

2019 HOUSE ENERGY AND NATURAL RESOURCES

HB 1451

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1451
1/24/2019
31439

- Subcommittee
 Conference Committee

Committee Clerk	Kathleen Davis
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Explanation or reason for introduction of bill/resolution:

Relating to a waiting period for the purchase of a firearm, a ban on bump stocks, and licensure requirements; to provide for a legislative management study; to provide a penalty

Minutes:

Attachment 1, 2

Chairman Porter called the hearing to order on HB 1451.

Rep. P. Anderson: Presented Attachment 1.

Chairman Porter: questions?

The assault style rifles, can you give me a description? It's virtually impossible to put in century code. Do you mean semi-automatic rifles?

Rep. P. Anderson: I want the gun that was used in the Parkland shooting, to be 21 when before you can purchase a semi-automatic.

Chairman Porter: I believe it was an AR-15? Is my 30-06 semi-automatic rifle, is that included or excluded in the banned also?

Rep. P. Anderson: If we would put in they have to be 21 to purchase that 14 assault rifle.

Rep. Roers Jones : It doesn't specify in the bill an assault style rifle, just says you have to be 21 to purchase or possess a firearm, is that what you intended?

Rep. P. Anderson: No, that's not what I intended. I want it so you have to be age 21 in order to purchase the assault style rifle.

Rep. Ruby: To clarify you would put in AR-15. There are a number of weapons, rifles that have the same capabilities. Any semi-automatic deer rifle will have those capabilities. That specific one or all one pull and one round expended?

Rep. P. Anderson: I want to take away the ability of rapid fire.

Chairman Porter: It's really not the style or type. You're looking at a restriction of number of shells without reloading?

Rep. P. Anderson: I don't want someone under 21 to be able to purchase those guns.

Chairman Porter: on Page 1, in Subsection 1, mandatory 3 days waiting period between the purchase and delivery of the firearm must be imposed, and subsection 3 says it does not apply to a list of individuals. Under that is C, a person who possess a valid apprentice hunter validation under the Game and Fish laws. Why is that in there?

Rep. P. Anderson: When I went to Legislative council I asked them to put in what Florida passed and this is what they put in.

Chairman Porter: Further support?

Amanda Bakkadah! She explained her experience surviving the 2017 Las Vegas shooting involving a bump stock.

Chairman Porter: further support? Opposition?

18: 30

Cody Schuh, gun shop owner here in Bismarck ND: bump stocks are already on a federal ban that goes into effect next month. There's only been small studies that waiting periods actually reduce that kind of crime. There's not conclusive evidence that say waiting periods stop shootings. This current bill would make it so law enforcement would be taking property that is only accessible to federal agents. This bill doesn't go well with current federal regulations for gun shop owners and sporting goods stores. Since we don't have an assault weapon defined in Century Code I really don't know what that is. More government control on your 2nd Amendment right.

Rep. Ruby: What was the form?

Schuh: Form 4473, Department of Justice background check form, keep for 20 years and the only person we can turn that over to is an ATF federal officer.

Rhett Hall: Attachment 2. If I'm 18 I should be able to buy whatever I want. I want my kids to have the same opportunity.

Chairman Porter: Question? Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

HB 1451
1/25/2019
31468

- Subcommittee
 Conference Committee

Committee Clerk	Kathleen Davis
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Explanation or reason for introduction of bill/resolution:

Relating to a waiting period for the purchase of a firearm, a ban on bump stocks, and licensure requirements; to provide for a legislative management study; to provide a penalty

Minutes:

Chairman Porter called the hearing to order on HB 1451.

Rep. Roers Jones: I would move a Do Not Pass.

Rep. Zubke: Second.

Chairman Porter: We have a motion from Rep. Roers Jones, second from Rep. Zubke for a Do Not Pass on HB 1451, is there any discussion? Seeing none the clerk called roll.
11 yes 2 no 1 absent Motion carried. Rep. Ruby is carrier.

Date: 1-25-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1451**

House Energy and 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 Roers Jones Seconded By Rep Zubke

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

Total (Yes) 11 No 2

Absent 1

Floor Assignment Rep Ruby

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

REPORT OF STANDING COMMITTEE

HB 1451: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING).
HB 1451 was placed on the Eleventh order on the calendar.

2019 TESTIMONY

HB 1451

Testimony on HB 1451 House Energy and Natural Resources Committee

Representative Pamela Anderson, District 41

January 23, 2019

Good Afternoon Chairman Porter and Members of the Committee

HB 1451 does three things: bans bump stocks, establishes a three day waiting period and has a study to determine whether we should move the age to buy an assault style rifles to 21.

I am not trying to take everyone's guns away. Just trying to make a safer environment. People kill people, guns don't kill people. Is there anything we can do in this regard? My new American Dream is my grandchildren do not get shot in school.

First, bump stocks. Ten states have banned this plastic device after it was used by a gunman in Las Vegas that killed 58 people. The Trump Administration says it will soon place a federal ban on bump stocks, but with no date set at this time. I would ask that North Dakota join the other ten states and ban bump stocks this year. I agree with Adam Winkler, a law professor at UCLA. "We need to do everything we can that's consistent with the Second Amendment to reduce gun violence."

