

MINUTES OF THE HOUSE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Arlen Siegfroid at 1:30 P.M. on February 12, 2007 in Room 313-S of the Capitol.

All members were present except:

- Representative Broderick Henderson- absent
- Representative Lance Kinzer- absent
- Representative Judy Morrison- excused
- Representative Ted Powers- excused

Committee staff present:

- Kathie Sparks, Kansas Legislative Research Department
- Dennis Hodgins, Kansas Legislative Research Department
- Mike Heim, Revisor of Statutes Office
- Carol Doel, Committee Assistant

Conferees:

- Tracy Stanhoff - Tribal Council Chairman - Prairie Band Potawatomi Nation

Others attending:

- See attached list.

Chairman Siegfroid opened the floor for introduction of bills. Hearing none, the Chair opened the hearing on **SB 13** - Native American tribal law enforcement jurisdiction; liability insurance coverage, proof of; repealing sunset, and asked Kathie Sparks, Legislative Research Department to explain the bill.

Ms. Sparks explained that under the current law, enforcement officers employed by a Native American Indian Tribe may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation as long as certain provisions are met. (Attachment 1)

The Chair introduced Tracy Stanhoff, Tribal Council Chairman for the Prairie Band Potawatomi Nation (PBPB), who presented testimony supporting the passage of **SB 13**. Ms. Stanhoff related that all tribal law enforcement officers meet the same training and qualification standards applicable to all law enforcement officers. Currently the tribes are required to maintain an insurance policy and the amendments in **SB 13** would revise the wording and it was collectively decided, after a meeting of many of the principals that the best way to protect the state's interest was to provide for the insurance company to notify the Attorney General when the policy is obtained and if the policy is limited or suspended for any reason, including non-payment of premiums. The Joint Committee on State-Tribal Relations also unanimously amended the bill to strike the five-year sunset clause that was included in the original legislation. (Attachment 2)

With no other person wishing to address the bill, the Chairman closed the hearing on **SB 13**.

The Chairman entertained a motion to approve the minutes of February 8, 2007.

Representative Huebert made a motion to approve the minutes of February 8th. Representative Olson seconded the motion. Motion passed.

With no further business before the committee, Chairman Siegfroid adjourned the meeting.

SB 13

Current law under K.S.A. 22-2401a(3)(a) allows law enforcement officers employed by a Native American Indian Tribe ((9)(e) "Native American Indian Tribe means the Prairie Band Potawatomi Nation, Kickapoo Tribe in Kansas, Sac and Fox Nation of Missouri and the Iowa Tribe of Kansas and Nebraska) may exercise powers of law enforcement officers anywhere within the exterior limits of the reservation of the tribe provided:

As long as such Native American Indian Tribe maintains in force a valid and binding agreement with an insurance carrier to provide liability insurance coverage for damages arising from the acts, errors or omissions of such tribal law enforcement agency or officer while acting pursuant to this section and waives its tribal immunity for any liability for damages arising from the acts, while acting pursuant to this act.

The policy shall be in an amount not less than \$500,000 for any one person and \$2,000,000 for any one occurrence for personal injury and \$1,000,000 for any one occurrence for property damage **(2) SB 13 new language be in an amount not less than \$2,000,000 aggregate loss limit**; and carry an endorsement to provide coverage for mutual aid assistance.

Under current law, the insurance policy is subject to verification by the attorney general. Under the provisions of SB 13, the verification is the responsibility of the insurance carrier and the insurance carrier is to notify the Attorney General's Office immediately if coverage terminates or no longer complies with the requirements.

Finally, the bill eliminates the sunset provision for the tribal law enforcement officers. Under current law, the provisions were to sunset on July 1, 2009 (2004 Session Laws, Chapter 180). The original provisions of the act were in 2004 SB 9 and later amended during the same session in Session Laws, Chapter 180.

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Testimony re: SB 13
House Federal and State Affairs Committee
Presented by Tracy Stanhoff on behalf of the
Prairie Band Potawatomi Nation
February 12, 2007

Mr. Chairman, Members of the Committee:

My name is Tracy Stanhoff, and I am Tribal Council Chairman for the Prairie Band Potawatomi Nation (PBPB), one of the four Kansas Native American Indian Tribes.

As a brief history, 2005 SB 9 added Tribal law enforcement officers to the laundry list of officers who are recognized as law enforcement officers pursuant to state law. All Tribal law enforcement officers meet the same training and qualification standards applicable to all law enforcement officers. Most, if not all, of the PBPB Tribal law enforcement officers have experience as sheriff deputies or police officers prior to serving as Tribal law enforcement officers. Our former Chief of Police, Terry Scott, formerly served the State of Kansas as Assistant Superintendent of the Kansas Highway Patrol. Our current Chief, Sam Grant, was also employed by the Highway Patrol.

Currently, K.S.A. 22-2401a(3)(a)(I) provides that the insurance policy that the Tribes are required to maintain "shall be subject to verification by the attorney general". The PBPB obtained the insurance required by the statute, and the insurance was and is "subject to verification by the attorney general" at any time at our Tribal offices.

The amendments in SB 13 arise from a case where an individual was arrested for embezzlement and challenged his arrest on the basis that the tribe did not fulfill all of the terms of the statute. Although his assertions were incorrect, the issue was raised about how verification is made by the Attorney General. The Joint Committee on State-Tribal Relations addressed the issue during the 2005 Interim and concluded that the wording should be revised. After a meeting of many of the principals involved in the issue, we collectively concluded that the best way to protect the state's interest was to provide for the insurance company to notify the Attorney General when the policy is obtained and if the policy is limited or suspended for any reason, including non-payment of premiums. The bill as introduced by the Joint Committee was approved by the PBPB Tribal Council and the other tribes.

Despite no opposition to this bill, it did not pass in the 2006 legislative session. The Joint Committee on State-Tribal Relations again approved this bill for introduction this year, after extensive testimony regarding the success of the Tribal Law Enforcement law and the close working relationship between Tribal and other law enforcement officers. As a result of those discussions, the Joint Committee on State-Tribal Relations also unanimously amended the bill to strike the five-year sunset clause that was included in the original legislation.

SB 13 was amended by the Senate Federal and State Affairs Committee, and the PBPB supports those amendments as well, and we therefore urge this committee to approve SB 13 as amended by the Senate.

Thank you very much for permitting me to testify, and I will be happy to yield to questions

Federal and State Affairs

Attachment 2

Date 2-12-07