

2023 HOUSE ENERGY AND NATURAL RESOURCES

HB 1194

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1194
1/26/2023

Relating to the possession of a firearm or dangerous weapon at a public gathering

9:00 AM

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

Discussion Topics:

- Life threatening situations
- Proposed Amendment
- Rural / remote areas
- Class 1 conceal carry license
- Military personnel
- Schools

Rep Tveit, Hazen, Dist. 33, presented the bill, Testimony 16949, 20919

Andrew Kordonowy, Dickinson, Testimony 17391

John Gruenberg, Superintendent of Underwood Public School, Proposed amendment, Testimony 16996,

Michael Heilman, Executive Director, NDSOS, Testimony 20894

Amy DeKok Counsel ND School Boards Association, oral testimony

Additional written testimony:

Faith Wahl, Student Body President of UND, Testimony 17003

9:45 AM Chairman Porter closed the hearing.

Kathleen Davis, Committee Clerk

2023 HOUSE STANDING COMMITTEE MINUTES

Energy and Natural Resources Committee Coteau AB Room, State Capitol

HB 1194
2/16/2023

Relating to the possession of a firearm or dangerous weapon at a public gathering

10:07 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 Work

Representative Heinert moved a Do Not Pass on HB 1194.

Representative Roers Jones seconded the motion.

Roll Call Vote:

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	N
Representative Anna S. Novak	Y
Representative Jeremy Olson	Y
Representative Shannon Roers Jones	Y
Representative Matthew Ruby	N

Motion carried 10-2-2.

Representative Ista carrier.

10:10 AM Chairman Porter closed the meeting.

Kathleen Davis, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1194: Energy and Natural Resources Committee (Rep. Porter, Chairman)
recommends **DO NOT PASS** (10 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING).
HB 1194 was placed on the Eleventh order on the calendar.

TESTIMONY

HB 1194

Representative Bill Tveit
House District 33
Testimony for HB 1194

HB 1194 Presentation to the House Energy and Natural Resources Committee

Distinguished Chairman Porter, fellow colleagues,

For the record, I am Representative Bill Tveit, Hazen, District 33. District 33 consists of:
all of Mercer, all of Oliver and the best areas of McLean and Morton Counties.
District 33 is the Heart of Coal Country, we produce and supply your lights, heat and air conditioning, for your comfort.
We will leave the Lights on!

HB 1194 is designed to assist in the protection of people from an active shooter or other life threatening situations wherever people gather.

This bill does not require or appoint any individual to carry. It simply allows a well trained, competent and willing person to be available in case of any extreme threat or active shooter situation.

HB 1194 was designed to be an asset in rural and/or remote areas where Law Enforcement Centers (LEC) or Law Enforcement Personnel are several minutes or even miles away.
HB 1194 can afford extra security in any situation during a crises even in less remote areas.

HB 1194 will provide security for school facilities, both in session or during extra curricular activities, at community events, church functions, and most other community or public gatherings.

The willingness to carry, is a free will gift from a highly trained professional, a military veteran.
* An individual who has been required to safely handle a fire arm under extreme circumstances.
* An individual who most often has a high marksmanship proficiency.
* An individual trained to shoot at not just any target, but, targets shaped like humans,
(which, alone brings reality and seriousness to the mind of the trainee).

Under the requirements of HB 1194, this individual will need to possess a Class 1 Concealed Carry License.
A Class 1 permit requires, not only a full and complete back ground check by the Bureau of Criminal Investigation (BCI);
It is also required that this individual pass an actual shooting test.
This shooting test requires a high percentage in marksmanship, shooting from various positions.

An added security in requiring a Class 1 Concealed Carry as a qualification is that BCI can pull a Carry Permit any time that the permitted individual is facing domestic violence charges or has been convicted of a crime.

A strong part of this legislation is that the Qualified Individual can remain totally incognito. There is no provision requiring this individual to announce, proclaim or declare he/she is concealed carrying on public premise or within a public crowd.

Therefore, a tentative assailant will not be able to single the individual Carrying out and avoid their presence or worse yet, take them out first, as they could with a uniformed officer or a designated known Resource Officer.

In cases where the Security individual is publicly known, it is too easy to avoid the area of the facility the S.O or S.R.O is and plan/carry out an attack in a different wing or building where the S.O./S.R.O. is absence from that specific area of

attack.

For the protection of innocent children, faculty, bystanders and other occupants, I urge a unanimous DO PASS on HB 1194.

Mr Chairman and committee members, this concludes my testimony and I will stand for any questions.

Representatives Tveit, Fegley, Hauck, Headland, Koppelman, Schatz, Thomas Senators Luick, Myrdal, Weston, Wobbema A BILL for an Act to create and enact a new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code, relating to the possession of a firearm or dangerous weapon at a public gathering. BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subdivision to subsection 2 of section 62.1-02-05 of the North Dakota Century Code is created and enacted as follows:

An individual who: (1) Served in the armed forces of the United States on federal active duty, or served in the national guard or a reserve unit located within North Dakota;
(2) Was honorably discharged from the armed services, national guard, or a reserve unit; and
(3) Possesses a valid class 1 firearm and dangerous weapon license issued by the attorney general under section 62.1 - 04 - 03.

