

**2017 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1279**

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau -A Room, State Capitol

HB 1279

1/26/2017

27503

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

relating to carrying a weapon, and restrictions on carrying a handgun

### Minutes:

Attachment 1

**Chairman Porter:** Called the committee to order on HB 1279. The clerk read the title.

**Rep. B Koppelman,** West Fargo, Dist. 16. Few changes in the law. Three primary things this bill will do. (1) to allow concealed /carry at an athletic or sporting event; (2) whether or not you can carry a loaded weapon in your vehicle while you're hunting, and (3) area where we're eliminating a couple phrases, and about a mile of exceptions to those phrases, that deal with carrying during daylight or non-daylight hours.

**Chairman Porter:** questions

**Rep. Roers Jones:** Clarify section 5 repealer? Are you saying you would be able to open carry at all times during the day?

**Rep. B Koppelman:** yes. Right now there's restrictions an hour before sunrise and an hour sunset. There's certain daylight permissions and nighttime permissions. This would remove the daylight component of the equation. When we think of those that are allowed to have guns and those that follow the law which is the premise of all the bills being heard today, I don't think any of them give of people that don't follow the law any special privileges. I think you look at it and say is the law necessary. I weigh things against the 2<sup>nd</sup> Amendment and this doesn't meet the small test of those things. It seems counterproductive. The 2<sup>nd</sup> Amendment saying that you have the right to own a gun and carry a gun, to maintain your weapons and bear them. I used guns because that seems to be the lightning rod for arms in general. I don't see in there where they meant it to mean only during daylight hours. Nor do I think if you go back into the early days of our republic, that many people would have stood for that. When they were developing the western half of this country I don't think they would have stood for that. All of a sudden we think when the sun's down, guns are scary or scarier. Again it's not the tool, it's the individual and the individual who is not prohibited by law from carrying, is not a bigger threat then. Those that are prohibited all the time so this is irreverent to them.

**Rep. Keiser:** I think there's a problem with language on Page 2, lines 28-29-30. If you ignore that strike out language, because it's going to be gone, I'm not sure what it does. I know what your intent is, it's to carry a loaded weapon in a vehicle, but it reads an individual possessing a valid permit from this state or who has reciprocity under (inaudible (9:07) with a handgun, what? May carry one in a loaded vehicle or? That's just a technical point but as I read it, it doesn't. It used to say, if not in the field, hunting or trapping. So there was action associated with the handgun, but it doesn't make sense the way it's worded. That's a technical thing with Legislative Council.

**Rep. B Koppelman:** If I read the beginning of that section of code, the heading is carrying loaded firearm in certain vehicles prohibited. Penalty Exceptions and in the next phrase, it says and individual may not keep or carry or carry a loaded firearm in or on any motor vehicle including an off highway vehicle or snowmobile in the state. An individual violating the section is guilty of a Class B misdemeanor. The prohibition does not apply to, and then it goes down to Section 3, an individual possessing a valid concealed weapons license from the state or has reciprocity (?) the state with a handgun, or with a rifle or shotgun, if not in the field hunting or trapping. It leads you to believe we need the first part to say, the provision of the carrying a loaded firearm in a vehicle does not apply to concealed licenses. Then that exception, has an exception to that, that says, unless you're in the field hunting. Which means if you are in the field hunting, you're no longer the except. I believe it's probably worded right even though it's confusing because it's an exception to an exception, I will work with you if there's clerical fixing we need to do.

**Chairman Porter:** Questions? Testimony in support? In opposition?

11:38

**Russ Ziegler,** assistant director of the ND Council of Educational Leaders, presented Attachment 1 recommending a Do Not Pass.

**Chairman Porter:** Questions? Testimony in opposition? Seeing none the hearing was closed.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1279

2/9/2017

28168

☒ Subcommittee

☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

relating to carrying a weapon, and restrictions on carrying a handgun

### Minutes:

Attachment #1

**Meeting Location:** Coteau Room

**Date:** 2/9/17

**Time:** 4:25-4:55

**Member Present:** Chairman Lefor, Rep. Roers Jones, Rep. Heinert

**Other Present:** Chief Phil Pfennig, BCI, Samantha ? (arrived at 12:30)

### Topics discussed:

1. Attachment 1, Page 1 Line 18 repealing
2. Does 1190 take care of publically owned building, governor, Supreme Court, speaker of house
3. We would like this applied to HS, elementary, not college. If "a school" is left in, on where on a school it would be permissible to have a weapon or parking lanes, how can we word that so we're not talking about HS, elementary schools, but if we're talking about college sporting events, that might be acceptable.
4. Similar language is in 62.1.02 language related to 6A where it specifically talks about public or nonpublic elementary or middle school or HS property, in relation to vehicles, this is where it does not apply to. Language such as this could be used
5. Concerns about weapons in schools and would like to have legislative council weigh in. Be very clear if you're talking athletic or sporting event at the Fargo Dome, that's one thing, but if you're talking about it at HS, it's another.
6. Find out from Legislative Council if a leased facility such as the Bismarck Community Bowl, leased by the HS's for football, soccer games and track, is that part of, if we identify elementary, and secondary education, is the leased facility would be part of that building.



7. Section 4, individual possessing a valid concealed weapons license, but it goes with the handgun and crosses off, "or with rifle or shotgun if not in the field hunting or trapping" Section 4, #3, Line 28-30 cannot carry a shotgun loaded while hunting in their vehicle. That would mean if they're not hunting or trapping, a person could use a rifle or shotgun loaded in their vehicle for purposes of self-defense. Striking it out eliminates the ability for someone to have a rifle or shotgun in their vehicle for purposes of self-defense, and it just leaves handgun.
8. 6:40 Rep. Koppelman: my intent was to allow concealed weapons license holders to have the same rights any time of the year (? Inaudible, not at a mic) for carrying a loaded weapon, whether handgun, shotgun or rifle. Theoretically if you were accustomed to carrying a loaded 22 lying on your seat all year long which you can do with a concealed weapon license, then you happen to be hunting, with your 30.6 in the front, the 22 behind the seat, you're not legal (inaudible- not a mic)

Chief Pfennig: During discussion of this same section in 11-69, Game and Fish and several of the hunting rights groups were opposed to allowing someone to carry a rifle or shotgun in the vehicle while they were hunting. They expressed concerns of safety while people were hunting.

