

SENATE BILL No. 109

By Committee on Federal and State Affairs

1-26

9 AN ACT concerning gaming compacts; relating to the procedure for the
10 approval thereof; amending K.S.A. 46-2302 and repealing the existing
11 section.
12

13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 46-2302 is hereby amended to read as follows: 46-
15 2302. (a) Any request by a tribe for negotiation of a gaming compact with
16 the state of Kansas, including a request for renegotiation of an existing
17 gaming compact, received on or after the effective date of this act shall
18 be submitted in writing to the governor.

19 (b) The governor or the governor's designated representatives are
20 authorized to negotiate gaming compacts on behalf of the state of Kansas.
21 At the conclusion of negotiations, the governor shall submit the proposed
22 compact to the joint committee on state-tribal relations for the commit-
23 tee's recommendations as to approval ~~or~~, modification *or rejection* of the
24 proposed compact.

25 (c) If the joint committee recommends modification of a proposed
26 compact submitted by the governor, the governor or the governor's rep-
27 resentatives may resume negotiations in accordance with the joint com-
28 mittee's recommendations and the modified proposed compact shall be
29 submitted to the joint committee in the same manner as the original
30 proposed compact. Within 5 days after receiving the joint committee's
31 recommended modifications, the governor shall notify the joint commit-
32 tee, in writing, as to whether or not the governor has resumed negotia-
33 tions. Within 10 days after receipt of notice that the governor has not
34 resumed negotiations, or if the governor fails to notify the joint committee
35 that the governor has resumed negotiations, the joint committee shall
36 vote to recommend approval or rejection of the proposed compact or
37 shall vote to make no recommendation on the proposed compact.

38 (d) (1) ~~If the legislature is in session~~ *Except as provided by para-*
39 *graph (2) of this subsection*, when the joint committee votes to recom-
40 mend approval or rejection of a proposed compact or votes to make no
41 recommendation on a proposed compact, as authorized by this section,
42 the joint committee shall introduce in each house of the legislature, ~~within~~
43 ~~five days after the joint committee's vote~~, a resolution approving the pro-

1 posed compact as submitted by the governor. *If the legislature is in ses-*
2 *sion, such resolution shall be introduced within five days after the joint*
3 *committee's vote. If the legislature is not in session, such resolution shall*
4 *be introduced within five days of the commencement of the next legislative*
5 *session following the joint committee's action.* Each resolution shall be
6 accompanied by the report of the joint committee recommending that
7 the resolution be adopted or not be adopted or reporting the resolution
8 without recommendation. If, within 10 days after introduction of the res-
9 olutions, a majority of the members of each house votes to adopt the
10 resolution introduced in such house, the proposed compact shall be con-
11 sidered to have been approved by the legislature and the governor is
12 authorized to execute the compact on behalf of the state. Each house of
13 the legislature shall vote on the resolution introduced in such house
14 within 10 days after introduction unless the other house has already voted
15 against adoption of the resolution introduced in such other house.

16 (2) If the legislature is not in session when the joint committee votes
17 to recommend approval or rejection of a proposed compact or votes to
18 make no recommendation on a proposed compact, ~~as authorized by this~~
19 ~~section~~ *and the joint committee determines an emergency exists*, the joint
20 committee shall notify the legislative coordinating council of the joint
21 committee's action within five days after such action. If, within 30 days
22 after receiving such notice, the legislative coordinating council *determines*
23 *an emergency exists and* votes, by a vote of five members of the council,
24 to approve the proposed compact, the compact shall be considered to
25 have been approved by the legislative coordinating council and the gov-
26 ernor is authorized to execute the compact on behalf of the state.

27 *For the purposes of this subsection, an emergency exists when unfore-*
28 *seeable circumstances exist which compel action be taken on the proposed*
29 *compact before the legislature next convenes in regular session.*

30 (3) *If the legislative coordinating council fails to take action on a pro-*
31 *posed compact submitted thereto pursuant to paragraph (2) of this sub-*
32 *section, the governor may submit such compact to the legislature for its*
33 *approval at the next legislative session. Each compact shall be accompa-*
34 *nied by a copy of the notice of the joint committee's action which had*
35 *been submitted pursuant to paragraph (2) of this section to the legislative*
36 *coordinating council. If within 30 days after the submission of such pro-*
37 *posed compact, the legislature adopts a resolution approving such com-*
38 *compact, the governor may execute the compact on behalf of the state. Nothing*
39 *in this paragraph shall be construed as requiring the governor to submit*
40 *the compact to the joint committee on state-tribal relations.*

41 (4) Neither the legislature nor the legislative coordinating council has
42 the authority to amend or otherwise modify any proposed gaming
43 compact.

1 (e) The attorney general shall be the legal counsel for the governor
2 or the governor's representatives in negotiating a gaming compact under
3 this section and for the joint committee in reviewing proposed compacts.

4 (f) A gaming compact negotiated on behalf of the state under this
5 section shall contain:

6 (1) A provision recognizing the right of each party to the compact to
7 request that the compact be renegotiated or replaced by a new compact,
8 including the right of the legislature by concurrent resolution to request
9 renegotiation or replacement of the compact, and providing the terms
10 under which either party, including the legislature, may request a rene-
11 gotiation or the negotiation of a new compact; and

12 (2) a provision that, in the event of a request for a renegotiation or a
13 new compact, the existing compact will remain in effect until renegotiated
14 or replaced.

15 (g) The governor or the governor's designated representatives and
16 the attorney general shall report to the joint committee, at such times as
17 requested by the joint committee, regarding gaming compacts negotiated
18 and prospective negotiations.

19 Sec. 2. K.S.A. 46-2302 is hereby repealed.

20 Sec. 3. This act shall take effect and be in force from and after its
21 publication in the statute book.