

**2019 SENATE JUDICIARY**

**SB 2131**

# 2019 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2131  
1/14/2019  
#30728 (24:26)

- Subcommittee  
 Conference Committee

Committee Clerk: Meghan Pegel
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## Explanation or reason for introduction of bill/resolution:

A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to manufactured firearms, accessories, or ammunition.

## Minutes:

No Attachments
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**Chair Larson** opens the hearing on SB 2131.

**Oley Larsen**, District 3 Senator, testifies in favor of the bill

**Senator O. Larsen:** A constituent brought this issue to my attention. He is a manufacturer of small arms and runs a business that makes ammunition and noise suppressors. He also fixes weapons as well. What they do currently is make a noise suppressor on the end of a firearm. Instead of having a blanket noise, it cuts the sharp crack sound out of it. Currently if one is manufactured and somebody wishes to purchase one, they have to go through quite a roll of registration, federal background checks and fees. The back law of these background fees that go to the feds is so monumental that the ATF folks are trying to do something at the federal level to do away with it so that they're not being backlogged with that. I think it's about \$200. Montana had the same legislation and it passed. The legislation is modeled after that. Basically if I'm a North Dakota citizen and I wish to put a noise suppressor on my firearm, I don't need to go through all those steps if I'm buying the noise suppressor that has been manufactured in North Dakota. This individual who manufactures it, I didn't ask him how many other folks in the state do this manufacturing. I myself have made my own noise suppressors and have not sold them but have had them for my own use. That is the intention of the bill.

**(3:30) Chair Larson:** My concern in this bill is that we're setting up sanctuary city types of things by saying that we don't have to comply with federal law in North Dakota. How do you justify that?

**Senator O. Larsen:** We're a sovereign state with our own state rights. I embrace state rights over federal rights as much as I can. We can lead our state the way we see fit.

**Chair Larson:** When talking with Representative Porter, he said federal law will make certain things like bump stocks and other gun accessories illegal as of March of this year. If this passes I wonder if we will be in the same situation as we are like marijuana where it's against the law federally, yet somewhat legal here. We're putting officers in a weird situation where do they enforce the federal or state law? Have you talked to anyone about the effects of that when you put this bill in?

**Senator O. Larsen:** Marijuana is a perfect example of exercising our state rights over federal. We as states and the collective of states decide what's best for us and that's where we should lead off. If the federal government has issues with doing legislation- that's the whole process. I don't see why the federal government should tell us we cannot have a bump stock, medical marijuana or many other issues.

**(6:55) Senator Myrdal:** In subsection 2, it says "firearm, firearm accessory, or ammunition" so it also applies to firearms. We need clarification.

**Senator O. Larsen:** The intention is to discuss the accessory of the firearm. It centralizes it around firearms. It is the piece that screws on to the end of the barrel of a gun to suppress a noise. Currently that does have to have a number and tracking, and that would not change. I believe the change on the noise suppressor would be where it's manufactured. It has to be stamped that it's made in North Dakota. Currently I don't think they are; I think it might be brand specific. Possibly my constituent can put forth testimony by email or call.

**Senator Myrdal:** Through the entirety of the bill it also includes the firearm, not just the firearm accessories. That's my concern.

**Senator O. Larsen:** I think the reason is that this particular noise suppressor is only used on a firearm. This could be manufactured identically, but can be used on other types of equipment where it would suppress the noise. This is specifically for firearms. They can make it but then they have to wait for the process to get the suppressor registered through the ATF and federals. Currently if you have a concealed carry or other licensing, you're already getting background checked and renewal checks- it's burdensome for people for an accessory that is not the deadly problem. It's problematic for this group of people.

**(11:35) Vice Chairman Dwyer:** If you look at the definition of "firearm accessory", it's not just concentrating on silencers. There's also folding or aftermarket stocks and grips, speed loaders and ammunition. Is there anything that would not be permissible under this proposal?

**Senator O. Larsen:** That is all current language. You can have a folding stock and different optic sights on your gun. The only thing I know you can't do to a firearm is make it fully automatic. That's not new language. My constituents' only concern is the noise suppressor.

**(13:25) Senator Osland:** These noise suppressors, didn't we used to call them silencers? Are these accessories common?

**Senator O. Larsen:** I make my own. They call them silencers, but there's still a noise you can hear. For an example on a 22 I've retrofitted with a silencer, you can still hear the recoil of the shell leaving the chamber and throwing another one in. These silencers are for a 223 or a larger capacity gun. it gets rid of that loud, sharp noise.

**(15:50) Senator Bakke:** On line 9 page 2 it says "Firearm accessories imported into the state from another state". It was my understanding it was only for things made in North Dakota.

Let's say you import an accessory for your firearm- they would not be subjected to federal regulations either. Was that your intent?

