

(15) has not made any material misrepresentation, or failed to disclose any material fact, in an application submitted pursuant to Section 3 of this article or in a request for application submitted pursuant to Section 4 of this article.***

(g) *Notwithstanding Subsection (a)(2), a person who is at least 18 years of age but not yet 21 years of age is eligible for a license to carry a concealed handgun if the person:*

(1) *is a member or veteran of the United States armed forces, including a member or veteran of the reserves or national guard;*

(2) *was discharged under honorable conditions, if discharged from the United States armed forces, reserves, or national guard; and*

(3) *meets the other eligibility requirements of Subsection (a) except for the minimum age required by federal law to purchase a handgun.*

(h) *The issuance of a license to carry a concealed handgun to a person eligible under Subsection (g) does not affect the person's ability to purchase a handgun or ammunition under federal law.*

* * *

Section 411.177. ISSUANCE OR DENIAL OF LICENSE.

(a) The department shall issue a license to carry a concealed handgun to an applicant if the applicant meets all the eligibility requirements and submits all the application materials. * * *

Section 411.203. RIGHTS OF EMPLOYERS.

This subchapter does not prevent or otherwise limit the right of a public or private employer to prohibit persons who are licensed under this subchapter from carrying a concealed handgun on the premises of the business.

Section 411.204. NOTICE REQUIRED ON CERTAIN PREMISES.

(a) A business that has a permit or license issued under Chapter 25, 28, 32, 69, or 74, Alcoholic Beverage Code, and that derives 51 percent or more of its income from the sale of alcoholic beverages for on-premises consumption as determined by the Texas Alcoholic Beverage Commission under Section 104.06, Alcoholic Beverage Code, shall prominently display at each entrance to the business premises a sign that complies with the requirements of Subsection (c) of this section.

(b) A hospital licensed under Chapter 241, Health and Safety Code, or a nursing home licensed under Chapter 242, Health and Safety Code, shall prominently display at each entrance to the hospital or nursing home, as appropriate, a sign that complies with the requirements of Subsection (c) of this section.

(c) The sign required under Subsections (a) and (b) of this section must give notice in both English and Spanish that it is unlawful for a person licensed under this subchapter to carry a handgun on the premises. The sign must appear in contrasting colors with block letters at least one inch in height and must include on its face the number "51" printed in solid red at least five inches in height. The sign shall be displayed in a conspicuous manner clearly visible to the public.

(d) A business that has a permit or license issued under the Alcoholic Beverage Code and that is not required to display a sign under this section may be required to display a sign under Section 11.041 or Section 61.11, Alcoholic Beverage Code.

(e) This section does not apply to a business that has a food and beverage certificate issued under the Alcoholic Beverage Code.

Commentary. See the article entitled "Should Apartment Owners Ban Concealed Handguns?" on REDBOOK page 581.

Texas Government Code RENT CONTROL IN NATURAL DISASTERS AND CIVIL DISTURBANCES [STATE AND MUNICIPAL]

Section 418.004. DEFINITIONS.

In this chapter:

(1) "Disaster" means the occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made cause, including fire, flood, earthquake, wind, storm, wave action, oil spill or other water contamination, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, riot, hostile military or paramilitary action, other public calamity requiring emergency action, or energy emergency. * * *

(3) "Energy emergency" means a temporary statewide, regional, or local shortage of petroleum, *natural gas*, or liquid *fuel* energy supplies that makes emergency measures necessary to reduce demand or allocate supply.

* * *

Section 418.014. DECLARATION OF STATE OF DISASTER.

(a) The governor by executive order or proclamation may declare a state of disaster if the governor finds a disaster has occurred or that the occurrence or threat of disaster is imminent.

- (b) Except as provided by Subsection (c), the state of disaster continues until the governor:
 - (1) finds that:
 - (A) the threat or danger has passed; or
 - (B) the disaster has been dealt with to the extent that emergency conditions no longer exist; and
 - (2) terminates the state of disaster by executive order.
- (c) A state of disaster may not continue for more than 30 days unless renewed by the governor. The legislature by law may terminate a state of disaster at any time. On termination by the legislature, the governor shall issue an executive order ending the state of disaster.

* * *

Section 418.106. LOCAL AND INTERJURISDICTIONAL EMERGENCY MANAGEMENT PLANS.

- (a) Each local and interjurisdictional agency shall prepare and keep current an emergency management plan for its area providing for disaster mitigation, preparedness, response, and recovery.
- (b) The plan must provide for:
 - (1) wage, price, and rent controls and other economic stabilization methods in the event of a disaster; and
 - (2) curfews, blockades, and limitations on utility use in an area affected by a disaster, rules governing entrance to and exit from the affected area, and other security measures.

* * *

Section 418.108. DECLARATION OF LOCAL DISASTER.

- (a) Except as provided by Subsection (e), the presiding officer of the governing body of a political subdivision may declare a local state of disaster.
 - (b) A declaration of local disaster may not be continued or renewed for a period of more than seven days except with the consent of the governing body of the political subdivision or the joint board as provided by Subsection (e), as applicable.
- * * *
- (e) The chief administrative officer of a joint board has exclusive authority to declare that a local state of disaster exists within the boundaries of an airport operated or controlled by the joint board, regardless of whether the airport is located in or outside the boundaries of a political subdivision.
 - (f) The county judge or the mayor of a municipality may order the evacuation of all or part of the population from a stricken or threatened area under the jurisdiction and authority of the county judge or mayor if the county judge or mayor considers the action necessary for the preservation of life or other disaster mitigation, response, or recovery.
 - (g) The county judge or the mayor of a municipality may control ingress to and egress from a disaster area under the jurisdiction and authority of the county judge or mayor and control the movement of persons and the occupancy of premises in that area.
 - (h) For purposes of Subsections (f) and (g):
 - (1) the jurisdiction and authority of the county judge includes the incorporated and unincorporated areas of the county; and
 - (2) to the extent of a conflict between decisions of the county judge and the mayor, the decision of the county judge prevails.

Commentary. Texas is fortunate in having a very fair rent control statute. On the basis of: (1) the foregoing statute; (2) the Texas Supreme Court's opinion in *Culbertson v. Ashford*, 18 S.W.2d 585 (Tex. Sup. Ct. 1929); and (3) the Texas Attorney General's Opinion Number V-847, dated June 22, 1949, it is very clear that rent control is allowed only in the event of a housing emergency due to a state of natural disaster or civil disturbance. Therefore, it is the opinion of TAA general counsel that:

1. Neither the governor nor local cities, towns or counties in Texas may adopt rent control measures unless a genuine civil disturbance or natural disaster exists;
2. Rent control measures by the governor expire at the end of 30 days unless the governor affirmatively approves of the extension of the rent control measures at that time; and
3. If statutory rent control powers are abused by the governor or by local government authorities by declaring or continuing a "state of disaster" or "housing emergency" when one does not in fact exist within the meaning of the statute, rental housing owners can immediately and successfully challenge the validity of such governmental rent control in the courts.

TAA legal counsel emeritus has written a comprehensive legal brief on the subject of rent control in Texas. It is available from all local apartment associations upon request, is on the TAA website at www.taa.org and is included in TAA's REDBOOK Online. Also see the article "Rental Housing Owner's Rights and Legal Responsibilities After a Natural Disaster" on REDBOOK page 498.