

FISCAL NOTE
Requested by Legislative Council
04/09/2019

Amendment to: SB 2172

- 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						
Expenditures			\$18,000			
Appropriations			\$18,000			

- 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			
Cities			
School Districts			
Townships			

- 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 amended engrossed bill adds paramedics, emergency responders, and North Dakota members of Congress to those who can receive a class 1 exempt firearm license upon meeting the required criteria.

- 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 4 outlines the Bureau of Criminal Investigation Division's responsibilities for class 1 exempt firearm licenses 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 class 1 exempt firearm licenses it is estimated the revenue impact will be negligible.

- 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.*

The current form of the bill will result in estimated expenditures of \$18,000 from the general fund 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.*

The current form of the bill will result in estimated expenditures of \$18,000 from the general fund for contractor software development costs associated with enhancing the concealed weapons license system to include class 1 exempt firearm licenses. This change was not included in the Executive Recommendation.

Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 7013283622

Date Prepared: 04/09/2019

FISCAL NOTE
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Name: Kathy Roll

Agency: Office of Attorney General

Telephone: 7013283622

Date Prepared: 04/09/2019

2019 SENATE JUDICIARY

SB 2172

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
1/14/2019
#30715 (10:44)

- 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 subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty

Minutes:

1 Attachment

Chair Larson opens the hearing on SB 2172.

Paul Hamers, Municipal Court Judge for Gackle and Napoleon, testifies in favor for bill (see attachment #1)

(4:20) Chair Larson: On line 13 it states “local law enforcement agency shall issue a certificate of compliance”. Does this put a burden on local law enforcement agencies to make sure you are in compliance then develop a certificate that they can hand out?

Hamers: This is part of the reason we’re trying to modify the language. If we look at the bill, because the section that we want to put a new exception into is actually listed first, if we go down to line 18, we start the verbiage that’s already in the Century Code. We don’t know what the “certificate of compliance” actually is. I’ve conversed with the judges that I know, and we would accept the qualification form that officers have to fill out every time another officer qualifies. For instance, I qualify with our local county deputies every 3 months, and they issue me the qualification form that also gets recorded at post. In the verbiage starting at 7 and starting at line 18, the verbiage at the end would say that “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”. Right now we have several forms of compliance that is out there. Bismarck PD offers an ID card as their certificate of compliance. Most judges just have this form recorded with a local county deputy that qualifies them. I carry a copy of that in my pocket. It’s difficult for me as a judge to go places that don’t know me and try to explain that I am current, so I carry that form with me. This would make that a standard throughout the state. Once you qualify, they sign off on the same form that they do for their brother officers, they send it into post, it gets registered, then the judge would carry a shrunken copy. That would make it a law and would be consistent for everybody.

(7:35) Robert Erbele, District 28 Senator, testifies in favor of bill

Senator Erbele: I support this bill. There is a similar bill in the House that would have to marry up this one. I wasn't aware of that until I had filed this one.

(8:25) Aaron Birst, ND Association of Counties, testifies in favor of bill

Birst: The Association of Counties is the umbrella group. Within that we have states attorneys, sheriffs, auditors, treasurers, etc. I typically do all the state attorneys stuff, but today I'm here for the sheriff's association. We support the bill, but there is some concern. This is the previous law, but the sheriffs at that time I remember objecting to. Traditionally this would be a sheriff that issues this certificate. We look forward to working with folks, but they feel that if it's a shell issue, they have no discretion. We have no problem undertaking the effort to issue these certificates, but if it's just going to be a mandatory then they wonder what the purpose is for them even being involved. We would certainly suggest May. I will remind the committee that we have one former district court judge who is now in the penitentiary for gross sexual imposition of a minor, so they think there should be some sort of discretion. We support the underlying concepts of the bill. If we're melding them together, we would like to be at the table too.

Hamers: The reason we have two bills going- It may have been introduced through the district judges association. We are willing to work with the spirit of the bill.

Chair Larson closes the hearing on SB 2172.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
1/15/2019
#30824 (11:29)

- 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 subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty

Minutes:

No Attachments

Chair Larson calls the committee to order to discuss SB 2172.

Chair Larson: Aaron Birst recommended on line 13 after “agency” to change the word “shall” to “may”. He said there was some concern that otherwise law enforcement will have to give that certificate whether the person should be allowed to have it or not. So they wouldn’t be required to give it out if the person should not have it.

Senator Osland: I’m hesitant to put “shall”. Can we put different language in here? Perhaps “if the individual is qualified...”

Senator Bakke: If you do something like that, then you would have to determine who makes that determination, whether they’re qualified to do it. You would have to have something like “The local law enforcement agency may issue a certificate upon the directive of...” That could get more cumbersome.

Chair Larson: It should take care of it. It specifies that it’s a local law enforcement agency that may issue that certificate of compliance. They are the ones authorized to do it.

Senator Osland: “for a person who is proficient”. Can we use another adjective to talk about our friend judge in jail?

Senator Myrdal: Under this particular section of Century Code, proficiency is spelled out in a different section. Proficiency is lined up specifically with where you got your training, where

you got your concealed weapon, etc. It just uses consistent language in this particular subsection that's added here where it mentions proficiency.

(5) Chair Larson: It also says that the qualification form is endorsed by the administering officer and that is proof of compliance under this section. Does that seem to address what we're looking for? Should there be something more we should say rather than just changing that word? When we say a local law enforcement agency may issue a certificate of compliance under this section to an individual who is proficient. Does that seem to cover the concern?

Intern Joe: Changing "shall" to "may" in that particular section will make it elective for the officer conducting the test to issue the certification or not. That would give them discretion to not issue it in the event that there is a situation. It is my opinion that making it elective is sufficient to address that concern.

Senator Osland: Is that our intent- to give that authority to that person to say yes or no?

Senator Myrdal: The entire section of the Century Code as it relates to gun ownership and compliance is solid. The local law enforcement is already in charge of this stuff and those are the people we trust to make that judgement. We are probably digging too much into it because the whole entire code as it relates to gun ownership is already well covered. That is the agency we trust to do all the work as it relates to following Century Code for gun ownership. Gun ownership is a right but if you violate the law, you lose rights. I think "may" is a better word as well.

Vice Chairman Dwyer: If you look at the statute that is being amended, it's a class A misdemeanor to enter a liquor establishment. Then it says this section does not apply to, so all we are doing is adding these folks to that list. Senator Myrdal is correct. I think we're good.

Senator Luick: moves to adopt amendment to change "shall" to "may"

Senator Myrdal: Seconds.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. The amendment is adopted.

Senator Luick: Moves a Do Pass as Amended.

Senator Myrdal: Seconds.

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

Senator Luick will carry the bill.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
1/16/2019
#30856 (3:30)

- 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 subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty

Minutes:

1 Attachment

Chair Larson calls the committee to order to discuss SB 2172.

Chair Larson: We acted on this bill yesterday, amended it and passed it out amended. Senator Luick the realized that there was another section that repeated the same verbiage and we didn't amend that section from "shall" to "may". So for the purpose of amending that second section in that bill so that they are the same, Senator Luick is moving that we bring it back for reconsideration.

Senator Luick: Moves to Reconsider.

Senator Bakke: Seconds.

A voice vote was taken. Motion passes.

(see attachment #1)

Senator Luick: On line 24 of page 1 of 2172, there's another shall that should be changed to may. The first section is an addition section to identify that these judges can carry within a liquor establishment. The bottom section is an original section that they can carry into public gatherings. That was already in code. We're adding the addition of section 1 and the qualification forms basically on the last part of page 2. What needs to be changed is to just add in local law enforcement agency "may" issue that same certificate rather than "shall".

Senator Myrdal: You're just making language uniform throughout?

Senator Luick: Correct.

**Senator Luick: makes a motion to adopt amendment 19.0846.01001.
Senator Myrdal: Seconds.**

A Roll Call Vote Was Taken: 6 Yeas, 0 Nays, 0 Absent. Amendment is adopted.

**Senator Luick moves for a Do Pass as Twice Amended.
Senator Myrdal: Seconds.**

A Roll Call Vote Was Taken: 6 Yeas, 0 Nays, 0 Absent. Motion carries.

Senator Luick will carry the bill.

January 16, 2019

SJL
1801

PROPOSED AMENDMENTS TO SENATE BILL NO. 2172

Page 1, line 13, replace "shall" with "may"

Page 1, line 24, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: Replace "shall" to "may"

- 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 Luick Seconded By Senator Myrdal

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 _____

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

Replace "shall" to "may"

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

Senate Judiciary Committee

Subcommittee

Amendment LC# or Description: Replace "shall" to "may"

- 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 Luick Seconded By Senator Myrdal

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 Luick

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

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

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 Luick _____ Seconded By Senator Bakke _____

Senators	Yes	No	Senators	Yes	No
Chair Larson			Senator Bakke		
Vice Chair Dwyer					
Senator Luick					
Senator Myrdal					
Senator Osland					
<i>VOICE VOTE MOTION CARRIES</i>					

Total (Yes) _____ No _____

Absent _____

Floor Assignment _____

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

**2019 SENATE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

Senate Judiciary _____ Committee

Subcommittee

Amendment LC# or Description: 19.0846.01001 _____

- 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 Luick _____ Seconded By Senator Myrdal _____

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 _____

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

Replace "shall" with "may" in two sections

REPORT OF STANDING COMMITTEE

SB 2172: Judiciary Committee (Sen. D. Larson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "shall" with "may"

Page 1, line 24, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

2019 HOUSE ENERGY AND NATURAL RESOURCES

SB 2172

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau A Room, State Capitol

SB 2172
2/28/2019
33012

- Subcommittee
 Conference Committee

Committee Clerk, Kathleen Davis by Bev Monroe

Explanation or reason for introduction of bill/resolution:

Relating to possession of a firearm or dangerous weapon in a liquor establishment; at a public gathering and to provide a penalty

Minutes:

Attachment 1, 2

Chairman Porter: Opened the hearing on SB 2172.

