

**2021 HOUSE JUDICIARY**

**HCR 3045**

# 2021 HOUSE STANDING COMMITTEE MINUTES

## Judiciary

Room JW327B, State Capitol

HCR 3045

3/8/2021

Studying the prevalence of bias-motivated crimes committed in North Dakota on the basis of actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry

**Chairman Klemin** called the hearing to order at 11:00 AM.

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

### **Discussion Topics:**

- Law enforcement training
- Diversity

**Rep. Ruth Buffalo:** Introduced the bill. Testimony #7882

**Brandi Hardy, ND Human Rights Coalition:** Testimony #7735 11:03

**Cynthia Monteau, Behalf of Chairman Fox, MHA Nation:** Testimony #7887

**Chairman Klemin** closed the hearing at 11:19

**Rep. Roers Jones:** Do Pass Motion

**Rep. Buffalo:** Seconded

Roll call vote:

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

**7-6-1 Motion Passed Carrier Rep. R. Buffalo**

**Additional written testimony:** 7654, 7713, 7744, 7777

Stopped 11:21

DeLores D. Shimek  
Committee Clerk

**REPORT OF STANDING COMMITTEE**

**HCR 3045: Judiciary Committee (Rep. Klemin, Chairman)** recommends **DO PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HCR 3045 was placed on the Eleventh order on the calendar.

March 8, 2021



# North Dakota House of Representatives

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Representative  
Ruth Buffalo  
District 27  
P.O. Box 9763  
Fargo, ND 58106-9763  
C: 701-491-8175  
rbuffalo@nd.gov

Committees:  
Agriculture  
Industry

Chairman Klemin and Members of the House Judiciary Committee,

Good afternoon, for the record my name is Ruth Buffalo and I represent the people of District 27 in south Fargo.

The intent of this study resolution is to add to the body of knowledge and work put forth by our great state of North Dakota with regards to bias crimes.

North Dakota is known for being a leader throughout the country in many areas, this study will provide an opportunity for us to lead the way once again.

I am hopeful this study resolution when completed will provide recommendations for improving overall population health.

- What are the limitations in data collection?
- How do we be more effective?
- How do we document, reflect, and evaluate these processes?
- How do we improve moving forward?

This study will ensure accurate data collection which will help us share how well we are doing as a state and help us find solutions.

Please give HCR 3045 a do pass recommendation.

Mr. Chairman and Members of the House Judiciary Committee, this concludes my testimony, I am happy to stand for questions. Thank you.

**Brandi Hardy**  
**Legislative Coordinator**  
**NDHRC**  
**March 8th, 2021**

**RE: Testimony in Support of HCR 3045**

Greetings Chairman Klemin and members of the Committee,

I am Brandi Hardy, the Legislative Coordinator for the North Dakota Human Rights Coalition.

I am here in support of House Concurrent Resolution 3045. A study of bias-motivated crimes committed in North Dakota on the basis of actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry.

As you recall, before crossover this committee heard of HB 1443, a comprehensive, fully-inclusive bias crime protections to North Dakota law. During this hearing there was discussion and debate on the need for this type of law. In HCR 3045, sentences 5 - 15, address the concerns that were brought up at the previous hearing.

I want to restate a few points I made at the previous hearing to emphasize the necessity of this study. When we look at 2015 NCVS, which is the most recent data available, we see the national average being closer to 70 crimes per 100,000 persons over the age of 12. By using this data, ND could have expected approximately 446 hate crime cases in 2019, yet only 18 were reported. Meaning, the national estimate is about 29 times higher than reported cases in ND.

Currently, there is no standardized, mandated training for peace officers, on bias-motivated training. This means, peace officers in Fargo are receiving training that is different than peace officers in Mohall. When it comes to bias-motivated or hate crimes, law enforcement agencies should have the same standardized training and reporting expectations across the state.

House Concurrent Resolution will give us an accurate account on the training, responding, and reporting happening within all 109 law enforcement agencies in North Dakota. A thoughtful study, such as the one outlined in this resolution, will help our peace officers receive the proper training that establishes the framework from subjective reporting to objective reporting.

All North Dakota citizens should feel safe in our state, no matter their actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry. I urge the committee to vote DO PASS on House Concurrent Resolution 3045.

Thank you for your time. I stand for questions.

Brandi Hardy  
Legislative Coordinator  
[brandihardy60@gmail.com](mailto:brandihardy60@gmail.com)



## **MANDAN, HIDATSA & ARIKARA NATION**

Three Affiliated Tribes \* Fort Berthold Indian Reservation  
404 Frontage Road New Town, ND 58763  
Tribal Business Council

Office of the Chairman  
Mark N. Fox

### **HOUSE CONCURRENT RESOLUTION 3045 HOUSE JUDICIARY COMMITTEE MARCH 8, 2021**

#### **TESTIMONY OF MARK FOX, CHAIRMAN MANDAN, HIDATSA AND ARIKARA NATION**

Mr. Chairman and members of the Committee, my name is Mark Fox, I am the Chairman of the Mandan, Hidatsa and Arikara Nation (MHA Nation). The MHA Nation is a proponent of House Concurrent Resolution 3045 (HCR 3045), a concurrent resolution that directs the Legislative Management to consider studying the prevalence of bias-motivated crimes committed in North Dakota on the basis of actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin or ancestry.

The MHA Nation is one of five tribal governments in the state. We recognize that historically and dramatically these problems exist regarding crime, and they are no small matter. Communication is key and a study that facilitates our governments working together will go a long way in addressing bias-motivated crimes in North Dakota.

