

## **BILL ANALYSIS**

C.S.H.B. 1364  
By: Mowery  
Land & Resource Management  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, if a municipality annexes property the regulations of the municipality will apply. In some parts of the states, large tracts of land that have traditionally been used for hunting leases have been annexed. Upon the annexation, the municipality frequently informs the owners of these large tracts that they can no longer discharge firearms on the property, thereby ending their right to lease their property for hunting. Many owners of these large tracts depend on the revenue generated from their hunting leases.

The purpose of C.S.H.B. 1364 is to prevent municipalities from restricting the discharge of firearms on recently annexed tracts of land under certain conditions that protect the public safety.

### **RULEMAKING AUTHORITY**

It is the opinion of the committee that this bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **ANALYSIS**

SECTION 1.           *Amends Section 251.005(c), Agriculture Code, to make conforming changes.*

SECTION 2.           *Amends Section 43.002, Local Government Code, to make conforming changes.*

SECTION 3.           *Amends Chapter 229, Local Government Code, by adding Section 229.002, as follows:*

Prohibits a municipality from regulating the discharge of firearms in its extraterritorial jurisdiction or certain annexed areas under certain circumstances:

The gun is a shotgun, air rifle or pistol, BB gun or bow and arrow fired on a tract of land of at least 10 acres, that is more than 150 feet from an occupied building, and in a manner not reasonably expected to cause the projectile to go outside the tract; or,

The gun is a center fire or rim fired rifle or pistol fired on a tract of land of at least 50 acres, that is more than 300 feet from an occupied building, and in a manner not reasonably expected to cause the projectile to go outside the tract; or,

SECTION 4.           Effective Date.

### **EFFECTIVE DATE**

Effective date is September 1, 2005 or immediately if approved by two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

- SECTION 1.           The substitute makes non-substantive clarifying changes from the original.
- SECTION 2.           The substitute adds a new SECTION 2. that amends Section 43.002, Local Government Code to conform with the intent of the bill.
- SECTION 3.           The substitute changes the date before which municipal authority can be exercised to regulate to September 1, 1981, from September 1, 2005. The purpose of this change was to coincide with the passage of the Agricultural Protection Act of 1981 that many argue should have contained protections for wildlife management (hunting). The Attorney General's Office is currently working on an opinion to determine if this is an accurate interpretation.