8:00 **Rep. Koppelman** on Line 29, the only word that should have been overstruck is "if", and all of line 30 would continue to be struck. In order to get to my intent, the words "or with a rifle or shotgun" should not be overstruck and there should be a period there. In context of this section, it's not printed on the bill but if you go into the law it talks about "an individual may not keep or carry a loaded firearm in or on any motor vehicle including an off highway vehicle, or snowmobile, in the state, individual violating this section is guilty of a Class B misdemeanor. This prohibition does not apply to" and then you go down to section 3 where it says "it does not apply to an individual possessing a valid concealed weapons license from the state or who has reciprocity under Section 62.1-04-03.1 with a handgun, or with a rifle or shotgun, period. That was my intent.

**Rep. Roers Jones:** if that was your intent, would it be more clear to just, remove everything after the citation, so we don't have, "with a handgun or a rifle or shotgun"? Because what you're saying your intent is that if you have a valid concealed weapons license, the intent was you should be able to carry any loaded gun in a vehicle.

**Rep. Koppelman:** yes, that would be even more clear yet.

9. Concerns of the Game and Fish on whether or not they want that right extended to long guns.
10. Section 5, 1 line at the bottom, repeals all of 62.1-03-01. Issue? The intent was to eliminate the daytime nighttime open carry law totally.

**12:30 Samantha ?** arrived

11. Section 3, an individual who normally possesses a firearm or dangerous weapon at a public gathering is guilty of a Class B misdemeanor for the purpose of this section public gather means, an athletic or sporting event is overstruck. That's basically all

we're talking about at this point. Concerns for overstriking that because it's too broad. Are we talking about HS, Fargo Dome?

12. Looking for language to elementary, middle school, high schools, and prohibiting guns at sporting events associated with those types of events but not college or other public sporting events. Direction for language to that.
13. How does it apply to leased sporting facilities?
14. Removing "an athletic or sporting event" is very broad. The fact that school is still in there means it still applies to elementary, middle, high school, but MAY not necessarily apply to the event held at the Bowl
15. Samantha research Section 3, athletic or sporting event
16. Used to say school function, but that applied so broadly to everywhere in the world, if the carolers came to the mall, was the mall now off limits
17. Create some definitive style definitions under school events and identify some of our concerns specifically

**Motions:**



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1279  
2/16/2017  
28478

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

relating to carrying a weapon, and restrictions on carrying a handgun

### Minutes:

Attachment #1

**Chairman Porter:** Opened the hearing on HB 1279.

**Rep. Lefor:** I would like to ask Samantha Kramer for a question. The only thing that escapes my memory right now is Page 1 Line 18. What is the effect of that overstrike?

**Samantha Kramer:** The first section, 12-44.1.30 deals with correctional officers that are authorized to carry weapons. Then 62.1-03-01 is carrying handguns generally under Chapter 62.1-03. So it's removing that reference saying 62.1-03-01 would no longer apply to the possession and use of the firearm under 12.44.1.30 which is correctional officers carrying.

**Rep. Keiser:** in English what does that do?

**Rep. Roers Jones:** I can explain it because I remember. The section refers to the restriction of open carrying during only daylight hours. It says you cannot open carry after sunset, a certain amount of time after sunset and before sunrise. Taking that section out removes those daylight hour restrictions from open carrying for correctional officers. Then in the next section it referred to correctional officers when dealing with escapees. The last section, Section 5, repealed that whole section as applied to anyone else.

**Rep. Lefor :** If you look in the amendment (Attachment 1), on Page 2, Line 24, you can see where we're removing the overstrike on, "an athletic or sporting event" and actually (inaudible) a non-event in the new language, underscored, sponsored by an elementary or secondary school.

**Rep. Roers Jones:** The amendment that we have the language written here doesn't actually fully reflect what we were discussing in the subcommittee. The intent of the subcommittee was to actually remove the references that were just asked about relating to changing the hours of open carry. I believe the intent of our amendment was to actually remove the references in Section 1 to remove the overstrike and leave the references to 62.103-01 and



do the same thing in Section 2, and to remove the repealer that is Section 5. The reason for that in the discussion in the subcommittee was to keep, in the event that HB 1169 is passed, which would allow for the concealed carry the constitutionally protected carry for ND residents, it would still keep the nighttime hour restrictions for those people coming in from out of state. One concern I have is, if we do go with that amendment, and HB 1169 doesn't pass, it will still keep those restrictions for everybody, ND residents and non-residents.

**Chairman Porter:** So in essence what the committee is recommending to remove inside of this proposed amendment, along with the language of adding, sponsored by an elementary or secondary school, is to remove sections 1, 4 and 5.

**Rep. Roers Jones:** That would be an acceptable way.

**Rep. Lefor:** That's correct.

**Chairman Porter:** Just so the committee is clear. The subcommittee is looking at is the removal of Sections 1-4-5, and the insertion of the new language inside of Section 3. The only thing I would follow up with is Section 4 was the component was the Game and Fish component that we wanted to make sure we removed out of this particular bill because we did not want people with loaded guns in cars while hunting.

**Rep. Heinert:** Section 1, the amendment, that was for the correction officers. I thought we were ok with that. Where the correctional officers could carry a handgun under the direction of the correctional administrator.

**Rep. Lefor:** You're correct. We would just be moving Section 4 and 5

**Rep. Keiser:** Since we are going to be meeting tomorrow, it would be to my advantage to see the actual amendment that is being proposed.

