

2021 HOUSE JUDICIARY

HB 1428

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1428

2/1/2021 AM

Relating to agents authorized by the attorney general

Chairman Klemin called the hearing to order at 9:30 AM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Attorney general representation
- Task forces
- Sharing cost of proposed agent position

Rep. Louser: Introduced the bill. 9:34

Lonnie Grabowska: Director of ND BCI, Drug Taskforce: testified in favor.

Additional written testimony: #4300

Chairman Klemin recessed 9:58 AM.

DeLores D. Shimek
Committee Clerk by Anna Fiest

Sixty-seventh
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1428

Introduced by

Representatives Louser, D. Johnson, J. Nelson

Senators Kannianen, Marcellais

- 1 A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota
2 Century Code, relating to agents authorized by the attorney general.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

- 4 **SECTION 1.** A new section to chapter 54-12 of the North Dakota Century Code is created
5 and enacted as follows:

6 **Attorney general state narcotics task force - Rolette County.**

- 7 The attorney general shall establish a state narcotics task force and assign a criminal and
8 narcotics investigator to Rolette County to identify, disrupt, and dismantle drug trafficking
9 organizations impacting the area in and around Rolette County and the Turtle Mountain
10 Reservation. The agent shall serve as the coordinator of the state narcotics task force and
11 oversee all operations regarding the targeting of illegal drug activity in the surrounding area.
12 The task force must include participatory law enforcement agencies and representation from the
13 Turtle Mountain Band of Chippewa Indians through a memorandum of understanding with the
14 governing body of the Turtle Mountain Band of Chippewa Indians.

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1428

2/1/2021 PM

Relating to agents authorized by the attorney general

Chairman Klemin reopened hearing at 2:44 PM.

Present: Representatives Klemin, Karls, Becker, Buffalo, Christensen, Cory, K Hanson, Jones, Magrum, Paulson, Paur, Roers Jones, Satrom, and Vetter.

Discussion Topics:

- Drug trafficking on Tribal lands
- Tribal/ State Joint Task force

Jamie Azure, Turtle Mountain Bank of Chippewa. Testimony # 4539.

Do Pass Motion and Rerefer to Appropriations made by **Rep. Roers Jones**; Seconded by

Rep. Satrom Roll Call Vote:

Representatives	Vote
Representative Lawrence R. Klemin	Y
Representative Karen Karls	Y
Representative Rick Becker	N
Representative Ruth Buffalo	Y
Representative Cole Christensen	N
Representative Claire Cory	Y
Representative Karla Rose Hanson	Y
Representative Terry B. Jones	Y
Representative Jeffery J. Magrum	A
Representative Bob Paulson	Y
Representative Gary Paur	N
Representative Shannon Roers Jones	Y
Representative Bernie Satrom	Y
Representative Steve Vetter	Y

Motion carried 10-3-1. **Rep. Karls** will carry the bill.

Chairman Klemin hearing will be closed at 2:53

DeLores D. Shimek
Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1428: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1428 was rereferred to the **Appropriations Committee**.

Testimony of Jamie S. Azure
Turtle Mountain Band of Chippewa Tribal Chairman
February 1, 2021

Chairman Klemin, members of the Judiciary Committee, my name is Jamie S. Azure and I have the honor of representing the Turtle Mountain Band of Chippewa as Tribal Chairman. I've testified before the Tax Committee on September 4, 2020 and addressed the need for a drug task force and BCI office in Rolette County. There is an intricate web of the drug trafficking that happens on and around our Tribal lands. The State recently witnessed the result of an operation that involved individuals from Detroit and Kentucky operating within three Tribal reservations including the Turtle Mountain reservation in **Operation Blue Prairie**. Those individuals brought illegal opioids from Detroit by automobile and took up residence with Turtle Mountain members and dealt these illegal narcotics from within our local neighborhoods.

Please understand the sophistication of these operations. These criminals use trains, buses, and automobiles to bring poison into our area. In order to evade County Law Enforcement, these drug dealers will integrate themselves within our community with knowledge that BIA, Tribal, and County Law Enforcement will find the jurisdiction maze too complicated. They have trained criminally minded individuals within our community to utilize social media communication to avoid our Courts obtaining search warrants. Our Court issues FaceBook search warrants and FaceBook, routinely, denies them because our court is not a Federal Court. This hurdle can be addressed with a local task force that can collect intelligence through the appropriate channels.

