

**2013 HOUSE JUDICIARY**

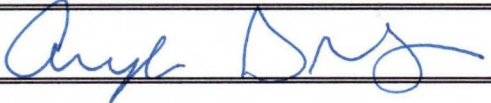
**HB 1366**

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1366  
January 29, 2013  
Job 17901

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Carrying of a firearm with a concealed weapons permit.

## Minutes:

Testimony 1, 2

**Chairman Koppelman** opened the hearing.

**Rep. Becker** introduced the bill and gave testimony.

**Rep. Delmore:** If there is a disagreement in a school between the administrator and school board on the right to carry in the school, how does this bill take care of that problem?

**Rep. Becker:** With the current wording, you would only need permission from one.

**Chairman:** In a similar bill, it stated that if a board had a policy saying that they were removing the principal's authority to make that decision, it would govern.

**Rep. Klemin:** If you are at a school sporting event that is not held on school property, like a high school basketball game at the Civic Center, would that require permission from the school authority?

**Rep. Becker:** I don't believe so. If it is off-site, presumably it would not fall under the term school.

**Rep. Klemin:** It says schools or school functions.

**Rep. Becker:** The bill would allow a concealed weapons permit holder to carry a weapon concealed at a school function off-site.

**Rep. Hogan:** Is there an increase in civil liability for schools and churches?

**Rep. Becker:** Increased civil liability suggests that a school could be sued in a civil court of law because they didn't say no. It seems unlikely to me.

**Rep. Paur:** Wouldn't the liability exist either way?

**Chairman:** In a previous hearing for a similar bill, it was my understanding that there would be liability either way.

**Rep. Hanson:** Could this bill be combined with HB 1284 or could this bill be passed simultaneously?

**Rep. Becker:** The language could be melded. This bill has more features.

**Pastor John Boustad (14:32)** testified in support of the bill (Testimony 2). Approximately three months ago, we decided to bring in some type of training from the Bismarck Police Department to be certain that we had protection and safety. I want to do whatever I can to provide a safe environment for my congregation. The lives of innocent people should be protected. We should not take guns from the law-abiding citizens because it is lawless people who are killing the innocent.

**Rep. Steiner:** Would you be agreeable to having a written statement saying that there has been a request for someone to have a concealed weapon during church service so that it is recorded in file in your office?

**Pastor Boustad:** Yes. Within our church, we would go to the board of directors and the written minutes would contain the decision.

**Chairman:** Is it appropriate for the state to make decisions for churches regarding concealed weapons?

**Pastor Boustad:** The focus should be to serve and protect the people at any cost.

**Kelly Runngee (30:16)** testified in support of the bill and related an incident that occurred in her church.

**Scott Runngee (36:14)** testified in support of the bill. I am a concealed carry Class 1 permit holder and we are trained very well on when and when not to use our weapon, and hopefully to never have to use it.

**Susan Beehler (39:25)** testified in opposition to the bill.

**Annette Bendish, ND School Board Association (46:04)** testified in opposition to the bill.

**Chairman:** If the individual responsibility that's entertained in both of these bills was removed and it became a board decision, would you still oppose the bill?

**Bendish:** I think the school board has that authority now.

**Chairman:** If a board were to make a decision and allow the principal to carry out that policy, would you be opposed to that?

**Bendish:** My initial thought is that it is very similar to current policy.

**Dakota Draper**, North Dakota Education Association (49:03) testified in opposition to the bill (Testimony 1).

**Christopher Dodson, Executive Director of the North Dakota Catholic Conference** (50:09) testified neutrally on the bill.

**Chairman:** If the language were more general to say appropriate church governing authority, would that suffice?

**Dodson:** Perhaps governing authority of the place of worship.

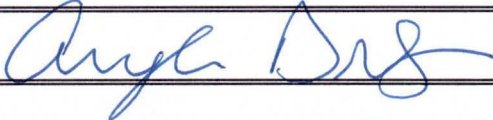
**Chairman** closed the hearing.

