



2009 SENATE BILL 424

December 15, 2009 – Introduced by Senators KREITLOW, TAYLOR, PLALE, LEHMAN, SCHULTZ, HARS DORF, KEDZIE and HANSEN, cosponsored by Representatives HUBLER, SUDER, ZIGMUNT and RIPP. Referred to Committee on Judiciary, Corrections, Insurance, Campaign Finance Reform, and Housing.

1 **AN ACT to renumber** 895.527 (3), 895.527 (5), 895.527 (6) and 895.527 (7); **to**
2 **renumber and amend** 895.527 (4); **to amend** 895.527 (title); and **to create**
3 167.29 (title), 167.29 (1), 167.29 (3) (b) and 167.29 (7) of the statutes; **relating**
4 **to:** regulating certain sport shooting ranges.

Analysis by the Legislative Reference Bureau

Under current law, a person who owns or operates an area designed and operated for the use and discharge of firearms (sport shooting range) is immune from civil liability relating to noise and is not subject to an action for nuisance or to zoning conditions related to noise. Current law also provides that if a sport shooting range lawfully existed on June 18, 1998 (existing range), it may continue to operate as a sport shooting range at that location even if certain zoning ordinances or laws regulating the discharge of firearms would otherwise prohibit the operation of the sport shooting range.

This bill provides that the owner or operator of an existing range may repair, remodel, or reinforce any building on the range for the purpose of public safety or to ensure continued use of the building. The bill also specifies that the owner or operator may reconstruct, repair, or rebuild a building on the range that is damaged by certain natural causes if the damage occurs after the bill's effective date. The bill also allows the owner to expand the membership or facilities of the range, and allow sport shooting activities that are consistent with generally accepted operation practices for those activities.

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This bill also prohibits a state agency, political subdivision, or court from requiring the closure of an existing range unless the state agency, political subdivision, or court finds that the range presents a public safety hazard to the surrounding community and the owner is given at least three opportunities to eliminate the hazard. The state agency, political subdivision, or court must also allow the owner of the range to relocate the range to any property where the operation of a sport shooting range is an allowable use of the property. If the the owner relocates the range as required by a state agency or political subdivision, the state agency or political subdivision must acquire the property by condemnation unless the state agency does not have condemnation authority. In that case, the state agency must purchase the range in the amount stated on an appraisal furnished by the owner of the range.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 167.29 (title) of the statutes is created to read:

2 **167.29** (title) **Regulation of sport shooting ranges.**

3 **SECTION 2.** 167.29 (1) of the statutes is created to read:

4 **167.29 (1)** In this section:

5 (a) “Political subdivision” means a city, village, town, or county.

6 (b) “Sport shooting range” has the meaning given in s. 895.527 (1).

7 (c) “State agency” means any office, department, independent agency, or
8 attached board or commission within the executive branch of state government, or
9 any special purpose authority created by statute.

10 **SECTION 3.** 167.29 (3) (b) of the statutes is created to read:

11 **167.29 (3) (b)** The owner or operator of a sport shooting range described under
12 par. (a) may do all of the following:

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1 1. Repair, remodel, or reinforce any building, structure, or other improvement
2 on the sport shooting range for the purpose of public safety or to ensure continued
3 use of the building, structure, or other improvement.

4 2. Reconstruct, repair, or rebuild a building, structure, or other improvement
5 on the sport shooting range that is damaged by fire, collapse, explosion, act of God,
6 or act of war occurring on or after the effective date of this subdivision [LRB
7 inserts date].

8 3. Expand or enhance the membership of the sport shooting range.

9 4. Expand or enhance public participation at the sport shooting range.

10 5. Reasonably expand the facilities of, or activities conducted at, the sport
11 shooting range.

12 6. Allow sport shooting activities at the sport shooting range that are consistent
13 with generally accepted operation practices for those activities.

14 **SECTION 4.** 167.29 (7) of the statutes is created to read:

15 167.29 (7) (a) No state agency, political subdivision, or court may require the
16 the closure of a sport shooting range that exists on June 18, 1998, and that is a lawful
17 use or a legal nonconforming use under any zoning ordinance enacted under s. 59.69,
18 60.61, 60.62, 61.35, or 62.23 (7) that is in effect on June 18, 1998, unless all of the
19 following apply:

20 1. The state agency, political subdivision, or court finds, after an evidentiary
21 hearing, that the sport shooting range presents a public safety hazard to the
22 surrounding community.

23 2. The state agency, political subdivision, or court has given the owner of the
24 sport shooting range at least 3 opportunities to eliminate the public safety hazard.
25 No deadline may be imposed upon the owner to eliminate the public safety hazard.

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1 (b) 1. If a state agency, political subdivision, or court requires the closure of a
2 sport shooting range under par. (a), it shall allow the owner of the sport shooting
3 range to relocate the sport shooting range to any property where the operation of a
4 sport shooting range is an allowable use of the property.

5 2. If the owner of a sport shooting range relocates his or her sport shooting
6 range as required by a state agency or a political subdivision, the state agency or
7 political subdivision shall acquire the property by condemnation in the manner
8 prescribed under ch. 32. If closure of the sport shooting range is required by a state
9 agency that does not have condemnation authority under s. 32.02, the state agency
10 shall purchase the sport shooting range from the owner for an amount equal to the
11 sum of the value of the land and the improvements on the land as stated on an
12 appraisal furnished by the owner. The state agency or the political subdivision shall
13 pay the costs of the appraisal.

14 **SECTION 5.** 895.527 (title) of the statutes is amended to read:

15 **895.527 (title) ~~Sport shooting range activities; limitations on Civil~~**
16 **~~liability and restrictions on operation exemption; sport shooting ranges.~~**

17 **SECTION 6.** 895.527 (3) of the statutes is renumbered 167.29 (2).

18 **SECTION 7.** 895.527 (4) of the statutes is renumbered 895.527 (3) (a) and
19 amended to read:

20 895.527 (3) (a) Any sport shooting range that exists on June 18, 1998, or that
21 is relocated as authorized under s. 167.29 (7) (b), may continue to operate as a sport
22 shooting range at that location notwithstanding any zoning ordinance enacted under
23 s. 59.69, 60.61, 60.62, 61.35 or 62.23 (7), if the sport shooting range is a lawful use
24 or a legal nonconforming use under any zoning ordinance enacted under s. 59.69,
25 60.61, 60.62, 61.35 or 62.23 (7) that is in effect on June 18, 1998.

