

2013 HOUSE JUDICIARY

HB 1241

2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee
Prairie Room, State Capitol

HB 1241
January 22, 2013
Job 17521

Conference Committee

Krista Helms

Explanation or reason for introduction of bill/resolution:

A firearm or dangerous weapon in a gaming site.

Minutes:

Chairman Koppelman: Opens. A question of concealed weapons holders information and whether it was public or not. In ND that information is confidential and not available for public information.

Rep B. Koppelman: Supports HB 1241, 2005 ND lottery was implemented. Century Code 62.1-01-01 subsection 4. Was intended for dedicated gaming sites and not every retailer that sells lottery tickets.

Rep Klemin: Right now you cannot have a concealed weapon in a grocery store that sells lottery tickets?

Rep B. Koppelman: Yes, not even a night shift worker in a convenience store is allowed a concealed weapon right now.

Rep Klemin: HB 1241 would reverse this?

Rep B Koppelman: That is correct.

Chairman Koppelman: Closes.

Rep Maragos: Do Pass.

Rep Paur: Second.

Yes: 13

No: 0

Absent: 1

House Judiciary Committee
HB 1241
January 22, 2013
Page 2

Carried by: Rep Hanson.

Date: 1-22-13
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. HB 1241

House Judiciary Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By Rep. Maragos Seconded By Rep. Paur

Representatives	Yes	No	Representatives	Yes	No
Chairman Kim Koppelman	/		Rep. Lois Delmore		
Vice Chairman Lawrence Klemin	/		Rep. Ben Hanson	/	
Rep. Randy Boehning	/		Rep. Kathy Hogan	/	
Rep. Roger Brabandt	/				
Rep. Karen Karls	/				
Rep. William Kretschmar	/				
Rep. Diane Larson	/				
Rep. Andrew Maragos	/				
Rep. Gary Paur	/				
Rep. Vicky Steiner	/				
Rep. Nathan Toman	/				

Total (Yes) 13 No 0

Absent 1

Floor Assignment Rep. Hanson

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

REPORT OF STANDING COMMITTEE

HB 1241: Judiciary Committee (Rep. K. Koppelman, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1241 was placed on the Eleventh order on the calendar.

2013 SENATE JUDICIARY

HB 1241

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1241
3/19/2013
Job #20161

Conference Committee

Committee Clerk Signature 

Minutes:

Attachment

Relating to a firearm or dangerous weapon in a gaming site

Senator David Hogue - Chairman

Representative B. Koppelman - Introduces the bill and says this bill seeks to change the restricted areas for concealed permit holders and allow the carrying in gaming sites. He reads that gaming sites are those licensed by the Attorney General. He explains that in 2005 the lottery started and was put into gas stations and convenience stores those sites became gaming sites. His proposal is to remove gaming sites from the law with the exception of places that are alcohol establishment. Senator Armstrong asks him about Bingo Parlors. Rep. Koppelman explains that they are run by non-profit charities and if this law is passed they can post notice against carrying there. It is his understanding any business can do that.

Representative Ron Carlisle - Proposes an amendment, 13.0582.01001 for a constituent. This amendment adds restaurant to the bill.

Opposition

Neutral

Susan Beehler - Mandan resident - She is a concealed weapon permit holder and believes the language is getting muddled and should be made clear.

Senator Nelson asks for a definition of gaming sites. Rep. Koppelman explains gaming site and how it is confusing. The change is needed after the lottery was introduced.

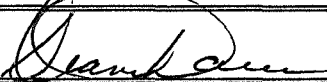
Close the hearing

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1241
3/26/2013
Job #20440

Conference Committee

Committee Clerk Signature 

Minutes:

Vote

Senator David Hogue - Chairman

Committee work

The committee discusses making an exception within an exception. Senator Armstrong proposes amendment 13.0582.01003 relating to bingo parlors.

Senator Armstrong moves the amendment
Senator Sitte seconded

Discussion

Senator Armstrong explains his amendment and says this would mean no guns in bingo parlors. The committee discusses the language in the amendment and how it changes the bill. The bills primary intent was to deal with gas stations that sell lottery tickets. Senator Nelson mentions the language does not flow into a sentence. The committee decides to discuss this bill further in the next committee work day.

