

*SESSION OF 2004*

**CONFERENCE COMMITTEE REPORT ON  
HOUSE SUBSTITUTE FOR SENATE BILL NO. 9**

As Agreed to April 1, 2004

**Brief\***

House Sub. for SB 9 allows tribal law enforcement officers to exercise the powers of law enforcement officers anywhere within the exterior limits of the tribe's reservation, subject to the following conditions:

- ! The tribe must secure liability insurance coverage for damages assessed in state or federal court from acts of the tribal law enforcement agency in amounts specified in the bill;
- ! Claims brought against the tribal law enforcement agency must be processed as if the tribe were the state pursuant to the Kansas Tort Claims Act;
- ! The tribe must waive its sovereign immunity to the extent necessary to permit recovery under the liability insurance.

Nothing in the bill is to be construed to prohibit any agreement between any state, county, or city law enforcement agency and the tribe. Nothing in the bill is to be construed so as to affect the criteria by which the U.S. Department of the Interior makes a determination of land into trust.

Neither the state nor any political subdivision shall be liable for any acts by a tribal law enforcement officer. Tribal law enforcement officers are added to the statutory definition of "law enforcement officer" and are required to complete the initial training and continuing training required under the Kansas Law Enforcement Training Act. The bill applies only to the four resident Kansas tribes. The tribes

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must file with the county clerk a map showing the boundaries of the reservations.

As passed by the Senate, SB 9 allows tribal law enforcement agencies and officers, when specifically requested to assist state, county, or city law enforcement agencies and officers, to be considered to be an officer of the agency being assisted. The tribal agency or officer would have the same powers, duties, and immunities of the state, county, or city agency during the period of time in which the tribal enforcement agency or officer is providing assistance.

The original version of SB 9 would amend the law dealing with jurisdiction of law enforcement officers to authorize certain tribal law enforcement officers to exercise their law enforcement powers: anywhere within the limits of the reservation of the tribe employing such officer; in any place where a request for assistance has been made by law enforcement officers from that place or when in fresh pursuit of a person; on the streets and highways immediately adjacent to and coterminous with the boundaries of the reservation; and when transporting persons in custody to a facility. The bill would apply only to the four resident Kansas tribes: Prairie Band Potawatomi Nation; Kickapoo Tribe in Kansas; Sac and Fox Nation of Missouri; and the Iowa Tribe of Kansas and Nebraska. The bill would clarify that tribal law enforcement officers must complete initial law enforcement training and any continuing education required under Kansas law for law enforcement officers.

The House committee amended the substitute bill to:

- ! Clarify that the disability insurance coverage is for damages assessed in state or federal court arising from the acts, errors, or omissions of the tribal law enforcement agency;
- ! Require that the liability insurance must carry an endorsement to provide coverage for mutual aid assistance;
- ! Require the tribe to file with the county clerk a map showing the boundaries of the reservation;
- ! Clarify the definition of "reservation";
- ! Sunset the new provisions concerning tribal law enforcement agencies on July 1, 2007.

## **Conference Committee Action**

In the Conference Committee, the Senate conferees agreed to the House amendments and the Conference Committee agreed to amend the bill to extend the sunset provision to July 1, 2009.

## **Background**

The original bill was recommended by the Joint Committee on State-Tribal Relations. Proponents of the original bill included representatives of the Kickapoo Tribe and the Prairie Band Potawatomi Nation. A representative of the Sac and Fox Nation expressed support for the bill but concern "Indian country" language had been excluded from the bill.

Representative Becky Hutchins submitted testimony opposing the original bill from the Jackson County Sheriff and from a person who had received a traffic ticket from a tribal officer for speeding on a state highway.

During hearings held in the 2004 Session on the substitute bill, representatives of the tribal law enforcement agencies testified in support of the bill, as did the Jackson County Sheriff and the Brown County Sheriff.

Representative Becky Hutchins expressed a number of concerns regarding the substitute bill.

The bill has no fiscal effect.