

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1341

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341
1/26/2023

Relating to possessing a firearm or dangerous weapon at the state capitol

3:35 PM

Vice Chairman D Anderson opened the hearing. Members present: Vice Chairman D. Anderson, Chairman Porter, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Marschall, Novak, Olson, Roers Jones, and Ruby. Absent: Representative Kasper

Discussion Topics:

- Capitol Carry
- Surrounding states

Rep Ben Koppelman, Dist 16, West Fargo, presented the bill, Testimony 20914
Brian Gosch, National Rifle Association lobbyist, oral testimony
Luke Hendrickson, Administrative Services Commander, ND Highway Patrol, Testimony 17170, 17171

Additional written testimony:

Andrew Bornemann, farmer, small business owner, Kintyre, ND, Testimony 16950
Craig Roe, ND CL Instructor/BCI ND, FFL holder, Testimony 21130

4:10 PM Vice Chairman D Anderson closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341
2/2/2023
Subcommittee

Relating to possession firearms or dangerous weapon at the state capitol

8:00 AM Chairman Heinert called the subcommittee meeting to order. Present were Chairman Heinert, Representatives Ista, Roers Jones. Absent: subcommittee member Rep Ruby.

Also present: Rep. Porter

Discussion topics:

- Gun bills

Chairman Heinert stated the 7 gun bills the subcommittee would be working on:

1. HB 1339
2. HB 1340
3. HB 1341
4. HB 1350
5. HB 1404
6. HB 1479
7. HB 1483

Claire Ness from the Attorney General's office will attend with information on a Supreme Court case next Thursday, February 9, 2023 at 8 AM. The subcommittee will also meet next Friday, February 10, 2023 at 8:00 AM.

8:04 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341
2/9/2023
Subcommittee

Relating to possession firearms or dangerous weapon at the state capitol

8:00 AM

Chairman Heinert called the meeting to order. Present were Chairman Heinert, Representatives Ista, Roers Jones, and Ruby. Also present were Representatives D Anderson and Porter.

Discussion Topics:

- Reasoning by analogy
- Person's conduct
- 2nd amendment
- Dangerous and unusual weapons
- Proposed amendment 01001

Claire Ness, Chief Deputy Attorney General, ND Attorney General's Office, oral testimony on New York State Rifle & Pistol Association Inc. v. Bruen (Decided on June, 2022)

8:25 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341
2/10/2023
Subcommittee

Relating to possession firearms or dangerous weapon at the state capitol

8:00 AM

Chairman Heinert called the meeting to order. Present were Chairman Heinert, Representatives Ruby, and Ista. Rep Roers Jones was absent.

Discussion Topics:

- Proposed amendment 01001
- Replace state's with nation's
- Dangerous weapons
- Study
- Guns in Capital
- Guns in Courts
- Supreme Court
- Restricted areas
- Other states that allow guns in Capital
- Historic data
- Highway Patrol Security safety concerns

Subcommittee Chairman Heinert, proposed amendment 01001, Testimony 20604

Rep Ista moved that the subcommittee recommend the proposed amendment 23.0443.01001 to HB 1341 as further amended to replace state's with nation's, seconded by Rep Ruby.

Representatives	Vote
Representative Heinert	Y
Representative Ista	Y
Representative M Ruby	N
Representative Roers Jones	AB

2-1-1 Motion carried.

8:16 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341
2/16/2023
Subcommittee

Relating to possession firearms or dangerous weapon at the state capitol
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8:00 AM Chairman Heinert called the subcommittee meeting to order. Present were Chairman Heinert, Representatives Ista, Roers Jones and Ruby.

Also present: Rep. Porter

Discussion topics:

- Subcommittee action

Rep Heinert presented amendment 01002, Testimony 21022

Rep Ista moved to recommend to the full committee, amendment 01002, seconded by Rep Roers Jones.

Representatives	Vote
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	N

3-1-0 Motion carried.

8:04 AM Chairman Heinert closed the meeting.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341
2/16/2023

Relating to possessing a firearm or dangerous weapon at the state capitol

10:01 AM

Chairman Porter opened the meeting. Members present: Chairman Porter, Vice Chairman D. Anderson, Representatives Bosch, Conmy, Dockter, Hagert, Heinert, Ista, Kasper, Marschall, Novak, Olson, Roers Jones, and Ruby.

