

2017 SENATE JUDICIARY

SB 2139

# 2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2139  
1/11/2017  
26780

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to producing a Concealed Weapon Permit upon request.

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

Chairman Armstrong called the committee to order on SB 2139. All committee members were present.

**Senator Oley Larsen**, District 3 Senator of North Dakota – Introduced and testified in support of bill. No written testimony.

“A constituent came to me and told me that if you get pulled over and you are carrying a concealed weapon but you forgot your **Concealed Weapons Permit (CWP)** (the laminated card) you can be charged with a misdemeanor. I do not agree with that and that is why I support this bill.”

Senator O. Larsen then described a comparison between a Driver’s License and a CWP. He questioned why it is a crime if you forget to have your CWP but not a crime if you forget your Driver’s License.

“The purpose of the bill is to change the law so it is not a crime if you forget to have your CWP with you. So if you are fishing or you leave it in your truck and a cop stops you and requests to see your card, you will not be charged with a crime.”

**Senator Larson:** “If you’re stopped without your Driver’s License then you have to take your Driver’s License to the Police Department and show them you have a valid one. Is that a crime?”

**Senator O. Larsen:** “No it’s not.”

**Senator Luick** – Asked to see Senator Larsen’s concealed carry card.

**Senator Luick:** “Is an electronic duplicate possible?”

**Senator O. Larsen:** “I’m not sure. I don’t think it should be a crime (misdemeanor) to not have your CWP, especially since it’s not a crime to not have your Driver’s License on you. The 2<sup>nd</sup> Amendment is a guaranteed right and not a privilege like driving.”

**Senator Larson:** “Why did you change the title to upon request?”

**Senator O. Larsen:** “That was drafted from legislative management, my intent of the bill, my main intent, is that we’re not charged a misdemeanor. That is my end result.”

**Chairman Armstrong:** “Have you checked with the Attorney General’s Office to see if this affects reciprocity for Class 1 or Class 2 licenses of other states?”

**Senator O. Larsen:** “I have not.”

**Chairman Armstrong:** “We should do that. To be fair, it’s a misdemeanor if you don’t have a Driver’s License, it’s not a misdemeanor if you don’t have your card at the time, and that’s what this bill does. There is some mechanical stuff here that needs to get cleaned up before we can move forward.”

Chairman Armstrong explained the process on what happens if pulled over without a CWP but you are currently concealing a weapon, that it is a crime in North Dakota and if you don’t have your CWP on you, the officer will confiscate your weapon and it will go to the States Attorney’s Office.

“To retrieve your weapon you have to go see the Clerk of Court, which is different than say you didn’t have your insurance card on you, in which you would have to show a judge to show proof of insurance. We would have to work that out. The main issue is that clerks don’t make determinations of fact in a criminal case. That’s what this would end up being; proving that you actually had a CWP at the time you were stopped as a determination of fact. We would have to work some mechanical things out if you’re comfortable with that?”

**Senator O. Larsen:** “I’m comfortable with that. There’s a database that says I have it, so they should know I have a CWP. Somebody should know who has a CWP in the state of North Dakota. There should be a database. If not, we should make it so there is a database.”

**Chairman Armstrong:** “According to the Century Code, in order to carry a concealed weapon you must have your permit with you. If you can’t prove you have a CWP they will confiscate your weapon.”

**Senator Luick:** “Why do you think that it’s important to keep that intact as it is?”

**Senator O. Larsen:** “I don’t know. I find it hard to believe when they pull my information that they can’t see that I have a concealed weapons permit. They should know.”

**Chairman Armstrong:** “We need to know if they have a database. It sounds to me like you would like it to read where if you have a permit but don’t have your permit on you, you would like that to not be a misdemeanor but an infraction?”

**Senator O. Larsen:** “Right.”

**Chairman Armstrong** – Discussed why a police officer would like a person to have their CWP on them if they do have a weapon with them. He concluded that the main reason is for officer safety.

**Senator Larson:** "Maybe the database has a picture of who has a CWP, so maybe that is why they want you to have your permit on you?"

**Senator Luick:** "We should get information on that."

Chairman Armstrong closed the hearing on SB 2139.

**Chairman Armstrong** – Mentioned that this bill will need work if it is going to move forward. "I think someone should check if this affects reciprocity. Keep in mind that there is a bill out there for constitutional carry that would make this stuff irrelevant."

Senator Luick will meet with the Bureau of Criminal Investigation (BCI) for information.

