

2019 HOUSE ENERGY AND NATURAL RESOURCES

HB 1308

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1308
1/17/2019
30958

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

a bill relating to the definition of machine gun, submachine gun, or fully automatic rifle

Minutes:

Attachment 1

Chairman Porter: called the hearing to order on HB1308.

Rep. Ruby, Dist. 40 presented Attachment 1.

Chairman Porter: Do you know of any situation where anybody has been individualized at the firing range or by law enforcement in regards to this?

Rep. Ruby: in what aspect?

Chairman Porter: and asked if it's a legal weapon?

Rep. Ruby: I only know of a couple people that have a binary trigger. They haven't had that problem. The issue I found is that some companies will send and some won't.

Chairman Porter: further questions? Testimony?

Cody Schuh, FFL dealer, Bismarck: I'm in support of this bill. We have a lot of questions. Some dealers will send, some will not. This would clarify if this product is legal. As far as I know this hasn't been used in a crime in ND or nationally. It does not make the firearm fully automatic. This would clarify if it's legal in ND or not.

Chairman Porter: Do you know of the states where the manufacturers will send to when ND is excluded?

Cody Schuh: Fostech and Franklin Armory have a list they will not sell too. We're on one. I can get a list of states or send to Rep. Ruby.

Chairman Porter: any other questions? Further support? Opposition to HB1308?
Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1308
2/14/2019
32713

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

a bill relating to the definition of machine gun, submachine gun, or fully automatic rifle

Minutes:

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Chairman Porter: called the hearing to order on HB1308.

Rep. Ruby: Moved a Do Pass

Rep. Anderson: Second.

Chairman Porter: Discussion? Clerk will call roll on a Do Pass on HB 1308.
10 yes 2 no 2 absent Motion carried. Rep. Lefor is carrier.

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1308**

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 Ruby Seconded By Rep. Anderson

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

Total (Yes) 10 No 2

Absent 2

Floor Assignment Rep. Lefor

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

REPORT OF STANDING COMMITTEE

HB 1308: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING).
HB 1308 was placed on the Eleventh order on the calendar.

2019 SENATE ENERGY AND NATURAL RESOURCES

HB 1308

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1308
3/14/2019
Job Number 33714

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to the definition of machine gun, submachine gun, or fully automatic rifle

Minutes:

1 Attachment

Chair Unruh: Opened the hearing. All members were present.

Representative Matt Ruby, District 40: (0:26–2:05) introduced the bill, please see attachment #1. The AFT doesn't mention fire rate in their definition, one in their mind, pulling the trigger is one action, releasing is another. The other reason is you can hit some pretty good fire rates by training. The fastest revolver, with no attachments, is 8 rounds per second. You can get really fast if you train. That is usually your target shooters and competition shooters.

Senator Schaible: They don't sell guns with these on there, but they sell adaptations to do this?

Representative Ruby: Yes, it's an attachment that you buy separately. Fostech is really the only one that won't sell it to North Dakota. Springfield Armory will send them, but some won't.

Senator Schaible: What's the biggest market or use for these triggers?

Representative Ruby: Mainly trick shooting or target shooting, they aren't overly accurate, and not necessarily great attachments, I do have one, but I'm not overly fond of it. It's an additive to put on a weapon.

Senator Piepkorn: You can get this trigger, just not through Fostech?

Representative Ruby: Yes, that's correct, the only reason we're asking to have that clarified is so that it is not limiting. We are clarifying for Fostech.

Senator Piepkorn: You could just go to another. You are introducing this on behalf of Foastech?

Representative Ruby: I have a constituent who requested it. It's up to the companies to decide whether or not it applies. They happen to feel, because of the fire rate, that that seems to be sticking for them. Which is why I brought up that the ETF doesn't mess around with fire rate in their definition, because it's really subjective. Another fix would be to remove our fire rate, which I figured would be a bigger battle, that's why I said it doesn't apply to binary triggers.

Vice-Chair Kreun: Does this affect buying parts online or mailing?

Representative Ruby: I'm not sure, I would assume if you buy from Brownells they might not send you, some parts are interchangeable for different attachments. The big thing with binary triggers that most people run into, why they aren't overly a great product, is the spring. It takes more for the trigger to release, its slower, in theory they'll probably sell you a spring, if you want a different spring.

