

2021 SENATE JUDICIARY

SB 2344

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee
Peace Garden Room, State Capitol

SB 2344
2/15/2021

A BILL for an Act to amend and reenact section 37-17.1-29 of the North Dakota Century Code, relating to governmental regulation of firearms and ammunition; and to provide a penalty.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson.** [2:45]

Discussion Topics:

- Laws relating to government oversight of firearms
- Current statutes relating to firearm sales

Senator Dwyer provided testimony in favor #6659 [2:50]

Brian Gosch, Nation Rifle Association provided testimony in favor #6664 [3:02]

Greg Link, ND Game and Fish provided testimony in favor #6612 [3:10]

Nephi Cole, National Shooting Sports Foundation provided testimony in favor #6573 [3:20]

Hearing Adjourned [3:30]

Jamal Omar, Committee Clerk

21.1005.02001
Title.

Prepared by the Legislative Council staff for
Senator Dwyer

February 15, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 17, after "hours" insert "is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports, or"

Renumber accordingly

21.1005.02001
Title.

Prepared by the Legislative Council staff for
Senator Dwyer

February 15, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 17, after ^{jurisdiction} ~~hours~~ insert "is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports, or"

Renumber accordingly

** except that shooting ranges operated by the state Game and Fish Department may be closed or limited in the hours of operation as*



Senate Judiciary Committee
Testimony on SB 2344

North Dakota Game and Fish Department
Greg Link

February 15, 2021

Madam Chair Larson and members of the Senate Judiciary Committee, my name is Greg Link; I serve as Conservation and Communications Division for the North Dakota Game and Fish Department (Department). I am testifying today to support the intent of SB 2344. We have worked with Senator Dwyer to address some concerns regarding potentially unintended consequences of the bill.

The Department operates and manages several public shooting ranges on properties we own or manage through lease from the U.S. Army Corps of Engineers. These ranges provide opportunity for both new and experienced hunters and recreational shooters to become more proficient with their firearms, as well as, properly sight-in their firearms. The ranges are important for recruiting new hunters and sport shooters, in addition to retaining the ones we already have. They are used heavily by members of the public.

For safety, risk management, routine upkeep, and for conducting special training events, we do impose certain restrictions and limitations on their use, and at times have the need to periodically close the ranges for such purposes. ND Administrative Rules 30-04-02-05 (as attached) provides Game and Fish the authority to “regulate” the lawful use of our shooting ranges. As a result, we temporarily close the ranges for maintenance, repairs, mowing, and clean-up. We also restrict .50 caliber rifles and fully automatic weapons on portions of our ranges. For obvious safety reasons, we close all ranges we manage at sunset. We give some Special Use permits for competition use of the range (however, we have limited them to a specific time and yardage – i.e., we only close the 100-yard range, and leave open the 200 and 25-yard ranges.) We have also closed some of the ranges for designated law enforcement and military training, and for special Hunter Education “hands-on” shooting seminars.

We don’t believe the sponsors of the bill intended to prohibit agencies and political subdivisions, such as the Department, from safely operating and managing those ranges that are extremely important to the public. However, as originally provided in Section 1 and Subsection 1(a) of the bill, that would be the result.

We have talked to some of the bill sponsors and offered up the following proposed exemption clause:

Beginning on page 1, line 17: "...firearms, unless the closing or limitation of hours is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports, ~~and~~ or the limitation applies equally..."

For the rationale provided, please accept the North Dakota Game and Fish Department's SUPPORT of the passage of SB 2344 with the stated amendment.

February 14th, 2021

RE: SB 2344

The National Shooting Sports Foundation supports the passage of SB 2344. We, the National Shooting Sports Foundation (NSSF), represent over 9,000 member manufacturers, retailers, distributors, and other businesses. We are the Firearm Trade Association of America.