**Rep. Roers Jones:** Perhaps if we adopt the amendment, we could get a marked up version. I think that would make things much more clear.

**Rep. Keiser:** We can get a marked up version without adopting it

**Rep. Roers Jones:** that was not what I was told in my other committee this week.

**Rep. Lefor:** Since we're going to be back here tomorrow morning I think that's a good idea.

**Chairman Porter:** when we're done, the subcommittee can meet quick. Ms. Kramer would love to meet with the committee.

Minutes of the

(HOUSE) (SENATE) BILL NO. 1279 SUBCOMMITTEE OF THE

HNAT STANDING COMMITTEE

Meeting location: Coteau

Date of meeting: 2-16-17

Time meeting called to order: 9 AM

Members present: Chairman Lefor, Rep Roers Jones, Rep Heinert

Absent - Rep Mock

Others present (may attach attendance sheet):

Tom Gerhardt, Fern Pokorny, ND United  
Todd Kranda, attorney everytown for gun safety

Topics discussed:

consider Amendment 17.0755.01001, recommend accepting  
Rep Lefor passed out Attachment 1

Motion and vote:

Motion to recommend approval of Amendment 01001 by  
Rep Roers Jones, second by Rep. Heinert  
Roll call voice vote, all Aye. Motion carries.

Time of adjournment: 9:05 AM

Note: If a motion is made, a description of the motion must be provided along with the member seconding the motion. A recorded roll call vote must be taken and reported for any nonprocedural motion.

Minutes of the

(HOUSE) (SENATE) BILL NO. 1279 SUBCOMMITTEE OF THE

HNAT STANDING COMMITTEE

Meeting location: Coteau

Date of meeting: 2-16-17

Time meeting called to order: 4:30

Members present: Chairman Lefor  
Rep Roers Jones  
Rep Heinert Rep Mock

Others present (may attach attendance sheet):

Topics discussed:

Motion and vote:

Rep Roers Jones moved Do Not Pass  
Rep Heinert second to recommend a Do Not Pass.  
Rep Mock - in support - sporting event - K12 school event - so  
few of any venues this would apply to - no foreseeable solution -  
support.  
Roll call vote all voted yes - motion carried

Time of adjournment: 4:33

Note: If a motion is made, a description of the motion must be provided along with the member seconding the motion. A recorded roll call vote must be taken and reported for any nonprocedural motion.



# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1279

2/17/2017

28513

☐ Subcommittee

☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

relating to carrying a weapon, and restrictions on carrying a handgun

### Minutes:

Attachment 1

**Chairman Porter:** Called the committee to order HB 1279.

**Rep. Lefor:** Our subcommittee met and when we looked at the bill, there were so many exceptions, we felt at the end of the day we should recommend a Do Not Pass and then use the hoghouse amendment that has been submitted by Chairman Porter.

**Chairman Porter:** So the subcommittee could not find a fix inside of that bill.

**Rep. Lefor:** Correct

**Chairman Porter:** I passed out a proposed amendment to HB 1279, as Attachment #1. It was brought to my attention, inside of the issue in regards to schools. An individual living in houses whether they're on or off school property, that's their residence and part of their package. That situation exists inside of property owned or leased by the state and also inside of property owned or leased by a political subdivision, that is an unintended consequence of our restriction on government buildings. This is language I took off of our previous amended HB 1233 that we did for schools, and would do the same thing for state owned, leased and politically subdivision buildings where someone is actually a resident.

**Rep. Keiser:** I move to amend

**Rep. Lefor:** second

**Chairman Porter:** I have a motion from Rep. Keiser, second from Rep. Lefor to move the amendment to HB 1279. Discussion? Seeing none, all those in favor say Aye, Opposed. Voice vote, motion carries. We have an amended HB 1279.

**Rep. Anderson:** I move a Do Pass as Amendment to HB 1279.

**Rep. Keiser:** second

**Chairman Porter:** I have a motion from Rep. Anderson, second from Rep. Keiser for a Do Pass as Amended. Any discussion? The clerk will call the roll.

Aye 12          No 0          Absent 2    Motion carries. Committee, I've never done this before, but now I would like a motion to reconsider our action whereby we passed HB 1279 to further amend.

**Rep. Keiser:** So moved

**Rep. Anderson:** second

**Chairman Porter:** I have a motion and a second to reconsider our actions whereby HB 1279 passed. Seeing no discussion, all those in favor say Aye, opposed? Voice vote, Motion carried. Committee, I think we should put Section 2 in this the Emergency Clause.

**Rep. Anderson:** I move to add the Emergency Clause to HB 1279

**Rep. Lefor:** second

**Chairman Porter:** I have a motion from Rep. Anderson, second from Rep. Lefor to further amend HB 1279 adding Section 2 the Emergency Clause. Any discussion? Seeing no further discussion all those in favor say Aye, opposed? Voice vote, motion carries.

**Rep. Anderson:** I move a Do Pass as Amended

**Rep. Lefor:** Second

**Chairman Porter:** I have a motion from Rep. Anderson, second from Rep. Lefor for a Do Pass as Amended on HB 1279. Any discussion? Seeing no further discussion, the clerk will take the roll call vote.

Yes 12          No 0          Absent 2    Motion carries. Rep. Lefor carrier.

# 2017 HOUSE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1279  
2/23/2017  
28515

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

relating to carrying a weapon, and restrictions on carrying a handgun

### Minutes:

Attachment 1

**Chairman Porter:** Opened the committee to order and the Clerk took the roll. We have a quorum.

**Rep. Anderson:** I move a motion that reconsider our actions to HB 1279 this past Friday.

**Rep. Lefor:** second

**Chairman Porter:** We have a motion from Rep. Anderson, second from Rep. Lefor to reconsider HB 1279. Discussion? All in favor say Aye, opposed. Voice vote, motion carried. We have HB 1279 back in front of us. I have HB 1279 in front of us. I've passed out Amendment 01003. After our fine work on Friday, Rep. Mock caught me in the chambers and asked me a very specific question, that if this opened up dorms on college campuses, what we did on Friday. I said I didn't think so but I needed to do some checking. I checked with Chief Agent Pfenning, the Highway Patrol, and Legislative Council and looked at it and said, well we're not sure, maybe. We want to make sure we did not do that. That we stuck with the intent of what we discussed on Friday, and that's the amendment you see in front of you.

