Sixty-seventh Legislative Assembly of North Dakota

SENATE BILL NO. 2323

Introduced by

Senator Heitkamp

Representative Magrum

- 1 A BILL for an Act to create and enact a new section to chapter 11-09.1, a new section to chapter
- 2 11-33, a new section to chapter 40-05, and a new section to chapter 40-05.1 of the North
- 3 Dakota Century Code, relating to the zoning authority of counties and cities with respect to
- 4 abortion facilities.

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

6 **SECTION 1.** A new section to chapter 11-09.1 of the North Dakota Century Code is created 7 and enacted as follows:

8 Limitation on authority - Zoning - Abortion facility.

9 Notwithstanding any other provision of law, the governing body of a county may not

10 <u>authorize an abortion facility as defined in section 14-02.1-02 to be located within thirty miles</u>

- 11 [48.28 kilometers] of a property line of a pre-existing public or private school. If a pre-existing
- 12 abortion facility attempts to expand or otherwise rebuild, the governing body shall deny the
- 13 request for a permit as a nonconforming use of the property.

14 **SECTION 2.** A new section to chapter 11-33 of the North Dakota Century Code is created

15 and enacted as follows:

16 Limitation on authority - Zoning - Abortion facility.

- 17 Notwithstanding any other provision of law, the governing body of a county may not
- 18 authorize an abortion facility as defined in section 14-02.1-02 to be located within thirty miles
- 19 [48.28 kilometers] of a property line of a pre-existing public or private school. If a pre-existing
- 20 abortion facility attempts to expand or otherwise rebuild, the governing body shall deny the
- 21 request for a permit as a nonconforming use of the property.
- SECTION 3. A new section to chapter 40-05 of the North Dakota Century Code is created
- 23 and enacted as follows:
- 24 Limitation on authority Zoning Abortion facility.

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- 1 <u>Notwithstanding any other provision of law, the governing body of a city may not authorize</u>
- 2 an abortion facility as defined in section 14-02.1-02 to be located within thirty miles [48.28]
- 3 <u>kilometers] of a property line of a pre-existing public or private school. If a pre-existing abortion</u>
- 4 <u>facility attempts to expand or otherwise rebuild, the governing body shall deny the request for a</u>
- 5 permit as a nonconforming use of the property.

6 **SECTION 4.** A new section to chapter 40-05.1 of the North Dakota Century Code is created

- 7 and enacted as follows:
- 8 Limitation on authority Zoning Abortion facility.
- 9 Notwithstanding any other provision of law, the governing body of a city may not authorize
- 10 an abortion facility as defined in section 14-02.1-02 to be located within thirty miles [48.28]
- 11 <u>kilometers] of a property line of a pre-existing public or private school. If a pre-existing abortion</u>
- 12 <u>facility attempts to expand or otherwise rebuild, the governing body shall deny the request for a</u>
- 13 permit as a nonconforming use of the property.