

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

1205

2005 HOUSE JUDICIARY

HB 1205

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205

House Judiciary Committee

☐ Conference Committee

Hearing Date 1/12/05

Tape Number	Side A	Side B	Meter #
2		xx	12.7-24.4
2		xx	31.2-32.9

Committee Clerk Signature



Minutes: 13 members present, 1 member absent (Rep. Maragos).

Chairman DeKrey: We will open the hearing on HB 1205.

Rep. Todd Porter: I put this bill in this session over an issue that has bothered ever since the day I took my concealed weapons permit test. I thought that at the time, the test was actually a kind of joke of what we had in place for a reason to deny someone a concealed weapons permit. The test (see written testimony) that is required is one hour to do 10 questions on an open book test. The shooting portion or the practical portion of the test, requires the firing of 10 rounds at 21 feet at a human silhouette target. A couple years ago, the first disabled person passed this test and he was blind and had a concealed weapons permit, which is fine by me but the test really doesn't test the skills, the reason behind the law, and the skills required to actually discharge a firearm. I just felt that it was an unnecessary portion of getting a concealed weapons permit. The most important part of getting the permit, still remains in the law which is the background checks by local law enforcement, fingerprinting, and the registration of the person with the Attorney

General's office as a person carrying a concealed weapons permit. As far as I know to date, I've never heard of anybody abusing this privilege of having a concealed weapons permit, nor do I know of anyone that should have gotten one that didn't get one. It's just removing a couple of unnecessary steps in order to get a concealed weapons permit. The AG's office does have a friendly amendment that they will be offering that was an oversight on my part in removing some of their abilities to have rules that affect other portions of this particular piece. Mr. Bennett will present that. I passed out the state that we currently have reciprocity with on our concealed weapons licensing, all of them will allow the same reciprocity except Arizona, they will not continue to allow reciprocity if we change this law and then the other piece of information is the number of current concealed weapon permit holders.

Representative Delmore: Is there no provision, or has there never been a provision, for a firearm safety course to go along with concealed weapons. I know if you get a hunting license in the state, that was one of the things that he had to prove that he could do. But there isn't anything with concealed weapons.

Rep. Todd Porter: I had the privilege of taking my hunter safety class about 7 years ago, me and 14 eleven-year-olds, because I needed to go elk hunting in Colorado. In the hunter safety course there wasn't anything about the practical firing of a weapon, there is no requirement within ND Game & Fish's hunter safety course that actually takes you out into the field for practical applications. There is a part on safely handling and going through a fence, and they set up a little thing where you are closing a gate; but as far as the actual firing of a weapon, there isn't anything in the course. A lot of the instructors kind of personalize their courses and I have

heard of individual hunter safety instructors that have a field trip day and take everybody out to shoot at some pop cans, etc. But as far as the actual requirements of the course, no.

Representative Delmore: Do you think that it would be good idea to include a safety issue.

Rep. Todd Porter: I think the individual is buying a gun and willing to go through the background check of having a concealed weapons permit, is going to be capable of firing that weapon if needed. I guess I can't imagine anybody that would buy a gun and not ever shoot it.

Representative Koppelman: The sheet you passed out about reciprocity indicated that Arizona would not continue to honor, because the reason it gives is that it says you must have a firearms safety program for recognition by that state. I see that there isn't a firearm safety program, we have more of a proficiency test. Your criticism of that test, is that it is a joke. Did you consider going to the people who write the test and ask them to make it harder.

Rep. Todd Porter: I think that the person who wants to have a concealed weapons permit is a law-abiding citizen, someone who goes to Scheels, etc. They buy a gun, put themselves at the scrutiny of the background check and fingerprinting and knows what the current law is. I don't think they need any testing.

Representative Delmore: What your research shows is that a majority of the states are not doing any type of firearm safety course.

Rep. Todd Porter: Exactly. Which is fairly obvious by the reciprocity that we can remove these portions of our rules and still have full reciprocity with 15 of the 16 states, and Vermont law does not even have a law dealing with concealed weapons. Everybody and anybody can carry a concealed weapon in Vermont.

Chairman DeKrey: One of my functions in the National Guard for many years, has been a weapons instructor. I don't care if the test had proficiency testing or not. I get these kids after they've been to basic training, that means that they've had intensive weapons training. They shot that M16 and they took it apart and cleaned it and put it back together in any position and in the dark, and after a little bit of time, it doesn't take very much, they come to the range and they can't even remember how to cock the weapon. These are people whose business it is to be a soldier. Even if we have it mandatory that they have to take the weapons part of the test, unless they continue to be an active user with that firearm, they are going to lose it anyway, unless they have a real aptitude to it and they have a real interest. Further testimony in support of HB 1205, testimony in opposition to HB 1205. Neutral.

Bob Bennett, AG's office: The AG has authorized me to say that he's neutral on this bill, because we do regulate, are involved in this process and have been since 1985-1986. The proposed amendments that we have presented relate to page 3 of the bill, line 21, in which the authority of the AG to adopt rules to carry out the title will have been completely removed. We're requesting that the overstrike be removed and that the bill receive a favorable vote from the committee, and that include the amendment to accept only those relating to concealed weapons testing. What I have done for the committee is I've brought a copy of our rules that we have relating to concealed weapons and you will see that we do have a substantial number of rules that relate to testing and others that do not. These rules were adopted in 1986, in direct response to the adoption of the concealed weapons permit law in 1985 session. The individual who is behind a lot of the adoption and drafted the rules in the legislation was Dick Tescher, former AAG here, but I was involved with him during the rulemaking process. I am familiar

with why this was done. If the amendment is adopted, there are only portions of two rules and two full rules that would be affected. Any rule that uses the word "test", would not be affected, and that would be on the first page, subsection 2, the rest of that rule would be retained. The next page, page 2, section 02, first paragraph would go and the last two sentences of the second paragraph would go because test is used in those sentences, but we would retain "if the applicant wishes to obtain a concealed weapons permit, for additional weapons type after receiving an initial permit, then a new application of the word "amended" printed at the top must be completed." Then the complete rules of 04 and 05 would be affected by this. All the other rules would not be affected. Our request is for the amendments to not take away the rulemaking authority, but if the bill would pass, naturally without the test requirements, we would not have to have the section about rules, because there would be no authority in the first place.

Representative Klemin: In the proposed amendments that you have here, the second one, page 3, line 7, is that the wrong line.

Bob Bennett: Yes, there is a subsection 07, should be on line 21, page 3.

Representative Delmore: So they would both be on line 21.

Bob Bennett: Correct.

Chairman DeKrey: Thank you. Further testimony in opposition. We will close the hearing.
(Reopened later in the session)

Chairman DeKrey: What are the committee's wishes in regard to HB 1205.

Representative Koppelman: I move the amendments presented by the Attorney General's office, with the correction of line 21, rather than line 7 of the amendment.

Representative Klemin: Seconded.

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House Judiciary Committee

Bill/Resolution Number HB 1205

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Chairman DeKrey: Motion carried. We now have the bill before us as amended.

Representative Koppelman: I move a Do Pass as amended on HB 1205.

Representative Delmore: Seconded.

13 YES 0 NO 1 ABSENT DO PASS AS AMENDED CARRIER: Rep. Koppelman

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1205

Page 3, remove the overstrike over line 21

Page 3, line 7 after "title" insert "except rules relating to concealed weapon
license testing"

✓R
1/13/05

HOUSE AMENDMENTS TO HOUSE BILL NO. 1205JUD 1-14-05

Page 3, line 21, remove the overstrike over "7-", after "The" insert "Except for rules relating to concealed weapon license testing, the", and remove the overstrike over "attorney general may adopt rules to carry out this title."

Renumber accordingly

Date: 1/12/05
Roll Call Vote #: 1

2005 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1205

HOUSE JUDICIARY COMMITTEE

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass as Amended*

Motion Made By *Rep. Koppelman* Seconded By *Rep. Delmore*

Representatives	Yes	No	Representatives	Yes	No
Chairman DeKrey	/		Representative Delmore	/	
Representative Maragos	A		Representative Meyer	/	
Representative Bernstein	/		Representative Onstad	/	
Representative Boehning	/		Representative Zaiser	/	
Representative Charging	/				
Representative Galvin	/				
Representative Kingsbury	/				
Representative Klemin	/				
Representative Koppelman	/				
Representative Kretschmar	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment *Rep. Koppelman*

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1205: Judiciary Committee (Rep. DeKrey, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1205 was placed on the Sixth order on the calendar.

Page 3, line 21, remove the overstrike over "~~7~~", after "~~The~~" insert "Except for rules relating to concealed weapon license testing, the", and remove the overstrike over "~~attorney~~ general may adopt rules to carry out this title."

Renumber accordingly

2005 SENATE JUDICIARY

HB 1205

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 14, 2005

Tape Number	Side A	Side B	Meter #
1		X	1330- End <u>401</u>

Committee Clerk Signature

Maria L. Solbey

Minutes: Relating to concealed weapon permit testing

Senator Syverson, Vice Chairman called the Judiciary committee to order. All Senators were present except Sen. Traynor. The hearing opened with the following testimony:

Testimony In Support of the Bill:

Rep. Todd Porter, Dist. #34 Introduced the bill. (meter 1330) This bill removes the written and proficiency test for the concealed weapons permit. This test has nothing to do with safety it has to do with proficiency. Currently we have one blind person in the state with a concealed weapons permit. If the test was about safety a blind person should not have a concealed weapon permit. The most important part of the process is that your fingerprints are ran and they do a background check. Submitted Att. #1- reciprocity and Att. #2 - Actual Test Questions.