As some of you may be aware, my office has been diligently seeking a Joint Task force to assist the area since the fall of 2019. Our general hope was quashed when we could not muster enough man-power to coordinate with the FBI, BIA, BCI, the Rolette County Sheriff's

Department and Tribal Law Enforcement. However, the Tribe does have a strong working relationship with Rolette County law enforcement. Presently we provide support and they provide support to our forces. To ensure Rolette County had the necessary forces, Sheriff Gustafson deputized all of our BIA and tribal law enforcement to provide necessary coverage during this present pandemic.

Please be aware that a related bill is before the Senate which will grant ND Post Board commissioned tribal law enforcement the authority to aide Rolette County when called upon. It has already passed the House. Presently, Tribal Law enforcement authority stops at the reservation line. Please note that Tribal Law Enforcement attend the sixteen-week Indian Police Academy in Artesia, New Mexico. Once qualified and completed they must maintain their certifications with annual training for 40 hours of classroom work and twice annual firearms certification.

In the past six weeks BIA OJS has provide my office with the statistics for law enforcement calls. A total of 903 calls for service in those six weeks. There were 10 drug calls and 84 property crimes reported. We have learned that most of the property crimes are drug related. Unfortunately, we have also learned that many of the sex crimes are drug related. Please note that our law enforcement is operating at 68% capacity with five (5) vacant positions. This stretches our officers thin, also causing stress and burn out. Coupled with this burden these drug problems have dramatically increased the burden on our child protection system. We estimate that 75 % of the 432 children we had in foster care in August, were in and out of home placements due to parental or other guardian drug use.

In order to stop the delivery of drugs to the community we are requesting the opportunity for a Tribal/State joint task force that will assist in reducing the drugs within our Tribal lands and

surrounding communities. We are working diligently to provide recovery programs for our people, but are short on the person power to conduct operations for drug interdiction. The present BIA officer who provides drug interdiction serves 3-4 reservations, is based out of Rapid City and relies on FBI and BCI for intelligence. The area needs more resources.

We appreciate the work and change in law associated with BIA law enforcement, which allows the department to be treated as a regular federal officer. This has assisted in providing law and order. In the last week, the BIA -OJS has advised that they would like some changes in proposed mutual aid agreement with Rolette County. Unfortunately, we have been waiting for a BIA Solicitor to provide those changes since July of 2018. Please note that many County Law Enforcement are Tribal Members, we are a mutually supportive community with Rolette County and work to support each other with services and economic support.

We are working towards another mutual aid agreement with ND Highway patrol but are waiting for a draft back from the ND Attorney General's Office. As you know we have been working tireless for improvements to the community, we would appreciate this support from the State to the area.

The Turtle Mountain Band of Chippewa has taken the initiative in recent years. Our Tribe has invested in ourselves with the announcements of a Tribal Recovery Center, supplying the funds for night differential/overtime for our Tribal Law enforcement, the announcement of a new detention center breaking ground this spring, and even passing Tribal Law instructing the Dept. of Justice that our Tribe will not allow our officers to be detailed out. Many of these initiatives and more are done on already stretched thin Tribal budgets from our general accounts as we all recover from a Global Pandemic that has affected us all. I look forward to a True Partnership as we progress into 2021 and make an impact into these issues that face us all. Thank You.

2021 HOUSE APPROPRIATIONS

HB 1428

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1428
2/12/2021

Relating to agents authorized by the attorney general.
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10:08 Chairman Delzer- Opens the meeting for HB 1428

Attendance	P/A
Representative Jeff Delzer	P
Representative Keith Kempenich	A
Representative Bert Anderson	P
Representative Larry Bellew	P
Representative Tracy Boe	P
Representative Mike Brandenburg	P
Representative Michael Howe	P
Representative Gary Kreidt	A
Representative Bob Martinson	P
Representative Lisa Meier	P
Representative Alisa Mitskog	P
Representative Corey Mock	P
Representative David Monson	P
Representative Mike Nathe	P
Representative Jon O. Nelson	P
Representative Mark Sanford	P
Representative Mike Schatz	P
Representative Jim Schmidt	P
Representative Randy A. Schobinger	P
Representative Michelle Strinden	P
Representative Don Vigesaa	P

