

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

457C0771

HOUSE AGRICULTURE AND NATURAL RESOURCES COMMITTEE ENGROSSED NO.

HB1213 - 2/11/99

Introduced by: Representatives Napoli, Apa, Brooks, Brown (Jarvis), Brown (Richard), Crisp, Cutler, Diedrich (Larry), Diedrich (Elmer), Duenwald, Eccarius, Engbrecht, Hagen, Hennies, Juhnke, Klaudt, Koetzle, Kooistra, Koskan, Lintz, Lucas, McCoy, McNenny, Monroe, Munson (Donald), Peterson, Pummel, Putnam, Roe, Slaughter, Smidt, Solum, Sutton (Duane), Weber, Wetz, Windhorst, and Young and Senators Rounds, Benson, Bogue, Brosz, Brown (Arnold), Drake, Flowers, Hutmacher, Kleven, Madden, Moore, Munson (David), and Staggers

1 FOR AN ACT ENTITLED, An Act to protect the normal operation and use of sport shooting
2 ranges.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. The use or operation of a sport shooting range may not be enjoined as a nuisance
5 if the range is in compliance with those statutes, regulations, and ordinances that applied to the
6 range and its operation at the time when the initial operation of the range commenced. The use
7 or operation of a sport shooting range may not be enjoined due to any subsequent change in any
8 statute, regulation, or ordinance pertaining to the normal operation and use of sport shooting
9 ranges.

10 Section 2. The use or operation of a sport shooting range may not be enjoined as a nuisance
11 by a person who acquires title to real property adversely affected by the normal operation and
12 use of a sport shooting range which commenced operation prior to the time the person acquired

1 title.

2 Section 3. The provisions of this Act do not apply to any recovery for any act or omission
3 relating to the operation or use of any sport shooting range based on negligence or willful or
4 wanton misconduct.

5 Section 4. The provisions of this Act do not apply if there has been a substantial change in
6 the primary use of a sport shooting range.

7 Section 5. This Act does not prohibit a local government from regulating the location and
8 construction of sport shooting ranges after the effective date of this Act.

9 Section 6. For the purposes of this Act, a sport shooting range is an area designed and
10 operated for the use of rifles, shotguns, or pistols as a means of silhouette, skeet, trap, black
11 powder, or other sport shooting. A sport shooting range includes a law enforcement shooting
12 range.

13 Section 7. The provisions of this Act apply prospectively and do not apply to any action filed
14 before the effective date of this Act.

1 **BILL HISTORY**

2 1/27/99 First read in House and referred to committee assignment waived. H.J. 214

3 1/28/99 Referred to Agriculture and Natural Resources. H.J. 240

4 2/9/99 Scheduled for Committee hearing on this date.

5 2/9/99 Scheduled for Committee hearing on this date.

6 2/9/99 Agriculture and Natural Resources Do Pass Amended, Passed, AYES 12, NAYS 1.

7 H.J. 458