# 2013 HOUSE STANDING COMMITTEE MINUTES

House Judiciary Committee  
Prairie Room, State Capitol

HB 1366  
February 19, 2013  
Job 19185

☐ Conference Committee



## Explanation or reason for introduction of bill/resolution:

Relating to the carrying of a firearm with a concealed weapons permit.

## Minutes:

**Rep Hanson:** I did not understand how this bill was much different than some of the other ones we had passed to the school board. I earnestly ask what the difference is or what it would provide separately from the bills we've already considered?

**Chairman:** I'm not sure there is a lot of difference. We've discussed most of these issues in the other bills.

**Rep Toman:** If you look at page 2, line 6 after concealed the word "but" is there so it is saying that if you have a valid license or reciprocity you can carry in public places, but if the individual is in a church or school then the governing body has to approve it.

**Chairman:** I think what this bill does is it allows concealed weapons carriers to carry at a public gathering with the exception of churches and schools where they would have to have permission.

**Rep Delmore:** Part of the problem was in how it was worded to have the approval of the primary religious leader; so it doesn't have to be a church council. The same way in a school; it could be just the principal that makes that call. Do we really want to put that kind of power in the hands of one person in the church or school? To me, that's scary.

**Chairman:** I would think since we passed the other two bills out, we could probably have an exception in this bill for churches and schools because then the other bills would trigger the specifics.

**Rep Delmore:** They're passed in separation, so which one takes priority? I think that's very dangerous.

**Chairman:** We could ask counsel to do an amendment to this bill that has language similar to the ones we've passed out regarding those restrictions.

**Rep Delmore:** We've passed out numerous options for churches and schools to use if they want. I just think this bill is very dangerous to leave alone and put in.

**Rep Klemin:** I think this bill really opens things up too far. It would allow anybody with a concealed weapons license to carry at any public gathering except under those circumstances with schools and churches. If we allow someone to carry to a Bobcats hockey game where there is a lot of fighting, I'm afraid someone might get shot.

**Rep Delmore** moved a Do Not Pass

**Rep Toman:** I don't think concealed carry permit holders' intentions are to go through all this and spend the money on a permit so they can go shoot someone. If they want to shoot someone, they are going to do it already anyway.

**Rep Larson:** If we're going to just get to the meat of this particular bill, all we would need to do is on page 2 starting at line 4 is to leave lines 4, 5, and after "firearm concealed" put a period on line 6. Then delete the rest of it.

**Chairman:** So the effect would be if we did that and all three passed, then you would be able to carry at any of these public gatherings with the exception of churches and schools in terms of a blanket right to carry. The churches and schools would be covered in the others if they pass. If this were to pass and the other two were to fail, it would be wide open for everything. We have a Do Not Pass motion on the floor.

**Rep Hogan** seconded the motion.

**Chairman:** I think Rep Larson suggested an amendment before the second was made. I should have allowed a vote on that. Was that a motion Rep Larson?

**Rep Larson** motioned for an amendment.

**Rep Karls** seconded.

**Voice vote:** Motion carried.

**Rep Brabandt** moved a Do Pass as Amended.

**Rep Karls** seconded.

**Rep Steiner:** On page 1 line 7, are we saying you cannot possess a concealed weapon at these public gatherings unless you have a concealed weapons license?

**Chairman:** Correct.

**Rep Steiner:** So you now could go to the Republican state convention or a concert?

**Chairman:** If the others all fail and this is the only bill that passes, it's open in churches and schools as well. If this bill and the school bill pass, it would be open in churches and

all these other places, but schools would have the restrictions we passed. If all three bills pass, schools and churches have the restrictions on those bills but it's open elsewhere.

**Roll Call Vote:** Do Pass as Amended

Yes: 6

No: 7

Absent: 1

Motion failed.

**Rep Delmore** moved for a Do Not Pass as amended.

**Rep Hogan** seconded.

**Roll Call Vote:** Do Not Pass as Amended.

Yes: 7

No: 6

Absent: 1

Carried by **Rep Kretschmar**.