Paul Hamers, Municipal Court Judge: This bill was put forth by the Municipal Judges Association. This extends the privilege to continue to carry a firearm beyond serving as a judge. Presented **Attachment 1 and 2**.

Chairman Porter: How does this differ from the HB that was passed?

Paul Hamers: It doesn't differ in any significant ways. When I testified earlier on HB 1206, I commended the committee and chairman on their verbiage on using the word 'retired', and as it stands the bills took different paths to accomplish the same thing. There are only two differences I'm concerned about as the main proponent of this from the board of directors of the Municipal Judges Association. That is, defining specifically what a certificate of compliance is. That was a component that was missing in HB 1206. In this version, it is defined as whatever the current qualifications sheet is that post has authorized to record the firearms qualification of officers. That makes it simple. Municipal judges have to go to a law enforcement test administrator anyway. That all have access to the current post approved form. It doesn't lock it down to a specific form number, but once that form is signed by the administering officer, that would serve as a certificate of compliance.

Could we include in HB 1206 that we clarify the idea of what an actual certificate of compliance is? It is actually the biggest sticking point when I am carrying a firearm and I go to different venues. When I go to jurisdictions throughout the state, everyone has different expectations of what the certificate of compliance is. I believe HB 1206 will remedy that. I would ask the chairman and committee if we could include clarification of what a certificate of compliance is. The other difference is it adds that same verbiage to the section talking about liquor establishments. Law enforcement officers may go into a liquor establishment

and judges may not as I read Title 62. This includes the same verbiage in that portion of Title 62 and that is why you see section 1 and section 2.

Rep Heinert: Could you describe the proficiency test you take each year?

Mr. Hamers: I qualify every time someone in my county or neighboring counties qualifies. I have taken proficiency tests that are identical to whatever department is qualifying at the time. Sometimes I take the post approved Napoleon Police Department test, sometimes I take the McIntosh County post approved test, but they all include firing distances from 25 yards and in. On occasion they have had a qualification that included distances greater than 25 yards. It's on a humanoid target, various types of post approved courses, depends on what department I'm qualify with.

Rep. Keiser: If a judge loses his position, should they be included?

Mr. Hamers: That was something included in the discussion on HB 1206. I like the version that included retired and the qualification of ten years that was put forward as opposed to the word former in this bill. However, when the committee or board sat down, many on the board balked at the retired, because they never really retire. My idea was that we put former in there.

Rep. Keiser: If we terminate you for cause should you have the privilege?

Mr. Hamers: I believe there would be other stipulations that would preclude you from having a firearm. It would also be up to the department that qualifies you to identify yourself to them. I couldn't just walk into a department and ask them to qualify me. They would do their due diligence in making sure I am who I say I am and that I don't have anything that precludes me from doing that.

Rep. Keiser: Obviously, with a felony you're not going to get one but there are other reasons you could be removed without being felonies.

Mr. Hamers: The answer might be retired in good standing.

Chairman Porter: One of the points you brought up I want to expound on. You still have to have a good relationship with a law enforcement agency in order to get this privilege that is being granted. Do you think that's enough of a safety net or do we need to look at the language from HB 1206 to make sure we are double covered in the safety net of whether it's properly applied.

Mr. Hamers: Yes and no. I think yes due to the relationship in your home county however if I relocate I don't know how to satisfy that. I do know that the association and myself are not opposed to a safety net being implemented, if the verbiage can be worked out to the satisfaction of everyone concerned.

Chairman Porter: Any other questions? Further testimony in support? Any opposition? Neutral testimony. Closed the hearing.

2019 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee

Coteau A Room, State Capitol

SB 2172

4/5/2019

34564

Subcommittee

Conference Committee

Committee Clerk, Kathleen Davis

Explanation or reason for introduction of bill/resolution:

Relating to possession of a firearm or dangerous weapon in a liquor establishment; at a public gathering and to provide a penalty

Minutes:

Attachment 1

Chairman Porter: Opened the hearing on SB 2172.

Rep Heinert: presented Attachment 1, Amendment .02002.

Monday morning, we put 2 paramedics' lives in extreme danger Monday morning because the original call on the 4 homicides in Mandan came out as a medical emergency with CPR in progress. So we put into the minds of those 2 paramedics they were going to a heart attack call and they walked into one of the biggest crime scenes in the state of ND unprotected, with not much support from anybody else. I think it's time at arming our first responders if they wish to be so and their administration wishes to have them armed. Many states have looked at that. This year alone I've receive information that 3 other states have passed a bill very similar to this allowing paramedics, first responders, firefighters to start carrying. Several states have mandated their fire departments to start carrying while they're working because of what they're going in to and what they're doing. I think it's time we look at that. So we've added that as "P".

Section 4, 2A we talk about the training required to get the Class 1e license. We've added language that came from testimony in front of the Senate that we picked up on or listened to in reference to schools and churches having great concerns over someone carrying and concealed with a permit in their facilities. We've added 2 sections of language that talk about the training program has to be at least 2 hours of specialized training to discuss when and how to carry a concealed weapon, instruction of situational awareness situations when assessing the need to carry a dangerous weapon concealed in a publicly owned or operated building, church, school, athletic or sporting event. We all know there's times people want to carry and there's times when people probably shouldn't carry even though they are authorized so we decided putting that in as part of the mandated training would benefit training would benefit tremendously in my opinion on this bill. I'm thinking it would eliminate many of the issues that arose the day of the Senate hearing. Churches and schools don't want anyone to carry in their facility. The bottom line to the Class 1e this is a highly trained individual, has to be 21 years old, must be a Class 1 license holder. Some concerns expressed will be addressed in here, some are people walking in to school conferences,

parental conferences with school officials and carrying a gun and creating a whole different thought process and atmosphere. My opposite side of that in my mind says if you're going to present all this training to a person, and they spend the amount of money to get the Class 1e, I do not see that is the person you're going to have to worry about walking into a school or walking into an event, that they probably know they shouldn't be carrying a gun to, so they're probably not. That's my thoughts. The intent of the Class 1e is to allow a highly trained individual to carry a gun in the state of ND. I don't know of any other state that has done this or requires the amount of training to get this, or the annual, continued training. I am of the thought process that we are going to continuously see bills presented before the legislatures of the future to attempt to erode the exemptions of the Class 1. Then we may end up with a Class 1 that allows them to carry many more places than they are without any training. With that, I would move adoption of 02002 to SB 2172.

Rep. Marschall: second.

Chairman Porter: We have a motion and a second to adopt amendment 02002 to SB 2172. Discussion? Page 3 Sub 5, we've had that conversation. It is specifically addressing 1 area in the current law; that any political subdivision of the state can have an ordinance or rule that is less than this section of law. This is the first time this may be spoken publicly, may even come to a shock to a few people here, but schools currently through their administration can have a vote of the school board and can ignore all of our restrictions and all restrictions on carrying. A city, county government and township can all do the same thing where they can say we want a less restrictive law than is currently in the state Century Code. They can't be more restrictive but they can be less. When we checked with Legislative Council, all of those entities, are considered a political subdivision. The one area that is not is a non public school because of the way they're listed in the Century Code. This language would give that same authority to nonpublic schools to have rules in place on their own for their own property that are less stringent than the current restrictions in the Century Code. That's what Sub 5 does on Page 3. I just want to make sure you're all clear on that.

The other thing I want to make a comment on, the number of gun bills we've had in front of us over the last 20 years, that I feel personally, very strongly, we have found a mechanism for those places and individuals that want to be at a higher level of training, that putting them on equal footing as far as training with our private security forces and law enforcement, is a very small percentage of the population. I think it's a move in the right direction that takes out of the argument on a constant basis on who can carry where. The other states around us in my discussions with individuals, MN does not have a law that says you cannot carry on a college campus. They have rules at the campus that if someone is carrying concealed, they can ask them to leave; they do not have a law. It's also a noncriminal offense with a \$25 or \$50 fine in most other states for being caught carrying in a place that says you shouldn't be. The capital in MN is a place that people are carrying concealed with just their conceal carry permit. The capital of SD, same thing. This level of certification at the same as law enforcement and private security individuals is a much higher standard that I think is worthy of having a follow up discussion with the Senate on.

Rep. Zubke: On Page 2, under P, it refers to emergency rescuer, I'm asking is that broader than an emergency responder? Is it intended to be, or are they interchangeable?

Chairman Porter: Just to show you, I have a further amendment once we're done. Further discussion? Voice vote, motion carried.

Page 2, first of Sub P, we overstrike the word rescuer, and insert the work responder.