**Rep. Devlin:** I would move the amendment, Attachment 1.

**Rep. Seibel:** second

**Chairman Porter:** we have a motion from Rep. Devlin, second from Rep. Seibel to adopt the amendment 01003. Discussion? Seeing none, all those in favor say Aye, opposed? Voice vote, motion carries.

**Rep. Lefor:** Question. It says with the consent of the governing body. So is it, are we talking about each branch of state government.



**Chairman Porter:** The way that's worded, according to council. If it's the university president's home on that campus, then the governing body is the board of higher ed. If it's the house at the Mandan water treatment plant, then the governing body is the City of Mandan. If it's a house owned by the Edmore Public School system, which this will now cover, it is the Edmore School Board. That's the explanation from Council as this was drafted.

**Rep. Lefor:** I would move a Do Pass as Amended recommendation on HB 1279

**Rep. Marschall:** second

**Chairman Porter:** I have motion for a Do Pass as further Amended on HB 1279 from Rep. Lefor, second from Rep. Marschall. Discussion? Roll call vote:

Yes 10      No 0      Absent 4      Motion carries. Carrier is Rep. Lefor

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1279

Page 2, line 24, remove the overstrike over "~~an athletic or sporting event~~"

Page 2, line 24, after "event" insert "sponsored by an elementary or secondary school"

Page 2, line 24, remove the overstrike over the overstruck comma

Renumber accordingly

February 17, 2017

PROPOSED AMENDMENTS TO HB 1279

- Rep. Porter

Page 1, line, 1, after "A BILL" remove the remainder of the bill and replace with:

**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 property owned or leased by the State of North  
Dakota, or a political subdivision of the State of North Dakota.



2/20/17 JP

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1279

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 of the North Dakota Century Code, relating to possession of a firearm; 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:

A public employee who, through the course of the individual's employment and with the consent of the governing body or person responsible for the management of the building, resides in and stores a firearm or dangerous weapon in a residential dwelling that is a government building.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

Date: 2-16-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279

House Energy & Natural Resources 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

☒ recommend an Amendment

Motion Made By Rep Roers Jones Seconded By Rep Heinert

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:

*voice  
vote Motion carries*

Date: 2-16-17Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279**

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☒ recommend a DO Not PassMotion Made By Rep Roer Jones Seconded By Rep Heinert

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 \_\_\_\_\_

*voice vote motion carries*

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



Date: 2-17-17Roll Call Vote #: 1

**2017 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1279**

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 Keiser Seconded By Rep Lefor

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:

rep Porter's proposed amendment

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

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279

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. Anderson Seconded By Rep. Keiser

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

Total (Yes) 12 No 0Absent 2Floor  
Assignment \_\_\_\_\_

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

Date: 2-17-17

Roll Call Vote #: 3

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279

House Energy & Natural Resources 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 Keiser Seconded By Anderson

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:



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

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279**

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. Anderson

Seconded By

Rep. Lefor

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:

Date: 2-17-17Roll Call Vote #: 5

**2017 HOUSE STANDING COMMITTEE**  
**ROLL CALL VOTES**  
**BILL/RESOLUTION NO. 1279**

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 Anderson Seconded By Rep Lefor

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

Total (Yes) 12 No 0Absent 2Floor  
Assignment Rep Lefor

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

Date: 2-23-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279

House Energy & Natural Resources 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 Rep Anderson Seconded By Rep Lefor

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:



Date: 2-23-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279

House Energy & Natural Resources Committee

☐ Subcommittee

Amendment LC# or  
Description: 17.0155.01003

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 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:

01003

Date: 2-23-17Roll Call Vote #: 3

**2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 1279**

House Energy & Natural Resources Committee☐ SubcommitteeAmendment LC# or  
Description:17.0755.01003

## 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 Lefor

Seconded By

Rep Marschall

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

Total

(Yes)

10

No

0

Absent

4

Floor

Assignment

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

01003

**REPORT OF STANDING COMMITTEE**

**HB 1279: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1279 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 of the North Dakota Century Code, relating to possession of a firearm; 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:

A public employee who, through the course of the individual's employment and with the consent of the governing body or person responsible for the management of the building, resides in and stores a firearm or dangerous weapon in a residential dwelling that is a government building.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly



**2017 SENATE JUDICIARY**

**HB 1279**

# 2017 SENATE STANDING COMMITTEE MINUTES

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

HB 1279  
3/14/2017  
29141

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature

*Carie Winings for Sen. Feltz*

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

Relating to possession of a firearm; and to declare an emergency.

**Minutes:**

**Testimony attached #**

1,2

**Chairman Armstrong:** Called the committee to order on HB 1279. All committee members were present.

**Ben Koppelman, North Dakota State Representative, District 16:** Introduced and testified in support of the bill. This bill looks nothing like the bill I introduced. This bill was hog housed in the House committee. I do support the bill in its current form. It is a different concept, but I will do my best to tell you what it does. This bill deals with situations such as the Governor's residence, President's houses, and other government owned residential dwellings that are provided to an employee as part of their employment. It would give them the same rights that we all enjoy in our own homes. This probably could apply to some situations that arose during the oil boom in western North Dakota where some of the school districts were purchasing houses because housing was unaffordable. This would take care of that little gap in the law.

**(2:20) Chairman Armstrong:** I'm assuming that right now, under current law, the Governor is not allowed to have his hunting shotgun in the Governor's mansion?

