

Approved: May 2, 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 April 3, 2003 in Room 313-S of the Capitol.

All members were present except: Representative Tom Burroughs

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

Conferees:

Proponents: Charley Laman, General Counsel, Kickapoo Native American Tribe
Ron Hein, General Counsel, for Prairie Band Potawatomi Nation

Others attending: See Attached

Representative Cox made the motion that the February 18th, March 18th, 19th, 20th, 24th, and 25th minutes be approved. Representative Wilson seconded the motion and the motion carried.

SB 9 - Native American tribal law enforcement officers: jurisdiction

The Chairman called attention to a letter from Attorney General Phill Kline, regarding what affect **SB 9** had on the ability of tribes to successfully have land taken into trust (Attachment 1).

Staff explained the proposed substitute bill for **SB 9** (Attachment 2).

In response to a question, Representative Hutchins gave an explanation of the bill, citing increased costs and expenses, due to additional court cases and an anticipated increase in jail usage, for which counties will be responsible.

Discussion followed regarding where defendants would appear for court cases. Charles Laman, General Counsel for the Kickapoo Native American Tribe clarified that the statute a person is arrested under, determines the court, the crime dictates the court. He explained the current system is very ineffective and gave examples of the lengthy processes required of the officers. He clarified other points in the bill.

Representative Hutchins made a motion to table **SB 9**. Representative Edmonds seconded the motion and the motion failed 9-11.

Representative Novascone made a motion to amend the proposed substitute into **SB 9**. Representative Rehorn seconded. The motion carried.

Representatives for the tribes answered questions regarding the genesis of the substitute bill, jail facilities on the reservation, practices used in other states and taxes paid by the Native Americans. Police officers and representatives of the Pottawatomie, Kickapoo, Sac and Fox, and Iowa Tribes rose in support of the substitute bill.

The original motion to amend proposed substitute bill into **SB 9** carried.

Representative Rehorn moved that they recommend **SB 9**, as amended, favorable for passage. The motion was seconded by Representative Loganbill.

Representative Hutchins made a substitute motion to amend **SB 9** to strike the words *territorial boundaries* and insert *exterior limits*, page 1, section 3. The motion passed 11-9.

Representative Hutchins made a motion to amend **SB 9** to strike the word *territorial* and insert *exterior* on page 2, section (d) Representative Freeborn seconded. The motion carried 11-9.

Representative Hutchins made a motion to amend **SB 9** on page 5, to strike the second part of (e), starting with Indian Country, in order to keep the language consistent, throughout the bill. Representative Freeborn seconded. The motion carried 11-8.

Representative Hutchins made a conceptional motion that if upon implementation of this legislation the county courts or the jail do incur additional costs, the tribes would agree to fund any additional costs to the courts or jails. Representative Edmonds seconded the motion. The motion failed 8-10.

Representative Novascone called for the question. Representative Wilson seconded.

Representative Edmonds made a substitute motion to report the bill adversely. The motion was seconded and the motion failed 8-12.

The motion was made to move **SB 9**, as amended, out favorably. The motion carried 12-9, with Representative Hutchins voting no and Representative Loganbill voting yes.

The meeting adjourned at 2:40 p.m. No future meetings planned this session.

CONTINUATION SHEET