Discussion Topics:

- Committee action

Chairman Heinert presented proposed amendment 01002, Testimony 21022

Rep Heinert moved to adopt the proposed amendment 01002, seconded by Rep Roers Jones.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	AB
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y
Representative Zachary Ista	Y
Representative Jim Kasper	AB
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	N

11-1-2 Motion carried

Rep Ruby moved a Do Pass as Amended, seconded by Rep Roers Jones.

Representatives	Vote
Representative Todd Porter	Y
Representative Dick Anderson	Y
Representative Glenn Bosch	AB
Representative Liz Conmy	Y
Representative Jason Dockter	Y
Representative Jared Hagert	Y
Representative Pat D. Heinert	Y

Representative Zachary Ista	Y
Representative Jim Kasper	AB
Representative Andrew Marschall	Y
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	Y

12-0-2 Motion carried. Rep Heinert is carrier.

10:07 AM Chairman Porter closed the meeting.

Kathleen Davis, Committee Clerk

DR
121
2-16-23

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1341

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to statutory provisions that restrict the location and manner in which firearms and dangerous weapons may be carried."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FIREARM AND DANGEROUS WEAPONS RESTRICTIONS. During the 2023-24 interim, the legislative management shall study those provisions of the North Dakota Century Code that place restrictions on carrying firearms and dangerous weapons. The study may include an examination of the state's current firearm and weapon possession prohibitions as compared to the nation's historical regulations and restrictions on the time, place, and manner in which firearms and dangerous weapons may be possessed. The study must include: an assessment of recent federal court cases relating to firearm restrictions, including public carry; and an examination of the definition of a dangerous weapon and whether the current definition of a dangerous weapon should be maintained, narrowed, or expanded. The study must include input from the attorney general, the tax commissioner, the superintendent of public instruction, the supreme court, the association of counties, the league of cities, the state's attorney association, the association of criminal defense lawyers, and the peace officers association. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1341: Energy and Natural Resources Committee (Rep. Porter, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1341 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to statutory provisions that restrict the location and manner in which firearms and dangerous weapons may be carried.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FIREARM AND DANGEROUS WEAPONS RESTRICTIONS. During the 2023-24 interim, the legislative management shall study those provisions of the North Dakota Century Code that place restrictions on carrying firearms and dangerous weapons. The study may include an examination of the state's current firearm and weapon possession prohibitions as compared to the nation's historical regulations and restrictions on the time, place, and manner in which firearms and dangerous weapons may be possessed. The study must include: an assessment of recent federal court cases relating to firearm restrictions, including public carry; and an examination of the definition of a dangerous weapon and whether the current definition of a dangerous weapon should be maintained, narrowed, or expanded. The study must include input from the attorney general, the tax commissioner, the superintendent of public instruction, the supreme court, the association of counties, the league of cities, the state's attorney association, the association of criminal defense lawyers, and the peace officers association. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

2023 SENATE ENERGY AND NATURAL RESOURCES

HB 1341

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1341
3/9/2023

A bill relating to statutory provisions that restrict the location and manner in which firearms and dangerous weapons may be carried.

3:21 PM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Beard, Boehm and Magrum are present.

Discussion Topics:

- Concealed carry
- State Capitol Building
- National Rifle Association

3:21 PM Representative B. Koppelman introduced the bill and provided testimony in support of the bill.

3:29 PM Chairman Patten left the meeting; Vice Chairman Magrum is chairing the remainder of the meeting.

3:43 PM Katie Fitzsimmons, Director of Student Affairs, North Dakota State University System, testified neutral on the bill and provided written testimony #23359.

3:52 PM Chairman Magrum closed the public hearing.

3:52 PM Chairman Magrum closed the meeting.

Rick Schuchard, Committee Clerk

2023 SENATE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Peace Garden Room, State Capitol

HB 1341
3/24/2023

A bill relating to statutory provisions that restrict the location and manner in which firearms and dangerous weapons may be carried.

9:31 AM Chairman Patten opened the meeting.

Chairman Patten and Senators Kessel, Kannianen, Boehm, Beard and Magrum are present.

Discussion Topics:

- Committee action

9:32 AM Senator Magrum moved to adopt amendment 23.0443.02001, #26556. Motion seconded by Senator Beard.

9:36 AM Senator Magrum withdraws his motion to adopt the amendment and Senator Beard withdraws his second to the motion.

