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FISCAL IMPACT REPORT

SPONSOR: Griego DATE TYPED: 02/25/01 HB _____
 SHORT TITLE: Sport Shooting Range Act SB 285
 ANALYST: Padilla

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			NFI		

(Parenthesis () Indicate Expenditure Decreases)

Duplicates House Bill 126

SOURCES OF INFORMATION

LFC Files
 Department of Public Safety (DPS)
 Department of Game and Fish

SUMMARY

Synopsis of Bill

Senate Bill 285 enacts a new section of law to establish that the use of a sport shooting range cannot be enjoined as a nuisance as long as it is in compliance with the statutes, rules and ordinances that applied at the time when the range began operations. The operation or use of a sport shooting range also cannot be enjoined as a nuisance by a person who acquires title to property affected by the range after the range began operations. The bill has two exemptions:

1. It does not apply to the recovery for an act of negligence or willful misconduct.
2. It does not apply if there has been a substantial change in the primary use of the range.

Significant Issues

This bill creates a grandfather status for shooting ranges currently in existence and allows them to continue in operation under the different rules or ordinances in effect in a given municipality or county when the shooting range was created.

DPS believes the most significant issue raised by this bill is the creation of a statutory bar to a landowner cause of action against a sport shooting range. Under this act, a landowner who has acquired his or her land after the range was in existence will be unable to prevail in an action for

nuisance. DPS points out that this would be the case even if an urban environment had encroached on the area occupied by the sport shooting range. In effect, this bill gives sport shooting ranges permanent status in the state.

FISCAL IMPLICATIONS

This bill has no fiscal impact.

OTHER SUBSTANTIVE ISSUES

The bill does not prohibit local governments from regulating the location and construction of sport shooting ranges.

The bill defines a sport shooting range as “an area designed and operated for the use of rifles, shotguns or pistols as a means of silhouette, skeet, trap, black powder or other sport shooting.” This definition appears to include shooting ranges on public or private lands.

POSSIBLE QUESTIONS

Do the provisions in the bill require shooting ranges to comply with the statutes, rules and regulations in place at the time when the range began operations at a later date, even when those statutes, rules and regulations might no longer be in place?

LP/ar