**Senator O. Larsen:** That could be. They are not manufacturing collapsible stocks, so those are coming in. It is not the intention of the manufacture who brought the bill forward to buy a bunch of noise suppressors from another state and stamp "North Dakota" on them and sell to North Dakotans. There are many gun dealerships nationwide and in North Dakota, but there's not a lot of gun dealerships and salespeople that are actually manufacturing noise suppressors and making their ammunition. I don't think that's their intention, but if that's how it reads, I would be favorable for amendments.

### **Chair Larson closes the hearing on SB 2131.**

**(18:50) Senator Osland:** Are we expecting additional testimony?

**Chair Larson:** It's not here, so it won't be a part of the hearing, but we can accept later testimony before we take action.

**Senator Myrdal:** I applaud his intent, but I'm not sure the language of the bill speaks to that intent alone. I would like some time to think about this.

**Senator Luick:** There are a lot of moving parts in here that we cannot put our fingers on, which is problematic. It is loosening things up in our state quite severely. It basically does away with registrations if I'm looking at this right.

**Senator Osland:** I've hunted for a while and I have never seen a silencer in my life. I want to know how common these accessories are.

**Senator Myrdal:** In gun clubs and competitions, they use it for extra protection, but I agree- I've never seen one either. I don't want people to think we're like Jason Bourne, running around trying to kill people. People think of silencers as a criminal weapon, and that's not what we're talking about here. Of course a weapon can be used criminally like any other tool. I suggest we give the sponsor a chance to clarify. His intent of that specific, small tool is a good intent; I just don't think this legislation hardly applies to that. It is wide sweeping and contradicting language to what we currently have in code.

**Senator Bakke:** Looking at this it appears that he has an individual who has manufactured a single product and he just doesn't want to do the federal paperwork on it. I would suspect that for every one he sells; he maybe has to do more paperwork. I think federal law would supersede anything we would do at the state level relative to registration, particularly of firearms accessories. I'm not comfortable with this bill and the carte blanche way it is written. That's part of manufacturing a particular piece of equipment is then following the rules and registering it appropriately. Those are the hoops you go through when you decide to make something like this.

**Chair Larson:** We will not take action on any of our bills. We will keep this in mind and give you time to look into these questions. We will hopefully be ready to take action tomorrow.

# 2019 SENATE STANDING COMMITTEE MINUTES

**Judiciary Committee**  
Fort Lincoln Room, State Capitol

SB 2131  
1/15/2019  
#30827 (03:18)

- Subcommittee  
 Conference Committee

Committee Clerk: Meghan Pegel

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

A BILL for an Act to create and enact a new section to chapter 62.1-01 of the North Dakota Century Code, relating to manufactured firearms, accessories, or ammunition.

## Minutes:

No Attachments

**Chair Larson** calls the committee to order to discuss SB 2131.

**Senator Myrdal:** I visited with the sponsor of the bill and fully understand the intent of it. He is disappointed that his constituents didn't come to testify as they previously agreed to. In light of the fact that the bill itself to me is too convoluted and ambiguous, I would recommend a do not pass.

**Senator Myrdal: Moved a Do Not Pass**

**Senator Luick: Seconded.**

**Chair Larson:** A major concern for me is stating right in the legislation that our state isn't going to be subject to federal law. I worry given some of the things that we know currently about Sanctuary cities thinking that they can do things that are against federal law. That's a real concern to me.

**Senator Myrdal:** Just for correction the sponsor of the bill mentioned a 5<sup>th</sup> amendment, it's actually the 10<sup>th</sup> amendment, that's the state's right. I think all of us here believe in states' rights and there are times that we do need to challenge the federal government when we have purpose to do so. This certainly is not it.

**Vice Chairman Dwyer:** Another concern is the definition of "firearm accessory" is extremely broad.

**A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. Motion carries.**

**Senator Myrdal will carry the bill.**

**2019 SENATE STANDING COMMITTEE  
 ROLL CALL VOTES  
 BILL/RESOLUTION NO. 2131**

Senate Judiciary \_\_\_\_\_ Committee

Subcommittee

Amendment LC# or Description: \_\_\_\_\_

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

Other Actions:  Reconsider     \_\_\_\_\_

Motion Made By Senator Myrdal \_\_\_\_\_ Seconded By Senator Luick \_\_\_\_\_

Senators	Yes	No	Senators	Yes	No
Chair Larson	X		Senator Bakke	X	
Vice Chair Dwyer	X				
Senator Luick	X				
Senator Myrdal	X				
Senator Osland	X				

Total (Yes) 6 \_\_\_\_\_ No 0 \_\_\_\_\_

Absent 0 \_\_\_\_\_

Floor Assignment Senator Myrdal \_\_\_\_\_

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

**REPORT OF STANDING COMMITTEE**

**SB 2131: Judiciary Committee (Sen. D. Larson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2131 was placed on the Eleventh order on the calendar.