9:36 AM Senator Kessel moved to adopt amendments 23.0443.02001 and on line 5 change language from “shall” to “shall consider”.

9:37 AM Roll call vote was taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	N
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 5-1-0.

9:37 AM Senator Kessel moved to Do Pass the bill as amended. Motion is seconded by Senator Magrum.

9:38 AM Roll call vote is taken.

Senators	Vote
Senator Dale Patten	Y
Senator Jeffery J. Magrum	Y
Senator Todd Beard	Y
Senator Keith Boehm	Y
Senator Jordan L. Kannianen	Y
Senator Greg Kessel	Y

Motion passes 6-0-0.

Senator Magrum will carry the bill.

This bill does not affect workforce development.

9:38 AM Chairman Patten closed the meeting.

Rick Schuchard, Committee Clerk

March 24, 2023

AG
3-24-23
(1-1)

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1341

Page 1, line 6, replace "study" with "consider studying"

Page 1, line 7, replace "may" with "must"

Page 1, line 10, replace "possessed" with "restricted"

Page 1, line 13, remove "the tax"

Page 1, line 14, remove "commissioner,"

Page 1, line 14, after the second comma insert "the commissioner of higher education, and
representatives of"

Page 1, line 16, remove "and"

Page 1, line 16, after "association" insert ", and the national rifle association"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1341, as engrossed: Energy and Natural Resources Committee (Sen. Patten, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1341 was placed on the Sixth order on the calendar. This bill does not affect workforce development.

Page 1, line 6, replace "study" with "consider studying"

Page 1, line 7, replace "may" with "must"

Page 1, line 10, replace "possessed" with "restricted"

Page 1, line 13, remove "the tax"

Page 1, line 14, remove "commissioner,"

Page 1, line 14, after the second comma insert "the commissioner of higher education, and representatives of"

Page 1, line 16, remove "and"

Page 1, line 16, after "association" insert ", and the national rifle association"

Renumber accordingly

2023 CONFERENCE COMMITTEE

HB 1341

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341

4/6/2023
Conference Committee

Relating to possessing a firearm or dangerous weapon at the state capitol

4:10 PM

Chairman Heinert opened the meeting.

Present: Representatives Heinert, Ruby, Ista, Senators Kessel, Magrum, Kannianen

Discussion Topics:

- Consider studying
- Possession of firearms
- Restriction of firearms
- NRA (National Rifle Association) representation
- Firearms industry representation
- Tax Commissioner representation
- Commissioner of Higher Education representation

Senators explained their amendments to the bill. Chairman Heinert stated another meeting would be scheduled.

4:15 PM Meeting adjourned.

Kathleen Davis, Committee Clerk

**2023 HOUSE CONFERENCE COMMITTEE
 ROLL CALL VOTES**

BILL/RESOLUTION NO. HB 1341 as (re) engrossed

House Energy and Natural Resources Committee

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

Motion Made by: _____ Seconded by: _____

Representatives		3/6/23		Yes	No	Senators		3/6/23		Yes	No
Rep Heinert		✓				Sen Kessel		✓			
Rep M Ruby		✓				Sen Magrum		✓			
Rep Ista		✓				Sen Kannianen		✓			
Total Rep. Vote						Total Senate Vote					

Vote Count Yes: _____ No: _____ Absent: _____

House Carrier _____ Senate Carrier _____

LC Number _____ . _____ of amendment

LC Number _____ . _____ of engrossment

Emergency clause added or deleted

Statement of purpose of amendment

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1341

4/10/2023

Conference Committee

Relating to possessing a firearm or dangerous weapon at the state capitol

11:00 AM

Chairman Heinert opened the meeting.

Present: Representatives Heinert, Ruby, Ista, Senators Kessel, Magrum, Kannianen

Discussion Topics:

- Shall study
- Historical data study
- Possession of firearms
- Restriction of firearms
- NDUS representation
- Attorney General office
- Superintendent of Public Instruction office
- Commission for Legal Defense of the Indigent

Sen Magrum moved the Senate recede from Senate amendments and further amend Page 1, Line 7, replace “may” with “must”; Page 1 Line 10 replace “possessed” with “restricted”; Page 1 Line 13-14 remove “the tax commissioner”, Page 1 Line 14 insert “a representative of the university system, and representatives of”, Page 1 Line 16 replace “defense Lawyers” with “commission on legal counsel for indigents” and after “association” insert “an association or organization with an interest in firearm legislation”, seconded by Sen Ruby. Roll call taken. Motion carried 6-0-0

Rep Heinert and Senator Magrum are carriers.

