

**2017 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1233**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Coteau –A Room, State Capitol

HB 1233  
1/26/2017  
27458

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

Relating to carrying a concealed weapon a resident who has a class 2 firearm license may obtain a class 1 upon successful completion of the actual shooting or certified proficiency exercise required

### Minutes:

Attachment #1-#2

**Chairman Porter:** Called the committee to order on HB 1233.

**Rep. K. Koppelman:** District 13, Fargo, ND to introduce HB 1233 with Attachment #1.

7:26

**Rep. Lefor:** For someone that might not understand this process very well, what are you taking away from Class 1.

**Rep. K. Koppelman:** The intent of the bill is not to take anything away from the Class 1. The intent is to provide a path for Class 2 permit holders to easily transition into Class 1. The process now is they scrap Class 2 or keep in place, whichever, but apply for Class 1 and go through that entire process. I suspect when I introduced the bill there's a couple other things we may need to do to amend the bill, in order to make sure it doesn't create a lesser stringency for Class 1 that a reciprocal state like MN might look at and say, now we don't like Class 1 anymore. We sure don't want that to happen. There may be some classroom requirement involved and/or a more frequent requirement for the background tests.

8:58

**Rep. Roers Jones:** As someone familiar with the Class 2 permit, and then the Class 1 permit, and how this change affected people, to do the Class 2 permit you have to take the written test, provide fingerprints, photograph, application fee. Now as the process stands, you have to do all those things again get the Class 1, all at a cost for each. Do you anticipate the process being that you just submit results of the shooting proficiency test and then you

don't have to do finger prints, application, and the expiration date remain the original expiration date of the first time you took the class, etc?

**Rep. K. Koppelman:** I believe what you describe is accurate. As a result of doing all that there's a background check that takes place. My intent is to make it easy as possible. Whether that effective date, I assume would probably be the same on your Class 2, so it could be an extension to Class 2. If that's not workable and want to treat it as a fresh Class 1 permit, that's fine too. We want to be very careful. We had an issue in the judiciary committee on a bill a few years ago where there was a particular gun bill that had to do with being allowed to carry a gun in church. As many of you know there's a process for that. The governing body or Pastor or leadership of the church has to approve it and designate people they want to do it, the requirements, etc. For a concealed carry permit holder to be able to carry in a church in ND previously that was not allowed. One of the members of the committee said let's make this only Class 1 holders and that was implemented into law. The next session that was changed because the Attorney General already had a provision on the website saying, in the eyes of ND Class 1 and Class 2 are equal. The only reason for a Class 1 is reciprocity. I would think anything done for a Class 2 should be grandfathered. As little duplication of money and time as possible.

**Rep. Seibel:** How often do each permit need to be renewed?

**Rep. K. Koppelman:** I'm not sure.

**Chairman Porter:** Further questions? Testimony in support? Opposition?

**Paul Hammers:** retired US Army Noncommissioned Officer, teacher, military historian, NRA Life Member, and one of few civilians presented Attachment 2.

**Chairman Porter** questions?

**Rep. Keiser:** Thank you for walking through it. In looking through the bill, they are asking for successful completion of the actual shooting, is that comparable to Class 1? Or a proficiency exercise. What is different are the 3 items you listed? So if we were to give them this pass into the thing, they would not have to meet those currently upon renewal. Now that they're Class 1, do they now have to follow all the other guidelines? They have 3 years of Class 1, and they have to renew.

**Paul Hammers:** It would be identical. That's correct. It's my understanding we would kind of grandfather them in but it's also my feeling that if they upgrade, any citizen who has a Class 2 can upgrade at any time by attending the class and resubmitting all their documents. I believe when you check your application, I believe it's still this way, you check you are upgrading from a Class 2 to Class 1. The requirement for a renewal for a Class 1 is still every 5 years sit through the entire process anyway, even though you already have a Class1.

**Chairman Porter:** questions? Testimony in opposition?



**Chairman Porter:** No one values our reciprocity more than I do. Creating that pathway into of how inside of the first 5 years of obtaining a Class 2, that we could allow a pathway into a Class 1 for the remained of the 5 years of that individual and then also, what we don't currently have in place is a reversal process when you reach the 5 years, that your permit is expiring, you could say I don't need all the reciprocity, I just want to revert back Class 2 and renew.

**Chief Agent Phil Fennig:** Our licensing system is established is the requirements for the background checks, which are different between Class 1 and Class 2; the background check itself is not necessarily different, but the items you're looking for are different. As an example for a Class 1 license, you can't have had certain convictions for periods of time or even some convictions ever in your lifetime in order to qualify for Class 1. Class 1 requires you have a classroom presentation, shooting proficiency, and during that shooting proficiency the test administrators are also looking for someone's safety handling characteristics, that they understand firearm safety, if they understand how to manipulate the weapon property. Those are the kinds of things that go above and beyond the written test. That is the same for a Class 1 or Class 2 license. My concern is how the states view reciprocity between their state and ours to have a Class 2 license and only require that you have a shooting proficiency test and then would be allowed to get a Class 1. I think those state would look at that as circumvention perhaps of the law and might decide not to continue reciprocity. I think there's ways we could go about figuring out something to make that happen. Every 5 years having to come back and take the entirety of that testing seems laborious. However other states look at that as one of the key reasons they authorize reciprocity. They know every 5 years that person that's licensed, will come back and have to get a refresher, and continue to show they have the ability to handle that firearm to some level and shoot some type of qualification. We have the greatest number of reciprocity states here in ND. As a policy within our agency we do provide for someone who has Class 1 and wishes to Class 2. We recognize they have far exceeded the requirements by having a Class 1 than they would for Class 2.