2020 was unprecedented in terms of challenges to our country and to many basic civil liberties. Early in the pandemic, we worked to ensure that there was recognition at the state and national level that the firearms and ammunition supply chain was essential for National, community, and individual security. As a result, citizens in 45 of 50 states were able to exercise their rights to purchase, keep and bear arms.

Unfortunately, 5 States ignored federal recommendation and our outreach. Further, it is likely that under the new administration we would not have had the support of federal guidance in our efforts to keep these essential businesses open.

The right to defense of life and property does not go away during an emergency. If anything, it becomes more paramount. Thank you for considering this bill that rightly protects individual's rights and the critical infrastructure they need to exercise them. Sincerely,



Nephi Cole
Director, Government Relations-State Affairs
The National Shooting Sports Foundation

2021 SENATE STANDING COMMITTEE MINUTES

Judiciary Committee Peace Garden Room, State Capitol

SB 2344
2/16/2021

A BILL for an Act to amend and reenact section 37-17.1-29 of the North Dakota Century Code, relating to governmental regulation of firearms and ammunition; and to provide a penalty.

Hearing called to order all Senators Present: **Myrdal, Luick, Dwyer, Bakke, Fors, Heitkamp, Larson.** [2:54]

Discussion Topics:

- Gun range regulation
- Private Vs Public Gun Range Regulation

Senator Dwyer introduced the amendments
[LC 21.1005.02003] #6659 [2:54]

Senator Dwyer Motioned to Amend the bill
[LC 21.1005.02003] [2:55]
Senator Myrdal Seconded the motion
Motion passed 7-0-0

Senator Dwyer Moved a DO PASS AS
AMENDED [2:55]
Senator Luick Seconded the motion [2:56]
Motion Passed 7-0-0
Senator Dwyer Carried the bill

Moved to Amend SB 2344	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Moved a DO PASS AS AMENDED ON SB 2344	Vote
Senator Diane Larson	Y
Senator Michael Dwyer	Y
Senator JoNell A. Bakke	Y
Senator Robert O. Fors	Y
Senator Jason G. Heitkamp	Y
Senator Larry Luick	Y
Senator Janne Myrdal	Y

Additional written testimony:

Nephi Cole, National Shooting Sports Foundation provided testimony in favor #6573

Greg Link, ND Game and Fish provided testimony in favor #6612

Brian Gosch, National Rifle Association provided testimony in favor #6664 and #6743

Hearing Adjourned [2:57]

Jamal Omar, Committee Clerk

February 16, 2021

CS
2/16
1641

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 13, replace "or any" with "of:"

(1) Any government-owned or government-operated"

Page 1, line 13, after "range" insert ", unless the closure or limitation is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports or the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activity within the jurisdiction;

(2) Any private indoor or outdoor shooting range, unless the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activities within the jurisdiction;"

Page 1, line 13, replace the second "any" with:

"(3) Any"

Page 1, line 22, remove "or"

Page 1, line 22, remove the overstrike over "~~, or authorize the seizure or~~"

Page 1, remove the overstrike over lines 23 and 24

Page 2, remove the overstrike over lines 1 and 2

Page 2, line 3, remove the overstrike over "~~seizing or confiscating the firearm or ammunition as evidence of a crime;~~"

Page 2, line 4, remove the overstrike over "~~e.~~"

Page 2, line 4, overstrike "Require registration of any firearm or ammunition for which" and insert immediately thereafter "When"

Page 2, line 4, remove the overstrike over "~~registration is not~~"

Page 2, line 5, remove the overstrike over "~~otherwise required by law~~" and insert immediately thereafter ", require registration of"

Page 2, line 8, replace "c." with "d."