**Representative Koppelman:** I would assume, based on the language of the law, that that is correct. I think that would be considered a government building. I do not know from a practical application that anyone would apply it that way or if anyone would have the gall to charge the Governor, but this would make it better in the law.

**(3:20) Senator Nelson:** Several of our university presidents live on campus and there are certain rules for guns on campuses. So, does this fit? I think that is controlled under another section of code.

**Representative Koppelman:** That is under the same chapter of code, the weapons chapter that discusses how universities are handled. I think the way that it works is that you could probably have one in your vehicle but not elsewhere on campus as I recall. I will say in general terms that the bill says with the consent of the governing body or person responsible,

and in my notes I looked at that to depend on how the university system manages their buildings on campus. I suppose it could theoretically be the Board of Higher Education. Presumably the president could give himself permission. Understand this is an exception to law in both cases of the Governor's or a president's residence.

**(4:50) Senator Luick:** Don't the campuses have the ability and the right to make these laws stricter than what the state of North Dakota has?

**Chairman Armstrong:** No, they can only make them less strict but not stricter.

**Representative Koppelman:** Correct. There is about a phrase or two that states that a municipality may not make them stricter, however they do have the right to make them more lenient.

**Todd Porter, North Dakota State Representative, District 34:** Testified in support of the bill. No written testimony provided. This really had never been discussed before and we took a look at it and decided that we needed to fix it. It is clearly prohibited.

**Chairman Armstrong:** These prohibitions are blanket prohibitions; it's not necessarily who owns the gun, but it is that the gun is located there.

**Representative Porter:** Correct. A number of different situations came in front of us and there are a number of housing situations where a government entity owns the residence. This is to allow those governing bodies the ability to exempt those residences out of the weapons portion.

**Chairman Armstrong:** It is very narrow. It is about where they live only.

**(9:05) L. Anita Thomas, General Counsel, North Dakota School Boards Association:** Testified in support of the bill. (See Attachment #1)

**(12:10) Craig Roe, North Dakota Citizen:** Testified in support of the bill. No written testimony provided. "This bill is the most common sense bill I have ever heard in my life. I believe this bill deals strictly with constitutional rights." (Comments were mostly inaudible.)

**(15:03) Katie Fitzsimmons, Director of Student Affairs, North Dakota University System:** Testified in opposition of the bill. (See Attachment #2)

**(16:50) Chairman Armstrong:** Do you support the concept of allowing you college presidents to have a shotgun in a safe in their houses?

**Katie Fitzsimmons:** I might have to differ that to Dr. Feldner. The way that we are looking at this and the way that we are approaching this is that we are worried about all students in residence halls.

**Chairman Armstrong:** We have been made aware of the dorm problem.



**Katie Fitzsimmons:** When I heard Representative Koppelman introduce the bill, this is just an extra clarification

**(17:49) Dwayne Johnson, Bismarck State College Police Officer:** Testified in opposition of the bill. No written testimony provided. In reference to the bill, the RA's and the RS's are the two biggest concerns on college campuses. Especially as much as we go through RA's. We can have 20 RA's in a semester and fire 18 of them in the same semester because of different situations and things that come up. We are talking about 18 to 19-year-old kids here that are in the college environment that are living in residential halls. Most of the doors are left open in residential halls and it is really more of a liability for the campuses as a whole in reference to having fire arms allowed. Every campus is different and who would give that authority. It is a little bit too vague for us.

**(19:15) Senator Luick:** Wouldn't this also revert back to the 21-year-old age requirement?

**Chairman Armstrong:** No, since this isn't for a concealed weapon. Concealed weapon is 21, but for a regular weapon there is essentially no minimum age.

**Senator Nelson:** Are RA's public employees by definition?

**Dwayne Johnson:** Yes.

**Senator Nelson:** They get health insurance and all those good things?

**Dwayne Johnson:** They are paid by the state of North Dakota.

**Lisa Feldner, Chief of Staff, North Dakota University System:** Testified in neutrality to the bill. No written testimony provided. The board has not taken a position on this specifically because they meet next week, but they are not excited about any of the proposed gun bills. I don't think the University system is in support of this, certainly in its present form, but even if it were amended.

**Chairman Armstrong:** No further testimony present. Closed the hearing on HB 1279.

# 2017 SENATE STANDING COMMITTEE MINUTES

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

HB 1279 Committee Work  
3/15/2017  
29235

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

Relating to possession of a firearm; and to declare an emergency.

**Minutes:** **No written testimony**

**Vice-Chair Larson** called the committee to order on HB 1279. Chairman Armstrong absent.

**Senator Larson:** ““This bill specifically looked at a person, like the Governor for example, not being able to have a gun at his house since it is owned or leased by the state.”

**Senator Nelson (2:00):** “I think on this particular bill we got things like the state hospital where the superintendent would make the decision, there are other things regarding this, and not just the Chief Justice or the other three. There’s just so many different things with this. I understand the things with the college campuses, but they’re handling it now. My gut feeling is that this bill isn’t necessary.”

**Senator Myrdal (2:40):** “The amendment you’re talking about that Anita came up with, is that to take out ‘or person responsible for management of building’ on line 8 and 9?”

**Senator Larson:** “Yes. That’s one of them.”

**Senator Osland (3:45):** “I have a tendency to follow Senator Nelson to be mature adults. Do we need a bill like this?”

**Senator Larson:** “Well, the sentiment is if the governor wants a rifle in his own home to go hunting, that is prohibited. Should that be prohibited?”

**Senator Osland:** “So it’s prohibited at this time? Where is it prohibited in the bill?”

**Senator Luick:** “If that holds true, if there’s a law that says I cannot do this, let’s say that the government employee has the right to conceal carry, they still couldn’t take it down to their premise.”

**Senator Larson:** "Right. I think we will work on that a little bit. I will talk to Legislative Council and maybe bring back an amendment for this."

