

2017 HOUSE ENERGY AND NATURAL RESOURCES

HB 1273

2017 HOUSE STANDING COMMITTEE MINUTES

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

HB 1273
1/26/2017
27487

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

relating to possession of a firearm or dangerous weapon at a public gathering

Minutes:

Attachments #1 - #2

Chairman Porter: Called the committee to order on HB 1273 and the Clerk read the bill description.

Rep B. Koppelman: West Fargo, Dist. 16, introduced HB 1273. I'm a firm believer in the 2nd Amendment, defend it and look for opportunities to maximize where a person can exercise that right. Right before I became a legislator I became a concealed weapons holder. and is a concealed weapons carrier. Concealed weapon licenses provide a background to try to make sure bad guys don't have those licenses, bad guys don't tend to follow laws. Some of those things, while good intention, are not affective. Making sure those who have gone through background check and fingerprints, etc., that goes into getting a concealed weapon license of either class, that we maximize their rights as to where they can carry. 2 elements (1) can they have an expectation for security in the areas where we say they can't carry? One definition of that is being a metal detector and armed guard. If someone wants to pick a fight with me at least I'm not dealing with 9" knives or firearms. Outside of that I don't see how I could expect that someone else is providing that protection for me. (2) Is there a reason we're doing it that weighs higher than a person's right to carry arms? Many of our restrictions in laws don't live up to those 2 tests. HB 1273 removed churches from the public gathering area where firearms and dangerous weapons are restricted. It puts it in its own category. It gives churches the option to choose whether or not they want to allow people to carry in their church. Currently churches enjoy the ability to create a private security force. This bill says a church may allow a person to conceal and carry if you have a permit, or they can say no and put a small notice on or near the entrance of the building, and they still wouldn't enjoy the right of having their private security force as I call it. Somewhat of a drafting oversight, in the new church language, it identifies a dangerous weapon but not a firearm, and the intent was it be firearm and dangerous weapon. Consider amending that to our intent.

Rep. Lefor: Did churches request this or did you put this together because of your beliefs, and did you talk to any church groups about it?

Rep B. Koppelman: Ye, both a constituency and clergyman did ask me. I spoke with some constituents who have heard some resistance, that churches are worried about defacing their building with some large sign. In MN they have a similar law for churches and have a very descriptive type size, letter width, etc., how the notification has to be made. My intent is that it be legible. I envision this as a window cling or small vinyl graphic.

Rep. Lefor: Wouldn't someone get permission from the church ahead of time, thereby alleviating the need for a sign? It's kind of like having your land posted. Why not, say get permission from your church leader rather than having signage that says you can't.

Rep B. Koppelman: In this particular case, I think the law as it current sits doesn't allow a church to give broad permission. Assuming we were going to say we want churches to be allow to provide broad permission, it's tough to get that message out, the same as it's tough to get the message out if they don't want it. If you have it in law that presumes churches are unarmed, unless they do private security force thing, or require a church opt into allowing, versus opting out, which is this bill, you end up with more gun free zones. Gun free zones don't save lives, or keep people from getting attacked. The top 5 places of shooter events are schools, government buildings, churches, public gathering areas, sporting events, movie theatres, shopping malls, etc. In many states they try to restrict that. If you're an active shooter to do something wrong, he doesn't care if he has a concealed weapon license to carry your weapon concealed when you start out, and if your goal is loss of life or make a political statement, or getting on the news, etc., you want maximum damage. Safe zones provide that. This makes it so churches aren't safe zones unless they choose. If that was my church opting out, I would say, what are you going to do to provide security.

Rep. Heinert: How are we going to work with churches and schools combined into one building?

12:19

Rep B. Koppelman: I would assume the same as if you had a church that was in commercial office space or meets in a movie theatre, which both happened in or near my district. I believe the portion of the building that had that purpose, they would each have their own set of rules. No different is this section is a church and this section is a restaurant.

Rep. Heinert: I take my child to church, then around the corner to Sunday school which is a religious education area, I'm carrying my gun, am I illegal or not legal?

Rep B. Koppelman: You're getting into the grey area. I would try to close those grey areas. It's a classroom within the church. In my opinion, if you are going to church and they happen to use school classrooms, or maybe a church just meets in a public school, my interpretation, it would be okay during church, but not during school. I don't believe that was broach in the discussions on this mill.