**Chairman Porter:** Back to Rep. Roers Jones question on expiration period on a Class 2 is how long?

**Chief Fennig:** 5 years for Class 1 or Class 2. One of the issues we have to take into consideration for either, 5 years is important because with agreements with and under federal law, 5 years is the limitation we can have in order to qualify for NICS background checks. If the firearms licensed dealer, federally licensed dealer is okay with it, they can accept the NICS number on your license in lieu of doing the background check through the federal government. If our licenses were in excess of 5 years we wouldn't be able to use that.

**Rep. Roers Jones:** If we are taking a Class 2 to 1 do we use the original expiration date of Class 2 or have a new 5-year term that would start all over?

**Chairman Porter:** That would be one of them if you wanted to keep reciprocity you would have to keep it within that 5-year period. If you converted and fulfill the other requirements, if you only had 2 years left on your license, that's all you'd get. Further questions? Closed the hearing on HB 1233.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1233

2/9/2017

28087

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

Relating to carrying a concealed weapon a resident who has a class 2 firearm license may obtain a class 1 upon successful completion of the actual shooting or certified proficiency exercise required

### Minutes:

Attachments #1-#3

**Chairman Porter:** Called the committee to order on HB 1233. Don't worry so much about the title and subdivisions because Council will have to renumber accordingly if all three amendments are adopted.

01001 (attachment #1) deals specifically with what Rep. Koppelman was trying to accomplish in his bill. I want to make sure, double and triple sure that we weren't in any way shape or form going to mess with our reciprocity we have with our Class 1 conceal carry permit. It says that if a person when in and got a Class 2 license, and inside the first 5 years of that license, and they want to upgrade to a Class 1, which required a different more intense background check and a mandatory classroom component and shooting proficiency test, that they are able to do that without taking the written test over again. That's what Class 1 does. The second component of this says a holder of a Class 1. Remember a Class 1 has the most reciprocity including MN. They expire every 5 years because of the reciprocity state's saying their background check and all the valid things we're checking for are only good for 5 years or we don't give you reciprocity. That's a mandatory component of Class 1. This says, prior to the expiration of your Class 1, if you want to just convert it to a Class 2 you can. It's a practice BCI said they have been already doing but wanted it in the law so it's well known. That's what Amendment 01001 will do.

**Rep. Bosch:** so when you convert from Class 1 to Class 2, how long does the Class 2 license last say from midway through Class 1 to Class 2.

**Chairman Porter:** A Class 2, as far as the requirements to get it, are forever. But it expires every 5 years that you have to get a new picture and ID. As far as the tests, background check and fingerprints, they are forever. There's still an expiration date but it's a different (? Inaudible), yes. Questions?

**Rep. Anderson:** I move the amendment 01001 to HB 1233.

**Rep. Ruby:** Second

**Chairman Porter:** I have a motion to adopt amendment 01001 to HB 1233 from Rep. Anderson, and a second from Rep. Ruby. Discussion? Seeing none, all those in favor say Aye. Opposed. Voice vote carries, motion carries.

Let's go to 01003, because 01002 (attachment #2) is actually in 01003 (attachment #3). I usually don't try to point out to individuals when they're testifying that they're committee crimes, but the school superintendent from Edmore, lives in a house owned by the school of Edmore. It's on the corner of their school property. According to ND law, even though that's his private residence, he can't even have his shotgun in that house to go hunting. So the first component, Section 1 of this bill, of this Amendment clears that up. So that's clear, that he can if he's residing in, that he actually can in fact have a dangerous weapon. Dangerous weapon is the definition component out of the code. Section 2 is a component we forgot about inside of our parking lot bill. I will give you an example how this works. So St. Mary's High School over here on N 2<sup>nd</sup> and 3<sup>rd</sup> Street and then it has Blvd and Ave F surrounding it. If somebody in a vehicle were to drop off their kid on 2<sup>nd</sup> Street, they're perfectly fine. If that same somebody with their concealed weapons permit pulls up to the band door and drops off that student, then it's a Class B misdemeanor. We thought we fixed that in the parking lot bill and we hadn't, and it's still in the code that it's on their grounds, and what this does is state that it can be in their vehicles, so that it's clear. That's what Amendment 01003 would do.

**Rep. Roers Jones:** Will this also be helpful for students who are involved, we're they previously not allowed to have guns cased in their vehicles on school property?

**Chairman Porter:** It will. It will help with some of the things rural superintendents spoke to us while they were testifying. A kid pulls in with a shotgun in the rear window of his pickup, they just tell them to put in the case and put it on the floor. It will help with all those situations. Questions on 01003?

**Rep. Roers Jones:** I'll make motion to accept Amendment 01003.

**Rep. Mitskog:** second.

**Chairman Porter:** We have a motion from Rep. Roers Jones to adopt amendment 01003, second from Rep. Mitskog. Discussion? Seeing none, all those in favor say Aye. Opposed? Voice vote, motion carries.

Ok committee we don't need 01002.

**Rep. Heinert:** if this passes, when will it take effect?

**Chairman Porter:** that's a good point. It would be August 1. Do you have an amendment? Do you want an amendment to put the emergency clause on?



**Rep. Heinert:** move to put the emergency clause on.

**Rep. Seibel:** In honor of people on this committee I would suggest we put the emergency clause on this bill as well. I'll second that.

**Chairman Porter:** We have a motion from Rep. Heinert to add the emergency clause, second from Rep. Seibel. Discussion? All those in favor, say Aye. Opposed? Voice vote, motion carries.

So we have Amended HB 1233 in front of us.