**Senator Myrdal:** "I think this is a necessary bill. If we pick and choose where to live and who can have a gun, I think that violates their 2<sup>nd</sup> Amendment. I think this law needs to be fixed to protect the 2<sup>nd</sup> Amendment rights."

**Senator Larson:** "We will table this for a little while yet, I just figure we should go over this for a little bit."

**Vice-Chair Larson** ended the discussion on HB 1279.



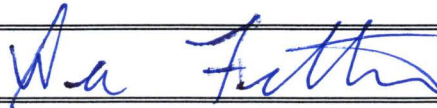
# 2017 SENATE STANDING COMMITTEE MINUTES

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

HB 1279 Committee Work  
3/22/2017  
29557

☐ Subcommittee  
☐ Conference Committee

Committee Clerk Signature



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

Relating to possession of a firearm; and to declare an emergency.

**Minutes:**

**Attachments**

1,2

**Chairman Armstrong** began the discussion on HB 1279. All committee members were present.

Proposed Amendment was passed out to the committee. (see attachment 1)

**Senator Larson:** "As you may remember, Anita Thomas had provided some amendments early on that she was in favor, but what they did was they kind of limited it to the schools and so it didn't cover the other entities. What this amendment does is it takes out lines 7-10 of the bill, and it inserts instead – see attachment 1.)"

**Chairman Armstrong:** "So the board of Higher Ed could tell the university president you're in charge of who can have firearms?"

**Senator Larson:** "Exactly."

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

Discussion followed:

**Senator Nelson:** "I requested Morgan to write me an amendment on this same bill. It's very simple, it just says the Governor can have a gun in the Governor's residence, period."

**Senator Larson (3:15):** "Speaking to this amendment, what I had heard was that the idea of this came up because of the Governor's residence and that was the main reason for this. However, as more people came forward to talk about it, it did seem to make sense that if a college president who lives there year round wants to have his hunting rifle in his residence, well, I don't know why that shouldn't be able to apply to everybody. So I think we should go ahead and pass this bill. It has protections in there that it has to be approved by the governing board."

**Senator Myrdal (4:20):** "I agree with that."

**Senator Nelson (5:00):** "My concern is like places in the oil field where there are man camps. Who's the administrator there to say that those people reside there and so they can have guns? Who is the governing board there, of the man camps? The owner? The employer?"

**Chairman Armstrong:** "Well which state entity owns the man camps?"

**Senator Nelson:** "I don't know."

**Chairman Armstrong:** "They don't."

**Senator Nelson:** "It's a political subdivision so does the city of Williston own it? The park district? Schoolboard?"

**Senator Luick:** "Aren't the man camps privately owned? So it wouldn't have any bearing to this bill at all?"

**Chairman Armstrong:** "Correct."

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

**Senator Nelson's** amendment was reviewed. (see attachment 2)

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

A Roll Call Vote was taken. Yea: 1 Nay: 5 Absent: 0.  
The motion failed.

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

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

**Senator Larson** carried the bill.

**Chairman Armstrong** ended the discussion on HB 1279.

March 22, 2017

CM  
3/22/17

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1279

Page 1, remove lines 7 through 9

Page 1, line 10, replace "weapon in a residential dwelling that is a government building" with  
"An individual's storage of a firearm or dangerous weapon in a building that is owned or  
managed by the state or a political subdivision, provided:

- (1) The individual resides in the building;
- (2) The storage is inside the individual's assigned residential unit;  
and
- (3) The storage has been consented to by the state, the governing  
board, or a designee"

Renumber accordingly



17.0755.02000  
Sixty-fifth  
Legislative Assembly  
of North Dakota

PROPOSED AMENDMENT TO EHB 1279

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

"Notwithstanding any other provision of law, the governor may store a firearm or dangerous  
weapon in the governor's residential dwelling."

**2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1279**

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0755.02001

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 Larson Seconded By Senator Luick

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 1279

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 Nelson 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) 1 No 5

Absent 0

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

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

The proposed amendment was to allow the Governor to store a firearm or dangerous weapon in his home, regardless of what the law says.



2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. HB 1279

Senate Judiciary Committee

☐ Subcommittee

Amendment LC# or Description: 17.0755.02001

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 Luick

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 Larson

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

REPORT OF STANDING COMMITTEE

HB 1279, 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 1279 was placed on the Sixth order on the calendar.

Page 1, remove lines 7 through 9

Page 1, line 10, replace "weapon in a residential dwelling that is a government building" with "An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:

- (1) The individual resides in the building;
- (2) The storage is inside the individual's assigned residential unit;  
and
- (3) The storage has been consented to by the state, the governing board, or a designee"

Renumber accordingly

**2017 TESTIMONY**

**HB 1279**



**House Bill No. 1279****Testimony in Opposition****North Dakota Council of Educational Leaders, Russ Ziegler**

Good Afternoon Chairman Porter and members of the House Energy and Natural Resources committee. For the record, my name is Russ Ziegler and I am the assistant director at the North Dakota Council of Educational Leaders. Our organization represents superintendents, principals, business managers and other educational leaders across the state.

I have come to testify in opposition to HB 1279. We feel that there are many unanswered questions with this bill. There are enough questions that we must take the stance of opposition. We are concerned with Section 3 where athletic or sporting events are removed from the law. The questions that we have are: What constitutes a "school", is it the physical building or all of the grounds? In other words, would this open up the ability for individuals to bring weapons to a football game or soccer match? What about school activities that take place off of school grounds, such as public tennis courts, rodeo grounds, hockey, swimming? What is considered a publicly owned or operated building? Is the Bismarck Community Bowl considered a publicly owned building? Many school-sanctioned events occur there although technical that facility is not considered property of the Bismarck School District. NDCEL would not be in favor of having any school-sponsored event on or off school grounds open to weapons.

We respectfully request a do not pass on HB 1279 because of the lack of clarity in the bill.

