

2009 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1348

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1348

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 1/30/2009

Recorder Job Number: 8250

Committee Clerk Signature

Michelle M. Ehrhardt

Minutes:

Chairman Grande: Called the GVA Committee to order. Clerk called the roll.

We have a quorum. We have HB 1348 in front of us. Clerk will read the title.

Rep. Duane DeKrey: Thank you for having me this morning. HB 1348 is basically a pretty simple bill. Basically, it expands the public places you can go if you have a concealed weapons permit. The (can't understand) was the shootings at Virginia Tech, we always seem to have these people that are mentally ill or other problems but they are never mentally ill enough that they don't know where the people are that can't be armed, not aren't armed, can't be armed. Then they go and do their carnage. So this bill simply states that if you qualify for a concealed weapons permit that you would be able to go into more public places and I would remind the committee that on a concealed weapons permit, you just don't go buy a gun and conceal it. When you purchase the weapon you have to go through a back ground check, then you take a conceal and carry test; the written part and the practical part, and the finger print part. It

is not like any one can get one. In the past, if allowed to conceal and carry, we felt that that was stringent enough guidelines. This bill will just expand it to other public places. I heard that there is going to be an amendment that would say that in a college situation it would only apply to apartments. I would support that amendment, if it is in fact brought forth.

Chairman Grande: Any questions from the committee?

Rep. Wolf: Page 2, Sec 3, Unless that individual is on the real property comprising of a public or non-public school, what that include school functions off of school grounds? We have adults who attend prom with some of the Juniors and Seniors so for example if: When my daughter is 18 and her boyfriend is 20 and has a concealed weapons permit would he be able to take his gun to prom?

Rep. DeKrey: I can't honestly answer that question, but I would not care for that. I would say that if it is a K-12 function on school property or a sanctioned function of the school as a K-12 I wouldn't support conceal and carry for that.

Rep. Schneider: You mentioned the Virginia Tech shootings and places where people fire off where they can't have concealed weapons. Is it your intention with this bill to encourage individuals to take matters into their own hands?

Rep. DeKrey: No, I am not for vigil ante justice. But statistically the information that I have read shows that people who have qualified for the conceal and carry, the incidences where they are able to stop something like this, the chances of

that being a positive thing is always for greater than it will end up being a negative thing. I think statistics are the side that it is a positive thing to have an armed society.

Rep. Nathe: How many other States have this law?

Rep. DeKrey: I do not know. But there is an NRA guy floating around the building and he might know.

Chairman Grande: Anyone else here to speak in favor of HB 1348?

Thomas Nicolai, Cooperstown, ND: Testimony. See Attachment # 1.

Chairman Grande: Any questions?

Leo Volk: For the record. I feel that this bill should be passed. I have friends that are farmers, I have relatives that are farmers. A lot of them farm on the river, some of the farm on the river, and some farm up north. They all have concealed weapons permits. They go and work in the tractor, and if they stop at a gas station to get fuel, if they forget they have it under their coveralls and everything and reach in their pocket to get their change out to pay for their pop and fuel and they called in because they are carrying a concealed weapon on them. But I took the test and I am not harming anyone. They have it here for there on safety. A lot of these people, like my son up north, he has one because he has mountain lions in his yard, especially this time of year. He is just concerned about his own safety. He carries it all the time except when he goes to work, then he leaves it

in his pickup. But if he is home around the yard he has it on all the time, because he has coveralls on. The neighbors up there have them, all of them, for that reason. A lot of times they forget that they have it on and are wearing it and they have it under their coveralls and everything else. That is why I feel this bill should be passed.

Chairman Grande: Any questions? Anyone else wishing to speak in favor?

Greg Plautz, President of the University of North Dakota Chapter of Students for Concealed Carry on Campus: Testimony. See Attachment #2.

Chairman Grande: Any questions?

Rep. Karls: My son Kristopher could not be here but he emailed me his testimony. Passed out Testimony of Kristopher Karls. See Attachment # 3.

Chairman Grande: Please pass that out for the committee to read. Anyone else in favor of HB 1348? Anyone here in opposition of HB 1348?

Senator Tim Flakol, District 44 of Fargo: For the record, I did not realize that this bill was introduced this session. I do not have any written testimony, so I batched things down this morning and tried to put a few thoughts together that are not hypothetical but fact based and history based. Much like many people growing up, I brought a gun to school because we hunted on the way home and we had them in our vehicles. But that is not the world we live in anymore. I used to be neutral on this issue until at or around February 26, 2008. This is not a

hypothetical situation but fairly well chronicled. We fast-forward to that day, and I came to work and as I was driving up to my building and as I was looking up there I watched as armed police officers were entering the building in a "swat-like" manner, hands on guns, at-the-ready. You know you are not necessarily going to have a good day when you see that. I walked into the building from my car and quickly tried to identify, because there was a number of police officers in the building, to try to quickly name one of them, so that they knew I was part of the problem. That was part of the problem that we were trying to deal with was who were the bad people that are causing or going to cause damage,

destruction, and or death and who are the "good" guys. We don't wear white hats or black hats to distinguish one from the other anymore. To move forward about 17 minutes to prior when I got here there was an individual who had walked into the building and had been in there prior and was somewhat "suspicious" and a gentleman who was a custodian walked in and said "What are you doing", he said "I am cleaning my heater". If we don't know if they have a permit to conceal, we don't if that heater is a fine heater or a not so good heater. So that is part of the problem. The gentlemen in question, we did not an objective, we didn't know how many other people may or may not be involved in the situation. Again, when you are involved in a large crowd you don't know who necessarily belongs there. Growing up in Forbes, ND, High School population of

34, you know who belongs there and who maybe is new to the situation. But to let us know Mr. Digido could have well fit in as a college student who was 28 years old, had previously served nine years in prison, during that time had ninety disciplinary actions. But by just looking at him you would have never been able to distinguish one from the other. The gentlemen who came across him and asked him to leave was as tough a guy as you could find, he was an ex-Marine, but he was as shaky as Don Knotts when it was all over. Part of the problem that we have to deal with is that if we permit guns on campus, that many of these folks may have proper certifications, but are not properly trained for those types of situations. Much like this ex-Marine they don't necessarily know how to respond or what exactly is always the best response. There is some data that was put together that shows that incidences for police officers says that they were only successful at hitting their target 20% of the time and that is for trained people. So 80% of the time they did not strike the target. The other problem is if you have people coming into the building that have guns and you are not sure if he/she is part of the group that is trying to do some damage is it a collaborative effort or is it one individual. You could also believe that you could have some crossfire problems if citizens are permitted to carry guns. Logically, we probably have all been in situations where we have had a disgruntled individual or maybe a faculty person who is very appreciative of the review they received. They

sometimes take the most severe course possible. The other problem would be if we had a SWAT team outside this room, I had a gun in my hand and I was pointing it at a bad person, and SWAT outside this room, they would take me out because they could see I have a gun in my hand. They are not able to distinguish one from the other again. I think the thing that draws and was cited in something that many people wish to do these harms to schools, churches and other things there is an option for a high body count. There are some places that those with a proper permit, should not be able to carry a gun, whether it be the White House, Court House, or the House Chambers. Would be happy to stand for any questions?

Chairman Grande: Any questions from the committee?

Rep. Kasper: Sen. Flakol, did Mr. Digido have a concealed weapons permit?

Sen. Flakol: I don't know for certain, but I doubt it since he just got out of prison after nine years, that he would have an active concealed weapons permit but when someone has a gun in their hand, you are really not concerned about asking them if they permit to carry that.

Rep. Kasper: Sen. Flakol, but just want to make the point that, he was one of the bad guys that this bill is aimed toward, not one of the ones that is the problem. He is the problem, but not what the bill will do.

Chancellor William Goetz, North Dakota University System: Testimony. See Attachment # 4.

Chairman Grande: In the comment about the military students not being able to have private firearm but they do carry their issue? Do they not? So they are already armed, they don't need a private weapon, is that the difference?

Chancellor Goetz: Yes. I think that even in the military a weapon cannot be carried. That is my information.

Chairman Grande: The University security on campus are they carrying a weapon?

Chancellor Goetz: I would refer that to Kent's people, yes. This varies from campus to campus. On some campuses we rely on local law enforcement for security and other campuses have their own security.

Chairman Grande: Any other questions?

Rep. Kasper: You said that you are increasing your spending on your safety on the campus in your budget? Do you have an idea what your current safety budget is and how much increase you are asking for?

Chancellor Goetz: We do not have any allocated amount currently that relates to safety expenditures. The amount of money that has been placed in this budget is a new initiative, a new effort, and the result of, when I became Chancellor, it was one of the first things that I asked at my cabinet meeting was a

report from each President to tell me what the status was in dealing and addressing the security on their campuses. It was from virtually nothing to something. It became very apparent that we needed to do something both, in terms of policy and secondly in terms of actual request for dollars. Also in terms of planning and secondly in terms of actual infrastructure.

Rep. Kasper: In listening to your testimony, where you cite how safe the campuses are, how safe the ND campuses have been since going back to the 1970's in your testimony, and your opposing this bill. Are you implying that you believe violence will go up on campus if people who have the proper credentials will be carrying a concealed weapon?

Chancellor Goetz: My conclusion there would be to say that the potential is there and that it could go up.

Rep. Nathe: Referring to Thomas Nicolai's testimony about a college president who has the right to have a body guard, why deny the right to the citizen if he goes through the process and all the steps necessary to have the permit?

Chancellor Goetz: Again in this case based upon input from campus security and issues that are prevalent, or have been, or were, the fact that the campus already has law enforcement or the use of existing law enforcement for this purpose is what has been utilized. There has not been added personnel but the use of existing personnel already on campus has been budgeted by that campus

for security purposes. Again in this case, one campus is doing much more to address security than other campuses. But this is an existing situation not an added situation relative to dollars being spent for security. There is a difference in this case of a student, who could be most anyone, again given the opportunity through law, to carry a weapon versus an existing security issue with trained personnel.

Rep. Nathe: But if the citizen feels the need to protect himself under the law such as the President of the Systems, again why can't he do that if he does it legally? Why deny him that right? Why does one person get the opportunity and someone else doesn't?

Chancellor Goetz: In this case, I think there is a big difference, again you are giving the right to students who are not trained and that security on the campus is there for everyone. It's not just there for one particular individual.

Rep. Nathe: What do you say Mr. Goetz this president with the armed body guard is armed? He has his gun with him in a sense that it is not a concealed weapon anymore? (not sure language in sentence is right).

Chancellor Goetz: It is the same security that is there to protect the students, the faculty, the administration and the staff collectively.

Chairman Grande: Any other questions? Anyone else wishing to speak against?

Ron Storhaug, Student, North Dakota State University: Testimony. See Attachment # 5.

Chairman Grande: Any questions from the committee? Any others speaking against?

Ben Ziemer, Student, University of North Dakota: Testimony. See Attachment # 6.

Chairman Grande: Continue.

Franklin Michael, President, North Dakota Student Association: Testimony. See Attachment # 7.

Chairman Grande: Continue.

Ray Boyer, Director, University Police and Safety Office, North Dakota State University. Testimony. See Attachment # 8.

Rep. Meier: Do your security guards carry concealed weapons and how many security guards do you have on campus?

Ray Boyer: We have 12 licensed ND police officers. The plain clothes police officers do carry weapons that are concealed.

Chairman Grande: Who is next?

Jim Thorson, Chief Captain of the Cass County Sheriff's Office: A lot of times in life the more things change, the more they stay the same. I remember sitting on a committee when the NDSU campus police decided to arm their

officers and the debate was very similar to what is taking place today. The potential for our students to be armed as well. One of the things that has not been mentioned, that we in Law Enforcement are very concerned about is weapons retention, security of holsters, those kinds of things. I can only imagine that at the AC/DC concert that happened a week and a half ago at the Fargo Dome that there would have been the potential for a number of people having weapons in that facility such as that and the concern for alcohol abuse, not necessarily on the part of the people carrying the firearm but someone next to them and the ability to obtain that weapon from them.

That would be your food for thought and if there are any questions I would be happy to answer them.

Rep. Amerman: We have been talking mostly here in Section 2 about possession of a firearm at a public gathering. The other part of this bill deals with possession of a firearm or a dangerous weapon in a liquor establishment. What is the definition in an official way what a "or dangerous weapon", what is a "or dangerous weapon?"

Ray Boyer: I think a dangerous weapon could include as many things as a knife, explosive, any type of sharp instrument as defined in the Century Code.

Rep. Froseth: What age can you receive a concealed weapons permit?

Ray Boyer: I believe it is 18 years of age.

Rep. Nathe: If this bill were to pass would this create you from having metal detectors at events?

Ray Boyer: No, it would not. It would probably take some time to get 21,000 people through a metal detector.

Vice Chairman Randy Boehning: In order to get a concealed weapons permit what is the process? Who has to sign off on it, I know there is test and everything, but when you go and get one, where do you get it from, and who has to give you the ok to have one?

Ray Boyer: Our office signs off on a ticket with about 450 in 2008. But we get them basically on a daily basis. If they are from the City they go to the Police Department and if they are from the County they come to us, and then the Sheriff, and after that they go on to the Crime Bureau. If they are from the rural area they go directly to the Sheriff.

Vice Chairman Randy Boehning: So in another words the police officers are looking at who is carrying the weapons, and background checks. If you are not a law-abiding citizen you are not going to get a concealed weapons permit, correct?

Ray Boyer: That would be correct. That is why my concern is more with retention of those weapons as opposed to those being issued. For example, when we go into our jail facility we are not allowed to have a firearm in the jail

facility because we don't want someone taking it from us and basically holding us hostage.

Vice Chairman Randy Boehning: The ones I am scared of are the ones that don't have a concealed weapons permit, that probably go out and steal one. The ones that want to get a concealed weapons permit, in my opinion, are law-abiding citizens, because if they are going to go out and start shooting a gun, they already have your fingerprints and everything else. The law-abiding citizens are going to be law-abiding with them, in my opinion. With the renewal, is that all new applicants?

Ray Boyer: Those would be new applicants as well as renewals.

Rep. Wolf: The question that Rep. Nathe asked you about the metal detectors, if this legislation would pass, you could still set up the metal detectors, but if someone comes through the metal detector and it goes off and they have a gun, you would have to allow them into the facility, correct.

Ray Boyer: That would be correct unless there was a policy or something that would allow us to not let them in.

Chairman Grande: Anyone else? No one else speaking against? Neutral?

Closed the Hearing on HB 1348.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work HB 1348

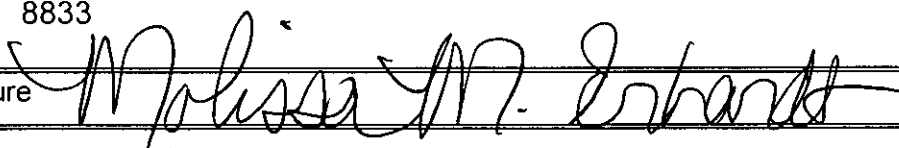
House Government and Veterans Affairs Committee

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Hearing Date: 02/05/2009

Recorder Job Number: 8833

Committee Clerk Signature



Minutes:

COMMITTEE WORK ONE:

Chairman Grande: We will take up HB 1348. This bill is the one where we have concealed carry on the university grounds. The amendment here would go on to Page 2, after the new language add in: "or if a real property comprising a State or private institution of higher education except when the individual is on real property that is an apartment building or that building related parking and shared space as used in this Subsection; apartment building does not include the dormitories." What this does is that it takes it down to only apartment complexes that you are renting that are on the grounds otherwise you are not to conceal and carry on the campus. Some campuses have apartment complexes that they utilize and this will allow that person who has passed the concealed and carry and they wish to have it on their personal property kind of area; in my rented space. Where the dormitory is not really a rented space per say; and you don't choose your own roommate, where a rented apartment area is where we would

have them have a concealed weapon. If you are coming on campus and you want to join the gun club and you want to have your gun with you and you should be able to utilize having it there. This gives them the opportunity to do that and have it there for their use.

Rep. Wolf: So what this does is, if you are licensed to carry concealed, you will not be able to carry it at the university, except in the apartment. But I thought that the whole intent of the bill from Rep. DeKrey was to specifically allow it on the universities, because he talked about Virginia Tech?

Chairman Grande: If you remember he did mention that this amendment would be a friendly amendment as far as he was concerned. He said that in his testimony and that is where this amendment comes from.

Vice Chairman Randy Boehning: I think that we all got an email from Rep. Damschen the other day about the student down in Wahpeton where he had the rifle and ammunition in his vehicle and nothing was loaded and he got expelled. It was locked in his vehicle. Do want to further amend this to allow having weapons in the vehicle as long as the ammunition is locked up.

Rep. Nathe: He had the ammunition in a different place, didn't he?

Vice Chairman Randy Boehning: But what if you don't live in the apartment, would that be covered? If I am a student and I drive on to campus would that be covered?