Rep. Keiser: Based on the emails I've received; most churches indicate they don't want this. Would you object to changing this to, "if a church wanted to do it which appears to be in the significant minority, they have to put up the sign and identify the names they've approved, so

everyone attending knows the church is doing this, which is full disclosure, and hear are the people who have been approved.

Rep B. Koppelman: I guess it's up to the committee what direction they go. From my own perspective I would definitely opposed to a list of names. The advantage of conceal carry, is a strategic advantage. If someone comes and attacks, you don't necessary supposed to be the target or you're at a strategic disadvantage when it happens. I think the opt in and opt out you're saying would be better than what we have today, but I would want the opt in to be able to cart blanch if the church so chooses. They may want to allow their entire parishioners who've had background checks and done all the things we have to do, to be able to carry.

Chairman Porter: Questions? Did you talk to your local enforcement? What have you found out?

Rep B. Koppelman: In my own community, the individual I spoke with is not the one that would directly get these names. He indicated some churches are doing it. I asked him if he thought the majority of churches. He didn't think so. He said there were some definitely doing it. I also spoke with some other law enforcement and legislators who have talked to their law enforcement in their communities, it was a mixed bag. Some law enforcement doesn't want the names. I know there's not a consensus among churches that they all want it to be kept a safe place and I believe there's a mixed bag in law enforcement as well.

Chairman Porter: Inside of the posting requirement, the sign you're talking about, are you envisioning that has to be on every entrance to the church, the main entrance, or where?

Rep B. Koppelman: I'm a commercial builder by trade. When we identify entrances versus exits in commercial buildings which a lot of churches have to be built to those codes, typically anything is an entrance that's unlocked during business hours so you can enter from the outside. Many doors are deemed exits, whether emergency or convenience or otherwise. In my mind it would be the front door. Let's say they have 2 parking lots, one on either side of the building and both have an entrance, I would presume both would have signage.

20:08

Doug Staus, resident of ND. Mechanical Engineer by trade. Hunter safety instructor for 10 years, conceal carry instructor for ND, MN and other states. As an instructor I was encouraged with the change in the Century Code previously allowing permit holders to provide a means of self-defense for themselves, or others, of all things, a church. By placing the burden on the church you have the ability to carry and you do not, it places the burden on them as well to select those people that can and cannot. In the church I attend, it's also required them to purchase additional insurance for those carrying. I like the concept of the good guys having the advantage. It lessens the responsibility of the church. If the bad guys know it's not a safe space, they have the ability to realize, I'm going to shenanigans and take them elsewhere.

Rep. Heinert, you said you're a concealed weapons carrier. Do you talk with people who take the course, on where you can and cannot carry?

Rep B. Koppelman: yes, absolutely, and I go into great detail about it. I teach them if they're a MN permit holder, now you're in ND, you're playing by a different set of rules. If you're a ND permit holder, and you choose to go to another state, make sure you know their rules.

Rep. Keiser: You say this could provide a deterrent to the bad guys. Then we need to make that sign large enough that the public can see. In other words, having such a small sign that nobody would see it.

Rep B. Koppelman: I would lean towards the other way. I would be, anybody that is a permit holder has the ability to carry in this church service. Therefore, all the bad guys know, state law just passed and all these congregations are packing heat, you might say. Those that choose to have the signs that say, we're going to restrict, then obviously the bad guys would have the ability to see that as well.

Rep. Heinert: Our current law allows people to carry in their churches and report those names, accomplishes that goal, does it not?

Rep B. Koppelman: When the list of name at the congregation I was attending, was provided to the local police department, the report I received back was, you're the only church that's provided us names. I thought that could be a negative. There could be congregations out there not doing things properly. It places additional risk on the church because now they have to provide insurance. If it was state statute individuals were allowed to carry, that would be upon themselves and not an additional burden on the church. Regarding our current law that allows churches to carry concealed, if there are a list of people and the church does not want to pay that additional insurance, then additional members cannot carry, or they do it at their own peril.

Chairman Porter: questions? Testimony in support.

