

Sixty-eighth
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1340

Introduced by

Representatives Koppelman, Cory, Marschall, Mock, Schatz

Senators Clemens, Larsen, Meyer, Paulson, K. Roers, Wobbema

1 A BILL for an Act to amend and reenact subsections 8 and 10 of section 11-09.1-05,
2 subsections 12 and 14 of section 40-05.1-06, and section 62.1-01-03 of the North Dakota
3 Century Code, relating to home rule in counties and cities and the limitation on authority of a
4 political subdivision regarding firearms.

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

6 **SECTION 1. AMENDMENT.** Subsections 8 and 10 of section 11-09.1-05 of the North
7 Dakota Century Code are amended and reenacted as follows:

- 8 8. Provide for the adoption, amendment, repeal, initiative, referral, enforcement, and civil
9 and criminal penalties for violation of ordinances, resolutions, and regulations to carry
10 out its governmental and proprietary powers and to provide for public health, safety,
11 morals, and welfare. ~~However, this~~ This subsection does not confer any authority to
12 regulate any industry or activity ~~which is~~ regulated by state law or by rules adopted by
13 a state agency. This subsection is subject to the provisions of section 62.1-01-03.
- 14 10. Provide for zoning, planning, and subdivision of public or private property within the
15 county limits but outside the zoning authority of any city or organized township. This
16 subsection is subject to the provisions of section 62.1-01-03.

17 **SECTION 2. AMENDMENT.** Subsections 12 and 14 of section 40-05.1-06 of the North
18 Dakota Century Code are amended and reenacted as follows:

- 19 12. To define offenses against private persons and property and the public health, safety,
20 morals, and welfare, and provide penalties for violations thereof. This subsection is
21 subject to the provisions of section 62.1-01-03.
- 22 14. To provide for zoning, planning, and subdivision of public or private property within the
23 city limits. To provide for such zoning, planning, and subdivision of public or private

1 property outside the city limits as may be permitted by state law. This subsection is
2 subject to the provisions of section 62.1-01-03.

3 **SECTION 3. AMENDMENT.** Section 62.1-01-03 of the North Dakota Century Code is
4 amended and reenacted as follows:

5 **62.1-01-03. Limitation on authority of political subdivision regarding firearms - Civil**
6 **action.**

7 1. A political subdivision, including home rule cities or counties, may not enact ~~a zoning~~
8 ~~ordinance~~ or any other ordinance relating to the purchase, sale, ownership,
9 possession, transfer of ownership, registration, or licensure of firearms and
10 ammunition which is more restrictive than state law. All such existing ordinances are
11 void.

12 2. A political subdivision, including home rule cities or counties, may not enact a zoning
13 ordinance relating to the purchase, sale, ownership, possession, transfer of
14 ownership, registration, or licensure of firearms and ammunition. All such existing
15 ordinances are void.

16 3. This section does not limit the ability of a political subdivision, including home rule
17 cities or counties, to enforce an ordinance or zoning regulation relating to a business
18 operation if the restriction in the ordinance or regulation:

19 a. Applies equally to all persons engaging in commerce within the area subject to
20 the ordinance or regulation; and

21 b. Is not specifically related to the purchase, sale, ownership, possession, transfer
22 of ownership, registration, or licensure of firearms and ammunition.

23 4. The absence of a state law restriction relating to the purchase, sale, ownership,
24 possession, transfer of ownership, registration, or licensure of firearms and
25 ammunition may not be construed to allow a political subdivision, including a home
26 rule city or county, to enact an ordinance restricting the purchase, sale, ownership,
27 possession, transfer of ownership, registration, or licensure of firearms and
28 ammunition.

29 5. A person aggrieved under ~~subsection 1~~ this section may bring a civil action against a
30 political subdivision for damages as a result of an unlawful ordinance.