

HOUSE BILL REPORT

SSB 5910

As Reported by House Committee On:

Local Government

Title: An act relating to sport shooting ranges.

Brief Description: Protecting sport shooting ranges.

Sponsors: Senate Committee on Judiciary (originally sponsored by Senators Roach, McCaslin, Rasmussen, T. Sheldon, Stevens, Mulliken, Oke and Schmidt).

Brief History:

Committee Activity:

Local Government: 4/2/03, 4/3/03 [DP].

Brief Summary of Substitute Bill

- Provides operators and users of sport shooting ranges immunity from civil or criminal liability relating to nuisance and noise control laws if the range was in compliance with any noise control laws in effect when the range was first constructed or operated.
- Prohibits a property owner that is adversely affected by a sport shooting range from bringing a nuisance action against the range where there has been no substantial change in the nature of the use of the range.
- Preempts a local government from limiting or terminating a sport shooting range that qualifies as a nonconforming use even if prohibited by later enacted zoning regulations.
- Exempts sport shooting ranges from any state agency rules limiting noise outdoors.

HOUSE COMMITTEE ON LOCAL GOVERNMENT

Majority Report: Do pass. Signed by 11 members: Representatives Romero, Chair; Upthegrove, Vice Chair; Schindler, Ranking Minority Member; Jarrett, Assistant Ranking Minority Member; Ahern, Berkey, Clibborn, Edwards, Ericksen, Mielke and Moeller.

Staff: Amy Wood (786-7127).

Background:

Sport shooting ranges are used by members of the general public and by many law enforcement personnel for recreational shooting as well as firearms and safety training. Some of these ranges are owned and operated by public entities, and some are owned by private entities.

Pressures of population growth, land development, and land use regulations have caused concern about the continued use of some firearms ranges. In some instances, range facilities that have been operating for many years have been increasingly surrounded by residential neighbors who express concern over noise and safety issues.

In 1994, the Legislature enacted a law that restricted local government's ability to close firearms 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 equal capacity. The Governor vetoed this provision.

In 1998, the Legislature enacted a law that provided operators and users of firearms ranges immunity from certain civil and criminal liabilities, and preempted local land use decisions and ordinances that could terminate a sport shooting range. The Governor vetoed this bill in its entirety.

Summary of Bill:

Operators and users of sport shooting ranges are granted immunity from civil liability or criminal prosecution in matters relating to noise or nuisance if the sport shooting range is in compliance with any noise control laws or ordinances that applied at the time of construction or initial operation of the range. Any rules adopted by a state agency that limit decibel levels outdoors do not apply to sport shooting ranges that are exempt from liability under this act.

A property owner that is adversely affected by a sport shooting range is prohibited from bringing an action for nuisance to restrain, enjoin, or impede the use of range where there has not been a substantial change in the nature of the use of the range. This provision does not prohibit actions for negligence or recklessness in the operation or use of the range.

A sport shooting range that lawfully existed prior to the enactment of a zoning ordinance or other regulation cannot be precluded from continuing to operate as a nonconforming use even if the range does not comply with the zoning restrictions applicable to the district in which it is situated. Local governments are preempted from enacting zoning ordinances that could terminate a firearms range that qualifies as a nonconforming use.

A local government may regulate the location and construction of a sport shooting range after the effective date of the act.

Appropriation: None.

Fiscal Note: Not Requested.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: This bill is not gun legislation, this is a public safety bill. There is a constitutional right to bear arms. Ranges provide a safe venue for the public and for law enforcement officers to practice and to train. People are attempting to shut shooting ranges down through nuisance and noise laws. We need to protect ranges from becoming extinct. Although counties and cities will lose the right to control the range through zoning regulations, such a law is in the public interest because people need safe places to practice. Title reports must indicate that a piece of property is located next to or near a range. Home buyers are already made aware, this bill will just ensure that the shooting ranges do not go away.

Testimony Against: None.

Testified: Senator Roach, prime sponsor; Joe Waldron, Washington Arms Collectors, Citizens Committee for the Right to Keep and Bear Arms, Wildlife Committee of Washington, and Gun Owners Action League of Washington; James H. Williams, Tacoma Sportsmen's Club; Doug Tenzler, Gig Harbor Sportsmen's Club; Merton Cooper; and Sean Flynn, Snoqualmie Valley Rifle Club.