

2021 HOUSE JUDICIARY

HB 1126

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1126 AM

1/18/2021

Relating to tribal police officers; and to declare an emergency.

Chairman Klemin called the hearing to order at 10:25 AM.

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

Discussion Topics:

- Tribal police officer assistance
- Tribal police officer education
- Emergency situations

Rep. Roers Jones: Introduced the bill.

Jenna Clawson Huibregtse, Trooper for ND Highway Patrol: Oral testimony #1005

Alysia LcCounte, General Counsel for Turtle Mountain Chippewa Indians: Oral testimony #1098

Kyle Iron Lightening, Judicial Systems Administrator for the office of the ND Indian Affairs Commission, presented testimony for **Scott Davis, Executive Director of Indian Affairs:** #1181

Chairman Klemin closed the hearing at 10:49 AM.

DeLores D. Shimek
Committee Clerk

Testimony of Trooper Jenna Clawson Huibregtse, North Dakota Highway Patrol

Hearing Related to Tribal Police Officers

House Bill No. 1126

House Judiciary Committee

Chairman, Representative Lawrence R. Klemin

North Dakota State Capitol, Bismarck ND

January 17, 2021 – 10:00AM

Chairman Klemin and members of the Committee,

I appreciate the opportunity to speak with you today. My name is Jenna Clawson Huibregtse. I am proud to serve the state as a Trooper in the North Dakota Highway Patrol and I serve as the department's Cultural Liaison Officer. I am here today on behalf of my agency to provide testimony in support of House Bill 1126.

In my career I have worked as a patrol trooper and at Highway Patrol headquarters. In my time with the Highway Patrol I have worked with multiple local, state, tribal, and federal agencies. Often law enforcement needs to call on other agencies for assistance or to work in collaboration for public safety. In a rural state like North Dakota, law enforcement must be able to call on neighboring agencies for assistance when the closest backup may be over an hour away. Uniformed officers, including tribal police officers, have served in this function in support of our agency on multiple occasions. However, a lack of clarified language in North Dakota Century Code can hinder the ability for agency-to-agency assistance.

While on routine patrol, uniformed officers including the Highway Patrol, Sheriff's Office, and Tribal police officers, encounter situations where they are required to act in order to preserve public safety and the security of North Dakota citizens. The changes outlined in House Bill 1126 will update the North Dakota Century Code and clarify the authority of tribal police officers to assist local law enforcement officers and respond to emergencies on and near the exterior boundaries of tribal lands.

This bill does not expand arrest authority, instead it ensures our tribal law enforcement partners are covered in the event of an emergency or when a request for assistance is broadcast by another officer.

North Dakota shares geography with 5 tribal nations. At tribal nations, there are approximately 30 tribal police officers working who call North Dakota home. Making these changes to Century Code will allow law enforcement in different jurisdictional boundaries to more seamlessly assist one another in times of need and respond to emergencies. These additions will also assist in tribal and state relationships and collaborative law enforcement efforts. This bill clarifies authority while respecting jurisdictional boundaries.

HB 1126 is good for law enforcement and most importantly good for public safety and North Dakota citizens.

This concludes my testimony and I am happy to answer any questions.

Thank you, Chairman and members of the Committee.

Testimony of Alysia LaCounte

General Counsel for the Turtle Mountain Band of Chippewa Indians

HB 1126

January 18, 2021

Thank you for this opportunity to submit testimony. I provide this testimony in support of HB1126. In my work for the Tribe, I coordinate and negotiate agreements with State and County agencies. The Turtle Mountain Band of Chippewa has in the works two mutual aid agreements one with Rolette County and another with North Dakota State Highway Patrol. These mutual aid agreements are to provide direct services to the people. In order, that Tribal Law Enforcement commissioned by the Tribe and serving under BIA Office of Justice Services, are appropriately indemnified by BIA, this legislation is necessary.