2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee
Fort Lincoln Room, State Capitol

HB1241
3/26/2013
Job #20488

Conference Committee

Committee Clerk Signature 

Minutes:

Vote

Senator David Hogue - Chairman

Committee work

Committee discusses the amendment Senator Armstrong brought in and that it had been moved and seconded. The committee thinks the language is very confusing. Senator Armstrong states this says you cannot carry a gun in bars and bingo parlors. He explains it says gaming sites now but they are replacing that with bingo parlor. Senator Sitte suggests new language

Verbal vote on amending the amendment (Sitte amendment)
All yes - amendment carries

Vote on amendment 13.0582.01003
Verbal vote - all yes
Amendment passes

Committee discusses amendment 13.0502.01002
Senator Armstrong moves 13.0502.01002
Senator Nelson seconded

Discussion

Senator Armstrong explains this will allow larger bars to hire their own private security. Committee is split on whether private security should carry guns. Senator Armstrong states that under current law an owner of a bar can have a gun behind the counter.

Vote on amendment 13.0582.01002
Vote 3 yes, 4 no
Motion fails

Senator Armstrong moves amendment 13.0582.01001
Senator Sitte seconded

Discussion

Senate Judiciary Committee

HB1241

3/26/2013

Page 2

Senator Hogue says this is actually clarification and not new substantive law. Senator Armstrong gives a background on the amendment. Senator Grabinger asks why make an exception for a restaurant or a bar, they both serve alcohol.

Vote on amendment 13.0582.01001

Vote 6 yes, 1 no

Amendment passes

Senator Sitte moves a do pass as amended on 1241

Senator Berry seconded

Discussion

Senator Lyson states he will vote no and Senator Grabinger agrees and believes it entirely unnecessary. Senator Sitte disagrees and believes this clarifies these issues.

Vote - 4 yes, 3 no

Motion passes

Senator Armstrong will carry

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1241

Page 1, line 10, remove the overstrike over "~~or used as a gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity"

Page 1, line 19, remove the overstrike over "~~or~~" and insert immediately thereafter "at the"

Page 1, line 19, remove the overstrike over "~~gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity"

Renumber accordingly

13.0582.01002
Title.

Prepared by the Legislative Council staff for
Senator Armstrong

March 22, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1241

Page 1, after line 19, insert:

"f. A private security company contracted by the proprietor."

Renumber accordingly

13.0582.01001
Title.

Prepared by the Legislative Council staff for
Senator Carlisle

March 6, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1241

Page 1, line 2, after "site" insert "or alcohol establishment"

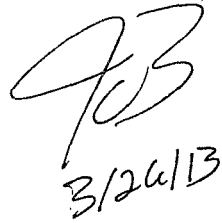
Page 1, after line 19, insert:

"f. The restaurant part of an establishment if an individual under
twenty-one years of age is not prohibited in that part."

Renumber accordingly

Carlisle amendment

March 26, 2013


3/26/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1241

Page 1, line 9, overstrike "in an establishment engaged in the retail sale"

Page 1, line 10, remove the overstrike over "~~or used as a gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity"

Page 1, line 19, remove the overstrike over "er" and insert immediately thereafter "at the"

Page 1, line 19, remove the overstrike over "~~gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity."

"f. The restaurant part of an establishment if an individual under twenty-one years of age is not prohibited in that part of the establishment"

Renumber accordingly

Date: 3/26/13
 Roll Call Vote #: 1

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1241**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number B.0582.01003 - Armstrong

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By S. Armstrong Seconded By S. Sitte

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue			Senator Carolyn Nelson		
Vice Chairman Margaret Sitte			Senator John Grabinger		
Senator Stanley Lyson					
Senator Spencer Berry					
Senator Kelly Armstrong					

Total (Yes) _____ No _____

Absent Verbal all yes

Floor Assignment Motion carries

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

Date: 3/26/13
Roll Call Vote #: 2

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1241

Senate JUDICIARY Committee Amendment to amendment 13.0582.01003

Check here for Conference Committee

Legislative Council Amendment Number line 9 strike establish not engaged in retail sale

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider to the amendment 13.0582.01003

Motion Made By S. Sitte Seconded By S. Nelson

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue			Senator Carolyn Nelson		
Vice Chairman Margaret Sitte			Senator John Grabinger		
Senator Stanley Lyson					
Senator Spencer Berry					
Senator Kelly Armstrong					

Total (Yes) _____ No _____

Absent verbal - all yes

Floor Assignment not come

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

Date: 3/26/13
Roll Call Vote #: 3

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1241

Senate JUDICIARY Committee

Check here for Conference Committee

License private Security

Legislative Council Amendment Number 13,0582 .01002

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By S Armstrong Seconded By S Sitte

