

## MINUTES

### Joint Committee on State-Tribal Relations

November 5, 2003  
Room 123-S—Statehouse

#### Members Present

Senator Lana Oleen, Chair  
Representative Bill Mason, Vice Chair  
Senator David Adkins  
Senator David Haley  
Representative Becky Hutchins  
Representative Tom Sawyer  
Representative Bonnie Sharp  
Julene Miller, Office of Attorney General  
Matt All, Governor's Representative

#### Staff Present

Russell Mills, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Theresa Kiernan, Office of the Revisor of Statutes  
Mary Torrence, Office of the Revisor of Statutes  
Judy Swanson, Committee Secretary

#### Conferees

Louis de Roin, Iowa Tribe of Kansas and Nebraska  
Zach Pahmahmie, Prairie Band Potawatomi Nation  
Emily Conklin, Kickapoo Tribe  
Andrea Williams, National Conference of State Legislatures  
Mary Allman, Kansas State Historical Society  
Monette Terry, Western Band Cherokee, Haskell Indian Nations University  
Yulburton Sandcrane, Haskell Wetlands Preservation Organization  
Christy Davis, Kansas State Historical Society  
Nicholas Luna, Haskell Wetlands Preservation Organization  
Chris Howell, Lewis and Clark Bicentennial Commission  
Karen Seaberg, Lewis and Clark Bicentennial Commission  
Shari Wilson, Wyandotte County Lewis and Clark Task Force  
David Wilson, Kansas Arts Commission  
Kim Qualls, Kansas Department of Commerce  
Brian Johnson, Attorney General's Office  
Steve Alexander, Attorney General's Office  
Brent Widick, Department of Social and Rehabilitation Services

## Morning Session

The Joint Committee on State-Tribal Relations was called to order by Committee Chair, Senator Lana Oleen, on Wednesday, November 5, 2003, in Room 123-S of the Statehouse, at 9:20 a.m. Members of the Committee and of the audience introduced themselves at the Chair's request.

It was announced that copies of two recent NCSL publications, *Government to Government: Understanding State and Tribal Governments* and *Government to Government: Models of Cooperation Between States and Tribes*, were still available in the Legislative Research Department.

Andrea Williams, Policy Specialist with National Conference of State Legislatures, gave an update on intergovernmental cooperation between states and tribal governments. She said the current joint project of the National Conference of State Legislatures (NCSL) and the National Congress of American Indians (NCAI) focuses on promoting intergovernmental cooperation. Efforts are being made to educate tribes and state governments on the benefits of working together. The issues under discussion include welfare reform, economic development, land in trust, children's welfare issues, environment, health care, and education. Legislative turmoil within states and within tribes causes problems. Ms. Williams noted that funding for technical assistance has been provided to both states and tribes. The project staff could help with language for policy setting. They had over 80 in attendance in their first session, and will hold a workshop in advance of the 2004 annual NCSL meeting. She invited interested parties to visit the NCSL website, which covers various state and tribal issues. She stated that NCSL has a database of state and tribal officials, and also a legislative database is maintained. She stated that some of the emerging issues include:

- Increased political activity by tribes;
- Increased exercise of sovereignty;
- Tribal economics; and
- Homeland security efforts.

Ms. Williams stated that NCSL is looking at the issue of land in trust for non-resident tribes in Kansas. She stated that there are misconceptions about land being taken into trust for gaming purposes, and her staff is working on clarifying those goals. The gaming issue is a very small component of the various issues being reviewed by the joint project.

It was announced by Chair Oleen that a review of land into trust issues was assigned to this Committee by the Legislative Coordinating Council, and it will be the main topic of the December 1 Committee meeting in Holton. The Bureau of Indian Affairs will be invited to attend that meeting. Haskell University was thanked by Senator Oleen for hosting the last Committee meeting. She noted that Haskell University is the only four-year university of Indian Nations in the United States.