Chairman Grande: How are you going to word it? Unloaded weapon carried in your vehicle?

Rep. Dahl: Just wondering how to word that the correct way?

Chairman Grande: This relates to concealed weapons, that is not a concealed weapon if they are bringing it on campus.

Rep. Dahl: We would need another section.

Rep. Wolf: I have another amendment that might possibly take care of that problem. It is just going to have to be put into better form. I have one that will allow if you have a valid general game license issued by the State or have

successfully completed hunter education. I will pass this out.

Rep. Froseth: Because we have regulations in place now, I feel that hunting rights and so forth (can't hear).

Chairman Grande: You know you are not allowed to have them with you in High School. Although back in my day we all had them with us when we drove to school.

Rep. Winrich: I was talking with Rep. Gruchalla a couple of days ago and I know that he is also very concerned about this and we were talking about this very specific issue. We have all this stuff about concealed weapons but what about the weapons that are not concealed. What if I am carrying a long gun over my shoulder and a sling or a handgun on my hip and it's out in the open. His

answer was that in that case I can carry it anywhere where a concealed weapon is not prohibited without a permit. The thing is you don't need a permit if it is visible. But the laws about whether you can take a weapon into a certain situation or not would still depend on what we say about concealed weapons. He said there is a very sticky situation in the law right now; for example, if you go and buy a gun, a sporting weapon at Scheels or whatever, if it is after dark there is a serious question whether it is legal for you to carry it out to the car because it is not terribly visible. I know that he and Sen. Lyson have been talking about trying to overhaul that whole section to clarify some of these things. If we don't have to kick this bill out, it might be good for you to have a conversation with him or Sen. Lyson and see what they are thinking.

Chairman Grande: I don't want to hold on too to many bills because we have to hear all of our resolutions next week and we will only have Friday to work still.

Rep. Dahl: Rep. Boehning had a good question, did you want to remove lines 5 through ?

Rep. Wolf: No this has to be fixed. What you are going to do is different from what I was going to do. All I wanted you to look at was the Page 2, Line 21 language. That other stuff needs to be disposed of.

Rep. Froseth: I think we are trying to fix something that doesn't need to be fixed. I don't feel that it would be safer for my grandchildren's safety than college

kids. If 500 people can carry a concealed weapon on to the campus, no matter if it is a dorm room or parking lot. That does not make me feel safer for my grandkid's, I think it is more fear for me that my grandkids are subject to harm than safety.

Rep. Dahl: I think that the amendment that Rep. Grande put out that it will really narrow the scope of what can be done here. If you lived in a university apartment that is your home, that would not be a dormitory where your roommate can access your weapon and you can put it somewhere, you can keep it in your car and it should be treated like your home. You are renting that space and that is why it is more appropriate than to just make it a totally open situation.

Rep. Froseth: That might be true but a lot of people feel they are injured in their homes by hand guns and rifles and so on that have been thought to be empty (can't hear). We are dealing with 18 to 22 year olds and sometimes what we feel is good common sense is not to them.

Rep. Dahl: These are folks who have a concealed weapons permit and they have to go through a process. The background checks and all kinds of tests to get that certification and as far as I know there has never been an incident at the Universities apartment with an accidental firing of a weapon.

Rep. Froseth: (Can't hear).

Chairman Grande: Rep. Wolf I would like for you and I to talk with Rep.

Gruchalla and Sen. Lyson and find out where we can fit yours in with what they are dealing with. Since we are dealing with a totally different class of weapon here versus here. So let's keep this one clean and go right with what the intent that Rep. DeKrey is dealing with.

Rep. Wolf: Where do sorority and fraternity houses fit into this mix?

Chairman Grande: Are they part of the campus? They are not on campus.

Rep. Froseth: Fraternity houses are on campus property, but they are not owned by the campus.

Chairman Grande: I don't think they are controlled by the campus though.

Rep. Dahl: There are some fraternities and sororities that are not on campus at all.

Chairman Grande: Let's hold this and find out about sororities and fraternities.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work Two HB 1348

House Government and Veterans Affairs Committee

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Hearing Date: 02/06/2009

Recorder Job Number: ~~9400~~ 8936

Committee Clerk Signature

Melissa M. Erhardt

Minutes:

COMMITTEE WORK ONE:

Chairman Grande: Rep. Wolf has been working extensively on this and her intention on this was her amendments and they make a lot of sense and I am just going to let her walk through them. I apologize that she does not have copies, but we are going to walk through them and copies will come out later as long as we all have the concept.

Rep. Winrich: I have an amendment that was passed out last time by Rep. Wolf.

Chairman Grande: We are going to set that aside for now.

Rep. Wolf: On Page 1, line 20 and 21, what this does is it will now allow the people who have a concealed weapons permit to take their gun with them into a bar. They will not be able to go into an off-sale or a liquor store. The second part of that sentence unless that part of that establishment engaged in the retail sale. So they will not be able to take into a liquor store but they will be able to

take it with them into a bar. I would like to remove Lines 20 and 21 from this bill, when you have alcohol and a bar and you have people carrying concealed weapons and if they have a little bit too much to drink are they necessarily going to be in control of that concealed weapon and there is a lot of people in some of these bars and I have a grave concern with those two lines. I would offer the amendment to remove Lines 20 and 21 from Page 1 of this bill.

Page 2, Lines 21 and 22, This section does not apply to an individual licensed to carry a firearm. They would now be allowed to take it into all of the exemptions of Section 1 on this. Except the public and non-public elementary middle or high

school, and then yesterday Rep. Grande handed out an amendment to also include institutions of higher education. I would also like to further amend this to real property comprising of a public or non-public elementary, middle or high school, including events, functions or concerts, in addition to a public gathering where primarily minors are engaged in the event, function, or concert. Where the primary function involves children and they are sponsored by the school. If it is school sanctioned, school sponsored, this is how LC worded it.

Chairman Grande: Remember that Rep. DeKrey had said that he was not trying to get where he had concealed weapons at the prom. This is what that was meant to address.

Rep. Conklin: Does this include college campuses now?

Chairman Grande: College campuses are the ones that we discussed yesterday. My amendments then stand in front of you. On that, now that we brought up higher education, Rep. Dahl will you explain to our committee.

Rep. Dahl: All sorority houses are considered private property at UND so the rule would not apply.

Chairman Grande: They will still establish all their own rules so we will not have to deal with sororities.

Rep. Wolf: The last one is hunter education. If you are a hunter, then you will not have to check your gun in and out if you live in an apartment.

Chairman Grande: That is what the amendments do, if we remove the top portion.

Rep. Wolf: If we remove that top part, then we reserve that bar stuff on the first page.

Rep. Kasper: You do not want to amend out Lines 5-21 on page 1.

Rep. Wolf: Just lines 20-21.

Chairman Grande: Discussion on the first portion of that amendment, 20-21?
The removal of Lines 20 and 21.

Vice Chairman Randy Boehning: With the language as it reads now, you would be able to go into a retail liquor establishment with a conceal to carry permit? Correct?

Rep. Wolf: No. Prohibited from entering a liquor establishment, you could go into a bar but not take it with you into off-sale.

Vice Chairman Randy Boehning: Would you be prohibited from carrying concealed weapon if you went to a Renaissance festival, Beerfest, outdoor concert would you be prohibited from carrying a concealed weapon? I don't know what establishment means? I want to leave it in.

Chairman Grande: So if you want to go to Rib Fest you can have your conceal and carry, you can. So if you take this out you can't do that.

Rep. Wolf: On Page 2, with Section 3 being in there, it talks about public gatherings, you would be able to take it to musical concerts. Because currently it is prohibited, but on Page 3, Section 2, allows it to be at musical concerts, because it is listed in Section 1.

Vice Chairman Randy Boehning: But if you are going to a concert that sells alcohol outside, I would resist removing Lines 20 and 21.

Chairman Grande: I think we are going to have to hold up on the amendments because I think that if you read the amendments talking about the outside events, read the first six lines on the top of Page 2. It is already prohibited from all these events.

Rep. Wolf: Right, but if we allow lines 20 through 23 on Page 2 then you will be able to take it to those places.

Chairman Grande: So that will undo it?

Rep. Wolf: Yes. It undoes Section 1, this section does not apply to an individual with a license to carry under a concealed weapon Statute.

Chairman Grande: But that is under 04-03 and we are under 02-05.

Rep. Wolf: No. 02-05 starts at the bottom of Page 1, where it lists possession of a firearm a public gathering and it tells you that a person who possesses a firearm is guilty of a B misdemeanor and it defines what a public gathering is.

And in Section 2, it talks about how it does not apply to Law Enforcement and all the different exemptions. Section 3, also goes further to exempt those allowed to

carry concealed. Because 62-43 is a concealed weapon. So you would now be able to take it to churches, musical concerts, all of those places.

Chairman Grande: Let's get a clarification on what this part of establishment is so that Rep. Boehning is clear on that.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work Three HB 1348

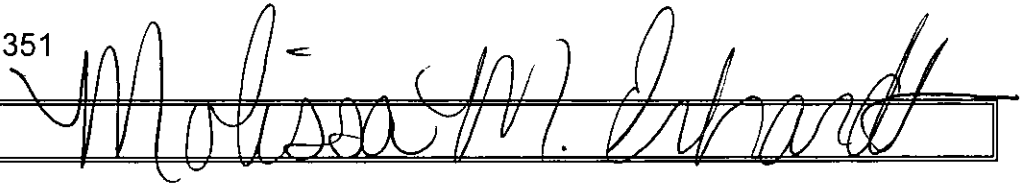
House Government and Veterans Affairs Committee

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Hearing Date: 2/12/2009

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Minutes:

COMMITTEE WORK THREE:

Chairman Grande: We will have discussion on HB 1348. Rep. Wolf what I ended up doing was having Rep. Boehning take all of my amendments, your amendments, and all the discussion on this one to council and they merged them so we could understand them. I will let everyone take a look at that and put it together with the bill. I know that one of the concerns on Page 1, Lines 20, 21, the interpretation there, Rep. Wolf was thinking that was to carry in a bar, it was actually to not be able to carry in a bar but to go in to purchase alcohol and leave, not consuming, number 6 there will not let you. The clarification language then is with Line 20 removing "in the part of" and putting in "primarily". Rep. Boehning can you explain why you did that?

Vice Chairman Randy Boehning: I went up to council and I had to have them try to figure out what establishment was. Establishment is kind of a broad term. Basically establishment would be if you have a beer garden set up, fenced in, it is

an establishment. If you go to the beer gardens and a race, the establishment would be the beer gardens and possibly the grandstands. It got to be quite broad, so when I talked to council I said let's define what a retail alcohol place is. Primarily it would be an establishment engaged in a retail sale of alcohol.

Chairman Grande: At the races you could still have your concealed weapon because you are not in a beer garden where they are selling consumed alcohol. That is what they are trying to do. If that is off-sale you can't go there but just because they are selling off-sale there doesn't mean you can't be here. If you go on to Page 2, Line 22, and get into Line 23, that is where we did all those

functions, the concerts, the attendance of minors, all of that language is in here. After that it gets into being able to have your weapon with and get it into your private dwellings on campus but not in the dorms, not in the sororities, not into all that, but in the apartment complex, you have got the ability to get (not sure). In the campus area where you are going to get out of your car and you are going to take it into your personal dwelling and very specifically including "not dorms", so that we would not have that as a discussion problem. Any questions on those?

Rep. Conklin: So what does the bill do then?

Chairman Grande: On our campuses we do have concealed weapons carriers that wish to have their weapons with them for various reasons, one, protection, but maybe they have them with, where if you were an NDSU student, you had

your concealed weapon or had your hunting rifles and stuff with, you want to have those and you want to be able to store them in your apartment complex this gives you that ability. There are hunting clubs that you can shoot with or we have a shooting/pistol range where you can go out and practice. The whole the time they are at NDSU they can't go because they cannot have their weapons with them. There is just various reasons why, they would want to do it for that reason or for protection or for whatever other reasons they have. I think it does open it up a little bit then with the ability to go where there is not minors at a major function, but the ability just to carry a little bit. It opens it up ever so slightly.

Rep. Winrich: I did not realize the situation at NDSU on a campus of that size. I know that at UND the campus police have made separate arrangements where they essentially will allow someone to check their weapons in with the police and then when they want to go hunting, they can check them out and take them hunting and so on. Would it be possible to insert something in here that says unless the university campus has made other arrangements to accommodate gun owners or something like that?

Chairman Grande: I think that is just already there because if you are living in the dorm you still have to have that available to you. You don't want to take that

away from or restrict anybody that way, let the dorm kids continue to check theirs in and those that are in their apartments can house theirs in the apartments.

Vice Chairman Randy Boehning: Motion to move the amendments.

Rep. Dahl: 2nd.

Chairman Grande: All in favor? I. Consent. We have the amended bill in front of us.

Rep. Wolf: I have a hog house amendment for this bill that I would like to pass out please.

Chairman Grande: Has Rep. DeKrey seen these amendments?

Rep. Wolf: No. What it does is on Page 1, it completely removes Line 20 and 21. And it is very similar on Page 2, sort of, a lot of the same wording is in the same amendment we just passed and Page 2, Line 22, it changes it from "it does not apply to an individual licensed to carry a firearm "when" they are on the State higher education instead of "unless". It changes the entire meaning of it, but it starts with the word unless.

Chairman Grande: Can you read it to me?

Rep. Wolf: It will say, "This section does not apply to an individual licensed to carry a firearm under the concealed weapons statute when that individual is on the real property of a State or private institution of higher education and that

individual is on the real property that is a dwelling unit and it just continues, and

that units related parking or shared space, it does not apply to an individual's valid general game license issued by the State or has successfully completed hunter education when they are on the real property comprising of a State or private institution of higher education and that individual is on the real property that is a dwelling unit or that parking or shared space", that does not include a dorm. Basically, with the bill the way it was currently amended is that it opens it up that a concealed weapons permit holder can take their gun with them to all public gatherings including church, political rallies, musical concerts, etc. This opens it up but it only allows it to be at the universities in the apartments. It opens up current law to allow the ability for a concealed weapons permit carrier to take their handguns with them into an apartment on a university, it also allows hunters the ability to have their rifles and shotguns in their college apartments as well. That is what it does.

Chairman Grande: This is almost identical language to the amended one we just passed.

Rep. Wolf: It is, but the difference Chairman Grande is, the way that the bill is currently written it allows everywhere. This bill only allows the college university apartments. That is the difference between the two of them.

Chairman Grande: I did not get where the everywhere is? This amendment we just adopted took care of that, so that it isn't everywhere. We have taken it away

from events, functions, or concerts, we have taken it away from public gatherings where primary minors are engaged in functions, concerts, higher education institutes, and we have it narrowed down to higher education parking lots and dwellings.

Rep. Wolf: With the amendment of Rep. Boehning, the only public gatherings are where minors are at.

Chairman Grande: But you are guilty of a misdemeanor if you go in any of these places.

Rep. Wolf: Right. Unless under Lines 21 and 22, unless you that section will not apply to you if you are licensed to carry under concealed weapons. With the bill you would be able to take a concealed weapon, with the same rights as a law enforcement officer, the National Guard, and all those places to take them into public gatherings. That is the way it was all explained to me. What my amendment does is, it expands on current law, but just a very small area, to allow the concealed weapons to go into the college apartments only.

Rep. Kasper: On Page 1, Line 7, that section of the code deals only with possession of a firearm or dangerous weapons in a liquor establishment or gaming site. It does not deal with any of the areas that you are talking about.

Rep. Wolf: Look at the bottom of Page 1.

Rep. Kasper: Now we are moving to public gathering, so the first part deals only with a liquor establishment. The second part deals with a public gathering and on top of Page 2 you have a prohibitions against where you can not in public gathering. So for you to remove Lines 20 and 21 after the amendment that we just passed, all you are saying is that you don't want the ability for anyone to go into a retail sale, on-sale like a liquor store and buy their booze that they can't drink in the liquor store and leave. That is what you are saying?

Rep. Wolf: My concern on it is walking into a liquor store with a gun strapped to the side of you and what it can be interpreted at by a clerk in that store.

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. Committee Work Four HB 1348

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 2/12/2009

Recorder Job Number: 9400

Committee Clerk Signature

Melissa M. Inhardt

Minutes:

Chairman Grande: We will continue work on HB 1348. Mr. Dawson is going to explain how the changes in three affect the rest of the bill.

Timothy Dawson, Legal Counsel, Legislative Council: Does everyone have out their amendments with the zero-seven number at the end of it. The Boehning amendments. One thing that does not change in this amendment is the lead in language in Subsection 3, Page 2, lines 21 and 22. This section does not apply to individual licensed to carry a firearm under Section 62.1-04 -03, unless. So this section says you cannot carry it at a public gathering, and it defines a public gathering as certain things. If you have a concealed weapons permit you can carry it at a public gathering, unless, and then you have the litany of unless es there and the qualifications upon them.