Att. #3. How many current concealed weapons permits are in ND.

Senator Syverson referred to how complex the book that you get the tests questions answered from? I do not remember, we could get a copy from the A.G.'s office.

Senator Triplett asked if the intent was to keep giving out the booklet regardless of testing? I do not know. She finished with the importance of the knowledge that the permit holders are getting by taking the test and reviewing the book for the correct answers. It is important that the people with the weapons are aware of what the laws were and this is a way to do this.

Senator Syverson were would the individual find the information on the laws if they did not take the test? When I took mine a book was handed to me. It is on the web site that we look up our laws. I think it is from the A.G.'s office. You could come to a test with a 10 caliber revolver take the test then go hove and buy a 45 magnum and stick it in your car.

Sen. Trenbeath stated what does proficiency have to do with safety? It does not.

Sen. Nelson sited that as a professor the hardest tests for students was an open book test cause they were always looking for something else and we should not disregard the importance of an open book test.

Testimony Neutral to the Bill:

John Olson - ND Peace Officers Assoc. We in favor of the bill in terms of the efficiency part of it. The other portion that elements the written part. The questions may seem redundant but at the least it tells us that they have at the least read the law, read the requirements and have the knowledge In Chapter 62.102 it sites you can not bring a weapon in a gaming site.... stated other exceptions where people can not bring there weapons.

Sen. Trenbeath stated that people either want to do the right thing or not and if they don't no matter how many tests you give them they will still do what they want. Can't we just give them a ten bullet point piece of paper? No, as far as law enforcement is concerned we want the assurance / proof that they did read it. This gives us notification that they did. We have people

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Senate Judiciary Committee

Bill/Resolution Number HB 1205

Hearing Date February 14, 2005

in ND that claim that they “did not know they couldn’t carry it into a liquor store”. Discussion of an amendment (meter 2790)

Mike Ness, BIA - We are neutral. We get many calls on the definition of a “public gathering”, we get many questions.

Testimony in Opposition of the Bill:

Ralph Nadder - BCI We would like to keep the written test in.

Senator John Syverson, Vice Chairman closed the Hearing

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205

Senate Judiciary Committee

☐ Conference Committee

Hearing Date February 23, 2005

Tape Number

1

Side A

X

Side B

Meter #

481-1240

Committee Clerk Signature



Minutes:

Chairman Traynor called the committee to order to discuss HB 1205. All Senators were present, with the exception of Senator Triplett.

Senator Syverson- I have visited with the attorney general on this issue on the quality of the open book test that was given. The Attorney General would like the weapons proficiency testing to become more comprehensive, and require that it be accomplished on a weapon similar to what they plan on acquiring for their own personal protection.

Senator Trenbeath- Why does testing with respect to competency have anything to do with concealment? It would be in the best interest of the Attorney General's office to publish a pamphlet with bullet points on what the requirements are.

Senator Syverson- The weapons test should be similar to the drivers test, with the various testing requirements. A disconnect exists when a governmental agency offers support for the

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Senate Judiciary Committee

Bill/Resolution Number HB 1205

Hearing Date February 23, 2005

concealment to carry, when there should be a responsibility to make sure the permit holder is competent.

Senator Trenbeath- The law should state what the requirements are, not the minimal inclusion.

Senator Nelson- The testing procedure should be an open book test.

Senator Syverson requested the committee wait a week to see what the response is from the Attorney General's office regarding this issue. The committee agreed to wait until the following week to take action on HB 1205.

Chairman Traynor closed the meeting on HB 1205.

2005 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205

Senate Judiciary Committee

☐ Conference Committee

Hearing Date March 2, 2005

Tape Number	Side A	Side B	Meter #
1	X		1660 - 3060 3461

Committee Clerk Signature *Maria L. Salberg*

Minutes: Relating to concealed weapon testing.

Senator John (Jack) T. Traynor, Chairman called the Judiciary committee to order. All

Senators were present. The hearing opened with the following committee work:

Discussion of the two bills similar to this bill. Discussed newspaper article that talked about the blind man have had taken the test.

Senator Syverson sited the A.G.'s office commitment to making a better test that would be an educational tool instead of the vague test it currently is. The sponsor would be satisfied if the test had some substance instead of what it does now. There should be some sort of "proficiency" requirements. The other states that honor our reciprocity and would not if we take this part out. An individual granted this authority should also know what that authority is. The A.G.'s office gave us the assurance that the test would be a better education tool. I would suggest that we leave the law as it is and rely on a more challenging test.

Sen. Trenbeath stated that he likes the bill as it is. Most the testing has to do with the handling of the weapon. He preferred that the A.G.'s office just hands out a "bullet point" card for the concealed weapons people. I do not think the test would be an educational experience. **Senator Hacker** discussed the identity of the person taking the test being the actual person. Sited the finger printing process.

Senator Syverson stated that the concealed weapon ability is a right and it should not be handed out by only an application, this does not recognize that a weapon is a dangerous piece of machinery. There should be some testing to indicate the person understands a little about the laws and responsibility of carrying a concealed weapon. This is one way to do this. We test for drivers licenses, why can't we test for this.

Sen. Nelson stated the taking of a written test, even an open book is important. From experience I have found that students learn more from an open book. They tended to read more verses trying to remember what they already knew. Proficiency tests do not take into account that the gun they have at the test is the actual gun that they are carrying. She discussed the renewal process being taken out.

Senator Syverson made the motion to DO NOT Pass and **Senator Triplett** seconded the motion. The vote went as follows: Yes - Senator Syverson, Senator Hacker, Senator Triplett
No's Sen. Traynor, Sen. Trenbeath, and Sen. Nelson **Motion Fails**

Sen. Nelson made the motion to delete overstrike 18-23, 9,10 and pg 3 line 21-22. **Senator Syverson** seconded the motion all except **Sen. Trenbeath** agreed to the motion.

Motion Passes.

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Senate Judiciary Committee

Bill/Resolution Number HB 1205

Hearing Date March 2, 2005

Senator Syverson made the motion to DO PASS AS AMENDED and **Senator Triplett**

seconded the motion. All members were in favor and motion passes.

Carrier: **Senator Syverson**

Senator John (Jack) T. Traynor, Chairman closed the Hearing

Date: *3/2/05*
Roll Call Vote #: *1*

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB *1205*

Senate **Judiciary**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *No Not Pass*

Motion Made By Senator *Syversen* Seconded By Senator *Triplett*

Senators	Yes	No	Senators	Yes	No
Sen. Traynor		✓	Sen. Nelson		✓
Senator Syversen	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath		✓			

Total (Yes) *3* No *0*

Absent *0*

Floor Assignment ~~Senator~~ *Motion Fails*

If the vote is on an amendment, briefly indicate intent:

Date: 3/2/05
Roll Call Vote #: 2

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1205

Senate Judiciary

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken Amend 50324.0201

Motion Made By Senator Nelson Seconded By Senator Syverson

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath		X			

Total (Yes) 58 No 1

Absent 0

Floor Assignment Senator

If the vote is on an amendment, briefly indicate intent:

Date: *3/2/05*
Roll Call Vote #: *3*

2005 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1205

Senate **Judiciary**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken *Do Pass As Amended*

Motion Made By Senator *Syverson* Seconded By Senator *Triplett*

Senators	Yes	No	Senators	Yes	No
Sen. Traynor	✓		Sen. Nelson	✓	
Senator Syverson	✓		Senator Triplett	✓	
Senator Hacker	✓				
Sen. Trenbeath	✓				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator *Syverson*

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1205, as engrossed: Judiciary Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1205 was placed on the Sixth order on the calendar.

Page 1, line 18, remove the overstrike over "and has attended a"

Page 1, remove the overstrike over lines 19 and 20

Page 1, line 21, remove the overstrike over "~~must~~", after "~~include~~" insert "be", and remove the overstrike over "an open book text to be given from a manual that sets forth"

Page 1, remove the overstrike over line 22

Page 1, line 23, remove the overstrike over "judicial decisions and attorney general opinions"

Page 2, line 1, remove the overstrike over the overstruck period

Page 2, remove the overstrike over line 9

Page 2, line 10, remove the overstrike over "~~license~~"

Page 2, line 16, remove the overstrike over "~~after the~~"

Page 2, remove the overstrike over line 17

Page 2, line 18, remove the overstrike over "and in such case the application must be processed within thirty days after its" and remove "of"

Page 3, line 21, remove the overstrike over "~~The~~" and remove "Except for rules relating to concealed weapon license testing, the"

Renumber accordingly

2005 HOUSE JUDICIARY

CONFERENCE COMMITTEE

HB 1205

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205/A

House Judiciary Committee

XX Conference Committee

Hearing Date 3/23/05

Tape Number

Side A

Side B

Meter #

Committee Clerk Signature

Minutes: Rep. Koppelman present.

Chair Koppelman: Called the meeting to order. Seeing no quorum present, the conference committee will be rescheduled. Meeting adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205/B

House Judiciary Committee

☒ Conference Committee

Hearing Date 3/28/05

Tape Number

Side A

Side B

Meter #

Committee Clerk Signature

Minutes: 2 members present (Sens. Syverson & Triplett), 4 members absent (Reps.

Koppelman, Galvin & Zaiër, Sen. Hacker).