No motion was made.

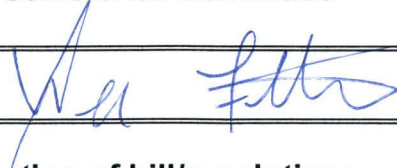
# 2017 SENATE STANDING COMMITTEE MINUTES

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

SB 2139 Committee Work  
1/23/2017  
27235

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to producing a concealed weapon license upon request.

**Minutes:**

**Attachments**

1

**Chairman Armstrong** called the committee to order on SB 2139. All committee members were present.

**Senator Luick** discussed the proposed Amendment and how he went about writing it. (see attachment 1)

**Chairman Armstrong:** "Then if you do, the misdemeanor goes away?"

Chairman Armstrong is referencing the police action that will happen if an individual gets pulled over carrying a concealed weapon but doesn't have the permit available. The individual will be charged with a misdemeanor until proof of licensure is shown.

**Senator Luick:** "Correct. If you show them your license before 10 days pass the misdemeanor will go away, if you don't then it will stay."

**Chairman Armstrong:** "I'm going to recommend that when the House views this bill, that they take a look into whether it's possible to have an electric copy of the Concealed Weapons Permit. I want to make it clear that you will get your weapon confiscated if you don't have your permit on you. They're not going to let you drive away with your gun."

**Senator Larson:** "One of the things that gets mixed up with having a 10-day window to show proof of license is, say for example, Sgt. Sass issues a report for you not having your permit on you, that report will stay in records for ten days until they know if someone will bring it in or not, somebody has to be notified that it's been ten days. It turns into a record keeping problem."

**Chairman Armstrong:** "Except almost all of the time this will be what's called short form citation, they'll be issuing a ticket which is a criminal citation, that initiates a criminal action."

**Senator Nelson:** "Is this particular to North Dakota carriers, or does a permit from any state count?"

**Chairman Armstrong:** "The bill is not directly related to North Dakota concealed license."

**Senator Luick** 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 a 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** closed the hearing on SB 2139 committee work.

January 23, 2017

ET  
1-23-17  
p. 1 of 1

PROPOSED AMENDMENTS TO SENATE BILL NO. 2139

Page 1, line 11, after "If" insert ", within ten days of the alleged violation,"

Renumber accordingly

**2017 SENATE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. SB 2139**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0442.01001

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 Osland

Senators	Yes	No	Senators	Yes	No
Chairman Armstrong	X		Senator Osland	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Nelson	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. SB 2139**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: 17.0442.01001

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 Osland	X	
Vice-Chair Larson	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Nelson	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**

**SB 2139: 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). SB 2139 was placed on the Sixth order on the calendar.

Page 1, line 11, after "If" insert ", within ten days of the alleged violation,"

Renumber accordingly

**2017 HOUSE ENERGY AND NATURAL RESOURCES**

**SB 2139**

# 2017 HOUSE STANDING COMMITTEE MINUTES

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

SB 2139  
3/2/2017  
28593

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

Relating to producing a concealed weapon license upon request

Minutes:

**Vice Chairman Damschen:** opened the hearing. Clerk read the title

**1:30**

**Rep. Olie Larson,** District 3: I bring this bill by way of a constituent concerned about the conceal carry card. If you have the conceal carry card on you and you run into a place where you have to show it, and don't have it, turns out to be a misdemeanor or criminal offense for not having that piece of plastic. The Senate did put on a 10 days to show it to law enforcement or whoever you need to show it to 10 days later. The constituent was okay with that. My biggest thing why I brought it forward is if you forget your hunting license at home, or your driver's license, I don't carry a wallet or a watch. I don't think it should be a crime to not have a piece of plastic on you.

**Chairman Porter:** Questions? Testimony in support? Opposition? Closed the hearing on SB 2139.

# 2017 HOUSE STANDING COMMITTEE MINUTES

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

SB 2139  
3/30/2017  
29838

- Subcommittee  
 Conference Committee

Committee Clerk Signature

*Kathleen Davis*

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

Relating to producing a concealed weapon license upon request

### Minutes:

**Attachment 1**

**Chairman Porter:** Called the committee to order on SB 2139. This bill allows an individual who has forgotten or does not have their permit on them to take it in at a later time and get the charges dismissed. If they were caught without it. In one bill we also included that an electronic version is as good as having the actual card with you. I talked with the sponsor and the Senate and they would still like to see this language go forward and be part of the law. The Senate killed our bill that had the branches of government allowed for who has permission upon training to carry a concealed weapon. We had some discussion, Rep. Roers Jones, Rep. Heinert, and myself. There are some very interesting situations of individuals that though the training and through the permission of local law enforcement should allowed to carry a concealed weapon. Rep. Roers Jones has an amendment for Section 2 of this bill.