1  
HB 1279  
Subcommittee  
2-9-17

**62.1-02-08. Illegal firearms, ammunition, or explosive materials business.**

1. A person is guilty of an offense if the person supplies a firearm, ammunition, or explosive material to, or procures or receives a firearm, ammunition, or explosive material for, a person prohibited by this title from receiving it if the transferor knows or has reasonable cause to believe that such person is prohibited by section 62.1-02-01 from receiving or possessing it.
2. The offense is a class C felony if the actor:
  - a. Was not licensed or otherwise authorized by law to handle, transfer, or engage in transactions with respect to the firearm, destructive device, or explosive material; or
  - b. Engaged in the forbidden transaction under circumstances manifesting the actor's readiness to supply or procure on other occasions in disregard of lawful restrictions.

Otherwise the offense is a class A misdemeanor.

**62.1-02-09. Possession of explosive and destructive device in government building - Penalty.**

A person, except for a law enforcement officer while on official business, is guilty of a class C felony if the person possesses an explosive or destructive device in a government building without the written consent of the government agency or person responsible for the management of the building.

**62.1-02-10. Carrying loaded firearm in certain vehicles prohibited - Penalty - Exceptions.**

An individual may not keep or carry a loaded firearm in or on any motor vehicle, including an off-highway vehicle or snowmobile in this state. An individual violating this section is guilty of a class B misdemeanor. This prohibition does not apply to:

1. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations while possessing the firearm issued to the member by the organization and while on official duty.
2. A law enforcement officer.
3. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 with a handgun, or with a rifle or shotgun if not in the field hunting or trapping.
4. An individual in the field engaged in lawful hunting or trapping of nongame species or fur-bearing animals.
5. A security guard or private investigator properly licensed to carry firearms.
6. An individual possessing a valid special permit issued pursuant to section 20.1-02-05.

**62.1-02-10.1. Carrying a loaded firearm in vehicle while hunting - Penalty.**

An individual who is in the field engaged in the lawful hunting of big game or small game and who violates section 62.1-02-10 is not subject to a criminal penalty but is guilty of a class 2 noncriminal offense under chapter 20.1-01.

**62.1-02-11. Possessing explosive prohibited - Exception - Penalty.**

No person may have in custody, possession, or control any nitroglycerin, dynamite, or any other dangerous or violent explosive, unless the explosive is carried in the prosecution of or to effect a lawful and legitimate purpose. Any person violating this section is guilty of a class C felony.

**62.1-02-12. Resident may purchase rifle or shotgun in contiguous state - Application - Definitions.**

Repealed by S.L. 2005, ch. 598, § 2.



## **CHAPTER 62.1-03 HANDGUNS**

### **62.1-03-01. Carrying handgun - Restrictions - Exceptions.**

1. A handgun may not be carried unless by an individual not otherwise prohibited and if:
  - a. Between the hours of one hour before sunrise and one hour after sunset, the handgun is unloaded and either in plain view or secured.
  - b. Between the hours of one hour after sunset and one hour before sunrise, the handgun is unloaded and secured.
2. The restrictions provided in subdivisions a and b of subsection 1 do not apply to:
  - a. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1.
  - b. An individual on that person's land, or in that individual's permanent or temporary residence, or fixed place of business.
  - c. An individual while lawfully engaged in target shooting.
  - d. An individual while in the field engaging in the lawful pursuit of hunting or trapping. However, nothing in this exception authorizes the carrying of a loaded handgun in a motor vehicle.
  - e. An individual permitted by law to possess a firearm while carrying the handgun unloaded and in a secure wrapper from the place of purchase to that person's home or place of business, or to a place of repair or back from those locations.
  - f. Any North Dakota law enforcement officer.
  - g. Any law enforcement officer of any other state or political subdivision of another state if on official duty within this state.
  - h. Any armed security guard or investigator as authorized by law when on duty or going to or from duty.
  - i. Any member of the armed forces of the United States when on duty or going to or from duty and when carrying the handgun issued to the member.
  - j. Any member of the national guard, organized reserves, state defense forces, or state guard organizations, when on duty or going to or from duty and when carrying the handgun issued to the member by the organization.
  - k. Any officer or employee of the United States duly authorized to carry a handgun.
  - l. An individual engaged in manufacturing, repairing, or dealing in handguns or the agent or representative of that individual possessing, using, or carrying a handgun in the usual or ordinary course of the business.
  - m. Any common carrier, but only when carrying the handgun as part of the cargo in the usual cargo carrying portion of the vehicle.

### **62.1-03-02. Selling handgun to minors prohibited - Penalty.**

Any person who sells, barter, hires, lends, or gives any handgun to any minor is guilty of a class A misdemeanor. This section does not prohibit a person from lending or giving a handgun to a minor if the minor will be using the handgun under the direct supervision of an adult and for the purpose of firearm safety training, target shooting, or hunting.

### **62.1-03-03. Copy of federal license submitted to law enforcement officials.**

A retail dealer licensed to sell handguns by the federal government shall send a copy of the license, within seven days after receiving it, to the chief of police of the city and the sheriff of the county in which the dealer is licensed to sell handguns.

### **62.1-03-04. False information prohibited.**

No person, in purchasing or otherwise securing delivery of a handgun or in applying for a license to carry the handgun concealed, may give false information or offer false evidence of the person's identity.



**62.1-03-05. Prohibited alterations to firearms.**

A person may not change, alter, remove, or obliterate any mark of identification on a firearm, including the name of the maker, model, or manufacturer's number or knowingly possess a firearm on which these alterations have been made. Possession of any firearm upon which any identification mark has been changed, altered, removed, or obliterated creates a rebuttable presumption that the possessor made the alterations.

**62.1-03-06. General penalty.**

Any person who violates any provision of this chapter, for which another penalty is not specifically provided, is guilty of a class A misdemeanor.

**62.1-04-04.** Producing license on demand. Every person while carrying a concealed firearm or dangerous weapon, for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any person to give the license to the officer is prima facie evidence that the person is illegally carrying a firearm or dangerous weapon concealed.