Chairman Grande: So if I have a conceal to carry, I can carry in all of these places except for what we have exempt in that amendment.

Timothy Dawson: That is correct.

Chairman Grande: Public gatherings, including athletic or sporting events, in the amendment there, we don't allow you to conceal and carry there anymore because there would be minors most likely at such an event. Right? School or school functions, you cannot carry there anymore because we said no school functions in the amendment, correct?

Timothy Dawson: Correct, in fact that could almost be crossed out because I think that you have most school and school functions unless you interpret it that to mean higher education apartments and so that school is not included.

Chairman Grande: Church and church functions we are going to most likely have minors in the assembly, some churches are kind of dead churches and it's only old people sitting in it. But for the most part, it wouldn't qualify. Musical concerts, again, same thing, we have public owned parks with kids there, so this doesn't bring all the kids in.

Rep. Winrich: The amendment says "public gathering at which primarily minors are engaged in the event that function or concert that is the purpose of the gathering". Is the church gathering primarily for minors or primarily involving minors, I don't think so.

Chairman Grande: If you have kids my age, you have more people under the age of 18 than you do above, by the time you hit eleven or twelve. That is why I

made the reference and it depends on what kind of church it is, I guess. But then again if there are not minors there that should not matter. Rep. Kasper: I am looking at the amendment 107, that is the one you are talking about. What if on Page 2, Line 23, we struck the first two lines and just started with "on real property" isn't that what we are trying to get to? Forget about talking about public gatherings, because it is covered up here. Why do we want to open public gatherings up down here as an exception? If we struck the two lines then we don't have a conflict in the exceptions clause compared to the one up above on Page 2? Is that correct? Chairman Grande: Unless on real property comprised of, yeah, so then we don't open it up to anything but universities. Timothy Dawson: Although I don't think there is a conflict, I think that of course, would make it easier and takes away some gray area that, what is a public gathering versus a private gathering. Are minors primarily engaged in the event, function, or concert. I think in drafting we were trying to get after, in my mind, was if you go to a children's concert. The purpose of the event is Sunday school is for kids, if it's a soccer game for kids, it's for kids, it doesn't matter how many people are there when you get there, it matters what the purpose of the event is. If it is designed for children then you wouldn't be allowed to carry.

Chairman Grande: I don't have a problem with the way it is written that when you have a function that is adults, we are talking about people that are licensed to carry the concealed weapon, this is not Joe Blow walking around with a gun. This is somebody who has been fingerprinted by BCI and has a clean record and has been taken through the process and signed off by the Sheriff and the police and everybody else with the ability to carry this concealed weapon. I guess if I want to look at where we were at on the last one, I don't have a problem with taking out the language on Page 1, dealing with the retail. We don't let them go into a grocery store with it, so why would we carry it into a liquor store. I don't have any heartburn one way or another on that. But I think that in the average day when you are going out and you wish to be person who has gone through the process of taking the test and becoming concealed to carry, licensed, that you should be able to take it where you go. As long as there is not a bunch of kids around.

Rep. Winrich: The paragraph at the top of the page 2, Lines 1-6, if you are to include the lead in sentence on the previous page, "possession of a firearm at a public gathering", a person who possesses a firearm at a public gathering it would still be a Class B misdemeanor and so on, and then it defines public gathering as all these things. So you can't have a firearm at a public gathering. But now 21-23 on here paragraph 3, this section does not apply to an individual

licensed to carry. If you are licensed to carry you can have a weapon at a public gathering and if we limit it to what Rep. Kasper was suggesting, that we just go right on to the "real property comprising of State or private institution" that means that you can have it at a public gathering at a school or just about any place else you want. Rep. Kasper: Up above where Rep. Winrich is at in number one, those are the areas you can't. Number three below it says these are the areas you can. This section does not apply to an individual who is licensed to carry. So one does not apply to the people under section three. Rep. Winrich: So if you are licensed to carry, this paragraph at the top of the page does not apply to you. Rep. Kasper:

Including attending a public gathering at which primarily minors are engaged in an event, function or concert. Rep. Winrich: I thought you were going right down to the real property of a State or private institution or higher education. Rep. Kasper: You agree with getting rid of that, those first two lines? Rep. Winrich: No. We don't want people to have guns at schools. Chairman Grande: You two are agreeing. Rep. Kasper: That is what I am saying but you have to strike those two lines out.

Timothy Dawson: You know it is going to read that this section does not apply to an individual licensed to carry a firearm under the concealed carry law, unless that individual is on the real property comprising or at an event, function, or concert of a public or non-public elementary, middle, or high school; is attending a public gathering at which minors are engaged in an event, function, or concert that is the purpose of the gathering or colleges and such. So schools is still in there, that is in the law and that wasn't changed with the amendment. If you crossed off "is attending a public gathering at which minors are engaged in an event, function, or concert", you would still not be able to take them into those events or anything at a public or non-public elementary, middle, or high school.

Rep. Wolf: But you would be able to take them into, if we took those lines off, a tee ball game or a soft ball game as long as it was not on the school property, correct? Football game? Prom?

Timothy Dawson: Correct, if you remove it.

Chairman Grande: We don't want to remove it, we want to keep it in there.

Timothy Dawson: With it in there, it prohibits you from taking it to a place like the children's soccer game, which is the purpose of the event, like children's practice which is the purpose of it.

Chairman Grande: No do you see where the amendment goes and what it takes out.

Rep. Dahl: Did we adopt the amendments?

Vice Chairman Randy Boehning: Yes, these are.

Chairman Grande: The discretion comes with whether or not we want to continue on amending with the Wolf amendments?

Rep. Dahl: Which basically says the same thing, but it changes unless to when.

Rep. Wolf: No.

Chairman Grande: She goes back and she takes out, that you can't do any of Section 2, and that you can only go on the campus apartments, just the big areas of the campus. So it closes down everything else in Section 1.

Rep. Kasper: Section 1 is already closed down.

Chairman Grande: When there are minors involved.

Rep. Wolf: In current law it is already closed.

Rep. Kasper: It does not say minors.

Chairman Grande: In current law it is already closed. In the new law opens it up except when minors are engaged in an event, function, concert, or gathering. Which is the primary purpose of.

Rep. Kasper: I am talking about Section 1 not Section 3.

Chairman Grande: Section 3 opens up Section 1.

Rep. Kasper: I don't agree with opening it up, if you prohibit it in Section 1, now you want to open it back up in Section 3.

Chairman Grande: Section 1 is there for anyone with a firearm, there are no firearms, but Section 3 says if you carry a concealed weapon permit then Section 1 does not apply to you. Only if you are regular Joe you can't grab a gun and go walking around and go into these places. But Section 3 is saying if you are concealed weapons permit holder these things are open to you, unless it has the primary minor purpose. Now do you understand?

Rep. Kasper: You are saying in Section 1 that any weapon is prohibited unless you have a conceal and carry permit. That is not prohibited in Section 1, you can go to the places in Section 1 with a conceal and carry right now?

Chairman Grande: Not under the current law, but with this bill we are amending that.

Rep. Kasper: So you want to give them the exception down here.

Chairman Grande: Yes, give them the exception down there if there are no minors involved. As long as the function is not a primary minor function.

Rep. Wolf: We talked about this during the break, in a nutshell basically what current law says is that if you have a concealed weapons permit, you cannot take your gun with you to any of the things listed in Section 1. With this proposed bill it opens it up that if you are licensed to carry concealed you can now take it to everything in Section 1 except if it is higher education or where there are kids or things like that in Boehning's amendment. What my amendment says, instead of opening it all up, it only specifically opens it up to take your concealed weapon with

you to an apartment on a college campus, if you have a concealed weapons permit or if you have completed hunters safety or are licensed to hunt in our State or any other State and province. You can have your shotguns or rifles with you in a campus apartment only. It only opens up concealed weapons to college apartments. That is the only exception to where they can take them. That is basically the difference. Vice Chairman Randy Boehning's amendment opens it up to everything except where there are kids or university classroom or school classroom. Mine opens it up just a smidgeon to allow it to be in a college apartment or to help with the kids who hunt or do shooting tournaments with it and they can have it only in their apartments, not dorms, sorority houses, or fraternity houses. Just in a college apartment, just like they could if their apartment wasn't owned by the college. That in a nutshell is basically what the difference is.

Chairman Grande: What are the committee's wishes? We have the amended bill in front of us.

Rep. Winrich: I move for the Wolf amendments.

Rep. Wolf: 2nd the motion.

Chairman Grande: There is a motion for the Wolf amendments they will supercede the current amended bill. Roll call vote.

Clerk Erhardt: Called the roll. Yes: 6. No: 7. Absent: 0.

Rep. Froseth: The first amendment on?

Chairman Grande: The 107 amendments are on.

Rep. Froseth: Move for a Do Not Pass As Amended.

Rep. Amerman: What happened to the last amendment?

Rep. Wolf: It failed.

Rep. Froseth: There is a reason why I make such a motion. If we can't readily define where it is legal to carry a gun or not and to what functions, how do we expect Law Enforcement to secure the campuses and readily decide where and what they are supposed to police and control. I have not heard any big outcry for any change in this present law. I think that we are opening up an area that is not necessary because representative from both colleges, the student associations, and Law Enforcement are all opposed to it. The only one that testified in favor was the one that had a concealed weapon permit and I don't know who he was representing and I think this bill is for no reason.

Chairman Grande: We do have a motion on the table, do we have a second?

Rep. Conklin: Second the motion.

Chairman Grande: Rep. Froseth moves a Do Not Pass As Amended, 2nd by Rep. Conklin. Clerk will call the roll.

Rep. Schneider: I would just like to add, and maybe I am just a little lost with all the amendments and stuff, but not sure what the problem is with the current concealed weapons law that Rep. DeKrey was trying to address, other than opening it up to just a wide array of activities, which I am opposed to.

Rep. Dahl: I think that the way the bill was originally drafted it would have opened it wide open. I think that we have done some significant amending and I guess the way I feel about it is that if you live in a university apartment, it is technically on university property, but that is your home and that is where you live and that is not your dorm, you don't share the same room as someone else, so I think that with the amendments that we put on with Rep. Boehning we have been careful about where they can have it and where they can't have it. I do feel like it has sufficiently narrowed the theme of it to the point where, we give folks who have gone through the process the right to carry their weapon in certain situations.

Chairman Grande: We have a certain situation that happened on one of our university campuses just this year. That was young man who had his hunting rifles with him. The ammunition was not in the vehicle but happened to have been on the campus with his hunting gear was planning to go hunting after his class. He was expelled from the university. This at least gives us a tool to continue working through this process and find out if there is any way we can address it. That is exactly what we talked about the valid general game license in the State, hunter's education in the State, and be able to bring his gun to his place of dwelling on the

campus so that he can hunt. This removes that vehicle if we lose this bill. Rep. Wolf:

I agree with what you said, and that was the intent of my amendment. I don't feel comfortable knowing that I maybe walking down the mall, with the bill the way it stands right now, a person with a concealed weapons permit, can take their gun now with them to a mall. They can take it to a park, because it's not a primary place where an event or function that is the purpose of minors being there, so you could take it with you to the park, you could take it to a political rally, you can take it to church, we are opening it up to a whole slew of places and I as another citizen of our country do not feel comfortable, and I understand that people who do carry concealed have to go through a process, it still does not make me feel very comfortable. So I will be voting in favor of a do not pass.

Chairman Grande: Mr. Dawson where do malls and stores come in? They are not listed anywhere specifically?

Timothy Dawson: I think it would be unclear whether malls are included in the prohibition on carrying a firearm. It is whether it is a public gathering. I don't see a mall as a public gathering unless perhaps they are having a concert or something. It's fuzzy now as to what is public and what is a gathering and that is including, that does not define it as limited to that list of items, that's only the beginning of the list.

Chairman Grande: I swore that when I took my concealed weapons permit, one of the questions is whether or not you could basically take it into the grocery store and I thought that the answer was "No". I just don't see it listed here.

Timothy Dawson: I hate to advise you where and where not to carry your concealed weapon but I would feel safe carrying it into a grocery store. That is not a public gathering.

Rep. Schneider: When the Deputy Sheriff testified from Cass County about the AC/DC concert for example, that is not an event in which primarily minors are engaged, would you be able to carry your concealed weapon to an AC/DC concert if we pass this bill as amended? Am I understanding that right?

Timothy Dawson: No.

Chairman Grande: Can we now without this bill?

Rep. Schneider: I would think that would be a public gathering.

Timothy Dawson: That would be a musical concert.

Rep. Kasper: I think that the amendment is poorly drafted in the first two lines. I think that it is just poorly stated.

Chairman Grande: Committee, do we want to give another run at the amendments or continue down the path of the Do Not Pass. Rep. Froseth has an amendment on the table, unless Rep. Froseth removes his motion.

Rep. Froseth: Call for question?

Chairman Grande: Question is called, Do Not Pass As Amended. Call the roll.

Clerk Erhardt: Roll Call. Yes: 4. No: 9.

Chairman Grande: Question fails, committee what are your wishes?

Rep. Kasper: I know time is short, however, the wording on the amendment, Page

2, Line 23, the first two lines I think is ambiguous, I don't like the way those two lines are worded. I understand what the intent is, but I don't like the way those two lines say it. I would like to have you consider amending those two lines in a way that makes it more clear what we are allowing and what an exemption is.

Chairman Grande: That is what Rep. Wolf's amendments do.

Rep. Kasper: No, they do not.

Chairman Grande: How would you further amend?

Rep. Kasper: I don't know, we have Mr. Dawson here that might be able to help. Do you see what I am talking about: We are attending a public gathering at which primarily minors are engaged in an event, function, or concert, that is the purpose of the gathering. Minors are engaged in the event, function, or concert that is the purpose of the gathering. So what is the purpose of the gathering? What is it?

Vice Chairman Randy Boehning: T-ball, soccer, prom, football, school.

Rep. Kasper: That is the purpose of the gathering? It doesn't fit.

Chairman Grande: Mr. Dawson do you see where he wants to go? He wants the language, is a real property comprised of a State or Private institution of higher education except when the individual is on real property that is a dwelling unit or the units related to the parking and shared space. In addition, this section does not apply to an individual with a valid general game license issued . etc. The real property comprised of a State or private institution of higher education and that the individual on the real property that is the dwelling unit or that unit's related parking

lot as a shared space. It goes on to say that it does not include dormitories. With that language, if that is the only language we have, have we eliminated the carrying of a weapon in Part 1.

Timothy Dawson: Because there is a prohibition and exception to the prohibition and an exception to the exception, please restate your question so that I can get this (not sure what speaker said).

Chairman Grande: When we open up Section 3 there, when we start that new language we open it up for conceal and carry. What we want to limit it to is only that that I just read. Higher education institutions dealing with the apartment complexes?

Rep. Wolf: That is this amendment.

Chairman Grande: Rep. Kasper does not seem to read it that way.

Rep. Kasper: We just defeated that amendment, Chairman Grande, so why are we looking at going back.

Rep. Dahl: Maybe the committee should just take a second look at these amendments and I think that satisfies a lot of the concerns and it really does only then limit it to these places and it has no language about the primary purpose.

Chairman Grande: Let's also take out retail liquor, so we all are aware of that. Are you making a motion?

Rep. Dahl: So moved.

Rep. Wolf: . 2nd the motion.

Chairman Grande: We have a motion to move the Wolf amendments. All in favor of

the Wolf amendments? Consent: I. Opposed: Vice Chairman Randy Boehning. Wolf amendments are in front of us, adopted.

Rep. Wolf: Move a Do Pass As Amended.

Rep. Dahl: . 2nd the motion.

Chairman Grande: Clerk will call the roll.

Clerk Erhardt: Roll Call. Yes: 9. No: 4. Carrier: Rep. Wolf.

February 13, 2009

VR
2/13/09

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1348

Page 1, line 1, replace "sections 62.1-02-04 and" with "section"

Page 1, line 2, replace "or dangerous weapon by a person" with "at a public gathering."

Page 1, remove line 3

Page 1, remove lines 5 through 21

Page 2, line 22, replace "unless" with "when" and replace "public" with "state or private institution of higher education and that individual is on real property that is a dwelling unit or that unit's related parking and shared space. In addition, this section does not apply to an individual with a valid general game license issued by this state or who has successfully completed hunter education in this state or any other state or province, when that individual is on the real property, comprising a state or private institution of higher education and that individual is on the real property that is a dwelling unit or that unit's related parking and shared space. As used in this subsection, dwelling unit does not include a dormitory."