Rep. Anderson: I so move to further amend the bill, on Page 2, first of Sub P, we overstrike the word rescuer, and insert the work responder.

Rep. Zubke: second.

Chairman Porter: we have a motion and a second to further amend SB 2172 on Page 2, first of Sub P, we overstrike the word rescuer, and insert the work responder. Discussion? Voice vote, motion carried.

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

Rep. Zubke: second.

Chairman Porter: We have motion and a second for a Do Pass as Amended on SB 2172. Discussion?
Roll call vote: 8 yes, 2 no, 4 absent. Motion carried. Rep Heinert is carrier.
Closed the hearing.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2172

Page 1, line 1, after "enact" insert "a new subdivision to subsection 1 of section 54-12-14,"

Page 1, line 1, after "62.1-02-04" insert ", and section 62.1-04-03.2"

Page 1, line 2, after "to" insert "a class 1 exempt firearm license and"

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, after line 6, 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 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 3. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;

- f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- g. A student and an instructor at a hunter safety class;
- h. Private and public security personnel while on duty;
- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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;
- p. An individual who is a paramedic or other emergency rescuer if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and

- g. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee.
- 3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.
- 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
- 5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 4. 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, 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; 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 ENGROSSED SENATE BILL NO. 2172

Page 1, line 1, after "enact" insert "a new subdivision to subsection 1 of section 54-12-14,"

Page 1, line 1, after "62.1-02-04" insert ", and section 62.1-04-03.2"

Page 1, line 2, after "to" insert "a class 1 exempt firearm license and"

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, after line 6, 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 1, remove lines 18 through 24

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"SECTION 3. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;

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- f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- g. A student and an instructor at a hunter safety class;
- h. Private and public security personnel while on duty;
- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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;
- p. An individual who is a paramedic or other emergency responder if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and

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- a. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee.

- 3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

- 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

- 5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 4. 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, 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; and

DD 4/3/14
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- 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: 4-5-19
 Roll Call Vote #: 1

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0846.02002

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. Marschall

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

Total (Yes) _____ No _____

Absent _____

Floor Assignment voice vote. Motion carried

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

Date: 4-5-19
 Roll Call Vote #: 2

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

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 Anderson 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) _____ No _____

Absent _____

Floor Assignment voice vote. Motion carried

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

Page 2, Sub P, overstrike "rescuer" and insert "responder"

Date: 4-5-19
 Roll Call Vote #: 3

**2019 HOUSE STANDING COMMITTEE
 ROLL CALL VOTES
 BILL/RESOLUTION NO. 2172**

House Energy and Natural Resources Committee

Subcommittee

Amendment LC# or Description: 19.0846.02003

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 Devlin Seconded By Rep Zubke

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

Total (Yes) 8 No 2

Absent 4

Floor Assignment Rep. Heinert

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

REPORT OF STANDING COMMITTEE

SB 2172, as engrossed: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2172 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subdivision to subsection 1 of section 54-12-14,"

Page 1, line 1, after "62.1-02-04" insert ", and section 62.1-04-03.2"

Page 1, line 2, after "to" insert "a class 1 exempt firearm license and"

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, after line 6, insert:

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 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;

- g. A student and an instructor at a hunter safety class;
- h. Private and public security personnel while on duty;
- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
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- o. An individual who possesses a valid class 1 exempt license under section 62.1-04-03.2;
- p. An individual who is a paramedic or other emergency responder if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- q. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
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 - (3) The storage has been consented to by the state, the governing board, or a designee.
3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.
 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
 5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 4. 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, 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; 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

2019 CONFERENCE COMMITTEE

SB 2172

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
4/17/2019
#34812 (27:15)

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 subdivision to subsection 1 of section 54-12-14, a new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty.

Minutes:

1 Attachment

Senator Luick, Chairman, begins the Conference Committee hearing on SB 2172. All members were present: Senator Lemm, Senator Bakke, Representative Heinert, Representative Porter and Representative Eidson.

Senator Luick: Please explain what you changed on our bill.

(see attachment #1)

Representative Heinert: The changes that the House made start on page 3 under m, and we added provisions n, o and p. Then we drop down on page 4, line 25 to include nonpublic schools. Finally, we added section 4 for the class 1 exempt firearm license. That is pretty much the way you've seen it in the past other than we added some language on page 5, line 7 for additional training to specify two hours of training to talk about where, when and how to carry a dangerous weapon concealed. There's also instruction on situational awareness considerations when assessing the carry of the sidearm.

Senator Luick: Thank you. Tell me why you want to include this language onto the other bill. Your bill got killed on the Senate side, 1206, and you married it up with our bill. I would like to know the importance and intent of 1206. What's the necessity for it?

Representative Heinert: In 1206, we were looking seriously at all of the bills that had come before the House in the last two sessions that involve gun registration and the ability to carry by citizens. The class 1e license makes sure that if someone in the state was to be able to have the ability to carry in a concealed manner at any given time, that individual would need an exceptional amount of training so we could tell the citizens of ND that we think they had great training equivalent to what law enforcement officers go through for the weapons portion of their training.

We also had additional language that they would have to annually certify with the certifications court of a minimum of 70%, and it's a 33-round course that's time fired and 9 different positions, both left and right handed individually. We felt that it was going to be a medium that would stop a lot of the gun requests that we've been seeing coming in and the erosion of the class 2 and class 1 permits as to where you can and can't carry those over time. We could say if you want to carry, you need to go through the program that is prescribed by legislation to get your class 1e license. Then they don't have to ask for exemptions to all these other things.

Representative Porter: We've seen many bills come through dealing with the restriction of the place rather than the training of the individual. We looked at the current training requirements for private security and law enforcement. One of the arguments was that we don't want anyone who's trained at a lesser level than law enforcement or private security to have a dangerous weapon in their particular place. Whether that be the church, school or government building, that's where the bar was set. We had a number of bills that went after the place to make either the school, sporting event or church an area that was not restricted or a gun free zone.

When we looked at those, we were going to go with the standpoint of training and say there is a way for that individual to get to that point that they could carry a concealed weapon in that restricted environment. In order to do that, they would have to meet the same training requirements as the law enforcement officer or the private security guard including the annual certification of the weapon. We mirrored what the current, unrestricted individual would have. Private security guards and law enforcement officers can carry their weapon in any of the restricted areas. The 1e who is trained at that same level with the same course work and shooting requirements on an annual basis would have that same ability to carry.

(9:40) Senator Luick: If places such as campuses don't want people carrying guns, this would supersede that and that intent.

Representative Porter: Great question. No, it would not. An on duty law enforcement officer or on duty private security officer can go into any of the restricted places on any property as long as they have a reason to be there. If they are off duty and walk into for instance a clinic with a sticker on the door that says "no weapons allowed", they could still carry their weapon in there legally without risk of criminal charges. If an employee of the business saw them and asked them to leave, and they refuse to leave, they could be charged with criminal trespassing. Even an off duty police officer can be asked to leave carrying a concealed weapon from private property if they don't have a duty to be there.

Campuses are the same thing. The campuses could choose to say "no guns allowed", and this is what happens in Minnesota. Colleges are not a restricted place like they are in North Dakota. Some with the basic conceal carry permit can carry on a campus and in campus buildings in the state of Minnesota. However, if they post it and say it's not allowed,

then the same thing happens. There isn't a criminal charge for getting caught carrying the concealed weapon, but if they refuse to leave and comply to the owner's wishes, they can be charged with criminal trespassing. For the 1e person, it takes away the overall gun free zone. If that school says they don't want any weapons in the school, they can state that. That's the way it is currently for those individuals.

Senator Luick: Forgive my ignorance because 1206 went through natural resources in both chambers. Then this bill comes to our judiciary committee because it was tacked onto a judiciary gun bill. We have not heard any of this testimony, good or bad, about this particular portion.

Representative Porter: There were some statements made about the language that weren't necessarily factual in regards to people just carrying guns all over the place and that everyone would have one of these. Inside our conversations on the House, the coursework would be around 80 hours of classroom alone in order to get to the point where you would even qualify to go to take the 20 question written test that you have to get 100% on. After that, then you get to finish the rest of your actual weapons training at the range and go through the hands on practical component. You're looking at somewhere around 110-120 total hours of coursework prior to qualifying to be a 1e individual.

Senator Bakke: We had a very simple bill. They wanted to add retired judges and give them the same privilege that they give to retired police officers. Then all of a sudden, we have 3 pages about guns. Where did this come from and what does this possibly have to do with what the original bill was about?

Senator Luick: It's a vehicle. It was attached as the method of trying to resurrect HB 1206 for the class 1e certification.

Senator Bakke: If this failed in the House once, what makes you think putting it on this bill will make it pass? It's just going to make everything fail and take the opportunity for what the original sponsors of the bill wanted to do- provide retired judges with an opportunity to continue to carry. I can't agree to this. This is absurd.

Representative Heinert: There are several sections in here. I would like to know what the objections are to each section so we have an idea of what we're talking about.

Senator Bakke: Any parts of HB 1206. If I were the sponsors of this bill, I would be really offended that you took my bill and added something that failed on your side onto it. I don't see this passing the Senate with 1206 attached.

Senator Luick: I assure you I feel a bit violated.

Representative Heinert: Not everything is identical to 1206. For instance, page 4, item p is a complete addition that was not in 1206. Page 5, line 7 through 12 is also new language.