**Rep. Devlin:** I would move to adopt HB 1233 as amended.

**Rep. Roers Jones:** second.

**Chairman Porter:** We have a motion from Rep. Devlin to adopt HB 1233 as amended, second from Rep. Roers Jones, for a Do Pass as Amended. Discussion? Seeing none, the Clerk took the role on HB 1233 as amended.

Yes 13 No 0 Absent 1 Motion carries, Rep. Roers Jones is carrier.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1233

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 4, replace "A" with "Two"

Page 1, line 4, replace "subdivision" with "subdivisions"

Page 1, line 5, replace "is" with "are"

Page 1, replace lines 6 through 8 with:

"An individual who has a valid class 2 firearm license may apply to upgrade to a class 1 firearm license within five years from the date the class 2 firearm license was issued and upon successful completion of the requirements under subdivision a"

Page 1, after line 8, insert:

"An individual who has a valid class 1 firearm license may request to convert the license to a class 2 firearm license before the expiration of the class 1 firearm license."

Renumber accordingly



PROPOSED AMENDMENTS TO HOUSE BILL NO. 1233

Page 1, line 1, after "enact" insert "a new subdivision to subsection 2 of section 62.1-02-05 and"

Page 1, line 1, replace the first "section" with "subsection"

Page 1, line 2, after "weapon" insert "; to amend and reenact subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code, relating to possession of a secured firearm"

Page 1, after line 3, insert:

**"SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

An individual who resides in and stores a firearm or dangerous weapon in a residential dwelling that is located on school property."

Page 1, after line 8, insert:

**"SECTION 3. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

- a. Any public or nonpublic elementary school, middle school, or high school property, except parking lots, within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity."

Renumber accordingly

February 9, 2017

ET  
2-9-17  
p. 1 of 1

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1233

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-05 and a new subdivision to subsection 2 of section 62.1-04-03 of the North Dakota Century Code, relating to possessing a firearm or dangerous weapon at a public gathering and licenses to carry concealed weapons; to amend and reenact subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code, relating to possessing a secured firearm; to provide a penalty; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

An individual who resides in and stores a firearm or dangerous weapon in a residential dwelling located on school property.

**SECTION 2. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

- a. Any public or nonpublic elementary school, middle school, or high school property, except parking lots, within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored activity.

**SECTION 3.** A new subdivision to subsection 2 of section 62.1-04-03 of the North Dakota Century Code is created and enacted as follows:

An individual who has a valid class 2 firearm license may apply to upgrade to a class 1 firearm license within five years from the date the class 2 firearm license was issued and upon successful completion of the requirements under subdivision a. An individual who has a valid class 1 firearm license may request to convert the license to a class 2 firearm license before the expiration of the class 1 firearm license.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly



Date: 2-9-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1233

House Energy & Natural Resources Committee

☐ Subcommittee

Amendment LC# or  
Description:

17.0610.01001

Recommendation

- ☒ Adopt Amendment 01001  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions ☐ Reconsider ☐

Motion Made By

Rep Anderson

Seconded By

Rep Ruby

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

*voice vote carries*

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

Floor  
Assignment

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

adopt Amendment 01001

Date: 2-9-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1233

House Energy & Natural Resources Committee

☐ Subcommittee

Amendment LC# or  
Description:

17.0610.01003

Recommendation

- ☒ Adopt Amendment 01003  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions ☐ Reconsider ☐

Motion Made By

Rep Roers-Jones

Seconded By

Rep Mitskog

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

adopt Amendment 01003



Date: 2-9-17

Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1233

House Energy & Natural Resources Committee

☐ Subcommittee

Amendment LC# or  
Description: \_\_\_\_\_

Recommendation

- ☒ Adopt Amendment *add emergency*  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Rep Heinert Seconded By Rep Seibel

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter			Rep. Lefor		
Vice Chairman Damschen			Rep. Marschall		
Rep. Anderson			Rep. Roers Jones		
Rep. Bosch			Rep. Ruby		
Rep. Devlin			Rep. Seibel		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Mock		

Total (Yes) \_\_\_\_\_ No \_\_\_\_\_

Absent \_\_\_\_\_

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

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

*add Emergency clause*

Date: 2-9-17Roll Call Vote #: 4

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1233

House Energy & Natural Resources Committee☐ SubcommitteeAmendment LC# or  
Description: \_\_\_\_\_

## Recommendation

☐ Adopt Amendment☒ Do Pass ☐ Do Not Pass☐ Without Committee Recommendation☒ As Amended☐ Rerefer to Appropriations☐ Place on Consent Calendar

Other Actions

☐ Reconsider☐ \_\_\_\_\_Motion Made By Rep Devlin Seconded By Rep Roers Jones

Representatives	Yes	No	Representatives	Yes	No
Chairman Porter	✓		Rep. Lefor	✓	
Vice Chairman Damschen	✓		Rep. Marschall	✓	
Rep. Anderson	✓		Rep. Roers Jones	✓	
Rep. Bosch	✓		Rep. Ruby	✓	
Rep. Devlin	✓		Rep. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	✓	
			Rep. Mock	AB	

Total (Yes) 13 No 0Absent 1Floor  
Assignment Rep Roers - Jones

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

**REPORT OF STANDING COMMITTEE**

**HB 1233: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-05 and a new subdivision to subsection 2 of section 62.1-04-03 of the North Dakota Century Code, relating to possessing a firearm or dangerous weapon at a public gathering and licenses to carry concealed weapons; to amend and reenact subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code, relating to possessing a secured firearm; to provide a penalty; and to declare an emergency.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

An individual who resides in and stores a firearm or dangerous weapon in a residential dwelling located on school property.