Page 2, remove line 23

Renumber accordingly

Date: 2/12/09
Roll Call Vote #: 7

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1348

House **Government and Veterans Affairs**

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande		✓	Rep. Amerman	✓	
Vice Chairman Boehning		✓	Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth		✓	Rep. Winrich	✓	
Rep. Karls		✓	Rep. Wolf	✓	
Rep. Kasper		✓			
Rep. Meier		✓			
Rep. Nathe		✓			

Total (Yes) 6

No 7

Absent 0

Floor Assignment

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

Date: 2/12/09
Roll Call Vote #: 2

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1348

House Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande		✓	Rep. Amerman	✓	
Vice Chairman Boehning		✓	Rep. Conklin	✓	
Rep. Dahl		✓	Rep. Schneider		✓
Rep. Froseth	✓		Rep. Winrich	✓	✓
Rep. Karls		✓	Rep. Wolf		✓
Rep. Kasper		✓			
Rep. Meier		✓			
Rep. Nathe		✓			

Total (Yes) 4 No 9

Absent 0

Floor Assignment

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

Date: 2/12/09
Roll Call Vote #: 3

2009 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1348

House Government and Veterans Affairs

Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number

Action Taken

Motion Made By

Seconded By

Representatives	Yes	No	Representatives	Yes	No
Chairman Grande	✓		Rep. Amerman		✓
Vice Chairman Boehning		✓	Rep. Conklin	✓	
Rep. Dahl	✓		Rep. Schneider	✓	
Rep. Froseth		✓	Rep. Winrich		✓
Rep. Karls	✓		Rep. Wolf	✓	
Rep. Kasper	✓				
Rep. Meier	✓				
Rep. Nathe	✓				

Total (Yes) 9

No 4

Absent 0

Floor Assignment

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

REPORT OF STANDING COMMITTEE

HB 1348: Government and Veterans Affairs Committee (Rep. Grande, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). HB 1348 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 62.1-02-04 and" with "section"

Page 1, line 2, replace "or dangerous weapon by a person" with "at a public gathering."

Page 1, remove line 3

Page 1, remove lines 5 through 21

Page 2, line 22, replace "unless" with "when" and replace "public" with "state or private institution of higher education and that individual is on real property that is a dwelling unit or that unit's related parking and shared space. In addition, this section does not apply to an individual with a valid general game license issued by this state or who has successfully completed hunter education in this state or any other state or province, when that individual is on the real property, comprising a state or private institution of higher education and that individual is on the real property that is a dwelling unit or that unit's related parking and shared space. As used in this subsection, dwelling unit does not include a dormitory."

Page 2, remove line 23

Renumber accordingly

2009 SENATE GOVERNMENT AND VETERANS AFFAIRS

HB 1348

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1348

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/12/09

Recorder Job Number: 10866

Committee Clerk Signature

Kate Oliver

Minutes:

Vice Chair Oehlke opened the public hearing on HB1348, roll was taken, and all members were present. Representative Duane DeKray was there to introduce the bill.

Representative Duane DeKray: 1348 is not the bill I introduced into the House side. What is left is on apartment or married student housing that would be owned on a campus, you would be able to take a hunting rifle or shotgun and store it there during season and you would be able to transport it to your car so you could leave campus and use it to hunt. I believe that it is also subject to the university policy, so if it is in violation of that policy, they would not allow it but it does decriminalize it. I think that it is confusing and I know there are people that want to see it go back to its original form.

Senator Cook: Why don't you tell us about the original bill?

Duane DeKrey: It allowed for more places that you can bring a concealed carry weapon that you had a proper license for.

Senator Oehlke: Such as?

Duane DeKrey: Campuses, sporting events, it still excluded liquor and gaming establishments, but it was broader than it is under current law.

Senator Horne: If a campus policy prohibits it, where is that in the bill?

Duane DeKrey: I have not seen the bill since it was on the floor of the House.

Thomas Nicolai: See attached testimony #1.

Senator Nelson: What are the qualifications for getting a concealed weapons permit?

Thomas Nicolai: State Attorney General Website. You must be 18years old, cannot be guilty of any felonies and there are certain misdemeanors that would disqualify a person. When you go for the first application you go to your local chief of police or sheriff and they do a background check, then it goes to the state, in between you have to get finger printed, federal background check. The way our law is written: if you are not legally disqualified then the state must give you a permit.

Senator Nelson: Beyond hunter safety there is no test?

Thomas Nicolai: Open book test on gun laws in North Dakota.

Senator Nelson: What about reciprocity?

Thomas Nicolai: Utah has more than us. Part of that is that we think of our residents are law abiding.

Senator Nelson: Then why doesn't Minnesota accept our license?

Thomas Nicolai: I think that there is a lot of politics that went into that decision on the Minnesota legislature a few years ago.

Senator Horne: I see you signed your name with a DC at the end, what is that? Guns not being able to keep in apartment on college campus where the policy prohibits that, where is that?

Thomas Nicolai: Doctor of Chiropractic. To my knowledge it is not the bill and that is why they can prohibit it.

Senator Oehlke: I would like to know how many shootings killed that person and how many people that were there were permit holders in the one hand and how many police officers there are in the U.S. that carries a weapon?

Josiah Korval: See attached testimony #2.

Darrin Gones: Darrin Gones, I am a lobbyist for the National Rifle Association. We support the concept that if you are licensed by a state and you go through the permit process that we expand full rights. The history of concealed carry has demonstrated that these are the folks that are responsible. Now, there was some other issues as well, I am not sure why Minnesota doesn't recognize permits in North Dakota. The main point I want to convey: this is not about concealed and carry. This is about if people become different when they step on a campus.

Senator Cook: If I have a gun in my car on campus, am I breaking the law?

Darrin Gones: Yes.

Bill Goetz: Chancellor of the NDUS. See attached testimony #3.

Senator Cook: Is it your opinion that the gun policy issue on university campuses should not be a legislative issue and should be left to the Board of Higher Education?

Bill Goetz: Yes.

Senator Cook: The guy who was expelled, what is wrong with someone having a gun in their trunk?

Bill Goetz: I know this case and I would prefer to not comment.

Senator Cook: Isn't there a better solution than that?

Bill Goetz: I would be willing to sit down and figure this out.

Senator Cook: The pendulum swings too far on one side. We need to find a common sense solution.

Senator Horne: Maybe have hunting storage facilities for guns.

Bill Goetz: There are a few

Senator Cook: If a student is leaving at 3:00a.m. to go goose hunting, can I get my gun out of storage at 3:00a.m.

Bill Goetz: Where does common sense come in on both sides? Unfortunately we are dealing with a situation that has changed in the past 10-15 years. My sense of doing what is right for the students of North Dakota in beefing up elements of our security on our campuses meant not only reflecting it in terms of what we need to do with FTE's but also to upgrade our infrastructure. Also there is a responsibility to the students, what is right and at the end of the day can you sleep at night because you feel what you are doing is right.

Senator Cook: When you talk about decisions regarding infrastructure. Can you give examples?

Bill Goetz: Carding locks, lighting, landscaping, and a number of other things that enters into this.

Senator Oehlke: Some of the smaller colleges where I live don't have big security. Have you checked what the extra cost may be to the smaller schools?

Bill Goetz: My second meeting with the president's I went around the room and I asked them to give me a report on where they are at on their campuses relative to security. The smaller ones are not addressing the issues as well as the larger ones. Addressed in the area of funds, infrastructure, ect. Again, we didn't have any choice it is simply something that needs to be addressed.

Ryan Nostrom: See attached testimony #4

Senator Nelson: A few years ago I lived near campus, what kind of regulations do we have on married families that live in married student housing?

Ryan Nostrom: You are correct, we still have married student housing. We did segregate our married housing. We are offering our apartments as a first come first serve basis. I think that is a question that we will need to address in the future.

Senator Nelson: When President Chapman is allowed to move back on campus, where can he store his guns?

Ryan Nostrom: I am not sure what the rules for his house are.

Jeremy Christie: A member Dickenson State University Student Senate and varsity student athlete. See attached testimony #5.

Donna Fishbeck: Senior student affairs officer at Bismarck State College. See attached testimony #6.

Senator Cook: You heard my question earlier about somebody having a shot gun in their trunk, am I starting to put the pieces together that the challenges aren't too bad except when they start drinking?

Donna Fishbeck: We are having students come to our campuses with many issues and we have students that come in with no issues but when allow firearms on campus we have risky behavior and it might not be the person who has the permit and has the gun, but there is access to that.

There was no more testimony and Vice Chairman Oehlke closed the public hearing on HB1348.

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 1348

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/12/09

Recorder Job Number: 11352

Committee Clerk Signature

Kate Awe

Minutes:

Senator Dever: Is the issue with higher education firearms?

Senator Nelson: President Richmond called me and told me his side to the story. 2 people were expelled at Wahpeton, one for carrying a non concealed weapon. He appealed and his advisors testified for him they suggested that he get an evaluation by psychiatrist and see a counselor and he agreed to all of those stipulations and he is now back in school. The one we heard from, had a concealed weapon, the weapon was in his backpack. He appealed and they went to his car and they did not find a hunting rifle, they found an AK 47. His professors would not testify in support of him and he would not agree to psychological testing and his appeal was refused by President Richmond. I did give you the policies at NDSU and at UND and the UND registration of gun policy. That is the proposal and it had been approved by their committee and needs to go to the staff senate. It looked like UND they would have a key card to get into a unit to get their guns. NDSU is willing to work with the students to have a way to store their guns on campus. But a handgun in a backpack is not acceptable.

Senator Cook: The whole fear of someone with a concealed weapon and if you allowed someone to shoot. People with concealed weapons, for the most part, are very responsible. I think that they are going to do whatever they can to protect themselves. Hold this and pass a

bill that solves a problem of college students who like to hunt being able to keep something locked in their trunk.

Senator Nelson: And we may find that all of the campuses have acceptable policies, for hunting proposes.

There was no further discussion on this bill and Chairman Dever closed the committee work on HB1348

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No.1348

Senate Government and Veterans Affairs Committee

☐ Check here for Conference Committee

Hearing Date: 03/12/09

Recorder Job Number: 11666

Committee Clerk Signature

Kate Oliver

Minutes:

Senator Dever: When we talked about the gun in the backpack, it seems to me that this bill wouldn't allow that anyway.

Senator Nelson: He was suspended because they found a handgun in his backpack. UND has a locked storage unit, NDSU says that they can keep a gun in a case in the car as long as it is not loaded and you have a permit. I want assure that the Board of Higher Education and the major campuses have the overriding right to control firearms on their premises.

Senator Dever: The email you sent me dealt with BSC and that there is a federal gun ban within 1,000 feet a K-12 facilities. At BSC it made the comment that high school students that take Vo Tech there, the only thing it would apply is if you have it in the trunk of your car.

Senator Cook: I don't have a problem with this bill, I know that university policy can limit where it can go.

Senator Dever: I don't either; it is not inconsistent with the policy, at least at NDSU.

Senator Horne: I don't think that I can support it; I can if university policy would be able to supersede the bill

Senator Oehlke: I know that Lake Region State College is concerned because it would be an expense to them. They don't have a security person now but they would have to get one in the

event that something happens. Lake Region is also across from the high school. I think that it is loose enough that it creates issues for the smaller colleges. They have ways to store guns for people and that type of thing, they are not arguing that. They will make arrangements for that. I am not sure the cost, \$50,000 a year at least.

Senator Dever: It applies to those that have a concealed permit and people who have hunting license. They are concerned with people that are legally carrying guns and not those who are not certified to carry a gun.

Senator Nelson: There was a bill like this in judiciary. I represent a college district and my campus is opposed to this.

Senator Dever: We are restricting legal people, that is an infringement on the second amendment.

Senator Oehlke: Would you like to know which employees are carrying concealed weapons and which are not? I would, not necessarily restrict them but I would want to know. The people that are going to be held responsible for whatever outcomes may happen

Senator Cook: I don't think that the passage of this bill is going to make a difference as to how people conduct themselves now. I know people who carry pistols in their car; it is there all the time. If they are going to NDSU for a ball game then they are breaking the law. I don't fear legal people having guns. As far as security I am not sure what a college would have to do to keep up with security. I don't spend time arguing with people who have difference of opinion.

A motion was made for a do not pass by Senator Nelson with a second by Senator Horne.

There was no further discussion, roll was taken, and the motion passed 3-2 with Senator

Nelson carrying the bill to the floor.

Date: 4-2-09
Roll Call Vote #: 1

Carrier
Nelson

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 1348

Senate Government and Veteran's Affairs Committee

☐ Check here for Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Not Pass

Motion Made By Nelson Seconded By Horne

Representatives	Yes	No	Representatives	Yes	No
Dick Dever		X	Dwight Cook		X
Dave Oehlke	X		Carolyn Nelson	X	
Robert M. Horne	X				

Total Yes 3 No 2

Absent _____

Floor Assignment _____

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

REPORT OF STANDING COMMITTEE (410)
April 2, 2009 1:54 p.m.

Module No: SR-56-6015
Carrier: Nelson
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

HB 1348, as engrossed: Government and Veterans Affairs Committee (Sen. Dever, Chairman) recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1348 was placed on the Fourteenth order on the calendar.

2009 TESTIMONY

HB 1348

#B
#1348

#1

Madame Chairman and members of the committee, my name is Thomas Nicolai and I am from Cooperstown, ND.

I respectfully ask you to consider a **Do Pass** recommendation for HB 1348.

I asked for this bill not out of fear or paranoia, but rather concern for our rights in North Dakota. There is one thing I fear and that is those who would misuse statistics to paint law-abiding citizens of this great state as criminals.

You will hear testimony today from those opposed to this bill and those in favor of it. Much of it may be vigorous and passionate. I urge you not to listen to rhetoric and emotion, but instead listen to facts and reason.


When concealed carry was first allowed in North Dakota more than 20 years ago there was no increase in violence. Similarly, allowing concealed carry into the places currently prohibited will not lead to blood flowing in our campuses, parks and churches. On the contrary, crime rates will most likely fall as they usually do when concealed carry is broadened.

Florida and Texas have kept track of the crime rates concerning concealed carry permit holders since they allowed it. According to the Florida Department of Justice, the crime rate for permit holders has been about .02%. In Texas the crime rate for permit holders has been 5 to 7 times lower than the general public. The crime rate for permit holders is even lower than the crime rate for police officers.

In the past few years attacks have happened in other states in the areas prohibited by our current law. At Virginia Tech 32 people were killed. At New Life Church in Colorado Springs 2 were killed and 2 were killed by the same shooter at another location earlier that day. The difference in death toll is due to a woman with a concealed weapons permit wounding and stopping the killer in Colorado.

I don't foresee attacks like this happening in North Dakota, but neither did the residents of those states. When a college president in North Dakota feels the need for a bodyguard, I am beginning to wonder if I should be more concerned. After all, I don't get to carry a police officer with me everywhere I go.

Thank you for your time.



Thomas Nicolai

HB 1348

#2

Madame Chairman and members of the committee, my name is Greg Plautz, and I am the President of the University of North Dakota chapter of Students for Concealed Carry on Campus.

I come before you today to testify in support of House Bill 1348, as I believe it is an important step to ensure that the rights of Concealed Carry Permit holders in the state of North Dakota be upheld justly, and Constitutionally.

The opponents of this bill will testify to you today using mainly fear-based arguments, with hypothetical situations that they fear will take place, despite such situations rarely occurring in areas unaffected by this bill. I'm not interested in providing my viewpoints and arguments to you in that manner. My supporters and I would rather prefer to tell you of facts surrounding this issue, such as , with regard to concealed carry on campus, Concealed Carry Permit holders having been allowed to lawfully carry concealed weapons on campus in every public Utah University, Blue Ridge Community College in Virginia, and Colorado State University in Colorado, for numerous years now, all the while without incident. No senseless violence, no misuse of firearms, just responsible adults going about their lives protecting themselves in places that individuals in North Dakota are prohibited to protect themselves in.

I am a holder of a State of Utah Concealed Carry Permit, which I had to take an 8-hour training course to obtain, that featured a rigorous itinerary consisting of law, justification for use of force, firearm safety, and qualification with a firearm. By holding this permit, I am allowed the privilege to carry a concealed weapon in most places around the state. Many of the exceptions to the places I can carry offer me some other form of security to compensate me for the disarmament, such as government buildings with protected entries, and police stations with armed officers in plain sight. Unfortunately, many of the places that the law prevents me from going armed in around North Dakota do not provide me with security as compensation, and I am left defenseless. Examples of these places can be found in the "Public Gatherings" Clause of ND Century Code 62.1-02-05.

Contrary to many perceptions about this bill, House Bill 1348 is not a bill written for College Students, enabling them to carry concealed weapons on college campuses solely for being students. That statement could not be farther from the truth. It is instead a bill written for Adults, who possess Concealed Carry Permits, who are currently prohibited from protecting themselves by carrying concealed weapons in areas where security is not provided to them.

