

FISCAL NOTE
Requested by Legislative Council
02/15/2019

Amendment to: HB 1206

- 1 A. **State fiscal effect:** *Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.*

	2017-2019 Biennium		2019-2021 Biennium		2021-2023 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$0	\$0	\$0	\$0
Expenditures	\$0	\$0	\$18,000	\$0	\$0	\$0
Appropriations	\$0	\$0	\$18,000	\$0	\$0	\$0

- 1 B. **County, city, school district and township fiscal effect:** *Identify the fiscal effect on the appropriate political subdivision.*

	2017-2019 Biennium	2019-2021 Biennium	2021-2023 Biennium
Counties	\$0	\$0	\$0
Cities	\$0	\$0	\$0
School Districts	\$0	\$0	\$0
Townships	\$0	\$0	\$0

- 2 A. **Bill and fiscal impact summary:** *Provide a brief summary of the measure, including description of the provisions having fiscal impact (limited to 300 characters).*

The engrossed bill relates to possession of a concealed firearm or dangerous weapon at a public gathering and a Class 1 exempt firearm license.

- B. **Fiscal impact sections:** *Identify and provide a brief description of the sections of the measure which have fiscal impact. Include any assumptions and comments relevant to the analysis.*

Section 3 outlines the responsibilities of the ND Bureau of Criminal Investigation in regard to a Class 1 exempt firearm license and the fiscal impact of these responsibilities.

3. **State fiscal effect detail:** *For information shown under state fiscal effect in 1A, please:*

- A. **Revenues:** *Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.*

Although no survey or study data currently exists to aid in the approximation of the demand for a Class 1 exempt firearm license, it is estimated there will be a negligible fiscal impact in terms of revenue.

- B. **Expenditures:** *Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.*

This engrossed bill will result in expenditures of \$18,000 for contractor software development costs associated with enhancing the concealed weapons license system to include Class 1 exempt firearm licenses.

- C. **Appropriations:** *Explain the appropriation amounts. Provide detail, when appropriate, for each agency and fund affected. Explain the relationship between the amounts shown for expenditures and appropriations. Indicate whether the appropriation or a part of the appropriation is included in the executive budget or relates to a continuing appropriation.*

A one-time general fund appropriation for \$18,000 and an emergency clause would be required to complete the project by August 1, 2019 when the law would take effect.

Name: Kathy Roll

Agency: ND Office of Attorney General

Telephone: 701-328-3622

Date Prepared: 02/16/2019

FISCAL NOTE
Requested by Legislative Council
02/15/2019

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Date Prepared: 02/16/2019

2019 HOUSE ENERGY AND NATURAL RESOURCES

HB 1206

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1206
1/17/2019
30946

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

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

Minutes:

Attachment 1, 2

Chairman Porter: called the hearing to order on HB 1206.

Vice Chairman Damschen took over while Rep. Porter presented his HB 1206.

Rep. Porter, District 36, Mandan, ND: this bill cleans up language and expands of a person exempt from the dangerous weapons laws in regards to their job. A number of years ago we included the judicial branch into the area they can get a special permit issued. When they retire from the job it doesn't take away the ability and need for personal protection. I looked at the LEOSA Act to conceal and carry in restricted places upon retirement. They have to maintain their certification with an agency. I looked at doing the same thing for the judicial branch, page 2, expands that coverage from both active members to retired judicial branch, must have at least 10 years of service as a judge or referee.

The way the law reads they have to carry a letter, proof of completion of the firing course, more responsibility in what they're carrying. I thought it would be nice if upon certification a different colored permit to carry so they don't have to carry a bunch of paperwork with them. Questions?

Vice Chairman Damschen: questions? Further testimony in favor?

5:00

Paul Hamers, USA Retired Municipal Judge: Presented Attachment 1

Vice Chairman Damschen: closed the hearing

2019 HOUSE SUBCOMMITTEE MINUTES
Energy and Natural Resources Subcommittee

32750 (starting at 1.24) HB 1206
Committee Clerk Kathleen Davis

Meeting location: Coteau A Room, State Capitol
Date of meeting: 2/14/2019 9:42 AM
Members present: Chairman Heinert, Rep. Lefor, Rep. Eidson, Rep. Porter
Others present:

Rep. Heinert and subcommittee reviewed Attachment 1 amendment 19.0103.03001

Motion and vote:

Rep. Ruby moved to recommend to the full committee the adoption of the amendment 19.0103.03001.

Rep. Lefor: second

Rep. Heinert: roll call vote. 4 yes 0 no 0 absent. Motion carried.

Time of Adjournment 9:46 am

HB 1206 relating to possession of a concealed firearm or dangerous weapon at a public gathering

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1206
2/14/2019
32766

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

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

Minutes:

Attachment 1

Chairman Porter: called the hearing to order on HB 1206.

Rep Heinert: HB 1206 has an amendment- Attachment 1. The subcommittee recommends and I would move the acceptance of the amendment.

Rep. Lefor: Second.

Chairman Porter: Discussion? Seeing none, voice vote, all in favor, aye, opposed. Motion carried.

Rep Heinert: HB 1206 as amended changes significantly the bill and explains the amendment. I would move a Do Pass as Amended on HB 1206.

Rep. Ruby: Second.

Chairman Porter: Discussion?

Rep. Roers Jones: Would be an annual proficiency exam?

Chairman Porter: Because it is tied to the ND Peace Officers Standards in Training, that is already in existence and requires annual certification. Further questions?
Roll call vote. 14 yes 0 no 0 absent. Motion carried. Rep Heinert is carrier.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 1 of section 54-12-14 and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license; and"

Page 1, after line 3, insert:

"**SECTION 1.** A new subdivision to subsection 1 of section 54-12-14 of the North Dakota Century Code is created and enacted as follows:

For costs associated with class 1 exempt licenses under section 62.1-04-03.2."

Page 2, line 26, overstrike "and"

Page 2, line 27, after "n." insert "A North Dakota member of the Congress of the United States who maintains the same level of firearms proficiency as is required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this subdivision to an individual who is proficient and the individual shall file the certificate with the bureau of criminal investigation;

o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2; and

p."

Page 3, after line 9, insert:

"**SECTION 3.** Section 62.1-04-03.2 of the North Dakota Century Code is created and enacted as follows:

62.1-04-03.2. Class 1 exempt firearm license.

1. The director of the bureau of criminal investigation shall issue a class 1 exempt license to carry a firearm or dangerous weapon concealed to an individual who:
 - a. Possesses a valid class 1 firearm license under section 62.1-04-03; and
 - b. Successfully completes the training and testing requirements under this section.
2. The bureau of criminal investigation shall coordinate with the peace officer standards and training board to develop and implement training standards and testing requirements equivalent to the firearms proficiency required by the peace officer standards and training board for law enforcement officers. The bureau of criminal investigation shall certify instructors under this section. Training must include:
 - a. Classroom training on weapons and procedures; and

DP 2/19/19
2 of 2

- b. Field training on weapons and procedures;
- 3. The bureau of criminal investigation shall develop and administer an annual training requirement for holders of a class 1 exempt license which may include classroom and field training components.
- 4. The bureau of criminal investigation shall prescribe the form of the application and license.
- 5. All fees collected for a class 1 exempt license must be credited to the attorney general's operating fund. All fees must be paid before the license application is processed by the director of the bureau of criminal investigation. The attorney general shall adopt rules establishing the fees associated with a license issued under this section."

Renumber accordingly

Date: 2-14-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1206**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.03001

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 M. Ruby Seconded By Lefor

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. Keiser			Rep. Mitskog		
			Rep. Eidson	✓	

Total (Yes) 4 No 0

Absent 0

Floor Assignment _____

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

Date: 2-14-19
Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1206**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.03001

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 Heinert Seconded By Rep Lefor

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. Keiser			Rep. Mitskog		
			Rep. Eidson		

Total (Yes) 19 No 0
Absent _____
Floor Assignment _____
Voice Vote - Motion carried

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

Date: 2-14-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2006**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

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

Motion Made By Rep Heinert Seconded By Rep Ruby

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. Keiser	✓		Rep. Mitskog	✓	
			Rep. Eidson	✓	

Total (Yes) 14 No 0

Absent 0

Floor Assignment Rep Heinert

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

REPORT OF STANDING COMMITTEE

HB 1206: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Sixth order on the calendar.

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Page 1, after line 3, insert:

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Renumber accordingly

2019 SENATE ENERGY AND NATURAL RESOURCES

HB 1206

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1206
3/14/2019
Job Number 33750

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to a class 1 exempt firearm license; and relating to possession of a concealed firearm or dangerous weapon at a public gathering.

Minutes:

9 Attachments

Chair Unruh: Opened the hearing.