26:48

Craig Roe: Kindred, ND. Myself and my business partner, Dennis Jones, own Carry For Defense. We are certified instructors for the State of ND, concealed weapons permit instructors. I'm also MN, UT permit instructor, NRA instructor, certified instructor of their various functions, ND hunter education instructor for 18-19 years and I hold a federal firearms license to buy and sell guns. I've had people in my classes specifically to carry in church. The ones I've had like the ideal of being concealed and the rest of the congregation not being informed. This bill opens that up a bit but gives churches a way to have some control in it. I would suggest amendments could be and follow the rules UT. They've given them more ways of informing people either by signage, which they can choose to do or not, they can announce it in their bulletin or have information at the back of the church, or just public in the newspaper. It would force people to find out before you go to that church. Some might want to put up a sign that there's armed security.

Rep. Roers Jones: Is it already something you teach in your classes that it's the responsibility of the concealed carry permit holder to know where they are permitted to carry concealed versus where they are not? Isn't it already the responsibility of the permit holder to know if their church prohibited or allowed?

Roe: I think so, very much so.

Chairman Porter: We run that fine line of separating church and state. We have a piece of property owned by a congregation owned by an arch diocese, it keeps getting bigger and bigger. How do we extend ourselves into their beliefs and property when we require them to put something on their door they may not even believe in? We're bumping up against (unfinished)

Rep. Roers Jones: I don't know if I would agree we're putting churches on a pedestal. Do churches have the much more priority to decide if people can defend themselves even in church? We are giving them the vehicle so they can make the ruling themselves.

Chairman Porter: Testimony in support HB 1273? Opposition?

33:25

Christopher Dodson: With the ND Catholic Conferences presented Attachment #1 in opposition.

Chairman Porter: questions? Regards to the notification to law enforcement. Do you see it as a benefit or burdensome call anyway, that portion could be stricken and then it just relies with the individuals who are in charge, either the religious leader or the governing body of the church to decide, and there isn't the other outside notification process?

Dodson: It's a separate issue than raised in the bill. That existing provision was put into law by the legislature because they felt it was a public safety requirement and we take a position on it one way or the other at that time. I've never discussed it with the bishops or our insurance companies. Both bishops of ND haven't allowed guns in ND and haven't had to contact law enforcement.

Mark Narum, Bishop of Evangelical Lutheran Church in America and serve as Bishop of of Western ND Synod. Presented Attachment 2.

Susan Behler, Mandan. This doesn't seem to be a need to change for public safety going under the gun free zone is a myth. As a former church leader, youth leader, a church is where 2 or more gather. Bible studies in the home or park, never thought of allowing someone to bring in a gun. Churches are for the bad guys. To me legislating this is a violation of civil liberties. For me this is a Do Not Pass.

Chairman Porter: questions, further testimony in opposition?

Tim Johnson, retired Senior pastor at Good Shepherd. Amazed the assumption 2 guns in a room is better than one.

Chairman Porter: Closed the hearing.

2017 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau –A Room, State Capitol

HB 1273

2/9/2017

28163

Subcommittee

Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

relating to possession of a firearm or dangerous weapon at a public gathering

Minutes:

Attachment #1

Meeting location: Coteau Room

Date and Time: 2/09/2017 4:14 PM – 4:16 PM

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

Others present: Chief Phil Pfennig

Topics of discussion:

- Lefor passed out Attachment #1 Overstrikes the word church and other new language on the following pages
- Leaving permission of church leader, removing the requirements for signs, and just removing the duty or responsibility to notify law enforcement of those people who are approved.
- Remove the new proposed Section 4, Lines 25-31 on Page 2, and all of Lines 1-9 on Page 3.
- Section L, Line 6 Page 2, changing that so it says, "An individual can carry a concealed weapon or other dangerous weapon, concealed, in church, church building, or other place of worship, carrying must receive permission from the primary religious leader or the governing body of the church or other place of worship." Essentially removing the overstrike over move of that Section L, Line 6-7-8-9-10-11 up to where it says if a church or other place of worship authorizes and individual to carry, leave the overstrike on the last sentence on 12-13-14-the last portion of 11. Sorry, leaving 14 with the "and," we'll need that to tie into the next section.