Page 2, line 10, replace "d." with "e."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2344: Judiciary Committee (Sen. Larson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "or any" with "of:"

(1) Any government-owned or government-operated"

Page 1, line 13, after "range" insert ", unless the closure or limitation is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports or the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activity within the jurisdiction;

(2) Any private indoor or outdoor shooting range, unless the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activities within the jurisdiction;"

Page 1, line 13, replace the second "any" with:

"(3) Any"

Page 1, line 22, remove "or"

Page 1, line 22, remove the overstrike over "~~, or authorize the seizure of~~"

Page 1, remove the overstrike over lines 23 and 24

Page 2, remove the overstrike over lines 1 and 2

Page 2, line 3, remove the overstrike over "~~seizing or confiscating the firearm or ammunition as evidence of a crime;~~"

Page 2, line 4, remove the overstrike over "~~e.~~"

Page 2, line 4, overstrike "Require registration of any firearm or ammunition for which" and insert immediately thereafter "When"

Page 2, line 4, remove the overstrike over "~~registration is not~~"

Page 2, line 5, remove the overstrike over "~~otherwise required by law~~" and insert immediately thereafter ", require registration of"

Page 2, line 8, replace "c." with "d."

Page 2, line 10, replace "d." with "e."

Renumber accordingly

21.1005.02001
Title.

Prepared by the Legislative Council staff for
Senator Dwyer

February 15, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 17, after "hours" insert "is required for maintenance, law enforcement training,
military training, hunter education, or other special activities associated with the
shooting sports, or"

Renumber accordingly

February 14th, 2021

RE: SB 2344

The National Shooting Sports Foundation supports the passage of SB 2344. We, the National Shooting Sports Foundation (NSSF), represent over 9,000 member manufacturers, retailers, distributors, and other businesses. We are the Firearm Trade Association of America.

2020 was unprecedented in terms of challenges to our country and to many basic civil liberties. Early in the pandemic, we worked to ensure that there was recognition at the state and national level that the firearms and ammunition supply chain was essential for National, community, and individual security. As a result, citizens in 45 of 50 states were able to exercise their rights to purchase, keep and bear arms.

Unfortunately, 5 States ignored federal recommendation and our outreach. Further, it is likely that under the new administration we would not have had the support of federal guidance in our efforts to keep these essential businesses open.

The right to defense of life and property does not go away during an emergency. If anything, it becomes more paramount. Thank you for considering this bill that rightly protects individual's rights and the critical infrastructure they need to exercise them. Sincerely,



Nephi Cole
Director, Government Relations-State Affairs
The National Shooting Sports Foundation



Senate Judiciary Committee
Testimony on SB 2344

North Dakota Game and Fish Department
Greg Link

February 15, 2021

Madam Chair Larson and members of the Senate Judiciary Committee, my name is Greg Link; I serve as Conservation and Communications Division for the North Dakota Game and Fish Department (Department). I am testifying today to support the intent of SB 2344. We have worked with Senator Dwyer to address some concerns regarding potentially unintended consequences of the bill.

The Department operates and manages several public shooting ranges on properties we own or manage through lease from the U.S. Army Corps of Engineers. These ranges provide opportunity for both new and experienced hunters and recreational shooters to become more proficient with their firearms, as well as, properly sight-in their firearms. The ranges are important for recruiting new hunters and sport shooters, in addition to retaining the ones we already have. They are used heavily by members of the public.

For safety, risk management, routine upkeep, and for conducting special training events, we do impose certain restrictions and limitations on their use, and at times have the need to periodically close the ranges for such purposes. ND Administrative Rules 30-04-02-05 (as attached) provides Game and Fish the authority to “regulate” the lawful use of our shooting ranges. As a result, we temporarily close the ranges for maintenance, repairs, mowing, and clean-up. We also restrict .50 caliber rifles and fully automatic weapons on portions of our ranges. For obvious safety reasons, we close all ranges we manage at sunset. We give some Special Use permits for competition use of the range (however, we have limited them to a specific time and yardage – i.e., we only close the 100-yard range, and leave open the 200 and 25-yard ranges.) We have also closed some of the ranges for designated law enforcement and military training, and for special Hunter Education “hands-on” shooting seminars.

We don’t believe the sponsors of the bill intended to prohibit agencies and political subdivisions, such as the Department, from safely operating and managing those ranges that are extremely important to the public. However, as originally provided in Section 1 and Subsection 1(a) of the bill, that would be the result.