Senator Luick: This new language hasn't had any type of hearing at all either?

Representative Heinert: In the House side it has.

Senator Luick: I thought you said it was new language.

Representative Heinert: It's not the original language of 1206; it's additional language to 1206 that was put into this bill, and the hearing was held in the House.

Senator Luick: but then it still failed on the Senate side?

Representative Heinert: No. This has not come back to the Senate as amended.

Senator Bakke: After your hearing, you put in p on page 4 and lines 7-12 on page 5? When was that added to the bill.

Representative Heinert: It was added during committee work, but it did go before the entire floor of the House.

Senator Bakke: When did it have its hearing? It was presented on the floor, but that's not a hearing. It has not been presented to the citizens of the state.

Representative Heinert: I believe you're correct. It came in committee, so there would be no hearing in a committee for it.

Representative Porter: I'm hearing that the Senate never adds anything to House bills and that all the amendments that are put on a bill in the Senate are done at a public hearing. I didn't know that.

Senator Luick: I don't think that's the way that it is.

Senator Bakke: That's not what I'm insinuating not all. However, you're saying that this isn't all from 1206, but it's language that you added to 1206 after the hearing. I know that there's no way that this bill will go down in the Senate. I don't want to do that because I can't agree to any of the amendments that you have here. I'm very uncomfortable with the turn this bill took.

(22:40) Representative Porter: Representative Heinert asked a question that I don't know has been answered and to the specific sections. A dead bill is typically a dead bill although I've seen them resurrected even in a conference committee, and this particular bill is a Senate bill that was amended in a House committee. I'm curious as to the sections of the bill that are either agreed upon or disagreed upon and discussed or not discussed. It doesn't sound like we've gotten to that point in this discussion quite yet.

Senator Luick: We've opened the can to figure out what's in it right now. I ask that all members of the committee read and study through it, get other input and ideas, and see if there are other wishes.

Representative Porter: There is one other section I'd like to have a discussion on that we added on the House side during committee work on page 4, line 25. Line 18 is existing law and states, "This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or

dangerous weapons at a public gathering”. Currently in law, a city can pass an ordinance that says their laws in the city are less restrictive than the state. So if a city wanted to pass a law and say anyone with a class 1, class 2 or constitutional carry license can carry anywhere they want in the city, they can do that now. If a township, schoolboard or county wants to do it, they can do it and even supersede their city. However, inside of our investigation into that particular provision of the law, even though a public school can do it under sub 3 on page 18 according to legislative council, a nonpublic school does not have that same ability. So we added them for the purpose of that section to give them the same authority over their building that public school boards, cities, counties and townships have. That was another addition to this bill that the House put on during their committee work.

Senator Luick: Thank you for that explanation.

Senator Luick ends the Committee Conference discussion on SB 2172.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
4/19/2019
#34874 (32:51)

- 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 subdivision to subsection 1 of section 54-12-14, a new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty.

Minutes:

No Attachments

Senator Luick, Chairman, begins the Conference Committee hearing on SB 2172. All members were present: Senator Lemm, Senator Bakke, Representative Heinert, Representative Porter and Representative Eidson.

Senator Luick: Have you any other suggestions of where we're at?

Representative Porter: I would start on page 1, line 1 of the 2003 version and start discussing the differences to see where the potential compromise is.

Senator Luick: There is also a fiscal note that has to do with line 10 on page 1. I don't think the appetite is there to include everything that you have attached to this bill. If there is something you wish to consider removing or changing, I would welcome that dialogue.

Representative Porter: I would be interested to hear what the appetite is in the positive form rather than start out with the negative. I would rather hear from the Senate on which components there is an appetite for as we go through the bill. I don't necessarily agree with the fiscal note. It was our intent that that money come out of the special funds, and it's listed as general funds. There is a fund that does have money in it that the attorney general has continued appropriates for based upon the fees charged to individuals for any concealed carry permit, so there is a fund to cover that. I would like to discuss page 3 starting with sub m, n and p before we get into section 4.

Senator Luick: The ball is in your court. You're going to have to sell this to us because we are not the ones that had the testimony on this bill. None of us are in the condition to say that what you are presenting are good or bad ideas, so I encourage you to sell this to us.

Representative Porter: I believe sub m should have a fiscal note component also because of the new license that we are making available. I don't know if that was ever addressed by the attorney general's office or not, but that needs to be determined. We also need to make sure that that component comes out of that special fund.

Senator Luick: We agree that sub m is a good portion because that is directly out of our original 2172 bill and the whole focus.

Representative Porter: It was a reference to the first bill. We substantially changed sub m, tightened up the language and added that they have to produce a new license for them.

Senator Luick: What is different?

Representative Porter: We added the years of service, so if they were elected into one of those upper positions as it's stated, because we're including retired, we added the caveat that it's at least 10 years of service. So if they were elected for one term or resigned their term, that would not qualify them for this exemption. The other thing we invented is lines 24-26 which is the unrestricted concealed weapons license which does not exist today. We found in testimony for all of these exemptions, the way the current law reads, the individual must carry a letter from the qualifying law enforcement agency with them rather than just a card that says that they have an unrestricted license. This new license issued by the attorney general would be something that they could show as proof that they have an unrestricted license.

Senator Luick: They have to carry a letter with them all the time?

Representative Porter: Currently in the law they have to carry the letter. We've created a new card that they can carry, but that card is not free to the state to do, so we need to find out how much that will cost and how much needs to be authorized to come out of that special fund that the attorney general's office has. Representative Heinert and his subcommittee worked on the other subcomponents of section 3, so I will let him continue explanation.

(9:30) Representative Heinert: In n we added language to allow members of the Congress of the United States to carry concealed in ND as long as they follow all of the requirements as identified in the other sections with training, certificates and compliance with the annual shooting and those kinds of things. They would be provided their certificate from BCI, very similar to the judges with just the congressional earmark on it.

Senator Luick: Would that be the exempt status as well?

Representative Heinert: Yes, it would. P is a new subsection. We did a lot of research and found that many states are looking into this and providing this to their emergency responders, specifically paramedics and firefighters who are responding to scenes. A lot of this is because

they are responding to scenes of crimes that could still be active. They have members serving on SWAT teams across the nation from both paramedic and firefighter viewpoints. What really brought this to our attention was the incident that happened across the river a few weeks ago. We had an ambulance crew called to that scene early in the morning by 911 phone messaging. They were told that CPR was in progress, so they assumed they were going to a heart attack call but instead walked into a multiple homicide scene with no law enforcement presence at the initial time they arrived. The paramedic actually called the scene, blocked it off and called for law enforcement and fire to respond immediately. If by chance the person who committed that crime might have still been in that building, we might have lost more than 4. We feel it's very necessary for ND to at least provide the availability for them to carry, especially when they're working, if their organization feels that that is what they need to do. Then on page 4, line 25, we identified that the political subdivisions include a nonpublic school because they were not included in that in the past, and we wanted to make sure they were identified.

Senator Bakke: You're allowing weapons in a nonpublic school?

Representative Heinert: No. We're identifying nonpublic schools as a political subdivision so they have the same rights as public schools to make decisions for themselves in those kind of realms.

Representative Porter: It puts them on equal playing ground with the way the law is written for other political subdivisions. When you look at our definition of "dangerous weapon", a CO2 fired PepperBall is considered a dangerous weapon. Currently, private schools couldn't implement that kind of security protocol in their school because they don't have the ability to void out this section of law like the other political subdivisions do. So even if they wanted to equip their janitorial staff with something less than lethal, they aren't allowed to like the other political subdivisions, so the House felt it was only proper to give them the same authority for their personal property as we give to other political subdivisions, schools and others. That's why that section exists in there.

Representative Heinert: That's all of section 3. Do we have any objections?

Senator Luick: You've added the 10 years in subsection m. What do you think committee?

Senator Bakke: I don't have a problem with that.

Senator Luick: Is that too long of a time?

Senator Bakke: No. I think the concern was that sometimes these judges have people who are seeking revenge for things they've done, so I have no problem with that. That would be the reason we felt that they would want to be carrying a concealed weapon- for their own protection. I don't have an issue with the 10 years.

Senator Luick: I think that's too long of time. I think 5 years would be plenty of time as a probationary period to give them some consideration for that. The licensure that this retired judge would get, would that be exempt or the regular carried ability?

Representative Porter: That would be exempt. They're exempt while they're on the bench, and this provision that came over from the Senate would allow them to remain exempt. The staff member of the attorney general's office only maintains their exempt status while they're employed and lose it once they retire. That may be something we want to look at too. All of these subs are the exempt category to the law.

Senator Luick: The differences between the new exempt licensure versus what was in 2172, I think we're talking about two different licensures.

Representative Porter: No. Section 1 of the 2000 version specifically addresses subsection 2, and it's this language in sub m. That section is telling you that the retired individual maintains that exemption because page 1, line 9 of the 2000 version says a "current or former". Legislative council didn't like that language. As we looked at it, it was "retired and at least 10 years of service". The way that it came over from the Senate, if I was appointed the city magistrate and I took the job for a month, I would have been in that exempt category for life. That was the change we made. Section 1 is wordsmithing sub m in the 2003 version of the bill.

