

1-1 By: Hefner, et al. (Senate Sponsor - Creighton) H.B. No. 1500
 1-2 (In the Senate - Received from the House April 19, 2021;
 1-3 May 14, 2021, read first time and referred to Committee on State
 1-4 Affairs; May 21, 2021, reported favorably by the following vote:
 1-5 Yeas 9, Nays 0; May 21, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			
1-16	X			

1-17 A BILL TO BE ENTITLED
 1-18 AN ACT

1-19 relating to authority of the governor and certain political
 1-20 subdivisions to regulate firearms, ammunition, knives, air guns,
 1-21 explosives, and combustibles and certain associated businesses
 1-22 during certain disasters and emergencies.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 418.003, Government Code, is amended to
 1-25 read as follows:

1-26 Sec. 418.003. LIMITATIONS. This chapter does not:

1-27 (1) limit the governor's authority to apply for,
 1-28 administer, or expend any grant, gift, or payment in aid of disaster
 1-29 mitigation, preparedness, response, or recovery;

1-30 (2) interfere with the course or conduct of a labor
 1-31 dispute, except that actions otherwise authorized by this chapter
 1-32 or other laws may be taken when necessary to forestall or mitigate
 1-33 imminent or existing danger to public health or safety;

1-34 (3) interfere with dissemination of news or comment on
 1-35 public affairs, but any communications facility or organization,
 1-36 including radio and television stations, wire services, and
 1-37 newspapers, may be required to transmit or print public service
 1-38 messages furnishing information or instructions in connection with
 1-39 a disaster or potential disaster;

1-40 (4) affect the jurisdiction or responsibilities of
 1-41 police forces, fire-fighting forces, units of the armed forces of
 1-42 the United States, or of any of their personnel when on active duty,
 1-43 but state, local, and interjurisdictional emergency management
 1-44 plans shall place reliance on the forces available for performance
 1-45 of functions related to disasters;

1-46 (5) except as provided by Section 418.184, authorize
 1-47 the seizure or confiscation of any firearm or ammunition from an
 1-48 individual who is lawfully carrying or possessing the firearm or
 1-49 ammunition; ~~or~~

1-50 (6) limit, modify, or abridge the authority of the
 1-51 governor to proclaim martial law or exercise any other powers
 1-52 vested in the governor under the constitution or laws of this state
 1-53 independent of or in conjunction with any provisions of this
 1-54 chapter; or

1-55 (7) authorize any person to prohibit or restrict the
 1-56 business or operations of a firearms or ammunition manufacturer,
 1-57 distributor, wholesaler, supplier, or retailer or a sport shooting
 1-58 range, as defined by Section 250.001, Local Government Code, in
 1-59 connection with a disaster.

1-60 SECTION 2. Section 418.019, Government Code, is amended to
 1-61 read as follows:

2-1 Sec. 418.019. RESTRICTED SALE AND TRANSPORTATION OF
 2-2 MATERIALS. The governor may suspend or limit the sale, dispensing,
 2-3 or transportation of alcoholic beverages, ~~[firearms,]~~ explosives,
 2-4 and combustibles, other than explosives or combustibles that are
 2-5 components of firearm ammunition.

2-6 SECTION 3. Section 433.002(b), Government Code, is amended
 2-7 to read as follows:

2-8 (b) The directive may provide for:

2-9 (1) control of public and private transportation in
 2-10 the affected area;

2-11 (2) designation of specific zones in the affected area
 2-12 in which, if necessary, the use and occupancy of buildings and
 2-13 vehicles may be controlled;

2-14 (3) control of the movement of persons;

2-15 (4) control of places of amusement or assembly;

2-16 (5) establishment of curfews;

2-17 (6) control of the sale, transportation, and use of
 2-18 alcoholic beverages~~[, weapons, and ammunition, except as provided~~
 2-19 ~~by Section 433.0045];~~ and

2-20 (7) control of the storage, use, and transportation of
 2-21 explosives or flammable materials considered dangerous to public
 2-22 safety, other than explosives or flammable materials that are
 2-23 components of firearm ammunition.

2-24 SECTION 4. Section 433.0045(a), Government Code, is amended
 2-25 to read as follows:

2-26 (a) A directive issued under this chapter may not:

2-27 (1) authorize the seizure or confiscation of any
 2-28 firearm or ammunition from an individual who is lawfully carrying
 2-29 or possessing the firearm or ammunition; or

2-30 (2) prohibit or restrict the business or operations of
 2-31 a firearms or ammunition manufacturer, distributor, wholesaler,
 2-32 supplier, or retailer or a sport shooting range, as defined by
 2-33 Section 250.001, Local Government Code, in connection with a state
 2-34 of emergency.