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue		X	Senator Carolyn Nelson		X
Vice Chairman Margaret Sitte		X	Senator John Grabinger	X	
Senator Stanley Lyson	X				
Senator Spencer Berry		X			
Senator Kelly Armstrong	X				

Total (Yes) 3 No 4

Absent _____

Floor Assignment Fail

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

Date: 3/26/13
Roll Call Vote #: 4

2013 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1241

Senate JUDICIARY Committee

Check here for Conference Committee *Carlike Amend.*

Legislative Council Amendment Number 13.0582 .01001

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By _____ Seconded By _____

Senators	Yes	No	Senator	Yes	No
Chariman David Hogue	X		Senator Carolyn Nelson	X	
Vice Chairman Margaret Sitte	X		Senator John Grabinger		X
Senator Stanley Lyson	X				
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 6 No 1

Absent _____

Floor Assignment pass

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

Date: 3/20/13
 Roll Call Vote #: 5

**2013 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1241**

Senate JUDICIARY Committee

Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken: Do Pass Do Not Pass Amended Adopt Amendment
 Rerefer to Appropriations Reconsider

Motion Made By S Sitte Seconded By S Berry

Senators	Yes	No	Senator	Yes	No
Chariman David Hogue	X		Senator Carolyn Nelson		X
Vice Chairman Margaret Sitte	X		Senator John Grabinger		X
Senator Stanley Lyson		X			
Senator Spencer Berry	X				
Senator Kelly Armstrong	X				

Total (Yes) 4 No 3

Absent _____

Floor Assignment Armstrong

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

REPORT OF STANDING COMMITTEE

HB 1241: Judiciary Committee (Sen. Hogue, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1241 was placed on the Sixth order on the calendar.

Page 1, line 9, overstrike "in an establishment engaged in the retail sale"

Page 1, line 10, remove the overstrike over "~~or used as a gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity"

Page 1, line 19, remove the overstrike over "~~or~~" and insert immediately thereafter "at the"

Page 1, line 19, remove the overstrike over "~~gaming site~~" and insert immediately thereafter "at which bingo is the primary gaming activity."

"f. The restaurant part of an establishment if an individual under twenty-one years of age is not prohibited in that part of the establishment"

Re-number accordingly

2013 TESTIMONY

HB 1241

1.22.2013

Testimony on HB 1241

Mr. Chairman and members of the House Judiciary Committee, I am Rep. Ben Koppelman from District 16 in West Fargo, ND, and am here to testify in favor of HB1241.

The purpose of HB1241 is to reinstate the right to carry a firearm by a conceal- carry permit holder in a facility that sells lottery tickets or conducts other gaming. This right I believe was unintentionally restricted upon the implementation of the state lottery.

In 1983, then HB1143 was passed and put into the law, restricting the carrying of a firearm by a conceal- carry permit holder in a gaming site. At that time, charitable gaming was a newer concept, and the most common gaming site where this restriction would apply was a bingo hall that did not also serve alcohol, as that prohibition already existed. In 2005, the ND lottery was implemented. The unintended consequence occurred when the Attorney General was charged with the task of licensing the lottery ticket retailers.

The definition reads: Century Code 62.1-01-01 sub-section 4: Definitions

“Gaming site” means any room or premises licensed by the Attorney General or by a city or county governing body to conduct legal gaming operations.

This definition, as well as the 1983 law, was intended for dedicated gaming sites and not every retailer that sells lottery tickets.

After the implementation of the lottery, the effective restriction to conceal- carry permit holders has extended to every convenience store, gas station, grocery store, and other lottery ticket vendors. Although I am not aware of any instance where this section of law has been tested, it is a concern to those people who have conceal- carry permits.

This change would do very little to extent the right to carry in conventional gaming sites, as nearly all of them now serve some type of alcohol.

Carrying in an establishment that engages in the retail sale of alcoholic beverages would still be prohibited.

Mr. Chairman and members of the committee, I would urge a do-pass recommendation on HB 1241. This concludes my testimony, and I would be happy to answer any questions that you may have.

1241 (1)

13.0582.01001
Title.

Prepared by the Legislative Council staff for
Senator Carlisle
March 6, 2013

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1241

Page 1, line 2, after "site" insert "or alcohol establishment"

Page 1, after line 19, insert:

"f. The restaurant part of an establishment if an individual under twenty-one years of age is not prohibited in that part."

Renumber accordingly