We have talked to some of the bill sponsors and offered up the following proposed exemption clause:

Beginning on page 1, line 17: "...firearms, unless the closing or limitation of hours is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports, ~~and~~ or the limitation applies equally..."

For the rationale provided, please accept the North Dakota Game and Fish Department's SUPPORT of the passage of SB 2344 with the stated amendment.

ND Game & Fish Department WMA Public Shooting Ranges

Administrative Rules

30-04-02-05. Firearms.

Use of firearms on wildlife management areas is allowed, except in a reckless and indiscriminate manner, and as otherwise posted at public road entry points. A person discharging a firearm on a department-designated target range shall not be considered to be engaging in indiscriminate shooting if conducted in accordance to the below rules specified for wildlife management area rifle/handgun shooting ranges and wildlife management area shotgun shooting ranges. The use of tracer rounds or exploding targets, or both, is prohibited on all wildlife management areas.

Wildlife management area rifle/handgun range rules:

1. Range hours are from sunrise to sunset.
2. Shooting permitted only from established benches to designated target stands.
3. No firearms may be handled when the range has been declared "clear" and people are down range. When any person is down range, all firearms must have the muzzle pointed down range, action open, ejection port or cylinder up, and magazine removed.
4. Exploding targets are prohibited. Only paper or cardboard targets are permitted.
5. Tracer, armor piercing, and steel core ammunition is prohibited.
6. Persons destroying target posts or other property are liable for replacement or costs associated with replacement.
7. Only handheld or shoulder-fired firearms are permitted.
8. Fully automatic firearms are prohibited.
9. Centerfire rifles .50 caliber or larger are prohibited.

Wildlife management area shotgun range rules:

1. Range hours are from sunrise to sunset.
2. Only use of shotguns is permitted on a shotgun range. Handgun and rifle use is prohibited on a shotgun range.
3. Use of buckshot or slugs is prohibited.
4. Only commercially manufactured clay targets may be used.
5. All spent shells and other materials must be placed in the trash receptacles or taken away from the range by the range user.

History: Amended effective April 1, 1986; April 1, 2006; January 1, 2014; October 1, 2017.

General Authority: NDCC 20.1-11-05

Law Implemented: NDCC 20.1-11-05

21.1005.02001
Title.

Prepared by the Legislative Council staff for
Senator Dwyer

February 15, 2021

PROPOSED AMENDMENTS TO SENATE BILL NO. 2344

Page 1, line 17, after ^{jurisdiction} "hours" insert "is required for maintenance, law enforcement training, military training, hunter education, or other special activities associated with the shooting sports, or"

Renumber accordingly

* except that shooting ranges operated by the state Game and Fish Department may be closed or limited in the hours of operation as

From: [Gosch, Brian](#)
To: [NDLA, Intern 04 - Fordahl, Liz](#)
Subject: Amendment SB 2344
Date: Tuesday, February 16, 2021 9:28:03 AM

***** **CAUTION:** This email originated from an outside source. Do not click links or open attachments unless you know they are safe. *****

a. Close or limit the operating hours or any indoor or outdoor shooting range or any entity engaged in the lawful selling or servicing of any firearm, including any component or accessory; ammunition, including any component or accessory; ammunition - reloading equipment and supplies; or personal weapons other than firearms, unless the closing or limitation of hours applies equally to all forms of commerce, use, recreation, enjoyment, or general activity within the jurisdiction; however, a state owned and operated outdoor shooting range may close or limit its operating hours as necessary for maintenance, law enforcement training, military training or hunter's education purposes, or for other special activities associated with the shooting sports.