17.0755.01001  
Title.

Prepared by the Legislative Council staff for  
Representative Lefor  
February 10, 2017

1  
2-16-17  
HB 1279

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1279

Page 2, line 24, remove the overstrike over "~~an athletic or sporting event~~"

Page 2, line 24, after "event" insert "sponsored by an elementary or secondary school"

Page 2, line 24, remove the overstrike over the overstruck comma

Renumber accordingly



February 17, 2017

PROPOSED AMENDMENTS TO HB 1279

- Rep. Porter

Page 1, line, 1, after "A BILL" remove the remainder of the bill and replace with:

**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 property owned or leased by the State of North Dakota, or a political subdivision of the State of North Dakota.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1279

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 of the North Dakota Century Code, relating to possession of a firearm; 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:

A public employee who, through the course of the individual's employment and with the consent of the governing body or person responsible for the management of the building, resides in and stores a firearm or dangerous weapon in a residential dwelling that is a government building.

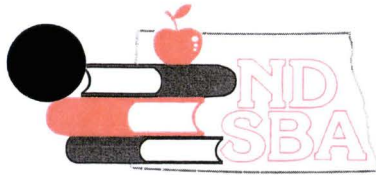
**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

3/14/17

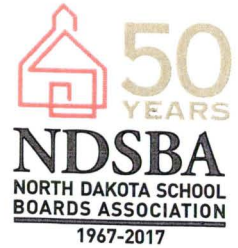
①

HB 1279



*Excellence in North Dakota public education through local school board governance*

**NORTH DAKOTA  
SCHOOL BOARDS  
ASSOCIATION**  
I N C O R P O R A T E D



**ENGROSSED HB 1279 – TESTIMONY**

**L. Anita Thomas, J.D., LL.M.**

**General Counsel**

**North Dakota School Boards Association**

**March 14, 2017**

Engrossed House Bill 1279 contains a concept that the NDSBA believes is needed and supports. However, we believe that the verbiage used does not accomplish the intended purpose.

When a bill such as this is drafted in a way that contains only a proposed new subdivision, one can easily fail to capture its full implication. The lead-in to this subdivision is found in NDCC section 62.1-02-05, which states:

“An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor.” It goes on to define a “public gathering” as an athletic or sporting event, a school, a church, and a publicly owned or operated building.

NDCC section 62.1-02-05 continues with the following:

This section does not apply to . . . a variety of individuals, including as proposed, “[a] public employee who, through the course of the individual's employment and with the consent of the governing body or person responsible for the management of the building, resides in and stores a firearm or dangerous weapon in a residential dwelling that is a government building.”

So, what this bill currently says is that a public employee, who by virtue of his employment, resides in a government building, and stores his firearm in that building, can possess a firearm or a dangerous weapon at any athletic or sporting event, in a church, and in any publicly owned or operated building.

That is clearly not the intent of the bill, but it is what the wording provides.

As for the school board perspective, some school districts in this state do own houses or apartments that they make available for staff. In some cases, those apartments are even part of the school building. School boards recognize that some of their employees do hunt and participate in the shooting sports and they should be permitted to store their firearms in their residences, without incurring a class B misdemeanor.

NDSBA would therefore suggest the following language change:



This section does not apply to:

The storage of a firearm or dangerous weapon by an individual who resides in a building that is owned or managed by the board of a school district, provided the storage is inside the individual's assigned residential unit and the board has consented to such storage.

In the case of school district owned property, the consent for storage of a firearm or dangerous weapon needs to come from the board itself, not from a person responsible for the management of the building.

The committee may wish to consider similar language for dwellings owned or managed by other political subdivisions and for dwellings owned by the state and under the control of a state agency.

**HB 1279**

Senate Judiciary Committee

March 14, 2017

Katie Fitzsimmons, Director of Student Affairs  
701-328-4109 | [katie.fitzsimmons@ndus.edu](mailto:katie.fitzsimmons@ndus.edu)

Chairman Armstrong and Committee Members: I am Katie Fitzsimmons, the Director of Student Affairs for the North Dakota University System and I am here today to provide an amendment to HB 1279. Specifically, the NDUS requests that you strike “or person responsible for the management of the building” on lines eight and nine of engrossed HB 1279.

The amendment is necessary as it helps clarify who has responsibility for providing consent to a public employee in the NDUS who wishes to store a firearm or dangerous weapon per HB 1279. The NDUS believes that consent to store a firearm or dangerous weapon in a campus residence hall should only lie with the State Board of Higher Education as it is the governing body of the NDUS. Further, the current language of HB 1279 is too vague for our colleges and universities. For example, the “person responsible for the management” of a campus residence could be a number of individuals. Is it the residence hall director? The facilities manager? The dean of campus life? Or even the president of the institution? Given the broad interpretation of this term within the NDUS, we ask that you strike it from the bill or, at the very least, clarify who on campus could provide consent.

Thank you for allowing me to speak today on this important matter and I am available to answer questions.

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1279

Page 1, line 8, remove "or person responsible for the"

Page 1, line 9, remove "management of the building"

Renumber accordingly

3/22/17

①

HB 1279

17.0755.02000

Sixty-fifth  
Legislative Assembly  
of North Dakota

INTERN DRAFT AMENDMENT FOR EHB 1279

Page 1, remove lines 7-10

Page 1, after line, insert:

*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's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:

- (1) The individual resides in the building;
- (2) The storage is inside the individual's assigned residential unit; and
- (3) The storage has been consented to by the state, the governing board, or a designee.

Renumber accordingly



3/22/17

2

HB 1279

17.0755.02000  
Sixty-fifth  
Legislative Assembly  
of North Dakota

PROPOSED AMENDMENT TO EHB 1279

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

"Notwithstanding any other provision of law, the governor may store a firearm or dangerous weapon in the governor's residential dwelling."