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2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1504

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1504

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2686

Committee Clerk Signature

Morgan Kimmel

Minutes:

**Rep. Charging:** Testimony Attached.

**Rep. Amerman:** On line 10 of the amendment it says "exception of the director of law enforcement training center all members must be appointed by the attorney general. Is there any problem because of sovereignty or anything, can't the attorney general appoint somebody from the tribes?"

**Rep. Charging:** The bill before you in its original, the legislative body could open a spot on the board. Then the attorney general would probably add his own.

**Rep. Amerman:** The way the bill reads, it is still in the language that it must be appointed by the Attorney General. I'm just wondering if he has the authority to go appoint somebody from the tribes because of sovereignty. Can he do that or does the tribe have to appoint them?

**Rep. Charging:** Yes, I would think so. The reason the language is written that way is that it is being removed from the current statute. Maybe they do have representation. My thought back to that is why not deal with the issues in front of you? After visiting with the sheriff I really think that they do have to do something about this.

**Rep. Potter:** With the Iowa Law, do you have any information on how that has worked for them? I think it says 2003. Do you have any information?

**Rep. Charging:** I don't have specific information on it. I do have representation here today that will testify before you, and they are the people I mentioned that have dedicated their lives to law enforcement.

**Rep. Meier:** To your knowledge has there ever been a Native American elected before?

**Rep. Charging:** No

**Rep. Kasper:** It appears to me that the crooks of the bill is the last two sentences which grants authority to the peace officers to act in the law enforcement capacity off reservation. Can you share with us what is the problem now that you need that authority and how would the authority be used by a law enforcement representative off reservation.

**Rep. Charging:** I just want to step back for one moment. One important key thing that I forgot to mention to you is the other component of the board. They license and oversee the academy.

What brought my concern first is because of officers from the tribe that have participated and gone through the academy, but upon completion they are not given certificates or licenses. I found that unreasonable.

**Rep. Charging:** Our statutes are very well written and very clear. Again, it is the limiting language.

**Rep. Haas:** Originally the bill was requesting simply membership on the board. Tell me did the amendment come about as a result of conversations that you had with police officers in an attempt to solve the real problem. Is it a fact that simply membership on the board will not solve the problem?

**Rep. Charging:** I was met with some possibility like how do you think this is going to work. We just thought we would have to deal with the problems from within first and foremost. The authority realizes cultural differences. Now we have to decide how we can fit this together. I hear it from my peers, I hear it from other leadership, and from the six sheriff's in my district.

**Rep. Haas:** Am I right in assuming that the amendment actually came about as the result of your conversation between the tribal people and the non tribal law enforcement people?

**Rep. Charging:** I think members should still work there.

**Rep. Amerman:** Are we still trying to put one peace officer on the board for this or are we dealing with something completely different now?

**Rep. Charging:** We hope you would indulge on the change and I would like to propose the amendment to the bill. Again we just want to make this work, we want to find a way we can do it. We have a lot of problems but what are the solutions? We feel that this may be a solution. It doesn't infringe on anybody's right or jurisdiction.

**Rep. Haas:** Thank you but Rep. Amerman's question is this is a hog house amendment, correct?

**Rep. Charging:** Yes

**Rep. Haas:** So the answer to your question is that it would replace the original bill.

**Sen. Warner:** I'm just going to speak very briefly to endorse this concept. We live in an enormous geographical area with not a whole lot of resources. We do not use them as efficiently as possible.

**Rep. Froehlich:** My district is located on the upper part of the Standing Rock Reservation. I've just had a brief moment to look over the amendments here. I'm just going to speak on a personal note. We have one sheriff for the whole county. We don't have the same problems as

**Rep. Charging:** We only have one county. If there is a kidnapping or anything, we have to call the police. I'm not sure where we are at today and I won't speak to that issue. You have tribal police and then the government police. They will help us and we don't even have to pay them.

