

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 rules 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:

13 a. Regulate any industry or activity ~~which is~~ regulated by state law or by rules
14 adopted by a state agency.

15 b. Enact a zoning ordinance relating to the purchase, sale, ownership, possession,
16 transfer of ownership, registration, or licensure of firearms and ammunition.

17 10. Provide for zoning, planning, and subdivision of public or private property within the
18 county limits but outside the zoning authority of any city or organized township. This
19 subsection does not confer any authority to enact a zoning ordinance relating to the
20 purchase, sale, ownership, possession, transfer of ownership, registration, or licensure
21 of firearms and ammunition.

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

1 12. To define offenses against private persons and property and the public health, safety,
2 morals, and welfare, and provide penalties for violations thereof. This subsection does
3 not confer any authority to enact a zoning ordinance relating to the purchase, sale,
4 ownership, possession, transfer of ownership, registration, or licensure of firearms and
5 ammunition.

6 14. To provide for zoning, planning, and subdivision of public or private property within the
7 city limits. To provide for such zoning, planning, and subdivision of public or private
8 property outside the city limits as may be permitted by state law. This subsection does
9 not confer any authority to enact a zoning ordinance relating to the purchase, sale,
10 ownership, possession, transfer of ownership, registration, or licensure of firearms and
11 ammunition.

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

14 **62.1-01-03. Limitation on authority of political subdivision regarding firearms - Civil**
15 **action.**

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

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

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

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