Representative Todd Porter, District 34 (0:20-14:15) Introduced the bill. HB 1206 came out of a working sub-committee on the House side of Energy and Natural Resources, they worked on all of the gun legislation that was submitted to the House. What came out was this hodgepodge of the bills, the other bills were defeated to simplify the process. In the bill, I'll skip around a little bit. We'll talk about sub m on page 2, line 22, as we looked at what we've done over the past several years in regards to exemptions to the conceal carry laws and to who actually needs a permit and who doesn't, we've included such individuals as state, federal, municipal, or district judge. We added a judicial referee and a supreme court justice. This session we talked about while they are sitting on the bench they have the potential or the need, the threat levels exist, but when they retire, that really doesn't go away. We put in language that if they retire after 10 years of service, which is the same language as the federal LEOSA Act, they can maintain this exemption by continuing their certification. It comes with an annual certification, they need to have a relationship with a law enforcement agency that allows them to certify that they maintain their proficiency, in order to have this. On line 29-31, the other thing we learned is that it's a little onerous on these individuals: including retired police officers, the members of the attorney general's staff, and judges, to carry the letter around that says they are certified. There isn't an ID card. There isn't a system in place to do that. This language gives the BCI the power to do that. Then on page 3, at the top, we talked about our members of Congress, they come back here, they have no security staff, they are all over the state, we gave them the same exemptions as the judges and retired police officers. On sub o, where the class 1 exempt component fits in, they are exempt from the restricted places, if they complete the class 1 exempt licensure. On line 19 of that section, it was brought to my attention that we should take the word 'county' out, and insert 'political subdivision,' we don't want to hold a liability standard or an exemption to liability for a church, place of worship or a county; and then have the courts think that we said it's ok to sue the city or park board. I believe that that amendment would be good, that would just say that if

someone is legally carrying a concealed weapon, as defined in our law, that that political subdivision is not liable for that person's actions. Section 3, every session we've had the ongoing debate about when you have given your information, done the background check, been fingerprinted, where is it ok for you to carry a concealed weapon? We've cleaned that up to get down to a list that includes public buildings, schools, and school events, as we've debated the expansion of that. In a lot of states, once you've completed the requirements for licensure, that list of exempted places is reduced, in North Dakota, it stayed the same. Every session we have dealt with bills that take places out. One of the things we have heard, if you are going to open up restricted areas to a class of individuals, you need to make sure they meet the same requirements as police officer in North Dakota. We took that information and worked on it in subcommittee, and said we're going to stop having the debate over who can carry inside government buildings, schools etc. If you want that level of trust, then meet this standard, which is the exact same standard, both in classroom time and proficiency, as a North Dakota peace officer. That will be a class 1 exempt license. It's more training than a licensed security guard would have. When you look at this, this class of person in the class 1 exempt, is the same as a North Dakota police officer. Not only do they have to have a current class 1 license, which is the basic license that carries all of our reciprocity, they have 40+ hours of classroom training, the same shooting test on a timed course. This license expires every year, must do a recertification every year. Not everyone will have this license. It will be a select group of people. That law enforcement exam isn't easy. There is no reason not to trust this group of people for this particular license. That is the bill. I know there are different ideas and concepts grouped here, but they go together in the end.

Senator Piepkorn: When you included judges on page 2, line 23, is this something they were asking for?

Representative Porter: I do know based on testimony, from one judge that he asked a Senator to introduce the bill, he appeared in support, he liked the language that included the new certificate that was issued. We didn't include liquor store language; he did want to see that. As that language was drafted, I did not personally have a judge come to me, I realized it was a shortfall on our part, once they retire they give up this certification right that we had given them for 20-30 years. I didn't feel that that was a fair situation. I put in my bill to rectify that. If they want to continue after they retired, they have a pathway.

Katie Fitzsimmons, North Dakota University System Office (18:20-28:00) Testified in opposition, please see attachment #1.

Dr. Larry Skogen, President, Bismarck State College (28:30-33:45) Testified in opposition, please see attachment #2.

Joan Aus, Executive Committee, Council of College Faculties (34:10) Testified in opposition. I served in the military for 23 years; I also represent the vice president of the Faculty Senate at Valley City State, and they have unanimously requested that I ask you not to pass this bill. Having served in Theater, I retired 5 years ago, when I was in Iraq the second time, I was stationed at a forward operating base called FOB O'Ryan, that was prior to them not allowing women to serve on line companies. Our policies regarding carrying a loaded weapon are very stringent even in combat theater. When we are in a combat theater, when we are in an assembly of people, we are required to drop our magazine and not walk around

locked and loaded. Our concerns are that the conceal and carry doesn't carry the same level of stringent weapons safety that those in the military practice on daily basis. **Read letter from Dr. Deborah Dragseth, Council of College Faculties, please see attachment #3. (35:55-41:05)**

Alexis Baxley, Executive Director, North Dakota School Boards Association (41:30-46:45) Testified in opposition, please see attachment #4. We are opposed only to the 1E permit. Our objection is less about the training requirements, and more about how the presence of a weapon changes the tone of a tense parent teacher conference, or a negative staff evaluation. When it comes to education and our children, quite often our emotions are part of every day. Bringing a weapon into that, no matter how highly trained, changes the tone. We are concerned about a situation where an armed first responder, a school resource officer in a building and an individual with a 1E permit enters the building, the armed first responder, their duty is to protect the students and the staff of that building. They're going to be forced to assume that that person may have negative intentions. Creating this permit somewhat limits their ability to ask everyone who may be suspicious, may seem to have a weapon.

Elroy Burkle, Executive Director North Dakota Small Organized Schools (47:00-47:30) Testified in opposition. We have always opposed conceal and carry in schools. We wish for that to continue, if this stays in the bill, we will oppose. The suggestion of removing that part would be greatly appreciated.

Christopher Dodson, Executive Director, North Dakota Catholic Conference (47:40-49:40) Testified in opposition, please see attachment #5.

Dr. Aimee Copes, Executive Director, North Dakota Council of Educational Leaders (49:55-50:20) Testified in opposition. We echo Small Organized Schools and School Boards Association, requesting an exemption or lack thereof, with the class 1E exempt for the protection of keeping the guns off our schools, with the exception of SROs and armed first responders.

Josh Brown, Bismarck Citizen (50:40-53:45) Testified in opposition, please see attachment #6.

Shane Goettle, University of Mary, University of Jamestown, State Association of Non-Public Schools (54:05-55:40) The two year universities share the concerns laid out by Dr. Skogen, but even more, they would prefer to have the freedom to set their own policy as to who can carry a concealed weapon on their campuses. Private institutions operate on private property, and should be able to govern these issues themselves. In the bill, page 1, line 15, we are talking about athletic or sporting events in schools, you heard Rep. Porter talk about changing counties to political subdivisions, the private universities and private schools are not political subdivisions, so they would not be exempted from liability if this bill were to pass; even though the public institutions would be. If the law is to change and expand this right, not only would I suggest that county be changed to political subdivision, but we make it clear that private schools also are exempted and should be whether or not the concealed weapons permits are allowed to attend public gatherings. That's another flaw on page 3, lines 19-21.

Cheryl Biller, Moms Demand Action (55:55-57:45) Testified in opposition. We are supportive of the 2nd amendment and law enforcement. I would reiterate the distinction that has been made between the training described and the professional job that law enforcement does. They are not the same. I will reiterate that this is a reckless proposal that allows people with hidden loaded handguns into places that they shouldn't be. We've got children in schools, kids in college, places where people have an expectation of safety, and where educators are charged with safely educating and allowing our kids to grow up. By allowing disgruntled parents with custodial disputes you heard only escalates the potential for gun violence in those situations. There's research that shows us that that happens. In addition to the fact that parents shouldn't have to worry about their children being safe in schools or parents worrying about their college students, being safe, no child in an elementary school should have to worry about who's got a gun, who's trained and who's not. Those children are aware of the weapons that are there. They understand the dangers. That should not be an added stress. We urge to do not pass.

Tom Gerhardt, North Dakota United (57:55) Testified in opposition, please see attachment #7. If you choose to move this bill forward, we request that you remove schools and university campuses.

Donnell Preskey, North Dakota Association of Counties (58:45-59:15) Testified in opposition. We were on the fence about taking a position, after review, our biggest concern is how this could impact our county court houses and the court rooms, please keep that in consideration.

No neutral testimony.

Attachments #8 from Birgit Pruess and #9 from Paul Hamers, were submitted to the committee via email.

Chair Unruh: Closed the public hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1206
3/28/2019
Job Number 34331

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to a class 1 exempt firearm license; and relating to possession of a concealed firearm or dangerous weapon at a public gathering.

Minutes:

2 Attachments

Chair Unruh: This is Representative Porter's bill, it sets up a new conceal carry permit called the class 1 exempt permit, with training requirement of that of a peace officer. I have received some concerns from the Highway Patrol asking about the training requirements. They would be that of what a peace officer would be required to complete. I talked to legislative council about these, there weren't any issues there. The other was about the liability. On page 3, section 2, number 4, regarding churches, places of worship, and counties, they would not be held liable for the actions of an individual permitted to carry. State facilities and political subdivisions weren't listed there; the question was; would these entities be held liable? Ultimately, it doesn't matter if we list them in the century code as whether they are liable or not, that will be decided in a court case. All of the concerns from the Highway Patrol are nothing we need to address in the bill. We will see two sets of proposed amendments. We'll have Senator Schaible walk through his amendment first, and then hear from Representative Heinert, and we'll discuss the two concepts as a committee.

Senator Schaible: Please see attachment #1. This exempts schools, colleges, and their events from that list. These are exempt from the class 1 exemptions. We're talking about school stuff before this, a lot of educational people want to limit guns that go to educational events and think that it's appropriate to exempt them from that list of what a class 1 exempt allows.

Chair Unruh: For clarification, that also includes churches, correct? That was confirmed.

