

2019 HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE

HB 1322

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1322
1/17/2019
30986

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

a bill relating to the destruction of records pertaining to class 1 and class 2 firearm and dangerous weapon licenses

Minutes:

Attachment 1

Chairman Porter: called the hearing to order on HB 1322.

Rep. Ertelt: presented Attachment 1.

Chairman Porter: Questions? Further support?

Craig Roe, certified weapons instructor, Carry4Defense: in support of the bill. It's a common sense bill. Once you no longer have these types of things why would you need to keep these records. I don't like any more government intrusion than has to be.

Chairman Porter: Questions? Further support? Opposition? Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1322
1/25/2019
31499

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

a bill relating to the destruction of records pertaining to class 1 and class 2 firearm and dangerous weapon licenses

Minutes:

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Chairman Porter: called the hearing to order on HB 1322.

Rep. Ruby: I move a Do Pass.

Rep. Devlin: second.

Rep Heinert: The 60 day time period allowed BCI to destroy the records. Once the person no longer has a license, they allow longer than that for the person to come back and regain that license, in their letter writing to see if they're going to retain that license. I don't think it's a long enough period of time to allow for them to destroy those records.

Chairman Porter: Do we know what that time period is? BCI didn't testify on this bill.

Rep. Mitskog: My question would be, is there anything else in code that would have such a short record retention period?

Chairman Porter: Not that I am aware of. I don't have the answer to Rep Heinert to what their renewal process would be if an individual would come back and want to regain after expiration. Rep. Ruby, would you consider withdrawing and doing some followup work on this with BCI on their internal policies are? Rep. Devlin?

Rep. Ruby: Mr. Chairman I will withdraw my motion.

Rep. Devlin: I will withdraw my motion.

Chairman Porter: Rep. Ruby and Rep. Devlin have withdrawn their motion and Rep. Ruby will follow up with BCI and get us more information. Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1322
2/14/2019
32716

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

a bill relating to the destruction of records pertaining to class 1 and class 2 firearm and dangerous weapon licenses

Minutes:

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Chairman Porter: called the hearing to order on HB 1322. I do think 60 days is not a reasonable time frame and Rep Heinert has looked into records retention within the county to let us know what a reasonable number would be.

Rep Heinert: Records retention for criminal, civil records, the shortest time frame I could find was one (1) year.

Rep. Ruby: I move to make it one (1) year, Line 10, strike out 60 days and change to 365.

Rep. Anderson: second.

Chairman Porter: We have a motion to amend HB 1322 on Line 10, overstrike the word 60 and insert 365. Discussion? All in favor, voice vote, say aye, opposed. Motion carried.

Rep. Lefor: I move a Do Pass as Amended.

Rep. Ruby: Second.

Chairman Porter: We have a motion and a second for a Do Pass as Amended to HB 1322. Discussion?

Rep. Keiser: I spoke with the sponsor of the bill, Rep. Ertelt. When it gets into expunging records, I don't support it. I question us, dictating the removal of public records.

Chairman Porter: Further discussion?

Roll call vote 7 yes 6 no 1 absent. Motion carried. Rep. Ruby is carrier.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau Room, State Capitol

HB 1322 (2nd hearing on this date)
2/14/2019
32763

- Subcommittee
 Conference Committee

Committee Clerk: Kathleen Davis

Explanation or reason for introduction of bill/resolution:

a bill relating to the destruction of records pertaining to class 1 and class 2 firearm and dangerous weapon licenses

Minutes:

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Chairman Porter: called the hearing to order on HB 1322. Asked that the committee reconsider the bill after having discussion with BCI and there are still some concerns. I do think 60 days is not a reasonable time frame and Rep Heinert has looked into records retention within the county to let us know what a reasonable number would be.

Rep. Ruby: I would move we reconsider our action on HB 1322.

Rep. Keiser: second.

Chairman Porter: discussion? Voice vote, all those in favor, aye, opposed. Motion carried. We have HB 1322 in front of us.

Casey Miller, chief agent with BCI:

1. Reasons to keep the records

Part of my duties is the conceal weapons unit. In concealed weapons when an individual applies, we get the ap, do a background check through FBI, state and local. With that data it's determined if an individual will be accepted for Class 1 or Class 2. We keep those records now forever. Certain charges and convictions will prohibit you from having a Class 1 and 2. We use Court documents and police reports in that determination. If we have to get expunge our records after a year, and then that individual comes back after records are expunged, we'd have to do a full application process. Since we'd no longer have those records, we'd have to try to gain them from a police department, perhaps even out of state, hoping they still have their records. They sometimes dispose of their records. If we lose our records in our system, they don't have their records any longer, we won't have any proof. If we don't have that proof, we would have to issue that Class 1 or 2 permit because we have no physical records to prove an offense.

