

MINUTES OF THE MEETING OF THE FISH AND GAME COMMITTEE  
January 13, 1981

The meeting was called to order at 12:30 p.m. by Chairman Ellison. All committee members were present.

Chairman Ellison asked the committee members to be sure to go over the LFA (Legislative Fiscal Analysts) and Executive budgets for the Department of Fish, Wildlife, and Parks.

The hearing was then opened on HB 123, sponsored by Representative Bertelsen.

Representative Bertelsen gave the background behind the drafting of this bill. Some people were attempting to open a rifle range in Lincoln, Montana. They went to the authorities and were told it was illegal to establish a rifle range in a city because it is illegal to discharge a firearm within the city limits. Based on that information, all rifle ranges and shooting ranges are operating outside of the law. There is one amendment he wants to make on the bill. Line 22 and line 23 state "(a) the shooting range is approved by the national rifle association;". He is not sure that the national rifle association would want to approve all rifle ranges and he wouldn't want to put that onus on them.

James McConnell, representing the Montana Rifle and Pistol Association, testified in favor of this bill. He was one of the parties involved in trying to open the rifle range in Lincoln. They sought the opinion of the county attorney who ruled that even though it is not the appropriate community law it still does apply that it is illegal to discharge a firearm. Mr. McConnell also checked, through the National Rifle Association (NRA), with insurance carriers who said if discharging a firearm constitutes an illegal act then any liability insurance carried would be voided.

Bill Asher, a proponent for HB 123, said there were some bill drafting problems with this bill. The bill drafter assumed the NRA had someone to go around the country and approve or disapprove ranges. If the NRA does not have that system, then the proposed amendment would take care of that problem. (See exhibits 1 and 2, proposed amendments.)

Ron Weiss, a proponent for HB 123, told the committee he is a member of a local rifle club which is located in the basement of a Helena school. The club was advised that their insurance carrier would no longer handle the liability insurance for the club because of the law. He feels we need the law modified so

that the club can get insurance back and continue the rifle club.

Alfred Elwell, Vice President of the Prickly Pear Sportsmens' Association, also supports the bill. He told the committee that the NRA does not approve ranges but they have approved safety range blueprints that are available.

Jack Williams, lobbyist for the City of Helena, told the committee he had a lot of questions concerning this bill as written. (See exhibit 3.) He went over the questions with the committee. He told the committee there has not been enough input from outside sources concerning this bill and the problems that could arise with the way it is written.

There were no opponents of this bill present.

Representative Bertelsen told the committee he feels they have been handed a "hot potato." He suggested putting this bill in a subcommittee to go over the questions raised by Jack Williams.

Representative Phillips asked if OSHA addresses firing ranges. Jack Williams told him he wasn't sure but he did know there is a real problem with the powder and residue left in the air. That residue can explode.

Representative Nilson asked Mr. Williams if he was suggesting that the state address the questions brought forth by Mr. Williams and put them into state law and not allow each local government to oversee this situation as they see fit. Mr. Williams told him he was not suggesting that but he does want to know where the money will come from to make ranges comply with this bill.

Representative Hart referred to exhibit 2 and asked who would be the appropriate local governmental unit. James McConnell told her it would differ from county to county but would probably be the county commissioners or county zoning people.

Representative Devlin suggested amending lines 22 and 23 to read "the shooting range is approved by the appropriate government unit."

Chairman Ellison asked Mr. Williams if he would rather see it left to the local community to decide where and what kind of ranges they want. Mr. Williams told the committee there should be some uniformity of conditions across the state and the local government could make the conditions more restrictive if they want.

Chairman Ellison told the committee he thinks the bill carries enough importance that it should be put into a subcommittee so they can check on the ramifications of this bill. He appointed

Representative Phillips as chairman of the subcommittee. Representatives Nilson and Ryan will also serve on the subcommittee.

Representative Jacobsen asked if it would be possible to make enabling legislation to allow the areas to leave it up to their own jurisdiction as whether or not to allow the discharge of firearms within their city limits.

Representative Mueller suggested taking out lines 22 and 23 and just make the bill enabling legislation and leave the rules up to the local governments.