Representative Pat Heinert, District 32: I propose amendments as handed out (**please see attachment #2**), we're talking about testimony your committee received last week, that I thought we should be specific in a section of the training required for a class 1 exempt. We inserted this after the training of the peace officer, we said that there would have to be specifically two hours of specialized training strictly relating to when and when not to carry. Just because you are authorized to carry doesn't mean you should carry everywhere, every

time, all the time. We've come up with these, the instruction would be considerations to think about when you are attending any church, school, athletic or sporting event, or an event at a public owned building. The training would include why you would not carry guns at some of these events. Very specifically to each one of those locations, with the intent of letting people know that just because you have a class 1 exempt, does not mean you should be carrying all the time. This is not a requirement in law enforcement, however, in my law enforcement days, I had this discussion with every one of our new officers. Simply because there are times you don't carry. I felt that might be a good thing to add to this bill, and might create some thought processes for those who would receive the class 1 exempt.

Senator Piepkorn: Who would be getting the situational awareness instruction?

Representative Heinert: The person who applies for the class 1 exempt has to go to the training, this will become part of the training, the law enforcement curriculum is the training they have to attend, this will be in addition to that curriculum. Before the student can obtain a class 1 exempt, they would have to complete this training.

Senator Piepkorn: Who is that person, yes, the person who applies; any citizen?

Representative Heinert: In order to get a class 1 E, you have to have a class 1. You have to attend the course to obtain a class 1 in the state of North Dakota and pass the testing and shooting requirements of that, after you receive that, then you can move on to the class 1 E. Right now there are approximately 11,200 people in the state of North Dakota that hold a class 1 license. All of those people could apply.

Senator Piepkorn: Anyone who passes and meets the requirements?

Representative Heinert: Yes, anybody who applies for a class 1 and passes all the requirements.

Vice-Chair Kreun: Anyone who has passed a class 1 then can apply for the enhanced training, they don't get it just because they have a class 1 already?

Representative Heinert: That is correct. They have to apply and be willing to attend the additional training, requirements of shooting skills and on range skills, above and beyond the class 1 license.

Vice-Chair Kreun: If I'm not mistaken, isn't there a little more in depth background check?

Representative Heinert: No, the background check is pretty heavy in the class 1.

Senator Roers: Did you say 11,200 people have already qualified for this enhanced license?

Representative Heinert: No, there are 11,200 class 1 licenses currently issued in the state of North Dakota. Those people could qualify to go on to the next phase.

Senator Roers: How many people would be in that category; do you have an estimate?

Representative Heinert: We discussed that with BCI and the Attorney General's Office, we're throwing out a number of less than 10% that would actually accomplish the tasks.

Vice-Chair Kreun: There's quite a cost to go through this process, right?

Representative Heinert: The bill calls for the training to be provided by a person who can now train the class 1. The training would be established by the BCI along with some people that are involved in this training, then it would be a privatized training, there would be a fee, we have not spoken to the fee.

Chair Unruh: We have 2 amendment options before us.

Vice-Chair Kreun: I move to adopt the amendment ending in .04001.

Senator Roers: Seconded.

Vice-Chair Kreun: I believe we move the amendments separately, rather than together?

Chair Unruh: I'm not sure we need the second if we have the first.

A voice vote was taken.

Motion carries.

Senator Roers: Don't we have to approve amendment number two?

Chair Unruh: Now with the bill as it is amended, that specialized training wouldn't be applicable, because these class 1 exempt licenses, you could not carry a weapon in any of the places listed in the 02 version of the amendments, so they wouldn't apply.

Vice-Chair Kreun: The training aspect of the second one, item one, the two hours of specialized training, on when to carry and when not to carry, wouldn't be needed at that point either, just the first portion of that amendment?

Chair Unruh: We could leave that piece in if we wanted to move that part of the amendment, but I think the purpose of those additional two hours of training were to talk about how if they were going to carry in these places that they no longer can carry, that they shouldn't probably carry there. I think the purpose of that amendment goes away since we've passed the other amendment.

Senator Roers: Moved a Do Pass as amended.

Vice-Chair Kreun: Seconded.

Chair Unruh: There is a concern about Senator Schaible's amendments not addressing public buildings, but I believe it does?

Senator Schaible: On the second line, or public owned or operated building.

Senator Cook: I'll vote for the do pass motion, but the amendment we put on guts the bill. A do pass will guarantee a conference com. A do not pass will accomplish the same thing that you are doing with the amendment.

Senator Piepkorn: I believe my no vote represents 16% of the general population who are not in favor of this.

Vice-Chair Kreun: Representation is in the eyes of the beholder, I visited with college students last week, we went over this in depth, with some administration at these universities. With the amendment, it doesn't change anything that is in the schools already, with the policies we have, when we visited with them, nobody wants to have to do what we're doing, we have to be proactive. These individuals feel that this bill will keep what we have in place, still use the university police department as our main deterrent on these campuses. This defines where the responsibilities are, I think it's a good continuation of what we have. I don't know how many people I represent, but I also talked to the people this affects, they are comfortable.

**A roll call vote was taken.
Motion carries 5-1-0.**

**Vice-Chair Kreun will carry.
Chair Unruh:** Closed the meeting.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1206
3/29/2019
Job Number 34373

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to a class 1 exempt firearm license; and relating to possession of a concealed firearm or dangerous weapon at a public gathering.

Minutes:

2 Attachments

Chair Unruh: Opened the meeting.
We'll have the motions to reconsider

Senator Roers: I move that we reconsider our do pass motion.

Vice-Chair Kreun: I second.

A voice vote was taken.
Motion carries.

Chair Unruh: We have HB 1206 as amended in front of us, there was some confusion raised with the amendment as it was worded. The code relating to conceal carry and guns is confusing; we wanted to make sure we knew exactly what it was we wanted to do.

Vice-Chair Kreun: We're trying to make sure this enhanced class 1 permit is applicable for the areas that they might want to use it for, and in the confusion, we created a double negative. We changed the amendment a little bit, and Legislative Council is here to explain it better than me. Hopefully we can get that corrected so that we have a good understanding of what we're trying to accomplish.

Samantha Kramer, Legislative Council: The only difference between yesterday's .04001 version and today's .04004 version **Please see attachment #1**, is that the .04004 version removes 'church.' It's the same amendment, with church excluded. The easiest way to look at it is to read all the pieces as they fit together. The first subsection of section 2 restricts someone from possessing a firearm or dangerous weapon at a public gathering. Then it defines public gathering as an athletic or sporting event, school, church or other publicly owned or operated building. The lead-in language for subsection 2 is 'this section does not apply to.' House Bill 1206 carves out an exception, which is the new language on page 3, subdivision o). This section does not apply to an individual who possesses a valid class 1

exempt license under section 62.1-04-03.2 - which is that new class 1 E - and who is at an athletic or sporting event or a publicly owned or operated building. Then the additional language in that subdivision explains that for purposes of this subdivision, only o), a publicly owned or operated building does not include a public school or an institution of higher education.

Chair Unruh: These amendments would say that if you had a class 1 exempt license, you could not carry at a public school, an institution of higher education, or a church?

Samantha Kramer: Yes, but we don't specifically use the word 'church,' because of subsection 1. When you read it together, yes.

Chair Unruh: We have an understanding of what we have in front of us.

Vice-Chair Kreun: That's what our goal was, to take those three items and to segregate them to make sure that's what our intent was to do, this does accomplish it, even though it is a bit confusing.

We're trying to make sure that the laws in effect stayed, because there are other components, especially in the universities and some of the schools that are already exempt. We wanted to make sure that the institutions and the schools were the primary focus, in that there were some concerns with the church, and we wanted to make sure that the initial law where the churches can make their own decisions within the law that was existing. But it also incorporates that particular body in the law as well. When the word 'church' was in there, it actually took them out, this puts them back in. We're accomplishing the three things that our intent was yesterday by changing a few words. It's an exemption to the exemption. According to our legal advice, we've accomplished what we're going for.

Samantha Kramer: To clarify, the amendment .04004 would allow an individual who has this new license to carry a concealed firearm or dangerous weapon at an athletic or sporting event, or a publicly owned or operated building, except for a public school or an institution of higher education.

Vice-Chair Kreun: It also indicates that when we took the church back out, it goes back to that initial part that you are referring to, and it basically includes it.

Samantha Kramer: Yes, that's subdivision l) on page 2.

Senator Schaible: You said schools and higher education, does that include schools' and higher education's events?

Samantha Kramer: No. The section of law does not specify where an athletic or sporting event would be to occur, it also authorizes with this amendment an individual with that specific license to carry at a publicly owned or operated building. Which could be the Civic Center, or the Community Bowl, or any of those type of venues.

Senator Schaible: So, we're not accomplishing what we want to do. If it's a school event, we don't want that included in the concealed carry. Is there a way to exempt that also?

Samantha Kramer: By exempting or carving out a specific exemption to, essentially it would be an athletic or sporting event, where? That's a policy discussion the committee has to have. If you are going to differentiate between certain athletic or sporting events, certain publicly owned or operated buildings, or certain events that are held at publicly owned or operated buildings, that could be an extremely long list, that's something that you as a committee can decide.