Chairman Lefor: So what you're doing is you're taking out the duty to inform law enforcement, correct?

Rep. Roers Jones: correct, that's in my motion.

Chairman Lefor: So your motion is to change the wording in L to retain 6-7-8-9-10-11, stop after worship. Keep the overstrike on the rest, and remove the overstrike on "and", and remove 4. Is that your motion?

Rep. Roers Jones: Yes it is.

Rep. Heinert: Second.

Chairman Lefor: Would we not under L then have to remove also in Line 6 the words, "valid concealed weapons license?"

Rep. Roers Jones: I think currently we need to leave that in there. In the event the other law related to constitutional carry doesn't pass, leave it in there.

Chairman Lefor: I'm ok with that.

Chief Pfennig: the only other question I would bring up then is do you remove church, page 1 line 10 or leave it struck?

Rep. Roers Jones: I think we have that dealt with in another one of the bills. It's overstruck here.

Chairman Lefor: then we'd want to remove it here?

Rep. Heinert: Wouldn't we want to remove the overstrike then?

Rep. Roers Jones: I will add that to the motion, Line 10 removing the overstrike on "a church".

Rep. Heinert: second

Chairman Lefor: Discussion. Voice vote, motion carried.

Minutes of the

(HOUSE) (SENATE) BILL NO. 1273 SUBCOMMITTEE OF THE

HNAT STANDING COMMITTEE

28342

Meeting location: Coteau

Date of meeting: 2-16-17

Time meeting called to order: 9 AM

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

Absent - Rep Mock

Others present (may attach attendance sheet):

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

Topics discussed:

consider and accept Amendment # 17.0754.02003
Rep Lefor passed out Attachment 1

Motion and vote:

+ recommend approval
Motion to accept by Rep Roers Jones
Second by ^{REP} Heinert
Roll call vote - all Aye. Motion carried

Time of adjournment: 9:05

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

2017 HOUSE STANDING COMMITTEE MINUTES

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

HB 1273
2/16/2017
28473

- Subcommittee
 Conference Committee

Committee Clerk Signature

Kathleen Davis

Explanation or reason for introduction of bill/resolution:

relating to possession of a firearm or dangerous weapon at a public gathering

Minutes:

Attachment #1

Chairman Porter: Called the committee to order HB 1273.

Rep. Lefor: Presented Amendment #1, 02003 for HB 1273. In essence, the two things happening here is removing the (? 1:57) to inform law enforcement, and it removes the liability from the church and puts it on the individual.

Chairman Porter: Questions?

Rep. Lefor: I move the adoption of the amendment 02003

Rep. Roers Jones: second

Chairman Porter: I have a motion from Rep. Lefor, second from Rep. Roers Jones, to adopt the amendment 02003. Discussion? Voice vote, motion carries. We have an amended bill.

Rep. Lefor: I move approval of HB 1273 as amended

Rep. Heinert: second

Chairman Porter: I have a motion from Rep. Lefor, second from Rep. Heinert, for a Do Pass as Amended on HB 1273. Discussion? Just to be clear the amended version just takes away the component that the church has to let local law enforcement know the name of the individuals authorized, and it gives the church some limited liability on someone carrying a dangerous weapon concealed under this section. Seeing no discussion, the clerk called roll.

Yes 9 No 3 Absent 2 Motion carries. Rep. Heinert is carrier.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1273

Page 1, line 10, remove the overstrike over "~~a church,~~"

Page 2, line 5, remove "and"

Page 2, line 6, remove the overstrike over "~~An individual possessing a valid concealed
weapons license from this state or~~"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 11, remove the overstrike over "~~worship or the governing body of the church or
other place of worship.~~"

Page 2, line 14, remove the overstrike over "~~and~~"

Page 2, line 15, remove the overstrike over "~~m.~~"

Page 2, remove lines 25 through 31

Page 3, remove lines 1 through 9

Re-number accordingly

2/16/17 DFL

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1273

Page 1, line 10, remove the overstrike over "a church;"

Page 2, line 5, remove "and"

Page 2, line 6, remove the overstrike over "~~An individual possessing a valid concealed weapons license from this state or~~"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 11, remove the overstrike over "~~worship or the governing body of the church or other place of worship~~"

Page 2, line 13, remove the overstrike over the overstruck semicolon

Page 2, remove the overstrike over line 14

Page 2, line 15, remove the overstrike over "m."