Presently, Tribal Law Enforcement can only assist on the reservation. When the County has an event, like a high-speed chase, Tribal Law Enforcement cannot assist in the pursuit or the attempts to contain the eluder on the reservation. This law will allow these highly trained officers to assist State and County officers in their work. As you know in law enforcement assistance and crisis can arise within seconds. This law provides peace of mind for the officers and the citizens in the area.

Tribal Police Officers
House Bill No. 1226
House Judiciary Committee
Chairman, Representative Lawrence R. Klemin
North Dakota State Capitol, Bismarck ND
January 14, 2021

Presented by Scott J. Davis, Executive Director, North Dakota Indian Affairs Commission

Good morning Chairman Klemin and members of the Committee. My name is Scott Davis, Executive Director of the North Dakota Indian Affairs Commission. I am here today on behalf of my agency to provide testimony in support of House Bill 1126.

Entering my 12 year as Executive Director, my office has worked tirelessly in facilitating conversation, meetings and Memorandums of Agreements between Tribal, State, Local and Federal law enforcement agencies in promoting public safety. Although these efforts take time, understanding and trust we have been very successful in recognizing that a majority of law enforcement agencies are open to help, assistance and aide when called upon.

Obviously, I am not an officer, but my experience working directly with law enforcement agencies has shown me that often law enforcement needs to call on other agencies for assistance or to work in collaboration for public safety. In a rural state like North Dakota, law enforcement must be able to call on neighboring agencies for assistance when the closest backup may be over an hour away. Uniformed officers, including tribal police officers, have served in this function in support of our agency on multiple occasions. However, a lack of clarified language in North Dakota Century Code can hinder the ability for agency-to-agency assistance.

My experience has also shown me and have witnessed officers encounter situations where they are required to act in order to preserve public safety and the security of North Dakota citizens. The changes outlined in House Bill 1126 will update the North Dakota Century Code and clarify the authority of tribal police officers, if Tribal Governments so choose, to assist local law enforcement officers and respond to emergencies on and near the exterior boundaries of tribal lands.

This bill does not expand arrest authority, or impede on Tribal or State sovereignty, instead, it ensures our tribal law enforcement partners are covered in the event of an emergency or when a request for assistance is broadcast by another officer.

North Dakota shares geography with 5 tribal nations. Making these changes to Century Code will allow law enforcement in different jurisdictional boundaries to more seamlessly assist one another in times of need. These additions to century code will also assist in tribal and state relationships and collaborative law enforcement efforts. This bill clarifies authority while respecting jurisdictional boundaries.

This bill is good for law enforcement and most importantly good for public safety and North Dakota and Tribal Citizens.

This concludes my testimony and I am happy to answer any questions.

Thank you.

2021 HOUSE STANDING COMMITTEE MINUTES

Judiciary

Room JW327B, State Capitol

HB 1126 PM

1/18/2021

Relating to tribal police officers; and to declare an emergency.

Chairman Klemin called the hearing to order at 2:21 PM.

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

Discussion Topics:

- Committee Work

Rep. T. Jones motioned Do Pass

Rep. Satrom seconded.

Roll Call Vote:

Representatives	Vote
Chairman Klemin	Y
Vice Chairman Karls	Y
Rep Becker	A
Rep. Christensen	N
Rep. Cory	Y
Rep T. Jones	Y
Rep Magrum	N
Rep Paulson	Y
Rep Paur	Y
Rep Roers Jones	Y
Rep B. Satrom	Y
Rep Vetter	Y
Rep Buffalo	A
Rep K. Hanson	Y

Motion carried. 10-2-2

Rep. T. Jones is carrier.

Chairman Klemin closed the hearing at 2:27 PM.

DeLores D. Shimek
Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1126: Judiciary Committee (Rep. Klemin, Chairman) recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1126 was placed on the Eleventh order on the calendar.