Discussion Topics:

- Task Force on the Turtle Mountain Reservation
- Criminal Investigator
- 1 FTE

10:08 Representative Klemin- Introduces the bill and testifies in favor

Additional written testimony: No written testimony

10:11 Chairman Delzer- Closes the meeting for HB 1428

Risa Berube, House Appropriations Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1428
2/16/2021

Relating to agents authorized by the attorney general.
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11:33 Chairman Delzer- Opens the meeting for HB 1428;

Attendance	P/A
Representative Jeff Delzer	P
Representative Keith Kempenich	P
Representative Bert Anderson	P
Representative Larry Bellew	P
Representative Tracy Boe	P
Representative Mike Brandenburg	P
Representative Michael Howe	P
Representative Gary Kreidt	P
Representative Bob Martinson	P
Representative Lisa Meier	P
Representative Alisa Mitskog	P
Representative Corey Mock	P
Representative David Monson	P
Representative Mike Nathe	P
Representative Jon O. Nelson	P
Representative Mark Sanford	P
Representative Mike Schatz	P
Representative Jim Schmidt	P
Representative Randy A. Schobinger	P
Representative Michelle Strinden	P
Representative Don Vigesaa	P

Discussion Topics:

- State narcotics task force
- Regional Agents

11:34 Chairman Delzer- Explains the bill, suggests it gets moved into the Attorney General's Budget

Committee discussion

Additional written testimony: No Written Testimony

11:43 Chairman Delzer – Closes the meeting for HB 1428

Risa Berube, House Appropriations Committee Clerk

2021 HOUSE STANDING COMMITTEE MINUTES

Appropriations Committee Brynhild Haugland Room, State Capitol

HB 1428
2/18/2021

A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to agents authorized by the attorney general.

11:39 Chairman Delzer- Opened the meeting for HB 1428;

Attendance	P/A
Representative Jeff Delzer	P
Representative Keith Kempenich	P
Representative Bert Anderson	P
Representative Larry Bellew	P
Representative Tracy Boe	P
Representative Mike Brandenburg	P
Representative Michael Howe	P
Representative Gary Kreidt	P
Representative Bob Martinson	P
Representative Lisa Meier	A
Representative Alisa Mitskog	P
Representative Corey Mock	A
Representative David Monson	P
Representative Mike Nathe	P
Representative Jon O. Nelson	P
Representative Mark Sanford	P
Representative Mike Schatz	P
Representative Jim Schmidt	P
Representative Randy A. Schobinger	A
Representative Michelle Strinden	P
Representative Don Vigesaa	P

Discussion Topics:

- Attorney general opposition to this bill

11:40 Representative Vigesaa Do Not Pass

Representative Kempenich Second

Further discussion

11:41 Roll Call Vote was taken;

Representatives	Vote
Representative Jeff Delzer	Y
Representative Keith Kempenich	Y
Representative Bert Anderson	Y
Representative Larry Bellew	Y
Representative Tracy Boe	N
Representative Mike Brandenburg	Y
Representative Michael Howe	Y
Representative Gary Kreidt	Y
Representative Bob Martinson	Y
Representative Lisa Meier	A
Representative Alisa Mitskog	Y
Representative Corey Mock	A
Representative David Monson	Y
Representative Mike Nathe	Y
Representative Jon O. Nelson	N
Representative Mark Sanford	Y
Representative Mike Schatz	Y
Representative Jim Schmidt	Y
Representative Randy A. Schobinger	A
Representative Michelle Strinden	Y
Representative Don Vigesaa	Y

Motion Carries 16-2-3 Representative Kempenich will carry the bill

Additional written testimony: No written testimony

Chairman Delzer- Closes the meeting for HB 1428

Risa Berube,

House Appropriations Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1428: Appropriations Committee (Rep. Delzer, Chairman) recommends **DO NOT PASS** (16 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). HB 1428 was placed on the Eleventh order on the calendar.