Senator Schaible: My concern is if it's a sanctioned athletic college or high school event. They might rent fields, use other facilities, we have those exemptions for other laws, for noisemakers, alcohol; you might have facilities that normally don't mind that stuff, but if it's a school event, there are certain rules to apply. I'm looking for the same kind of thing. If it's a school event, whether it's a facility that they own, or they rent one, that would follow the school. Track meet, music concert, whatever. I know we have that with alcohol and noisemakers, it already says that, I think we can do it. I think that was the intention we were looking for.

Samantha Kramer: Specifically relating to this provision, I can't answer that question, there may be something involved in the contracts when schools or districts are negotiating with those facilities, where that is something that is included. Any contract has to look at the law and be comfortable against what it is saying. The fact that public gathering in subsection 1 is an extremely broad definition, could create more unforeseen circumstances.

Senator Piepkorn: The Bismarck Municipal ball park, publically owned. The Bismarck Larks play there; this law allows someone to carry a gun. What you are asking Senator Schaible, if they played some regional playoff baseball games in that stadium, that's what you're questioning here?

Senator Schaible: Yeah, specifically if it's a high school sanctioned event, high school activities association, it could also be other things. I'm looking for school events, if it's sanctioned through the school. I want an exemption for them. I think our extracurricular activities are an exemption of our education. I don't want them in my schools or school events. There's all kinds of sporting events that are not school sanctioned; there is a difference. I'm looking at the school sanctioned events

Chair Unruh: If we added in this amendment, 'for purposes of this subdivision a publicly owned or operated building does not include a school sanctioned event or an institution of higher education'? would that make it better?

Samantha Kramer: I would suggest an alternative. After education, if you inserted and "athletic or sporting event" does not include a school sponsored athletic or sporting event, that might be more clear.

Chair Unruh: Do we run into private and public school issues when we just call it a school sanctioned event, or would that cover both?

Samantha Kramer: You could.

Senator Schaible: I would like that, I think the intent is the same for both private or public, if the administration or school boards are okaying these events, I would say that's what a school sanctioned event is. If the administration says we're going to have a concert in the park, or a speech meet somewhere else. I know there's rules for smoking, alcohol and other things like that, that extends to those areas. I think it's possible to do.

Senator Piepkorn: The way to make things clear is to not pass the bill. Then there would be no confusion.

Senator Roers: One of the things we're trying to accomplish through this amendment is to try to bring the churches into the excluded category, by not passing the bill, we haven't accomplished what we set out to do. What we're discovering is there's another area that we're questioning whether it's covered or not and that's sanctioned events off campus. We've got two issues on the table right now.

Chair Unruh: We are only talking about people who will obtain this class 1 exempt license, which is also language in the bill. To Senator Piepkorn's point, correct, if we don't have the bill, then we don't have the issue.

Vice-Chair Kreun: Can we hold this, and have Samantha rewrite that so we can still accomplish our goal? We accomplished one thing, but now we have one more item to add to it.

Chair Unruh: We'll revisit this later this when Ms. Kramer has drafted the new amendments, to finish discussion on this bill. We have reconsidered our actions; we still have the amended version in front of us when we come back.

Chair Unruh: Passed out amendments for 1206, **please see attachment #2**

Samantha Kramer, Legislative Council: We discussed it upstairs, it seemed that for clarity's sake, it was easier to read if we broke out those two definitions that don't apply to that subdivision. Everything else is the same as we discussed this morning, without having the word 'church' in the first line, then we added that an athletic or sporting event does not include a school sponsored athletic or sporting event.

Chair Unruh: People with these class 1 exempt licenses couldn't carry them in a public school, an institution of higher education, a church or at a school sponsored athletic or sporting event.

Samantha Kramer: Correct.

Chair Unruh: We need to remove the amendments that we added on yesterday, before we adopt any new amendments. Those amendments were ending .04001.

Vice-Chair Kreun: I move to rescind the amendments ending in .04001.

Senator Schaible: Seconded.

A voice vote was taken.
Motion carries.

Vice-Chair Kreun: I move to adopt amendments ending in .04005.
Senator Schaible: Seconded.

A voice vote was taken.
Motion carries.

Chair Unruh: This creates a class 1 exempt license that can carry can carry anywhere a valid class 1 license holder can currently carry, in addition to that, they would be able to carry in publicly owned or operated buildings. The capitol for example.

Vice-Chair Kreun: I move a Do Pass as amended.
Senator Cook: Seconded.

Senator Schaible: I'm the one who wanted the schools and athletic events, but looking at this further, I'm thinking that what we've done has really gutted the bill, now you have a \$5000 fee to get certified to not be able to go many places, I think the best thing is to get rid of the bill. I will not support a do pass.

Chair Unruh: I'm not sure there is much clarity here. I think the whole point was to provide a way, since our definition of public gathering is not clearly defined, this was intended to be a way for people to be able to carry wherever they wanted to go. I don't think that with the way we've dealt with this confusing language, and had to comeback multiple times, that this really does provide any type of clarity, or anything additional that's good, I agree with Senator Schaible, I won't support the Do Pass motion.

A roll call vote was taken.
Motion fails 2-4-0.

Senator Schaible: Moved a Do Not Pass as amended.
Senator Roers: Seconded.

A roll call vote was taken.
Motion passes 5-1-0.

Vice-Chair Kreun will carry.

Chair Unruh: Closed committee work.

19.0103.04001
Title.05000

Prepared by the Legislative Council staff for
Senator Schaible
March 26, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, a church, or a publicly owned or operated building. For purposes of this subdivision, a "publicly owned or operated building" does not include a public school or an institution of higher education"

Renumber accordingly

March 29, 2019

6/16/19
JMS
No. 1

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, or in a publicly owned or operated building. For purposes of this subdivision:

- (1) A "publicly owned or operated building" does not include a public school or an institution of higher education; and
- (2) An "athletic or sporting event" does not include a school-sponsored athletic or sporting event"

Renumber accordingly

Date: 3/28
Roll Call Vote #: 1

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1206

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.04001

- 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 Sen. Kreun Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh			Senator Merrill Piepkorn		
Senator Curt Kreun					
Senator Donald Schaible					
Senator Dwight Cook					
Senator Jim Roers					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Voice Vote
Motion Carries

Date: 3/28
Roll Call Vote #: 2

2019 SENATE STANDING COMMITTEE
ROLL CALL VOTES
BILL/RESOLUTION NO. 1206

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.04001

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 Sen. Roers Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh	X		Senator Merrill Piepkorn		X
Senator Curt Kreun	X				
Senator Donald Schaible	X				
Senator Dwight Cook	X				
Senator Jim Roers	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Sen. Kreun

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

Date: 3/29
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1206**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: _____

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

Other Actions: Reconsider Do pass _____

Motion Made By Sen. Roers Seconded By Sen. Kreun

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh			Senator Merrill Piepkorn		
Senator Curt Kreun					
Senator Donald Schaible					
Senator Dwight Cook					
Senator Jim Roers					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
Voice Vote
Motion Passes

Date: 3/29
 Roll Call Vote #: 3

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1206**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.04005

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 Sen. Kreun Seconded By Sen. Schaible

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh			Senator Merrill Piepkorn		
Senator Curt Kreun					
Senator Donald Schaible					
Senator Dwight Cook					
Senator Jim Roers					

Total (Yes) _____ No _____
 Absent _____
 Floor Assignment _____

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

*Voice Vote
 Motion Passes*

Date: 3/29
 Roll Call Vote #: 4

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1206**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.04005

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 Sen. Kreun Seconded By Sen. Cook

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh		X	Senator Merrill Piepkorn		X
Senator Curt Kreun	X				
Senator Donald Schaible		X			
Senator Dwight Cook	X				
Senator Jim Roers		X			

Total (Yes) 2 No 4
 Absent 0
 Floor Assignment _____

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

Date: 3/29
 Roll Call Vote #: 5

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1206**

Senate Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0103.04005

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 Sen. Schaible Seconded By Sen. Roers

Senators	Yes	No	Senators	Yes	No
Senator Jessica Unruh	X		Senator Merrill Piepkorn	X	
Senator Curt Kreun	X				
Senator Donald Schaible	X				
Senator Dwight Cook		X			
Senator Jim Roers	X				

Total (Yes) 5 No 1

Absent 0

Floor Assignment Sen. Kreun

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

REPORT OF STANDING COMMITTEE

HB 1206, as engrossed: Energy and Natural Resources Committee (Sen. Unruh, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1206 was placed on the Sixth order on the calendar.

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, or in a publicly owned or operated building. For purposes of this subdivision:

- (1) A "publicly owned or operated building" does not include a public school or an institution of higher education; and
- (2) An "athletic or sporting event" does not include a school-sponsored athletic or sporting event"

Re-number accordingly

2019 TESTIMONY

HB 1206

Chairman and Members
North Dakota House
Energy and Natural Resources Committee

#1
HB 1206
1-17-19

January 17, 2019

Chairman,
Ref: HB 1206

I am Paul Hamers, the Municipal Judge for the cities of Gackle and Napoleon. I am an Executive Board member of the North Dakota Municipal Judges Association.

I rise in support of HB 1206 and have the following suggestions to enhance the practical implementation.

1. Clarify what constitutes a certificate of compliance by adding language such as:

"A paper or electronic copy of the peace officer standards and training board sidearm qualification form endorsed by the administering officer is proof of compliance under this subdivision."