**SECTION 2. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

- a. Any public or nonpublic elementary school, middle school, or high school property, except parking lots, within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored activity.

**SECTION 3.** A new subdivision to subsection 2 of section 62.1-04-03 of the North Dakota Century Code is created and enacted as follows:

An individual who has a valid class 2 firearm license may apply to upgrade to a class 1 firearm license within five years from the date the class 2 firearm license was issued and upon successful completion of the requirements under subdivision a. An individual who has a valid class 1 firearm license may request to convert the license to a class 2 firearm license before the expiration of the class 1 firearm license.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly



**2017 SENATE JUDICIARY**

**HB 1233**

# 2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Fort Lincoln Room, State Capitol

HB 1233  
3/14/2017  
29194

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

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

Relating to possessing a firearm or dangerous weapon at a public gathering and licenses to carry concealed weapons; relating to possessing a secured firearm; to provide a penalty; and to declare an emergency.

Minutes:

Testimony attached #

1 Rep. Kim Koppelman

**Chairman Armstrong** called the committee to order on HB 1233. All committee members were present.

**Rep. Kim Koppelman, North Dakota State Representative 13**, introduced and testified in support of the bill. (see attachment 1) (:18-5:49)

**Chairman Armstrong** (5:50-6:01) Have we insured this won't affect our reciprocity with Minnesota as touchy, as they can be?

**Rep. K. Koppelman**: I believe Representative Porter's committee worked on that.

**Rep. Todd Porter**, North Dakota State Representative District 34, testified in support of the bill. No written testimony. (6:43-10:33) We will start with Section 3, since we just finished with that. Chief Agent Phil Fennig is here from the BCI, and we worked very close with him as we developed the language for Section 3, to make sure that that the reciprocity concerns were not an issue. It really all it says is that if you choose a Class 1, and you still inside of the expiration period because a Class 1 has to expire. You have to redo it every 5 years or you lose a bunch of reciprocities, Minnesota, Virginia, Florida. So, it has to be an ongoing 5-year process. If your inside of that 5 years and you say, you know what I am done travelling to Minnesota or to Florida to Virginia, I don't need that I'll just go with a Class 2. You can convert that without any other process just by informing BCI that you want to convert to a Class 2, inside of your window for your background check, your fingerprints, everything else. When it expires you still have to renew it, you don't have to do the test, or the other components of a Class 1. If you are in fact, someone who took a Class 2, inside of the 5 years and you want to convert it, then you can do those components that weren't included in the Class 2 for the Class 1 and have that upgrade so to speak. That does require a separate background check because the background looks at different things for a Class1, you would



have to do the classroom portion if you hadn't done that and you would have to do the shooting test, then you could convert up to a Class 1. So, the process, we looked at it with BCI and they were very comfortable with the language that it would not affect any of our reciprocities so we were good to go. On Section 1 of the bill, I am simply going to say that while we had testimony on a bill, an issue arose that talked about a residence on school property. This was our initial response to that issue. Inside of 1279, we have a better solution. So I would ask that you remove Section 1 of this bill because it's no longer necessary. Then in Section 2, the same situation came up with the same individual, from the same school. You know our kids show up with a shotgun in the back window of their pickup and they park in the parking lot. I tell them just to put it down behind the seat in the case. They do it. I kept looking at it, and that is against the law. This answers the concern in regards to the parking lot at a school. So, that we do think is necessary language in order to kind of go with the standard practices of what we heard from the schools. Some of the superintendents in the rural areas is that that's a common practice and we just kind of turn our head and don't say anything to the kids. That's where you got Section 2 from.

**Senator Nelson:** (10:40) What leads up to Section 2? What does it start with?

**Rep. Porter:** (10:50) That is the provision inside of the where you can or cannot have a weapon. So it says right now, is that any public or nonpublic elementary, middle or high school property.

**Craig Roe,** (13:48-17:32) North Dakota citizen, testified in support of the bill. No written testimony. I am not really sure I was going to be in favor of this one until I read a bit more just now, I think I am in favor of this one. Subsection 1 I can see throwing out, but Subsection 2 about the parking lots. I like this because when I teach class it will really help me because this because much more specific and I tell my students. If I understand this right, it would allow a

gun to be a vehicle on a school parking lot. Am I correct on that? We are telling out students in this particular day and time not to have a firearm in their vehicle parked on school property even if it is in the trunk. For their sake, I tell them that something like that should be more specifically. When you update from a Class 2 to a Class 1, I think that is fine. You still would have to do the requirements for the Class 1. Then the 5- year time period for a Class 2 license. I would assume that you would have to file an application and have my signature as a test administrator/instructor on that saying that you passed the lecture and shooting test, when you pay that \$60. Is there any for a student to upgrade at that point? Also do I get to charge for this, because I have to sit in class and they are set by the state. I think there should be a real clarification for the charges to the student when they sit in class and given the tests.

**Sen. Armstrong:** It is under the secure weapons statute. I am not sure what it does.

**Christopher Dodson,** North Dakota Catholic Conference, testified in opposition of the bill. (17:52-20:01) I want to draw your attention to Line 15, two commas, one after the word property and one after the word lots. Let's back up a moment. This section is called the parking lot bill. We opposed taking away the rights of churches to say no to firearms in vehicles in their parking lots. We lost that. But we won the argument that non-public schools should have the right to say no. Now if you read this, that prohibition on preventing secure



firearms in a parking lot, exists and then it says, "that section does not apply to any public or non-public elementary school". Now that's the section we are reading now. If we change it to any property, hey I like that. Churches are back in, so as you continue to read it, it says except for parking lots, within that second comma, grammatically should not be there from what I understand. So let's assume that is supposed to be taken out, because otherwise it's a nonsensical sentence. Except parking lots within the parameter of a school site. So I got the churches that I wanted exempt years ago back in it, but now I've lost the schools again. So, if the intent is to include the schools we'd ask to take away the right of schools to say no, we've got to ask the non-public schools to control their own property. Their private entities and they should be allowed to say no. If you want to take care of both now, that would be great. As I am reading this now, I got churches back in, but now public schools out. So I support unopposed. I think the problem is in the way it is written. It raises questions about what are we doing and then I don't know why it should be?