Page 2, line 25, remove "A church may:"

Page 2, remove lines 26 through 31

Page 3, replace lines 1 through 9 with "Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section."

Renumber accordingly

Date: 2-9-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

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

Other Actions

- Reconsider

recommmend changes to amendment

Motion Made By Rep Roer Jones Seconded By Rep Heinert

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

*voice vote
Motion
carried*

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

change the wording in L to retain 6-7-8-9-10-11, stop after worship; keep the over strike on the rest, and remove the over strike on "and", and remove 4.

Line 10 remove the overstrike on "a church"

Date: 2-16-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17.0754.02003

Recommendation

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

Other Actions

- Reconsider
- recommend adoption

Motion Made By Rep Roers Jones Seconded By Rep Heinert

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

voice vote. motion carried

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

Date: 2-16-17

Roll Call Vote #: 1

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: 17,0754, 02003

Recommendation

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

Other Actions Reconsider _____

Motion Made By Rep Lefor Seconded By Rep. Roers Jones

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

voice vote carries

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

02003

Date: 2-16-17

Roll Call Vote #: 2

2017 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1273

House Energy & Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

Recommendation

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

Motion Made By Rep Lefor Seconded By Rep Heinert

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

Total (Yes) 9 No 3

Absent 2

Floor Assignment Rep Heinert

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

REPORT OF STANDING COMMITTEE

HB 1273: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). HB 1273 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "a church;"

Page 2, line 5, remove "and"

Page 2, line 6, remove the overstrike over "An individual possessing a valid concealed weapons license from this state or"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 11, remove the overstrike over "worship or the governing body of the church or other place of worship"

Page 2, line 13, remove the overstrike over the overstruck semicolon

Page 2, remove the overstrike over line 14

Page 2, line 15, remove the overstrike over "m:"

Page 2, line 25, remove "A church may:"

Page 2, remove lines 26 through 31

Page 3, replace lines 1 through 9 with "Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section."

Renumber accordingly

2017 SENATE JUDICIARY

HB 1273

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1273
3/14/2017
29140

- Subcommittee
 Conference Committee

Committee Clerk Signature

Made for Ben Foster

Explanation or reason for introduction of bill/resolution:

Relating to possession of a firearm or dangerous weapon at a public gathering.

Minutes:

Chairman Armstrong called the committee to order on HB 1273. All committee members were present.

Rep. Ben Koppelman, North Dakota State Representative 16, introduced and testified in support of the bill. No written testimony, but he used the bill as testimony and walked through the bill. (:17-4:06)

Senator Larson: (4:10-4:39) I'm a little unsure about the wording in your bill. Even if someone who is very trained like law enforcement, is responsible for the actions of the officer. I don't know why we would say like yeah, you're not liable. This bill confuses me why we would want to do that.

Representative Koppelman: The bill started out as an opt-out in the House, now it's an opt-in. We don't allow businesses to post a sign saying nobody can come in here with a concealed weapons license. We don't allow that. The business owner is never responsible for the person who carries in that area. The law never said that they were. If a church turned it over to their attorney the rule was that somebody could say, that because the church whether it would be with the intention of a private security force in actual delegated people or if is you simply saying we are pro-second amendment, anybody can carry. The attorney might read into that and say, well because your board made a decision, now you're on the hook. There is some cause for the churches to give that authorization. As a concealed weapons owner myself, I expect to be responsible in an establishment as I would be in a church.

Rep. Todd Porter, North Dakota State Representative District 34 (7:34-9:21) Testified in support of the bill. No written testimony.

"We've heard both sides of this argument and we came up with a reasonable solution, we believe." Law enforcement isn't using the information that we took out on lines 11-13, and we've heard from them that they really didn't want to gather that information from these

private places. They had no way to store it, to have a data base, have it available to their responding officers, so we removed that component. Then the liability portion as we were diving into the bill, we had the discussion on the liability and inside of the places of worship who should be responsible and who should carry the liability? We heard from the churches that they did not want the responsibility and liability, but they didn't care if somebody was there with a concealed weapon permit, but they were looking at a more from the standpoint they didn't want the liability. We made it very clear on who carried the liability if they allowed that to happen inside of their places of worship.