2. Would the BCI issue a new permit every year? ND POST requires yearly qualification?
Currently it is up to each individual to seek an LE department instructor to administer the test.
The BCI could issue the license and the individual could be responsible for having an up-to-date copy of their certificate of compliance in their possession.

3. How many years is sufficient for retirement? Retired vs Former?
A typical municipal judge's term is 4 years. Is two terms (8 years) sufficient?
The verbiage could be "two terms or 8 years whichever is greatest"

4. Duplicate the same standard as a new subdivision to subsection 2 of section 62.1-02-04

I have attached a copy of SB 2172 as an example of a minimal change to the NDCC that accomplishes a similar goal.

Please feel free to contact me directly by cellphone 701-400-0085, or email paul.hamers@napoleon.k12.nd.us.

Sincerely,



Paul Hamers
USA Retired
Municipal Judge

#1
HB 1206
1-17-19

19.0846.02000

FIRST ENGROSSMENT

Sixty-sixth
Legislative Assembly
of North Dakota

ENGROSSED SENATE BILL NO. 2172

Introduced by

Senators Erbele, Luick, Myrdal

Representatives K. Koppelman, Paur, Satrom

1 A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-04 of
2 the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a
3 liquor establishment; to amend and reenact subdivision m of subsection 2 of section 62.1-02-05
4 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at
5 a public gathering; and to provide a penalty.

6 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

7 **SECTION 1.** A new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota
8 Century Code is created and enacted as follows:

9 A current or former state, federal, or municipal court judge, district court
10 magistrate judge, judicial referee, or a current staff member of the office of
11 attorney general if the individual maintains the same level of firearms proficiency
12 as is required by the peace officer standards and training board for law
13 enforcement officers. A local law enforcement agency may issue a certificate of
14 compliance under this section to an individual who is proficient. A paper or
15 electronic copy of the peace officer standards and training board sidearm
16 qualification form endorsed by the administering officer is proof of compliance
17 under this subdivision.

18 **SECTION 2. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the
19 North Dakota Century Code is amended and reenacted as follows:

20 m. A current or former state, federal, or municipal court judge, a district court
21 magistrate judge ~~or~~ judicial referee, ~~and~~ or a current staff member of the office of
22 attorney general if the individual maintains the same level of firearms proficiency
23 as is required by the peace officer standards and training board for law
24 enforcement officers. A local law enforcement agency ~~shall~~ may issue a certificate

#1
HB1206
1-17-19

Sixty-sixth
Legislative Assembly

1 of compliance under this section to an individual who is proficient. A paper or
2 electronic copy of the peace officer standards and training board sidearm
3 qualification form endorsed by the administering officer is proof of compliance
4 under this subdivision; and

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 1 of section 54-12-14 and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license; and"

Page 1, line 1, after line 3, insert:

"SECTION 1. A new subdivision to subsection 1 of section 54-12-14 of the North Dakota Century Code is created and enacted as follows:

For costs associated with class 1 exempt licenses under section 62.1-04-03.2."

Page 2, line 26, overstrike "and"

Page 2, line 27, after "n." insert "A North Dakota member of the Congress of the United States who maintains the same level of firearms proficiency and skills required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this subdivision to an individual who is proficient and the individual shall file the certificate with the bureau of criminal investigation;

o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2; and

p."

Page 3, after line 9, insert:

"SECTION 3. Section 62.1-04-03.2 of the North Dakota Century Code is created and enacted as follows:

62.1-04-03.2. Class 1 exempt firearm license.

1. The director of the bureau of criminal investigation shall issue a class 1 exempt license to carry a firearm or dangerous weapon concealed to an individual who:
 - a. Possesses a valid class 1 firearm license under section 62.1-04-03; and
 - b. Successfully completes the training and testing requirements under this section.
2. The bureau of criminal investigation shall coordinate with the peace officer standards and training board to develop and implement training standards and testing requirements that are equivalent to the firearms proficiency required by the peace officer standards and training board for law enforcement officers. The bureau of criminal investigation shall certify instructors under this section. Training must include:
 - a. Classroom training on weapons and procedures; and

- b. Field training on weapons and procedures:
3. The bureau of criminal investigation shall develop and administer an annual training requirement for holders of a class 1 exempt license which may include classroom and field training components.
 4. The bureau of criminal investigation shall prescribe the form of the application and license.
 5. All fees collected for a class 1 exempt license must be credited to the attorney general's operating fund. All fees must be paid before the license application is processed by the director of the bureau of criminal investigation. The attorney general shall adopt rules establishing the fees associated with a license issued under this section."

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 1 of section 54-12-14 and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license; and"

Page 1, line 1, after line 3, insert:

"**SECTION 1.** A new subdivision to subsection 1 of section 54-12-14 of the North Dakota Century Code is created and enacted as follows:

For costs associated with class 1 exempt licenses under section 62.1-04-03.2."

Page 2, line 26, overstrike "and"

Page 2, line 27, after "n." insert "A North Dakota member of the Congress of the United States who maintains the same level of firearms proficiency and skills required by the peace officer standards and training board for law enforcement officers. A local law enforcement agency shall issue a certificate of compliance under this subdivision to an individual who is proficient and the individual shall file the certificate with the bureau of criminal investigation;

o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2; and

p."

Page 3, after line 9, insert:

"**SECTION 3.** Section 62.1-04-03.2 of the North Dakota Century Code is created and enacted as follows:

62.1-04-03.2. Class 1 exempt firearm license.

1. The director of the bureau of criminal investigation shall issue a class 1 exempt license to carry a firearm or dangerous weapon concealed to an individual who:
 - a. Possesses a valid class 1 firearm license under section 62.1-04-03; and
 - b. Successfully completes the training and testing requirements under this section.
2. The bureau of criminal investigation shall coordinate with the peace officer standards and training board to develop and implement training standards and testing requirements that are equivalent to the firearms proficiency required by the peace officer standards and training board for law enforcement officers. The bureau of criminal investigation shall certify instructors under this section. Training must include:
 - a. Classroom training on weapons and procedures; and

- b. Field training on weapons and procedures:
3. The bureau of criminal investigation shall develop and administer an annual training requirement for holders of a class 1 exempt license which may include classroom and field training components.
 4. The bureau of criminal investigation shall prescribe the form of the application and license.
 5. All fees collected for a class 1 exempt license must be credited to the attorney general's operating fund. All fees must be paid before the license application is processed by the director of the bureau of criminal investigation. The attorney general shall adopt rules establishing the fees associated with a license issued under this section."

Renumber accordingly

HB 1206

Senate Energy and Natural Resources

March 14, 2019

Katie Fitzsimmons, Director of Student Affairs

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Chair Unruh and Committee Members: my name is Katie Fitzsimmons and I serve as the Director of Student Affairs for the North Dakota University System. I am here today, representing the System Office but not the State Board of Higher Education, in opposition to HB 1206. The bill would allow an individual with who is not otherwise precluded from possessing a firearm or dangerous weapon to carry said weapon at a public gathering under the newly created class 1 exempt license. As a public gathering space is defined as an athletic or sporting event, a school, a church, and a publicly owned or operated building, the University System has a definitive opinion on this matter. I would like to focus on three issues in my testimony today: the resiliency of students as they seek happiness, statistics regarding the mental health of our students, the risk of suicide, and the further considerations about the college campus environment versus other public gathering spaces.

I work with our eleven state colleges and universities to promote and ensure student success outside of the classroom. My portfolio addresses issues pertaining to student affairs such as sexual assault and harassment as they fall under Title IX, substance abuse and prevention, student health insurance, and, at the heart of nearly everything I discuss: student mental health. Speaking in broad terms, we are seeing that students and young adults, not only in North Dakota but nationwide, suffer from a lack of coping skills and resiliency that has staggering effects on their ability to perform as students, function as adults, and create their own happiness. Stress is higher, demands are tougher, competition is stiffer, and true connection is less and less available. In the Fall of 2017, over 1100 Yale students (the largest section ever in Yale history) enrolled in a class titled “Psychology and the Good Life” which aimed to teach students how to live a happy life. Students everywhere are truly struggling to define, create, and perpetuate their own happiness in the wake of feeling stressed and disconnected, so much so, that some will sign up for class to learn how to accomplish it.

During a mental health task force meeting in November 2018, three of the NDUS campuses informally reported fielding at least one case of suicide ideation a week from students. That was a minimum of 36 suicidal students on only three campuses at that point in the semester. By comparison, those campuses usually report about 1-2 suicidal concerns over the course of an entire academic year. When we discussed the root of these suicidal thoughts, the counselors reported that the threats and ideations were real, but they stemmed from students’ inability to cope with day-to-

day life. This has everything to do with resiliency, creating your own happiness, and feeling connected to your community.

By election day 2018, the robust staff at NDSU's student counseling center was so overloaded with appointment requests, it had to restrict students that did not need intensive intervention to what is called "solution-focused" sessions; which only guaranteed one meeting with a counselor and one follow-up appointment. In addition, the off-campus counseling center to which NDSU refers students was full and that site had to refer students to another clinic.

For a glimpse into the mental health of our students supported by self-reported data, here are statistics from UND's 2018 American College Health Association/National College Health Assessment (ACHA/NCHA).