**Rep. Roers Jones:** Attachment 1 (Amendment 02001). The amendment we have before us, in the written portion, just adds an elected official to the list of people who are allowed to carry concealed on government property as long as they have the appropriate certified training. Upon further discussion, we want to add to that, they would also have to have at least a Class 2 weapons permit, that would make sure they've also gone through the background and finger printing and the test as to what state laws are. While we're looking at the amendment I would propose on the 5<sup>th</sup> line after law enforcement officers, we would add, "and possess a current class 2 concealed weapons permit".

**Chairman Porter:** We can say just a Class 2 because we have another law in place that says inside of the state of ND Class 1 is a Class 2 and visa versa. A Class 1 is only for out of state reciprocity. That in state we consider them to be the same level of permit.

**Rep. Roers Jones:** I would suggest, "and possess a current Class 2 concealed carry permit." This would allow elected officials with the appropriate training to carry concealed and it takes care of some issues of people who might have an appropriate need, like the governor or some judges. The current language, municipal court judges, district court judges are covered but this doesn't cover elected judges like judges to the Supreme Court. So if you would move

up from a district court judge to Supreme Court you would no longer have that right. This will protect that type of situation as well.

I will move the amendment 02001 with additional language.

**Rep. Heinert:** second

**Rep. Devlin:** If we're keeping 2139, this doesn't fit without some language changes. It's either going to have to amend Section 2 or something isn't it?

**Chairman Porter:** I'm sorry, this should be Section 2.

**Rep. Roers Jones:** I looked at that too and saw that it was Section 1 and there was another Section 1 and then on the bottom, there's the renumber accordingly. I don't know if LC for one reason or another determined this one should be before the other.

**Chairman Porter:** I think what they did was draft a hoghouse for you into the bill. But your intent is to add this to Section 2 amendment. We're keeping Section 1 of the bill, and adding this language as section 2.

**Rep. Roers Jones:** yes.

**Rep. Devlin:** then you don't need the Page 1 Page 1 Page 1 changes above that? You're only going to add Section 2?

**Chairman Porter:** yes. So this is just addition Section 2. Good catch. Further discussion. All those in favor say aye, opposed. Voice vote. motion carries.

We have amended bill in front of you, SB 2139.

**Rep. Devlin:** Why did the Senate kill it?

**Chairman Porter:** I didn't follow up with it I just saw it go away.

**Rep. Devlin:** I move SB 2139 as Amended with a Do Pass.

**Rep. Roers Jones:** second

**Chairman Porter:** I have a motion from Rep. Devlin, second from Rep. Roers Jones, for a Do Pass as amended on SB2139. Discussion?  
Roll Call vote yes 12, 0 no, 2 absent. Rep. Heinert is carrier.

3/30/17 DP

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

Page 1, line 1, after "reenact" insert "subdivision m of subsection 2 of section 62.1-02-05 and"

Page 1, line 2, after "to" insert "possession of a firearm at a public gathering and"

Page 1, after line 3, insert:

**"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 municipal court judge, a district court judge, a staff member of the office of attorney general, an elected official, 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, and possesses a current class 2 concealed weapons permit. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient."

Renumber accordingly

Date: 3-30-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2139

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 02002

Recommendation

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

Other Actions

02001 adopt amendment with changes

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		

*voice vote motion carries*

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

Absent \_\_\_\_\_

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

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

*Section 2 - 5th line - "and possess a current class 2 permit"*



Date: 3-30-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. 2139

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0442.02002

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	AB	
Rep. Devlin	✓		Rep. Seibel	✓	
Rep. Heinert	✓				
Rep. Keiser	✓		Rep. Mitskog	AB	
			Rep. Mock	AB	

Total (Yes) 12    No 0

Absent 2

Floor Assignment Rep Heinert

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

**REPORT OF STANDING COMMITTEE**

**SB 2139, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SB 2139 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision m of subsection 2 of section 62.1-02-05 and"

Page 1, line 2, after "to" insert "possession of a firearm at a public gathering and"

Page 1, after line 3, insert:

**"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 municipal court judge, a district court judge, a staff member of the office of attorney general, an elected official, 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, and possesses a current class 2 concealed weapons permit. A local law enforcement agency shall issue a certificate of compliance under this section to an individual who is proficient."