Senator Nelson (9:25-10:02) Section L, line 6, page 2. I thought Representative Koppelman just said a church couldn't put a sign up that says no guns available or allowed or whatever. That "and" makes me wonder who gives permission to that person to carry. Who is that somebody?

Representative Porter: That law hasn't changed, you'd have to follow the same guidelines as someone who carries in a government building. The blanket law is that it's off limits unless sub L has to be followed and authorized.

Senator Nelson: so that "and" is approval of the church and you could have a sign on the door saying "no guns allowed".

Representative Porter: No, there is no sign necessary. Because they are not allowed unless you have the authorization to have one there. So you do not need a sign. No sign necessary. They are off limits under this law.

Craig Roe, North Dakota citizen, testified in support of the bill. No written testimony.

"I think this bill is a great compromise that allows people to carry in churches." (11:33-13:11)

Susan Beehler: (13:37- 16:42) North Dakota citizen, testified in opposition of the bill.

"This bill is a lot different than it was in the House, thank God. This bill gives churches the ability to allow people to carry in church, but if there are any issues that happen or any injuries, the church should be held liable. For me, as a past church leader, I'd want my church to be held liable for any issues. To me, this bill giving immunity to somebody in position of power and if they choose to break the law by using that weapon and injuring somebody, they should be charged with the negligence of the discharge."

Chairman Armstrong: Closed the hearing on HB 1273.

2017 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

HB 1273 Committee Work
3/20/2017
29452

- Subcommittee
 Conference Committee

Committee Clerk Signature



Explanation or reason for introduction of bill/resolution:

Relating to possession of a firearm or dangerous weapon at a public gathering.

Minutes: **No written testimony**

Chairman Armstrong began the discussion on HB 1273. All committee members were present.

Chairman Armstrong briefly went over the bill.

Chairman Armstrong: "I don't think anybody testified against this bill. And if they did they probably didn't fully understand the bill."

Senator Larson: "My confusion was that I just didn't know that I liked the idea of automatically saying you're not liable when they might have done something."

Chairman Armstrong: "If you prove gross negligence or if you prove there was dereliction of duty, I can tell you these type of statutes are never going to hold up if a good plaintiff attorney can prove that you did something wrong. But it also takes away the lawsuit of matter of course."

Senator Myrdal motioned for a Do Pass. Senator Luick seconded.

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

Senator Myrdal carried the bill.

Chairman Armstrong ended the discussion on HB 1273.

**2017 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. HB 1273**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: _____

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

Motion Made By Senator Myrdal Seconded By Senator Luick

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

Total (Yes) 6 No 0

Absent 0

Floor Assignment Senator Myrdal

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

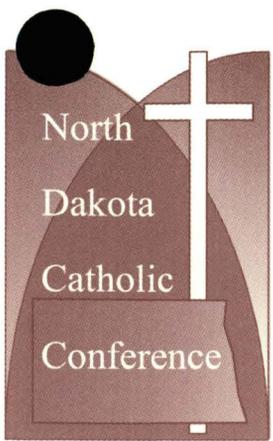
REPORT OF STANDING COMMITTEE

HB 1273, as engrossed: Judiciary Committee (Sen. Armstrong, Chairman)
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1273 was placed on the Fourteenth order on the calendar.

2017 TESTIMONY

HB 1273

#1
1-26-17
HB 1273



Representing the Diocese of Fargo
and the Diocese of Bismarck

Christopher T. Dodson
Executive Director and
General Counsel

To: House Energy and Natural Resources Committee
From: Christopher T. Dodson, Executive Director
Subject: House Bill 1273 - Guns in Churches and Places of Worship
Date: January 26, 2017

The North Dakota Catholic Conference opposes House Bill 1273 as a dual infringement upon religious freedom.

Existing law in North Dakota strikes a good balance between the interests of those who wish to have firearms in churches and the religious and private property rights of religious organizations. The existing law allows an individual to have a dangerous weapon in a place of worship if the individual meets certain requirements and has permission from the church or place of worship. It is a workable law that allows firearms but does not negate the religious organization's fundamental right to define their own sacred spaces as it chooses.