Mary Allman, Executive Director of the Kansas State Historical Society, gave a brief history of the state historical marker program in Kansas ([Attachment 1](#)). She stated that any new markers will depend upon available funding and that markers paid from private funds must be approved by the Kansas State Historical Society.

Monette Terry, Western Band Cherokee, Haskell Indian Nations University, testified that all Native Americans and Indians are grouped together, and she finds that there is some offensive language on some of the historical markers in Kansas. The adjectives used for Indians are negative, and that is a concern for the tribal members. Chair Oleen said that the state has been responsive to those concerns in the past and will continue to be so. She noted that the signs are very expensive

to replace. Chair Oleen recommended that representative from the Haskell Indian Nations University and the State Historical Society work together to address these issues.

Yulburton Sandcrane, Haskell Wetlands Preservation Organization, reviewed his experience of visiting the site of the Battle of Little Big Horn which he found to be an educational experience

Ms. Allman reviewed her duties as the State Historic Preservation Officer ([Attachment 2](#)). She works closely with the National Historic Preservation Office, which reviews over 2,000 federal projects each year. Their charge is to protect the integrity and context of properties that are listed on the Register of Historic Kansas Places. Extended discussion was held concerning the Wyandotte Tribe of Oklahoma and its use of the Scottish Rite building in Kansas City as a casino. Christy Davis, Kansas State Historical Society, said they have not reviewed this building because they have never been asked to review it. Concern was expressed by the Committee members as to why no one had asked for a review of this development, and whether the responsibility came under the purview of the State or Federal offices. Ms. Allman said her office is not allowed to have a position on the matter. Senator Adkins said he felt they should have a position since it is their duty to protect historical sites. It was requested that this issue be put on the Private Historical Society's agenda at their November 7 meeting. Ms. Allman stated that it would be placed as an agenda item.

Ms. Allman stated that applications for historical markers must be submitted to the Kansas Department of Transportation and to the Kansas State Historical Society. Ms. Allman said she will meet with the concerned tribal members to see which markers they find objectionable, and then see what might be done to resolve the issues. She said that funding needs to be looked at to see if there is money available to change the signs.

Nicholas Luna, President, Haskell Wetlands Preservation Organization, identified several objectionable signs for the Committee ([Attachment 3](#)). The WPO recommends that groups should work together to ensure that accuracy is reflected in historical markers.

Dennis Hodgins, Legislative Research Department, reported on the KDOT signage relative to Haskell University. The signage language was worked out between KDOT and Haskell as to the verbiage, and KDOT will contract out the putting up of the sign. Mr. Hodgins was thanked by the Chair for his timely resolution of this issue.

Chris Howell, Vice Chair, Lewis and Clark Bicentennial Commission, gave an overview of activities happening within the Commission. He presented a map of the "Heart of America" celebration journey ([Attachment 4](#)). Mr. Howell also reviewed a list of current projects of the Native Cultures Subcommittee and the current requests for technical assistance to the Native Cultures Subcommittee ([Attachment 5](#)).

Karen Seaberg, Lewis and Clark Bicentennial Commission Chair in Atchison, reviewed what events and celebrations the City of Atchison had planned. They will have a flag in every household and will have a foot parade. She said that all tribes will be invited to participate. The Native Culture Subcommittee is also doing several projects.

Mr. Howell addressed several Native American issues. He noted that Kansas is now represented at the national level on several committees and boards. He said that Tribal issues can be addressed throughout the Lewis and Clark journey celebration. The Circle of Tribal Advisors is where advice can be obtained for any tribal information.

Shari Wilson, Wyandotte County Lewis and Clark Task Force, presented a map of the Kaw Point park project ([Attachment 6](#)) and an updated report on the progress of the project. One construction firm has donated over \$25,000 in time and equipment. She said that the local

government has set aside \$400,000 for the project and has been very supportive. The Confluence of Nations Plaza is a one-of-a-kind venue celebrating the culture of the Native American people in their area.