Sen. Syverson: Since no quorum is present, the conference committee will be rescheduled, meeting adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205/C

House Judiciary Committee

☒ Conference Committee

Hearing Date 3/30/05

Tape Number

1

Side A

XX

Side B

Meter #

0-23.9

Committee Clerk Signature

Dawn Penrose

Minutes: 6 members present.

Representative Koppelman: Attendance was taken. Call the Conference Committee on HB 1205 to order. We will just start by asking the Senate to explain their amendment and the rationale, and so on.

Sen. Syverson: The bill arrived at the Senate with both the requirement for proficiency testing and written testing deleted. After much discussion and conversation with various responsible and interested parties, it was determined that, as a matter of compromise and understanding what the intent of the author's bill was, we could live without the proficiency testing for various reasons, but we felt that after conversation with the Attorney General and a representative from the Bureau of Criminal Investigation, that the written testing could and would be improved, and that it was essential that that be a part of the process of getting a concealed weapons carry permit. For one reason, the state should have and does have an interest in granting that authority to a permit holder. The other thing is that it would also allow for

continued reciprocity between other states for the carry of a weapon as authorized by the weapons permit holder. We do expect that people who are driving on our highways or fixing our plumbing or electricity, they are tested and granted licenses. Granted it is not the same as a permit, but they are still testing in that process. We felt that the written testing would do away with a lot of the questions that the Attorney General's office gets continually as to where can I carry this weapon. What are the processes. They would be answered if the test was to be enhanced, and for that reason, your Senate felt that it was appropriate that the testing be included. There is a representative from the BCI here today that would be willing to answer questions if anyone had questions. It was for that reason that the language requiring written testing was reinserted and the bill was passed and sent to your body. We understand that you have again removed it and we're not in concurrence with that.

Representative Koppelman: I appreciate your explanation, Sen. Syverson, and I think one of the only things that comes up with regard to your analogies of the various activities that we license and regulate and so on, because our constitution bears no guarantee of the right to bear a pipe wrench or carry electrical wire, or drive a car, but do have the right to bear arms, so some feel that it is a little different animal. Having said that, I think you've made some good points and I think the thing that we struggled with in the House, frankly when we looked at the bill, was that there seems to be some question as to the effectiveness, and therefore, need for both the shooting proficiency and the written test, and the point was made that the written test was an open book test and the amount of time given was such that it rendered it almost useless. Now I appreciate what you're saying about improvements that are being sought and I also have asked Bob Bennett to be here, and maybe...Bob, if you wouldn't mind speaking to that point, or maybe

kind of giving us some background on the testing and the process. I know you probably testified on this in both the House and Senate.

Bob Bennett, AG's Office: You are inquiring about both testing or the written testing.

Representative Koppelman: No one is asking that the proficiency test be reinserted, I don't believe. We are basically talking about the written test here.

Bob Bennett, AG's Office: Well, under the written test currently, we have administrative statute and administrative code rule. Administrative code rule requires the AG to have an open book test with at least 10 questions, it doesn't say what kind of questions it has to be.

Concurrently, the BCI has three different tests that we give, so that you don't have just one test.

If you have a group of people in the room or somebody fails it and comes back, we have three different tests. It is a T/F test. (Bob gave examples of some of the questions from the tests). The test is basically a summary of the ND statutes are. The concealed weapons permit manual that we have, sets forth a lot of information and sets forth the entire NDCC relating to weapons in which an individual can use as a resource when they are going through it. It also includes other safety tips relating to the safety of using the weapon, etc. It really covers a broad area. I know some concerns have come up on the testing, I think one thing that precipitated this bill, after it was amended, was that there was no fee imposed for the written test, no fees imposed at all. There was a \$50 fee for the shooting and written test, but there isn't any fee any more for anything.

Representative Koppelman: That's true, because the fee was tied to the proficiency test before...

Bob Bennett, AG's Office: Testing, the fee could be charged for the testing, which wasn't necessarily for both the written and proficiency. When the fee went out with the amendments, or when the bill was originally introduced, it did away with all the testing, and took away the authority to charge a fee for the written. So one of the concerns our office had, not so much with the written test itself, who's going to be giving the test. It's not really a legal issue, it might be more of a practical issue, we cannot issue permits, under the bill as it's currently written, unless we have proof that somebody passed a written test. If nobody will give the written test, then nobody can make a proper application, our office can't give the permits, and people are going to be knocking down our door, the sheriff's department door, or your doors, saying why can't we take a test. Why isn't anybody going to give a test. Now there may be individuals who will give tests for nothing, but there is no authority there to charge and that's one of the issues.

Representative Koppelman: That is reinserted in the Senate amendments, the fee, or is that still missing.

Bob Bennett, AG's Office: The fee is still deleted, because the only thing that was inserted in the Senate amendments was returning the written test back. That was one of the issues.

Sen. Triplett: Just to follow up on that point, and maybe I misunderstood this, but I thought I heard from someone along the way, that the \$50 or whatever was given to private contractors generally who went out and did the proficiency testing. I thought our sheriff's offices were doing the written tests already, is that no true.

Bob Bennett, AG's Office: No, the individual who does the shooting also gives the written test because they are the same certification that comes back to say that it's done. Now the sheriff's department might do it, if in fact they are doing all the testing, and there are individuals

that are in law enforcement who are authorized to do this testing. Police officers or sheriff's deputies may be authorized to do this, but the test results will come back in with yes, they have passed the proficiency, shot 70%, whatever it is, can handle a firearm, they passed their approval by the city or law enforcement or the sheriff, if the person gets to have a handgun, prove it, and also there is a certification by the tester, that the individual did pass the test, which is part of the process. That was one of the issues.

Sen. Hacker: Considering these are private contractors, could they not just charge a fee that they felt was appropriate to conduct the testing.

Bob Bennett, AG's Office: The basis for the fee originally back in 1985, was so that there was an amount set, the top end, that people could charge for the entire amount. There was discussion many years ago, as to how much the fee was going to be and it was pretty much the consensus at that time, that \$50 was appropriate for the amount of time that it took, but the fee that the individuals' charge has always been keyed to the statutory amount. And it does talk about the testing fee for the agency, but it has been applied to the fact that, and I would have to look at our rules, I don't know if our rules address that, but I know that that has been the practice. If an individual does want to charge, I suppose they could; but...

Representative Koppelman: Was this in the original statute, Bob. Was it deleted as part of the original bill or was it just in rule.

Bob Bennett, AG's Office: The fee is in the statute and I believe it says that it shall not exceed \$50. That is the sentence that would may come into play, as to whether or not individuals would believe that they could charge, because some individuals who are people that do the testing, charge less than \$50, some people do not charge the full \$50, but they are authorized up

to \$50. But there are other people who do charge the full \$50 and it is a sideline business. If they didn't receive the money they wouldn't do that, and then the issue comes in, I guess, again if they say, we're going to charge \$30 or \$50 just for the written, I guess that's more of a policy argument that we have. Our office's concern is to make sure that we have an application that comes in that shows they've met the requirements of law. If the written test is in there, we have to have certification by the person we certify or authorize that the test has been done. Once we have that, what they charge is unimportant to us, if somebody says they tried to charge us \$75, we'd say that under current law they can only charge you \$50.

Representative Koppelman: That would be...they is an agency, by agency are you talking about a state agency, or is that anybody giving the test.

Bob Bennett, AG's Office: That would be anyone, as it's been applied, it's been the \$50.

Representative Koppelman: The language you are referring to in the current statute, says the local agency conducting the test, may assess a charge of up to \$50 for conducting this test.

Sen. Hacker: Is there a fee that you charge for somebody to become certified to give the test.

Bob Bennett, AG's Office: No, I do not believe so. We do have individuals, who are NRA weapons instructors, Game & Fish instructors, law enforcement may apply, and I don't believe there is a fee that we charge. The only fees we charge are going to be the fees for the license itself.

Sen. Hacker: Would there be a problem with just letting the market determine the rate at which people giving the test would charge.

Bob Bennett, AG's Office: I don't think there is any problem with the market determining that. The issue is, I guess again, policy of both the legal issue, should there be some limits on

what it might be, the entire purpose of this back in 1985, was to make sure that we did have some standards, and some people say they may be minimal standards, but there are standards that we did not even have in the prior law. Prior law said that you could get a permit from the sheriff for \$3 to carry a handgun.

Representative Zaiser: Are there any criteria used in determining who can give the test.

Bob Bennett, AG's Office: The Attorney General was authorized to certify and I do not believe that we do have, let me look through the rules quickly, the standards that we have adopted have been individuals who, for instance, are certified law enforcement, who are up-to-date on their certified law enforcement, we have retired and current law enforcement people who do this type of testing. I think it was originally intended that the testing would be through certified law enforcement, and that's one reason we look at the agency; however, there was some hesitancy, or were individuals who did not want to do that, because all of a sudden there is some common liability that arose, for instance, after 1985, should we have the county deputies on county time, going on doing shooting testing of private citizens. There were some issues relating to liability and as a result there was some difficulty in finding some people who might be doing this. When we first started this, there was a big influx of people who wanted to get the permit, and we said, okay we can certify those individuals who have shown some type of higher standard of proficiency, which could include not only law enforcement, NRA weapons instructors, who have gone through a training program, safety instructors, individuals who have met that. As far as sitting down and hard writing, I can't show you that, but I can tell you that the practice of the past 20 years is that we don't have someone who is on the bar for 15 years, and be able to be the instructor. There has to be something more that we look at, because they should

have the ability to recognize if somebody handles a gun safely under our current proficiency test, and able to conduct the test that we can rely upon.