2. All our records are confidential

Chairman Porter: are the records available to other BCI employees?

Mr. Miller: it's a computer system and hard copy file room. Due to space we have share a storage room but have a separate area. Multiple divisions have access to the room. Our unit is truly the only ones that go into that file.

Chairman Porter: All our work on reciprocity with other states, having them trust our process and who gets a permit, you're saying someone could slip through the cracks.

Mr. Miller: This is worst case scenario when we have to destroy records.

Rep. Keiser: move a Do Not Pass as Amended.

Rep. Zubke: Second.

Chairman Porter: We have a motion and a second for HB 1322 for a Do Not Pass as Amended. Roll call vote: 14 yes 0 no 0 absent. Motion carried. Rep. Ruby is carrier.

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Title.03000

DA 2/19/19
Adopted by the Energy and Natural Resources
Committee

February 14, 2019

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1322

Page 1, line 10, replace "sixty" with "three hundred and sixty-five"

Renumber accordingly

Date: 1-25-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1322**

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 Devlin

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) _____ No _____

Absent _____

Floor Assignment _____

If the vote is on an amendment, briefly indicate intent:
with draft by Ruby + Devlin follow up w/BCI

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1322**

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		
Rep Bosch			Rep. Ruby		
Rep. Devlin			Rep. Zubke		
Rep. Heinert					
Rep. Keiser			Rep. Mitskog		
			Rep. Eidson		

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

Vote Motion Carried

If the vote is on an amendment, briefly indicate intent:
Line 10 strike 60 insert 365

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

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1322**

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 Lefor Seconded By Ruby

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		✓	Rep. Mitskog		✓
			Rep. Eidson		✓

Total (Yes) 7 No 6

Absent 1

Floor Assignment Rep Ruby

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

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

10:30 AM

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 1322**

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 Keiser

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) _____ No _____
 Absent _____
 Floor Assignment _____

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. 1322**

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 Keiser Seconded By Rep Zubke

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 Ruby

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

REPORT OF STANDING COMMITTEE

HB 1322: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends
DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1322 was
placed on the Sixth order on the calendar.

Page 1, line 10, replace "sixty" with "three hundred and sixty-five"

Renumber accordingly

2019 TESTIMONY

HB 1322

#1
1-17-19
HB 1322

Testimony in Support of House Bill 1322
Rep. Sebastian Ertelt
ND District 26

Chairman Porter and Members of the Committee,

For the record, I am Representative Sebastian Ertelt, representing District 26 in southeast North Dakota which includes all of Sargent County, the eastern half of Dickey County, the southern half of Ransom County, and the western half of Richland County.

I bring you this morning, House Bill 1322, relating to the destruction of records pertaining to class 1 and class 2 firearm and dangerous weapon licenses. As you can see with the brevity of this bill, it is rather straight forward. The bill would require the director of the bureau of criminal investigation and all state or local government entities to destroy all records relating to an individual's license within sixty days of the expiration of the license if the individual does not renew a class 1 firearm license or class 2 firearm and dangerous weapon license.

With the passage of what is commonly referred to as "Constitutional Carry" in the 2017 legislative session, an individual who is not otherwise precluded from possessing a class 2 firearm and dangerous weapon license under chapter 62.1-04 and has possessed for at least one year a valid driver's license or nondriver identification card issued by the department of transportation, can once again carry both open (62.1-03-01) and concealed (62.1-04-02) without a license, albeit with other restrictions, such as the duty to inform. Except for the purpose of reciprocity with other states, a one-year or longer North Dakota ID holder has no more need for concealed carry licenses and some have chosen to let them expire.

The previous session's bill was a restoration of rights previously lost. Unfortunately, not all related rights were restored to our citizens. The records relating to an individual's license may remain in the possession of state and/or local government entities. This right of the people to be secure in their papers and effects (4th Amendment to the Constitution of the United States of America) ought also be returned to those who no longer wish to be licensed.

It is also important to note that concealed carry licenses are a relatively accurate indicator of firearm ownership and can thereby be used as a means of firearm registration. History shows us that firearm registration has led to firearm confiscation in such locations as Germany, the Soviet Union, Great Britain, Australia, and even New York City as late as the 1990s.

Chairman Porter and members of the committee, I thank you for your time today and urge a unanimous DO PASS recommendation on House Bill 1322 to protect our citizens' security and right to keep and bear arms as guaranteed by both the Constitution of the United States of America and the Constitution of North Dakota.