

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~~rule in counties and cities and the limitation on authority of
4 a 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. This subsection is subject to the provisions of section
15 62.1-01-03.

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

18 10. Provide for zoning, planning, and subdivision of public or private property within the
19 county limits but outside the zoning authority of any city or organized township. This
20 subsection does not confer any authority to enact a zoning ordinance relating to the
21 purchase, sale, ownership, possession, transfer of ownership, registration, or licensure
22 of firearms and ammunition is subject to the provisions of section 62.1-01-03.

23 **SECTION 2. AMENDMENT.** Subsections 12 and 14 of section 40-05.1-06 of the North
24 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~~ is subject to the provisions of section 62.1-01-03.
- 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~~ is subject to the provisions of section 62.1-01-03.

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. This section does not limit the ability of a political subdivision, including home rule
26 cities or counties, to enforce an ordinance or zoning regulation relating to a business
27 operation if the restriction in the ordinance or regulation:
- 28 a. Applies equally to all persons engaging in commerce within the area subject to
29 the ordinance or regulation; and
- 30 b. Is not specifically related to the purchase, sale, ownership, possession, transfer
31 of ownership, registration, or licensure of firearms and ammunition.

- 1 | 4. The absence of a state law restriction relating to the purchase, sale, ownership,
2 | possession, transfer of ownership, registration, or licensure of firearms and
3 | ammunition may not be construed to allow a political subdivision, including a home
4 | rule city or county, to enact an ordinance restricting the purchase, sale, ownership,
5 | possession, transfer of ownership, registration, or licensure of firearms and
6 | ammunition.
- 7 | 4.5. A person aggrieved under ~~subsection 1~~this section may bring a civil action against a
8 | political subdivision for damages as a result of an unlawful ordinance.