

HOUSE RESEARCH

Bill Summary

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Authors: Hackbarth

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Analyst: Deborah A. Dyson

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Overview

This bill prohibits local governments from limiting by ordinance operations of shooting ranges that are operating within generally accepted operation practices; it governs when and how state or local governments may require a shooting range to relocate or close; it provides for the state or local government to provide noise buffering when development approaches a range; it sets prerequisites for bringing an action against a range because of noise; 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 8.

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 and consultants provided by range operators in developing the guidelines for generally accepted operation practices. Permits the guidelines to allow operation of a shooting preserve within the boundaries of a shooting range, notwithstanding limitations on hunting on other land. 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 Preexisting outdoor shooting ranges; noise buffering or attenuation. Requires a zoning authority to provide for noise buffers, attenuation devices, safety improvements or the like if the zoning authority rezones land within one mile of an existing shooting range that is operated in material compliance with generally accepted operation practices. The noise buffers and other measures may be provided within the new development as a condition of development or supplied by the zoning authority, or supplied by the zoning authority for location on the shooting range. Requires noise buffering to comply with noise standards in section 6.

5 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.

6 Shooting ranges; noise standards.

Subd. 1. 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.

Subd. 2. Actions based on noise. Requires a court to dismiss an action brought against a range based on noise, nuisance or disturbance by impulsive noise from the range unless it is initially supported by an expert's affidavit describing measured noise. If an action is dismissed or the court finds it unsupported, the court must award the range operator reasonable attorneys fees and expert costs, in addition to costs and disbursements.

- 7 **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.
- 8 **Public access to shooting ranges.** Requires shooting ranges funded in whole or in part with public funds to be reasonably available to the public. Permits the range to charge a reasonable fee that reflects actual costs of public use.
- 9 **Effective date.** Day after final enactment.