Renumber accordingly

**2017 CONFERENCE COMMITTEE**

**SB 2139**


# 2017 SENATE STANDING COMMITTEE MINUTES

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

SB 2139 Conference Committee  
4/13/2017  
30122

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to producing a concealed weapon license upon request.

**Minutes:**

**Attachments**

1

**Chairman Myrdal** called the committee to order on SB 2139. All committee members were present: Senators Myrdal, Luick, Nelson; Representatives Bosch, Roers Jones, Heinert.

Proposed amendment was handed out to the committee. (see attachment 1)

**Senator Myrdal (:30):** "Just to clarify for the record, we are going back to other 2000 version that related to a misdemeanor - if you got pulled over and didn't have your card for a concealed license. So we passed a provision out of this committee which gives a person 10 days after their violation to prove they have a license."

**Representative Bosch (1:30):** "We added some language to the bill – by which, adding an elective official into the list of individuals/groups that could carry a concealed weapon at a public gathering."

**Senator Myrdal:** "And that is why we are in the committee. Does the House have any recommendations on the bill?"

**Representative Roers Jones (2:22):** "We do have an amendment that changes the language a little bit to clarify things. I understand there was some concern on the Senate side that the elected official language was too broad and might apply to anyone as far down as school boards, and things like that. So the language clarifies the qualifications that they would need to demonstrate, and they have to be allowed to carry a firearm on public property. They would also have to go through the approved training process. So we would like to submit these amendments for consideration."

**Senator Nelson (3:40):** "I have a problem with what was added onto the House in a different bill. It says, "an individual who knowingly possess a firearm or dangerous weapon at a public gathering is guilty of a Class B misdemeanor. For purposes of this section, public gathering means an athletic or sporting event, a school, church, publicly owned or operated building."

I was fine with what we did, but I have a problem with what the House added on section one. I will be voting no on anything related to section one.”

**Representative Roers Jones (4:45):** “The intent of this is mainly to clarify some discrepancies that we may have right now. Currently, it’s ok for a district court judge to carry a concealed weapon but not a supreme court justice. Additionally, the Governor can’t carry one either since he lives on state property. There have been security concerns with some of the legislative members and we feel that this takes care of some of those needs. There’s still an element where they have to demonstrate a need to carry, and we thought that that would satisfy some of the concerns that people have.”

**Senator Myrdal (5:50):** “I agree. The new amendment which is before you, takes away the whole House amendment and it’s more of a tool in a toolbox for law enforcement. We gave law enforcement a say in a way, that if we could, we would help them. Is there a need for this? Sadly, there are times in this world where we may need extra security, and this will help to give that extra protection, and take some of the pressure off law enforcement like the BCI. What is the time frame on this bill regarding law enforcement training?”

**Representative Heinert (7:50):** “The time frame is annual. So by the end of the year you have to certify. So it would be good that when this passes, whenever it was started throughout the year, to the end of that current year; would be how long it was good for. Then the need would have to be shown again so that individual can carry again.”

**Senator Luick (8:30):** “As I look at it, I’m in favor of what I’m seeing here. I like the fact that we have the training involved with this. I see this as a good amendment.”

**Representative Roers Jones** motioned to recede from the House amendments and further amend.

**Representative Bosch** seconded.

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

**Senator Myrdal** carried the bill.

**Representative Bosch** carried the bill.

**Senator Myrdal** closed the hearing on SB 2139.

# 2017 SENATE STANDING COMMITTEE MINUTES

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

SB 2139 Conference Committee  
4/18/2017  
30181

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to producing a concealed weapon license upon request.

**Minutes:**

**Attachments**

1

**Chairman Armstrong** called the committee to order on SB 2139. All committee members were present: Senators Armstrong, Luick, Nelson; Representatives Bosch, Heinert, Roers Jones.

**Chairman Armstrong:** "It sounds like we have a new amendment, but before we do that we should entertain a motion to reconsider."

**Representative Roers Jones** Motioned to Reconsider. **Representative Bosch** seconded.

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

**Chairman Armstrong:** "Just so everybody is clear, we are now back to where we started; back to how we received it from the House."

