

ONE HUNDRED FIRST LEGISLATURE - FIRST SESSION - 2009
COMMITTEE STATEMENT
LB503

Hearing Date: Friday February 20, 2009
Committee On: Government, Military and Veterans Affairs
Introducer: Langemeier
One Liner: Adopt the Nebraska Shooting Range Protection Act

Roll Call Vote - Final Committee Action:
Advanced to General File with amendment(s)

Vote Results:
Aye: 8 Senators Avery, Giese, Janssen, Karpisek, Pahls, Pirsch, Price, Sullivan
Nay:
Absent:
Present Not Voting:

Proponents:
Senator Chris Langemeier
Jordan Austin
Wes Sheets
Larry Wilbeck
Ronald Grapes
Jeff Rawlinson
Terrance Copple
R. Anthony Metz
Tim Schmitz
Rick Hoffman
Michael Goc
Stanley Patzel

Representing:
Introducer
National Rifle Association
Izaak Walton League-Nebraska Division
Self
Self and Fort Kearny Shooting Sports Association
Nebraska Game and Parks Commission
Nebraska Shooting Sports Association
Self
Madison County Sheriff
Lincoln County Wildlife Gun Club
Friends of National Rifle Association
Lincoln Trap and Skeet Club

Opponents:
Michael Nolan

John Lindsay

Representing:
League of Nebraska Municipalities and League
Association of Risk Management
Nebraska Association of Trial Attorneys

Neutral:
Elaine Menzel

Representing:
Nebraska Association of County Officials

Summary of purpose and/or changes:
LB 503 creates the Nebraska Shooting Range Protection Act (Act).

Under LB 503, any shooting range existing on the effective date of this act may continue to operate, notwithstanding any zoning, noise or discharge of a firearm law, rule, regulation or ordinance enacted thereafter.

A shooting range is permitted to do certain activities if done in compliance with generally recognized operation practices.

A political subdivision may limit the hours between 10 p.m. and 7 a.m. that an outdoor sport shooting range may operate, but this limitation does not apply to a law enforcement officer or a member of the armed forces. Anyone who is shooting at a shooting range between the hours of 7 a.m. and 10 p.m. is presumed to not be engaging in unlawful conduct merely because of the noise.

The bill adds sport shooting to the list of recreational activities protected under the Political Subdivisions Tort Claims Act.

Explanation of amendments:

The committee amendment strikes the original sections of the bill and replaces them with the following provisions.

The committee amendment, like the original bill, creates the Nebraska Shooting Range Protection Act.

Definitions of firearm, person, shooting range, and shooting range performance standards are defined in the amendment. The Game and Parks Commission will adopt and promulgate as rules and regulations the shooting range performance standards which are defined as the National Rifle Association's range source book. The commission will review the standards at least once every five years and revise them if necessary for the continuing safe operation of shooting ranges.

Any shooting range that is existing and lawful may continue to operate as a shooting range notwithstanding any law, rule, regulation, ordinance or resolution related to zoning or noise enacted thereafter by any political subdivision of the state, if operated in compliance with the shooting range performance standards.

Similarly, no law, rule, regulation, ordinance or resolution relating to the discharge of a firearm at an existing and lawful shooting range will be enforced by any political subdivision of the state if operated in compliance with the shooting range performance standards, except such political subdivision may limit the hours between 10 p.m. and 7 a.m. that an outdoor shooting range may operate.

A shooting range that is existing and lawful will be permitted to do the certain activities if done in compliance with the shooting range performance standards, including: repair or remodel the facilities in the interest of public safety; reconstruct or resume the use of a facility; or do anything authorized under generally recognized operation practices.

Anyone who is shooting in compliance with the shooting range performance standards at a shooting range between the hours of 7 a.m. and 10 p.m. is presumed not to be engaging in unlawful conduct merely because of the noise.

Except as otherwise provided, this act does not prohibit a political subdivision from regulating the location and construction of a shooting range.

No person or public entity will take title to property which has a shooting range by condemnation or eminent domain when the proposed use of the property would be for shooting-related activities or recreational activities or for private commercial development. This does not limit the use of eminent domain necessary for infrastructure additions or improvements.

The amendment eliminates language regarding the addition of sport shooting to the list of recreational activities protected under the Political Subdivisions Tort Claims Act.

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