The MHA Nation recognizes the importance and need for Legislative Management to conduct a study on bias-motivated crimes in North Dakota and we urge a Do Pass of HCR 3045. Thank you, Mr. Chairman.

Dear Committee,

I and many others I know in the queer community moved out of North Dakota due to fear. As a queer woman I was afraid to be assaulted or harassed or worse. I lived in fear when I lived in this state. I stopped going out at night, I never talked about my partner at work, and had to constantly think about how safe I was in any given situation. This is what many marginalized folk around the nation think about when they consider jobs in this area.

I was afraid if the worse were to happen it wouldn't be treated seriously. I was born in ND, I consider ND my home state, I consider myself a North Dakotan, but I'm living in Minnesota because here I'm protected and feel safe. It feels similar to the security health insurance gives you, knowing that health issues will still come up, but at least there is a net designed to protect me if it does.

I strongly urge you to vote "DO PASS" and send a strong message that our state makes a stand against prejudice, bias, and/or hate crimes by looking at the data and moving forward with progress.

Thank you for your consideration,  
Faye Seidler



North Dakota House Judiciary Committee  
Public Hearing on March 8, 2021  
HCR 3045

Chairman Klemin and Committee Members,

Thank you for your time and dedication in reviewing HCR 3045 to study the prevalence of bias-motivated crimes committed in North Dakota on the basis of actual or perceived race, color, religion, gender, disability, sexual orientation, gender identity, national origin, or ancestry. I strongly encourage a DO PASS and Yes vote on HCR 3045.

As a local church pastor in Bismarck, ND, I have spoken with numerous people who have experienced discrimination on the basis of race, color, religion, gender, disability, sexual orientation, gender identity, national origin, and ancestry. I list all of the categories mentioned, because I have served individuals who have experienced discrimination in each of these areas in Bismarck. I typically serve individuals and families who have experienced employment, housing, or non-criminal discrimination and do not have as much experience with individuals and families who have been the victims of crimes. However, based on the prevalence of non-criminal discrimination in North Dakota, most of which has gone largely unrecorded by the state of ND, it is reasonable to assume that a significant percentage of crimes committed are bias-motivated. We, as a state, would be well served to know the extent of bias-motivated crimes so that we can directly and most appropriately address the issue. Avoiding or refusing to know the motivations behind crimes prevents our communities from reducing criminal activity to the full extent possible and creating healthier cities and towns.

I strongly request a DO PASS on HCR 3045.

Thank you,  
Rev. Gretchen Deeg  
Bismarck, ND

There has been good judicial effectiveness by having separate departments for decades. Allowing one person, or department, complete control over ANYTHING is problematic. Leave Fish and Game separate from other enforcement in the state. Allow each department to enforce the laws best understood, by each department and region.

A bias incident is an action taken against people or property that does not appear to constitute a crime or actionable discrimination, but which may intimidate, mock, degrade, or threaten a member or group. Hateful and offensive speech or symbols, although repugnant, are not necessarily violations of civil rights law or crimes. The FBI, which tracks all hate crimes, is careful to protect freedom of expression and civil liberties.

#### Examples of Bias Incidents

1. **White supremacist posters on campus**

In December 2016, white supremacist posters naming a white supremacist group appeared on campus buildings at Concordia College, Moorhead.

<https://www.valleynewslive.com/content/news/lts-ok-499350031.html>

2. **Profiling**

When two Muslim students from Nazareth College attended a church service for a “Sociology of Religion” course assignment, a local churchgoer called the U.S.

Department of Homeland Security to report them. [Read more about profiling incidents.](#)

Furthermore, these are incidents that happen daily in public places nonetheless never make the news process to the public.

#### Examples of Bias incidents that are never reported or heard of:

1. Two Hispanics communicating in Spanish in a public place and an older white woman shouting in their faces “speak American” you are in America...go back to Mexico.
2. Woman talking in a loud voice (when a family of Hispanic descent, park their car to go shopping) “ever since Mexicans decided to stay in N D, crime has gone up”.
3. A couple-Native Americans were trying to get a ride to Fargo after the car in which they were passengers was pulled over by Law Enforcement near Wahpeton. They had no money and slept in the doorway of a vacant building. The following morning, they went to the Wahpeton police and asked if there was a shelter they could go to and were told by law enforcement to get out of town immediately or they would be arrested. (Please note, this is their story told firsthand to us). When we saw the state, they were in while hitchhiking, we stopped on I29 about three or four miles north of Highway 13 and I29 juncture and picked them up. They told us no one would stop despite their obvious plight. It was a hot day in August, and they had had no water or food since the night before. They were tired, thirsty, and hungry and had walked over eight hours from Wahpeton.
4. A Hispanic man that works for a farmer in Richland county has endured racial slurs and humiliation by his employer, including the son of the owner. The employer later

apologized, and he returned to work because of the income and the fear if he were to leave, he would be blackballed in the area and would be unable to get further employment.

The people depicted in the examples above are not “undocumented” but American Citizens born here in this country.

HATE has made its nest in North Dakota but extremely hard to quantify. While teams of studies in Universities and the legislature are vibrant the outcomes are disproportionately negatively impacted by institution inequities with quasi-experimental issues, i.e., racism and white supremacy.

William (Bill) Berlin

Co-founder ND State Hispanics Caucus

Co-founder Hispanics Have A Voice Too (HHAVT)