

## **BILL ANALYSIS**

Senate Research Center  
85R1321 NC-D

S.B. 459  
By: Huffines  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Throughout the United States, cities have taken the initiative in regulating firearms and ammunition. In many cases, these municipalities place burdens on gun owners that far exceed the laws of the state in which they are located. For example, the City of Seattle has recently enacted a crippling firearms tax that far exceeds the state tax rates in an effort to discourage firearm sales. The Cities of Chicago, Los Angeles, and New York have all enacted gun laws that were much more restrictive than the laws of their respective states.

Consequently, in some cities throughout the United States, it has become unduly burdensome to sell, purchase, or manufacture a firearm. In Texas, Section 229.001, Local Government Code, partially preempts municipalities from regulating firearms, but these protections are limited in their scope and application.

S.B. 459 adds certain provisions to the Local Government Code that preempt the regulatory authority of political subdivisions, as it relates to firearms. These additional provisions include the prohibition of a subdivision to regulate the sale, purchase, and manufacturing of firearms, ammunition, knives, or air guns. Furthermore, the bill directs that no subdivision may impose a tax on firearms, ammunition, knives, or air guns unless that tax is authorized by state law.

As proposed, S.B. 459 amends current law relating to the regulation or taxation of firearms, air guns, knives, or ammunition by a municipality or county.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 229.001, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Prohibits a municipality, notwithstanding any other law, from adopting or enforcing regulations relating to the transfer, sale, purchase, private ownership, keeping, transportation, manufacture, licensing, or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies.

(a-1) Prohibits a municipality from imposing a tax on firearms, air guns, knives, ammunition, or firearm or air gun supplies, other than a tax authorized by state law.

SECTION 2. Amends Section 236.002, Local Government Code, by amending Subsection (a) and adding Subsection (a-1), as follows:

(a) Prohibits a county, notwithstanding any other law, from adopting, or enforcing regulations relating to the transfer, sale, purchase, private ownership, keeping, transportation, manufacture, licensing or registration of firearms, air guns, knives, ammunition, or firearm or air gun supplies.

(a-1) Prohibits a county from imposing a tax on firearms, air guns, knives, ammunition, or firearm or air gun supplies, other than a tax authorized by state law.

SECTION 3. Effective date: September 1, 2017.