2021 SENATE JUDICIARY

HB 1126

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

HB 1126
3/3/2021

A BILL for an Act to amend and reenact section 12-63-02.2 of the North Dakota Century Code, relating to tribal police officers; and to declare an emergency

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson.** [9:32]

Discussion Topics:

- Jurisdiction off the reservation
- Post Board Requirements for active Law Enforcement Officers

Rep. Shannon Roers Jones Provided Testimony in Favor [9:32]

Sergeant Jenna Clawson, ND Highway Patrol Provided Testimony in Favor #7147 [9:43]

Commissionaire Scott Davis, Department of Indian Affairs Provided Testimony in Favor #7235 [9:56]

Alysia LaCounte, General Counsel, Turtle Mountain Band of Chippewa #7188 [10:00]

Senator Myrdal moved a DO PASS

Senator Luick seconded

Vote Passed 7-0-0

Senator Myrdal carried the bill

DO PASS VOTE ON HB 1126	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Hearing Adjourned [10:06]

Jamal Omar, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1126: Judiciary Committee (Sen. Larson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was placed on the Fourteenth order on the calendar.

Testimony of Sergeant Jenna Clawson Huibregtse, North Dakota Highway Patrol

Hearing Related to Tribal Police Officers

House Bill No. 1126

House Judiciary Committee

Chair, Senator Diane Larson

North Dakota State Capitol, Bismarck ND

March 3, 2021 – 09:30AM

Chair Larson and members of the Committee,

I appreciate the opportunity to speak with you today. My name is Jenna Clawson Huibregtse. I am proud to serve the state as a Sergeant in the North Dakota Highway Patrol and I serve as the department's Cultural Liaison Officer. I am here today on behalf of my agency to provide testimony in support of House Bill 1126.

Throughout my career I have worked as a patrol trooper and at Highway Patrol headquarters. In my time with the Highway Patrol I have worked with multiple local, state, tribal, and federal agencies. Often times law enforcement needs to call on other agencies for assistance or to work in collaboration for public safety. In a rural state like North Dakota, law enforcement must be able to call on neighboring agencies for assistance when the closest backup may be over an hour away. Uniformed officers, including tribal police officers, have served in this function in support of our agency on multiple occasions. However, a lack of clarified language in North Dakota Century Code can hinder the ability for agency-to-agency assistance.

While on routine patrol, uniformed officers including the Highway Patrol, Sheriff's Office, and Tribal police officers, encounter situations where they are required to act in order to preserve public safety and the security of North Dakota citizens. The changes outlined in House Bill 1126 will update the North Dakota Century Code and clarify the authority of tribal police officers to assist local law enforcement officers and respond to emergencies on and near the exterior boundaries of tribal lands.

This bill does not expand arrest authority, instead it ensures our tribal law enforcement partners are covered in the event of an emergency or when a request for assistance is broadcast by another officer.

North Dakota shares geography with five tribal nations. In the tribal nations, there are approximately 30 tribal police officers working who call North Dakota home. Making these changes to Century Code will allow law enforcement in different jurisdictional boundaries to more seamlessly assist one another in times of need and respond to emergencies. These additions will also assist in tribal and state relationships and collaborative law enforcement efforts. This bill clarifies authority while respecting jurisdictional boundaries.

HB 1126 is good for law enforcement and most importantly good for public safety and North Dakota citizens.

This concludes my testimony and I am happy to answer any questions.

Thank you, Chair and members of the Committee.

Tribal Police
Officers House Bill
No. 1126
Senate Judiciary
Committee Senator
Diane Larson, Chair
North Dakota State Capitol,
Bismarck, ND
March 3, 2021

Presented by Scott J. Davis, Executive Director, North Dakota Indian Affairs
Commission

Good morning Madam Chair and members of the Committee. My name is Scott Davis, Executive Director of the North Dakota Indian Affairs Commission. I am here today in support of House Bill 1126.

Over the last 12 years, the Indian Affairs Commission has worked diligently to facilitate conversations, meetings and Memorandums of Agreements between Local, Tribal, State and Federal law enforcement agencies in the interest of promoting public safety. These efforts have been very successful.