Chairman Porter and Representatives of the Committee, my name is John Gruenberg, Superintendent from Underwood Public School and ND Army National Guard Veteran of 10 years. During my service to the ND National Guard, I was deployed with A Co. 164th ENG BN out of Minot, ND from November 2005 to November 2006 as a combat engineer. We were tasked with finding IEDs and roadside bombs in an area just north of Baghdad. Within my military training before and during deployment, my weapons training included proficiency with the M-16, the M203 grenade launcher, the AT-4 rocket launcher, the MK-19 40mm grenade launcher, the .50 cal mounted machine gun, and lastly, a measly 9-mm pistol. All of these weapons systems have their purpose when deployed to a hostile area under the duress of combat. That purpose is the ability to use deadly force when needed to protect my brothers and sisters who were out on mission with me on a daily basis.

In my opinion, my experience in the ND Army National Guard as a combat engineer does not give me the knowledge and training to be allowed to carry and conceal that measly 9-mm pistol with a class 1 firearm license in a public place, especially a school. The class 1 firearm license includes classroom instruction, an open book test, demonstration of familiarity with a firearm, and the completion of a shooting or certified proficiency exercise.

HB 1194 would allow an honorably discharged military veteran with a class 1 firearm license to carry in a public place, including a school. What it doesn't include is the same expectations of ND Century Code article 62.1-02-14. - The Armed first responder in schools. An Armed First Responder must go through a litany of requirements that include being a retired law enforcement officer or successfully complete the course established by the private investigative and security board, a criminal background check, a physical and mental health evaluation, completion of faculty and administrator safety training and emergency response courses, annual training and recertification courses that consist of a minimum of ten hours of instruction and a skills evaluation assessment. The licensed individual is also identified to local law enforcement and cooperates with them in their annual training that includes active shooter exercises and lockdowns.

All of the requirements for the Armed First Responder in Schools make sense as it gives that individual as much information, training, and proficiency needed for them to be prepared to make the right decision if or when the time comes. Being a military veteran doesn't give you that training. An open book test with weapon familiarity doesn't give you that training. Our schools are meant to be a place of the utmost safety for our communities, our staff, and our students. Why allow an individual with minimal training to conceal a dangerous weapon when there are already other more viable options for our schools. With that, I would request that this committee recommends a Do Not Pass on HB 1194. I will stand for any questions or comments, thank you.



Chairman Porter and Members of the Committee,

My name is Faith Wahl, and I serve as the Student Body President at the University of North Dakota. I am presenting testimony in concurrence with Morgan Mastrud, the Student Body Vice President at the University of North Dakota. We are submitting testimony in opposition to HB 1194, relating to possession of a firearm or dangerous weapon at a public gathering.

It is extremely important that the committee reflect upon higher education considerations when debating the potential outcomes of this bill. On UND's campus, firearms or dangerous weapons are currently not allowed as a matter of safety for faculty, students, staff, administrators, and the general public. Buildings owned by the University of North Dakota are considered public property, and events that take place on university property would fall under the definition of a "public gathering" as outlined in Section 1 of 62.1-02-05 of the North Dakota Century Code [1]. While firearms or dangerous weapons are not allowed at a "publicly owned or operated building," HB 1194[2] outlines an exception for an individual who has "served in the United States on federal active duty, or served in the National Guard or a reserve unit located in North Dakota," who "was honorably discharged from the armed services, National Guard, or a reserve unit" and "possesses a valid class 1 firearm or dangerous weapon license issued by the attorney general under section 62.1-04-03." While this proposed exception attempts to ensure the safety of North Dakotans, it has dangerous implications for higher education.

The University of North Dakota is a military-friendly campus, indicating that the institution has several veteran or military-affiliated students who may choose to attend UND to

[1] <https://ndlegis.gov/cencode/t62-1c02.pdf#nameddest=62p1-02-05>

[2] <https://www.ndlegis.gov/assembly/68-2023/regular/documents/23-0457-03000.pdf>

[3] <https://www.healthdata.org/acting-data/gun-violence-united-states-outlier>

[4] <https://www.apa.org/monitor/2022/10/mental-health-campus-care>

work towards their academic pursuits. If any of these students have been honorably discharged from the armed forces, National Guard, or reserve unit and possess a valid class 1 firearm and dangerous weapon license, they would be eligible to carry a firearm or dangerous weapon on campus. Any actions that increase the availability of firearms or dangerous weapons on campus increases the opportunity for firearm-related incidents correlated with serious injury and death. According to the Institute for Health Metrics and Evaluation (IHME), “firearm injuries tend to be more frequent when in places where people have easy access to firearms” [3]. UND hosts several events and has several spaces on public property where the presence of a firearm would be extremely concerning. These instances include, but are not limited to, athletic events, conferences, meetings, students living in the residence halls, and many more. The safety of students at UND is of the utmost importance and the current version of HB 1194 threatens this safety.