In the past 12 months:

- 43.7% felt things were hopeless
- 86.6% felt overwhelmed by all they had to do
- 82.1% felt exhausted (but not from physical activity)
- 59.3% felt lonely
- 61.1% felt very sad
- 31.3% felt so depressed that it was difficult to function
- 56.9% felt overwhelming anxiety
- 35.1% felt overwhelming anger
- 20.1% diagnosed with anxiety; 14.9% diagnosed with depression; 8.9% experienced panic attacks

Furthermore, in November 2018, we issued the North Dakota Student Wellness and Perceptions Survey (NDSWAPS) to all 11 campuses. With the timing of this survey, we captured the current first-year students as they were making the big transition to life in college. That survey delved deeper into self-injurious thoughts and behaviors. Of the NDUS students that responded to the survey, in the past year:

- 11.3% reported non-suicidal self-injury
- 22.8% reported having suicidal thoughts (two campuses had rates higher than 30%)
- 6.8% had a suicidal plan (one campus had 14.8%)
- 3.0% reported they had attempted suicide in the past year (one campus reported 9.1%)

Additionally, in this survey, students reported having a positive view toward seeking psychological assistance, so at least students, for the most part, seem open to seeking help when they need it.

In January, I attended the North Dakota Suicide Coalition Statewide Meeting along with over 100 stakeholders from across state agencies, private entities, the general public, and the military. North Dakota's suicide rate increased 57% between 1999-2016; the greatest increase in the country. Suicide completion is all about access. Once someone decides to attempt suicide, they will do so within ten

minutes. Over 56% of suicides in North Dakota were made possible with the use of a firearm. For all completed suicides, there are 25 attempts. As I mentioned, January's meeting had a strong presence from military groups including ND CARES, Adjutant General Alan Dohrmann, and representatives from the VA. The Veterans Crisis Line handed out gun locks to all attendees because of how prevalent gun-inflicted injuries are. In short: if we increase access to deadly weapons on our campuses, we will experience an increase in suicide attempts and completions on our campuses.

I understand the picture I am painting is one of vast mental instability, but that is not the full story and not all is doom and gloom. Regardless, I am certain it could be argued that this testimony might have the opposite impact of my intent. That this would be reason enough for more students to carry weapons to protect themselves from the possible rash action of an unbalanced student or community member that might open fire during a hockey game or lunch hour. And you would not be wrong. There is no way to predict what may or may not happen or where or when such an unspeakable act might occur, but given our experiences with students and self-harm, I believe the real danger with increased access to weapons in a school setting is increased suicide attempts and increased violence. I am less worried that a suicidal student will bring their own weapon to campus and more concerned that they will have knowledge and access to another student's weapon. Add in unlocked residence hall room doors, alcohol, underlying stress, no mandate in the bill language to keep permissible firearms locked and secured, no mandate in the bill requiring a psychological evaluation of the license applicant, and an event a student cannot process appropriately due to a lack of resiliency- and we have another preventable death on a campus. The idea that if we put more guns into the hands of the "good guys" they will "take out the bad guys" is problematic because even the "good guys" experience sadness, depression, and suicide ideation, or maybe their friends, roommates, or acquaintances down the hall do. Unfortunately for all of us, there is no way to know what deaths were prevented when you enroll either route, so I urge you to consider the concrete and proven risk of suicide.

Finally, I ask that you consider the varying environments that a college campus encompasses, the different populations, and the "seasons" we experience on our campuses. For example, enlisted soldiers are not allowed to possess firearms in their barracks or living quarters and there are firearm discharge barrels outside of gathering spaces such as cafeterias, administration buildings, and gyms (depending on the base, the staff, the population, and the proximity to a conflict). If soldiers, who receive extensive training with weapons, cannot possess them in living spaces, I think the committee needs to truly examine the vast ramifications of college students possessing firearms in residence hall settings. Could we require that students disclose their weapon possession if they live on campus? Could we pair roommates based upon their preference for wanting an armed roommate or preferring a roommate that does not own a gun? Outside of the residence halls, consider the varying educational settings. What about a science lab with volatile experiments and chemicals? What about

daycare centers that are located on campuses? What about the Northern Prairie Community Clinic at UND that provides counseling services for both students and community members who are coping with trauma, or any counseling center on any of the campuses? What about the medical school building at UND? In light of exceptions made for churches and religious spaces when it comes to firearm possession, what about chapels and religious centers on the campuses? Would they receive the same exemption? What about financial aid offices that are in charge of supplying students with the funding they need to continue their education (at times, those interactions can be stressful for students)? Regarding my reference to the “seasons” on our campuses- would there be any consideration for high-risk times that inevitably entail more alcohol and other substance use in students, such as large sporting events, homecoming, and breaks on campus? What about the stressful seasons on our campuses- midterms, finals, rush weeks, and housing placements? What about high traffic times of minor-aged high school students visiting campuses and staying overnight? And, in light of HB 1163, which would lower the penalties of unlawful gun possession at public gatherings from a misdemeanor to an infraction, and if both that bill and this were to pass, how will a campus enforce keeping the correct, licensed people armed and the unlicensed individuals unarmed?

Currently, State Board Policy prohibits firearms and dangerous weapons from campus buildings, but most of our campuses allow students to store hunting rifles and similar firearms in secured storage or in the locked trunk of a vehicle. The Board has not yet weighed in on this bill or any others pertaining to firearms, but the upcoming Board meetings will likely include discussion of these issues.

I respectfully request a do not pass on HB 1206, or for the committee to consider an amendment to carve out the campuses and/or the State Board of Higher Education to allow them/it to make their own policies regarding firearm possession on the campuses. I provided a possible amendment attached to my testimony, if you feel this bill should move forward. I thank you for your time and am available to answer your questions to the best of my ability. Thank you.

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1206

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Page 3, Line 19, after "4." insert:

"This section does not prevent the State Board of Higher Education or an institution under its control from enacting and implementing reasonable policies, procedures, rules, or regulations restricting the possession of firearms or dangerous weapons on property owned, leased, or operated by, or at events sponsored or hosted by, the State Board of Higher Education or an institution under its control in the interest of the health and safety of the individuals there present.

5."

Renumber accordingly.

Madam Chair and members of the committee,

I am Larry Skogen and it's my great fortune to be president of Bismarck State College. I'm here to testify in opposition to HB1206.

I approach this topic as one who has spent a lifetime around weapons. I grew up in a household with many handguns and rifles and stacks of the *Rifleman* magazine. My father was a member of the NRA. Upon entering the United States Air Force, weapons became tools of my trade. For my 26 years in the Air Force, I spent 6 years as an enlisted Security Policeman, and 6 years as an officer combat crewmember. During those twelve years, I spent every day of work learning how to manage violence. I've qualified on the Smith & Wesson Military and Police Model 15 .38, M-16, M-79, M-60, and the 90MM recoilless rifle. I've been through Air Base Ground Defense training a number of times, in the United States and in Europe. I've been involved in operations confronting civil disobedience during the anti-Vietnam War activities in the early 1970s in Denver. And, I spent 6 years in law enforcement activities at

stations in the United States and overseas. I've spent a lot of time learning about violence.

Here's what I know from that experience: knowing what to do in a high-adrenaline moment doesn't come naturally. The military knows this. That's why individuals who manage violence spend days every month practicing, training, and testing in the hope that they react appropriately to counter violence. This isn't something you learn in one field training or by passing one written test.

Now let me bring that to my current job as a college president. Colleges are very complex organizations where young peoples' dreams, aspirations, failures, and emotions all crowd together in one location, the campus, and are present in every building. Day-in and day-out faculty and staff work with these young people and are confronted by all their dreams, aspirations, failures, and emotions—and sometimes, negative emotions. The last thing these employees want in that environment is a loaded gun.

At Bismarck State College, a few years ago we had a four-hour lockdown because the FBI notified us of a credible threat against our campus. It was a very trying and emotional time for students and employees. I see nothing about concealed carry that would have mitigated any of that.

Our Student Government Association recently met on this very bill. While they stated their general support for gun rights, they said that allowing concealed weapons on campus is rife with unknowns that make them feel more unsafe. Specifically, they were concerned about accidental discharges in settings where crowds are common, such as in the Student Union or in classrooms. They also felt that unidentified and underlying mental health disorders may create dangerous situations. I'll add to that that as a policeman, had I heard about an active shooting incident and responded to a building, I probably would have shot anyone I saw with a weapon. When we had our four-

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hour lockdown, within minutes of notifying the local police our campus was swarming with heavily armed police officers searching for an intruder. In that environment, do you really want anyone else armed, especially students?

Furthermore, we know that emotional issues on campuses are at an all-time high. Along with that are increased cries for help from students with suicidal ideation. Studies have shown that suicides are far more prevalent and successful with the introduction of alcohol and firearms. While we work diligently to prevent the first, are we now going to lift the ban on the second? I hope not.

Finally, our institutions are wide-open and we have many, many visitors who come on our campuses for a variety of reasons. To all of them, we want to say our campuses are “gun

free.” “Don’t bring your weapons onto our campuses, into our educational, learning environments.” Coming into this Capitol there is a sign that says “No firearms or dangerous weapons.”

Going into any of our judicial courts, there are signs saying the same. There is certainly a reason for those signs. Why would we want to say it’s okay to bring weapons onto our campuses. How is that going to make our students, our employees, or our guests safer?

