

By: Burnam

H.B. No. 1030

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to prohibit the sale of firearms on public property in certain circumstances.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 229.001(b), Local Government Code, is amended to read as follows:

(b) Subsection (a) does not affect the authority a municipality has under another law to:

(1) require residents or public employees to be armed for personal or national defense, law enforcement, or another lawful purpose;

(2) regulate the discharge of firearms within the limits of the municipality, other than at a sport shooting range;

(3) regulate the use of property, the location of a business, or uses at a business under the municipality's fire code, zoning ordinance, or land-use regulations as long as the code, ordinance, or regulations are not used to circumvent the intent of Subsection (a) or Subdivision (5) of this subsection;

(4) regulate the use of firearms in the case of an insurrection, riot, or natural disaster if the municipality finds the regulations necessary to protect public health and safety;

(5) regulate the storage or transportation of explosives to protect public health and safety, except that 25 pounds or less of black powder for each private residence and 50

1 pounds or less of black powder for each retail dealer are not
2 subject to regulation;

3 (6) regulate the carrying of a firearm by a person
4 other than a person licensed to carry a concealed handgun under
5 Subchapter H, Chapter 411, Government Code, at a:

6 (A) public park;

7 (B) public meeting of a municipality, county, or
8 other governmental body;

9 (C) political rally, parade, or official
10 political meeting; or

11 (D) nonfirearms-related school, college, or
12 professional athletic event; [~~or~~]

13 (7) regulate the hours of operation of a sport
14 shooting range, except that the hours of operation may not be more
15 limited than the least limited hours of operation of any other
16 business in the municipality other than a business permitted or
17 licensed to sell or serve alcoholic beverages for on-premises
18 consumption; or

19 (8) prohibit the sale of firearms on property owned or
20 controlled by the municipality, other than the sale of firearms at a
21 permanent retail store.

22 SECTION 2. Chapter 250, Local Government Code, is amended
23 by adding Section 250.007 to read as follows:

24 Sec. 250.007. SALE OF FIREARMS ON PUBLIC PROPERTY. A
25 county, municipality, or other political subdivision of this state
26 may prohibit the sale of firearms on property owned or controlled by
27 that political subdivision, other than the sale of firearms at a

1 permanent retail store.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2013.