February 19, 2013

VK  
2/19/13

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1366

Page 2, line 5, replace "person" with "individual"

Page 2, line 6, remove "but if the individual is in a church, the individual must have the"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "officer of the school or the governing body of the school"

Renumber accordingly



Date: 2-19-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1366

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. Larson Seconded By Rep. Karls

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) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor Assignment \_\_\_\_\_

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

Voice Vote - Carried

Date: 2-19-13  
Roll Call Vote #: 1

2013 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB1346

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. Brabandt Seconded By Rep. Karls

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) 6 No 7  
Absent 1

Floor Assignment \_\_\_\_\_

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

Date: 2-19-13  
Roll Call Vote #: 2

**2013 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. HB 1366**

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. Delmore Seconded By Rep. Hogan

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) 7 No 6

Absent 1

Floor Assignment Rep. Kretschmar

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

**REPORT OF STANDING COMMITTEE**

**HB 1366: Judiciary Committee (Rep. K. Koppelman, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING). HB 1366 was placed on the Sixth order on the calendar.

Page 2, line 5, replace "person" with "individual"

Page 2, line 6, remove "but if the individual is in a church, the individual must have the"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "officer of the school or the governing body of the school"

Renumber accordingly

**2013 SENATE JUDICIARY**

**HB 1366**

# 2013 SENATE STANDING COMMITTEE MINUTES

Senate Judiciary Committee  
Fort Lincoln Room, State Capitol

HB1366  
3/19/2013  
Job #20163

☐ Conference Committee

Committee Clerk Signature



**Minutes:**

*Attached testimony*

## **Relating to the carrying of a firearm with a concealed weapons permit**

### **Senator David Hogue - Chairman**

Representative Rick Becker - District 7 - Explains the bill and the motivation for the bill. He explains that this is similar to the bills for school and church. This bill does require that if they do carry at a school or church they would need permission. He states his philosophy is that a gun free zone is a gun for criminals only zone. He believes if criminals knew that someone may be carrying at a gathering they would think otherwise. He says there is a better chance a criminal will be stopped. Senator Hogue states that this bill is only restricted by federal law and is curious about the federal park. He wonders if we can legislate whether people can possess firearms in federal parks. Rep. Becker replies federal law is the rule of the land, the intent of the bill was not to supersede federal law.

Andrew Bornemann - Kintyre, ND - In support of this bill. He thinks this would be a deterrent and allow honest citizens to protect themselves and others. He says the police are not everywhere at once so it is the responsibility of people to protect themselves and others. He relates how he got his gun permit.

Paul Henderson - Rolla, ND - In favor of the bill - See written testimony.

Bryan Stramer - District 30 - Concealed permit carrier, in favor of the bill. He is concerned when it is inconsistent where he can carry. He believes he has the right to defend himself and his family where he sees fit. He said the liability rests with him. Senator Armstrong asks him if he finds himself carrying less because of the restrictions. Mr. Stramer says he carries whenever and wherever legally possible to do so. Gun free zones cause a problem for him because he has to disarm in public. He does not want people to see it or want them to know he has it.

### **Opposition**

Susan Beehler - Mandan, ND - Does not believe that more guns will lead to less crime. She is against this bill because it gives another opportunity for more guns to be available in the public. She relates that she has been threatened because she has been vocal about gun issues. She would like the laws we have now kept in place.

Neutral

Phil Pfennig - Chief Agent for ND BCI - He would like to clarify from Ms. Beehler's testimony that the volunteers she mentioned do filing in their office, they file concealed permits.

Close the hearing on 1366



# 2013 SENATE STANDING COMMITTEE MINUTES

**Senate Judiciary Committee**  
Fort Lincoln Room, State Capitol

HB1366  
3/25/2013  
Job #20414

☐ Conference Committee

Committee Clerk Signature	
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**Minutes:**

Vote
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**Senator David Hogue - Chairman**