David Wilson, Kansas Arts Commission, reported that the Kansas Humanities Council is also helping with Lewis and Clark activities. Education is a large part of their participation. He stated that the Art Train will be in Kansas in June and July of 2004, and it will be focusing on contemporary Native American art. Senator Haley expressed appreciation for the wonderful work being done on the Kaw Point Park in Wyandotte County.

Kim Qualls, Travel and Tourism Division, Kansas Department of Commerce, testified that the Department is also working on the Lewis and Clark project. She stated that the Division continually looks for ways to promote Native American heritage and culture in Kansas. They are coordinating their efforts with the Office of Native American Affairs.

Brian Johnson, Kansas Attorney General's Office, reviewed the status of the Fairfax litigation. He stated that the class configuration of litigation is finished, and the Unified Government is representing its own group. He said that the suit was filed over two years ago, and there is still no formal scheduling of motions yet. He believes that the lawsuit is frivolous and should be dismissed. He said he is unaware of any activity in the U.S. Congress about this issue.

The Committee recessed for lunch from 12:15-1:15 p.m.

### **Afternoon Session**

Steve Alexander, Assistant Attorney General, reviewed lawsuits he is handling concerning the Wyandotte Tribe of Oklahoma. He stated that the taking of the Shriner tract in Kansas City into trust is at issue. The Attorney General's Office will request a tracing of the funds used for the purchase of the land. He stated that the 602 funds were received from another claim for money to be used to buy land for the Wyandotte Tribe. They question whether the amount is \$100,000 or \$100,000 plus interest and investment income. He stated that a Congressional inquiry into this issue would be helpful especially with regard to the documentation concerning the land purchase and the decision to take the land into trust.

Senator Haley urged an early resolution be made on this issue. Landowners in the area have clouds on their property titles. He stated that the Indian Gaming Regulatory Act oversees Indian gaming across the United States. They are an agency under the Department of Interior. IGRA indicated that the machines in Wyandotte County are Class II, not Class III machines.

Mr. Alexander said that another lawsuit pending concerns gaming on the Shriner tract in Kansas City. No State Historical Preservation officer inspected the building prior to its opening. Concerns had been expressed by Committee members that the building might have already been defaced or altered without an inspection. Mr. Alexander feels that Federal agencies should be compelled to inspect this property. Asbestos may have been removed incorrectly. The Huron property is reserved for the purpose of a burial ground only, and is held by the Federal government. He said that public safety concerns might be used to force an inspection of the building. Julene Miller said they have had good cooperation from the four resident tribes.

Matt All, Governor's Office, announced that the Governor invited the four tribes to get together to settle disputes before they get out of control. This will be an opportunity to share concerns rather

than confrontations. Chair Oleen replied that this Committee also wants to work with the Governor to find commonalities.

*Senator Haley moved to approve the minutes of the September 23 Committee meeting as presented. Representative Hutchins seconded the motion. The motion passed.*

Brent Widick, Tribal Liaison, Department of Social and Rehabilitation Services (SRS), provided an update on SRS programs affecting tribes and tribal members (Attachment 7). He stated that SRS continues to seek opportunities to coordinate services with the four resident tribes.

Chair Oleen suggested that the Committee discuss the possibility of contacting the Kansas Congressional Delegation to request that a Congressional Inquiry or an audit by the General Accounting Office into the actions of the U.S Department of the Interior which led to the Shriner tract being taken into trust in such a short timeframe. She noted that this would require advance approval by the LCC before such a communication could be sent to the Congressional Delegation. The Committee discussed the merits of approaching the Congressional Delegation for assistance in this area. *Representative Sawyer moved that the Chair be directed to send a request to the LCC allowing the Committee to make such a request of the Kansas Congressional Delegation for a Congressional inquiry or GAO audit. Representative Sharp seconded. The motion was approved.*

Representative Hutchins announced the next meeting would be held in Holton on December 1, 2003. Transportation will not be provided.

The meeting was adjourned at 2:30 p.m.

Prepared by Judy Swanson  
Edited by Russell Mills and Dennis Hodgins

Approved by Committee on:

December 1, 2003

(date)