

**2019 HOUSE ENERGY AND NATURAL RESOURCES**

**HB 1042**

# 2019 HOUSE STANDING COMMITTEE MINUTES

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

HB 1042  
1/11/2019  
30697

- Subcommittee  
 Conference Committee

Committee Clerk: Kathleen Davis, Clerk

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

A bill relating to possession of a loaded firearm in a vehicle; and relating to possessing a firearm or dangerous weapon in a church; to provide a penalty; and to declare an emergency.

### Minutes:

**Chairman Porter** called the hearing to order and the Clerk took the roll call.

**Vice Chairman Damschen** chaired this portion of the meeting and opened the hearing on HB 1042 while Rep. Porter, sponsor, presented this bill.

**Rep. Porter:** Last session we passed the constitutional carry legislation. We talked about the driver's license as the method of knowing whether or not that person could constitutionally carry. They had to be able to prove to law enforcement they had their state ID or driver's license for a year allowing them to be in the constitutional carry. A question came up we didn't specify in the law, that's what it was. So it went to a general attorney's opinion. The AG said no they intended to make the driver's license the form of ID that would allow them to constitutionally carry. This codifies and fixes our lapse in the bill from last time, takes the AGs opinion which is the same as our opinion, and puts it into the law. There's a general definition of dangerous weapon and firearm.

**Vice Chairman Damschen:** questions? Further testimony in favor? Opposed? Closed the hearing.

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HB 1042  
1/11/2019  
30678

- Subcommittee  
 Conference Committee

Committee Clerk: Kathleen Davis, HNAT Clerk

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

A bill relating to possession of a loaded firearm in a vehicle; and relating to possessing a firearm or dangerous weapon in a church; to provide a penalty; and to declare an emergency.

### Minutes:

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**Chairman Porter** called the hearing to order.

**Rep. Ruby** moved for a Do Pass.

**Rep. Marschall** seconded.

**Chairman Porter:** discussion?

**Rep. Eidson:** Why do we have a law where the government is saying that they can't take a weapon into a church?

**Chairman Porter:** As the restricted places for firearms, when it was first written, churches, schools and government buildings and places of public gatherings, political events, have all been considered to be restricted areas where you couldn't carry a concealed weapon even with a permit. Now the church component of the bill is a permit but you have to have permission of the church, ownership of the church. A couple sessions ago, even if the church wanted their own individuals for security purposes at their place of worship, it was still a restricted place. Here we took that out and said a church is a piece of private property and whoever is running that church can decide whether or not someone can be there with a weapon. There will be a bill coming up that virtually does the same thing that says each individual school board should be making that decision.

Roll call vote 14 yes 0 no. Motion carried. Rep. Ruby is the carrier.

**Chairman Porter:** closed the hearing.

Date: 1-11-19  
Roll Call Vote #: 1

2019 HOUSE STANDING COMMITTEE  
ROLL CALL VOTES  
BILL/RESOLUTION NO. "Enter Bill/Resolution No."

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 1042

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 Ruby Seconded By Rep Marschall

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

Total (Yes) 14 No 0

Absent \_\_\_\_\_

Floor Assignment Rep Ruby

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

**REPORT OF STANDING COMMITTEE**

**HB 1042: Energy and Natural Resources Committee (Rep. Porter, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1042 was placed on the Eleventh order on the calendar.

**2019 SENATE ENERGY AND NATURAL RESOURCES**

**HB 1042**

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1042  
3/14/2019  
Job Number 33713

- Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

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

A bill relating to possession of a loaded firearm in a vehicle; and relating to possessing a firearm or dangerous weapon in a church; to provide a penalty; and to declare an emergency.

### Minutes:

No attachments

**Chair Unruh:** Opened the hearing.

**Representative Todd Porter, District 34 (0:30-2:15) Introduced the bill.** HB 1042 has one very specific correction from last session, when we did the constitutional carry bill, there was a question we missed as we were codifying the concept, in regards to the driver's license being the vehicle that allowed you to constitutionally carry a concealed weapon. You need to be a resident of the state for one year and have a valid driver's license or ID. That wasn't spelled out clearly in the law, and it was intent language as we left. There was an Attorney General's opinion that was requested, and the Attorney General said that it was intent of the legislature that the license was your driver's license. This codifies that opinion, so that it was the driver's license we intended to use for the license for the constitutional carry provisions of the law. That is simply what the bill does. It fixes our mistake.

No testimony in opposition.  
No neutral agency testimony.

**Chair Unruh:** Closed the hearing.

# 2019 SENATE STANDING COMMITTEE MINUTES

## Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1042  
3/28/2019  
Job Number 34310

- Subcommittee  
 Conference Committee

Committee Clerk: Marne Johnson

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

A bill relating to possession of a loaded firearm in a vehicle; relating to possessing a firearm or dangerous weapon in a church; to provide a penalty; and to declare an emergency.

### Minutes:

No attachments

**Chair Unruh:** Opened committee work.

This was Representative Porter's bill. I believe all this bill did was take that Attorney General's opinion on constitutional carry and clarify what the Attorney General's opinion said. We had no testimony in opposition, just clarification language.

**Senator Schaible:** Moved a Do Pass.

**Vice-Chair Kreun:** Seconded.

A roll call vote was taken.  
Motion passes 6-0-0.

**Chair Unruh:** Will carry.  
Closed the meeting.



**REPORT OF STANDING COMMITTEE**

**HB 1042: Energy and Natural Resources Committee (Sen. Unruh, Chairman)**  
recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
HB 1042 was placed on the Fourteenth order on the calendar.