**Susan Beehler**, North Dakota citizen, testified in opposition of the bill. (20:20-21:34)

"I don't like kids parking near my house which is near a school."

**Phil Pfenning**, North Dakota BCI chief agent, testified in neutrality of the bill. (22:10-23:29)

One of the 6 sections I supervise, is the concealed weapons licensing unit. One of the items, that we have some concern about is Section 3, line 23, where it says "subdivision A". It was already brought up during the testimony regarding the 4. I believe the language probably would read better if it said this chapter to address those questions and issues that were brought up related to charging a fee, by a test administrator, those types of things. I have the first engrossment of 02000, line 23, it says subdivision A. I think it would fix concerns about how the operation of a Class 2 to a Class 1 would be fixed. It would alleviate the issues of tested administrators not being able to charge for their time, to help someone through that process.

**Chairman Armstrong**: Do we set that code to enroll or is set by your office? **Mr. Pfenning** replied Both. All of the above.

**Chairman Armstrong**: Line 23, it says subdivision A, you would rather it said this chapter. I think that does solve the problem. It is so hard cause when you never read all this stuff in context you've got to bring it back and it goes to the parking lot thing too, that's why we've got to go back and look at that language. Your confident this is not going to effect the reciprocities in Minnesota?

**Mr. Pfenning**: (24:02-24:30) I think it will not. Obviously you can't say 100%, but I think this should not be an issue especially provided we can follow the same process with this chapter wording I think it is very similar to what we're doing now in these situations. So, I feel pretty good about it.

**Chairman Armstrong**: (24:28) When I look at Section 3, what I really see is that your allowing them to not do the background check again, essentially and the fingerprints again. At the end of the day, that is what you're giving them the option for?



**Mr. Pfenning:** I believe that putting this chapter changes that. Because to go from Class 2 to a Class 1 we would have to do a background again because the Class 1 requires so much more in it.

**Chairman Armstrong:** Essentially all this legislation is doing is giving them fingerprints?

**Mr. Pfenning:** That they wouldn't have to take again? Essentially it is and photographs probably. But if we want to keep reciprocity that is what we would have to do. And they wouldn't have to take the written test which they've already taken.

**Chairman Armstrong:** For section 3, to some degree or another what problem are we solving?

Explain to me how it would go from a Class 1 to a Class 2? I don't discount the cost, I mean everything costs money, if people can save a dollar that's fine. I just get nervous with Minnesota. Going from a Class 1 to a Class 2, what benefits would you get there?

**Mr. Pfenning:** (25:58-) Currently Class 1 licensing requires every 5 years you have to redo the entire process of your testing. So you have to go back and retake the written test, go through the presentation of the laws, shooting proficiency tests, all of those things have to be redone every 5 years. Those updates that come through the Legislature could happen twice from one time you have a license 5 years later there may be 2 updates. So this makes it so that the person with a Class 1, would get those updated laws as an example. And they will continue to show proficiency with a firearm. That's why 39 states have said North Dakota is the way to go for a Class 1 license. We are in agreement that will allow reciprocity. Without that, I don't see our reciprocity being nearly that high. A Class 2 license has about 17 states with reciprocity. That is because once you get your Class 2 license, which is simply an open book written test, you never have to take anything again. You just renew as long as it's within your 5 year license period, you simply send in a renewal application and as long as you don't have a new criminal history record that shows that you've done something wrong that prohibits you from having a fire-arm, so if you have a Class 1 and you don't want to go through the entire process every 5 years longer, you can revert yourself back to a Class 2 and eliminate that necessity.

**Chairman Armstrong:** Are we allowing that now? **Mr. Pfenning** replied yes.

**Senator Nelson** (27:4-27:56 ) So if 1169 were to pass, which says you don't have a license at all, where does that put you?

**Mr. Pfenning:** That in 1169 still allows for Class 1 and Class 2 licenses. In 1169 as it is currently, would only have in-state only. It would not have reciprocity outside of our state. Does that answer your question?

**Senator Luick:** (28:20) How long does it take to do Class 1 training?

**Mr. Pfenning:** In my experience having given those tests and whether or it is to test administrators, the whole classroom, the firearms efficiency, usually about a day, 8 hours roughly.

**Chairman Armstrong** closed the hearing on HB 1223.

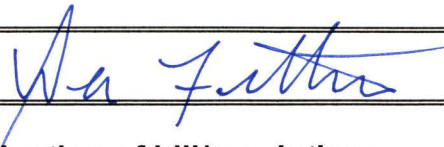
# 2017 SENATE STANDING COMMITTEE MINUTES

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

HB 1233 Committee Work  
3/22/2017  
29558

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

Relating to possessing a firearm or dangerous weapon at a public gathering and licenses to carry concealed weapons; relating to possessing a secured firearm; to provide a penalty; and to declare an emergency.