**Representative Bosch:** "I have a new amendment that I've handed out. We took into consideration some of the objections that we had before and made an amendment to fix it. The main change in the bill was to clarify where the elected official could carry, and we narrowed it down to a publicly owned or operated building. So that would eliminate churches and schools from the list."

**Senator Nelson:** "Why would it eliminate schools? They are publicly owned."

**Representative Bosch:** "They are listed separately in the bill, so they fall into a different category and are not included in the list."

**Senator Luick:** "I have a question about the amendment itself. The Bosch amendment is identifying this as section 1, is this going to be what's going to happen to the original bill?"

**Chairman Armstrong:** "The amendment only addresses section 1, the rest of the bill will stay the same."

**Representative Bosch** motioned to adopt the amendment. **Representative Roers Jones** seconded.

**Senator Nelson:** "Since they put in within 10 days of the alleged violation, are they receding from that too?"

**Chairman Armstrong:** "No. By reconsidering we started fresh at the House bill as how it came from us. So that language is still there."

**Senator Nelson:** "It says House recedes from amendments as printed on pages 1111-1112. I'm just wondering what is printed there?"

**Chairman Armstrong:** "I understand what you're saying. Let me take a look here. Just one second. That language will stay the same. That is the original language."

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

**Chairman Armstrong** closed the hearing on SB 2139.

# 2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee  
Fort Lincoln Room, State Capitol

SB 2139 Conference Committee  
4/20/2017  
30245

- Subcommittee  
 Conference Committee

Committee Clerk Signature



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

Relating to producing a concealed weapon license upon request.

**Minutes:** No written testimony

**Chairman Armstrong** called the committee to order on SB 2139. All committee members were present: Senators Armstrong, Luick, Nelson; Representatives Bosch, Heinert, Roers Jones.

**Chairman Armstrong:** "The reason this was brought back was due to having ambiguity in this bill with regards to where you can and cannot carry a firearm. Which is something we don't want. We pulled it back because I don't like carrying a bill on the floor if I can't answer the questions that are going to be asked of me."

**Representative Heinert:** "I have a question in reference to this and the pull back. Under 62.10205, under number 1, what we were talking about is the publicly owned and operated building. So looking at that in that last line, if we added and/or a publicly owned or operated building, in your opinion would that solve the issue."

**Chairman Armstrong (1:45):** "I don't. I think debating that term would in itself be an hour long debate on the floor. I also think we have way too many restrictions in these areas so far, and I also don't understand why we would want to create another subsection that we can throw on the judges, and we're doing it without a definition that everyone will be comfortable with at this time. I believe the concept of the bill is good, but the politics aren't that great."

**Senator Nelson (3:40):** "Well I got to thinking about those publicly owned and operated buildings. I have an awful lot of federal buildings in my district. I'm also concerned as to what is a state elected official. That's not in the definition in this particular part of the code. What is a state elected official? At one point it included legislators. I don't like us getting special treatment, I guess is the best way to put it."

**Chairman Armstrong (5:10):** "A state elected official is a statewide legislative candidate. I agree that this would be conferring something onto us that not necessarily other people will



get. However, we also do get threats that come at us a lot as well. I'm not really worried about the politics, but I am worried about the consequences from implementation."

**Senator Luick:** "What I'm thinking about here, is the possibility of going back to the original version of the Senate and focus on what the language focused on originally; where if you get caught with a hand gun you have that 10-day period where can demonstrate you have that gun."

**Chairman Armstrong (7:00):** "I think procedurally we need to do a motion to reconsider."

**Senator Luick** motioned to Reconsider.

**Representative Bosch** seconded.

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

**Chairman Armstrong:** "Now I want to say that we are back to where it was when the Senate passed this. So this deals strictly with the 10-day rule now."

**Senator Luick** motioned for the House to recede from the House Amendments.

**Senator Nelson** seconded.

A Roll Call Vote was taken. Yea: 3 Nay:3 Absent: 0.  
The motion failed.

**Senator Luick** motioned the Senate Accede to the House Amendments.

**Representative Bosch** seconded.

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

**Chairman Armstrong** carried the bill.

**Representative Bosch** seconded.

**Chairman Armstrong** closed the hearing on SB 2139.

April 12, 2017

ck  
4/13/17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

That the House recede from its amendments as printed on pages 1111 and 1112 of the Senate Journal and pages 1247 and 1248 of the House Journal and that Engrossed Senate Bill No. 2139 be amended as follows:

Page 1, line 1, after "Act" insert "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 at a public gathering; and"

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:

A statewide elected official or a member of the legislative assembly, if the individual possesses a valid North Dakota concealed weapons license, maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers, and demonstrates to the law enforcement agency testing proficiency a need to possess a firearm. Only a law enforcement agency may issue a proficiency certificate under this subdivision. An individual who carries a firearm under this subdivision shall notify the law enforcement agency in the jurisdiction in which the individual intends to carry."