Representative Heinert: There's also some other language within both ND law and federal law in reference to the law enforcement officers, and that calls for 10 years of service and retirement to have the carry ability.

(20:10) Senator Luick: Okay 10 years is fine. Let's move on to subsection n.

Senator Bakke: Are the members of Congress asking to carry?

Representative Porter: I won't answer that question in this particular meeting, but when they are in state, they have no protective detail with them. They are in various restricted places and vulnerable to the point that we felt that if they choose to adhere to these standards, they would be exempt.

Senator Luick: We have very few numbers, so I don't know if that would be a deal breaker or not.

Senator Bakke: Does this include former as well as current?

Representative Porter: That is current, but I would certainly be okay with an amendment.

Senator Luick: If they wish to go through the process of maintaining that licensure, I don't know if there'd be heartburn with that.

Senator Lemm: Hearing the explanation, I don't see a problem with that.

Senator Luick: Moving on to sub p.

Representative Heinert: That's emergency responders.

Senator Luick: How far down the line does that go? Is it for any age or length of service time?

Representative Heinert: This is for active members to carry while they're working to protect themselves. We're leaving it up to the individual entities that are responsible for that fire district, fire department or ambulance service to make those decisions. Many states have allowed one or two, usually either the captain or lead firefighters, to be allowed to carry. In the ambulance service, it's the ambulance crew which are typically one or two people for self-protection.

Senator Bakke: There's nothing in language p that says they can only carry when they're working. The concern I have is that the beginning of this section says, "an individual who knowingly possess a firearm or dangerous weapon at a public gathering is guilty of a class b except", and now we have this laundry list of everyone who's an exception. We keep adding people to our exception list, and eventually it's going to be anybody and everybody. However, I can see particularly in the case that happened across the river that it would probably be important for those people to be armed. My son is a security guard, and it's important for him to be armed when he's at work. It's not important for him to be armed when he's not at work, and he would agree. I don't think paramedics need to be armed when they're not at work. I think there has to be language in here that indicates while on duty or while in the performance of their job.

Representative Heinert: That's a good catch because we do have it on other places. Page 2, line 26 and 27 talks about the armed forces when on duty. I don't see an issue from our side to add that language in there when on duty.

Senator Bakke: I would appreciate that.

(27:50) Representative Porter: The last one is sub 5 in section 3 of the 2003 version dealing with nonpublic schools. Are there any concerns or issues in what that provision would allow?

Senator Bakke: That puts them on equal playing field with public schools. Is that just a definition process? I want to check to make sure we're okay with that, but I don't see a huge problem with this.

Representative Porter: It is not just the definition part. It allows them to have less restrictive rules regarding their private property than the rest of the state. It gives them the same ability as a city, township, county and the public school system. Except the private schools, they can all pass policies that are less restrictive than this law is regarding dangerous weapons.

I know the main consternation is still the class 1 exempt license. The House is willing to draw up the amendment to **recede from the class 1 exempt and further amend those other issues back in the bill along with a study of the components of a class 1 exempt during the interim. That is a motion including Senator Bakke's language of emergency responders when on duty.**

Senator Bakke: Then letter o disappears along with section 4?

Representative Porter: Yes. Section 1 on page 1 would also disappear. Then section 4 would disappear and turn into a study.

Senator Luick: I believe that if you go through with that, we'll revisit it and see what we have at that point. We have a motion to recede and further amend.

Senator Bakke: Seconds.

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

Senator Luick and Representative Heinert will carry the bill.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
4/22/2019
#34905 (15:45)

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 subdivision to subsection 1 of section 54-12-14, a new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty.

Minutes:

1 Attachment

Senator Luick, Chairman, begins the Conference Committee hearing on SB 2172. All members were present: Senator Lemm, Senator Bakke, Representative Heinert, Representative Porter and Representative Eidson.

Representative Porter: Before we adjourned last meeting, I made a motion to recede from the House amendments and further amend. That passed 6-0.

Senator Luick: Correct. I wanted to make sure the amendment came out true to fact

(see attachment #1)

Representative Porter: 2005 would be the written form of the amendment that passed the committee.

Senator Luick: Is that onto the 3000 version?

Representative Porter: That would have pulled it back to further amend the 2000 Senate version. In essence the amendment took the class 1 e out, put in Senator Bakke's "while on duty" in sub p, and section 3 was the study for legislative management to look at a third tier of concealed weapons licensing.

Senator Luick: Since that time, there have been some opinions about whether this should move forward or not as amended. I hope that we can identify those issues.

Senator Bakke: Some of the nonpublic schools have told me they don't want to be considered a political subdivision. They've said they don't want that classification. I don't know where we all stand on that.

Representative Porter: I had asked Ms. Kramer from legislative council to come down and explain that component of why the schools inside of this section should be a political subdivision.

(4:40) Samantha Kramer, Legislative Council, neutral party, was asked to the podium

Kramer: The language in sub 5 was placed as a new subdivision simply for purposes of ease of reading and use. This title is extremely difficult to read, and there are many exceptions. That's simply why it's in a separate subsection. It is an ease of use purpose.

Senator Bakke: Why do nonpublic schools have to be a political subdivision?

Kramer: They don't have to be a political subdivision. When it was drafted in our office based on the instruction we received, that was the option that made the most sense. It's not limiting your committee from doing any additional work, but that's just how it left our office.

Senator Bakke: The nonpublic schools don't want to be considered a political subdivision. That would be just for this section of the law, correct?

Kramer: Correct. This specific subsection only applies to section 62.1-02-05 and has no impact on any other section of the code.

Senator Luick: If I wanted to incorporate language into law in a specific section of code for all white males to be considered Chevy trucks, that's possible?

Kramer: In that instance, I may provide you with the reasoning as to why that may not be an option that you'd want to proceed with, but ultimately, as council for the legislature, I would draft whatever you requested.

Senator Luick: Why would anyone propose this language as a political subdivision?

Kramer: I cannot answer that for you.

Representative Porter: In House Energy, as we dealt with these issues through the committee and subcommittee, it was apparent to us that a political subdivision is not prevented from doing their own related ordinance to this section. They can make it less restrictive, so anything in here that's a restriction of anything inside of the classification of dangerous weapons, they are restricted from being able to do that. However, a public school, county, city or township can make allowances for that because they're a political subdivision. Private schools cannot, so we felt this was the easiest way to make sure they have the ability

to do the same things for their own personal safety plan as a public school does if they so choose.

(9:50) Senator Luick: In my mind, it would appear that that would have to cross section boarders in the code for the political subdivisions title to be transferred to the nonpublic schools. Then I would think it would come backward onto other sections of the code.

Kramer: The lead in language to subsection 5, “for purposes of this section”, means that definition that includes nonpublic school is only limited to this section.

Senator Luick: What brings them that particular authority to become a political subdivision?

Kramer: You enacting that law would do that.

Senator Luick: But that political subdivision definition is somewhere else in the code, correct? Is it in this bill?

Kramer: No. There are many definitions throughout the code of political subdivision.

Senator Luick: I’m trying to weigh this out because we see a lot of cross references between problem areas.

Senator Bakke: Would we have to provide a definition for political subdivision if we’re mentioning it in this section of the code and what that entails?

Kramer: No you don’t. Generally, political subdivision has a common reference in which we all know what we’re talking about. In that reference of subsection 3, the new 5 is just saying for purposes of this section, the term political subdivision that we all know to mean also includes nonpublic schools in this specific instance.

Senator Lemm: After political subdivision, couldn’t you just add “or nonpublic schools”? That’s on page 4 on the 2003 version.

Kramer: That’s up to the purview of the committee.

Senator Luick: On subsection 3 page 4, does that use of political subdivision there only address nonpublic schools or does it address other political subdivisions?

Kramer: The term political subdivision encompasses several other terms such as city governments and counties. All of those things are under the blanket umbrella term of political subdivision.

Senator Bakke: including schools

Kramer: Correct.

Senator Luick: Then this amendment clarifies that that political subdivision reference only identifies nonpublic schools.

Kramer: This language would specify that political subdivision includes all of those terms and just for this section of law, nonpublic schools.

Senator Luick: I myself am not ready to move on this for a final movement. I will reschedule to weigh this out and make sure that we're doing the right thing.

Chairman Luick adjourns the Conference Committee meeting on SB 2172.

2019 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Fort Lincoln Room, State Capitol

SB 2172
4/23/2019
#34926 (14:25)

- 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 subdivision to subsection 1 of section 54-12-14, a new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm or dangerous weapon in a liquor establishment; to amend and reenact section 62.1-02-05 of the North Dakota Century Code, relating to possession of a firearm or dangerous weapon at a public gathering; and to provide a penalty.

Minutes:

1 Attachment

Senator Luick, Chairman, begins the Conference Committee hearing on SB 2172. All members were present: Senator Lemm, Senator Bakke, Representative Heinert, Representative Porter and Representative Eidson.

(see attachment #1)

Senator Luick: We have a new amendment draft, version 2006. I will ask Mr. Goettle to explain.

Shane Goettle, Nonpublic Schools Representative

Goettle: This eliminates the need for subdivision 5. Rather than refer to nonpublic schools as political subdivisions, this just goes off of a thought that Senator Lemm had in the last conference meeting where we say "political subdivision or nonpublic school". Since schools don't enact ordinances, we added school policy. Finally, the jurisdiction of the school is limited to the property that's owned by them in most of the cases of my clients. Another version you can consider is "controlled" by them as well.