Then a bill came across my desk with \$600 for ammunition. I thought to myself how can one

sheriff use that much ammunition. I had to call and say that something was wrong. We looked through the nuts and bolts and with the federal program we have to compensate them.

**Rep. Onstad:** I want to really speak about the original bill and the amendments for HB 1504, and about putting a peace officer on the board. We need to talk about cross deputization, reasons why we can't do some things, reasons why we can. Putting a peace officer on the board will eliminate that and bring in direct dialogue. We also have the situations about training. We have facilities in the state and for some reasons they are not able to participate in them. I will also give you a situation that if you call 911 in Montreal county, the first question they ask you is if you are an enrolled member? That alone tells you that there is a situation we have going back to the tribes and it's wrong.

**Sen. Marcellais:** Testimony Attached.

**Steve Kelly:** I am the attorney for the 3 affiliated tribes. I have been working closely with Rep. Charging on this bill. She brought the original bill to me and told me what she was trying to do and I to read the minutes between the tribal and state relations. They had met three times last year. Something does need to be done with the law enforcement (tribal) and state, county, and city law enforcement. Rep. Charging is trying to find a way to get tribal officers licensed by the Police officer standards and training board. Putting someone on the board doesn't really accomplish that, although the idea was to put someone on the board and talk to the rest of the board members you might be able to get that accomplished. But when you talk to the POST board they do not have the authority to license a tribal officer. So what this bill does is give them that authority. What it does is give the POST board what they didn't have before and that is so they can license them. If you are going to go to that academy, you can get licensed.

Tribal officers don't have to go to the academy, they can go somewhere else. It's only if they want to do it. Tribal officers licensed by this academy can exercise the law enforcement power

even if they are off the reservation. It would be up to them if they wanted to do it or not. I don't know if they would. Right now the law says that Tribal officers can arrest a non member for violation of state law. Some counties may want to utilize the tribal police officers. Rep. Onstad told us that if you call 911 they will ask if you are a tribe member or non Indian. That is because if you are a tribal member they are going to try to send tribal police and if you aren't then they will send someone from the county. It may take awhile if you are non Indian for help to get there, ex. It is 49 miles from Minot to Watford City. If tribes entered these agreements, that wouldn't matter. The only problem would be who could get there the fastest. That is why these agreements are important. Tribal police officers that wish to utilize the state academy could do that. It would help establish relations with other police officers.

**Rep. Haas:** Are there some agreements in existence now across the state?

**Steve Kelly:** I believe there is. I know that we have some at 3 affiliated. I believe Belcourt has some.

**Rep. Haas:** If the county sheriff was cross deputized a tribal law enforcement official, what is the relationships then. Is the tribal one working for two bosses?

**Steve Kelly:** He is working for two jurisdictions. It allows them to arrest a non Indian for violation of state law.

**Rep. Haas:** Does working in two jurisdictions create complications for that officer with regard to accountability to whomever?

**Steve Kelly:** I don't think so. I think the bottom line is that when you live on a reservation you have Indians and non Indians.

**Rep. Amerman:** Where it says " when an agreement exists between the tribal government and the state, or between the tribal government and the political subdivision. Say the subdivision made an agreement to do this. Say the political subdivision had an agreement but the state

didn't, just because it says or, and it went to court. Would this person have a leg to stand on because of this law.

**Steve Kelly:** No. The cross deputation would just go to where the person was arrested, in that county.

**Rep. Wolf:** Who would make these agreements? Would it be the responsibility of the tribe or the state

**Steve Kelly:** The tribe and the jurisdiction would. It could be the city, it could be the county. Unless a tribe enters into a 6 period contract with the BIA, it provides the law enforcement.