Renumber accordingly

CL  
4/18/17

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

That the House recede from its amendments as printed on pages 1111 and 1112 of the Senate Journal and pages 1247 and 1248 of the House Journal and that Engrossed Senate Bill No. 2139 be amended as follows:

Page 1, line 1, after "Act" insert "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 at a publicly owned or operated building; and"

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:

A state elected official while the official is at a publicly owned or operated building, if the official possesses a valid North Dakota concealed weapons license and maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. Only a law enforcement agency may issue a proficiency certificate under this subdivision."

Renumber accordingly

4/13/17

Date:  
Roll Call Vote # 1

2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES

BILL/RESOLUTION NO. 2139 as (re) engrossed

Senate Judiciary Committee

- Action Taken
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Rep. Roers Jones Seconded by: Rep. Bosch

Senators	4/13		Yes	No	Representatives	4/13		Yes	No
Myrdal	X		X		Bosch	X		X	
Luick	X		X		Roers Jones	X		X	
Nelson	X			X	Heinert	X		X	
Total Senate Vote			2	1	Total Rep. Vote			3	

Vote Count Yes: 5 No: 1 Absent: 0

Senate Carrier Myrdal House Carrier Bosch

LC Number 17.0442 . 02005 of amendment

LC Number 04000 . \_\_\_\_\_ of engrossment

Emergency clause added or deleted  
Statement of purpose of amendment

**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2139 as (re) engrossed

**Senate Judiciary Committee**

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Motion to Reconsider*
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Roers Jones Seconded by: Representative Bosch

Senators	4/18		Yes	No	Representatives	4/18		Yes	No
Armstrong	X		X		Bosch	X		X	
Luick	X		X		Heinert	X		X	
Nelson	X		X		Roers Jones	X		X	
Total Senate Vote			3		Total Rep. Vote			3	

Vote Count      Yes: 6                      No: 0                      Absent: 0

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Roll call vote was on the motion to reconsider.

**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2139 as (re) engrossed

**Senate Judiciary Committee**

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Bosch      Seconded by: Representative Roers Jones

Senators	4/18		Yes	No	Representatives	4/18		Yes	No
Armstrong	X		X		Bosch	X		X	
Luick	X		X		Heinert	X		X	
Nelson	X			X	Roers Jones	X		X	
Total Senate Vote			2	1	Total Rep. Vote			3	

Vote Count      Yes: 5      No: 1      Absent: 0

Senate Carrier Senator Armstrong      House Carrier Representative Bosch

LC Number 17.0442 . 02007 of amendment

LC Number 05000 . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2139 as (re) engrossed

**Senate Judiciary Committee**

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - motion to Reconsider*
  - Unable to agree, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Luick                      Seconded by: Representative Bosch

Senators	4/20		Yes	No		Representatives	4/20		Yes	No
Armstrong	X		X			Bosch	X		X	
Luick	X		X			Heinert	X		X	
Nelson	X		X			Roers Jones	X		X	
Total Senate Vote						Total Rep. Vote				

Vote Count            Yes: 6                      No: 0                      Absent: 0

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2139 as (re) engrossed

**Senate Judiciary Committee**

- Action Taken**
- SENATE accede to House Amendments
  - SENATE accede to House Amendments and further amend
  - HOUSE recede from House amendments
  - HOUSE recede from House amendments and amend as follows
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Luick                      Seconded by: Senator Nelson

Senators	4/20		Yes	No		Representatives	4/20		Yes	No
Armstrong	X		X			Bosch	X			X
Luick	X		X			Heinert	X			X
Nelson	X		X			Roers Jones	X			X
Total Senate Vote						Total Rep. Vote				

Vote Count            Yes: 3                      No: 3                      Absent: 0

Senate Carrier \_\_\_\_\_ House Carrier \_\_\_\_\_

LC Number \_\_\_\_\_ . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment



**2017 SENATE CONFERENCE COMMITTEE  
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2139 as (re) engrossed

**Senate Judiciary Committee**

- Action Taken**
- SENATE accede to House Amendments**
  - SENATE accede to House Amendments and further amend**
  - HOUSE recede from House amendments**
  - HOUSE recede from House amendments and amend as follows**
  - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Senator Luick                      Seconded by: Representative Bosch

