

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 327

DATE: February 17, 2003

Version: As introduced

Authors: Hackbarth

Subject: Shooting ranges

Analyst: Deborah A. Dyson

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Overview

This bill does three things: it prohibits local governments from limiting by ordinance operations of shooting ranges operating within generally accepted operation practices; it governs when and how state or local governments may require a shooting range to relocate or close; and it provides that a shooting range cannot be declared a nuisance.

Section

1 Definitions.

Subd. 1. Applicability. Provides for the definitions to apply to sections 1 to 6.

Subd. 2. Person. Includes an individual, association, proprietorship, partnership, corporation, club, political subdivision, or other legal entity.

Subd. 3. Shooting range or range. Means an area or facility for the use of firearms or archery. Includes shooting preserve.

Subd. 4. Generally accepted operation. Means the voluntary guidelines adopted by the commissioner of natural resources for shooting ranges under section 2.

Subd. 5. Unit of government. Means a home rule charter or statutory city, county, town, municipal corporation, or other political subdivision, or any instrumentality of a political subdivision.

2 Local ordinances; existing operations. (a) Requires a unit of government to permit existing shooting ranges to continue operation even if the local zoning ordinance for the area changes.

(b) Specifies what a shooting range following generally accepted operation practices must be allowed to do.

(c) Provides that this law does not exempt shooting ranges from fire safety standards, handicapped accessibility, elevator or bleacher safety, or any provision of the state building code that has mandatory statewide application.

(d) Directs the commissioner of natural resources to consult with range operators in developing the guidelines for generally accepted operation practices. Requires review and revision of the guidelines at least every five years. Requires the initial guidelines to be adopted by July 1, 2003.

3 Closing or relocating shooting ranges; payment of certain costs.

Subd. 1. Closure or relocation criteria. Permits a shooting range to be closed or relocated only if, because of a new permitted development of adjacent land, the range becomes a clear, immediate, and proven safety hazard to the adjacent population and it cannot be made safe.

Subd. 2. Procedure. Requires a contested case hearing to prove a clear and immediate safety hazard. Specifies notice and other procedures. Provides that if a range is found to be a hazard but can be made safe with range improvements, the state agency or unit of government that permitted the new development must pay for the range improvements.

Subd. 3. Closure. Permits closure of a hazardous range if the government pays the fair market value of the range operation as a going concern and the fair market value of the land and improvements.

Subd. 4. Relocation. Requires the government to relocate the shooting range if requested by the operator and a location is available. Permits the government to use eminent domain to acquire land to relocate a shooting range that is found to be a hazard.

Subd. 5. Transfer of title. Requires the range owner to transfer title to the property to the government after payment for closure or after relocation is complete.

4 Irrebuttable presumption; nuisance liability. Establishes an irrebuttable presumption that a shooting range operated in compliance with generally accepted operation practices is not a public or private nuisance.

5 Shooting ranges; noise standards. Provides that an owner or operator of a shooting range is subject only to specified state noise standards that are in effect on March 1, 1999.

6 Nuisance actions; substantial compliance with generally accepted operation practices. Provides that owners, operators, and users of shooting ranges that are in compliance with generally accepted operation practices are not subject to any action for nuisance, and a court cannot enjoin or restrain operation or use of the range. Permits actions for personal injury resulting from recklessness or negligence.

7 Effective date. Day after final enactment.