Indeed, there are Concealed Carry Permit holders who also happen to be students at public universities around North Dakota, I am obviously one of them. The people who fall under this distinction are unfortunately more affected by the "Public Gathering," restriction than many others, however, as we are not allowed to utilize the privileges of our Concealed Carry Permits in the places where we spend the majority of our time during the week.

The most important fact to remember about Concealed Carry Permit holders that happen to be college students, though, is that we are exactly the same people off campus as we are on campus. The state of North Dakota, through its certification process, or through reciprocity with other states' certification processes, finds us capable enough to possess a Concealed Weapon in the majority of locales of the state, yet deny us the right to possess a Concealed Weapon on a college campus, where we spend most of our time. We do not change personalities when we venture onto campus property. We are the same responsible, mature adults no matter where we are. Denying Concealed Carry Permit Holders the privilege to defend themselves based solely on location, and no other variable, is wrong, and is what we are attempting to change.

I believe the single most important thing to remember about House Bill 1348 is the fact that individuals with malicious intentions will not change their habits whether this bill passes or fails. The entire definition of "Criminal" itself is based around someone who does not comply with law, and if someone intends to break the law to cause harm to someone else, limitations placed on law abiding Concealed Carry Permit Holders restricting where they can legally carry a concealed weapon do not matter to them. They will break these laws on a whim to carry out their intentions, and will know that the people actually following the law will be completely defenseless. House Bill 1348 would no longer allow potential criminals to have the luxury of knowing that law-abiding citizens will be disarmed in these areas defined as "Public Gatherings, and would remove restrictions preventing Concealed Carry Permit holders from protecting themselves and their families in nearly any locale where protection is not provided to them. I therefore ask you to support House Bill 1348, and recommend a Do Pass conclusion.

Thank you, and I welcome your questions.

Kristopher Karls 3524 5th St. W. #204 West Fargo, ND 58078 #3

Dear North Dakota State Representatives,

I am writing to you today urging your support for House Bill 1348, which would allow law-abiding citizens to responsibly protect themselves from becoming victims of violent crime. I understand that there are some who oppose this legislation not out of malice, but because they have been misinformed about the responsibility of possessing a concealed firearm or other tool of self defense. I hope to illuminate the subject for those who may have reservations about supporting this bill, particularly because of the stipulation that would allow concealed carry on North Dakota college campuses.

To begin with, it's important to state that I do not support this legislation because I fear that a Virginia-Tech-style mass homicide is *likely* to take place on our college campuses. While there have been numerous incidents of violent shootings on school grounds throughout the nation and it is *possible* that such a tragic event could take place in North Dakota, such instances are extremely rare and provide only a minimal rationale for supporting this legislation. Rather, I ask for your support because the residents of North Dakota are not immune to becoming victims of the type of violent crimes that cause irreversible damage to life, health, and well-being. Accordingly, students of our university systems should not be discriminated against and ought to be afforded the same opportunity to protect themselves as those who reside outside of college campuses. Our state's various branches of law enforcement do an outstanding job of protecting North Dakota's populace. However, police officers cannot be in all places at all times. An individual is no less likely to be victimized on *public* property than on *private* property.

With this in mind, I'd like you to consider the combined student populations of our state university system. With around 27,000 students between NDSU and UND alone, the state's total college student population is equal to about the 4th largest city in ND. Not allowing firearms on college campuses is akin to not allowing firearms in the city of Minot. Which of you reading or listening to this letter would like to be the first to announce to the citizens of the Magic City that they will be deprived of their right to possess any and all firearms?

Standards set forth by the state of North Dakota ensure that those individuals issued permits to conceal and carry weapons understand the immense responsibility that comes with carrying a firearm. The pool of individuals that possess these permits in the state of North Dakota is increasing significantly over time. It is evident that the preparation required to lawfully carry a concealed weapon is serving its intended purpose, as I've yet to hear of any single permit holder in ND acting as a 'cowboy vigilante' or accidentally discharging a concealed firearm while carrying it on their person. We do not hear news stories about minor scuffles escalating into gunfights because of citizens arming themselves. There is no evidence to support the claim that permit holders will suddenly and inexplicably become aggressive or reckless once they step foot on a college campus or other public property.

I take great pride in the fact that year after year North Dakota proves to have one of the lowest crime rates in the nation. But again, that does not mean we are immune to violent

crime. According to North Dakota Law Enforcement Agency Uniform Crime Reports, 2007 saw a record 911 violent crimes, including 207 forcible rapes and 12 homicides. These statistics do not reflect a society that affords its citizens the luxury of dismissing the right to protect themselves. It is foolhardy and naïve to assume that people ought to wait until a sufficient number of crises have taken place to prepare themselves for the worst. When asked why a person would need to arm themselves in such a peaceful place as North Dakota, I'm reminded of at least 207 individuals that did not expect to be forcibly raped last year and at least 12 individuals who did not expect to be murdered.

Allowing the responsible possession of concealed means of protection on *public* property would also extend to an individuals ability to protect themselves on *private* property. For example, many college students or state employees live away from public places but are deprived of their right to carry a concealed weapon while traveling because their *destination* prohibits it. We do not hear of instances in ND where responsible permit holders create dangerous situations but we *do* hear of individuals being assaulted while traveling between locations. Two highly publicized examples immediately come to mind:

- Earlier this month at an interstate rest stop just outside of the Fargo-Moorhead area a Montana man was stabbed repeatedly by a crazed assailant. Under current state law, the victim would not have legally been allowed to carry a concealed weapon at a North Dakota interstate rest area because it is public property.
- In 2003, 22-year-old UND college student Dru Sjodin was abducted in a shopping mall parking lot in broad daylight while walking to her vehicle. Mall security personnel and video surveillance cameras were unable to prevent the assault, kidnapping and murder of the innocent young woman. Dru may not have needed a weapon while inside the building or even in her car, but most likely she would have benefited from being prepared while traveling between the two points.

North Dakota is home to thousands upon thousands of gun owners who, by an *overwhelming* majority, have proven themselves to be safe, respectful, law-abiding citizens. Firearms are as much a part of North Dakota's celebrated heritage as farming and ranching. To suddenly and unexplainably label our state's gun owners as dangerous or irresponsible would be not only offensive but disgraceful. As a North Dakota Hunter's Education Instructor I, like many others, pride myself on the safe and responsible culture that we promote in the state of North Dakota. Recently, UND began enforcing a "no guns on campus" policy that required gun-owning students to store their guns with the campus police department. It warmed my heart to learn that the police department has been flooded with firearms, having to build additional storage for the student's property. Why would this proliferation of guns bring me such joy? Because it shows that students have had guns on campus all along, and all along we have not heard news stories of escalating gun violence, accidental shootings, or Clint Eastwood-style acts of bravado. So long as we continue to have faith in the great people of our state to act respectfully of each other and of our responsibilities, we will continue to break the stereotypes of an ill-informed society. Likewise, if we perpetuate the ignorant message to future generations that firearms are violent and dangerous, guns will become objects of violence and danger. I

encourage you all to support this legislation on behalf of all responsible gun owners in North Dakota. Allow us to exercise the constitutionally endowed privilege that we have dutifully earned to protect ourselves from victimization. Thank you for considering this legislation and for representing the people of the greatest state in the Union.

Kristopher Karls
3524 5th St. W #204
West Fargo, ND 58078

North Dakota University System
HB 1348 – House Government and Veterans Affairs
January 30, 2009
William Goetz, Chancellor

Madame Chairman, members of the House Government and Veterans Affairs Committee. Good morning. For the record, my name is William Goetz, Chancellor, North Dakota University System.

The ND State Board of Higher Education and the ND University System oppose HB1348, which would authorize individuals licensed to carry a concealed weapon to carry firearms at public events and places, including college and university campuses.

Except for armed police officers, firearms are prohibited on NDUS campuses (although several institutions allow hunting guns in designated storage facilities). Under current law and policies:

- ND is probably the safest state in the country; ND violent crime numbers are the lowest or among the lowest of all states each year
- College campuses are among the safest places and shootings are rare events, an average of about 16 a year at all 4,000 institutions (Report of Virginia Tech Review Panel to Governor Kaine of the Commonwealth of Virginia (2007))
- 93% of violent crimes involving a college student victim occur off campus ("Special Report National Crime Victimization Survey Violent Victimization of College Students, 1995-2002," U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics (January 2005))
- Violent crime is rare at NDUS campuses; a survey revealed one suicide with a gun in the late 1970s but no other shooting incidents and just one murder on a NDUS campus, which happened in 1975

Law enforcement agencies and security professionals oppose expanding rights of private individuals to carry guns on college campuses. They recommend:

- Threat assessment teams
- Cooperative planning and response drills with local law enforcement
- Training employees and students on emergency response actions
- Multi-layered emergency communications systems
- Enhancing state participation in reporting systems to ensure that all information relevant to federal firearms prohibitions is reported

(Report of Virginia Tech Review Panel)

Law enforcement professionals say expanding right to carry laws to college campuses will not deter shooting incidents and will make college campuses less safe:

- The International Association of Campus Law Enforcement Administrators (IACLEA) opposes concealed carry initiatives, citing studies that student gun owners are more likely to engage in binge drinking and other risky activities and that suicides, which accounted for 55% of the country's 31,000 firearms deaths in 2005, are a significant and growing concern at college campuses ("IACLEA Position Statement: Concealed Carrying of Firearms, Proposals on College Campuses," IACLEA President Lisa A. Sprague (Aug. 12, 2008))

- Trained police officers, on average, hit their intended targets 20% of the time they fire their weapons in the line of duty (Morrison, "Deadly Force Programs Among Larger U.S. Police Departments," 9 Police Quarterly 331, 332 (2006)); if trained police miss their targets 80% of the time, individuals with little or no formal training who pull out guns and start shooting in response to real or imaginary threats at crowded public gatherings will likely be even less accurate
- Law enforcement officers responding to a shooting in progress - or officers at a public event when someone starts shooting - are trained to take out the shooter and won't distinguish between a bad guy and a bystander who pulls out a gun and starts shooting at (and most likely missing) the bad guy
- Most college campuses ban or restrict guns and based on crime data, most are significantly safer than cities and towns in which they are located
- Utah is the only state with a law stating private individuals with a concealed weapons license may carry on college campuses and there are only 11 college campuses in the country - including Utah's 9 - where licensed individuals may carry concealed weapons ("Danger on Campus: Law and Policy Response to High-Risk Individuals and Events," Rutgers Senior Vice President and General Counsel Jonathan R. Alger (February 2009 unpublished draft, to be presented at the 30th Annual National Conference on Law and Higher Education))
- The country's foremost experts on training and use of weapons by young adults - our armed forces - ban or restrict private firearms and other private weapons at U.S. military academies and other military installations. For example, at the United States Military Academy, carrying weapons is prohibited (except by MPs and other personnel authorized to do so), cadets may not have private firearms or other weapons in their residence halls and other military personnel or tenants must register all firearms and other weapons and keep the weapons in approved, secure storage areas (USMA REG 190-3, 17 December 2003)

Even though NDUS campuses have been safe and violent crimes are rare, the NDUS has taken proactive steps to increase security precautions:

- NotiFind emergency notification system is fully functional
- In response to the chancellor's directive, NDUS institutions last year completed a review of safety and security policies and procedures
- NDUS institutions have developed plans and requested funding for additional security enhancements, including additional staffing, training, security systems and other measures

The U.S. Supreme Court, in its recent opinion striking down a Washington, D.C. firearms ban, explicitly stated that nothing in the opinion "should be taken to cast doubt on longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as schools and government buildings . . ."

(District of Columbia v. Heller, 128 S.Ct. 2783, 2816-17 (2008)).

College campuses in this state - without guns except those in the hands of trained law enforcement officers - now have less violent crime than almost any other place in the country. Let's keep it that way. I urge you to either amend the bill to retain a ban on weapons at NDUS campuses or, if not amended, vote Do Not Pass on HB1348.

#5 Attachment

Testimony to the Government and Veterans Affairs Committee regarding HB1348.
Ron Storhaug, NDSU Student
1/30/09

Ms. Chairman and members of the committee, my name is Ron Storhaug and I am a student at North Dakota State University. I am originally from District 32 in Bismarck and I am here today to speak on behalf of the students of NDSU in opposition to HB 1348.

First and foremost, I am a hunter and a gun owner. I have been around firearms since before I can remember and my father is licensed to carry a concealed weapon. Since an early age, I have been taught to treat firearms with respect and to value their role in society. However, HB 1348 has been causing concerns on my campus.

Following the introduction of HB 1348, I have spoken to a number of students from around the state regarding the proposed legislation which would allow concealed weapons on the NDSU campus, as well as the other campuses in the university system. These concerns have been overwhelmingly in opposition to the legislation because these students do not see the need for concealed weapons on campus. In fact, a number of these students said they would feel more unsafe knowing that the student sitting next to them could legally have a concealed weapon with them.

Our campus environment is a safe one and we are thankful for that. We appreciate the increased efforts on your behalf to make our campuses safer. In my three and a half years at NDSU thus far, I have noticed more security on our campus every year. The recent investments in NotiFind, along with the installment of emergency monitors throughout our classroom buildings, have effectively installed a safe feeling at NDSU.

To me, it seems simple: Guns have their place in North Dakota---and this place does not include university residence halls and classroom buildings. This legislation bans guns in elementary, middle, and high schools but why does it not include institutions of higher education? Current NDUS policies prohibit firearms on campus except for armed police officers and we ask you to maintain this level of security and accountability.

Thank you.

Ben Ziemer

University Of North Dakota

I and the north Dakota student association, which represents the majority opinion of all of the public higher ed institutions of north Dakota

I **Do not** support this bill which allows students to be armed while on campus.

Primary reasons that I do not support it

- many large public gatherings where bystanders can get hurt
- a larger amount of alcohol and drugs on campus that impair users judgment
- risk of theft and the high cost of implementing anti theft systems in dorms and Greek houses
- Provides suicidal students with an easier to access option
- Higher risk of violent crimes associated with early adulthood
- risk of an accidental shooting

All can be avoided if guns are not allowed on our campuses.

Attachment #7

Franklin Michael
President
North Dakota Student Association
Testimony against HB 1348

Committee Chair and Members of the Committee,

My name is Frank Michael and I am here to speak on behalf of the North Dakota Student Association. Today's issue of conceal and carry is quite the emotional topic. I am a gun owner, hunter, traditional black powder shooter, and the only reason I don't have my conceal and carry is because I can't afford it yet. I enjoy the sport of shooting but I believe there is a proper place for firearms and at our institutions is not one of them. HB 1348 will not make our students feel safer, and it will not make our campuses safer. In fact, I think it will only add additional stress to the campus environment.

HB 1348 will allow licensed individuals to conceal and carry a weapon on campus. I ask why is this necessary? We live in ND one of the safest states in America, do students really need concealed weapons on our campuses to feel safe? In my 5 years attending college I have never met anyone who has expressed a need to possess a firearm on campus to feel safe. There has never been a murder involving a firearm at a NDUS institution, and hopefully that statement will continue to hold true. The NDUS has taken steps and fulfilled initiatives to make our campuses safer, we have the fully functional NotiFind System, additional security staff, and procedures and plans have been reviewed and implemented. For me, campus is one of the safest places around, it is a place where I can go to get away at any time during the day or night, and if it ever becomes unsafe I know there is a top-notch system in place to protect us.

This argument is not in opposition of conceal and carry, firearms play an important role in our society, but as I mentioned before there is a proper place for firearms to be present and at our educational institutions is not one of them.

Attachment
#8

The following points are a summary of the scenario testimony attached:

- . If shots were fired in a crowd, would the plain clothes civilians with concealed weapons permits know who the other legal concealed weapons permit holders are, or do they just start shooting at each other?
- . If there are multiple plain clothes civilians in the crowd with concealed weapons permits, do we then have a shootout happening in a crowd?
- . What happens to all those shots that miss their intended targets? Do we now have multiple innocent people in the crowd being wounded or killed?
- . Do the concealed weapons permit holders know they may be financially as well as criminally responsible for their actions? How many carry insurance for this liability?
- . Police train for active shooter response using only uniformed officers whose sole purpose is to terminate the shooting. Does the concealed weapons permit holder understand since they are in civilian clothes with a weapon in their hands, they may be fired upon with deadly force from responding law enforcement?
- . Should law enforcement not be opposed to the bill, but simply take the approach that after all the shooting is done, they go into the area and try to figure out what just happened?
- . Most active shooters are doing it for the notoriety knowing they will either die by their own hand or by "suicide by cop". Now they also can gain more notoriety because they die in a shootout with the public, which we may call "suicide by the public".
- . Finally, many of the individuals who end up being active shooters will likely be able to qualify for a concealed weapons permit because of the minimum qualifying standards. Now we have just given them the perfect cover to bring their deadly toys into our otherwise safe environments.

Submitted by:

Ray Boyer

Ray Boyer, Director
University Police & Safety Office
North Dakota State University

House Bill 1348 Testimony: March 12, 2009

*Same
testimony given
to Senate.*

Please allow me to create a scenario for you to consider.