Representative Porter: On the last line then, it's acceptable the way it is?

Goettle: It is acceptable the way it is. One word that you and I had visited about was using “controlled” rather than “owned”. That would deal with any potential situation which a nonpublic school leases property as opposed to owning the property.

Representative Porter: Shouldn't that component be a private agreement between the landowner and the school? That would be something that they would negotiate in their lease. If the landowner didn't want that as part of the component, then the school would just not lease from them. By getting into the controlled part, I think you're also getting into private business transactions between a landlord and a tenant that I don't know you really want to dive into. You're the property owner, then you control your property.

Goettle: In the case of the nonpublic schools, nobody raised the issue with regard to ownership with the existing. I think you're right, it would complicate the issue with regard to any of these situations. This might be the simplest way.

Senator Luick: I can see it the other way around. If I am an individual renting from a property owner, I think I would want that authority to have control of that property. We're looking at something that won't affect the property, but it will effect what I'm doing on that property. Whether you want someone to carry a gun on that property would be a problem. They could lease property from someone else, but maybe the other property isn't available. Are we stifling the process of a business because a landowner wishes others are able to carry a gun or weapon on their property?

Representative Porter: I'm thinking of the opposite side of that. The University of Mary leases in a strip mall on the East side of Bismarck. What if that business owner has an open store there and the next door neighbor is the gunsmith running his business in that store? When we get into the private property leases, it's not just a single building in a single area. Some of these areas could be a strip mall or duplex situation. Does it just go to the confines of their demised space? If someone is walking across the parking lot with their shotgun to get repaired, are they violating this portion of the law? At a point we have to let that be part of the property agreement and lease between the two places. If it is a standalone building, then the leaser can set those terms, and the landowner can agree or not. If you get into a situation where there are multiple tenants to a building, then you may be limiting the ability of that landowner to have other businesses lease from them. I'm concerned that we go outside of that landlord and tenant agreement by making it controlled rather than just their ownership. Whatever they want to do in their lease, I'm okay with, but the owner of the property is my only concern with that.

Senator Luick: Mr. Goettle, if you are comfortable with that, I'm okay with it.

Goettle: We are comfortable with it.

Senator Bakke: We're leaving it at “owned” by the school?

Senator Luick: Yes.

Representative Porter: I propose to further amend our 2005 version that was adopted. On the 2006 version, we can take the language of section 3 and rename it section 4. Then we

can delete sub 5 out of the 2005 version. At the top of page 3 on the 2005 version, sub 3, that is what would be changed by the section 4 amendment that was handed out as version 2006. That sub 3 would be the new language, then as you go down, that sub 5 would be deleted. That would be what the schools had asked for. The other language we agreed upon would just remain the same. That would still include the deletion of the class 1 exempt that was deleted with this original amendment.

Senator Lemm: Section 3 in this 2005 version would become section 4, the study?

Representative Porter: No. We renumbered the amendment that Senator Luick brought down to section 4. That would really just be amending sub 3 up above. We're amending the amendment.

Senator Luick: The study will remain. There's language in the first part of that where it is receding from the amendments. That part will go away because that actually takes out some of this other language within the bill that was not supposed to be taken out. We'll have to reconsider to further amend.

(11:35) Senator Bakke: Motions to Reconsider SB 2172.

Representative Porter: Seconds.

A Roll Call Vote Was Taken: 6 yeas, 0 nays, 0 absent. The bill is reconsidered.

Representative Porter: Motions to Recede from House amendments and further amend version 2005 with additional language from 2006 as section 4 of the 2005 amendment along with the deletion of subdivision 5 on page 3. It would be the 2005 amendment with the section 4 amendment which changes the school language, it deletes sub 5 naming nonpublic schools as a political subdivision and renumber accordingly.

Senator Bakke: The top of this amendment says the Senate recedes from its amendments, but isn't it the House that recedes?

Representative Porter: On the 2006 version, all we're taking is the section 4 language. The language for the motion is on 2005, and we're adding section 4 off of the 2006 language along with deleting sub 5.

Representative Heinert: Seconds.

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

Senator Luick and Representative Heinert will carry the bill.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2172

That the House recede from its amendments as printed on pages 1447-1450 of the Senate Journal and pages 1644-1647 of the House Journal and that Engrossed Senate Bill No. 2172 be amended as follows:

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study of concealed weapons licenses;"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - g. A student and an instructor at a hunter safety class;
 - h. Private and public security personnel while on duty;

- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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 is a paramedic or other emergency responder while the individual is on duty and if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- p. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and

- (3) The storage has been consented to by the state, the governing board, or a designee.
3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.
4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY. During the 2019-20 interim, the legislative management shall consider studying the provisions of the Century Code relating to concealed weapons licenses and the implications of creating a third tier of concealed weapons license for the purpose of carrying a concealed firearm or dangerous weapon at a public gathering as defined in section 62.1-02-05. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

April 23, 2019

JOHN
4/23/19
6/3/19

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2172

That the House recede from its amendments as printed on pages 1447-1450 of the Senate Journal and pages 1644-1647 of the House Journal and that Engrossed House Bill No. 2172 be amended as follows:

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - g. A student and an instructor at a hunter safety class;
 - h. Private and public security personnel while on duty;

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- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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 is a paramedic or other emergency responder while the individual is on duty and if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- p. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and

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- (3) The storage has been consented to by the state, the governing board, or a designee.
3. This section does not prevent any political subdivision or nonpublic school from enacting an ordinance or school policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance or school policy supersedes this section within the jurisdiction of the political subdivision or property owned by the school.
4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - CONCEALED WEAPONS LICENSES. During the 2019-20 interim, the legislative management shall consider studying the provisions of the Century Code relating to concealed weapons licenses and the implications of creating a third tier of concealed weapons license for the purpose of carrying a concealed firearm or dangerous weapon at a public gathering as defined in section 62.1-02-05. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

**2019 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 2172

Senate Judiciary Committee

- Action Taken** **SENATE accede to House Amendments**
 SENATE accede to House Amendments and further amend
 HOUSE recede from House amendments
 HOUSE recede from House amendments and amend as follows
- Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Porter Seconded by: Senator Bakke

Senators			Yes	No		Representatives		Yes	No
	4/17	4/19				4/17	4/19		
Chairman Luick	X	X	X			Representative Heinert	X	X	X
Senator Lemm	X	X	X			Representative Porter	X	X	X
Senator Bakke	X	X	X			Representative Eidson	X	X	X
Total Senate Vote			3	0		Total Rep. Vote			3 0

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Luick House Carrier Representative Heinert

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

To amend the class 1 exemption into an interim study; to remove language referring to the class 1 exemption; to add language to specify concealed carry for emergency responders only when on duty

**2019 SENATE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. 2172

Senate Judiciary Committee

- Action Taken** **SENATE accede to House Amendments**
 SENATE accede to House Amendments and further amend
 HOUSE recede from House amendments
 HOUSE recede from House amendments and amend as follows
 RECONSIDER

Motion Made by: Senator Bakke Seconded by: Representative Porter

Senators			Yes	No		Representatives		Yes	No	
	4/22	4/23				4/22	4/23			
Chairman Luick	X	X	X			Representative Heinert	X	X	X	
Senator Lemm	X	X	X			Representative Porter	X	X	X	
Senator Bakke	X	X	X			Representative Eidson	X	X	X	
Total Senate Vote			3	0		Total Rep. Vote			3	0

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier _____ House Carrier _____

LC Number _____ of amendment

LC Number _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

**2019 SENATE CONFERENCE COMMITTEE
ROLL CALL VOTES**

BILL/RESOLUTION NO. 2172

Senate Judiciary Committee

- Action Taken**
- SENATE accede to House Amendments
 - SENATE accede to House Amendments and further amend
 - HOUSE recede from House amendments
 - HOUSE recede from House amendments and amend as follows
 - Unable to agree**, recommends that the committee be discharged and a new committee be appointed

Motion Made by: Representative Porter Seconded by: Representative Heinert

Senators				Yes	No	Representatives				Yes	No
Senator Luick				x		Representative Heinert				X	
Senator Lemm				x		Representative Porter				X	
Senator Bakke				x		Representative Eidson				x	
Total Senate Vote				3	0	Total Rep. Vote				3	0

Vote Count Yes: 6 No: 0 Absent: 0

Senate Carrier Senator Luick House Carrier Representative Heinert

LC Number 19.0846 . 02007 of amendment

LC Number 19.0846 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

Insert LC: 19.0846.02007
Senate Carrier: Luick
House Carrier: Heinert

REPORT OF CONFERENCE COMMITTEE

SB 2172, as engrossed: Your conference committee (Sens. Luick, Lemm, Bakke and Reps. Heinert, Porter, Eidson) recommends that the **HOUSE RECEDE** from the House amendments as printed on SJ pages 1447-1450, adopt amendments as follows, and place SB 2172 on the Seventh order:

That the House recede from its amendments as printed on pages 1447-1450 of the Senate Journal and pages 1644-1647 of the House Journal and that Engrossed House Bill No. 2172 be amended as follows:

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study;"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - g. A student and an instructor at a hunter safety class;
 - h. Private and public security personnel while on duty;
 - i. A state or federal park;

Insert LC: 19.0846.02007
Senate Carrier: Luick
House Carrier: Heinert

- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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 is a paramedic or other emergency responder while the individual is on duty and if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- p. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee.

