accordingly, the Nation does support the inclusion of the specific compacting language found at New Section 15 of the bill.

The Nation’s view is that a separate Tribal State Sports Betting Compact is the best vehicle to achieve this purpose. This approach would permit the Nation and the State of Kansas to fully address the parameters of sports betting activities taking place on the Nation’s Reservation while avoiding an arcane impediment contained in the existing Tribal State Gaming Compact. A Tribal-State Sports Betting Compact would also put both the Nation and the State of Kansas, along with its sports betting operators, in the strongest position to comply with applicable federal law, including the Indian Gaming Regulatory Act, as amended (25 U.S.C. § 2701 *et seq.*) and the Unlawful Internet Gambling Enforcement Act, as amended (31 U.S.C. § 5361 *et seq.*).

The Nation also supports inclusion of language in HB 2199 which would enable those tribes identified in Section 15 of the bill to offer sports betting via mobile or internet platforms in a manner similar to the opportunities provided by the Kansas Lottery and available to lottery

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gaming facility managers. If the Committee is interested in seeing proposed language to accomplish this suggestion, the Nation is happy to provide such language to the Committee.

Please feel free to contact me (913.205.7513) or Brad Smoot (785.233.0016), the Nation's Legislative Counsel, with any additional questions.

Respectfully submitted,

BRIEN LAW, LLC

/s/ Russell A. Brien