I am a student at North Dakota State University and have a concealed weapons permit. NDSU allows me to carry this on campus under their new policy.

One day I am in class in a large auditorium type of setting with about 100 other students. One of the students in the back of the class stands up and starts yelling and firing a weapon.

I'm sitting in the front of the class, draw my weapon and start shooting at the gunman. With all of the other students moving about trying to get out of the way of the first gunman, I end up shooting another classmate instead of the gunman.

Across the room another student who I don't know, has a concealed weapon too and pulls his gun and shoots at me thinking I am the active shooter. He misses, but fires off another round, again missing. I hear screams of pain behind me as his missed shots apparently hit others.

To defend myself, I draw down on this student and return fire, hitting him with a fatal shot. Now I am sick, because I don't know if I just shot an active shooter or someone else who is just trying to help.

In the meantime, another student calls 911 and reports the shooting. Law enforcement from several area agencies in the Fargo-Moorhead area respond as they have trained together to do.

The first four uniformed officers arriving at the scene start to enter the building and are approaching the classroom with weapons drawn.

Also, the original gunman has now shot several more people and continues to shoot. I am trying now just to defend myself as he is aiming at me. I start to draw down on him and fire, only to miss as he keeps moving about.

My missed shot hits another unarmed student who cries out in pain.

Now the uniformed officers enter the classroom and see both the gunman and me with our weapons drawn. They fire one fatal shot at the gunman and as I turn towards them with my weapon in hand, a second shot is fired and I am dead.

It takes law enforcement several weeks to determine what really happened and why.

In the meantime, my family is publicly scrutinized because I have been identified as killing and injuring some of the students. My wife and kids appear to be facing years of litigation because those families of the students I killed or wounded have already obtained attorneys who are looking to sue.

I had no insurance, because who carries liability insurance for discharging a concealed weapon??

As for the law enforcement who responded. The very first officer on the scene was a plain clothes officer. The training he received told him not to enter the building as he could be mistaken in plain clothes with his weapon drawn as being the hostile and be fired upon by uniformed officers.

For the first four officers in uniform who did respond, they did as they were trained. They entered the building with weapons drawn with the single initial purpose to terminate the shooting.

They even go past students who had been wounded and crawled out into the hallway. Again, stopping the shooting was their primary initial objective as trained.

I only thought carrying a concealed weapon on campus would help provide more security and safety.

No one told me the type of person who ends up as an active shooter is the person who wants notoriety first and is not typically concerned with dying.

In fact, they likely prefer "suicide by cop", but now with concealed weapons legislation, they can create more hostility and notoriety by seeking "suicide by the public".

In conclusion:

I own guns.

I am not currently a licensed law enforcement officer, but had been in North Dakota for several years.

I do not have a concealed weapons permit, nor would I seek one under current statute or proposed legislation.

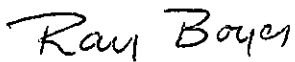
I simply don't have a personal need for the permit, nor do I desire to assume a public responsibility for an armed response. There is no public protection for me if I don't make my first shot fatal, and that I am sure beyond a reasonable doubt that the person I am shooting is hostile.

That is why we have law enforcement and we need to let them do their jobs.

Not perfect, but it's the world today!

Thank you for your time and the consideration of my points in opposition to HB 1348.

Submitted by:



Ray Boyer

Ray Boyer, Director
University Police & Safety Office
North Dakota State University

and serving as:

Chairperson
North Dakota University System
Loss Control Committee

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1348

Page 2, line 23, after "school" insert ", or is on real property comprising a state or private institution of higher education except when that individual is on real property that is an apartment building or that building's related parking and shared space. As used in this subsection, apartment building does not include a dormitory."

Renumber accordingly

Mr. Chairman, and members of the committee, my name is Thomas Nicolai of Cooperstown, ND. I speak today in support of HB1348 in its original form.

Ever since I gave testimony on this bill in front of the House, I have been thinking about what needs to be said in front of the Senate. I had thought about totally revamping my testimony for you today, but I believe you need to hear the information I told the House as well. Unfortunately the majority of the House committee was swayed by the voices of Higher Education and amended the bill greatly. When I asked for the introduction of this bill, the focus was not campus carry as the media led everyone to believe. The focus was on gaining back rights that should never have been taken from North Dakotans in the first place.

I told the House that I asked for this not out of fear or paranoia, but rather a concern for our rights in this state and this country. Unfortunately the fear and paranoia came from those opposed to the original bill. They let their imaginations run wild with what might happen if we allow carry in the currently restricted areas. They talk about blood flowing in the streets and college kids run amuck. The same talk is repeated time and time again, but never comes true.

I asked the House to listen to facts and reason. Those opposed to this bill did not bring forth either of these. Here are the facts:

Concealed weapons permit holders are more law-abiding than most. According to the Florida Department of Justice, the crime rate for permit holders is .02%. Texas has a similar crime rate for permit holders. To my knowledge, North Dakota has not tracked this statistic, but I don't think we would be any higher than Florida or Texas.

According to a paper by Clayton Cramer and Dave Kopel, about 11% of police shootings kill an innocent person - about 2% of shootings by citizens kill an innocent person. The odds of a defensive gun user killing an innocent person are less than 1 in 26,000.

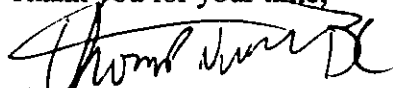
Just this past Sunday, in Maryville, IL a man who decided to **illegally** carry a gun burst into the First Baptist Church and killed Rev. Fred Winters. The congregants followed Illinois law and no one else was carrying a gun. If the shooter's gun had not jammed, he may have been able to kill more people. Contrast this with the case in 2007 when Jeanne Assam was able to stop the attacker at New Life Church by wounding him with the gun that Colorado law allowed her to carry in church. She did not shoot any innocent bystanders, but did stop the man who was **not following the law**.

As I told the House Government and Veterans Affairs Committee, I don't foresee any attacks like this occurring here in ND, but neither did the congregants at New Life Church or First Baptist Church. Concealed weapons permit holders are not the bad guys, please give them a chance to protect their families if something like this should ever happen here.

I would ask you to support this change in ND law and to amend the bill so that permit holders can carry in most of the public gathering areas currently restricted. Out of respect for the objections raised in the House we ask that K-12 schools and colleges continue to be restricted except for the protections offered in the House amended bill.

I have submitted the amendment I propose to Senators Lyson and Wanzek and have included a copy in my testimony. I also brought each of you a copy of an excerpt from GunFacts that deals with Concealed Carry permit laws. GunFacts is a booklet compiled by Guy Smith from factual sources in order to dispel the myths perpetuated by the media and those against gun rights. If you wish to view his full book, it is available for free download online at www.gunfacts.info.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Thomas Nicolai", with a stylized flourish at the end.

Thomas Nicolai, DC

Desired Text of CCW law exempting permit holders from public gatherings.

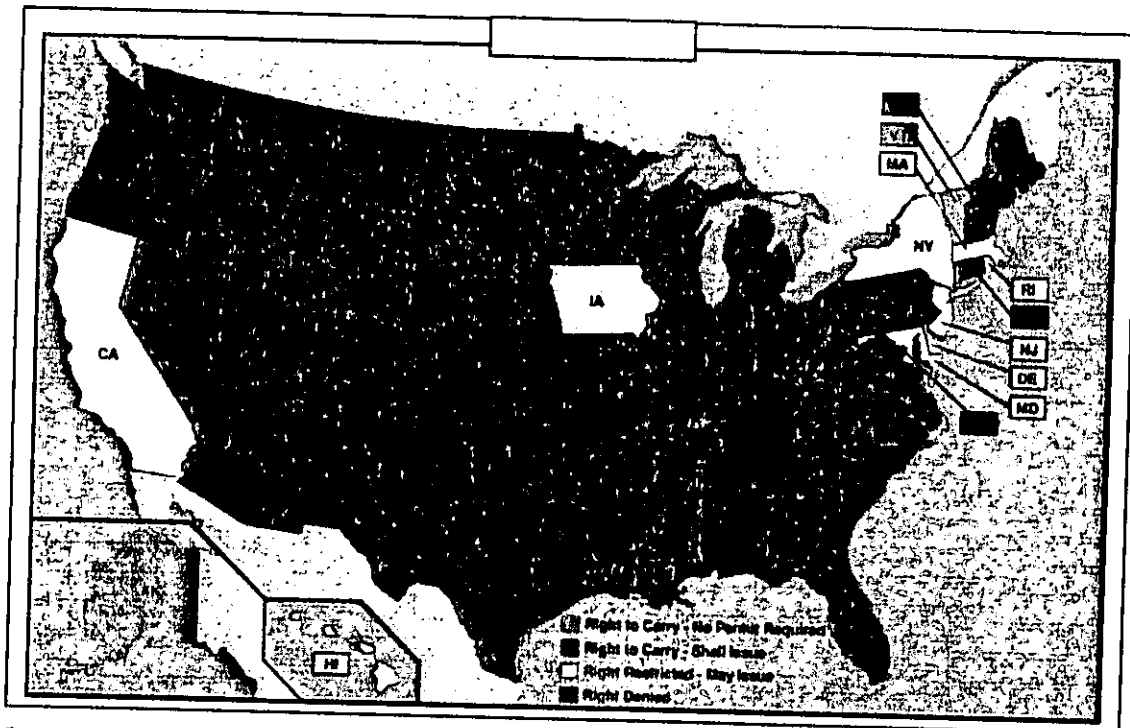
A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to the possession of a firearm at a public gathering.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

1. A person who possesses a firearm at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" includes athletic or sporting events, schools or school functions, churches or church functions, political rallies or functions, musical concerts, and individuals in publicly owned parks where hunting is not allowed by proclamation and publicly owned or operated buildings.
2. This section does not apply to law enforcement officers; members of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty; competitors participating in organized sport shooting events; gun and antique shows; participants using blank cartridge firearms at sporting or theatrical events; any firearms carried in a temporary residence or motor vehicle; students and instructors at hunter safety classes; or private security personnel while on duty. In addition, a municipal court judge licensed to practice law in this state, a district court judge, and a retired North Dakota law enforcement officer are exempt from the prohibition and penalty in subsection 1 if the individual is otherwise licensed to carry a firearm under section 62.1-04-03 and maintains the same level of firearms proficiency as is required by the peace officers 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.
3. This section does not apply to an individual licensed to carry a firearm under section 62.1-04-03 unless that individual is on the real property comprising a public or nonpublic elementary, middle, high school, college or university.
4. This section does not apply to an individual licensed to carry a firearm under section 62.1-04-03 when that individual is on the real property comprising a state or private institution of higher education and that individual is on real property that is a dwelling unit or that unit's related parking and shared space. In addition, this section does not apply to an individual with a valid general game license issued by this state or who has successfully completed hunter education in this state or any other state or province, when that individual is on the real property, comprising a state or private institution of higher education and that individual is on the real property that is a dwelling unit or that unit's related parking and shared space. As used in this subsection, dwelling unit does not include a dormitory.
5. This section does not prevent any political subdivision from enacting an ordinance which is less restrictive than this section relating to the possession of firearms at a public gathering. Such an ordinance supersedes this section within the jurisdiction of the political subdivision.

CONCEALED CARRY LAWS AND WEAPONS



MYTH: CONCEALED CARRY LAWS INCREASE CRIME

Fact: Forty states¹⁵⁰, comprising the majority of the American population, are "right-to-carry" states. Statistics show that in these states the crime rate fell (or did not rise) after the right-to-carry law became active (as of July, 2006). Nine states deny or restrict the right to carry.

Fact: Crime rates involving gun owners with carry permits have consistently been about 0.02% of all carry permit holders since Florida's right-to-carry law started in 1988.¹⁵¹

Fact: After passing their concealed carry law, Florida's homicide rate fell from 36% above the national average to 4% below, and remains below the national average (as of the last reporting period, 2005).¹⁵²

Fact: In Texas, murder rates fell 50% faster than the national average in the year after their concealed carry law passed. Rape rates fell 93% faster in the first year after enactment, and

¹⁵⁰ At publication time two more states, Kansas and Nebraska, have passed shall-issue legislation, but insufficient data was available to determine how the change has impacted crime rates.

¹⁵¹ Florida Department of Justice, 1998

¹⁵² Cramer C and Kopel D. Shall issue: the new wave of concealed handgun permit laws. Golden CO: Independence Institute Issue Paper. October 17, 1994

500% faster in the second¹⁵³. Assaults fell 250% faster in the second year.¹⁵⁴

Fact: More to the point, crime is significantly higher in states without right-to-carry laws¹⁵⁵:

Fact: States that disallow concealed carry have violent crime rates 11% higher than national averages.¹⁵⁶

Fact: Deaths and injuries from mass public shootings fall dramatically after right-to-carry concealed handgun laws are enacted. Between 1977 and 1995¹⁵⁷, the average death rate from mass shootings plummeted by up to 91% after such laws went into effect, and injuries dropped by over 80%.¹⁵⁸

Type of Crime	% Higher in Restrictive States
Robbery	105%
Murder	86%
Assault	82%
Violent Crime	81%
Auto theft	60%
Rape	25%

¹⁵³ Some criminologist believe measuring first year change is shortsighted as it takes more than a year for permits to be issued, reach critical quantities, and for the criminally minded to recognize the new situation and avoid violent confrontations.

¹⁵⁴ Bureau of Justice Statistics, online database, reviewing Texas and U.S. violent crime from 1995-2001.

¹⁵⁵ John Lott, David Mustard: This study involved county level crime statistics from *all* 3,054 counties in the U.S., from 1977 through 1992. During this time ten states adopted right-to-carry laws. It is estimated that if all states had adopted right-to-carry laws, in 1992 the US would have avoided 1,400 murders, 4,200 rapes, 12,000 robberies, 60,000 aggravated assaults – and saved over \$5,000,000,000 in victim expenses.

¹⁵⁶ FBI, Uniform Crime Reports, 2004 - excludes Hawaii and Rhode Island - small populations and geographic isolation create other determinants to violent crime.

¹⁵⁷ Federal legislation created a nation “gun-free schools” policy, effective in 1996. Some criminologists maintain this created a new dynamic, encouraging mass murder on campus. Thus after 1995 it is increasing difficult to make comparisons based on the effects of CCWs and mass shootings.

¹⁵⁸ “Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement”, John Lott and William Landes, Law School of the University of Chicago, Law & Economics Working Paper No. 73

MYTH: PEOPLE WITH CONCEALED WEAPONS PERMITS WILL COMMIT CRIMES

Fact: The results for the first 30 states that passed "shall-issue" laws for concealed carry permits are similar.

Fact: The general public is:¹⁶⁸

- 5.7 times more likely to be arrested for violent offenses than CCW permit holders.
- 13.5 times more likely to be arrested for non-violent offenses than the than CCW permit holders.

Fact: In Texas, the general public is 14 more likely to commit a crime than a CCW permit holder. They are also five times more likely to commit a violent crime.¹⁶⁹

Fact: Even gun control organizations agree it is a non-problem, as in Texas – "because there haven't been Wild West shootouts in the streets".¹⁷⁰

State ¹⁵⁹	Permits issued	Revoked permits	% Revoked	Violent Crime Rate Change ¹⁶⁰
Florida	1,327,321 ¹⁶¹	4,129	0.3%	-30.5%
Virginia	50,000 ¹⁶²	0	0.0%	-21.9%
Arizona	63,000 ¹⁶³	50	0.9%	-28.7%
North Carolina	59,587 ¹⁶⁴	1,274	1.2%	-26.4%
Minnesota	46,636 ¹⁶⁵	12	0.03%	16.8% ¹⁶⁶
Michigan	155,000 ¹⁶⁷	2,178	0.1%	1.4%

Fact: Of 14,000 CCW licensees in Oregon, only 4 (0.03%) were convicted of the criminal (not necessarily violent) use or possession of a firearm.

¹⁵⁹ Reports were as received. No selection or filtering process was used.

¹⁶⁰ Violent crime rates are from inception of "shall issue" CCW through 2006, the most recent period available through the Bureau of Justice Statistics online database.

¹⁶¹ October 1987 through Jan 2008

¹⁶² 1995 – no follow-up data available

¹⁶³ 1994 through 2007

¹⁶⁴ 1995 through 2004

¹⁶⁵ 2002 through 2006

¹⁶⁶ In 2005 and 2006, Minnesota had an abnormal spike in robbery and aggravated assaults. The first three years of CCW in Minnesota saw violent crime rates being roughly stable.

