

Approved: April 4, 2003
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Bill Mason at 1:35 p.m. on March 20, 2003 in Room 313-S of the Capitol.

All members were present except: Representative John Edmonds
Representative Candy Ruff

Committee staff present: Russell Mills, Legislative Research Department
Mary Torrence, Office of Revisor of Statutes
Rose Marie Glatt, Committee Secretary

Conferees appearing before the committee:

Proponents: Lamar Shoemaker, Sheriff of Brown County
Ron Hein, Lobbyist for Prairie Band Potawatomi Nation
Terry Scott, Chief of Police for Prairie Band Potawatomi Nation

(written testimony only)

Senator Lana Oleen
Steve Jones, Chief of Police for Sac & Fox Nation
Tom Conklin, Chief of Police for Kickapoo Tribe
Jeff Frederick, Chief of Police for Iowa Tribe

Opponents: Representative Becky Hutchins
D. Durham, Sheriff of Jackson County

Others attending: See Attached

Representative Novascone introduced Marilyn and Molly Novascone, his mother and sister. Chairman Mason acknowledged his granddaughter, Martha Mason, who had spent the day at the Capitol.

SB 9 - Allows tribal law enforcement agencies and officers, when specifically requested to assist state, county, or city law enforcement agencies and officers, to be considered to be an officer of the agency being assisted. The tribal agency or officer would have the same powers, duties, and immunities of the state, county, or city agency during the period of time in which the tribal enforcement agency or officer is providing assistance.

Staff provided history and explanation of the bill. It was noted that there was language in the existing gaming compacts regarding the tribal law enforcement agencies. Staff answered questions regarding the differences in the 2002 bill and the new Senate bill and the definition of *coterminous*.

Lamar Shoemaker, Sheriff of Brown County, stated that although they were not opposed to **SB 9**, it does not address the problems of providing efficient law enforcement with limited fiscal realities or enhance the daily safety of communities (Attachment 1). He stated that there was a Judiciary Committee version that meets both those needs. It promotes protection for the citizens of Kansas by qualified law enforcement

officers without the cost to the counties for duplication of services.

Ron Hein, legislative counsel for Prairie Bank Potawatomi Nation, appeared in support of **SB 9** ([Attachment 2](#)). He reviewed past legislation relating to tribal law enforcement officers. He suggested that the potential liability of counties/state could be solved with an amendment to the original SB9. He stated that the current version of the bill does not solve the problems facing law enforcement officers and he requested the committee approve legislation which is more consistent with SB 9 as introduced.

Terry Scott, Chief of Police, Potawatomi Tribal Police stated that the matter before them was simple. That issue being, should the Tribal Police be permitted to take into custody, non-Indians who commit crimes on the Indian Reservations and “deliver them up” to the appropriate authorities having authority to prosecute? **SB 9** as it was originally proposed provides a viable solution to the problem of consistent law enforcement on Reservations ([Attachment 3](#)).

Representative Hutchins spoke in opposition to the original **SB 9** and **SB 9** as amended by the Senate Committee of the Whole. The bill now reflects the language of last session’s SB 74, which does address some of the concerns of potential liability for state and county governments ([Attachment 4](#)). However, the bill does not address the issue of land-into-trust decisions, and the possible unintended consequences of the bill. She provided three documents to support her concerns over this issue:

- Letter from Deputy Attorney General Julene Miller regarding impact of 2001 **SB 74**
- Notice of Appeal from the State of Kansas to put land into trust, from John Michael Hale, Special Assistant Attorney General for the Department of Revenue
- Arizona language to be used for an amendment to **SB 9**

She urged the committee not to recommend SB9 favorable passage until the land-into-trust is addressed.

Daina D. Durham, Sheriff of Jackson County explained why she was opposed to **SB 9** ([Attachment 5](#)). She explained three issues of concern in the bill; liability of the county and state for wrongful acts of tribal law enforcement officers, increase in court dockets for the 1st and 2nd Judicial Districts and the impact on counties with trust land eroding their tax base. She made four recommendations to the Legislation, offering solutions to her concerns.

It was noted that there were written remarks for **SB 9** from Senator Oleen, ([Attachment 6](#)). Due to time constraints supportive testimony was not heard but distributed from the following: Tom Conklin , Chief of Police for the Kickapoo Tribe in Kansas, ([Attachment 7](#)), Jeff Frederick, Chief of Police for Iowa Tribe, ([Attachment 8](#)), and Steve Jones, Chief of Police for Sac & Fox Nation ([Attachment 9](#)).

Discussion followed regarding the number of Tribal Law Enforcement Officers on four reservations and the impact of increased officers on jails, dockets and court costs, the intent of the bill and the effects of the land-into-trust issue, liability for the counties and state, expanding boundaries of Indian nation, and a comparison of jurisdiction of Tribal Law Enforcement Officers in Arizona and Kansas..

In response to a question regarding what other states are doing about this issue, staff agreed to deliver a copy of a 1999 survey that addressed that issue ([Attachment 10](#)).

The hearing was closed on **SB 9**. The meeting adjourned at 3:10 p.m. with the next meeting scheduled for March 24, 1:30 p.m., room 313-S at the Capitol.

CONTINUATION SHEET