2-35 SECTION 5. Sections 229.001(b), (c), (d), and (d-1), Local
 2-36 Government Code, are amended to read as follows:

2-37 (b) Subsection (a) does not affect the authority a
 2-38 municipality has under another law to:

2-39 (1) require residents or public employees to be armed
 2-40 for personal or national defense, law enforcement, or another
 2-41 lawful purpose;

2-42 (2) regulate the discharge of firearms or air guns
 2-43 within the limits of the municipality, other than at a sport
 2-44 shooting range;

2-45 (3) except as provided by Subsection (b-1), adopt or
 2-46 enforce a generally applicable zoning ordinance, land use
 2-47 regulation, fire code, or business ordinance;

2-48 (4) ~~[regulate the use of firearms, air guns, or knives~~
 2-49 ~~in the case of an insurrection, riot, or natural disaster if the~~
 2-50 ~~municipality finds the regulations necessary to protect public~~
 2-51 ~~health and safety,~~

2-52 ~~[(5)]~~ regulate the storage or transportation of
 2-53 explosives to protect public health and safety, except that 25
 2-54 pounds or less of black powder for each private residence and 50
 2-55 pounds or less of black powder for each retail dealer are not
 2-56 subject to regulation;

2-57 (5) ~~[(6)]~~ regulate the carrying of a firearm or air
 2-58 gun by a person other than a person licensed to carry a handgun
 2-59 under Subchapter H, Chapter 411, Government Code, at a:

2-60 (A) public park;

2-61 (B) public meeting of a municipality, county, or
 2-62 other governmental body;

2-63 (C) political rally, parade, or official
 2-64 political meeting; or

2-65 (D) nonfirearms-related school, college, or
 2-66 professional athletic event;

2-67 (6) ~~[(7)]~~ regulate the carrying of a firearm by a
 2-68 person licensed to carry a handgun under Subchapter H, Chapter 411,
 2-69 Government Code, in accordance with Section 411.209, Government

3-1 Code;

3-2 (7) [~~(8)~~] regulate the hours of operation of a sport

3-3 shooting range, except that the hours of operation may not be more

3-4 limited than the least limited hours of operation of any other

3-5 business in the municipality other than a business permitted or

3-6 licensed to sell or serve alcoholic beverages for on-premises

3-7 consumption;

3-8 (8) [~~(9)~~] regulate the carrying of an air gun by a

3-9 minor on:

3-10 (A) public property; or

3-11 (B) private property without consent of the

3-12 property owner; or

3-13 (9) [~~(10)~~] except as provided by Subsection (d-1),

3-14 regulate or prohibit an employee's carrying or possession of a

3-15 firearm, firearm accessory, or ammunition in the course of the

3-16 employee's official duties.

3-17 (c) The exception provided by Subsection (b)(5) [~~(b)(6)~~]

3-18 does not apply if the firearm or air gun is in or is carried to or

3-19 from an area designated for use in a lawful hunting, fishing, or

3-20 other sporting event and the firearm or air gun is of the type

3-21 commonly used in the activity.

3-22 (d) Nothing in this section may be construed to [~~The~~

3-23 ~~exception provided by Subsection (b)(4) does not~~] authorize the

3-24 seizure or confiscation of any firearm, air gun, knife, ammunition,

3-25 or firearm or air gun supplies or accessories from an individual who

3-26 is lawfully carrying or possessing the firearm, air gun, knife,

3-27 ammunition, or firearm or air gun supplies or accessories.

3-28 (d-1) The exception provided by Subsection (b)(9) [~~(b)(10)~~]

3-29 does not authorize a municipality to regulate an employee's

3-30 carrying or possession of a firearm in violation of Subchapter G,

3-31 Chapter 52, Labor Code.

3-32 SECTION 6. Chapters 418 and 433, Government Code, as

3-33 amended by this Act, apply only to a declaration of disaster or

3-34 local disaster or a proclamation of a state of emergency issued or

3-35 renewed on or after the effective date of this Act. A declaration or

3-36 proclamation issued before the effective date of this Act is

3-37 governed by the law in effect immediately before the effective date

3-38 of this Act, and that law is continued in effect for that purpose.

3-39 SECTION 7. This Act takes effect September 1, 2021.

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