¹⁶⁷ 2001 through 2007

¹⁶⁸ "An Analysis of the Arrest Rate of Texas Concealed Carry Handgun License Holders as Compared to the Arrest Rate of the Entire Texas Population", William E. Sturdevant, PE, September 11, 1999

¹⁶⁹ Texas Department of Public Safety and the U.S. Census Bureau, reported in San Antonio Express-News, September, 2000

¹⁷⁰ Nina Butts, Texans Against Gun Violence, Dallas Morning News, August 10, 2000

Fact: In Florida, a state that has allowed concealed carry since late 1987, you are twice as likely to be attacked by an alligator as by a person with a concealed carry permit.¹⁷¹

MYTH: TEXAS CCW HOLDERS ARE ARRESTED 66% MORE OFTEN

Fact: Most arrests cited are not any form of violent crime (includes bounced checks or tax delinquency).¹⁷²

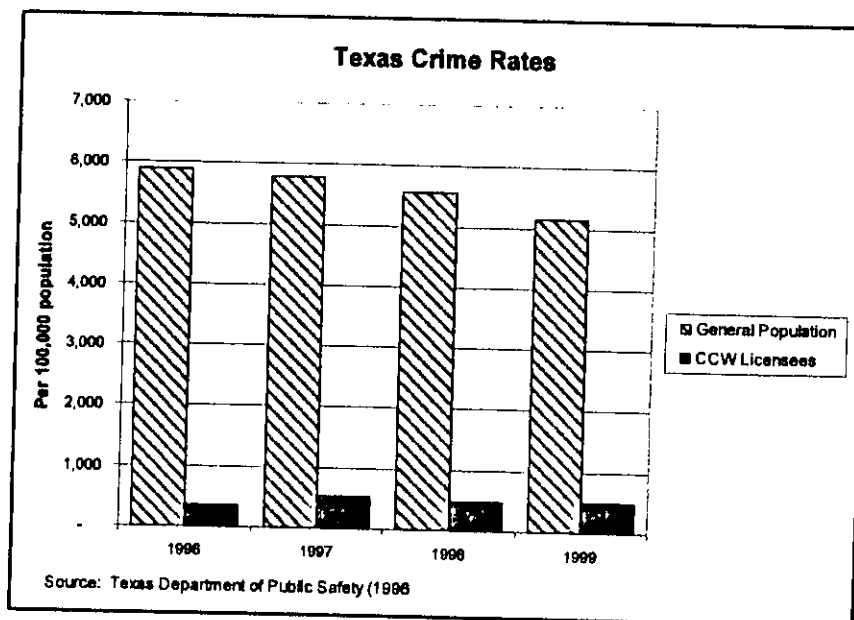
Fact: The VPC "study" only includes arrests, not convictions.

Fact: Many of these arrests in this premature VPC "study" came in the early years of Texas CCWs when the law was not understood by most of the law enforcement community or prosecutors.

Fact: Compared to the entire population, Texas CCW holders are about 7.6 times less likely to be arrested for a violent crime.¹⁷³ The numbers breakdown as follows:

- 214,000 CCW holders¹⁷⁴
- 526 (0.2%) felony arrests of CCW holders that have been adjudicated
- 100 (0.05%) felony convictions

Fact: A different study concludes that the four year violent crime arrest rate for CCW holders is 128 per 100,000. For the general population, it is 710 per 100,000. In other words, the general public is 5.5 times more likely to commit a violent crime than a CCW licensee.¹⁷⁵



¹⁷¹ Florida Department of State, "Concealed Weapons/Firearms License Statistical Report", 1998 – Florida Game and Fresh Water Fish Commission, December 1998

¹⁷² "Basis For Revocation Or Suspension Of Texas Concealed ", Texas Department of Public Safety, December 1, 1998

¹⁷³ Texas Department of Corrections data, 1996-2000, compiled by the Texas State Rifle Association, www.tsra.com/arrests.htm

¹⁷⁴ These are year 2000 records. As of 2005, the number of Texas concealed carry permit holders was 248,874.

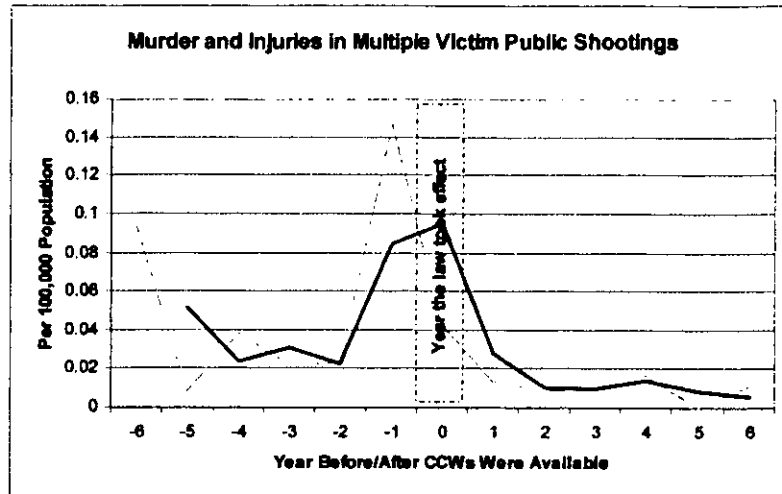
¹⁷⁵ "An Analysis Of The Arrest Rate Of Texas Concealed Handgun License Holders As Compared To The Arrest Rate Of The Entire Texas Population", William E. Sturdevant, PE, September 11, 1999

MYTH: CCWs WILL LEAD TO MASS PUBLIC SHOOTINGS

Fact: Multiple victim public shootings drop in states that pass shall-issue CCW legislation.¹⁷⁶

MYTH: PEOPLE DO NOT NEED CONCEALABLE WEAPONS

Fact: In 80% of gun defenses, the defender used a concealable handgun. A quarter of the gun defenses occurred in places away from the defender's home.¹⁷⁷



Fact: 77% of all violent crime occurs in public places.¹⁷⁸ This makes concealed carry necessary for almost all self-defense needs. But due to onerous laws forbidding concealed carry, only 26.8% of defensive gun uses occurred away from home.¹⁷⁹

Fact: Often, small weapons that are capable of being concealed are the only ones usable by people of small stature or with physical disabilities.

Fact: The average citizen doesn't need a Sport Utility Vehicle, but driving one is arguably safer than driving other vehicles. Similarly, carrying a concealable gun makes the owner – and his or her community – safer by providing protection not otherwise available.

MYTH: POLICE ARE AGAINST CONCEALED CARRYING BY CITIZENS

Fact: 66% of police chiefs believe that citizens carrying concealed firearms reduce rates of violent crime.¹⁸⁰

Fact: "All the horror stories I thought would come to pass didn't happen ...I think it's worked out well, and that says good things about the citizens who have permits. I'm a convert."¹⁸¹

¹⁷⁶ Lott John R., Landes William M.; "Multiple Victim Public Shootings, Bombings, and Right-to-Carry Concealed Handgun Laws: Contrasting Private and Public Law Enforcement"; University of Chicago – covers years 1977 to 1995

¹⁷⁷ "Armed Resistance to Crime: The Prevalence and Nature of Self-Defense with a Gun," by Gary Kleck and Marc Gertz, in The Journal of Criminal Law & Criminology, Northwestern University School of Law, Volume 86, Number 1, Fall, 1995

¹⁷⁸ U.S. Bureau of Justice Statistics, "Criminal Victimization in the United States", 1993

¹⁷⁹ Kleck and Gertz, National Self Defense Survey, 1995

¹⁸⁰ National Association of Chiefs of Police, 17th Annual National Survey of Police Chiefs & Sheriffs, 2005

¹⁸¹ Glenn White, president, Dallas Police Association, Dallas Morning News, December 23, 1997

Fact: "I ... [felt] that such legislation present[ed] a clear and present danger to law-abiding citizens by placing more handguns on our streets. Boy was I wrong. Our experience in Harris County, and indeed statewide, has proven my fears absolutely groundless".¹⁸²

Fact: Explain this to the Law Enforcement Alliance of America, Second Amendment Police Department, and Law Enforcement for the Preservation of the Second Amendment, all of whom support shall-issue concealed carry laws.

¹⁸² John B. Holmes, Harris County Texas district attorney, Dallas Morning News, December 23, 1997

Mr. Chairman, and members of the committee, my name is Josiah Koval. I am here today in support of HS1348 in its original form and intent with the amendments that Mr. Nicolai presented to Mr. Lyson and Mr. Wanzek and to keep the protections offered by the House amendment.

As a background about myself, I am 28 years old, a former soldier in the US Army and the MN ARNG, a single father, soon to be married, and I was a student at NDSCS in Wahpeton. I was expelled last month for having legally purchased and legally transported firearms in my locked vehicle on campus.

I live in Barnesville, off campus, and was going to go to the range north of Breckenridge on my way home as I just purchase them recently and it was a nice day out. Someone saw the case in my truck and the police were called. As they searched my vehicle, they found my handgun and confiscated both. I cooperated fully. I was informed of the zero tolerance policy on campus and was expelled. I have gone through my appeals and it was upheld.

I believe I would not have been expelled had this change been in effect. I have no criminal record. I had good grades, as you can see from the attached sheet. I was not angry or depressed, and I showed none of the warning signs and both firearms were being transported according to both MN and ND state law.

Gun Free zones has one meaning to someone looking to take out a grudge or just decides to snap. We used to call it in the Army a target rich environment.

Effectiveness of gun control laws is a misnomer. Gun control laws are ineffective. In fact, they are considered to be counter productive to their purpose. The things going on in people's lives have more of an impact on gun related deaths than do gun control laws.

Guns are not the causes of crime; the problems of society are the causes of crime. When there are family problems, low job opportunities, and low standards of education, society will experience a rise in crime levels. Guns are not the problem. People are the problem. People will find a way to commit their crimes even if guns did not exist at all. Gun control laws will not benefit the law-abiding citizen and they will not deter the criminal.

Baseball bats are used to kill people, should we ban baseball bats from everywhere? Of course not. Guns are tools. Just as the tools in my toolbox at work, they are designed to do a job. I don't use all of my tools all of the time, some are specialized, so too with my guns. I have a gun for home defense, a few for hunting, and some for fun.

As you may have heard in the news, a man killed 9 people in 3 towns with his gun. It wasn't the gun that was the problem, if he had a knife or a homemade bomb, he still would have completed his goal. The gun was a tool. He obviously had other problems in his life that caused him to do what he did. The gun didn't tell him to do it. If anyone he met in the commission of his crime had a gun and the proper training, there is a strong possibility someone would have stopped him before anyone else was killed or injured.

The boy in the mall in Omaha a few years ago, a public gathering area and a gun free zone, was stopped by an off duty officer who happened to be at the right place at the right time to stop him with only 2 people dead.

With no way to defend themselves, students are leaving themselves open to all sorts of crimes and assaults and people in public areas are susceptible to crime. I recently showed my fiancé all the sex offenders in the Fargo area, 13 were within walking distance of campus. She absolutely wishes she could keep the rifle she recently purchased in her on-campus apartment. It scared her. Even though the building has controlled access, people let people in all the time. It

just takes one person not following the guidelines to let one of them in. She has the right to defend herself.

Most people who own and use guns are responsible and law abiding. Please, members of the committee don't punish the ones trying to follow the law and trying to abide by our God given rights of Life, Liberty, and the Pursuit of Happiness. Let us who abide by the law, protect ourselves from those who would break the law.

I thank the committee for its time today.

Attachment: Unofficial Transcript

Report Results

Return

Unofficial Transcript

Print Date : 2009-03-11

Name : Josiah Koval

Student ID: 0738704

Birthdate : 1980-06-15

Address : 806 5th St SE Apt #105

Barnesville, MN 56514

United States

North Dakota State College of Science

800 Sixth Street North

Wahpeton, ND 58076

United States

- - - - - Beginning of Undergraduate Record - - - - -

2007 Spring

Technical & Services Division/Automotive Technology

Plan : AAS-Automotive Technology Major

HPER	210	First Aid & CPR	2.00	2.00	A	8.000
CIS	101	Computer Literacy	2.00	2.00	A	8.000
MATH	120	Basic Mathematics I	2.00	2.00	B	6.000
PSYC	100	Human Relations In Organizatio	2.00	2.00	A	8.000
ENGL	105	Technical Communications	3.00	3.00	A	12.000
MATH	123	Basic Mathematics II	2.00	2.00	B	6.000
TERM GPA : 3.692			TERM TOTALS :			48.000

CUM GPA :	3.692	CUM TOTALS :	13.00	13.00		48.00
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President's Honor Roll

2007 Fall

Technical & Services Division/Automotive Technology

Plan : AAS-Automotive Technology Major

AUTO	143	Steering/Suspension Wheel Alig	3.00	3.00	A	12.000
MATH	125	Basic Mathematics III	2.00	2.00	A	8.000
TECH	109	Air Conditioning	2.00	2.00	A	8.000
AUTO	103	Power Trains/Brakes	3.00	3.00	B	9.000
TECH	121	Engine Fundamentals	3.00	3.00	B	9.000
TERM GPA : 3.538			TERM TOTALS :			46.000

CUM GPA :	3.615	CUM TOTALS :	26.00	26.00		94.00
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President's Honor Roll

2008 Spring

Technical & Services Division/Automotive Technology

Plan : AAS-Automotive Technology Major

BOTE	146	Word Processing I	2.00	2.00	A	8.000
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AUTO	165	Automotive Elect'l/Electronics	5.00	5.00	A	20.000
MFGT	120	Basic Welding I	1.00	1.00	A	4.000
AUTO	188	Driveability Procedures I	5.00	5.00	A	20.000
TERM GPA :		4.000	TERM TOTALS :		13.00	13.00 52.000
CUM GPA :		3.744	CUM TOTALS :		39.00	39.00 146.00
President's Honor Roll						

2008 Summer

Technical & Services Division/Automotive Technology

Plan : AAS-Automotive Technology Major

AUTO	297	Cooperative Education	2.00	2.00	S	
TERM GPA :		0.000	TERM TOTALS :		2.00	2.00 0.000
CUM GPA :		3.744	CUM TOTALS :		41.00	41.00 146.00

2008 Fall

Technical & Services Division/Automotive Technology

Plan : AAS-Automotive Technology Major

ENGL	110	College Composition I	3.00	3.00	A	12.000
MFGT	123	Fabrication Methods I	2.00	2.00	A	8.000
AUTO	216	Engine Repair Theory	3.00	3.00	B	9.000
AUTO	217	Engine Repair Lab	4.00	4.00	C	8.000
AUTO	226	Automatic Trans/Transaxle Theo	3.00	3.00	B	9.000
AUTO	227	Auto Trans/Transaxle Lab	4.00	4.00	B	12.000
TERM GPA :		3.053	TERM TOTALS :		19.00	19.00 58.000
CUM GPA :		3.517	CUM TOTALS :		60.00	60.00 204.00

2009 Spring

Technical & Services Division/Automotive Technology

Plan : AAS-Automotive Technology Major

Withdrew : 2009-02-04

Undergraduate Career Totals

CUM GPA :	3.517	CUM TOTALS :	60.00	60.00	204.00
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Return

North Dakota University System

HB 1348 – Senate Government and Veterans Affairs

March 12, 2009

William Goetz, Chancellor

Mr. Chairman, members of the Senate Government and Veterans Affairs Committee. Good afternoon. For the record, my name is William Goetz, Chancellor, North Dakota University System.

The ND State Board of Higher Education and the ND University System oppose HB1348, which would authorize individuals licensed to carry a concealed weapon to carry firearms at public events and places, including college and university campuses.

As introduced, HB1348 would have amended a state statute that prohibits firearms at public gatherings and public places by making it lawful for individuals licensed to carry a concealed firearm to carry a weapon at public gatherings, including athletic or sporting events, schools or school functions, churches or church functions, political rallies or functions, musical concerts and public parks. The House amended the bill. Under the House amendment, existing prohibitions on firearms at public gatherings and places are retained, except individuals with a concealed weapons license, a valid ND game license or those who have completed hunter education in ND or any other state would be authorized to carry firearms at ND college and university campuses "on real property that is a dwelling unit or that unit's related parking and shared space." The amendment states that a "dwelling unit" does not include a "dormitory."

Under current law and NDUS institution policies, firearms are prohibited on NDUS campuses, except for armed police officers. Also, several institutions allow hunting guns in designated storage facilities.

Law enforcement agencies and security professionals oppose expanding rights of private individuals to carry guns on college campuses. They recommend:

- Threat assessment teams
- Cooperative planning and response drills with local law enforcement
- Training employees and students on emergency response actions
- Multi-layered emergency communications systems
- Enhancing state participation in reporting systems to ensure that all information relevant to federal firearms prohibitions is reported

(Report of Virginia Tech Review Panel)

Even though NDUS campuses have been safe and violent crimes are rare, the NDUS has taken proactive steps to increase security precautions:

- The NotiFind emergency notification system is fully functional.
- NDUS institutions last year completed a review of safety and security policies and procedures.
- NDUS institutions have developed plans for additional security enhancements, including additional staffing, training, security systems and other measures.

