

HOUSE BILL REPORT

HB 1115

As Passed House:

March 1, 1995

Title: An act relating to firearm range training and practice facilities.

Brief Description: Limiting the authority of local governments to take actions that result in closure of private firearm range training and practice facilities.

Sponsors: Representatives Campbell, Robertson, Smith, Hargrove, Chappell, Sheldon, Kremen, Sheahan, D. Schmidt, Padden, Schoesler, Crouse, Basich and Sherstad.

Brief History:

Committee Activity:

Law & Justice: 1/27/95, 2/7/95 [DPS].

Floor Activity:

Passed House: 3/1/95, 79-18.

HOUSE COMMITTEE ON LAW & JUSTICE

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 12 members: Representatives Padden, Chairman; Delvin, Vice Chairman; Hickel, Vice Chairman; Campbell; Carrell; Cody; Lambert; McMahan; Morris; Robertson; Sheahan and Smith.

Minority Report: Do not pass. Signed by 5 members: Representatives Appelwick, Ranking Minority Member; Costa, Assistant Ranking Minority Member; Chappell; Thibaudeau and Veloria.

Staff: Bill Perry (786-7123).

Background: Members of the general public and many law enforcement personnel use firearm range training and practice facilities as places to shoot their firearms.

Such facilities may be owned and run by public or private entities. Some facilities may be supported in part by public money. Private entities receiving matching funds or grants of public funds are required to keep facilities open on a regular basis and available for use by law enforcement personnel or members of the general public with concealed pistol licenses or Washington hunting licenses. The firearms range account is administered by the Interagency Committee for Outdoor Recreation and is authorized to make grants for the construction or maintenance of range facilities. The

firearms range account is funded by a portion of the fees paid for concealed pistol licenses.

Pressures of population growth and land development and government land use regulations have caused concern about the continued use of some firearm range facilities. In 1994, the Legislature enacted a law that restricted local government's ability to close firearm ranges.

Under the 1994 law, a local government could "close" a firearm range training and practice facility only if the government "replaced" the closed facility with another facility of at least equal capacity. The Governor vetoed this provision. (Section 431 of E2SHB 2319.) The Governor's veto message stated in part that:

"This mandate creates an entitlement for a select group of enthusiasts. Local jurisdictions have no more inherent responsibility to maintain public firing ranges than they do to maintain bowling alleys or pool halls. This is an inappropriate infringement on local jurisdictions." (Emphasis added.)

Summary of Substitute Bill: A new provision is enacted prohibiting local governments from "taking action" to close "privately owned and operated" firearm ranges. An exception is provided, in certain circumstances, for closure of a commercial facility.

A local government may "take action" to close a private commercially operated range, but only if the government "provides for the availability of suitable land for the replacement of the closed facility." Commercially operated ranges are those that charge membership or admission fees for use of the facilities.

The restriction on government action applies only to facilities in operation before January 1, 1994, that were in compliance with all laws and ordinances applicable when the facility opened.

Governmental "action" to close a facility includes abating a nuisance, establishing a nonconforming land use, enforcing conditional or special land use regulations, or condemning property through eminent domain.

The requirement for the availability of "suitable" replacement land means that the land must be not more than 15 miles from the closed facility; must be of equivalent size and suitability for a range; must not be currently used as a range; must be available to the operator at a cost equal to or less than the value of the closed facility; and must be appropriately zoned.

Any replacement facility must be available for use by law enforcement personnel and the general public to the same extent as the closed facility was.

Substitute Bill Compared to Original Bill: The substitute bill limits the closure prohibition to facilities operating before January 1, 1994, that were in compliance with applicable laws when they opened. The substitute bill also allows government to close only commercial facilities.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: The bill will protect long established ranges that are a necessary source of firearms safety training. The bill protects private property rights of facility operators.

Testimony Against: The bill is an unwise preemption of local control. It is a narrow special interest bill protecting largely recreational pursuits. The bill damages the private property rights of neighbors of facilities.

Testified: Brian Judy, National Rifle Association (pro); Myrtle Cooper, citizen (pro); Merton Cooper, citizen (pro); John Wells, Range Operators Coalition (pro); Bonnie Peterson, citizen (con); Russ Bates, citizen (pro); Cecil Escalante, citizen (pro); Kathy Gerke, Association of Washington Cities (con); and Dick Dorsett, Pierce County (con).