



**Hundredth Legislature - First Session - 2007  
Committee Statement  
LB 352**

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**Hearing Date:** February 28, 2007

**Committee On:** Government, Military and Veterans Affairs

**Introducer(s):** (Langemeier)

**Title:** Adopt the Nebraska Shooting Range Protection Act

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**Roll Call Vote – Final Committee Action:**

- Advanced to General File
  - X Advanced to General File with Amendments
  - Indefinitely Postponed
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**Vote Results:**

7	Yes	Senators Adams, Aguilar, Avery, Friend, Karpisek, Mines, Rogert
1	No	Senator Pahls
0	Present, not voting	
0	Absent	

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**Proponents:**

Senator Chris Langemeier  
Ron Jensen  
William E. Schultz  
Gene Kathol  
Wes Sheets  
  
Jeff Rawlinson

**Representing:**

Introducer  
National Rifle Association  
Nebraska Marksmanship Association  
Self  
Nebraska Division of Izaak Walton League of America  
Nebraska Council of Sportman’s Clubs  
Nebraska Game and Parks Commission

**Opponents:**

Kent Helm

**Representing:**

Self

**Neutral:**

**Representing:**

**Summary of purpose and/or changes:**

LB 352 creates the Nebraska Shooting Range Protection Act (Act).

The Game and Parks Commission will adopt and promulgate as rules and regulations the shooting range performance standards. As defined in the bill, the shooting range performance standards mean the November 1999 revised edition of the National Rifle Association’s range source book titled A

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Guide to Planning and Construction. The commission will review the performance standards at least once every five years.

Under the bill, a shooting range may conduct activities between 7 a.m. and 10 p.m., however a local unit of government may temporarily extend or shorten the hours of operation. A shooting range that is a nonconforming use will be allowed to operate if the shooting range remains in compliance with noise restrictions.

Except in certain circumstances, no change in use or construction of a structure will be approved within 750 feet of the shooting range if the change in use or construction would cause a shooting range to be out of compliance with the Act or the standards. A change in use or construction of a structure may be approved if the person seeking the approval agrees to provide any mitigation to keep the range in compliance with the Act and standards.

The bill outlines the allowable noise levels for the shooting range.

A person who owns, operates or uses a shooting range is not subject to any nuisance action for damages or other relief based on noise or other matters relating to the Act. Other legal action is not prohibited.

A shooting range will not be forced to permanently close or cease activity unless it is found to be a clear and immediate safety hazard by a court. The bill further outlines the standards to be used by the court to determine whether to order permanent closure. The bill also outlines when preliminary and permanent injunctions may be entered.

Finally, the bill limits municipalities from regulating shooting galleries as provided in the Act.

**Explanation of amendments, if any:**

The committee amendment makes several changes to the bill.

First, the amendment lists the activities a shooting range that operates in compliance with the performance standards is permitted to do within its geographic boundaries, including:

1. operating the range and conducting activities involving the discharge of firearms;
2. expanding its membership or opportunities for public participation related to the primary activity as a shooting range;
3. making repairs or improvements to meet or exceed the performance standard requirements; and
4. acquiring additional lands to be used for buffer zones or noise mitigation efforts.

Also, the amendment provides that a local unit of government with zoning authority over a shooting range may enforce its applicable ordinances and permits, including determining the hours of operation. The language specifying that a shooting range may conduct activities between 7 a.m. and 10 p.m. is eliminated.

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**Senator Ray Aguilar, Chairperson**