

MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2340

2001 SENATE JUDICIARY

SB 2340

2001 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2340

Senate Judiciary Committee

Conference Committee

Hearing Date February 7th, 2001

Tape Number	Side A	Side B	Meter #
1	x	x	32-end/0-6.1
Committee Clerk Signature			

Minutes: **Senator Watne** opened the hearing on SB 2340: A BILL FOR AN ACT TO LIMIT THE LIABILITY RESULTING FROM THE MANUFACTURE, DISTRIBUTION AND SALE OF FIREARMS.

Senator Watne, the prime sponsor of SB 2340 representing district 15. This bill provides for immunity for those who sell firearms with in the law. So if someone busy a fireman from a manufacture, distributor and salesman they will not be implemented.

Senator Lyson, if there is a defect in the firearm. Is that covered?

Senator Traynor, section 4 covers that.

Senator Nelson, how many manufacturers are in ND? We have a product liability law, why the bill?

Senator Trenbeath, looks like we're attempting to do is, you can't sue the manufacturer just because it's a gun.

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Senate Judiciary Committee

Bill/Resolution Number SB ~~2304~~ 2340

Hearing Date February 7th, 2001

Rick Jorgenson, a North Dakota Hunter Education instructor, testifies in support of SB 2340.

(testimony attached).

Senator Nelson, is this type of legislation in the agenda?

Rick Jorgenson, I don't know.

Senator Nelson, this bill will protect all of the gunsmiths.

Rich Jorgenson, section 4 covers this. Product liability laws still apply.

Senator Lyson, if you sell me a weapon that is modified, would you send me a disclaimer?

Rick Jorgenson, I would. However, if I didn't you could come after me.

Mike Donahue, representing united sportsmen, supports the bill. This bill may help firearm cost.

Leon Nesler, hunter education instructor, this bill makes the user of the firearm responsible for negligence.

Paul Kreary, cass county wildlife club, goes on record in support of the bill.

Senator Trenbeath, dealing with negligence and strict liability, and this bill separates the two. Relieves the manufacturer from responsibility.

Rick Jorgenson, this bill protects individuals.

Senator Traynor, are the ND shooters association a group associated with section 3 in the bill.

Rick Jorgenson, I am not aware of them.

Senator Traynor, can you get the answer?

Senator Traynor closed the hearing on SB 2340.

MOTION WAS MADE BY SENATOR TRENBEATH TO AMEND LINE 11 TO ADD CODES. SECONDED BY SENATOR WATNE. VOTE INDICATED 6 YEAS, 0 NAYS AND 1 ABSENT AND NOT VOTING. SECOND MOTION WAS MADE BY SENATOR

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Senate Judiciary Committee

Bill/Resolution Number SB ~~2304~~ 2340

Hearing Date February 7th, 2001

TRENBEATH TO DO PASS AS AMENDED, SECONDED BY SENATOR WATNE.

VOTE INDICATED 5 YEAS, 1 NAYS, AND 1 ABSENT AND NOT VOTING. SENATOR

TRAYNOR VOLUNTEERED TO CARRY THE BILL.

Date: 2/7
 Roll Call Vote #: 1

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2340

Senate Judiciary Committee

- Subcommittee on _____
 or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Amend on line 11 to add codes

Motion Made By Trenbeath Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		
Watne, D. Vice Chairman	X		Nelson, C.	X	
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 6 No 0

Absent 1

Floor Assignment _____

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

meter #50.8 - End
TAP 2

Date: 2/7
Roll Call Vote #: 2

2001 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. 2340

Senate Judiciary Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Trenbeath Seconded By Watne

Senators	Yes	No	Senators	Yes	No
Traynor, J. Chairman	X		Bercier, D.		
Watne, D. Vice Chairman	X		Nelson, C.		X
Dever, D.	X				
Lyson, S.	X				
Trenbeath, T.	X				

Total (Yes) 5 No 1

Absent 1

Floor Assignment Traynor

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

REPORT OF STANDING COMMITTEE (410)
February 8, 2001 1:28 p.m.

Module No: SR-23-2740
Carrier: Traynor
Insert LC: 10353.0101 Title: .0200

REPORT OF STANDING COMMITTEE

SB 2340: Judiciary Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2340 was placed on the Sixth order on the calendar.

Page 1, line 11, after "Code" insert ", or amendments thereto,"

Renumber accordingly

2001 HOUSE JUDICIARY

SB 2340

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2340

House Judiciary Committee

Conference Committee

Hearing Date 03-07-01

Tape Number	Side A	Side B	Meter #
TAPE II	x		01 to 1889
Committee Clerk Signature <i>Jan Deew</i>			

Minutes: Vice Chr Kretschmar opened the hearing on SB 2340. A bill to limit the liability resulting from the manufacture, distribution and sale of firearms.

Rick Jorgenson: resident of North Dakota (see attached testimony).

Rep Delmore: Do you work with your consumers with the issue of safety locks on guns in the homes with children.