Insert LC: 19.0846.02007
Senate Carrier: Luick
House Carrier: Heinert

3. This section does not prevent any political subdivision or nonpublic school from enacting an ordinance or school policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance or school policy supersedes this section within the jurisdiction of the political subdivision or property owned by the school.
4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY - CONCEALED WEAPONS LICENSES. During the 2019-20 interim, the legislative management shall consider studying the provisions of the Century Code relating to concealed weapons licenses and the implications of creating a third tier of concealed weapons license for the purpose of carrying a concealed firearm or dangerous weapon at a public gathering as defined in section 62.1-02-05. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

Engrossed SB 2172 was placed on the Seventh order of business on the calendar.

2019 TESTIMONY

SB 2172

Chairman and Members
North Dakota Senate Judiciary Committee

1

January 12, 2019

SB 2172

1/14

page 1

Chairman,
Ref: SB 2172

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 and appear before you today on behalf of the association.

Currently Judges are authorized to carry concealed firearms in all locations that peace officers may possess firearms, but with two exceptions:

1. There is no provision for retired judges to continue to carry after they leave office
2. Judges are not authorized to carry firearms in liquor establishments

SB 2172 is intended to extend firearm privileges to judges that are equal to those privileges granted to peace officers.

In SB 2172, subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code

- a. Would add former or retired language to existing law
- b. Clarify what constitutes a certificate of compliance

In SB 2172, a new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code

- a. Extend same firearms privileges to judges that are currently enjoyed by peace officers in terms of liquor establishments
- b. Simple duplication of language

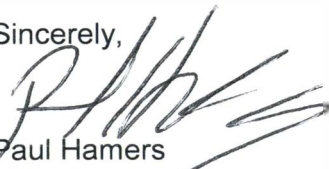
There is currently a bill, HB 1206, intended to amend 62.1-02-05 in a similar way. However, HB 1206 does not address 62.1-02-04 and does not define "certificate of compliance".

SB 2172 has the official backing of the NDMJA while, at the time of this committee meeting, the original inspiration for HB 1206 is unknown other than it is sponsored by Rep Todd Porter.

Myself and my fellow members of the NDMJA feel confident that the two bills can be combined to reach an amicable solution to the duplication of intent shared by the two bills.

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

Sincerely,


Paul Hamers
Retired
Municipal Judge

Sixty-sixth
Legislative Assembly
of North Dakota

SENATE BILL NO. 2172

Introduced by

Senators Erbele, Luick, Myrdal

Representatives K. Koppelman, Paur, Satrom

10:30
#1
SB 2172
1/14
page 2

1/14

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 shall 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 issue a certificate of

1 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

1
SB 2172
1/14
page 3

Thurs 1/17 9am

HOUSE BILL NO. 1206

#1

SB 2172

Introduced by

1/14

Representative Porter

page 4

1 A BILL for an Act to amend and reenact section 62.1-02-05 of the North Dakota Century Code,
2 relating to possession of a concealed firearm or dangerous weapon at a public gathering.

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

4 **SECTION 1. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
7 **Penalty - Application.**

- 8 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
9 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
10 gathering" means an athletic or sporting event, a school, a church, and a publicly
11 owned or operated building.
- 12 2. This section does not apply to:
 - 13 a. A law enforcement officer, or a correctional officer employed by the department
14 of corrections and rehabilitation or by a correctional facility governed by
15 chapter 12-44.1. A correctional officer employed by the department of
16 corrections and rehabilitation may carry a firearm only as authorized in
17 section 12-47-34. A correctional officer employed by a correctional facility
18 governed by chapter 12-44.1 may carry a firearm or dangerous weapon only
19 as authorized in section 12-44.1-30;
 - 20 b. A member of the armed forces of the United States or national guard, organized
21 reserves, state defense forces, or state guard organizations, when on duty;
 - 22 c. A competitor participating in an organized sport shooting event;
 - 23 d. A gun or antique show;
 - 24 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor
- 2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private and public security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,
- 7 training, cultural, or competitive events involving the authorized use of a
- 8 dangerous weapon if the event occurs with permission of the person or entity
- 9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or
- 12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
- 13 a dangerous weapon concealed if the individual is in a church building or other
- 14 place of worship and has the approval to carry in the church building or other
- 15 place of worship by a primary religious leader of the church or other place of
- 16 worship or the governing body of the church or other place of worship;
- 17 m. A state, federal, or municipal court judge, a district court magistrate judge, or
- 18 judicial referee; a retired state, federal, or municipal court judge, district court
- 19 magistrate judge, or judicial referee who has at least ten years of service as a
- 20 judge or referee; and a staff member of the office of attorney general if the
- 21 individual maintains the same level of firearms proficiency as is required by the
- 22 peace officer standards and training board for law enforcement officers. A local
- 23 law enforcement agency shall issue a certificate of compliance under this section
- 24 to an individual who is proficient. Upon issuance of a certificate of compliance,
- 25 the bureau of criminal investigation shall issue that individual an unrestricted
- 26 concealed weapons license; and
- 27 n. An individual's storage of a firearm or dangerous weapon in a building that is
- 28 owned or managed by the state or a political subdivision, provided:
- 29 (1) The individual resides in the building;
- 30 (2) The storage is inside the individual's assigned residential unit; and

19.0846.01001
Title.02000

Adopted by the Judiciary Committee

January 16, 2019

1
SB 2172
1/16

PROPOSED AMENDMENTS TO SENATE BILL NO. 2172

Page 1, line 13, replace "shall" with "may"

Page 1, line 24, overstrike "shall" and insert immediately thereafter "may"

Renumber accordingly

February 28, 2019

Chairman,
Ref: SB 2172

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 and appear before you today on behalf of the association.

Currently Judges are authorized to carry concealed firearms in all locations that peace officers may possess firearms, but with two exceptions:

1. There is no provision for retired judges to continue to carry after they leave office
2. Judges are not authorized to carry firearms in liquor establishments

SB 2172 is intended to extend firearm privileges to judges that are equal to those privileges granted to peace officers.

In SB 2172, subdivision m of subsection 2 of section 62.1-02-05 of the North Dakota Century Code

- a. Would add former or retired language to existing law
- b. Clarify what constitutes a certificate of compliance

In SB 2172, a new subdivision to subsection 2 of section 62.1-02-04 of the North Dakota Century Code

- a. Extend same firearms privileges to judges that are currently enjoyed by peace officers in terms of liquor establishments
- b. Simple duplication of language

There is currently a bill, HB 1206, intended to amend 62.1-02-05 in a similar way. However, HB 1206 does not address 62.1-02-04 and does not define "certificate of compliance".

SB 2172 has the official backing of the NDMJA while, at the time of this committee meeting, the original inspiration for HB 1206 is unknown other than it is sponsored by Rep Todd Porter.

Myself and my fellow members of the NDMJA feel confident that the two bills can be combined to reach an amicable solution to the duplication of intent shared by the two bills.

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

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 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 ENGROSSED SENATE BILL NO. 2172

Page 1, line 1, after "enact" insert "a new subdivision to subsection 1 of section 54-12-14,"

Page 1, line 1, after "62.1-02-04" insert ", and section 62.1-04-03.2"

Page 1, line 2, after "to" insert "a class 1 exempt firearm license and"

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, after line 6, 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 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 3. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;

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SB2172
4.5.19

- f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
- g. A student and an instructor at a hunter safety class;
- h. Private and public security personnel while on duty;
- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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;
- p. An individual who is a paramedic or other emergency rescuer if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and

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- q. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and
 - (3) The storage has been consented to by the state, the governing board, or a designee.
- 3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.
- 4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
- 5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 4. 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, 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; and

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- 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

19.0846.02003

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 1 of section 54-12-14, a
2 new subdivision to subsection 2 of section 62.1-02-04, and section 62.1-04-03.2 of the North
3 Dakota Century Code, relating to a class 1 exempt firearm license and possession of a firearm
4 or dangerous weapon in a liquor establishment; to amend and reenact ~~subdivision m of~~
5 ~~subsection 2 of~~ section 62.1-02-05 of the North Dakota Century Code, relating to possession of
6 a firearm or dangerous weapon at a public gathering; and to provide a penalty.