## **Committee work**

Senator Lyson moves a do not pass  
Senator Grabinger seconded

### Discussion

Committee discusses that this bill expands where you can carry. Senator Hogue points out that it would be useful to look at this section of the Code along with 1283 and 1215. He says this bill is much broader. Senator Sitte said will oppose the motion on the grounds that when you carry a gun free zone then only criminals will have guns. Senator Lyson remarks that he has no problem with the carrying but is concerned when it's in large groups of people. Senator Sitte says with emergency response time being long in some areas she would like to have an armed citizen respond than no one. Senator Hogue explains the general rule and the carved out exceptions. He goes on to say what this bill does is swallow the general rule for all concealed weapons. Senator Nelson says this bill wouldn't just pertain to those in your home town but to anybody who has reciprocity from anywhere. Senator Berry asks if this bill were to pass would it supersede the other bills we have if they did not pass to which Senator Hogue responds it would. If this passes they could carry in schools and churches if you had a concealed carry permit. Senator Sitte asks if there is an age limit on a concealed weapons permit to which the committee answers it is 18 years of age. She says it raises an issue if 18 yr. olds would be able to carry to class.

Vote - 6 yes, 1 no

Motion passes

Senator Nelson will carry



Date: 3/25/13  
Roll Call Vote #: 1

2013 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1366

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. Lyson Seconded By S. Grabinger

Senators	Yes	No	Senator	Yes	No
Chairman David Hogue	<input checked="" type="checkbox"/>		Senator Carolyn Nelson	<input checked="" type="checkbox"/>	
Vice Chairman Margaret Sitte	<input checked="" type="checkbox"/>		Senator John Grabinger	<input checked="" type="checkbox"/>	
Senator Stanley Lyson	<input checked="" type="checkbox"/>				
Senator Spencer Berry	<input checked="" type="checkbox"/>				
Senator Kelly Armstrong		<input checked="" type="checkbox"/>			

Total (Yes) 6 No 1

Absent \_\_\_\_\_

Floor Assignment S. Nelson

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

**REPORT OF STANDING COMMITTEE**

**HB 1366, as engrossed: Judiciary Committee (Sen. Hogue, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1366 was placed on the Fourteenth order on the calendar.

**2013 TESTIMONY**

**HB 1366**



**TESTIMONY OF KAYLA PULVERMACHER,  
NORTH DAKOTA EDUCATION ASSOCIATION  
HB 1366  
January 29, 2013**

Chairman Koppelman and members of the House Judiciary Committee:

My name is Dakota Draper and I'm here representing North Dakota Education Association (NDEA). I stand in opposition to HB 1366 as it relates to public schools.

As educators we are committed to doing all that we can to help ensure the safety of America's students and the people who work in schools. Despite the recent tragedies we've seen around the country, which our Association has grieved deeply along with all Americans, NDEA believes that schools are still relatively safe places. That being said, there are precautions that our Association believes could be considered.

To be clear about our position, it is important to acknowledge that NDEA does not position itself against public schools taking steps to protect themselves. Our members believe that if local school districts feel the need to take extra precautions to protect students, a comprehensive, common sense approach should be developed with all education stakeholders taking part in the conversation. Such an approach could include: state funding to upgrade school security systems; a professional, such as a school resource officer; or training for both educators and students on how to spot potential mental health needs, bullying or high-risk behaviors.

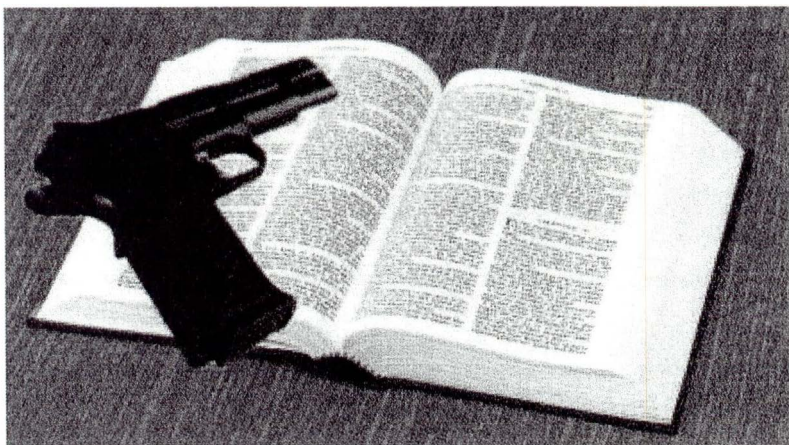
Finally, NDEA would also be in favor of allowing communities to decide what type of personnel is needed in a given school setting. Simply allowing individuals to enter school premises with a concealed weapon will do nothing to proactively prevent gun violence in North Dakota schools.

