

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on January 9, 2007 in Room 231-N of the Capitol.

All members were present except:
Senator Hensley

Committee staff present:
Kathie Sparks, Kansas Legislative Research Department
Dennis Hodgins, Kansas Legislative Research Department
Ken Wilke, Revisor of Statutes Office
Connie Burns, Committee Secretary

Conferees appearing before the committee:

Others attending:
See attached list.

Chairman opened the meeting and welcomed committee members and staff. The Chairman welcomed Senator Jim Barnett back to the committee and introduced the new committee member Senator Julia Lynn who replaces Senator O'Connor, new staff members are Ken Wilke, Office of the Revisor, and Kathie Sparks, Legislative Research Department.

Senator Brungardt requested a bill introduction dealing with surplus property and public airport authorities.

Senator Barnett made the motion that this request should be introduced as a committee bill. Senator Brownlee seconded the motion. The motion carried

Dennis Hodgins, Legislative Research, provided an Overview of the Joint Committee on State-Tribal Relations Interim. (Attachment 1) The Joint committee on state-Tribal Relations recommends that:

- A Senate bill, be prefiled, that would require insurance companies to report liability insurance for state police powers on reservations to the Attorney General's Office. It would establish a cap of two million dollars on the liability insurance, and delete the sunset clause of state police powers as contained in KSA 2005 supp. 22-2401a.
- The Kansas Legislative Research Department and the Department of Revenue obtain information on resolution of the license plate tag issue in other states and report that information to Joint committee members by December 15, 2006
- The Senate transportation Committee reach consensus with interested parties to solve the Indian license plate problem and to recommend a bill to accomplish this task during the 2007 Legislative session.

There were several study topics that the committee looked at:

- Congressional bills prohibiting Native American lands from being taken into trust for Class III gaming purposes
- The provision of **SB 9** dealing with Native American liability insurance for tribes which have state police powers on reservations
- The U.S. Supreme Court's Decision on the motor fuel tax case involving the Prairie Band Potawatomi Nation and the State of Kansas and the subsequent appeal decision by the courts
- Court cases dealing with the recognition of the tribal reservation license plates
- The court's decision dealing with the authority of the State of Kansas to seize gaming equipment from the Wyandotte Tribe in Kansas City, Kansas, and the Secretary of the Interior's decision to recognize the Wyandotte Tribe's request for lands to be placed in trust for gaming purposes
- State-Tribal Cooperation

Issuance of Native American License Plates, the State of Kansas does not issue nor allow tribes to issue license plates and does not recognize Indian license plates issued by a tribe with the state. (Attachment 2) Currently, the State of Kansas is in litigation with the tribes over the issuance of license plates. The 2000 Legislature tried to deal with the issue in **SB 492**, in the bill the state authorized the issuance of a

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distinctive license plate to resident Native American tribes in Kansas for a \$5 fee. The production of license plates would have been exempt from the 500 license plate requirement, and each resident tribe would have been allowed to design its own distinctive license plate; the bill was not enacted. Selected state examples of the states that issue tribal license plates was provided.

The committee authorized the Chairman to draft a letter to the Chairman of Senate Transportation Committee expressing the wishes of the committee and the joint oversight committee.

Hearing and Discussion of bill:

Senator Brungardt opened the hearing on **SB 13**.

SB 13 -Native American tribal law enforcement jurisdiction; liability insurance coverage, proof of; repealing sunset

Senator Vratil opened the discussion with an amendment to the bill. Page 1, Line 36 delete wording "assessed in state or federal court" and a new subsection page 2 line 3 dealing with precluding the Tribes' claim to sovereign immunity. The Revisor will write the balloon and present to committee.

Senator Vratil moved the amendment. Senator Barnett seconded the motion. The motion carried.

Senator Brungardt continued the hearing on **SB 13**.

The meeting was adjourned at 11:25 am. The next scheduled meeting is on January 10, 2007.