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

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

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

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

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

22 ~~**SECTION 3. AMENDMENT.** Subdivision m of subsection 2 of section 62.1-02-05 of the~~
23 ~~North Dakota Century Code is amended and reenacted as follows:~~

1 ~~m. A current or former state, federal, or municipal court judge, a district court~~
2 ~~magistrate judge or, judicial referee, and/or a current staff member of the office of~~
3 ~~attorney general if the individual maintains the same level of firearms proficiency~~
4 ~~as is required by the peace officer standards and training board for law~~
5 ~~enforcement officers. A local law enforcement agency shall may issue a certificate~~
6 ~~of compliance under this section to an individual who is proficient. A paper or~~
7 ~~electronic copy of the peace officer standards and training board sidearm~~
8 ~~qualification form endorsed by the administering officer is proof of compliance~~
9 ~~under this subdivision; and~~

10 **SECTION 3. AMENDMENT.** Section 62.1-02-05 of the North Dakota Century Code is
11 amended and reenacted as follows:

12 **62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering -**
13 **Penalty - Application.**

- 14 1. An individual who knowingly possesses a firearm or dangerous weapon at a public
15 gathering is guilty of a class B misdemeanor. For the purpose of this section, "public
16 gathering" means an athletic or sporting event, a school, a church, and a publicly
17 owned or operated building.
- 18 2. This section does not apply to:
 - 19 a. A law enforcement officer, or a correctional officer employed by the department
20 of corrections and rehabilitation or by a correctional facility governed by
21 chapter 12-44.1. A correctional officer employed by the department of
22 corrections and rehabilitation may carry a firearm only as authorized in
23 section 12-47-34. A correctional officer employed by a correctional facility
24 governed by chapter 12-44.1 may carry a firearm or dangerous weapon only
25 as authorized in section 12-44.1-30;
 - 26 b. A member of the armed forces of the United States or national guard, organized
27 reserves, state defense forces, or state guard organizations, when on duty;
 - 28 c. A competitor participating in an organized sport shooting event;
 - 29 d. A gun or antique show;
 - 30 e. A participant using a blank cartridge firearm at a sporting or theatrical event;

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- 1 f. A firearm or dangerous weapon carried in a temporary residence or motor
2 vehicle;
- 3 g. A student and an instructor at a hunter safety class;
- 4 h. Private and public security personnel while on duty;
- 5 i. A state or federal park;
- 6 j. An instructor, a test administrator, an official, or a participant in educational,
7 training, cultural, or competitive events involving the authorized use of a
8 dangerous weapon if the event occurs with permission of the person or entity
9 with authority over the function or premises in question;
- 10 k. An individual in a publicly owned or operated rest area or restroom;
- 11 l. An individual possessing a valid concealed weapons license from this state or
12 who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry
13 a dangerous weapon concealed if the individual is in a church building or other
14 place of worship and has the approval to carry in the church building or other
15 place of worship by a primary religious leader of the church or other place of
16 worship or the governing body of the church or other place of worship;
- 17 m. A state, federal, or municipal court judge, a district court magistrate judge, or
18 judicial referee; a retired state, federal, or municipal court judge, district court
19 magistrate judge, or judicial referee who has at least ten years of service as a
20 judge or referee; and a staff member of the office of attorney general if the
21 individual maintains the same level of firearms proficiency as is required by the
22 peace officer standards and training board for law enforcement officers. A local
23 law enforcement agency shall issue a certificate of compliance under this section
24 to an individual who is proficient. Upon issuance of a certificate of compliance,
25 the bureau of criminal investigation shall issue that individual an unrestricted
26 concealed weapons license; -end
- 27 n. A North Dakota member of the Congress of the United States who maintains the
28 same level of firearms proficiency as is required by the peace officer standards
29 and training board for law enforcement officers. A local law enforcement agency
30 shall issue a certificate of compliance under this subdivision to an individual who

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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;

p. An individual who is a paramedic or other emergency responder if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and

q. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
(1) The individual resides in the building;
(2) The storage is inside the individual's assigned residential unit; and
(3) The storage has been consented to by the state, the governing board, or a designee.

3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.

4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.

5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 4. 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.

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

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- 1 b. Successfully completes the training and testing requirements under this section.
- 2 2. The bureau of criminal investigation shall coordinate with the peace officer standards
- 3 and training board to develop and implement training standards and testing
- 4 requirements equivalent to the firearms proficiency required by the peace officer
- 5 standards and training board for law enforcement officers. The bureau of criminal
- 6 investigation shall certify instructors under this section. Training must include:
- 7 a. Classroom training on weapons and procedures, including:
- 8 (1) At least two hours of specialized training relating to when, where, and how
- 9 to carry a dangerous weapon concealed; and
- 10 (2) Instruction on situational awareness considerations when assessing the
- 11 need to carry a dangerous weapon concealed in a publicly owned or
- 12 operated building, church, school, and athletic or sporting event; and
- 13 b. Field training on weapons and procedures.
- 14 3. The bureau of criminal investigation shall develop and administer an annual training
- 15 requirement for holders of a class 1 exempt license which may include classroom and
- 16 field training components.
- 17 4. The bureau of criminal investigation shall prescribe the form of the application and
- 18 license.
- 19 5. All fees collected for a class 1 exempt license must be credited to the attorney
- 20 general's operating fund. All fees must be paid before the license application is
- 21 processed by the director of the bureau of criminal investigation. The attorney general
- 22 shall adopt rules establishing the fees associated with a license issued under this
- 23 section.

PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2172

That the House recede from its amendments as printed on pages 1447-1450 of the Senate Journal and pages 1644-1647 of the House Journal and that Engrossed Senate Bill No. 2172 be amended as follows:

Page 1, line 3, remove "subdivision m of subsection 2 of"

Page 1, line 5, after the semicolon insert "to provide for a legislative management study of concealed weapons licenses;"

Page 1, remove lines 18 through 24

Page 2, replace lines 1 through 4 with:

"SECTION 2. AMENDMENT. Section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

62.1-02-05. Possession of a firearm or dangerous weapon at a public gathering - Penalty - Application.

1. An individual who knowingly possesses a firearm or dangerous weapon at a public gathering is guilty of a class B misdemeanor. For the purpose of this section, "public gathering" means an athletic or sporting event, a school, a church, and a publicly owned or operated building.
2. This section does not apply to:
 - a. A law enforcement officer, or a correctional officer employed by the department of corrections and rehabilitation or by a correctional facility governed by chapter 12-44.1. A correctional officer employed by the department of corrections and rehabilitation may carry a firearm only as authorized in section 12-47-34. A correctional officer employed by a correctional facility governed by chapter 12-44.1 may carry a firearm or dangerous weapon only as authorized in section 12-44.1-30;
 - b. A member of the armed forces of the United States or national guard, organized reserves, state defense forces, or state guard organizations, when on duty;
 - c. A competitor participating in an organized sport shooting event;
 - d. A gun or antique show;
 - e. A participant using a blank cartridge firearm at a sporting or theatrical event;
 - f. A firearm or dangerous weapon carried in a temporary residence or motor vehicle;
 - g. A student and an instructor at a hunter safety class;
 - h. Private and public security personnel while on duty;

- i. A state or federal park;
- j. An instructor, a test administrator, an official, or a participant in educational, training, cultural, or competitive events involving the authorized use of a dangerous weapon if the event occurs with permission of the person or entity with authority over the function or premises in question;
- k. An individual in a publicly owned or operated rest area or restroom;
- l. An individual possessing a valid concealed weapons license from this state or who has reciprocity under section 62.1-04-03.1 authorizing the individual to carry a dangerous weapon concealed if the individual is in a church building or other place of worship and has the approval to carry in the church building or other place of worship by a primary religious leader of the church or other place of worship or the governing body of the church or other place of worship;
- m. A state, federal, or municipal court judge, a district court magistrate judge, or judicial referee; a retired state, federal, or municipal court judge, district court magistrate judge, or judicial referee who has at least ten years of service as a judge or referee; and a staff member of the office of attorney general if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- n. 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 is a paramedic or other emergency responder while the individual is on duty and if the individual 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 section to an individual who is proficient. Upon issuance of a certificate of compliance, the bureau of criminal investigation shall issue that individual an unrestricted concealed weapons license; and
- p. An individual's storage of a firearm or dangerous weapon in a building that is owned or managed by the state or a political subdivision, provided:
 - (1) The individual resides in the building;
 - (2) The storage is inside the individual's assigned residential unit; and

- (3) The storage has been consented to by the state, the governing board, or a designee.
3. This section does not prevent any political subdivision from enacting an ordinance that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance supersedes this section within the jurisdiction of the political subdivision.
4. Notwithstanding any other provision of law, a church or place of worship may not be held liable for any injury or death or damage to property caused by an individual permitted to carry a dangerous weapon concealed under this section.
5. For purposes of this section, "political subdivision" includes a nonpublic school.

SECTION 3. LEGISLATIVE MANAGEMENT STUDY. During the 2019-20 interim, the legislative management shall consider studying the provisions of the Century Code relating to concealed weapons licenses and the implications of creating a third tier of concealed weapons license for the purpose of carrying a concealed firearm or dangerous weapon at a public gathering as defined in section 62.1-02-05. The legislative management shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the sixty-seventh legislative assembly."

Renumber accordingly

April 22, 2019

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PROPOSED AMENDMENTS TO ENGROSSED SENATE BILL NO. 2172

That the Senate recede from its amendments as printed on pages 1447-1450 of the House Journal and pages 1644-1647 of the Senate Journal and that Engrossed House Bill No. 2172 be amended as follows:

Page 1, line 3, after "62.1-02-05" insert "and subsection 3 of section 62.1-02-05"

Page 2, after line 4, insert:

"SECTION 3. AMENDMENT. Subsection 3 of section 62.1-02-05 of the North Dakota Century Code is amended and reenacted as follows:

3. This section does not prevent any political subdivision or nonpublic school from enacting an ordinance or school policy that is less restrictive than this section relating to the possession of firearms or dangerous weapons at a public gathering. An enacted ordinance or school policy supersedes this section within the jurisdiction of the political subdivision or property owned by the school."

Renumber accordingly