11:16 AM meeting adjourned.

Kathleen Davis, Committee Clerk

A
4-20-23

PROPOSED AMENDMENTS TO ENGROSSED HOUSE BILL NO. 1341

That the Senate recede from its amendments as printed on page 1487 of the House Journal and page 1215 of the Senate Journal and that Engrossed House Bill No. 1341 be amended as follows:

Page 1, line 7, replace "may" with "must"

Page 1, line 10, replace "possessed" with "restricted"

Page 1, line 10, remove the colon

Page 1, line 13, remove "the tax"

Page 1, line 14, remove "commissioner,"

Page 1, line 14, after the second comma insert "a representative of the university system, and representatives of"

Page 1, line 15, remove "association of criminal"

Page 1, line 16, replace "defense lawyers" with "commission on legal counsel for indigents"

Page 1, line 16, remove "and"

Page 1, line 16, after "association" insert ", and an association or organization with an interest in firearm legislation"

Renumber accordingly

**2023 HOUSE CONFERENCE COMMITTEE
ROLL CALL VOTES**

HB 1341 as engrossed

House Energy and Natural Resources Committee

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

Motion Made by: Sen Magrum Seconded by: Rep Ruby

Representatives	3/6/23	3/10		Yes	No	Senators	3/6/23	3/10		Yes	No
Rep Heinert	✓	✓		✓		Sen Kessel	✓	✓		✓	
Rep M Ruby	✓	✓		✓		Sen Magrum	✓	✓		✓	
Rep Ista	✓	✓		✓		Sen Kannianen	✓	✓		✓	
Total Rep. Vote				3		Total Senate Vote				3	

Vote Count Yes: 6 No: 0 Absent: 0

House Carrier Rep Heinert Senate Carrier Sen Magrum

LC Number 23.0443 . 02003 of amendment

LC Number 23.0443 . 04000 of engrossment

Emergency clause added or deleted

Statement of purpose of amendment:

- Shall study
- Historical data study
- NDUS representation
- Commission for Legal Defense of the Indigent

Page 1, Line 7, replace “may” with “must”; Page 1 Line 10 replace “possessed” with “restricted”; Page 1 Line 13-14 remove “the tax commissioner”, Page 1 Line 14 insert “a representative of the university system, and representatives of”, Page 1 Line 16 replace “defense Lawyers” with “commission on legal counsel for indigents” and after “association” insert “an association or organization with an interest in firearm legislation”

REPORT OF CONFERENCE COMMITTEE

HB 1341, as engrossed: Your conference committee (Sens. Kessel, Magrum, Kannianen and Reps. Heinert, M. Ruby, Ista) recommends that the **SENATE RECEDE** from the Senate amendments as printed on HJ page 1487, adopt amendments as follows, and place HB 1341 on the Seventh order:

That the Senate recede from its amendments as printed on page 1487 of the House Journal and page 1215 of the Senate Journal and that Engrossed House Bill No. 1341 be amended as follows:

Page 1, line 7, replace "may" with "must"

Page 1, line 10, replace "possessed" with "restricted"

Page 1, line 10, remove the colon

Page 1, line 13, remove "the tax"

Page 1, line 14, remove "commissioner,"

Page 1, line 14, after the second comma insert "a representative of the university system, and representatives of"

Page 1, line 15, remove "association of criminal"

Page 1, line 16, replace "defense lawyers" with "commission on legal counsel for indigents"

Page 1, line 16, remove "and"

Page 1, line 16, after "association" insert ", and an association or organization with an interest in firearm legislation"

Renumber accordingly

Engrossed HB 1341 was placed on the Seventh order of business on the calendar.

TESTIMONY

HB 1341

HB1341 Testimony

Hello, my name is Andrew Bornemann. I am a farmer and small business owner from Kintyre, ND.

I am writing to you today to respectfully request a "Do Pass" recommendation from your committee in House Bill 1341.