Sent from my iPhone

2021 HOUSE ENERGY AND NATURAL RESOURCES

SB 2344

2021 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

SB 2344
3/25/2021

Relating to governmental regulation of firearms and ammunition; and to provide a penalty
--

9:00 AM

Chairman Porter opened the hearing. Present: Representatives Porter, Damschen, Anderson, Bosch, Devlin, Heinert, Keiser, Lefor, Marschall, Roers Jones, M Ruby, Zubke, Guggisberg, and Ista.

Discussion Topics:

- Private indoor and outdoor shooting ranges
- Gun store/shooting ranges closures
- Closing or limiting hours
- Shooting ranges
- Safety and risk management
- Hunter safety courses
- Essential industry

Sen Dwyer, District 47 – oral testimony

Greg Link, Conservation and Communications Division Chief, ND G&F - #10705

Nephi Cole, director of government relations- National Shooting Sport Foundation- oral testimony

Brian Gosch, lawyer and lobbyist, National Rifle Association- oral testimony

Rep Heinert moved a Do Pass, seconded by Rep Anderson. Roll call vote:

REPRESENTATIVES	YES	NO	REPRESENTATIVES	YES	NO
Chairman Porter	Y		Rep Ista	Y	
Vice Chairman Damschen	Y		Rep Keiser	Y	
Rep D Anderson	Y		Rep Lefor	Y	
Rep Bosch	Y		Rep Marschall	Y	
Rep Devlin	Y		Rep Roers Jones	Y	
Rep Guggisberg	Y		Rep M Ruby	AB	
Rep Heinert	Y		Rep Zubke	Y	

Motion carried. 13 – 0 – 1 Rep Heinert is carrier.

Additional written testimony:

Gordon Greenstein, veteran US Navy, Retired US Army veteran - #10448

9:16 AM meeting adjourned.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

SB 2344, as engrossed: **Energy and Natural Resources Committee (Rep. Porter, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2344 was placed on the Fourteenth order on the calendar.



House Energy and Natural Resources Committee
Testimony on SB 2344

North Dakota Game and Fish Department
Greg Link

March 25, 2021

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Greg Link. I serve as the Conservation and Communications Division Chief for the North Dakota Game and Fish Department (Department). I am testifying today in SUPPORT of SB 2344.

The sustained use of shooting ranges and availability of firearms and ammunition are extremely important to the North Dakota Game and Fish Department, our mission, and the public we serve. Therefore, we support the safeguards provided by SB 2344 to ensure these activities are not unduly impeded.

However, the Department operates and manages several public shooting ranges on properties we own or manage through lease from the U.S. Army Corps of Engineers. For safety, risk management, routine upkeep, and for conducting special training events, we do need to impose certain restrictions and limitations on their use, and at times periodically close the ranges for such purposes. Therefore, we appreciate the bill's sponsors building in the provision provided in Section 1.a.(1) of the bill.

The ranges we manage provide opportunity for both new and experienced hunters and recreational shooters to become more proficient with their firearms, as well as, properly sight-in their firearms. The ranges are important for recruiting new hunters and sport shooters, in addition to retaining the ones we already have. They are used heavily by members of the public.

ND Administrative Rules 30-04-02-05 provide the Department the authority to "regulate" the lawful use of our shooting ranges. As a result, we temporarily close the ranges for maintenance, repairs, mowing, and clean-up. For obvious safety reasons, we close all ranges we manage at sunset. We have also closed some of the ranges for designated law enforcement and military training events, and for special Hunter Education "hands-on" shooting seminars.

For the rationale provided, please accept the North Dakota Game and Fish Department's SUPPORT of the passage of SB 2344.

House Energy and Natural Resources

SB 2344

Chairman Porter and Committee

I urge a strong YES on SB 2344 to protect businesses and citizens of North Dakota. This is much needed legislation.

[Senate Bill 2344](#) provides protections for gun stores, ranges, or any other entity that engages in the lawful selling or servicing of firearms, components, or accessories. SB 2344 also prevents the prohibition, regulation, or seizure of citizens' Second Amendment rights during a declared State of Emergency

Thank You

Gordon Greenstein

US Navy (Veteran)

US Army (Retired)