In a rural state like North Dakota, there are times when local law enforcement officers must depend upon the assistance of a neighboring jurisdiction when the closest backup is not available. Uniformed officers, including tribal police officers, have served in this function on multiple occasions. However, the lack of clarity in the North Dakota Century Code has hindered this agency-to-agency assistance.

The changes outlined in House Bill 1126 do not expand arrest authority, or impact State or Tribal jurisdiction. Instead, this bill clarifies the authority of tribal police officers from the five Tribal nations existing within North Dakota's borders, to partner with local law enforcement officers, to assist and provide mutual aid in the event of an emergency.

The changes proposed in this bill will strengthen tribal and state relationships and collaborative law enforcement efforts.

This concludes my testimony and I am happy to answer any questions.

Senate Judiciary Committee

March 3, 2021

Testimony of Alysia LaCounte.

Chairwoman Larson, members of the Judiciary Committee, thank you for the opportunity to provide testimony on House Bill 1126. My name is Alysia LaCounte. I serve as General Counsel to the Turtle Mountain Band of Chippewa Indians. I am a member of the Tribe and reside on the reservation. We request passage of House Bill 1126.

The Turtle Mountain Band of Chippewa Indians 6 x 12 mile reservation sits in the middle of Rolette County. The 6 x 12 mile reservation is littered with some State fee title land creating a checkerboard of jurisdiction. We have both BIA-Office of Justice Services police officers and tribal police officers. These officers perform primary enforcement of tribal laws and federal Major Crimes Act and Assimilative Crimes Act for the Community. The Roads within the 6 x 12 mile reservation are BIA, State, and County maintained.

The Tribe has negotiated a number of mutual aid agreements in order to appropriately serve the community's law enforcement needs. Our mutual aid agreement with Rolette County and the City of Rolla are designed to ensure the closest officer to the call is able to respond. It is additionally designed to allow the numerous police forces to provide back-up for situations as necessary to protect the public and the police forces.

As you are hopefully aware, tribal police officer's authority stops at the reservation line. They have no authority to assert force off reservation or on fee land. This void affects numerous aspects of law enforcement. One way it affects enforcement activities is in high-speed pursuits. I have reviewed many a police report wherein the tribal officers are on the radio conferring with County dispatch requesting permission to continue as they drive through the reservation on BIA roads to Rolette County Roads to BIA Roads and then to State Roads.

This legislation would alleviate the need for the officer's to continue with this process. This legislation would also serve to provide the officer's with liability coverage for acting within the scope of their authority.

We have additionally commenced negotiation with the North Dakota State Patrol. With the recent North Dakota Supreme Court decision in *State v. Olson*, State of North Dakota licensed police officers can no longer detain Indians within the reservation boundaries once the Indian is identified as Indian. The converse applies to Tribal Police Officers. They can no longer detain non-Indians with Indian Country once the individual is identified as non-Indian. Because of the fluid nature of our society, the practical effect of this on law enforcement is untenable.

This proposed legislation would allow for tribal police officers to provide enforcement of State Law within Indian Country which would then be prosecuted by the State of North Dakota. A true partnership. Our mutual aid agreements would provide State Credentialed Officers to enforce against Indians.

Please understand that Tribal Police attend either the Indian Police Academy in Artesia, New Mexico or the Federal Law Enforcement Training Center in Georgia where they receive 16 Tribal Police Officers attend 16 weeks of police training at either at the Indian Police Academy in Artesia, New Mexico or the FLETC Academy in Brunswick, Georgia. Each officer is required to maintain 40 credits of training annually with firearms certifications twice annually to maintain their credentials.

Rolette County's law enforcement and the City of Rolla's law enforcement is significantly integrated with both Tribal members and non-Indians. The Law Enforcement in the area act as partners to ensure the safety of all. For the safety of the whole the Turtle Mountain Band of Chippewa Indians request passage of House Bill 1126.