

Engrossed HB 1588

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Chair Larson and Committee Members, my name is Katie Fitzsimmons and I serve as the Director of Student Affairs for the North Dakota University System. I am representing the System Office and the eleven NDUS campuses in support of Engrossed HB 1588. The amended bill recognizes that the NDUS campuses under the control of the State Board of Higher Education contain many different kinds of spaces used by a wide range of demographics with an even wider range of considerations when it comes to possession of firearms. Section five, subsection 1(d) retains the current policy in place and provides the State Board of Higher Education to adjust policies as they see fit, according to needs and staffing of the campuses. The House committee that worked on the bill stated that this amendment could finally be the resolution we have all sought when it comes to the debate of possession of firearms on our college campuses.

Under current law, NDUS institutions are classified as “public gatherings,” where the possession of firearms and dangerous weapons is restricted. As a result, the State Board of Higher Education enacted State Board Policy 916.1 to follow state law, which prohibits the possession of firearms and dangerous weapons in campus buildings owned or operated by the State Board of Higher Education. However, recognizing that there may be necessary exceptions to this general rule, this body passed HB 1279 in 2017 and the State Board updated Policy 916.1, which now authorizes the Chancellor or institution president to permit a qualifying individual to store a firearm or dangerous weapon in a campus residence provided that certain requirements are met. That legislation created a new subdivision to subsection 2 of section 62.1-02-05, which is deleted in this bill. With this section deleted in the current form of Engrossed HB 1588, those permissions will still exist because of the amendment to Section 5, subsection 1(d). Further, students, faculty, staff, and visitors have the ability to store firearms in their personal vehicles that are on public property as already defined in this section of code (62.1-02-05(g); lines 29 and 30 on page three of the engrossed bill language). Additionally, most of our campuses provide secure weapon storage options for our students. At this time, these policies work beautifully for our students, faculty, and staff and will remain in effect if this bill were to pass in its current form or if the bill did not pass and current law remained the same.

Our campuses are places where students of all ages go to learn, live, eat, workout, perform, practice, research, connect, and compete. Students sleep on the property and attend events, faculty and staff work all hours. We have highly competent campus police or security to respond to emergencies and our campuses have cafeterias, swimming pools, theaters, classrooms, labs, and libraries. Most of these spaces are open to the public. When you compare the happenings of a campus to that of a courthouse, a K-12 school, or a state office building, it is plain to see that we are different animals than other public gathering spaces and thus, I would argue we should be treated differently. We have varied considerations for example, staff or students with veteran status or those who are survivors of domestic violence who require accommodations to work or attend classes in a gun-free area. We need to consider how firearms factor into intimidation, should a student be involved in a student conduct hearing or Title IX case. With having a residential population, we need to weigh suicide risks in this population. This section of code, prior to this bill, did not allow campuses to adjust firearm policies to their unique spaces and events, nor to their staff or resources available. These changes to the bill language allow each campus to work with the State Board to iron out their respective situations and allow them to strive to balance these kinds of considerations while maintaining individual rights.

On behalf of the System Office and the eleven institutions, I respectfully request a Do Pass on Engrossed HB 1588 and to retain subsection 1(d) of Section five. For what it's worth, we know the debate about possession of firearms in other public gathering spaces will continue. If the amendment were to disappear, the North Dakota University System would stand in firm opposition to the bill, as the NDUS is not included in the definition of a school and our campuses are simply woefully unprepared to manage open or concealed carry of firearms on our grounds. I thank you for your time and service and stand ready to answer your questions to the best of my ability.