This bill would simply remove the prohibition on carrying a firearm or dangerous weapon in the State Capitol. While some may say this is a bad idea, and would like to make you think it will certainly result in a mass murder of government officials, I would like to point out that it is only law-abiding citizens who are discouraged by such requirements. Criminals by definition are those who have no regard for the law, and thus if they do desire to cause mayhem and destruction, a prohibition on carrying weapons only makes their determined job easier, due to their would-be victims being disarmed. Statistics have proven over and over it is the gun-free zones that are targetted by those intent on causing mass harm, and that law abiding, armed citizens are the strongest deterrent to violent crime.

As a 10-year CCW holder, and a husband and father, I will always support the rights of law abiding citizens to protect themselves and their families, no matter where they happen to be. I ask that you join me in defending the right to bear arms, guaranteed to us in the Second Ammendment, by voting for a "Do Pass" recommendation on House Bill 1341.

Thank you!

Andrew Bornemann



HIGHWAY PATROL 2023-25 AGENCY BUDGET REQUEST

DETAILED LEGISLATIVE INFO



<https://www.nd.gov/ndhp/2023Session>

PROPOSED CHANGES

2023-25 Budget
\$76,900,467

General: \$54,191,734
 Special: \$13,438,559
 Federal: \$9,270,174

174 (+15)
 Sworn Officers
34
 Civilian Team Members

KEY AREAS OF FOCUS

Employer of Choice/Workforce: Continue to recruit high-quality law enforcement personnel in a competitive and challenging environment. Focus on competitive salary, benefits, employee well-being, training, and equipment.

Enhance Criminal Interdiction Efforts: Combat transnational criminal organizations by devoting more resources to reduce highway-related crimes including illicit drug and human trafficking operations.

Provide a Secure Environment & Protect Infrastructure: Enhance our ability to protect the state capitol, employees, elected officials, and visitors and thoroughly investigate threats as they occur. Protect the multi-billion-dollar investment in our state’s highways from premature damage.

Transform Education & Prevention: Strengthen our ability to provide high-quality law enforcement training to new peace officers from multiple agencies. Become a leader in continuing education and advanced training, especially in high liability areas such as active threat response, use of force, and emergency vehicle operations. Bolster education and prevention efforts by providing relevant training to all groups with a goal to eliminate crashes and save lives.

Leverage Technology & Research and Development: Strengthen our ability to plan strategically and forecast change and disruption in equipment, technology, and law enforcement policies and practices.

BUDGET REQUESTS

Software Enhancements
 Reduce duplicate data entry
 Learning management software
 Records management upgrades

Inflationary Impacts
 20% increase in equipment
 20% increase in ammunition
 10% increase in travel

Recruitment
 \$50,000 increase for enhancements to recruitment and advertising

State Fleet Rates Cost to Continue
\$2,042,000



Lease Rates Cost to Continue
\$123,000




Equipment and Technology Requests



Additional Facility and Lease Needs



NDPERS Unfunded 2021-23
\$129,622





68th Legislative Assembly

Testimony in **Opposition** of

House Bill 1341

House Energy and Natural Resources

January 26, 2023

TESTIMONY OF

Captain Luke Hendrickson, North Dakota Highway Patrol

Chairman Porter and members of the Committee,

My name is Luke Hendrickson, I am the Administrative Services Commander for the North Dakota Highway Patrol. I am here to provide testimony in opposition of HB1341.

The NDHP oversees the security of the Capitol building, and all buildings on the Capitol complex. Elected officials, North Dakota Supreme Court justices, and legislative members work at the capitol. It is our primary mission to keep our public officials, employees, and patrons safe while in the Capitol. If firearms or dangerous weapons are allowed into the Capitol building, the likelihood of a violent incident occurring will be heightened. Our current security measures and responses would have to be changed for that possibility.

With this bill an individual would be able to carry a firearm or dangerous weapon with a concealed weapons permit, current constitutional carry laws or open carry. To obtain a Class 1 concealed weapons license, applicants must pass an open book test, demonstrate familiarity with a firearm, and successfully complete a certified proficiency exercise; however, a Class 2 license simply requires the successful completion of an open book test. To constitutionally carry all an individual needs is to be 18 years of age, proof of 30-day residency on a ND identification card or ND driver's license or a concealed weapons license/permit issued by a state that has reciprocity with North Dakota, and not be prohibited by state or federal law from possessing a firearm. There are no on-going qualifications or proficiency tests once a conceal carry permit is issued or for someone carrying a concealed weapon under our constitutional carry laws. Open carry laws would apply to an unloaded firearm or a dangerous weapon. There is no clarification in this bill on what restrictions, if any, would address open carry or dangerous weapons inside the Capitol.