The NDUS has several questions or concerns regarding Engrossed HB 1348, including:

1. The amendment does not limit the types of firearms that are permitted. Apparently, it would be lawful for some individuals to possess any legal firearm on NDUS campuses in permitted areas, including not just handguns and hunting weapons but also an AK-47 or other assault weapon.
2. The use of the term "dwelling unit" and lack of a definition of "dormitory" raise questions regarding which residence halls are included or excluded. Does dormitory mean a traditional residence hall with single or double rooms, common bathrooms, etc? What about residence halls with separate "suites" for two, three or four students? How about newer or renovated buildings with student apartments for two, three or four students including baths, kitchens or kitchenettes, etc.?
3. Some campuses have classrooms, offices, meeting rooms, dining facilities, day care centers, etc. in the same building where student apartments are located. Under the amended bill, it would be lawful for authorized individuals to carry their firearms in "shared space." What does "shared space" mean?
4. Except for hunting guns permitted at some campuses in designated storage facilities, all NDUS campuses ban or restrict firearms everywhere on campus. It is not clear how this bill would affect those policies. We understand that staff in the attorney general's office has informally advised that NDUS institutions could continue to enforce institution policies if the bill passes. However, there is no formal opinion and no guarantee what conclusion might be reached if an opinion is requested. This should be clarified by an amendment stating the legislation does not affect authority of NDUS institutions to enforce institution policies.
5. Assuming NDUS policies are still valid if this bill becomes law, apparently it would force the institutions to post signs on campuses and at buildings and facilities putting residents, employees and visitors on notice that firearms are prohibited and violators are subject to arrest for trespass. In other words, the bill would accomplish nothing except add to administrative burdens and costs for NDUS institutions.

NDUS officials believe firearms should be excluded from NDUS campuses, except for weapons carried by law enforcement officers or as permitted under current NDUS policies permitting hunting guns in designated storage facilities. The NDUS opposes Engrossed HB 1348.

Legislative Hearing; March 12, 2009

Mr. Speaker, ladies and gentlemen, good afternoon. I stand here as a student representative of Dickinson State University. As a university we are in vehement opposition to house bill 1348 which would ultimately authorize the carry of concealed firearms on university campus. Given the very nature of this bill and its proposed amendments we have found it to be insufficient and that it does not take into consideration the peculiarity of Dickinson State's campus. We do not see the need for any individual who is not affiliated with a law enforcement agency to have permission to carry concealed weapons at any of our campus events or in our campus housing. As a Student Government we have unanimously passed a resolution in opposition to this bill due to the various incongruities that it possesses;

Although house bill 1348 makes provisions for individuals with existing and valid North Dakota Games license and by extension those who have completed hunter education in North Dakota. The bill and its amendments however do not stipulate the necessity for training in the fundamentals of firearm marksmanship, firearm safety, range safety or even proper weapons deployment. Nor does it specify or limit the types of firearms which will be permitted. Dickinson State sees the opportunity to carry concealed weapons on our campus as a means to proliferate tension among our students if conflicts arise.

Another contention is the bill's lack of a definition for the term "dwelling unit" and "dormitory" as well as its loose use of the term "Shared spaces" and given that the majority of our campus incidents occur within our dwelling units it would be irresponsible if we even support such an amendment. Seeing that one of our campus apartment units is within less than a hundred feet of an elementary k-6 school, and given that the apartments are less supervised we see that as an even greater issue of concern as it has the possibility of affecting individuals around DSU vicinity

This bill would ultimately affect the policies of Dickinson state as it does not make provision for the authority of DSU where the enforcing of our institution policies lie. Furthermore as an institution Dickinson State University believes that the implementation of such a measure would put additional strain on our already limited resources. It would therefore insinuate that as a university we would need to implement new strategies that include better screening of students, more efficient security measures on campus, and an expanded presence of university security personnel with better training, thus adding to the operational cost of the institution. Taking all these factors into consideration it is imperative that we oppose House bill 1348.

Jermaine Christen: Student Senate; Chairman Inquiry and Research Comm. Hous. Dickinson State Univ.

STUDENT SENATE RESOLUTION

North Dakota State Legislature House Bill NO. 1348

EXEC-02-0809

To: Dickinson State Student Senate

From: President Wagner and Vice-President Turnbough

The Dickinson State University (DSU) Student Senate sees the need to oppose State Legislature House Bill 1348 regarding the allowance of concealed weapons at public places and gatherings by those who are licensed to carry such weapons.

WHEREAS, recent ACUHO – EBI surveys from DSU students living in the residence halls reveal that our students rate us the highest possible rating in the category of campus safety and security, indicating that our students feel safe on DSU’s campus,

WHEREAS, DSU has never experienced a campus shooting,

WHEREAS, college campus shootings are rare,

WHEREAS, DSU has never experienced an on-campus murder,

WHEREAS, according to Bureau of Justice Statistics (January 2005), 93% of violent crimes involving a college student victim occur off campus,

WHEREAS, the NDUS institutions, including DSU, have reviewed campus safety and security policies and procedures, and have developed plans for enhanced security,

WHEREAS, the NotiFind emergency notification system has been implemented at DSU,

WHEREAS, it is the duty of the Student Senate to articulate the views of its constituents, and

WHEREAS, it is the obligation of the Student Senate to ensure that students have an effective role in the affairs of the North Dakota University System.

THEREFORE, LET IT BE RESOLVED that the Dickinson State University Student Senate stands opposed to the North Dakota State Legislature House Bill NO. 1348.

Approved: 12 Yays - Nays

Signed: Megan Wagner EO
President of Student Senate

Date: 24/02/09

Signed: Jenny Marbon EB
Secretary of Student Senate

Date: 24/02/09

HB 1348

Good Afternoon. Thank you Chairman Devor, members of the Senate Government and Veterans Affairs Committee, for allowing me to testify. My name is Donna Fishbeck and I am the senior student affairs officer for Bismarck State College. I am here today to testify in opposition of House Bill 1348.

The purpose of every educational institution is to provide the best education possible in an environment that is **positive** and **safe**. I believe that if House Bill 1348 passes, that environment would be compromised. Firearms serve no positive purpose in communities of education, including postsecondary.

Last evening I returned from a national conference held in Seattle for student affairs professionals in higher education. There were over 4000 participants from across the nation. One of the major concerns in higher education today is safety and as you can guess one of the topics discussed in length over the 5 days was campus safety and security. There was at least one workshop, if not more, at each of the six breakout sessions throughout the day on strategies and/or best practices in campus safety and security. Having firearms on campus, as is recommended in HB1348, was not one of those solutions or strategies to make our campuses safer.

Virginia Tech was the "tipping point" and has forced administrators and staff in higher education to respond to and step-up the focus of campus safety. Prevention and preparedness are key to having a safe campuses. Campus safety, mental health issues, emergency responses and safe facilities are all connected when focusing on prevention. There is no single best solution to ensuring campus safety. Even though NDUS campuses have been safe places to attend and violent crimes are rare, the NDUS has taken proactive steps to increase security precautions:

- The NotiFind emergency notification system is fully functional.
- NDUS institutions last year completed a review of safety and security policies and procedures.
- NDUS institutions have developed plans for additional security enhancements, including additional staffing, training, security systems and other measures.

It is evident that our campuses have put plans in place for safer facilities. Bismarck State College, like many other colleges, are developing or have in place "behavior or threat assessment teams" on their campuses. This strategy focuses on student behaviors and being proactive in identifying behaviors of concern and threat. As the judiciary officer on our campus and working with college students for the past 18 years, I am familiar with college student behavior. More than ever students are coming to our campus with much more issues. From my perspective, the behaviors of today's college students have to be taken into account when considering HB 1348. The reality is that

college students engage in risky behavior. Having firearms on campus, even in restricted dwellings, concerns me. Drinking is part of this risky behavior and is a part of the social life of many college students----a common brawl elicited from being under the influence could escalate into a deadly situation with the possibility of available firearms; guns could turn smaller confrontations into major, even tragic situations.

Having firearms in the residence life community could spread beyond those boundaries. The mission of BSC, a community college, is access. Our campus has no limits to the plethora of constituents we serve on a day to day basis daily: these could be our students or those from our sister institutions who are delivering programs on our campus, employees from our local business taking training, elementary, middle school and high school student, community members in general participating in an events, and of course faculty, staff and administrators who work at BSC. I am not convinced that the possession of firearms on campus by those who have proper permits will stay confined to the designated housing dwellings. If this bill passes, I am concerned for the safety of not only our students, staff and faculty, but the community members who access our campus and facilities on a daily basis.

I urge you to allow those of us who work in higher education to implement the strategies that have been identified from lessons learned from our nation's institutions such as Virginia Tech and Northern Illinois. I request of you to allow us to implement and refine these strategies for making our campuses safe. Please do not add another factor to the already complex challenges we are addressing as they relate to safety on our campuses.

Thank you for your time and taking into account this information as you make a decision on House Bill 1348.

Chairman Devor, members of the committee, Are there any questions I can answer for you?


Friday, March 6, 2009

To Whom It May Concern:

On Wednesday, March 04, 2009, NDSU Staff Senate approved the following resolution.

WHEREAS HB 1348 permits access to concealed weapons on campus; and

WHEREAS the House of Representatives voted to accept HB 1348 with a vote of 48 yeas and 46 nays; and



WHEREAS North Dakota State University Staff Senate believes weapons on campus are detrimental to the safety of the staff, faculty, and student body; and

WHEREAS North Dakota State University Staff Senate agrees with the position of the North Dakota University System; and


WHEREAS North Dakota State University Staff Senate agrees with the position of the North Dakota State University Administration;

NOW THEREFORE BE IT RESOLVED that North Dakota State University Staff Senate supports a "no" vote from the North Dakota Senate on HB 1348.

Respectfully Submitted,

Vance N. Olson

Vance N. Olson
NDSU Staff Senate President



House Bill 1348 Testimony: March 12, 2009

As licensed sworn Peace Officer at North Dakota State University my job has been to provide a safe and secure place to live, learn, work, and visit, while being prepared to respond to the emergency service needs of the campus community. The response to an emergency could include the use of deadly force.

The key word in this statement is "prepared". As a Peace Officer I have trained, attended countless classes, and reviewed policy and procedures on an annual basis related to the use of deadly force. As the Chief of Police for my department I pray on a daily basis my Officers or I will not be put in the position where the use of deadly force is required. It is my responsibility to make sure our department has the training in all aspects of the use of deadly force.

Before a Peace Officer can obtain a license, the Post Board requires a medical and psychological examination. In addition our department requires a polygraph examination. The minimum standards that must be met in order for a licensed Peace Officer to carry a weapon include; a written examination including weapons safety, weapons handling, mechanical operations, criminal and civil liability on the use of force, and North Dakota laws on the use of force and on firearms requirements. Peace Officers must also complete a certified sidearm shooting course using the duty weapon and ammunition.

In contrast, any individual 18 or older who fills out an application, then passes a written test, background check to include finger print check, and submits two photos with a \$25 check, can obtain a concealed weapons permit upon approval by the Director of the BCI.

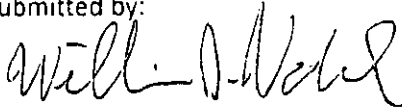
My intention is not to dispute the right to carry a concealed weapon; it's to dispute the proposed change to allow concealed weapons to be carried on a College Campus. My fear is that faculty, staff and students wouldn't have the proper training and skills to make the difficult decision to use deadly force. How much training time would be needed each year to practice these skills, will this training include exposing them to a great amount of stress to simulate a real-life situation, like Peace Officers must go through? Where would faculty, staff, and students store their firearms if they are not carrying them? Will they be responsible enough to store them in a secure location? Part of the responsibility of carrying a weapon is being capable of fending off a violent attacker with other means and keeping them from obtaining your weapon. Will faculty, staff, and students be ready to face criminal and civil prosecution in the event a bullet strikes an innocent individual? These are just a few of many questions and concerns I have. I'm concerned these issues need more thought and the questions need to be answered before even considering a change to the current law.

In conclusion, law enforcement officers across the nation have changed tactics and have updated training methods in the response to active shooters. Allowing weapons in our schools could put Officers in a difficult position. Officers will not enter a classroom or building and try and make a determination on who is the "good guy" or "bad guy". Officers are trained to enter the building and eliminate the threat in a timely manner. This could mean any person carrying a weapon. Speaking as a licensed Peace Officer and Chief, I hope my Officers and I are never put in that position.

in a difficult position. Officers will not enter a classroom or building and try and make a determination on who is the "good guy" or "bad guy". Officers are trained to enter the building and eliminate the threat in a timely manner. This could mean any person carrying a weapon. Speaking as a licensed Peace Officer and Chief, I hope my Officers and I are never put in that position.

Thank you for your time and for consideration of my points in opposition to HB 1348.

Submitted by:

A handwritten signature in black ink, appearing to read "William Vandal". The signature is fluid and cursive, with the first name "William" and last name "Vandal" clearly distinguishable.

William Vandal, Chief of Police
University Police & Safety Office
North Dakota State University

Proposed addition to NDSU Policy 706:

4. Unauthorized possession or use of weapons on University owned or controlled property is prohibited, unless permission for possession and/or use has been granted by an appropriate University official. Weapons include but are not limited to firearms, ammunition, bombs, explosives, clubs, dirks, martial arts weapons, sling shots, bows and arrows, sabers, swords, knives used primarily for hunting relating purposes, war souvenirs, incendiary devices, fireworks pellet guns, bb guns, paintball guns, stun guns, dangerous chemicals or fuels, or other dangerous objects or substances. Items not traditionally used as weapons may be considered weapons when those items are used to inflict bodily injury or to threaten the infliction of bodily injury on others. Examples include, but are not limited to baseball bats and kitchen utensils.

Contact the Director, University Police & Safety Office, for authorization. The Director will coordinate approval with the appropriate Vice President(s). This policy shall not prohibit persons from possessing, storing, or using weapons at approved locations for the purpose of meeting the requirements of a recognized educational program and/or student group sponsored by the University. The Director can also approve secure vehicle storage of weapons used for hunting if they are enclosed in a case regularly provided therefor or securely wrapped in such a manner as will not permit of the firing or discharging of the same and the applicant meets such other conditions as required by the Director.

UND Weapons Policy

In accordance with NDCC 12.1-01-04(6)(10), and 62.1-01 the possession, storage or use of weapons ie.: shotguns, rifles, pistols, paint ball guns, explosives, switchblade knives, or fixed blade knives with a blade length of five inches or greater, or any other such offensive weapons, are prohibited on the property of the University of North Dakota. This policy shall apply to all faculty, staff and students of UND and to all visitors and/or residents of the campus, on property of the University. Thus, the possession of weapons, or the unreported knowledge of such items, on the University's premises or during University programs, on or off campus, is considered a serious offense subject to disciplinary actions.

The University of North Dakota Police Department offers to all students, free, secure storage for weapons. For information contact the Department at 777-3491. Access to this service is provided 24/7, year around.

The University policy does not apply to authorized law enforcement officials in the lawful discharge of their duties. Temporary exemption may be granted with advance written permission, by the University's Chief of Police or authorized designee for job related, educational or demonstration purposes. Also temporary exemptions may be granted to residents of University family housing, or University apartments with written permission from the University's Chief of Police or authorized designee. Concealed weapons permits are not valid on the property of the University of North Dakota or at sanctioned events.

UNIVERSITY OF NORTH DAKOTA POLICE DEPARTMENT
WEAPONS INTAKE FORM

Legal Name: (Last, First, Middle) _____

Date of Birth: ____/____/____ Social Security Number: ____/____/____

Local Address: _____

Home Phone: () _____ Cell Phone () _____

Address (Last Five Years) INCLUDE: Street or Box, City, State, Zip Code _____

1.) _____

2.) _____

3.) _____

4.) _____

5.) _____

Please answer the following by circling Yes or No. (If yes explain on back)

Have you ever been the recipient of a Protection Order. No Yes

Have you ever been the recipient of a Restraining Order: No Yes

Have you ever been convicted of a Domestic Violence Assault: No Yes

Have you ever been convicted of a felony: No Yes

Weapon Type #1 _____ Weapon #2 _____

Serial Number: _____ Serial #: _____

Weapon Type #3 _____ Weapon #4 _____

Serial Number: _____ Serial #: _____

Weapon Type #5 _____ Weapon #6 _____

Serial Number: _____ Serial #: _____

I authorize the appropriate records check as determined by UPD.

SIGNATURE: _____

Ammunition Stored: YES or NO: If Yes: _____

Weapons Tag Number(s): #1 _____ #2 _____ #3 _____ #4 _____ #5 _____

Gun Rack Space/ Shelf Number(s): #1 _____ #2 _____ #3 _____ #4 _____ #5 _____

Officer: _____ Date ____/____/____

Page ____ of ____