Sen. Sverson: On the bill that was approved by the Senate, version .0300, on page 2, lines 7, commencing with "the local agency conducting the testing may assess a charge of up to \$50 for conducting this testing". Would you have any objection if that overstrike were to be removed, and it were to read "the local agency conducting the testing may assess a charge of up to \$25 for the written test".

Bob Bennett, AG's Office: My suggestion is that the local agency may be the person conducting the test, since we do have a broader definition. I guess the amount is a matter for the committee. I see that Rep. Dietrich is here, and I know he also is an individual certified to do this testing. He might be able to explain to you what the costs might be, I think the \$50 was basically a consensus some time ago to say in 1985, this was appropriate for the time it took, because with the written test, you could have a group of people here in the room and do this, but in shooting, you have to haul them off someplace to shoot and it takes more time. As far as the amount goes, I think that's something that, whether it's \$15, \$20, or \$25 that might be appropriate for it, but you know there's going to be at least an hour's time, there's going to be filling out the forms, making the arrangements, there's going to be checking the test, sending the materials in and explaining to people why they didn't pass, if they didn't get 100% on the test. So \$25 would not be inappropriate.

Representative Koppelman: As a practical matter, how do people find out about the testing that is available, do they call the AG's office and say, I want a concealed weapons permit, what do I do, or do they call the local sheriff; how do they find out who is certified to give the test.

Bob Bennett, AG's Office: In many ways. Individuals can contact our office, but often you will see it at gun shops, people who have one who know them, you talk to someone with a concealed weapons permit, right now we're looking at 6,000 people with permits in the state, or one out of every hundred people have a permit in the state, and there's ads in the paper all the time, saying I'll give testing on it. If you contact the wardens, Game & Fish Dept. will be able to advise people as to who they may know who may do this, you have friends, relatives, there's a wide variety of ways to find out, or local law enforcement. Quite often, people will contact the sheriff's department, say do you do this, and not many agencies do it; but they might have some part-time deputies, who might do it on their own time, sporting goods shops, Scheels or Wal-Mart could tell you who does the tests.

Representative Koppelman: If we do make the change, and it appears right now, that we're at least moving toward getting rid of the proficiency and if we do make the change to still allow the written testing to happen, do you think that will change the nature of who does the testing. You're no longer in a position where you have to have somebody going out to a firing range, etc. There might be others who are willing to administer a written test. Do you see the complexion of that changing.

Bob Bennett, AG's Office: No, because we would not be changing the statutes, we would not be changing the rules relating to who we are going to accept or what the testing is going to be conducted by.

Representative Koppelman: Secondly, do you find the cap, when we talk about \$50 or \$25 and it seems reasonable, if you're going to do one kind of testing instead of two, that maybe that should be adjusted, but does that tend to be, will the cap become the minimum, that's become the

standard. If you say in the statute, you can charge up to \$50 or in this case, you can charge \$25, pretty soon everybody in town charges \$25 and it's not a situation where I'll do it for \$20 and he wants \$25.

Bob Bennett, AG's Office: It all depends on the person. I think the \$50 has become the standard for some people. I know there's an individual who charges less because of the, feeling that they shouldn't charge any more, or maybe give some discounts, if you happen to be a member of an organization. That is up to the individual, but they can charge up to it, but I think that if you happen to walk in just off the street, to a tester, and they don't know you from adam, and you want to take a test, you're probably going to be charged \$50; but if you know the individual, they might be a member of an organization, maybe the NRA, etc., or maybe a member of the Sykeston Rod & Gun Club, they may do it for \$25 or \$20 or for virtually nothing. It all depends. The reason back in 1985 was, they did not want to have, because there was such a request for it and the possibility of lesser amount of people, they did not want to have the marketplace, say okay, I can get you your permit for \$50 in three weeks, but if you want to do it tomorrow, it would be \$125. That was one of the arguments to have a cap.

Representative Zaiser: If we were to delete the written portion of the test, as well as the proficiency portion of the test, what states, or how many states would we have a problem with reciprocity.

Bob Bennett, AG's Office: The information I received from the BCI, I believe was most states that we have reciprocity with now, would say it would be okay, but Arizona is one that would not accept reciprocity, they require some type of a weapons safety program, that would include the proficiency test. These states would continue to honor reciprocity, AL, AK, FL, ID,

IN, KY, MI, MT, NH, OK, SD, TN, UT, and VT will continue to honor. WY will likely continue to honor, we are waiting for a return call from that state, but AZ would not continue to honor because they require the firearm safety program. Of the states that we currently have notice, they would give us reciprocity for our ND citizen resident holders. AZ would not accept it.

Representative Zaiser: How many states do not have any form of testing at all.

Bob Bennett, AG's Office: I do not know. I think it varies quite a bit. For instance, MN law, one of the issues was that they were not going to have reciprocity with ND, they required a testing by the law enforcement agency and needed \$225, they required an in-classroom program and it did not comply with their requirements. They were not going to give ND reciprocity, because even with our proficiency test, they said that did not meet their standards. Well I think that statute, I think, has gone by the wayside there.

Representative Koppelman: So do we have reciprocity right now with MN?

Bob Bennett, AG's Office: No, because MN's statute is still in play and I don't know what the status is, I think part of it is unconstitutional, but part of it is in play, we asked to determine if they were going to give us reciprocity, and they said no, because our law does not comply with theirs and if we changed our laws to comply with theirs, we would get reciprocity. Then we're getting into the slippery slope now does Georgia want to have our law changed.

Representative Koppelman: The short answer to Representative Zaiser's question, is that the states that would give us reciprocity, would not change whether we omit both the written and the proficiency or just the proficiency.

Bob Bennett, AG's Office: That's correct. As far as AZ goes, the written test, if that were retained, I don't think they would still give us reciprocity.

Representative Zaiser: What would we have to do to meet MN, to make them accept us, and then you talked about GA and so on, and I can see that slippery slope of well, you haven't done this and this. That gets to be a very difficult situation, we'd have to pass almost exactly what they've passed.

Bob Bennett, AG's Office: In fact, we would have to keep track of what every state has, if we were going to target some state, the way our statute is, it says if you accept ours without additional testing, we'll accept yours. There may be some tests that only give pistol permits, they would not accept throwing stars, knives, and nunchuks, but they would accept pistols, so we can do that. Or they may require that only people over 21 to do those things. We do not have a uniformity in concealed weapons permit laws around the state. Concealed carry laws, even some cities have requirements that the states have authorized the cities to do and it would just be very, very difficult, so our reciprocity, though sometimes difficult to establish to allow, we basically say it's your decision, SD, if you won't accept ours, we will accept yours, and we put the burden on them to say, if you want your citizens to carry in here, accept ours.

Representative Koppelman: But I remember, Bob, I was a cosponsor I think of the original concealed carry bill, several sessions ago, and I do recall the AG's office stating at that point, that you folks could decide not to reciprocate with another state, if you were uncomfortable with their standards as well.

Bob Bennett, AG's Office: With statute that has come out now, that if they accept ours without additional testing, then we accept theirs.

Sen. Triplett: I think we've beaten the reciprocity issue to death, and it sounds like that is a non-issue as far as I can tell. I think we should just make the decision on the written test as to whether or not we think it has value and I guess my position is that, if it's improved and the AG's office has promised that they will work on improving the test, then it would have some value in making sure that people who go through the test, have at least read and understood what the limitations of the law is, because if they don't think that they can gun down an intruder who's trying to steal their dog. Just a basic understanding of the limits of the law, is what I'm looking for from a written test.

Representative Koppelman: I appreciate that, Senator, and let's ask Bob about that, because I think we've had an indication that the AG's office is going to be strengthening the test. Can you describe that to us.

Bob Bennett, AG's Office: I think a lot of it comes out with what happens with the bill, if the written test is taken out, there would be nothing.

Representative Koppelman: Assuming it's put in.

Bob Bennett, AG's Office: One the issues we have, is the fact that if we want to amend our current rules, we're going to go through the process and we're looking at substantial costs involved. If we can work within the rules that we have, which I think we can do. We have just the general rule, that says that the AG has an open book test, with 10 questions. Again, it does not say the type of questions. We do have questions that do cover that are very helpful, I guess for people to get the information on it, but I would anticipate that we'll try to work within the 10 question area if we can, but we might look at a situation of multiple choice, we're you're going to have to go to different sources within the area to determine, when can you do this, and this and

this, instead of just a T/F, even though, on those types of things because the test questions we have cover areas that cover the law, cover their responsibilities under the concealed weapons law, and as a result, I think that can be done, but if we have to amend the rules to say it's going to be more than 10 questions, then we'll go through the administrative rulemaking process to do that.

Sen. Syverson: Before we recess, because there is another hearing scheduled shortly, I would like the joint committee to also think about, before we get back together, making this particular issue more restrictive and by removing any language that does not relate to firearms, but indeed relates to dangerous weapon. The concern has been expressed to me, that by removing the proficiency testing, we have removed the ability of the testing folks to deny an application for a conceal and carry, based on the fact that there is no proficiency test that has been established for the usage of the throwing star, or a nunchuk, or other dangerous weapons, other than firearms. By removing the proficiency test, we remove that ability to deny a permit for those pieces of equipment and by changing the verbology to be addressing only a firearm, I think we'd confine it to what we're looking for.