Rick Jorgenson: I teach firearm safety and we do teach gun safety, but this bill relates to the sale of firearms.

Rep Klemm: Section four of this bill sets out a lot of things and one is that liability does not apply. Have there been instances where someone has been held liable.

Rick Jorgenson: I don't believe there have been success, but there has been attempts. Goes on to give an example.

Rep Klemm: On line ten, who are we talking about.

Rick Jorgenson: The bill was drafted in that area to defend those associations like the North Dakota Shooter Association. Associations who promote shooting sports around the state.

Rep Eckre: Do you sell fire arms.

Rick Jorgenson: No.

Rep Eckre: Does that mean with a federal fire arm permit they can sell.

Rick Jorgenson: No.

Rep Eckre: liability insurance has gotten very high, have the prices of guns gone up.

Rick Jorgenson: This will not only effect the purchaser of gun it will also effect people with home owners policies.

Rep Mahoney: Section four leaves in all that is appropriate, but you are getting at is the prospect of someone using that product wrongfully and then wanting to go back and claim that they are liable.

Rick Jorgenson: That is the essence of the bill.

Vice Chr Kretschmar: Thank you for appearing before the committee.

Carol Two Eagles: This bill asks people to read other people's mind. In 1880's in Scotland a murder was committed with a blunderbuss, the man was charged separate from a gun. The man was found innocent and the gun was found guilty. Spoke in opposition.

Vic Chr Kretschmar: If there are no questions, thank you for appearing.

Eric Pueppke: President of North Dakota Shooting Sports Association, (see attached testimony).

Rep Klemin: Are you in retail.

Eric Pueppke: No, I am not.

Rep Maragos: Would this protect you if you sold an improper gun.

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House Judiciary Committee
Bill/Resolution Number SB 2340
Hearing Date 03-07-01

Eric Pueppke: I would say not.

Rep Klemin: Do you have to have liability insurance in a casual sale.

Eric Pueppke: Just own owners insurance, that would cover something like that.

Rep Klemin: You don't have any increase in your home owners insurance because you might have a casual sale.

Eric Pueppke: Well no.

Rep Mahoney: Have you participated in those cowboy shoot out competitions.

Eric Pueppke: I have not, I shoot pistol.

Vice Chr Kretschmar: Are there any other questions, seeing none, thank you for appearing.

Mike Donahue: North Dakota wildlife Federation and United Sportsmen of North Dakota, spoke in support of SB 2340.

Vice Chr Kretschmar: Are there any questions, thank you for appearing.

Leon Nesja: Mandan, teacher of Hunter Safety Courses, spoke in support of SB 2340.

Vice Chr Kretschmar: Are there any questions, thank you for appearing, is there any further testimony on SB 2340. Any in opposition, seeing none, we will close the hearing on SB 2340.

2001 HOUSE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2340b

House Judiciary Committee

Conference Committee

Hearing Date 03-12-01

Tape Number	Side A	Side B	Meter #
Tape 1		x	4232 to 4602
Committee Clerk Signature <i>Joan Piers</i>			

Minutes: Chairman DeKrey called the committee to order on SB 2340.

COMMITTEE ACTION

Chairman DeKrey: what are the wishes of the committee. Rep Delmore moved a DO PASS, seconded by Rep Onstad.

DISCUSSION

Chairman DeKrey: the clerk will call the roll on a DO PASS motion on SB 2340. The motion passes with a vote of 11 YES, 1 NO and 3 ABSENT. Carrier Rep Mahoney.

Date: 03-12-01
Roll Call Vote #: 1

2001 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB-2340

House JUDICIARY Committee

Subcommittee on _____
or
 Conference Committee

Legislative Council Amendment Number _____

Action Taken Do Pass

Motion Made By Rep Delmore Seconded By Rep Onstad

Representatives	Yes	No	Representatives	Yes	No
CHR - Duane DeKrey	✓				
VICE CHR --Wm E Kretschmar	✓				
Rep Curtis E Brekke					
Rep Lois Delmore	✓				
Rep Rachael Disrud	✓				
Rep Bruce Eckre	✓				
Rep April Fairfield					
Rep Bette Grande	✓				
Rep G. Jane Gunter	✓				
Rep Joyce Kingsbury	✓				
Rep Lawrence R. Klemin		✓			
Rep John Mahoney	✓				
Rep Andrew G Maragos					
Rep Kenton Onstad	✓				
Rep Dwight Wrangham	✓				

Total (Yes) 11 No 1

Absent 3

Floor Assignment Rep Mahoney

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

REPORT OF STANDING COMMITTEE (410)
March 12, 2001 12:13 p.m.

Module No: HR-42-5328
Carrier: Mahoney
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE

SB 2340, as engrossed: Judiciary Committee (Rep. DeKrey, Chairman) recommends DO PASS (11 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING). Engrossed SB 2340 was placed on the Fourteenth order on the calendar.

2001 TESTIMONY

SB 2340