**Minutes:**

**No written testimony**

**Chairman Armstrong** began the discussion on HB 1233. All committee members were present.

**Chairman Armstrong:** "I have amendments for this but they are simple. This bill is Kim Koppelman's bill; it has three sections: section 1 we just covered in a different bill. Section 2 is already covered in a different part of code. It's just not necessary, and section 3 is just the ability to move the class 2 back to a class 1 firearm license. BCI likes the language; it's administrative in language. So I'd be interested in an amendment that removes section 1 and 2 and keeps section 3 in the bill."

**Senator Nelson:** "What was the cost of the upgrade in section 3?"

**Chairman Armstrong:** "I'm not sure but BCI will set that based on their rules."

**Senator Myrdal:** "I'm in the process of doing that tonight so I will let you know tomorrow."

**Senator Myrdal** motioned to Adopt the Amendment. **Senator Osland** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.  
The motion carried.

**Senator Luick** motioned for Do Pass as Amended. **Senator Larson** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.  
The motion carried.

**Senator Luick** carried the bill.



**Chairman Armstrong** ended the discussion on HB 1233.

# 2017 SENATE STANDING COMMITTEE MINUTES

## Judiciary Committee Fort Lincoln Room, State Capitol

HB 1233 Reconsider  
3/27/2017  
29704

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

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

Relating to possessing a firearm or dangerous weapon at a public gathering and licenses to carry concealed weapons; relating to possessing a secured firearm; to provide a penalty; and to declare an emergency.

Minutes:

Attachments

1,2

**Chairman Armstrong** began the discussion on HB 1233. All committee members were present.

**Senator Luick** motioned to Reconsider. **Senator Larson** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.  
The motion carried.

Proposed amendments were handed out. (see attachment 1,2)

**Chairman Armstrong:** "So this was brought to my attention regarding appointments of judges and things like that. It turns out Supreme Court Judges, Magistrate Judges, and Federal judges are not included in this bill. So these amendments will include those judges."

**Senator Luick (4:15):** "So in your amendment, as the bill stands right now, section 1 and 2 have gone away. So we are just looking at adding and starting over?"

**Chairman Armstrong:** "Just a different section 1, yeah, and they still have gone away."

**Senator Nelson:** "Was this in some other bill we had? Because it sounds familiar."

**Chairman Armstrong:** "No."

**Senator Luick** motioned to Adopt the Amendment. **Senator Larson** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.  
The motion carried.

Senate Judiciary Committee

HB 1233

3/27/2017

Page 2

**Senator Myrdal** motioned for Do Pass as Amended. **Senator Osland** seconded.

A Roll Call Vote was taken. Yea: 6 Nay: 0 Absent: 0.  
The motion carried.

**Senator Luick** carried the bill.

**Chairman Armstrong** ended the discussion on HB 1233.



March 22, 2017

CR  
3/22/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1233

Page 1, line 1, remove "a new subdivision to subsection 2 of section 62.1-02-05"

Page 1, line 2, remove "and"

Page 1, line 4, remove "to amend and reenact subdivision a of subsection 6 of"

Page 1, remove line 5

Page 1, remove lines 8 through 17

Page 1, line 23, replace "subdivision a" with "this chapter"

Renumber accordingly

March 27, 2017

CH  
3/27/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1233

Page 1, line 1, remove "a new subdivision to subsection 2 of section 62.1-02-05"

Page 1, line 2, remove "and"

Page 1, line 3, remove "possessing a firearm or dangerous weapon at a public gathering and"

Page 1, line 4, remove "subdivision a of subsection 6 of"

Page 1, line 5, replace "section 62.1-02-13" with "subdivision m of subsection 2 of section 62.1-02-05"

Page 1, line 5, remove "secured"

Page 1, line 5, after "firearm" insert "or dangerous weapon at a public gathering"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 1, replace lines 8 through 17 with:

**"SECTION 1. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- m. A state, federal, or municipal court judge, a ~~district court~~ magistrate judge or judicial referee, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient."

Page 1, line 23, replace "subdivision a" with "this chapter"

Page 2, after line 2, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - FIREARMS AND WEAPONS LAWS.** During the 2017-18 interim, the legislative management shall consider studying those provisions of the North Dakota Century Code that relate to firearms and weapons, for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1233

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0610.02001

Recommendation: ☒ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Senator Myrdal Seconded By Senator Osland

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

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

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



2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1233

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0610.02001

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar  
Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Senator Luick Seconded By Senator Larson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Luick

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

2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1233

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: \_\_\_\_\_

Recommendation: ☐ Adopt Amendment  
☐ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☐ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☒ Reconsider ☐ \_\_\_\_\_

Motion Made By Senator Luick Seconded By Senator Larson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

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

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

**2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1233**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0610.02003

Recommendation: ☒ Adopt Amendment  
☐ Do Pass    ☐ Do Not Pass    ☐ Without Committee Recommendation  
☐ As Amended    ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider    ☐ \_\_\_\_\_

Motion Made By Senator Luick Seconded By Senator Larson

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

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

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



**2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1233**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0610.02003

Recommendation: ☐ Adopt Amendment  
☒ Do Pass ☐ Do Not Pass ☐ Without Committee Recommendation  
☒ As Amended ☐ Rerefer to Appropriations  
☐ Place on Consent Calendar

Other Actions: ☐ Reconsider ☐ \_\_\_\_\_

Motion Made By Senator Myrdal Seconded By Senator Osland

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Nelson	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Luick

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

**REPORT OF STANDING COMMITTEE**

**HB 1233, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1233 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subdivision to subsection 2 of section 62.1-02-05"

Page 1, line 2, remove "and"

Page 1, line 3, remove "possessing a firearm or dangerous weapon at a public gathering and"

Page 1, line 4, remove "subdivision a of subsection 6 of"

Page 1, line 5, replace "section 62.1-02-13" with "subdivision m of subsection 2 of section 62.1-02-05"

Page 1, line 5, remove "secured"

Page 1, line 5, after "firearm" insert "or dangerous weapon at a public gathering"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 1, replace lines 8 through 17 with:

**"SECTION 1. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- m. A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient."