In conclusion, as one who spent a professional life in the management of violence and now as one who works on a college campus, I see absolutely no value in the introduction of concealed weapons on college campuses. Moreover, I’ve seen no study that would counter this position. Rather, I believe campuses will be less safe should this legislation pass allowing concealed carry of weapons on our campuses. Thus, I encourage you to send this to your colleagues with an

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amendment designed to exclude firearms from our campuses
or, lacking that, a Do Not Pass recommendation on this bill.

Thank you for your time.

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March 5, 2019

Dear Sen. Jessica Unruh and members of the Senate Energy and Natural Resources Committee,

North Dakota University System faculty was asked to give feedback on HB1206. At its Council of College Faculties meeting on March 5, 2019, the Council (representing the North Dakota University System faculty) approved the following letter.

Our concerns regarding HB1206 revolve around how allowing concealed carry guns will impact faculty, staff, students, and the overall environment of college campuses. These concerns, including the physical safety and psychological well-being of students, faculty, and staff, all point to the potential that allowing guns on campus will be detrimental to the NDUS mission statement: “The mission of the State Board of Higher Education and the Chancellor of the North Dakota University System is to unleash the potential of higher education in the state to enhance the quality of life, and the social and economic vitality of all served by its public colleges and universities.”¹ Therefore, we are opposed to HB1206.

The physical and psychological well-being of our campus communities is of utmost importance. Allowing guns on campus, even within the specific parameters of HB1206, threatens “the quality of life” as mentioned in the NDUS mission statement. According to a 2016 report by Daniel W. Webster of the Johns Hopkins Center for Gun Policy and Research, nearly 90% of mass shootings since 1966 have happened in areas where guns were not prohibited and where security officers or law enforcement were also armed.² When focusing specifically on college campuses, Webster explains that of the 85 instances of “shootings or undesirable discharges of firearms” between January 2013 to June 2016, only two were due to an active shooter: “The most common incidents were interpersonal disputes that escalated into gun violence (45%), premeditated acts of violence against an individual (12%), suicides or murder/suicides (12%), and unintentional shootings or discharges (9%).”³ Since college-aged students are among the age range with the highest risk of suicide, having easier access to guns on campus also threatens NDUS’s mission of “quality of life.”

Without a safe environment, we cannot successfully educate our students, and this concern threatens “the social...vitality” of the NDUS mission statement. Concerns have been voiced that allowing guns in classrooms could stifle discussion of difficult, complex topics where emotions may run high. Further, any type of debate might be deemed too hazardous when participants are potentially armed, thus limiting certain activities and teaching methods currently

¹ North Dakota University System Mission Statement, 2019, <https://ndus.edu/>.

² Webster, Daniel W. et al. “Firearms on College Campuses: Research Evidence and Policy Implications.” *Johns Hopkins Center for Gun Policy and Research*. Johns Hopkins University, Bloomberg School of Public Health, 2016, <https://www.jhsph.edu/research/centers-and-institutes/johns-hopkins-center-for-gun-policy-and-research/pdfs/GunsOnCampus.pdf>, p. 9.

³ *Ibid.*, p. 17.

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used in the classroom. From a student's point of view, knowing that a faculty or staff member may be armed could create discomfort and negatively impact academic relationships. One question voiced is how will the passing of this bill affect future enrollment; specifically, will a concealed carry allowing campus cause prospective students and their parents to avoid attending NDUS schools? Everytown for Gun Safety Support Fund presents statistics of how guns are viewed by college administrators, faculty, and students. In 2012, 79% of students completing a survey said that having concealed weapons on university campuses would make them feel unsafe.⁴ Data for our state is not available to answer this question, but it does raise a good point to think about how the passing of this bill will affect the future of NDUS recruitment and enrollment.

Along with student recruitment, new faculty and staff recruitment can also be negatively impacted. Everytown explains, "In surveys conducted in 2013 and 2012, 95% of college presidents and 94% of college faculty indicated they oppose concealed carry on campus."⁵ Filling our campuses with innovative, passionate faculty and staff is vital to maintain high academic standards and the NDUS mission statement, and passing this bill risks pushing away potential future employees.

NDUS's mission of "economic vitality" is also threatened by HB1206. How will concealed carry permission affect insurance costs of each campus? Will faculty and staff need to go through more procedures to ensure they are covered by the institution should an accident or injury occur at work? What about legal concerns if a faculty or staff member is involved in an incident? How might an increase in insurance and/or legal representation cost affect the overall NDUS budget and the cost of tuition? These questions are important to answer before considering allowing guns on campus, and we cannot answer these questions at the present time. Economic considerations in a time of financial uncertainty illustrate the need to be cautious and critical of HB1206.

In conclusion, the Council of College Faculties, representing the faculty of the North Dakota University System, asks that HB1206 be defeated. Guns on campuses will result in more acts of aggression and self-harm, thus having a negative impact on the safety of students, faculty and staff.

Sincerely,



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⁴ "Guns on Campus." *Everytown Research*, October 11, 2017, <https://everytownresearch.org/guns-on-campus/>.

⁵ *Ibid.*, <https://everytownresearch.org/guns-on-campus/>.



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Testimony of Alexis Baxley
Senate Energy & Natural Resources
March 14, 2019

Chairman Unruh and members of the Senate Energy and Natural Resources Committee, my name is Alexis Baxley. I am the executive director of the North Dakota School Boards Association. NDSBA represents all 178 North Dakota public school districts and their boards. I am here today in opposition to HB 1206.

School safety, in many forms, is an increasingly urgent need for school districts. Our schools serve the most vulnerable population of North Dakota residents and recognize the incredible responsibility they have to create a safe learning environment for their students. To this end, we believe that every district is best suited to identify the tools and strategies that will be most effective for their staff, students and communities. NDSBA opposes HB 1206 because we believe, if passed, it will significantly restrict our member districts' ability to keep their students safe from potential harm.

We understand that the goal of this legislation is to create a concealed carry permit that is not subject to any public gathering restrictions because those restrictions are cumbersome and confusing. We believe that if an individual is qualified to hold a conceal and carry permit, they have accepted and should bear the responsibility of knowing when and where they are allowed to carry. If the legislature wishes to create a concealed carry permit that alleviates some of these restrictions in exchange for a higher threshold of training, the NDSBA does not object – except in the instances of schools or school events.

Allowing anyone – no matter how highly trained – who is not an SRO, law enforcement officer, or otherwise invited by the district to have a firearm on district property puts student safety at risk. While the weapons training requirements in this bill may be on par with what a law enforcement officer goes through, there is a difference between a law enforcement officer who is experienced in having to make split second deadly force decisions on a daily basis and an average citizen who does not.

Schools are filled with the emotions that automatically arise when we are talking about children. Whether it is disagreements about discipline, sports, bullying, etc., allowing parents, staff or other individuals to bring weapons into the school setting absolutely lessens the safety of environment. Often, schools are inadvertently placed in the middle of custody disputes. Despite the fact that mom or dad may not be legally

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allowed to pick up their child at school, they may try to anyway. It is the responsibility of the district to not allow the child into their custody. Imagine how the tension would escalate if the parent were allowed to have a weapon.

In your next hearing, we'll discuss HB 1332, which would create a program by which a school could designate members of its staff as armed first responders. Imagine a situation in which an armed first responder or a school resource officer is on duty and they notice another individual is carrying a weapon. Their first priority is the protection of the students and staff in the building, and they'd likely need to assume that that individual's intentions were poor. This could also create a dangerous situation.

If HB 1206 is passed, our school's ability to keep a firearm off of school property will be significantly reduced. As I previously stated, each school district, with input from its employees and communities, is the best position to determine how to create a safe and healthy learning environment free from the threat of gun violence. If SB 1206 becomes law, a public school could not restrict any individual that has a 1-E license from bringing a firearm onto school property. Additionally, they'd have less legal authority to question someone who appeared to have a weapon on school property. This could lead to a significant increase of firearms on school property, which increases the likelihood that someone may use a firearm to inflict harm on students and school staff.

For these reasons, NDSBA strongly urges a do not pass recommendation from this Committee on HB 1206 or would request that the bill be amended to ensure 1-E license holders not be able to carry on school property. I'd be happy to answer any questions. Thank you.

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Representing the Diocese of
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To: Senate Energy and Natural Resources Committee
From: Christopher T. Dodson, Executive Director
Subject: HB 1206 - Possession of a Firearm at a Church
Date: March 13, 2019

The North Dakota Catholic Conference opposes House Bill 1206.

Existing law allows an individual to have a firearm 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.

House Bill 1206 erases that balance and allows the individual with a Class 1 exempt license to possess a firearm within the church space without the church's permission. It destroys the carefully designed compromise and tosses aside the religious and property rights of the church. Those rights are fundamental and should not depend on whether the state thinks that an individual is "safe."

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.

The great thing about religious freedom is that it means that we can practice our religious beliefs, including the acts of creating, designing, and exercising autonomy over our religious spaces. Some people have no problem with firearms in churches. To others the very idea is blasphemous. Many more probably fall somewhere in between. The existing law strikes a balance that respects the varying religious views on the matter.

We urge this committee to maintain the existing law and give HB 1206 a **Do Not Pass** recommendation.

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My name is Josh Brown and I am a citizen of Bismarck/Burleigh County.