Second, establishing a waiting period for gun purchases. An October 2017 Harvard Business School study found that mandatory waiting periods between the sale of the gun and its arrival save lives. According to the study, states with mandatory waiting periods- regardless of their length- had an average of 17 percent fewer murders and 10 percent fewer suicides. Currently, nine states and the District of Columbia have some form of waiting period law on the books. Even if we had a three day waiting period for long guns and none for handguns.

Third, raising the age to 21 for purchase assault style rifles to 21. This is the type of gun used in Parkland, Florida. He legally purchased the gun at 18 and shortly after the school shooting, Florida passed a bill to raise the purchase age to 21. It seems if you have to wait until the age of 21 to buy a beer, assault rifle should be same level of maturity.

Testimony to HB 1451

My name is Amanda Bakkedahl and I am a survivor of a shooting involving a bump stock.

On October 1st, 2017 there were 3 of us in Las Vegas attending the Route 91 Harvest Festival. On the final night we had moved close to the front of the stage in time to listen to the final artist of the weekend, Jason Aldean. During the break before his set we talked about whether we wanted to stay this close or sit down behind the main crowd. One friend's feet were swollen and sore from standing at the concert venue for 3 straight days, so she wanted to sit down. Another friend said that she didn't care if we stayed this close because Jason was not one of her favorite artists. I would have preferred to stay because we were so close to the stage for the very last performance, but because I previously saw him at a concert in Bismarck, and because they bribed me with ice cream, I agreed to move away from the front of the stage and sit down farther away.

After doing a little shopping and getting our ice cream we sat down as Jason started to perform. People were sitting and walking all around us as we were relaxing on Vegas's fake grass and enjoying the end of a great weekend. We heard fireworks somewhere on the strip and looked up, trying to see them, but they must have been quite a way away because we didn't see anything. A few minutes later it appeared like they were having some technical issues with the concert equipment or speakers. There were some loud noises and the entire stage went dark and then lights came back on really bright. I was thinking that this really sucks if they are having technical difficulties during the very last performance.

And then there were a lot of people coming towards us, and then people walking away from us started turning around and everyone was running at us as we sat on the ground. It felt like a wave of people, like when a wave in the ocean is coming towards you as you stand at the edge of the water. As this was happening the fireworks started again. We looked at each other, and without a spoken word knew it was gun fire and we had to go. But where do you go when there is gun fire and you don't know where it's coming from? A lot of gun fire, over and over, like an automatic weapon. We got up and did the only thing we could, run with the rest of the concert attendees in the direction they were already going.

Everyone was running away from the main stage towards a small stage as the bullets continued to ring out into the night. We ended up behind the small stage with nowhere else to go until a guard opened an entrance in the chain link fence. One of my friends fell down, we picked her back up and kept going. We poured into the street and across to the Tropicana parking lot as the bullets continued, so many of them, still over and over and it only made sense that it was an automatic weapon.

A Tropicana employee just happened to open a door into the hotel that you typically can't get into from the outside. Our large group of people running together rushed in and ran down hall after hall after hall in the back-banquet area only employees are allowed in, having no idea where we were going, but just knowing that there were people dying from gun shots and we needed to keep running. In the middle of the hysteria I went one way and the others went a different way.

Our experiences differ at this point, but they were both awful and devastating due to someone who was able to buy a bump stock and create what might as well have been an automatic weapon.

My friend hid in Tropicana with hundreds, maybe thousands of people, with stories going crazy about shooters in the building. I ran outside again with the rest of the crowd and heard more shots as they continued to run away. For awhile they thought it stopped, and then it started again, and they felt like there had to be more than just one shooter. We made it across the parking lot and into Hooters where we hid in the back-office area until we were informed it was just one shooter and he was no longer a threat. The hotels were on lockdown and they finally released us at 4am. Six hours of hiding from someone who was allowed to buy a bump stock and make a weapon that killed 58 people and injured hundreds more in a matter of minutes. Just imagine how many less people would have been hurt and killed if a bump stock was not used.

By some divine intervention we walked away from that stage, that stage that everyone there wanted to be in front of. If we had stayed, there is an extremely high probability that at least one of us would have been shot, if not killed. We were standing in the area that was the most targeted. Targeted with a gun altered by a bump stock. This can happen anywhere. It can happen in ND. Or we can try our hardest to prevent it.

I am not here to try and take guns away! There is just no place for bump stocks in everyday life. No hunter or average citizen needs this in their possession! I am not generally concerned about the specific gun used with a bump stock, but just more the point of banning bump stocks in general.

Please think about experiences like this to help strengthen the language of this bill.

Thank you!

NDLA, [REDACTED]

From: rhett hall <rhettwoodc@gmail.com>
Sent: Thursday, January 24, 2019 4:05 PM
To: -Adm-NDLA NATRES Testimony
Subject: Opposing hb1451

CAUTION: This email originated from an outside source. Do not click links or open attachments unless you know they are safe.

I would like to oppose this due to the fact that I can be drafted and die for my country at age 18.

Rhett Hall