Page 1, line 23, replace "subdivision a" with "this chapter"

Page 2, after line 2, insert:

**"SECTION 3. LEGISLATIVE MANAGEMENT STUDY - FIREARMS AND WEAPONS LAWS.** During the 2017-18 interim, the legislative management shall consider studying those provisions of the North Dakota Century Code that relate to firearms and weapons, for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly."

Renumber accordingly

**2017 TESTIMONY**

**HB 1233**





## North Dakota House of Representatives

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Representative  
Kim Koppelman  
District 13  
513 First Avenue NW  
West Fargo, ND 58078-1101

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kkoppelman@nd.gov

Committees:  
Agriculture, Chairman  
Political Subdivisions

### TESTIMONY IN FAVOR OF HB1223

Mr. Chairman and Members of the Committee, I am Rep. Kim Koppelman and I represent District 13 in West Fargo. I come before you today to introduce HB 1223.

As you can see, it's a brief, simple bill, but the background I'll share is important to understanding the need for the legislation.

Currently, as you may know, North Dakota has two classes of concealed carry permits--Class One and Class Two. The former has more stringent requirements, solely for the purpose of attempting to maximize reciprocity with other states and, more specifically, in an ongoing quest to gain reciprocity with our neighbors to the east, Minnesota. The latter was instituted years ago, primarily to simplify the process of obtaining concealed carry permits for use in North Dakota by North Dakota citizens.

It is important to note that both the North Dakota Attorney General's Office and North Dakota Law have made clear that there is no difference in rights, privileges, and status, between the two permits, within the state of North Dakota. For all intents and purposes, within our state, they are equal.

Class One permits have served their goal of gaining reciprocity well. In fact, I believe, North Dakota Class One Concealed Carry Permits now have reciprocity with more states than any other.

Because, for many years, try as we might to gain reciprocity with Minnesota, that goal wasn't attained, and because of both the equal status, within North Dakota, of both classes of permits and Minnesota's reciprocity with concealed carry permits in the state of Utah, many of our citizens seeking the ability to carry concealed weapons in both North Dakota and Minnesota were encouraged to simply obtain a Class 2 North Dakota permit and a Utah permit.

That worked well for a large number of North Dakotans until a little over a year ago.

A Northwestern Minnesota legislator, concerned about the same lack of reciprocity for his constituents, spurred an effort to have Minnesota reevaluate its lack of reciprocity with us and they did so. Thus begins our "good news, bad news" story.

①  
1-26-17  
HB 1223

The good news is, the powers that be in Minnesota determined that, alas, the North Dakota Class 1 Concealed Carry permits are worthy of reciprocity with Minnesota. We finally got the reciprocity we've sought for so long!

The bad news is that, in the same review, they determined that they really didn't like Utah's permit any more.

Of course, this left many, many North Dakotans in the lurch, holding their Class 2 North Dakota and Utah permits, neither of which now, suddenly, had the Minnesota reciprocity they'd so carefully sought and obtained.

Obviously, the common sense thing to have done would have been for our neighboring state, if it felt the necessity to make such a determination, to have done so in a transitional manner, such as allowing current Utah permits to continue the reciprocity they'd been promised, and denying it to any new applicants, with fair notice, or to have at least set a timetable for a date, reasonably far enough out into the future, to cease recognition, in order to give Utah permit holders time to adjust. That didn't happen.

Predictably, these unusual circumstances have led to a glut of applications by Class 2 North Dakota permit holders suddenly seeking Class 1 permits, in order to reacquire the right to carry concealed in Minnesota which they'd so carefully sought and previously enjoyed.

When I acquired with the Bureau of Criminal Investigation whether there was a simply way for them to move from Class 2 to Class 1 North Dakota permits, I was told that there was nothing in law which allowed a path for such a transition. Obviously, the purpose of House Bill 1233 is to provide just such a path.

I understand that, in order to protect our Class 1 permits' reciprocity status, there may be some minor amendments to the bill which are necessary. I would welcome those, but, in urging your positive consideration of and "do pass" recommendation for HB 1233, I would urge you to keep the transition process from Class 2 to Class 1 concealed carry permits in North Dakota as simple, unencumbered, and inexpensive as possible for our citizens.

Thank you, Mr. Chairman, and members of the Committee.



#2  
1-26-17  
HB 1223

Chairman and Members  
ND House of Representatives  
Energy and Natural Resources Committee

January 26 2017

Chairman,

I am Paul Hamers, a native North Dakotan, retired U.S. Army Noncommissioned Officer, teacher, military historian, NRA Life Member, and one of the few civilians recognized by ND Peace Officer Standards and Training Board as a subject matter expert in firearms and tactics instruction.

Although I respect all of the efforts of Rep Koppelman to protect the right to bear arms as spelled out in the ND Constitution, but in respect to HB1233 I stand in opposition.

There is a fundamental and calculated difference in the process for obtaining a ND Class 2 and obtaining a ND Class 1 dangerous weapon license. The differences go far beyond a simple shooting test. The first and perhaps the most important difference is the depth of the background check. The second difference is in classroom education concerning the responsibilities of being an armed citizen. Last, but certainly not least, is the firearm marksmanship proficiency test. These differences are in place to create reciprocity with other states that require extensive training. Currently the ND Class 1 license is the most widely accepted concealed carry license in the nation, being accepted in 40 states, including North Dakota. The Attorney General has worked hard to create reciprocity. Why jeopardize that hard work of our AG and the privileges that ND license holders now enjoy while traveling in other states.