**Martin Fox:** Testimony Attached

**Rep Froseth:** Have you had the ability to hire non Indian members and send them to your training schools?

**Martin Fox:** Yes we do. I believe we have about 37 officers and I believe 3 are non Indian or non tribal.

**Marcus D. Wells:** Testimony Attached

**Rep. Froseth:** I am a little confused and I don't know if you can even answer this or not. I guess I have a question on how this applies with the federal regulations that your reservation comes under and the area you are entering. Does this take precedence over the entire situation that this amendment is trying to address?

**Rick Littleswallow:** I have worked in law enforcement for approximately 27 years. I started out in the late 70's. I was a dispatcher, correctional officer, and worked all the way up to a police officer. I also worked with the Watford city police department in 1981 in the height of the oil boom. I was certified by this academy in Bismarck. I was a certified law enforcement officer in the state of ND. After my employment with Watford City was ended, I went back to the federal government and worked with the state. In the summer of 1987 we seized over \$30 million in



narcotics. I worked in California, Oregon, Minnesota, and Utah. Then I came back to my home state to work. I have worked as an officer on numerous occasions. I have worked as a Sergeant, a captain, a lieutenant, and a deputy director throughout my career. I do not feel that we, as a law enforcement entity, are being recognized. We are being singled out when other states are being recognized as law enforcement, and it hurts me. I am out here protecting the people. I put my life on the line. I will respond to any situation. I feel that the people are not being served as well as you could. If we respond to a car accident and see a non Indian lying there, we are going to do what we possibly can. We will stay on that scene and do everything we can to assist. We are going out, working, we don't care what color you are. We just care to save that person. We don't look at discrimination at that aspect. There are other jurisdictional issues. We have worked with multi jurisdictions. Law enforcement has worked together in the past. We don't care if it's county sheriffs, highway patrolmen, or what. If they need assistance we will do everything we can.

**Rep. Haas:** Did I hear you say earlier that when you were working in Watford City that you had attended the law enforcement academy?

**Rick LittleSwallow:** Yes sir and I graduated in 1981.

**Rep. Haas:** In the training academy? Did you receive a certificate?

**Rick LittleSwallow:** Yes at that time I did because I was working for a municipality.

**Rep. Amerman:** In the situation you are in now, if you would come across an accident off the reservation, could you be liable for lawsuits of all kinds?

**Rick LittleSwallow:** Yes sir we do but we have taken an oath to protect and serve the people.

**Rep. Haas:** Have you ever been cross deputized?

**Rick LittleSwallow:** Yes I have.

**Rep. Haas:** Are you now?

**Rick Littleswallow:** No

**Nelson Hart:** *I am the tribal captain of police for the three affiliated tribes. I'm a former criminal investigator. I have 20 years of law enforcement experience. I have been all over the US. I support HB 1504 and the amendments the way it is. I have about 12 tribal officers under me and 10 of them have completed the state police academy training. Some were offered the test and some weren't. Right now the three affiliated tribes is policed by the Bureau of Indian Affairs and the tribal police, but have wrote a letter of intent to contract law enforcement. The BIA will investigate their cases on the reservation and it would be 100% tribal law enforcement. That is the trend that is going through the country right now because of federal set backs. We would like to and will continue to, no matter what happens, is to travesty our officers to the law enforcement academy. Previously we do have a sergeant that comes down and gives us some in service training. Right now we are in a process of making it two weeks. We certify them in that aspect, and I think it should be with the State Police Academy. Some of our criteria to be an officer for a tribe is psychological, backgrounds, federal government, and we make sure that they are qualified. In a year you would have to complete a police academy. Before they even hire you, you have to complete a psychological and complete the background. If the psychological says we can't hire you, then we don't. We have some applicants apply that were quite a ways out of state and came up for the interview. As far as the training of the police academy comes to our office to be certified, we will pay for that training if it need be. I do support HB 1504 in every part. It would be taking nothing from the state. It would be taking nothing from the tribe. But it fully gives a lot of credit and power to the officer by being certified. I would like people to complete the training and come out of there a certified police officer.*

**Rep. Froseth:** Would the cost of the training be quite comparable to your law enforcement training center in New Mexico, or would it be a lot cheaper to train in ND?