House Bill 1273 erases that balance and allows the individual with a dangerous weapon to disrespect the wishes of the religious organization. It destroys the carefully designed compromise and tosses aside the religious and property rights of the place of worship.

Essential to the concept of religious liberty is the recognition that churches have a fundamental right to use and care for their properties in a manner that reflects and furthers their own religious missions. If they believe that guns in churches do not reflect that mission, they have a right to prohibit them. Indeed, our country has many faith traditions, especially the so-called "peace churches," that disavow all weapons, even for defensive purposes. Those churches might find offensive the very notion of a weapon within their worship space. They should have that right.

House Bill 1273 allows a church to prohibit firearms if the church posts notices of the prohibition at every entrance. This provision, however, is the bill's second affront to religious freedom. Quite simply, the government has no business telling a place of worship how to design its worship environment.¹

In many religious traditions, the architecture of a worship space is an extension of adherents' beliefs. Doors and entryways, in particular, fall into this category. Christ said, "I am the door."² Since the beginning of Christianity, doors and entryways have had significance in Christian architecture. For Lutherans, Martin Luther's act of nailing the Ninety-Five Theses to the door of the Castle Church in Wittenberg, Germany became a defining moment and to this day some Lutheran churches reserve the doors for only important religious messages.³

The Catholic Church just finished celebrating a Jubilee year during which every diocese in the world designated certain doors as "Holy Doors." Passing through them symbolized that we were passing through Christ the Door, and into the holy. To blemish them and their surrounding areas with non-religious government postings would be, literally, disgraceful.

It might also be unconstitutional. A court in another state struck down a law similar to HB 1273, holding that a requirement that churches post firearm prohibition signs impermissibly infringed upon the religious rights of churches to use their property to further their religious missions.⁴

The essence of religious freedom is right to practice our religious beliefs in a manner that we — not the state or others — believe is consistent with that belief. That right includes creating, designing, and exercising control over our religious spaces. The existing law respects that right and should be maintained.

We respectfully request a **Do Not Pass** recommendation on House Bill 1273.

¹ The North Dakota Catholic Conference recognizes that there are some circumstances, such as the placement of exit signs or fire sprinkler systems, when the state can dictate the placement of nonreligious items. Those requirements, however, should further a legitimate and compelling governmental interest and be narrowly tailored to achieve that purpose.

² Jn 10:7,9. cf. Rev 3:20.

³ See *Edina Community Lutheran Church v. State of Minnesota*, (MN Ct. App., Feb. 5, 2008)

⁴ *Id.*

HB 1273
1-26-17
#2

Testimony: House Bill 1273

1/26/2017

Bishop Mark E. Narum Bismarck, ND

Good afternoon. I am Mark Narum a pastor within the Evangelical Lutheran Church in America who serves as Bishop of the Western North Dakota Synod. I am blessed to shepherd 60-thousand ELCA Lutherans in 170 congregations in the Western part of the state.

I speak to you this day as a gun owner, a former farm kid who grew up with a .22 or a shotgun beside me much of the time.

I tell you that because I am not anti-gun. However, I believe churches are places where concealed weapons should not be allowed without permission. That is my belief – I will be honest, for me it is a foreign thought that the “sanctuary” – hear that word “sanctuary” - would be a place where I would even consider bringing a gun. “Sanctuary” is a place of refuge from all that the world has to drop on us. A place of peace, a place of quiet, a place of prayer and contemplation.

I also know that my voice is not the only voice in the world. For that reason current North Dakota law provides an opportunity for those who think differently than I, to seek permission to carry a concealed weapon into a church. It is a process of going before the church’s pastor or governing board to ask permission.

At this point, North Dakota law requires permission to carry a concealed weapon into a church. I ask you to give this bill a “do not pass” recommendation and maintain the current standards of respect for sanctuary.

Attached are the names of 30 leaders from with the Western North Dakota Synod ELCA who concur with the sentiments of my testimony.

Greetings All,

Tomorrow the House Natural Resource Committee will hear House Bill 1273 which changes laws concerning concealed weapons in churches. I have attached my testimony and invite those who would like to sign on.