Thank you for the opportunity to address this important topic on the behalf of the members of NDEA. I am available for any questions from the committee.

Received hadout 1-30-13 2  
Pastor Boustad

## Pastor Defends Carrying a Pistol in the Pulpit on Sundays

3:00PM EST 1/28/2013 ANN CARROLL



(© Dragunov1981/StockFreelimages.com; Arvind Balaraman/FreeDigitalPhotos.net)

While a national debate goes on about the prevalence of guns in this country, one pastor defends his decision to pack a gun when preaching from the pulpit on Sundays.

The Rev. Larry Dickey at First Baptist Church in Sunizona, Ariz., about three hours east of Phoenix, shares his rationale on *ChurchExecutive.com*: "I do so because there is a need for people to understand that we need to defend families and

ourselves. We are not a nation that understands how important it is to be vigilant in safely handling a firearm in a defensive manner—with courts and other segments of our society thinking if we are unarmed we will be a safer people."

Dickey has had a CCW permit for Arizona, Nevada and Utah, and the training that goes with carrying firearms. "I was in one of the first Law Enforcement Explorer posts in southern California in the 1960s," he says. "I have a degree in police science, now called criminal justice, and have been an endorsed chaplain with my denomination for more than 25 years."

In the past five years there have been several shootings in churches, one in Illinois where the pastor was killed while in the pulpit. Says Dickey: "I have seen how under-protected we have become, by solely expecting law enforcement to keep us safe. They cannot. They will be the first to admit this. They need a population that is willing to step up into harm's way and do what needs to be done, at a time that it needs to be done."

"If someone were to come into our church with a gun or a knife, they could do a lot of damage before the police could get into the church. Even if we had officers in the parking lot, by the time they could get inside, it would be over. We, as citizens, need to protect what we love and be willing to lay our life on the line for them."

Dickey admits that many people question whether guns belong in a church. "In my view," he says, "we have seen and read of folks who entered a church with the intent of doing a fair amount of hurt and killing with the guns they carried into houses of worship. They expect people inside to be unarmed and feeling safe inside a church. This is not always the case."

"The truth is that in every state where the citizens are allowed to carry concealed guns, the crime rate is down. Conversely, in every state where citizens were not allowed to conceal carry, the crime rate has gone up. Look at California and Illinois. When people can defend themselves, you're going to have criminals thinking twice about what they will do."

*Church Executive*, a business magazine for larger and megachurches, also carried an article in its July 2012 issue about an executive pastor, Deb Kluttz, at Westview Community Church, Manhattan, Kan., who carries a gun on Sundays. She observed in the article:

"Westview does not have any of those stickers on our doors that say 'NO GUNS'." For us and other churches that do not employ a professional security team, it is a blessing to have cool-headed and responsible people in our congregation who are licensed to carry concealed firearms."

Dickey strongly endorses training and practice in the use of a gun. "I choose to stay concealed, because if I were to open carry, I would become a target. If I am in a situation, I want to be able to get the optimum protection and position as possible. I can't do that if I open carry."

He says he is a firm believer that if more people carried either openly or concealed, the public would not have the crime that it has now.

3-19-13

I am for HB 1366 and I  
applaud the sponsors and the whole body for  
it's consideration. Lets Let the people of N.Dak.  
protect themselves and others in public places,  
schools, etc... Lets not have gun free zones in N.Dak.

At the International Assoc. of Police Chiefs conference  
while reviewing the Sandy Hook shooting, Police Co

Danny Stebbins spoke about a sickenly thorough  
spreadsheet that the 20 yr old shooter had reportedly

compiled over several years in which he graded previous  
school shootings. Meaning that this shooting was

Very premeditated and that the shooter wanted  
to have the top score in his twisted world. ~~that's all~~

Without gun free zones, it would be much harder for  
this to take place.

Carl Hendon