**Nelson Hart:** It would cheaper for us to train in ND. The federal academy down in New Mexico is 14 weeks. A lot of people don't finish the training down there either, some get lonesome and drop out.

**Rep. Froseth:** Is the type of training quite similar or is the training in New Mexico more intense than the training offered in North Dakota.

**Nelson Hart:** I would say it is quite similar, but then we get into a lot of criminal law and practical law. We try to get through some tribal law down there and some parts they do have state instructive. The officer is getting all kinds of law.

**Rep. Froseth:** Do you think the training here would be adequate to cover the training you need to govern the tribal areas?

**Nelson Hart:** What we would have to do is complete the states academy here, then take 2 more weeks.

**Rep. Haas:** Where would that take place?

**Nelson Hart:** You can do it in New Mexico or sometimes they have satellite training in Montana or South Dakota.

**Rep. Froseth:** So if you didn't take that additional two weeks training in federal law, they only would be certified in the states and not in the reservation?

**Nelson Hart:** You would be certified on the reservation.

**Rep. Froseth:** But you wouldn't be certified?

**Rep. Potter:** The federal training makes it to where you can do what?

**Nelson Hart:** You can become a federal police officer. All federal law enforcement train down there in New Mexico except the FBI.

**Rep. Amerman:** I've heard some good testimony today and I want to make sure that this amendment is doing what you want to have done. I'm not sure it does because it reads "a peace officer who is a member of a police force of a tribal government becomes certified through ND law enforcement". Looking at this email for correction officers, they don't have legal authority to regulate corrections. There is nothing in here that says they have legal authority to train State and Tribal officers. It says if they get certified but how do they get certified if they can't legally do it? So can they legally do it?

**Nelson Hart:** Well to be very cautious I would say they can as long as we agree to send them there so the state can train them.

**Rep. Amerman:** I'm just a little confused because the email released for correctional, they are not legally authorized to train your police officers? It doesn't say, but I just want to know if they can do it so you can become certified?

**Nelson Hart:** I would say yes. The only reason I say that is because when we go to court the only question asked is if you are a police officer.

( In regards to your question Rep. Amerman, I believe that the amendment may not address that issue if it is going to continually be raised in the correctional setting. For my purposes what I'm looking for, I want to be able to have that individual that says yes we can also train tribal officers. So maybe it would have to be an additional amendment).

**Rep. Charging:** Because the statute says city or municipal. That is precluding any states from not being eligible. For some reason we become eligible. It is because of the way the century code is written that we have that question does it or doesn't it.

**Rep. Amerman:** I just want to make sure that we do this thing right.

**Rep. Charging:** You did bring a good point, if there would be an opportunity to address the correctional stuff.

**Scott Busching:** Testimony Handout.

**Rep. Haas:** Are your comments basically addressed to the original bill?

**Scott Busching:** Yes they are.

**Rep. Haas:** Is there any other testimony on HB 1504? If not we will close the hearing on HB 1504.

## 2007 HOUSE STANDING COMMITTEE MINUTES

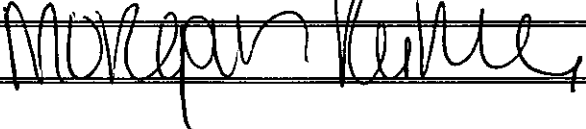
Bill/Resolution No. HB 1504

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: February 2, 2007

Recorder Job Number: 2689

Committee Clerk Signature 

Minutes:

**Rep. Haas:** These folks go to the police academy or the training academy in 1983 or whatever it was, and pass the course, and become licensed and now they can't become licensed. We need an answer to that question as to why is that happening.

**Rep. Froseth:** I don't know if I have a definite answer on the question about what law will supersede each other. I don't know if the state law will supersede the federal law.