I am a licensed peace officer, and a member of the North Dakota Association of School Resource Officers (NDASRO).

I am here today speaking as a CITIZEN ONLY with grave safety concerns if HB1206 is passed into law as written concerning schools. I agree with much of this bill, just not in our schools or at school events.

When addressing safety as a whole it is important that we focus on the dangerous minority instead of the law abiding majority. After all, it only takes 1 person.

A few concerns I have are:

1. **School Administration:** Superintendents and principals are given the responsibility of school safety by the nature of their job. By being the CEOs of their buildings, these professionals should always be aware of who is in possession of a firearm and/or dangerous weapon inside of their building(s).
2. **Parents:** Meetings with divorced, separated, or highly distressed parents occur every day in schools across North Dakota. It is reasonable for school staff and students to expect an environment without unknown weapons present. If parents are divorced, separated, or dealing with domestic issues and they need to come together for a meeting concerning their child, emotions can be VERY high before the meeting even starts. If we were to allow even one of those parents to legally carry a concealed weapon, are we not creating a substantially more hazardous environment for everyone in the building?
3. **Sporting Events:** During a tight game or big rivalry there are already spectators that have issues maintaining self-control. Regularly, there are spectators that consume alcohol, physically and verbally threaten event staff, parents, and/or players. At the class A Basketball tournament this year there were two event staff at each game whose responsibility it was to protect the referees as they exited the court after the games. That alone shows the safety needs the tournament officials have for their staff. There were also two uniformed police officers employed to be a deterrence and handle safety issues had they risen. By allowing dangerous weapons at these events, we are giving people the legal ability to carry an unknown weapon in a tense emotional environment.
4. **Training Standards:** One of the arguments in favor of this bill is that the people will receive training equal to the standards of law enforcement on a yearly basis. More training is ALWAYS a good thing. However, additional firearms training will not provide the desired protections. The training alone will not make these people on par with law enforcement, just as a law enforcement officer is not on par with the military. Experience, trained mind-set, legal training, as well as tactical training are all needed.

I am asking that the current weapons ban at schools stay in place.

Thank you for your time and for your consideration of my concerns.

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Great Public Schools

Great Public Service

**Testimony Before the Senate Energy and Natural Resources Committee
HB 1206
Thursday, March 14, 2019**

Madam Chair Unruh and members of the Committee, my name is Tom Gerhardt and I am here today on behalf of the 11,500 members of North Dakota United, to respectfully urge a DO NOT PASS recommendation for HB 1206 as written.

Our members, whether K-12 or higher ed, have many concerns with HB 1206. As you know, anyone with a class 1 exempt license would be allowed to carry concealed at a public gathering. That of course includes public schools including K-12 and our college campuses across North Dakota.

Simply put, our members don't want more guns in schools. Although it's a more rigorous process to attain a class 1 exempt license, the fact is under this bill anyone who has the license could have a gun in our schools. The scenarios are endless as to who could carry and where. Ultimately, in the event of an incident involving a gun, responding law enforcement would have no idea who has a gun and what their intentions may be.

North Dakota United asks at the very least your committee amend the bill and explicitly exempt schools and college campuses from the definition of a public gathering space.

I spent over two decades as a journalist in western North Dakota. From that experience, I recall two scenarios where chaos reigned in Bismarck when it was reported that a gunman may be on a college campus. At the time, police reports and firsthand interviews confirmed to us that students and faculty were huddled in closets, classrooms and wherever they could find space. In both cases it turned out there was not an active shooter on campus.

Imagine if an unknown number of well-intentioned class 1 exempt license holders had decided to take justice into their own hands when there was no actual threat. Or if

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responding law enforcement had to determine who the bad actor was from well-intentioned responders. We believe that scenario makes our students, teachers, faculty and community members less safe.

Madam Chair, state law prohibits firearms in K-12 schools and college and university campus buildings. Our hope is if this bill moves forward, your committee will carve out an exemption for our schools.

With that, Madam Chair and members of the Committee, I urge a DO NOT PASS recommendation for HB 1206.

I am happy to stand for any questions you may have.

Birgit Pruess, Ph.D.
3002 10th Str. N
Bismarck, ND 58102

March 08, 2019

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66th Legislative Assembly
North Dakota Legislative Branch

To the members of the senate committee on Energy and Natural Resources,

I am the faculty member on the State Board of Higher Education and charged with representing the faculty to the SBHE and others. In that role, I was asked to provide testimony on HB1206. The item that is relevant to our college campus communities is 'o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2'.

I have an intriguing background on guns myself, having looked into one on three different occasions across the world and remembering the distinct feel of a bullet as it zips by. In addition, I had a situation in my own class room some 10 years back, where I was very happy the student did not have a gun. I am not mentioning these incidences to hunt for your sympathies. Instead, I have two very valid points of concern; i) the obvious concern is that of my own personal safety, ii) less obvious is my very strong desire to help people, in particular the ones who happen to be my students. I would never be willing (nor would I be able) to help a student out of a difficult situation, if I am faced with a gun.

While one might argue that I am personally biased due to past experiences, I am also the representative of the faculty of the great State of North Dakota. As such, I tried to the best of my ability to get input from faculty before the writing of this letter. While there is no consensus, there is at least a 3/4 majority of faculty (among the ones who shared their opinion with me) that would very much prefer not permitting any more guns on our campuses than we already have, usually in secure places. The argument from the proponents of this bill is that the number of the potential future concealed carriers would be small, due to the high qualifications that are required for the permit. In particular, the age requirement appeals to faculty from some of the 2 year colleges. This is understandable, given that most of their students graduate before being allowed to drink their first beer. Arguments from the opponents of the bill are more diverse. Examples are 'It makes me not want to work here, period', 'how am I supposed to know which student is a threat to other students and which one is not', and 'I would actually reconsider my job choice'. Other faculty wondered how the students would feel not knowing whether their instructor carries a concealed gun. Overall, the bill would generate fear and uncertainty among many students and faculty and make an already difficult power differential more complicated. Learning requires an environment where all involved parties feel physically safe and trust each other.

Keep in mind that faculty are already worn out from the lack of raises for a number of years in a row, accompanied by increased expenses for personal and family health, not to talk about an increased work load due to the reduction in work force. We are very happy that the 66th legislative assembly considers raises with full health benefits for the upcoming biennium. However, these same people who might just start to relax about their financial situation, are now being face with what many perceive as a threat to their physical safety at work. I understand that some legislators will argue that the threat is not real, but only perceived. Unfortunately, that distinction makes very little difference for a faculty who just got a job offer elsewhere. I am very much concerned what a passing of HB1206 would do to our efforts of recruiting and retaining the excellent faculty that are needed to provide the high quality education that our North Dakota students are accustomed to, deserve, and need for. For this reason, I very strongly recommend to vote DO NOT PASS on this bill.

Sincerely and respectfully



Birgit Pruess, Ph.D., SBHE, Faculty Advisor

HB 1206
3.14.19
9
Pg. 1

Chairman and Members
North Dakota Senate
Energy and Natural Resources Committee

March 14, 2019

Madam Chair,
Ref: HB 1206

I am Paul Hamers, the Municipal Judge for the cities of Gackle and Napoleon. I am an Executive Board member of the North Dakota Municipal Judges Association. I am unable to attend today's committee hearing due to hazardous weather.

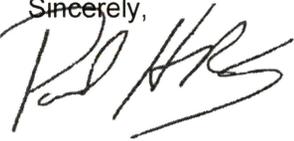
I rise in support of HB 1206 and have the following suggestion to enhance its practical implementation.

THIS IS ESSENTIAL- Clarify what constitutes a certificate of compliance by inserting the following language after line 31, page 2 of the bill:

"A paper or electronic copy of the peace officer standards and training board sidearm qualification form endorsed by the administering officer is proof of compliance under this subdivision."

Please feel free to contact me directly by cellphone 701-400-0085, or email paul.hamers@napoleon.k12.nd.us.

Sincerely,



Paul Hamers
USA Retired
Municipal Judge

HB 1206
#1
3.28.19

19.0103.04001
Title.

Prepared by the Legislative Council staff for
Senator Schaible
March 26, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, a church, or a publicly owned or operated building. For purposes of this subdivision, a "publicly owned or operated building" does not include a public school or an institution of higher education"

Renumber accordingly

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 4, line 3, after "procedures" insert "including:

- (1) At least two hours of specialized training relating to when, where, and how to carry a dangerous weapon concealed; and
- (2) Instruction on situational awareness considerations when assessing the need to carry a dangerous weapon concealed in a publicly owned or operated building, church, school, and athletic or sporting event"

Renumber accordingly

HB1206
3.29.19
#1

19.0103.04004
Title.

Prepared by the Legislative Council staff for
Senator Kreun

March 28, 2019

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, or a publicly owned or operated building. For purposes of this subdivision, a "publicly owned or operated building" does not include a public school or an institution of higher education"

Renumber accordingly

March 29, 2019

HB 1206
3.29.19
#2

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1206

Page 3, line 8, after "62.1-04-03.2" insert "and who is at an athletic or sporting event, or a publicly owned or operated building. For purposes of this subdivision:

- (1) A "publicly owned or operated building" does not include a public school or an institution of higher education; and
- (2) An "athletic or sporting event" does not include a school-sponsored athletic or sporting event"

Renumber accordingly