Representative Koppelman: That's a good point, Sen. Syverson, and as you said, we are going to have to recess, before we do that, I would just comment, I sat next to Rep. Dietrich, on another committee all session long and I've come to read his body language very clearly, and he's been kind of jumping around back there. We're going to have to recess, but if you have information for the committee, if you could share it with us privately, or when we come back, I will certainly give you some time to hear from you, because I know you do this kind of testing, it might be valuable to us. We stand in recess.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205/D

House Judiciary Committee

☒ Conference Committee

Hearing Date 4/1/05

Tape Number	Side A	Side B	Meter #
1	xx		0-19.5

Committee Clerk Signature *Dawn Penrose*

Minutes: 6 members present.

Representative Koppelman: Called the conference committee meeting to order, attendance was taken. I'm sure some you have gotten some e-mails, I have as recently as this morning. I've been trying to respond to those folks, kindly, but clearly that we're not at a point of rehearing the bill. I think some people are just hearing about this, and they're starting to weigh in on what they think of the merits of the bill itself. I tried to explain that we're at the stage where we have a conference committee, we're dealing with a House bill that was amended by the Senate. We're dealing with the differences between the bills and if there's anything that is germane to that, that has necessitated, such as the fee issue which is an unintended consequence that we might need to address. One of the indications that I'm getting and hearing from the AG's office and BCI, is that some seem to feel that the fee probably does need to be back in there, if we indeed end up with the Senate version of the bill reinserting the written test, but that there also seems to be a consensus that it certainly doesn't need to be \$50 anymore, because if you're dealing with an

instructor giving the test to one person the way they used to, the written and proficiency tests, it was kind of a one-on-one scenario, whereas if you only have a written test required, you can have room for 20 people and charge them \$20 or whatever and do them quarterly, etc. But that's just the input I've been hearing.

Sen. Syverson: I've done some looking at some of the other states that are issuing conceal and carry permits, and for example, Ohio they require at least 10 hours of certified training, and they define how it's to be done, and in conjunction with that, they have to have two hours of practical training, including range time and live fire. Obviously, the original bill, took all of that out; and just to address a little bit of some of your fees, TN charges from \$50-150 (4 hr classroom with 4 hr school); TX is \$140 for the permit and class costs an additional \$150-200, it's an 8-10 hr class including a proficiency and written; CO the permit is good for five years, and the permit fee is \$152 that does not include the classroom instruction; MT is \$25 and SD is \$10 and that's good for 4 years. Right now, we're close to the bottom. I would suggest our, from all the states that I looked at, rates are very low compared to the other states. We have these three states, MT, SD, and WY. I didn't write it down on my notes, but just for the edification of the committee as to what our fees are in comparison to some of the other states.

Representative Koppelman: In several of those states, they also have considerable more extensive testing and things that go with it to justify that fee. What is the permit cost.

Jerry Kimmet, BCI: The cost is \$25 for 3 years.

Representative Koppelman: So this \$25 permit fee and up to \$50 right now for the test.

Jerry Kimmet, BCI: For the test administrator.

Representative Koppelman: So it would cost the applicant \$75 of which the state would get \$25 and whoever is giving them the test would get \$50 if they charged the max, and we've heard some indications that some don't, so it could be less.

Jerry Kimmet, BCI: Correct.

Sen. Syverson: WY is \$74 and renewals are \$50.00. MN's law is in suspension, that they passed a couple of years ago, because of a ruling that it was unconstitutional, because they did not, in the law, prohibit carrying in a church and for that reason, the law was declared unconstitutional and it's being worked in the courts right now. The law itself, was not declared unconstitutional, only that part of it that did not prohibit the wearing of a weapon in a church. Those are just a couple of the things I saw on fees and some on permit granting.

Representative Koppelman: Thank you for your research. Any other thoughts or suggestions you would like to make.

Representative Galvin: I would like to leave the written test in and lower the fee to \$25, just have a \$25 fee.

Representative Koppelman: If you were to do that, Representative Galvin, right now the language in the bill that we would be deleting in this bill, basically puts it at a maximum; and for members of the committee, that is on, if you look on the First Engrossment with Senate amendments, model .0300, and if you look on pg. 2, it would be lines 7 & 8, beginning with the second sentence, beginning: "the local agency" and we've had some suggestion that if we amend that back in, that the term be changed to "person" and as you probably all know, in law, a person doesn't only mean a human being, it can mean a corporation or other entity of sorts, and then where it says 50, if Representative Galvin's idea prevails, then we'd be reinserting that line

changing local agency to person, changing 50 to 25 and if you intend Representative Galvin to make that as a motion, I believe the proper motion would be for the House would accede to the Senate amendments and that the Committee would further amend with that sentence I've described. Did you care to make that as a motion.

Representative Galvin: I would make that motion.

Sen. Triplett: Seconded.

Sen. Hacker: Just for the committee members to make sure we have it clear, the test, the way the bill is now, is that you take a test the first time, and the renewal fee is just \$25. So it's not \$75 every year, it's only \$75 the first year and then it's \$25 to continue to hold your license.

Representative Koppelman: Because you don't have to be retested currently, and I don't think that under this bill that would change.

Sen. Syverson: As a point of discussion before we complete the action on this motion, if I could ask Mr. Kimmet from BCI a couple of questions.

Representative Koppelman: Certainly.

Sen. Syverson: We have, since this bill was written, and probably it does not address it in any manner, but we have a new phenomena if you would, that is coming into the civilian market place, the electronic guns, lasers, tasers. Can you address for this conference committee the method in which your office is addressing those particular items.

Jerry Kimmet, BCI: Actually, right now if this were to pass the way it was, they would take the written test and anybody that passes the written test, we would end up doing the background check, it would go to the sheriff, it would go to the police chief, then come to us and we'd do another background check, and then we would then issue a concealed weapons permit.

Representative Koppelman: If I could follow up on Sen. Syverson's question on that, and maybe Bob, you may have input on this too, so feel free...right now the statute, I think what Sen. Syverson is referring to, is that the statute says "with dangerous weapons in addition to firearms", so do you have a definition in the AG's office, or is there one in law as to what a dangerous weapon is and if someone comes forward asking to conceal virtually anything under the sun, can they do that, because it says dangerous weapon.

Bob Bennett, AG's Office: There are a couple of definitions of dangerous weapon, one under the criminal code 12.01-01-04 and in the weapons law, 62.01-01-01, which has basically the same definition of dangerous weapon, which includes stun guns and also any type of weapon that may allow the expelling of a projectile by the use of compressed gas, air, things such as this which would be like the new taser guns that they have, that uses a compressed gas to shoot out the two electrodes into someone and pull the trigger. So that would certainly be covered, we had this discussion this past summer, law enforcement was concerned if it were a dangerous weapon. And it is, and stun guns are. Under the current law, if someone wishes to have a concealed weapons permit, we require, first of all, that they identify what they want the permit for, we do have in the rules, specific procedures for firearms, the 7 yard shooting course, hit 7 out of 10, but also a provision in our rules that have been in effect since '86, that said any other weapons will be determined on an individual basis. I know that in the past, we have given a concealed weapons permit for stun guns, but we do not, as far as the procedure, do them on an individual basis, where you would have the individual show that they could use it safely on the proficiency, they still have to take the written test, but maybe go to a silhouette target, and show where it could be safe, for instance, you don't put the electrodes in the eyeballs, to show where it can be

used safely, where they show how to use it safely. Basically any type of dangerous weapon that someone may want to have, we could have a permit for, but we would do it on an individual basis determine the test, there are very, very few that are not firearms; some nunchuk, throwing stars, but very, very few. We have two that are firearms and batons, and those are police officers in proficiency, we have two martial arts and firearms, and then one martial arts. The rest are for firearms.

Representative Koppelman: If the bill were to pass as the motion before us present, which basically reinserting the written test, but leaving the shooting test out, would your agency have any grounds to refuse somebody coming, saying I want to...if the dangerous weapon is defined in law, I want to be able to carry this and would you need some cover to be able to turn that down if you think in the public interest it would be appropriate, or law enforcement officials the same way.

Bob Bennett, AG's Office: If someone would ask for a firearm, we would have to apply the same standards, to if somebody wanted a firearm as opposed to the dangerous weapon, what basis would we have to turn it down.

Representative Koppelman: Don't you say in current law, you have a provision that says that it's dealt with on a case-by-case basis.

Bob Bennett, AG's Office: Right.

Representative Koppelman: I'm saying to that, would that give you the authority to say, this is something that we don't have any written test for, so we can't...

Bob Bennett, AG's Office: The written test is uniform for...firearm or dangerous weapon. The written test is going to be the same, whether for firearms or dangerous weapons. The

proficiency test relates to the ability to develop the test on an individual basis. I think at this point, we have no one with stun guns, for instance that are allowed to do so. The way the law is currently written, if someone would walk in and say I want a concealed weapons permit for a stun gun, they would follow the same procedure we would for a firearm, they still have to file a background, fingerprints, photograph, approval and everything else right down the line. We'd issue the permit if they otherwise met the requirements, and we'd have to develop, according to the rules, that test.

Representative Koppelman: Should a red flag on their criminal background, that might show...

Bob Bennett, AG's Office: That's correct, and basically that is what this bill will do, is say what's the basis for not giving someone a concealed weapons permit, it's going to be based upon the written test and the background.

Representative Koppelman: I appreciate the clarification. Sen. Syverson, please continue.

Sen. Syverson: I was of the assumption that you understood the questions I was going to ask, and I'll allow you to continue.

Representative Koppelman: No, I didn't. I was just looking for clarification as to what the current law would allow.