Rev. Mark Narum
serving as Bishop of the Western ND Synod ELCA

Yes, add my name to Your Testimony.
Marv Mutzenberger, Pastor

I would sign on to this.
Nadine Lehr

Add my name...Steven D. Olson

Please add my name to your list of people opposing Bill 1273. Norman Paskowsky, Sherwood Area Parish
Thank you for this testimony. I would like to sign on. **God's peace,** Sharon (Baker)

I think you have written a well-worded response to this bill. If you'd permit me, I would like to sign on. Thanks.
Peace,
Trish (DeBoer)

I certainly do want to sign on.
Dr. Rev. Mark Nygard, Dakota Prairie Lutheran Parish, Bowman, Rhame, and Amidon, ND

I support this.
Kathleen Nygaard, pastor at Granville-Norwich Lutheran Church

If you consider appropriate, please add my name.
MGS (Murray Sagsveen – Synod Attorney)

Please sign me on.
Thank you,
Susan Anderson

I am totally fine with signing on with this.
Rev. Craig A. Schweitzer
Good Shepherd Lutheran Church
Bismarck, ND 58501

I would like to sign on. Kathleen Dettmann

I would like to sign on.
Rev. Dorothy Williams

If it not too late please add my name.
Mary Wiggins

Yes both of my churches and I are in agreement.
Blessings,
Michon Weingartner

Dave and Joanne Swonger would like to sign.

I would like to sign on if it's not too late.
Martha HarriSon

Hi Mark!

Please add me as a signer of support to your testimony: Anna L. Dykeman, Deacon

Awesome testimony that you have prepared!!
Please add my name in support of our testimony.
Pastor Dale V. Nabben

Thank you for hosting an excellent First Call retreat! Please add my name to the letter you are sending to the 64th legislative session. Thank you
Rebecca Breddin
Pastor | United Lutheran Church

Please add my name to the list of rostered leaders who oppose concealed carry in churches. I actually oppose all concealed carry but that's for another time.
Thank you.

<><

Wally Fretland SAM

Well said! I agree. I would like to sign on if it's still possible. Also, I am currently the owner of four guns, three rifles of various calibers and a shotgun.

Rev. Dana L. Holter

I support your testimony.
Pr. Dennis Ristvedt

Please sign my name.
Pastor Christina Martin

Good afternoon Mark! Thank you for your concise, heartfelt words and your treatment of the word 'sanctuary'. Please add my name to your list of signatures. The existing protocol for carrying concealed weapons adds the needed layer of dialog and accountability. Thanks Lee B. Herberg

Please add my name. I've contacted my legislators and am also writing an article for the Dickinsin press this morning. Thank you for your faithful words and leadership!
Pastor Ellery Dykeman

Hi Mark!

Please add me as a signer of support to your testimony: Anna L. Dykeman, Deacon
Thanks!

Anna

Please add my name.
Beth Anderson, Deacon

Please add me.
Monroe Madson, Financial Administrator Western ND Synod ELCA

I'd like to sign
Pastor Emily Shipman

1
2-9-17
Subcommittee
HB1273

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1273

Page 1, line 10, remove the overstrike over "a church,"

Page 2, line 5, remove "and"

Page 2, line 6, remove the overstrike over "An individual possessing a valid concealed
weapons license from this state or"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 11, remove the overstrike over "worship or the governing body of the church or
other place of worship."

Page 2, line 14, remove the overstrike over "and"

Page 2, line 15, remove the overstrike over "m."

Page 2, remove lines 25 through 31

Page 3, remove lines 1 through 9

Re-number accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1273

Page 1, line 10, remove the overstrike over "a church,"

Page 2, line 5, remove "and"

Page 2, line 6, remove the overstrike over "An individual possessing a valid concealed weapons license from this state or"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 11, remove the overstrike over "worship or the governing body of the church or other place of worship."

Page 2, remove the overstrike over line 14

Page 2, line 15, remove the overstrike over "m."

Page 2, line 25, remove "A church may:"

Page 2, remove lines 26 through 31

Page 3, replace lines 1 through 9 with:

"Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section."

Renumber accordingly