In comparison law enforcement officers undergo thorough, multiple-day training in active threat response that provides instruction on responding to active violence threats. It teaches tactics to diffuse threatening situations while minimizing injury or death. This training is scenario based, testing the officer's decision-making skills as well as marksmanship under stressful conditions. Law enforcement officers are trained to neutralize the threat in an attempt to save lives. In addition, law enforcement conducts weapons training throughout the year and must qualify with their weapon annually.

Law enforcement's priority during an active threat response situation is the safety of everyone involved. The threat during this type of situation is determined by the actions of those involved, and who may be holding a weapon. This bill may cause confusion among

23.0443.01001
Title.

Prepared by the Legislative Council staff for
Representative Heinert
February 9, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1341

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to statutory provisions that restrict the location and manner in which firearms and dangerous weapons may be carried.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FIREARM AND DANGEROUS WEAPONS RESTRICTIONS. During the 2023-24 interim, the legislative management shall study those provisions of the North Dakota Century Code that place restrictions on carrying firearms and dangerous weapons. The study may include an examination of the state's current firearm and weapon possession prohibitions as compared to the state's historical regulations and restrictions on the time, place, and manner in which firearms and dangerous weapons may be possessed. The study must include an assessment of recent federal court cases relating to firearm restrictions, including public carry. The study must include input from the attorney general, the tax commissioner, the superintendent of public instruction, the supreme court, the association of counties, the league of cities, the state's attorney association, the association of criminal defense lawyers, and the peace officers association. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

HB 1341

Rep. Ben Koppelman- Testimony

Mr. Chairman and Members of the Committee,

Thank You for the opportunity to introduce HB1341 to you today.

This bill is a very simple bill, it is 3 words long. It would allow concealed carry in the capitol building. Currently all our bordering states allow capitol carry. There have not been mass problems with such a policy. Even in Minnesota during the Riots and the following lawlessness on the streets of Minneapolis, law-abiding citizens in Saint Paul were still able to carry in the capitol building. I believe about 14 states allow carry in their capitol, some allow open carry, some allow concealed carry, and others allow both.

I am not sure of the exact procedure in all of these states, but I am not aware of any major issues with law-abiding citizens carrying in the capitol in any of these states.

This bill, as written, does encompass the entire capitol building. If the desire is to exclude the portion of the capitol that includes the Supreme Court, I would not object. For many years we had prided ourselves on having a capitol open to the public without metal detectors. Following the DAPL protest, someone decided to install metal detectors, which has been a great inconvenience to the public.

Many other state capitols are still open to the public. Maybe we can return to a capitol without metal detectors or not, but either way, lets let law-abiding citizens carry within the capitol and let us protect ourselves. We found a way to provide capitol security before metal detectors, and so I'm sure we could find a way to protect the capitol while not restricting the Second Amendment.

Thanks for your time, and I would request a Do-Pass on HB1341.

23.0443.01002
Title.

Prepared by the Legislative Council staff for
Representative Heinert
February 13, 2023

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1341

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for a legislative management study relating to statutory provisions that restrict the location and manner in which firearms and dangerous weapons may be carried.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FIREARM AND DANGEROUS WEAPONS RESTRICTIONS. During the 2023-24 interim, the legislative management shall study those provisions of the North Dakota Century Code that place restrictions on carrying firearms and dangerous weapons. The study may include an examination of the state's current firearm and weapon possession prohibitions as compared to the nation's historical regulations and restrictions on the time, place, and manner in which firearms and dangerous weapons may be possessed. The study must include: an assessment of recent federal court cases relating to firearm restrictions, including public carry; and an examination of the definition of a dangerous weapon and whether the current definition of a dangerous weapon should be maintained, narrowed, or expanded. The study must include input from the attorney general, the tax commissioner, the superintendent of public instruction, the supreme court, the association of counties, the league of cities, the state's attorney association, the association of criminal defense lawyers, and the peace officers association. The legislative management shall report its findings and recommendations, together with any legislation necessary to implement the recommendations, to the sixty-ninth legislative assembly."