Citizens already have a choice as to whether or not to pursue obtaining a Class 1 or a Class 2 permit. Why is it necessary to circumvent the licensing process? Is it just a matter of time invested in the learning process?

Sincerely,

Paul Hamers  
USA Retired  
Municipal Judge



1  
2-9-17

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1233

Page 1, line 1, replace "a" with "two"

Page 1, line 1, replace "subdivision" with "subdivisions"

Page 1, line 4, replace "A" with "Two"

Page 1, line 4, replace "subdivision" with "subdivisions"

Page 1, line 5, replace "is" with "are"

Page 1, replace lines 6 through 8 with:

"An individual who has a valid class 2 firearm license may apply to upgrade to a class 1 firearm license within five years from the date the class 2 firearm license was issued and upon successful completion of the requirements under subdivision a"

Page 1, after line 8, insert:

"An individual who has a valid class 1 firearm license may request to convert the license to a class 2 firearm license before the expiration of the class 1 firearm license."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1233

Page 1, line 1, after "enact" insert "a new subdivision to subsection 2 of section 62.1-02-05 and"

Page 1, line 1, replace the first "section" with "subsection"

Page 1, after line 3, insert:

**"SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

An individual who resides in and stores a firearm or dangerous weapon in a residential dwelling that is located on school property."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1233

Page 1, line 1, after "enact" insert "a new subdivision to subsection 2 of section 62.1-02-05 and"

Page 1, line 1, replace the first "section" with "subsection"

Page 1, line 2, after "weapon" insert "; to amend and reenact subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code, relating to possession of a secured firearm"

Page 1, after line 3, insert:

**"SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

An individual who resides in and stores a firearm or dangerous weapon in a residential dwelling that is located on school property."

Page 1, after line 8, insert:

**"SECTION 3. AMENDMENT.** Subdivision a of subsection 6 of section 62.1-02-13 of the North Dakota Century Code is amended and reenacted as follows:

- a. Any public or nonpublic elementary school, middle school, or high school property, except parking lots, within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity."

Renumber accordingly



HB 1233

(1)

3/14/17



## North Dakota House of Representatives

State Capitol  
600 East Boulevard Avenue  
Bismarck, ND 58505-0360

Representative  
Kim Koppelman  
District 13  
513 First Avenue NW  
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Committees:  
Judiciary, Chairman  
Political Subdivisions

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The good news is, the powers that be in Minnesota determined that, alas, the North Dakota Class 1 Concealed Carry permits are worthy of reciprocity with Minnesota. We finally got the reciprocity we've sought for so long!

The bad news is that, in the same review, they determined that they really didn't like Utah's permit any more.

Of course, this left many, many North Dakotans in the lurch, holding their Class 2 North Dakota and Utah permits, neither of which now, suddenly, had the Minnesota reciprocity they'd so carefully sought and obtained.

Obviously, the common sense thing to have done would have been for our neighboring state, if it felt the necessity to make such a determination, to have done so in a transitional manner, such as allowing current Utah permits to continue the reciprocity they'd been promised, and denying it to any new applicants, with fair notice, or to have at least set a timetable for a date, reasonably far enough out into the future, to cease recognition, in order to give Utah permit holders time to adjust. That didn't happen.

Predictably, these unusual circumstances have led to a glut of applications by Class 2 North Dakota permit holders suddenly seeking Class 1 permits, in order to reacquire the right to carry concealed in Minnesota which they'd so carefully sought and previously enjoyed.

When I acquired with the Bureau of Criminal Investigation whether there was a simply way for them to move from Class 2 to Class 1 North Dakota permits, I was told that there was nothing in law which allowed a path for such a transition. Obviously, the purpose of House Bill 1233 is to provide just such a path.

I understand that, in order to protect our Class 1 permits' reciprocity status, there may be some minor amendments to the bill which are necessary. I would welcome those, but, in urging your positive consideration of and "do pass" recommendation for HB 1233, I would urge you to keep the transition process from Class 2 to Class 1 concealed carry permits in North Dakota as simple, unencumbered, and inexpensive as possible for our citizens.

Thank you, Mr. Chairman, and members of the Committee.



PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1233

Page 1, line 1, remove "a new subdivision to subsection 2 of section 62.1-02-05"

Page 1, line 2, remove "and"

Page 1, line 3, remove "possessing a firearm or dangerous weapon at a public gathering and"

Page 1, line 4, remove "subdivision a of subsection 6 of"

Page 1, line 5, replace "section 62.1-02-13" with "subdivision m of subsection 2 of section 62.1-02-05"

Page 1, line 5, remove "secured"

Page 1, line 5, after "firearm" insert "or dangerous weapon at a public gathering"

Page 1, replace lines 8 through 17 with:

**"SECTION 1. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

- m. A state, federal, or municipal court judge, a district court magistrate judge or judicial referee, a staff member of the office of attorney general, and a retired North Dakota law enforcement officer, if the individual maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient."

Page 1, line 23, replace "subdivision a" with "this chapter"

Renumber accordingly



HB 1233

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3/27/17

**SECTION \_\_\_\_ . LEGISLATIVE MANAGEMENT STUDY – FIREARMS AND WEAPONS LAWS.**

The legislative management shall consider studying, during the 2017-18 interim, those provisions of the North Dakota Century Code that relate to firearms and weapons, for the purpose of eliminating provisions that are irrelevant or duplicative, clarifying provisions that are inconsistent or unclear in their intent and direction, and rearranging provisions in a logical order. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-sixth legislative assembly.