Sen. Syverson: We may have received that clarification had I been allowed to continue my questioning of Mr. Kimmet. I will allow you to continue, sir.

Representative Koppelman: I'm finished. I apologize. Any further questions for either gentleman.

Sen. Syverson: I do.

Representative Koppelman: Please continue.

Sen. Syverson: If someone were to approach a tester with a throwing star, in the way the bill now reads, I'm specifically addressing a throwing star, how would you find reason to deny a permit to that individual with the bill as it is addressed by the House.

Jerry Kimmet, BCI: Under the old bill.

Sen. Syverson: Under the bill without the proficiency testing.

Jerry Kimmet, BCI: What we do now, sir, is knives, which is the exact same thing, under martial arts right now, for the proficiency test, Mike administers that, we end up asking the administrator to prove that they have had the training to be a test administrator for that weapon, whether it's a knife, or martial arts, or whatever. After they do that, they administer the proficiency test, and then that is submitted to us, but if there isn't any instructor that can prove proficiency, then they are denied that permit.

Sen. Syverson: So if the individual did not prove competency with a throwing star, you could deny a permit.

Jerry Kimmet, BCI: That's correct.

Sen. Syverson: And now without a proficiency test, you cannot deny a permit for a throwing star, is that correct.

Jerry Kimmet, BCI: If it falls under the dangerous weapons and they pass it the way the bill is now, if they pass the written test and they pass both the background checks, then we issue the concealed weapons permit

Sen. Syverson: The same way with electronic guns.

Jerry Kimmet, BCI: That's correct.

Representative Koppelman: Any further questions. If there's no further questions or comments, the motion before us is Rep. Galvin's motion, seconded by Sen. Triplett, which would have the House accede to the Senate amendment and further amend by adding the line on page 2, lines 7 & 8 of the First Engrossment with Senate Amendments which is number .0300, and that line be changed to have "local agency" replaced with "person" and have "50" replaced with "25. Further discussion. Seeing none, we will take a roll call vote on the motion.

6 YES 0 NO 0 ABSENT MOTION PASSES.

Representative Koppelman: We have the amended bill before us, is there a motion.

Representative Zaiser: I was looking at the bill and one thing that concerned me, when the Attorney General, we talked about it yesterday, would approve, somebody could be an instructor if they were certified by the AG's office. To me, that seems rather vague in determining what the criteria for an instructor ought to be. Just that they're certified. Well, to me it seems somewhat ambiguous in terms of how that certification, to me..

Representative Koppelman: If you want them to come forward, I believe they have that information.

Bob Bennett, AG's Office: I just noticed that on page 2, lines 4 & 5, it talks about a weapons instructor certified by the Attorney General shall conduct a testing procedure and that was originally looked specifically to the proficiency, but that can certainly have that overstrike removed and then we have a specific requirement that weapons instructor, certified, shall conduct the testing and that would be, we would have a certification we currently follow right now for the written test.

Representative Koppelman: The point that Sen. Syverson was bringing up earlier, would that help you in terms of being able to verify that someone was a tester, or an instructor, even though it's only a written test as the bill stands, would that give you any ability to determine the qualifications of that person, at least hope that if they are giving a test to somebody, not for a gun, but for a throwing star, or some of the other things that the Senator was talking about, that they have some proficiency as an instructor.

Bob Bennett, AG's Office: With these amendments, proficiency is out the window, so basically who is going to be giving the test, are we going to have anybody off the street give the written test, and then certify. This may, by retaining the language on lines 4, 5 and 6 on that, that would certainly leave it the way it is and have the same people doing the testing that are doing it now, would do the written test. Since we do have testing related to use of force and things such as this, in the manual, that would certainly be of assistance if somebody needs some explanation. But also, I think it would affect the reliability of the individuals who are certifying to us that, in fact, the person did take the test and did pass it. That's one of the underlying concerns that you always have, is that we want to make sure that the people that give the tests, that if we have a written, we can trust the results that we get. I guess if maybe that were to be left in, that a weapons instructor certified by the Attorney General shall conduct the testing procedure, that may apply to written as well, and that might be helpful if that's going to be an issue relating to the qualification, because we do have qualifications, our manual, according to rules and statute, we've just developed testing procedures and we have adopted requirements within our concealed weapons manual and people that we authorize and certify, plus the individual, I would think, would have some pride and ownership in the fact that they are certified to give the written test,

where the statute is in. That may be a good suggestion to make sure that we use the same people that we are using now.

Representative Koppelman: Any further questions.

Sen. Triplett: I am just learning how to do this, but I would like to further amend to add that sentence back in, remove the overstrike.

Representative Koppelman: So it would be the two sentences.

Sen. Triplett: Just one sentence, it begins at the end of line 4, on page 2, "A weapons instructor certified by the attorney general shall conduct the testing procedure." Remove that overstrike.

Representative Koppelman: Would you also want to remove the overstrike in the next sentence, that gives the attorney general the authority to develop rules, should they decide that maybe some new ones are needed.

Sen. Triplett: That would be fine.

Representative Koppelman: So the motion of Sen. Triplett would be to reinsert the two sentences, beginning at the end of line 4, with the word "A and through the middle of line 7".

Sen. Hacker: Seconded.

Sen. Syverson: We're addressing a periodic testing by the Attorney General. Is that the intent of this amendment.

Representative Koppelman: Sen. Syverson, I think the intent of what Mr. Bennett's talking about...

Sen. Syverson: No, I'm talking about the amendment.

Representative Koppelman: The amendment before us would reinsert the two sentences, beginning at the end of line 4, which basically would say that

Sen. Syverson: I understand.

Representative Koppelman: The second sentence would give the Attorney General the authority to develop rules to ensure that the testing will be conducted periodically, I think the intent of that is twofold, as I read it. One is to say that the Attorney General has rulemaking authority, secondly to say that this test has to be available someplace from time to time, so that it's not something that's only given every two years in Bismarck, or something like that.

Sen. Triplett: That's how I understood it.

Sen. Syverson: That may be your understanding but I think it could also be understood that, that means that he would probably apply it on a renewal, or could apply it on a renewal.

Representative Koppelman: That is current law, and since currently testing is not required on renewals, I don't think that they would apply it that way, but I see your point.

Sen. Syverson: I have another committee meeting at this time...

Representative Koppelman: We will hold action, since there is other action pending and we'll hold that motion in suspension until we meet again on HB 1205. Meeting is adjourned.

2005 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. HB 1205/E

House Judiciary Committee

☐ Conference Committee

Hearing Date 4/4/05

Tape Number

1

Side A

xx

Side B

Meter #

27.4-41.3

Committee Clerk Signature



Minutes: 6 members present.

Representative Koppelman: Called the meeting to order. Attendance was taken. I was just looking at the record here, to try and recall exactly what the motion before us was, when we recessed last time, we held it in suspension because we were right up against the clock. To restate it, I believe that Sen. Triplett had made the motion that the language in the bill, which in .0300 version, which is the First Engrossment of the House Bill with the Senate Amendments, appears on page 2, beginning at the end of line 4, and going on through the middle of line 7. The language that would be reinserted by the motion would be, "A weapons instructor certified by the Attorney General shall conduct the testing procedure, the Attorney General shall develop rules that ensure that this testing will be conducted periodically." That motion has been made and seconded and before us.

Sen. Triplett: That is correct. The following sentence was dealt with.

Representative Koppelman: That was dealt with in a prior motion. Previously we amended, the House acceded to the Senate amendment and amended, by changing the testing agency to person and we changed the \$50 fee to \$25. Before we vote, if anyone in the committee has any questions, or if the folks from the AG's office or BCI have additional information that they want to share before we vote on that. You had indicated earlier that you have the flexibility to toughen up the test, and that's your intent.

Bob Bennett, AG's Office: Correct.

Sen. Syverson: I had a question just as we were adjourning in the previous conference committee meeting, on line 7, starting on line 6, "the Attorney General shall develop rules to ensure that this testing will be conducted periodically." I'm not sure what the term "periodically" in the context in which we have it right here, means. Does that mean that they'll only give the test once a month, or does that mean that you have to take the test every so often. I just don't like that term included in there, and I would ask the maker of the motion to maybe reconsider and leave the overstrike on "periodically" as is, just on the word "periodically". So it would read, "The attorney general shall develop rules and ensure that the testing will be conducted."

Representative Koppelman: I don't have a problem with that.

Sen. Triplett: I think that "periodically" implies that it has to be done with some reasonable level of frequency, and if you leave it off altogether, it could mean that it be done once in a blue moon, so I think it's helpful, but I don't have any heartburn over it, because I trust the Attorney General's office to let administrative rule making determine that.

Sen. Syverson: The point I'm trying to direct this at, is that a certified weapons instructor that gives the test, may be a member of the sheriff's department, and a candidate for a permit

could contact the sheriff and have the test taken at a mutually agreed upon time. What we're implying here, I feel, is that we're implying that the Attorney General shall conduct the testing, or if the AG does conduct the testing, it will only be accomplished on certain periods. By leaving that word out, and allowing the AG to develop the rules that ensure that this testing will be conducted, the AG's office could do it if they so desire. Or if we left it to the sheriff, then the sheriff would probably say, okay I give it the third Tuesday of every second month. You see what I'm getting at.

Representative Koppelman: I think, if I understood both of what you said last time, and what you've picked up on today, I think you're saying that wording could imply that a licensed holder would also have to be retested, was that part of your concern from last time.