Renumber accordingly

OPINION ON 2023 HOUSE BILLS

CRAIG ROE—ND CWL INSTRUCTOR/ BCI ND, FFL Holder

General opinion on all House bills 2023 regarding firearms rights. As the wording of the US Constitution states, The right to keep and bear arms shall not be infringed, it seems they are still, in many cases, being infringed at the Federal level and here in our own state of ND. The Second Amendment does not give the right to keep and bear arms, it restricts the government from infringing on the rights we naturally have. Any and all restrictions should be unconstitutional.

As pertains to our state of ND and the upcoming specific bills;

HB 1339—I agree that anyone who can legally enter the state and is not disqualified from owning firearms should have the right to bear those arms in the state. To own said firearms means that in most cases they have gone through background checks and that alone should give the right to bear arms anywhere in the US as long as state rules that are in place are followed. I would urge passage of HB 1339

HB 1340 – It seems some cities in ND feel they can restrict citizens on certain gun rights at their discretion. ND Century Code 62.1-01-03 Limitation on authority of political subdivision



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Engrossed HB 1341

Senate Energy and Natural Resources

March 9, 2023

Katie Fitzsimmons, NDUS Director of Student Affairs

701-328-4109 | katie.fitzsimmons@ndus.edu

Chair Patten and Committee Members: my name is Katie Fitzsimmons and I serve as the Director of Student Affairs for the North Dakota University System. I am representing the System Office and the NDUS campuses in neutral stance to Engrossed HB 1341. The bill would call for a comprehensive study on firearms and dangerous weapons. The University System respectfully requests an amendment to the bill.

Our campuses are places where students of all ages go to learn, live, eat, workout, perform, practice, research, and compete. Students sleep on the property, faculty and staff work all hours, we have campus police and security to respond to emergencies, and our campuses have daycares, cafeterias, swimming pools, and theaters while boasting classrooms, labs, and libraries. Most of these spaces are open to the public and are defined in code as public gathering spaces. When you compare the happenings of a campus to that of other public gathering spaces such as a courthouse, a K-12 school, or a state office building, it is plain to see that we are a different animal. Perhaps this in-depth study would determine that not all spaces on our campuses are created or managed equally to other public spaces. And thus, those spaces could likely be treated differently in regard to use and possession of weapons.

The University System respectfully requests a seat at the table during the interim study if the committee believes an outcome of the study would directly impact the campuses in the state. The current proposal mandates participation from the attorney general, tax commissioner, superintendent of public instruction, supreme court, association of counties, league of cities, state's attorney association, association of criminal defense lawyers, and peace officers association. We believe representation from the System Office or one of our campuses could enlighten the group about the variance in spaces, how they are used, and who uses them.

That concludes my testimony on HB 1341. Again, I respectfully request the committee consider including the University System during the interim and amend the bill as such. I stand for questions and thank you for your time and service.

23.0443.02001

FIRST ENGROSSMENT

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1341

Introduced by

Representatives Koppelman, Meier, M. Ruby, Steiner, VanWinkle

Senators Clemens, Meyer, Myrdal, Paulson, K. Roers

1 A BILL for an Act to provide for a legislative management study relating to statutory provisions
2 that restrict the location and manner in which firearms and dangerous weapons may be carried.

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

4 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - FIREARM AND DANGEROUS**
5 **WEAPONS RESTRICTIONS.** During the 2023-24 interim, the legislative management shall
6 study those provisions of the North Dakota Century Code that place restrictions on carrying
7 firearms and dangerous weapons. The study ~~may~~must include an examination of the state's
8 current firearm and weapon possession prohibitions as compared to the nation's historical
9 regulations and restrictions on the time, place, and manner in which firearms and dangerous
10 weapons may be ~~possessed~~restricted. The study must include: an assessment of recent federal
11 court cases relating to firearm restrictions, including public carry; and an examination of the
12 definition of a dangerous weapon and whether the current definition of a dangerous weapon
13 should be maintained, narrowed, or expanded. The study must include input from the attorney
14 general, ~~the tax commissioner,~~ the superintendent of public instruction, the commissioner of
15 higher education, and representatives of the supreme court, the association of counties, the
16 league of cities, the state's attorney association, the association of criminal defense lawyers,
17 ~~and the peace officers association, and the national rifle association.~~ The legislative
18 management shall report its findings and recommendations, together with any legislation
19 necessary to implement the recommendations, to the sixty-ninth legislative assembly.