Vice-Chair Kreun: That was another bill last session, part of it was you were able to buy certain components.

No opposing testimony.

No neutral testimony.

Vice-Chair Kreun: Closed the hearing.

2019 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Fort Lincoln Room, State Capitol

HB 1308
3/28/2019
Job Number 34316

- Subcommittee
 Conference Committee

Committee Clerk: Marne Johnson

Explanation or reason for introduction of bill/resolution:

A bill relating to the definition of machine gun, submachine gun, or fully automatic rifle.

Minutes:

No attachments

Chair Unruh: This is Representative Matt Ruby's bill, it just clarifies that in the definition of machine gun or fully automatic rifle, that that term does not include a binary trigger that fires one round upon the pull and one round upon the release. Our law wasn't clear, so this provides clarity for people who sell these.

Senator Cook: Moved a Do Pass.

Senator Roers: Seconded.

Senator Piepkorn: This is a bill that was introduced for one person, so they would have a clear direction as to whether or not they could. I don't think it warrants a place in our century code.

Chair Unruh: I don't have a problem with clarity here, it makes sense, it is a fairly simple concept. Right now it is for one, but it might be for more as we move forward.

A roll call vote was taken.

Motion passes 5-1-0.

Senator Cook will carry.

Chair Unruh: Closed the meeting.

Date: 3/28
 Roll Call Vote #: 1

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1308**

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 _____

Motion Made By Sen. Cook 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. Cook

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

REPORT OF STANDING COMMITTEE

HB 1308: Energy and Natural Resources Committee (Sen. Unruh, Chairman)
recommends **DO PASS** (5 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING).
HB 1308 was placed on the Fourteenth order on the calendar.

2019 TESTIMONY

HB 1308

#1
HB 1308
1-17-19

HB 1308

Good morning Chairman Porter and the committee

My name is Matthew Ruby and I am the Representative from district 40 in Minot.

HB 1308 is a clarification in ND Century Code to state that Subsection 62.1-01-01 pertaining to automatic rifles does not apply to binary triggers. The main issue is that certain manufacturers are worried the language may ban these triggers, while others are perfectly fine sending orders here. A binary trigger is a modification that allows a firer to expended one round on the trigger pull, and another on the release. The definition of a machine gun or full automatic rifle is set at 5 rounds per second and one trigger pull for all those rounds. A binary trigger takes two actions, a pull and a release, to expend two rounds.

Some may argue that you could possibly pull and release a trigger 3 times each and hit that 5 rounds per second, but the language clearly states that this section applies only to those who reach that number or rounds with one trigger pull.

For the reasons I stated, I request that the committee hold true to the existing language and add this change to clarify that binary triggers don't fall under this definition. Thank you.

NORTH DAKOTA HOUSE OF REPRESENTATIVES



STATE CAPITOL
600 EAST BOULEVARD
BISMARCK, ND 58505-0360



HB 1308
3.14.19
#1
Pg. 1

Representative Matthew Ruby

District 40
315 Fourth Street NW
Minot, ND 58703-3129
C: 701-509-8149
mruby@nd.gov

COMMITTEES:
Energy and Natural Resources
Human Services

14-Mar-19

Good morning Chairwoman Unruh and committee members,

HB 1308 is a clarification in ND Century Code to state that Subsection 62.1-01-01 pertaining to automatic rifles does not apply to binary triggers. The main issue is that certain manufacturers are worried the language may prohibit these triggers, while others are perfectly fine sending orders here.

Postech, which sells their trigger through Brownell, has identified ND along with CA, DC, NJ, NY, HI, RI, FL, MD, CT, DE, MA and WA as states they will not send to.

ND Century Code definition of a machine gun or fully-automatic rifle is set at 5 rounds per second from a single pull of the trigger. A binary trigger takes two actions, a pull and a release, to expend two rounds, but it can reach a fire rate of 7 rounds per second with enough training. The ATF does not mention anything about fire rate in their definition.

Since it would take 3 trigger pulls to expend 5 rounds per second, I don't believe the current language applies to a binary trigger, although I can see where the confusion is. I ask for a do pass recommendation on this bill and I am happy to stand for questions. Thank you.