Beyond the critical danger of firearms or dangerous weapons at large events, the potential presence of firearms or dangerous weapons on UND’s campus has several other significant implications. College students are frequently confronted with increased stressors throughout their time on campus, with the American Psychological Association detailing that over half of students “reported moderate or severe psychological stress” [4]. When firearms or dangerous weapons are made more accessible, particularly around a population that is more susceptible to behavioral health issues, the risk for a student fatally hurting themselves or others is heightened. Furthermore, the presence of firearms or dangerous weapons on campus significantly complicates the roles and responses of University Police Department (UPD) officers. Currently, when officers respond to a call on campus, they operate under a law that allows them to be the only one armed in the situation. If students who were honorably discharged

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from the armed forces, National Guard, or reserve unit in North Dakota are permitted to possess firearms or dangerous weapons on campus, UPD officers may find themselves responding to much more charged and dangerous situations. In order to allow UPD officers to appropriately respond to situations on campus, firearms and dangerous weapons should continue to be prohibited on campus for all students. To ensure the safety and security of students that attend the University of North Dakota, no changes should be made to the current firearm and dangerous weapon policies in place.

Chairman Porter and members of the committee, we respectfully request a Do Not Pass on HB 1194 as it is currently written. If the bill were to be amended to exclude higher education campuses from the proposed addition to subsection 2 of section 62. 1-02-05 of the North Dakota Century Code, we would take a neutral stance on the bill. Thank you for your time, and we are available for any questions that you might have.

Respectfully submitted,

Faith Wahl

UND Student Body President

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Morgan Mastrud

UND Student Body Vice President

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[1] <https://ndlegis.gov/cencode/t62-1c02.pdf#nameddest=62p1-02-05>

[2] <https://www.ndlegis.gov/assembly/68-2023/regular/documents/23-0457-03000.pdf>

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Monroe, Beverley

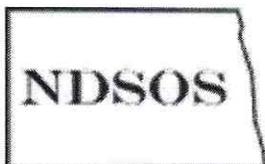
From: Andrew Kordonowy <kord@cerberususa.com>
Sent: Thursday, January 26, 2023 8:08 AM
To: NDLA, H NAT; NDLA, H EDU
Subject: HB1194

I am a veteran that this bill directly impacts.

Mainly just let us continue to serve. We want to continue our service to the community even after our military contract is done. This bill would allow us to continue protecting our community. I urge a DO Pass from this committee.

Thank you,

Andrew Kordonowy



North Dakota Small Organized Schools

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HB 1194 – Testimony in Opposition
House Energy and Natural Resources Committee
Representative Porter– Chairman
January 26, 2023

Chairman Porter and members of the House Energy and Natural Resources Committee, my name is Michael Heilman. I am the Executive Director of the North Dakota Small Organized Schools (NDSOS). I represent 150-member school districts of the North Dakota Small Organized Schools. NDSOS stands in opposition to HB 1194.

I know of a situation that a veteran of military service suffering from PTSD and experiencing a personal crisis was armed and reportedly headed to a school. Thankfully law enforcement was able to intervene, and potential tragedy was averted. I, like you, have the highest regard for our men and women of the military and have had many family members serve in our nation’s military services. I also was proud to support the military recruiters and welcomed them to the schools I served.

NDSOS and its member schools supports the current provision in NDCC 62.1-02-05 and the Armed First Responder section of NDCC 62.1-02-14. We believe these two provisions accurately reflect those that are lawfully permitted to carry a firearm in a school or at a school sponsored event and provides a provision for schools to add an armed first responder as outlined in 62.1-02-14.

Mr. Michael Heilman – Executive Director
North Dakota Small Organized Schools
mheilmanndsos@gmail.com
701.527.4621

Board of Directors

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Mr. Tim Holte, Supt. Stanley
Mr. John Gruenberg, Supt. Powers Lake

Region 2

Mr. Jeff Hagler, Supt. North Star
Mr. Steven Heim, Anamoose & Drake

Region 3

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Dr. Kelly Peters, Supt. Richardton-Taylor

Region 5

Mr. Rick Diegel, Supt. Kidder Co.
Mr. Brandt Dick, Supt. Burleigh County

Region 6

Mr. Mitch Carlson, Supt. LaMoure
Dr. Steven Johnson, Supt. Lisbon

The mission of NDSOS is to provide leadership for the small/rural schools in North Dakota and to support legislation favorable to their philosophy while opposing legislation that is harmful.

HB 1194 Presentation to the House Energy and Natural Resources Committee

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