Senators	4/20		Yes	No		Representatives	4/20		Yes	No
Armstrong	X		X			Bosch	X		X	
Luick	X		X			Heinert	X		X	
Nelson	X		X			Roers Jones	X		X	
Total Senate Vote						Total Rep. Vote				

Vote Count            Yes: 6                              No: 0                              Absent: 0

Senate Carrier Senator Armstrong            House Carrier Representative Bosch

LC Number \_\_\_\_\_ . \_\_\_\_\_ of amendment

LC Number \_\_\_\_\_ . \_\_\_\_\_ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 17.0442.02005  
Senate Carrier: Myrdal  
House Carrier: Bosch

**REPORT OF CONFERENCE COMMITTEE**

**SB 2139, as engrossed:** Your conference committee (Sens. Myrdal, Luick, Nelson and Reps. Bosch, Roers Jones, Heinert) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1111-1112, adopt amendments as follows, and place SB 2139 on the Seventh order:

That the House recede from its amendments as printed on pages 1111 and 1112 of the Senate Journal and pages 1247 and 1248 of the House Journal and that Engrossed Senate Bill No. 2139 be amended as follows:

Page 1, line 1, after "Act" insert "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 at a public gathering; and"

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:

A statewide elected official or a member of the legislative assembly, if the individual possesses a valid North Dakota concealed weapons license, maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers, and demonstrates to the law enforcement agency testing proficiency a need to possess a firearm. Only a law enforcement agency may issue a proficiency certificate under this subdivision. An individual who carries a firearm under this subdivision shall notify the law enforcement agency in the jurisdiction in which the individual intends to carry."

Renumber accordingly

Engrossed SB 2139 was placed on the Seventh order of business on the calendar.

Insert LC: 17.0442.02007  
Senate Carrier: Armstrong  
House Carrier: Bosch

**REPORT OF CONFERENCE COMMITTEE**

**SB 2139, as engrossed:** Your conference committee (Sens. Armstrong, Luick, Nelson and Reps. Bosch, Heinert, Roers Jones) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1111-1112, adopt amendments as follows, and place SB 2139 on the Seventh order:

That the House recede from its amendments as printed on pages 1111 and 1112 of the Senate Journal and pages 1247 and 1248 of the House Journal and that Engrossed Senate Bill No. 2139 be amended as follows:

Page 1, line 1, after "Act" insert "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 at a publicly owned or operated building; and"

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:

A state elected official while the official is at a publicly owned or operated building, if the official possesses a valid North Dakota concealed weapons license and maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. Only a law enforcement agency may issue a proficiency certificate under this subdivision."

Renumber accordingly

Engrossed SB 2139 was placed on the Seventh order of business on the calendar.

**REPORT OF CONFERENCE COMMITTEE**

**SB 2139, as engrossed:** Your conference committee (Sens. Armstrong, Luick, Nelson and Reps. Bosch, Heinert, Roers Jones) recommends that the **SENATE ACCEDE** to the House amendments and place SB 2139 on the Seventh order.

Engrossed SB 2139 was placed on the Seventh order of business on the calendar.

2017 TESTIMONY

SB 2139

①

1/23/17

17.0442.01001  
Title.02000

Prepared by the Legislative Council staff for  
Senator Luick

January 19, 2017

PROPOSED AMENDMENTS TO SENATE BILL NO. 2139

Page 1, line 11, after "If" insert ". within ten days of the alleged violation."

Renumber accordingly

1  
3-30-17  
SB 2139

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

Page 1, line 1, after "reenact" insert "subdivision m of subsection 2 of section 62.1-02-05 and"

Page 1, line 2, after "to" insert "possession of a firearm at a public gathering and"

Page 1, after line 3, insert:

**"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 municipal court judge, a district court judge, a staff member of the office of attorney general, an elected official, 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."

Renumber accordingly

4/13/17

①

SB 2139

17.0442.02005  
Title.

Prepared by the Legislative Council staff for  
Senator Myrdal

April 12, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

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Renumber accordingly



4/18/17

①

SB 2139

17.0442.02007  
Title.

Prepared by the Legislative Council staff for  
Representative Bosch  
April 17, 2017

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2139

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