Sen. Syverson: That could be a part of it, that was not the direct concern that I had with it, I just had a concern with the definition of periodically, and that was to be a part.

Representative Zaiser: If I recall correctly, I think Mr. Bennett sort of explained the AG's opinion on the word "periodically". Maybe I'm wrong, if he didn't say, I thought he said that would be on a regular period of time, but not every month for instance.

Bob Bennett, AG's Office: The periodically was in there initially, to ensure that there would be testing done, not according to a schedule, but to ensure that it would be done. The language was put in, whether periodic is left in or out, the way we would still do it is, for instance in our rules, is say, as the test administrator you shall conduct testing and certify that you are able to provide this on a certain schedule, quarterly or whatever it might be, which could be by rule, but periodically never included a scheduling that we would say you have to do one of these every month, because in many counties that would be, there would be very few counties that would

have a reason to do that. The word was originally in there to make sure that there would be testing available, as time has gone on, we do have the availability of testing throughout the state.

Representative Koppelman: So as you indicated, this is current law, and would any of these changes that are being contemplated require you to go through a new round of rulemaking, do you believe.

Bob Bennett, AG's Office: I don't believe so. I think to make the test harder, we will, because the current rules limit it to 10 questions. It doesn't say multiple choice, T/F, if we work around how the questions are going to be asked or the manner in which the tests are going to be done, that may require something but we currently have, by our current rules, talked about this. I think we've had this 1986, and I think that if there is a difficulty in testing, then the issue might come up, whether it says periodically or not, we wanted to make sure that there is a test available, because we can't approve one until we get a written test, if the written test is still in there, so it's to everybody's interest to make sure that the testing is available and that's what we would work with individuals, who do the test on it.

Sen. Syverson: Could you explain the renewal process.

Jerry Kimmet, BCI: The renewal process right now, the person asks for the sheet, and then we do the background again and all that, but they don't have to do another test or anything like that. It's just an automatic, pay the fee and send in the application, and we check their record again.

Sen. Syverson: And there is no fee for that.

Jerry Kimmet, BCI: There is a fee, the renewal fee which is \$25 and the permit is good for three years again.

Sen. Syverson: Can we imply that this \$25 would continue to be applicable, not only to the initial application but to the renewal.

Jerry Kimmet, BCI: That would be a question for Mr. Bennett.

Bob Bennett, AG's Office: Yes, the \$25 fee is the license fee and when we refer in the statute here to, we do not require further testing for renewal, you would not have to have new fingerprint cards, picture, etc., for the renewal and no further tests. But the license fee is \$25 and when we give them a renewal, we are in fact, giving them another license.

Sen. Syverson: It just was not clear.

Representative Koppelman: So, Bob on the \$25, where does that appear, is that an administrative rule or is that just a fee that you set and can change in your office.

Bob Bennett, AG's Office: That's in subsection 3 of the current statute, it says the license fee for a concealed weapons license is \$25 and we have some divvying up among ourselves into the general fund.

Representative Koppelman: Thanks again gentlemen, for all of your input. It's been very helpful. The question before us is then, on the word "periodically", the committee has heard how that's applied in current law, and again just to remind everyone, it is in current law. The initial bill would have removed it, the motion before us is to reinsert those two lines and I guess the question is, whether that word should be in that motion or whether we should take it out of the current law. Is there further discussion on that.

Sen. Syverson: I think the questions that were answered, it is immaterial and ineffective word, and I think the mootness of it was demonstrated by the answers that we received, and I

would be inclined to say that we should just leave it out, because I think the negative connotations, that can be applied by the word, far exceed the positive implication.

Representative Koppelman: Procedurally, we can do this, probably the cleanest way to do this, is if we want to make that as an amendment to the motion.

Sen. Syverson: I would do that.

Representative Koppelman: So the motion is to amend the motion before us to remove the word "periodically". Is there a second.

Representative Galvin: Seconded.

Representative Koppelman: So the question before us is whether or not to amend the motion made by Sen. Triplett, we'll try this on a voice vote. Motion carried.

Representative Zaiser: Excuse me, can you amend the motion. If there's an amendment, don't you have to have that amendment withdrawn.

Representative Koppelman: No, you can amend the motion, when the motion is on the table, it's in order to have a motion to amend the motion that's on the table, as long as there's a second and now what we've done, we have a motion made by Sen. Triplett, the motion by Sen. Syverson was to amend that motion, and that was successful, so we have the amended motion before us. So what we have before us is reinserting those lines that we talked about, absent the word "periodically". Clerk will call the roll on that motion.

6 YES 0 NO 0 ABSENT MOTION CARRIED.

HOUSE ACCEDE TO SENATE AMENDMENTS AND AMEND.

Representative Koppelman: Motion prevails. We now have the amended bill before us, and I don't think we need further action unless the committee so desires. We've already acceded to

Page 7

House Judiciary Committee

Bill/Resolution Number HB 1205

Hearing Date 4/4/05

the Senate amendments and amended twice now. Unless there is further business, meeting is adjourned. Committee is dissolved.

Conference Committee Amendments to Engrossed HB 1205 (50324.0202) - 04/05/2005

That the House accede to the Senate amendments as printed on page 940 of the House Journal and page 700 of the Senate Journal and that Engrossed House Bill No. 1205 be further amended as follows:

Page 2, line 4, remove the overstrike over "A"

Page 2, remove the overstrike over lines 5 and 6

Page 2, line 7, remove the overstrike over "testing will be conducted", remove the overstrike over "~~The~~", after "local agency" insert "person", and remove the overstrike over "conducting the"

Page 2, line 8, remove the overstrike over "testing may assess a charge of up to", after "~~fifty~~" insert "twenty-five", and remove the overstrike over "dollars for conducting this testing."

Renumber accordingly

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1205 as engrossed):

Date: 4/1/05

Your Conference Committee **HOUSE JUDICIARY**

For the Senate:

Yes No

Sen. Syverson

xx

Sen. Hacker

xx

Sen. Triplett

xx

For the House:

Yes No

Rep. Koppelman

xx

Rep. Charging

xx

Rep. Zaiser

xx

recommends that the HOUSE ACCEDE to

the (Senate) amendments on (HJ) page(s) 940

_____ and place _____ on the Seventh order.

XXXX , adopt amendments as follows, and place HB 1205 on the
Seventh order:

_____, having been unable to agree, recommends that the committee be
discharged and a new committee be appointed.

_____ was placed on the Seventh order of business on the calendar.

DATE: 4/01/05

CARRIER: Rep. Koppelman

LC NO. 50324.0202 of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment _____

6 YES 0 NO 0 ABSENT

HOUSE ACCEDE TO SENATE AMENDMENTS AND AMEND AS FOLLOWS:

Change local agency to person, and change \$50 to \$25. Motion carried.

**REPORT OF CONFERENCE COMMITTEE
(ACCEDE/RECEDE)**

Bill Number HB 1205 as engrossed):

Date: 4/4/05

Your Conference Committee **HOUSE JUDICIARY**

For the Senate:

Yes No

Sen. Syverson

xx

Sen. Hacker

xx

Sen. Triplett

xx

For the House:

Yes No

Rep. Koppelman

xx

Rep. Charging

xx

Rep. Zaiser

xx

recommends that the HOUSE ACCEDE to

the (Senate) amendments on (HJ) page(s) 940

_____ and place _____ on the Seventh order.

XXXX, adopt amendments as follows, and place HB 1205 on the
Seventh order:

_____, having been unable to agree, recommends that the committee be
discharged and a new committee be appointed.

Engrossed HB 1205 was placed on the Seventh order of business on the calendar.

DATE: 4/04/05

CARRIER: Rep. Koppelman

LC NO. 50324.0202 of amendment

LC NO. _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

6 YES 0 NO 0 ABSENT

HOUSE ACCEDE TO SENATE AMENDMENTS AND AMEND AS FOLLOWS:

**Pg 2, line 4, remove overstrike over "A", remove overstrike over lines 5 & 6, on line 7,
removed overstrike over "testing will be conducted". Motion carried.**

REPORT OF CONFERENCE COMMITTEE

HB 1205, as engrossed: Your conference committee (Sens. Syverson, Hacker, Triplett and Reps. Koppelman, Galvin, Zaiser) recommends that the **HOUSE ACCEDE** to the Senate amendments on HJ page 940, adopt further amendments as follows, and place HB 1205 on the Seventh order:

That the House accede to the Senate amendments as printed on page 940 of the House Journal and page 700 of the Senate Journal and that Engrossed House Bill No. 1205 be further amended as follows:

Page 2, line 4, remove the overstrike over "A"

Page 2, remove the overstrike over lines 5 and 6

Page 2, line 7, remove the overstrike over "testing will be conducted", remove the overstrike over "~~The~~", after "local agency" insert "person", and remove the overstrike over "conducting the"

Page 2, line 8, remove the overstrike over "testing may assess a charge of up to", after "~~fifty~~" insert "twenty-five", and remove the overstrike over "dollars for conducting this testing."

Renumber accordingly

Engrossed HB 1205 was placed on the Seventh order of business on the calendar.