Representative Roush told the committee he would like to have these rules apply to unincorporated communities.

Chairman Ellison told the committee the Department of Fish, Wildlife, and Parks staff will also get some information on this matter to the committee.

Representative Daily suggested giving local governments the option of licensing the ranges for extra revenue to defray the costs of inspection and approval.

The meeting was adjourned at 1:20 p.m.

  
ORVAL ELLISON, Chairman

vml

Proposed Amendments to House Bill No. 123

1. Page 1, line 22.

Following: "is"

Strike: "approved"

Insert: "constructed according to specifications contained  
in a plan promulgated"

Proposed Amendments to House Bill No. 123

2. Page 1, line 23.

Following: "association"

Insert: "or is approved as safe by the appropriate local  
governmental unit"

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1/13/81

Having 1-13-81 - 10:30 AM

LC 0800/01

LC 0800/01

47th Legislature

HOUSE BILL NO. 123

INTRODUCED BY

*Bertelson*

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW DISCHARGE OF FIREARMS AT SHOOTING RANGES LOCATED IN TOWNS OR CITIES OR LOCATED IN PRIVATE DWELLINGS UNDER CERTAIN CONDITIONS; AND TO CLARIFY THAT IT IS OTHERWISE LAWFUL TO DISCHARGE A FIREARM IN TOWNS, CITIES, OR PRIVATE DWELLINGS IN CERTAIN INSTANCES; AMENDING SECTION 45-8-343, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-343, MCA, is amended to read:  
"45-8-343. Firing firearms. Every ILL Except as provided in subsections (2) and (3), every person who willfully shoots or fires off a gun, pistol, or any other firearm within the limits of any town or city or of any private enclosure which contains a dwelling house is punishable by a fine not exceeding \$25.

(2) Firearms may be discharged at an indoor or outdoor rifle, pistol, or shotgun shooting range located within the limits of a town or city or in a private dwelling if:

(a) the shooting range is approved by the national rifle association;

(b) the shooting range does not constitute a public nuisance under 45-8-111; and

1 incl. all other applicable state and local laws are  
2 complied with.  
3 (3) Subsection (1) does not apply if the discharge of  
4 a firearm is justifiable under Title 45, chapter 3, part 1.

-End-

1. *Who imports*

2. *Who approves*

3. *With the State*

4. *Who knows where ranges are especially at homes, or schools*

*a. Neighbors*

5. *Size or. Cal. especially in City*

*a. Noise*

*b. Pollution smoke.*

*c. Private home around school.*

*d. Laws.*

7. *Responsibility of Govt. & Govt. INTRODUCED BILL*

8. *Expected.*

*F&C Hearing 1/13/81 - 123*

*Rm 43*

*EXHIBIT 1/13/81*

*#15 123*



# STANDING COMMITTEE REPORT

January 15

1931

MR. SPEAKER

We, your committee on FISH AND GAME

having had under consideration HOUSE Bill No. 123

A BILL FOR AN ACT ENTITLED: "AN ACT TO ALLOW DISCHARGE OF FIREARMS AT SHOOTING RANGES LOCATED IN TOWNS OR CITIES OR LOCATED IN PRIVATE DWELLINGS UNDER CERTAIN CONDITIONS; AND TO CLARIFY THAT IT IS OTHERWISE LAWFUL TO DISCHARGE A FIREARM IN TOWNS, CITIES, OR PRIVATE DWELLINGS IN CERTAIN INSTANCES; AMENDING SECTION 45-8-343, MCA."

Respectfully report as follows: That HOUSE Bill No. 123  
be amended in the introduced copy as follows:

1. Title, line 9.  
Following: "MCA"  
Strike: "."  
Insert: ", and providing for an immediate effective date."
2. Page 1, line 21.  
Strike: ":
3. Page 1, line 22.  
Following: line 22  
Strike: "(a)"  
Following: "by the"  
Strike: the remainder of line 22 and line 23 through line 2 on page 2 in their entirety.  
Insert: "town or city."

DO PASS AS AMENDED

~~DO PASS AS AMENDED~~