

Approved: March 27, 2000  
Date

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 7, 2000 in Room 313-S of the Capitol.

All members were present except: Representative Rehorn, 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:

Bob Alderson, Casey's General Stores  
Ron Hein, Indian Nations in Kansas  
Roger Aeschilman, Sec., Dept. of Human Resources

Others attending: See attached list.

Chairman Powell opened the meeting and asked for bill introductions.

Without objection bill will be introduced as requested by Bob Alderson, representing Casey's General Stores, to preclude the Department of Revenue from issuing its own citation in cases of illegal sale of tobacco products in addition to one they have issued under their contract with U.S. Food and Drug Administration. Mr. Alderson's request is attached (Attachment #1).

Without objection bill will be introduced as requested by Representative Klein requiring equitable settlement in claims for health care. [HB 3022 introduced March 8.]

Chairman Powell opened consideration of **HB 2917, Administrative fines for cigarette tobacco infractions; if more than three years passed between infractions, new occurrences considered first occurrence.**

Technical amendment was distributed by Theresa Kiernan, Revisor, deleting repetitive reference to graduated fines. The bill provides that an occurrence after passage of three years without a violation will be considered the first occurrence.

Representative Burroughs moved that the amendment be adopted. Representative Mason seconded. Motion passed.

Representative Hutchins moved that Committee recommend HB 2917 favorable for passage as amended. Representative Mason seconded. Motion passed.

Chairman Powell opened hearing on  
HB 2845, Kansas Indian advisory commission established, executive director.

Ron Hein testified as legislative counsel for the Indian Nations in Kansas (Attachment #2). INIK is a coalition of three of the four Kansas Native American Indian Tribes (the Kickapoo Tribe of the Kickapoo Reservation in Kansas, the Prairie Band Potawatomi Nation, and the Sac and Fox Nation of Missouri.) He stated while INIK supports the concept of HB 2845. because they believe the more that the State of Kansas can do to facilitate communication with the Indian nations and an understanding of Indians by Kansas government agencies and employees and the Kansas constituency the better, they have some

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questions about whether this bill was the way to accomplish that. Mr. Hein suggested the committee should consider whether the proposed commission should be directly advisory to the governor or whether the four existing tribes who are sovereign nations should be communicating through direct government to government communication. He attached to his testimony a copy of the Act for the Admission of Kansas Into the Union and called attention to the reference to the rights of the Indians in the territory. Mr. Hein noted that **HB 2845** might provide an adjunct to the existing Joint Committee on State-Tribal Relations.

In response to questions Mr. Hein said the bill was not initiated by the IINIK but was by one of the tribal council members. INIK has some concerns that the bill is almost a tendency to trivialize the tribes' relationship with the Governor. He said it was his understanding that the federal government determines who is a "tribe in Kansas." There are four federally recognized tribes that have a reservation in Kansas.

Testimony was presented in opposition to the bill by Roger Aeschliman, Deputy Secretary of the Department of Human Resources (Attachment #3). He stated the intent has already been implemented and described the operation of the Kansas Office of Native American Affairs (ONAA) established by Governor Graves within Department of Human Resources. Brad Hamilton serves as executive director. It was established in October 1999 by Governor Graves as an "Office", not as a commission, by consolidating positions that were already in place.

Mr. Aeschliman listed his concerns about the proposed commission appointment process. Mr. Hamilton and his staff were to prepare a plan for the office. Mr. Aeschliman's testimony included the resulting 10-Point Plan. It includes things which are both "doable" and recognizable. Mr. Hamilton and his staff are already solving problems and performing the ombudsman function, item 1..

In response to questions about success in obtaining grant money, Mr. Aeschilman said skilled grant writers in the Department of Human Resources are presently helping to identify grants. There are about 80 or 90 federal and state programs that provide some kind of funding for training, job placement, putting people to work in some way. Effective July 1, 2000 as many of these programs as possible will be consolidated and Native Americans are identified as a target population in that consolidation.

Representative Weiland explained that the bill was the result of work which began about three years ago. At that time a bill was introduced in an attempt to establish relationships with the tribes. It was based upon legislation in other states and the tribes did not like the resulting proposal. Three of the tribes are in Representative Weiland's district. He accepted the offer of a member of the Kickapoo Tribe who expressed interest in working on a bill. These efforts began before either the Joint Committee on State-Tribal Relations or Office of Native American Affairs were established.

Mr. Aeschilman said the activities of Representative Weiland are greatly appreciated and asked for time for the Governor and Office of Native American Affairs to prove that the ombudsman/emissary model works to benefit all parties.

Hearing was closed on **HB 2845**.

Meeting adjourned at 2:44 p.m. Next scheduled meeting is March 8.