2005 TESTIMONY

HB 1205

ARTICLE 10-12

CONCEALED WEAPONS

Chapter

10-12-01

Concealed Weapons Permit

CHAPTER 10-12-01

CONCEALED WEAPONS PERMIT

Section

10-12-01-01	Incomplete Application
10-12-01-02	Permits for Multiple Types of Weapons
10-12-01-03	Nonresident Applicants
10-12-01-04	Written Test
10-12-01-05	Proficiency Test
10-12-01-06	Lost or Destroyed Permits
10-12-01-07	Revocation or Suspension of a Concealed Weapons Permit
10-12-01-08	Denial of a Concealed Weapons Permit
10-12-01-09	Residence Change
10-12-01-10	Appeals
10-12-01-11	Applicability of Requirements

10-12-01-01. Incomplete application. All applications for a concealed weapons permit must be made on a form approved by the chief agent of the bureau of criminal investigation. All applications received by the chief agent of the bureau of criminal investigation must be completed before they will be considered for approval and processing. To be considered complete, an application must:

1. Have all the information blanks on the front of the application answered, either with the information requested or with an N/A for nonapplicable where appropriate.
2. Have the test block section on the reverse side of the application filled in by the test administrator. The test administrator must indicate whether the written and proficiency tests have been passed and must include that administrator's signature.
3. Have the signed approval of the local county sheriff.
4. Have the signed approval of the local chief of police, if there is one.
5. Have one fingerprint card containing the classifiable fingerprints of the applicant attached.
6. Have two driver's license-style color photographs attached.

All incomplete applications received by the chief agent of the bureau of criminal investigation will be returned to the applicant for completion.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-02. Permits for multiple types of weapons. If an individual wishes a concealed weapons permit for several different weapons types, i.e., firearm and knife, stun gun and knife, etc., only one written test need be taken and passed. However, the applicant must pass a proficiency test for each weapon type for which a proficiency test is required. The test administrator may charge for each proficiency test, as long as the total charge does not exceed fifty dollars.

If the applicant wishes to obtain a concealed weapons permit for additional weapons types after receiving the initial permit, then a new application with the word "amended" printed on the top must be completed. The only blank on the application that would not need to be completed is the blank indicating that the written test has been passed. The test administrator may charge a fee for the proficiency test on these additional weapons types as long as that fee does not exceed fifty dollars.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-03. Nonresident applicants. Residents of the United States who are not residents of North Dakota may obtain a North Dakota concealed weapons permit. To obtain a permit, the individual must complete the same application process and meet the same criteria as a North Dakota resident.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-04. Written test. The written test must be an open-book test approved by the attorney general. The test must consist of ten questions.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-05. Proficiency test. The attorney general shall set forth the criteria for the proficiency tests.

For firearms, it must be as follows:

1. **Target.** Must be a humanoid, silhouette target of either the duelatron or the B-27 type.

2. **Range.** Seven yards (twenty-one feet [6.40 meters]) .
3. **Time.** Five minutes.
4. **Number of rounds.** Ten. No more than six rounds may be loaded at any time. The individual must safely reload during the firing sequence.
5. **Weapon.** Any safe weapon with any type of ammunition suitable for that weapon may be used.
6. **Starting position.** The weapon must be loaded and holstered after arrival to the line and under the direction and observation of the test administrator. Upon command, the weapon should be drawn and fired. If no holster is to be used, then any safe carrying method may be used.
7. **Scoring.** All hits on the silhouette count one point. Seven points are needed to pass.
8. **Position.** Any standing position may be used, i.e., one-handed or two-handed, "weaver" stance, "crouch," etc.
9. **Passing.** In order to pass, the individual must:
 - a. Score a minimum of seven points; and
 - b. Be able to load, unload, carry, and fire the weapon safely.

Only this course of fire may be used.

For other weapons, it must be designated by the attorney general on an individual weapon type basis. The emphasis on this testing must be testing the applicant for familiarity with the weapon and to demonstrate safety in the handling of that weapon type.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-06. Lost or destroyed permits. If a permitholder loses his or her permit or it is destroyed, a replacement may be obtained. In order to obtain a new permit, the applicant must send a letter to the chief agent of the bureau of criminal investigation indicating the applicant's name, address, and date of birth. In addition, the letter must state the reason the applicant needs a replacement permit. In addition, the applicant must also attach one driver's license-style photograph to the letter.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-07. Revocation or suspension of a concealed weapons permit. The chief agent of the bureau of criminal investigation may revoke or suspend a concealed weapons permit for the following reasons:

1. The permitholder has become one of the persons listed in North Dakota Century Code section 62.1-02-01; or
2. Upon the written recommendation of any law enforcement officer or upon information received from any other source that would indicate to the chief agent of the bureau of criminal investigation that there exists a valid reason to revoke or suspend such permit. Examples of those valid reasons are as follows:
 - a. A criminal violation occurred while the permitholder was in the possession of a concealed weapon.
 - b. A conviction of any weapons law or this chapter has occurred.
 - c. The applicant made a material false statement on the application form for the concealed weapons permit.
 - d. Any other good and valid reason that has a direct bearing on the individual's fitness to carry and possess a concealed weapon.

History: Effective September 1, 1986.

General Authority: NDCC 62.1-04-03

Law Implemented: NDCC 62.1-04-03

10-12-01-08. Denial of a concealed weapons permit. The chief agent of the bureau of criminal investigation may deny a concealed weapons permit for any of the following reasons:

1. The applicant is prohibited by North Dakota Century Code section 62.1-02-01 from possessing any weapon.
2. The applicant has failed to state a valid reason to possess a concealed weapon.
3. The applicant has not filed a completed application as required in section 10-12-01-01.
4. The applicant made a material false statement on the application for a concealed weapons permit.

5. For any other good and valid reasons that has a direct bearing on the individual's fitness to carry and possess a concealed weapon.

History: Effective September 1, 1986.
General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03

10-12-01-09. Residence change. All holders of a concealed weapons permit must notify the chief agent of the bureau of criminal investigation within thirty days of their moving to an address different than what is listed on their permit of that change of address. That notification must be in writing and must contain at a minimum the applicant's name, former address, permit number, and new address. The new address must include house number or apartment number, street name, city, zip code, and county.

History: Effective September 1, 1986.
General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03

10-12-01-10. Appeals. All appeals of decisions of the chief agent of the bureau of criminal investigation must be made pursuant to and in accord with North Dakota Century Code chapter 28-32.

History: Effective September 1, 1986.
General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03

10-12-01-11. Applicability of requirements. All three-year permits are issued pursuant to and subject to this chapter and all North Dakota weapons law restrictions.

History: Effective September 1, 1986.
General Authority: NDCC 62.1-04-03
Law Implemented: NDCC 62.1-04-03

Att #1

Kemmet, Jerry C.



HB-1205

To:
Subject:

Volk, Judy H.
Tuesday, January 11, 2005 2:04 PM
Kemmet, Jerry C.
Concealed weapon permit reciprocity

Jerry,

We currently have reciprocity with the 16 following states. I phoned each of them and found out the following:

- (1) Alabama - will continue to honor
- (2) Alaska - will continue to honor
- (3) Arizona - would not continue to honor - must have firearm safety program for recognition by this state
- (4) Florida - will continue to honor
- (5) Idaho - will continue to honor
- (6) Indiana - will continue to honor
- (7) Kentucky - will continue to honor
- (8) Michigan - will continue to honor
- (9) Montana - will continue to honor
- (10) New Hampshire - will continue to honor
- (11) Oklahoma - will continue to honor
- (12) South Dakota - will continue to honor
- (13) Tennessee - will continue to honor
- (14) Utah - will continue to honor
- (15) Wyoming - will likely continue to honor (I am waiting for a return call from this state)
- (16) Vermont - will continue to honor. Vermont law does not require a permit to carry concealed.

If you have questions, please let me know.

Thanks!

Judy



INSTRUCTIONS:

AA #2

Circle ALL correct answers.

Only correct answers.

The test is to be taken open-book. That is, you are entitled to use whatever books, booklets, or notes you wish to in answering this test.

The maximum time allotted is 1 hour.

YOU MUST SCORE 100% TO PASS.

TEST QUESTIONS:

1. In which of the following places can a person with a concealed weapon permit NOT possess a firearm or dangerous weapon:
 - a. Liquor establishment.
 - b. Gaming site
 - c. Public gathering, including any public building or parks
 - d. State highway
 - e. Motor vehicle
 - f. Motel rooms
 - g. While hunting in the field
2. A person possessing a concealed weapon permit can have a loaded handgun in a motor vehicle.
True false
3. A firearm is NOT considered concealed if it is unloaded and discernible by the ordinary observation of a passerby.
True False
4. A person may have their concealed weapon permit revoked if they are found to be under the influence of liquor or a controlled substance and is carrying a concealed weapon.
True False
5. Every person possessing a concealed weapon must have on his or her person the concealed weapon permit and must give it to any law enforcement officer upon demand.
True False
6. Deadly force is justified, when used in lawful self-defense, if the force is NECESSARY to protect against:
 - a. Death
 - b. Serious bodily injury
 - c. Commission of a felony involving violence
 - d. Theft of gas
7. Deadly force is not justified if it can be avoided, with safety, by retreat or other similar conduct.
True False
8. A person seeking to protect someone else must, before using deadly force, try to cause that person to retreat if it can be done safely.
True False
9. "Deadly force" means force which a person uses with the intent of causing, or which he knows creates a substantial risk of causing, death or serious bodily injury.
True False
10. A person is not justified in using more force than is necessary and appropriate under the circumstances.
True False

AA #3

**Concealed Weapon Permit Activity
Annual Summary**

Year	New	Renewal	Total	Current Permits
1999	551	955	1506	Not Available
2000	462	1635	2097	Not Available
2001	549	1481	2030	5529
2002	635	1149	1784	5831
2003	643	1715	2358	6335
2004	827	1648	2475	6767