**Rep. Haas:** I think the basis of that discussion has to revolve around the agreements that are ultimately made between jurisdictions, the agreements between the city and the tribe, and the county and the tribe. I think they have to follow all their laws.

**Rep. Froseth:** As a result of violations and the rest being made and so forth, and going in for the legal system. It could be taken all the way to the state supreme court or in long term to the federal Supreme Court and what is supposed to take precedence?

**Rep. Kasper:** I would ask committee members to email me by Monday morning some specific questions that you want answered dealing with this discussion.

**Rep. Amerman:** Where do you want us to start? Who do we ask?

**Rep. Kasper:** I'd say the last guy to testify. I want to know why he was against this.

**Rep. Haas:** HB 1510 we will not act on until next Thursday and that will be following the report that we receive from the legislative compensation committee.

**Rep. Schneider:** How does it work with the appropriations deadlines coming and going this week and next?

**Rep. Haas:** There is no fiscal note on this bill so it doesn't matter. There is a fiscal note but no money added to it. If there had been a fiscal note that met the requirements for re referral to appropriations we would have had to do it yesterday. I looked through all the bills and identified which ones needed to go to appropriations.

## 2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1504

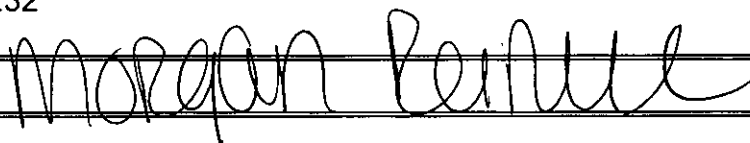
House Government and Veterans Affairs Committee

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Hearing Date: February 8, 2007

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Committee Clerk Signature



Minutes:

**Rep. Kasper:** This is a hog house amendment. What we are trying to do is first of all defining peace officer. So let's read through number 3 (see amendment attached). What we are saying is that right now the problems the Native American tribal officers are having are their peace officers being recognized as peace officers by the regulators off the reservation. What this says is if they are peace officer on the reservation they are going to be recognized as a peace officer by the rest of the branches in law.

**Rep. Dahl:** We are defining a peace officer but the amendment says it includes the federally recognized Indian tribes in the state. Maybe it should say the officers of a federally recognized tribe.

**Rep. Kasper:** Nope. I talked to Jeff Nelson in council and he said that the comma is very misleading. The comma means that the peace officer means is authorized by law or by government agency or branch. Or peace officer means also which includes a federally recognized Indian tribe in the state. It adds that at the end.

**Rep. Potter:** Will the whole tribe be recognized?

**Rep. Haas:** No, the federally recognized Indian tribe in this case would be synonymous with a government agency branch.



**Rep. Kasper:** That is right. Now in order in defining if you qualify with a peace officer but you have to go along with subsection 2 also. Subsection 2 is now talking about a tribal peace officer. A peace officer who is a member of a police force of a tribal government becomes licensed through the ND Law Enforcement Center. So he is now a peace officer, he goes to school and gets licensed. The subject of the rules and procedures that are provided in this chapter. If he is off the reservation he has to abide by the rules and procedures of all the other peace officers.

**Rep. Potter:** Now you say 'do become licensed in the ND Law Enforcement Center'. I thought that was part of the deal that they couldn't take the test to become licensed?

**Rep. Kasper:** Well this is saying that in order for you to be recognized as a peace officer off the reservation you have to be licensed with the ND Law Enforcement Center.

**Rep. Potter:** Are they going to want to take the test then?

**Rep. Kasper:** Well we are saying that they've got to be licensed. We're not saying that you have to allow them to take the test. When you look at the law, this is saying that you have to be able to take the test otherwise your discriminating. You have a potential big discrimination lawsuit here if they don't. The hidden thing behind this is discrimination. That is the ugly word no one is going to say. A peace officer who is a member of a police force of a tribal government may act off reservation in a law enforcement capacity if the officer is a graduate of a law enforcement center or equivalent law enforcement training center or academy.

