

(SENATE AUTHORS: JUNGBAUER)

DATE	D-PG	OFFICIAL STATUS
03/14/2011	497	Introduction and first reading Referred to Local Government and Elections
03/29/2011	1057	Withdrawn and returned to author

1.1A bill for an act

1.2relating to local government; expanding state preemption of firearms and

1.3firearms dealers regulations; amending Minnesota Statutes 2010, sections

1.4471.633; 471.635.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. Minnesota Statutes 2010, section 471.633, is amended to read:

1.7**471.633 FIREARMS.**

1.8Subdivision 1. **Preemption.** The legislature preempts all authority of a

1.9home rule charter or statutory city including a city of the first class, county, town,

1.10municipal corporation, or other governmental subdivision of the state, or any of their

1.11instrumentalities, or any combination of them, to regulate:

1.12(1) firearms or ammunition dealers or dealers in firearms or ammunition components;

1.13(2) gun shows; or

1.14(3) the possession, ownership, transport, carrying, storage, transfer, sale, purchase,

1.15licensing, or registration of, or other activities involving, firearms, ammunition, or their

1.16respective components;

1.17to the complete exclusion of any order, ordinance, license, resolution, or regulation by

1.18them ~~except that: (a)~~ regardless of type, manner, or purpose.

1.19Subd. 2. **Exceptions.** Notwithstanding subdivision 1:

1.20(1) a governmental subdivision may regulate the actual discharge of firearms subject

1.21to chapter 87A, except an actual discharge of a firearm in self-defense; and

1.22~~(b)~~ (2) a governmental subdivision may adopt regulations identical to state law.

1.23Subd. 3. **Inconsistent regulations.** Local regulation inconsistent with this section is

1.24void.

Subd. 4. **Definitions.** As used in this section, "regulate" includes every exercise of power or authority regardless of type, manner, or purpose and includes restrictions on location and business operations. "Discharge" does not include shooting activities at an established shooting range.

Sec. 2. Minnesota Statutes 2010, section 471.635, is amended to read:

471.635 ZONING ORDINANCES; RETAIL SALE OF FIREARMS.

Subdivision 1. **Limited to location of business premises.** Notwithstanding section 471.633, a governmental subdivision may ~~regulate by reasonable, nondiscriminatory, and nonarbitrary~~ only enact zoning ordinances; which limit the location of ~~businesses~~ business premises where firearms are sold at retail by a firearms dealer, provided that limitations, restrictions, or conditions imposed on a firearms dealer may not be more onerous than limitations, restrictions, or conditions placed on the most favored seller of other goods. The authority to regulate a dealer's physical location does not include the authority to regulate the business activity of selling firearms. Zoning ordinances that are designed for the purpose of, or have the effect of, prohibiting, restricting, conditioning, or limiting the sale, purchase, transfer, storage, repair, or manufacture of firearms or ammunition as a method of regulating firearms or ammunition are in conflict with this section and are void.

Subd. 2. **Firearms dealer defined.** For the purposes of this section, a firearms dealer is a person who is federally licensed to sell firearms and a governmental subdivision is an entity described in sections 471.633 and 471.634.