**Rep. Haas:** That would include the one in Texas, right?

**Rep. Kasper:** Now remember if it is a Texas or New Mexico one they still have to be licensed through the ND law enforcement. They come here and they have to qualify under the ND law. If the tribal peace officer is a graduate of a non ND law enforcement center the officer must show proficiency with ND law to be licensed. A tribal peace officer may not act off reservation

unless there is an agreement between the state, or political subdivision in the tribe that the peace officer is a member, governing the actions of the tribal peace officer off the reservation. This is not saying that any political subdivision must enter into an agreement or that the tribe must enter into agreement, but it's saying if you want the officer to act off the reservation you have to have some entity that says they want to sign an agreement.

**Rep. Haas:** It is either a city or a county in most cases.

**Rep. Kasper:** A tribal peace officer acting off reservation pursuing to an agreement with the state or political subdivision is liable for any act or omission of the officer that gives up tribal sovereignty. We are trying to cover all the potential scenarios. The tribal training center may not like it. The trouble is that these tribal officers in parts of ND are maybe the only source of law enforcement and the local people would like to do something with them but they are being stonewalled by the law enforcement centers. So now the legislative's intent is to stop this game, let the tribal officers be licensed, and now if you want to enter into an agreement they can work together.

**Rep. Haas:** It sounded like from the testimony we heard that there are parts of the state where there is already a good working relationship. But the stumbling block has been this other issue.

**Rep. Kasper:** I move the amendment.

**Rep. Weiler:** I second that.

**Rep. Haas:** Is there any further discussion on the amendment?

**Rep. Amerman:** Where it says tribal peace officers, a graduate of a non ND law enforcement center, the officer must show proficiency with ND law to be licensed. If we just had someone come from MN and he graduated out of there, does he have to go through our training to get licensed?

**Rep. Kasper:** Up above that, he must become licensed through ND law is what it says.

**Rep. Amerman:** So even if they have had training elsewhere?

**Rep. Haas:** Everyone has to.

**Rep. Kasper:** They have to be licensed under ND law. The ND law is that it requires that.

**Rep. Haas:** That doesn't mean they have to take the course. They simply must show proficiency.

**Rep. Kasper:** Maybe, maybe not. We are leaving that up to them. You could have a police officer that has worked for the FBI for 20 years, the BIA for 10 years, he comes back to ND as the best police officer in the state. If we don't allow that person to be licensed, we are setting a barrier. Let the law enforcement centers look at the facts and make their decision.

**Rep. Wolf:** Does this deal anything with Correctional officer training?

**Rep. Kasper:** No. The intent of the bill is what this bill does. The first bill where they had what was on there, wasn't really the intent at all. So we decided to get away from what was on the first bill and get to what they were trying to do and what the problems are.

**Rep. Haas:** That is actually the amendment that Rep. Charging brought in.

**Rep. Weiler:** This is the last sentence on there, a tribal peace officer acting off reservation, pursuant to an agreement with the state or political subdivision is liable for any emission of the officer. So if they are off the reservation they are liable. Are other police officers liable for actions?

**Rep. Kasper:** I would imagine they are.

**Rep. Weiler:** So why do they need to state that in there? Is it because they use the term sovereign immunity?

**Rep. Kasper:** Because this is assuming that they are acting off the reservation as a police officer. Therefore if they have got this agreement, and they are doing it legally, it means that he or she is taking some action of a police officer off of the reservation. Maybe they shoot

someone. They can be civilly sued. Maybe they are drunk driving themselves and hit a car. They cannot hide under sovereign immunity and go back to the reservation. They are agreeing to be bound.

**Rep. Weiler:** Have you talked to both sides about this? Are they both ok with this?

**Rep. Kasper:** We have talked to Rep. Charging. Rep. Amerman had been trying to locate the police officer that testified and still no luck.

**Rep. Grande:** Are you looking for Sheriff Busching?

**Rep. Kasper:** Yes, he's the one that testified.

**Rep. Boehning:** If a tribal police officer comes off and is deputized by a sub division, can you sue them? What is the recourse of the citizen when you have a tribal police officer that does something that is not proper? What is the recourse against them and against the sovereign nation?

**Rep. Kasper:** What would be an example of what you are talking about?

**Rep. Boehning:** Say a police officer would wrongfully shoot someone. That happens occasionally. If it would be a city police officer you can take that and sue the city, etc. Can you sue a tribe?

**Rep. Kasper:** I don't think this is a tribal sovereign immunity that gives up the individual peace officers because that police officer is acting on his or her own capacity not representing the tribe. He's actually representing the county or political subdivision that they had the agreement with. So the long part would have recourse against the officers. Secondly, you may have recourse against the political subdivision that hired them or agreed to it. That would be in the agreement that they signed. They talked about that agreement.

**Rep. Haas:** I think that is exactly right. He or she would be acting if it was on a basis of agreement off reservation, they would be acting in a non tribal capacity, the same as a county

Sheriff. What happens with this type of arrangement depends on the terms and conditions of the agreement that is written between the tribal police officer and the political subdivision that wants to have this relationship.

**Rep. Kasper:** What I also learned is that the tribal police officers have incorporated ND law into their law and how they police their reservations, they don't have their own set block of law. They might have a couple of things that are specific to reservation. They operate under ND statute on the reservation.

**Rep. Haas:** I think that is true. I think the additional thing is that once they get done with the law enforcement school they get back here and have to take a two week class on federal law. So there are additional requirements for tribal officers.

**Rep. Haas:** All in favor of the amendment signify by saying 'aye' all opposed say 'no'. The amendment is carried. What are your wishes on the bill as amended?

**Rep. Meier:** I move a do pass as amended.

**Rep. Potter:** I second that.

**Rep. Grande:** I wasn't here for the hearing so I'm trying to read through all the testimony here. I know we have addressed here the agreement between the jurisdiction and the political subdivision off of the reservation and getting an agreement so they can work off the reservation. Was there any discussion about peace officers being able to work on other reservations? I know that this seems to be the discussion too. If you are in pursuit and jump back on the reservation thinking you can't touch me, what happens?

**Rep. Kasper:** In this agreement that they would come to, they would spell out that certain circumstance. It certainly won't be the one way. They would want it to be both ways. They would outline that in their agreements.

**Rep. Haas:** I think that came through in the testimony when they were talking about the agreements.

**Rep. Boehning:** Can't they do these agreements now if they want to? Can't we have them do it back and forth? It seems to me where the problem is with the board.

**Rep. Kasper:** The problem is that the local entities are having trouble recognizing the tribal police officers as a peace officer. We are clarifying that they are a peace officer under ND law if they abide by what you put into this bill. That clears that up to say here it is and now you have no more excuse for not entering into the agreements.

**Rep. Haas:** This is not the enabling legislation for agreements. This is simply clarifying the definitions and qualifications of the tribal officers.

**Rep. Amerman:** I was talking to one of the sponsors. When you mentioned the original bill it just put one of them on the board right? He said that would have been alright if you would have gotten a non voting member. He said be careful because you might not know what you are getting into when you get into this tribal sovereignty. This might solve a lot of things. I'm not big on everything so I'm not sure I want to support the whole bill. This does a good job.

**Rep. Haas:** I think it's important to note as Rep. Kasper had mentioned that we need to pass this out of here and look at it as a work in progress. We do that with a number of things in the legislative session. When it comes to crossover you do the best thing that you can at the time with the understanding that it is a work in progress. We will certainly convey to the Senate Government and Veterans Affairs Committee that it is such. It will have a full hearing over there. I'm sure that some of the same people will be back to testify on this and clarify it.

Personally I am comfortable with this. I think the subcommittee did an excellent job on refining what we had.