

**SENATE BILL NO. 8**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY SENATORS HALFORD, Pearce

Introduced: 1/13/97

Referred: Transportation, Resources

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the noise levels of airports and sport shooting facilities."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 \* **Section 1.** AS 34 is amended by adding a new chapter to read:

4 **Chapter 75. Noise Levels of Sport Shooting**

5 **Facilities and Private Airport Facilities.**

6 **Sec. 34.75.010. Limitation on actions arising from noise level.** (a)

7 Notwithstanding AS 09.45.230, AS 11.61.110, and any other state or municipal law,  
8 except (b) of this section and except as may be otherwise provided by federal law, a  
9 person may not bring a civil or criminal action against a person who operates or uses  
10 a sport shooting facility or a private airport facility if the action arises out of the noise  
11 level resulting from the normal operation or use of the facility and if the facility

12 (1) was established or began operation before any noise control law  
13 applied to the facility; or

14 (2) complies with the noise control laws that applied to the facility  
15 when the facility was established or began operation.

1 (b) The prohibition in (a) of this section does not apply to an action that arises  
2 out of

3 (1) a contract; or

4 (2) a personal injury suffered by a person while on the premises of the  
5 facility.

6 (c) Except as may be otherwise provided by federal law, even if otherwise  
7 allowed by (a) and (b) of this section, a person may not bring a nuisance action for  
8 noise level against a facility located in the vicinity of the person's property if the  
9 facility was established before the person acquired the property, unless the facility  
10 substantially changes the use of the facility after the person acquires the property.

11 **Sec. 34.75.020. Time limitation on nuisance actions.** Except as may  
12 otherwise be provided by federal law, a person may not bring a nuisance action  
13 otherwise allowed under this chapter for the level of noise against a facility unless the  
14 action is brought within five years after the facility is established or begins operation  
15 or, if the action is brought after a substantial change in the use of the facility, within  
16 three years after the substantial change. In this section, "established" includes  
17 resuming shooting activity at a sport shooting facility if there has not been shooting  
18 activity at the facility for three or more years, or resuming airport activity at a private  
19 airport facility if there has not been airport activity at the facility for three or more  
20 years.

21 **Sec. 34.75.030. State and municipal regulation.** (a) Notwithstanding  
22 AS 02.15.020 and AS 02.25.020, the state or a municipality may not regulate the  
23 outdoor level of noise at a facility if the facility is exempt from a criminal or civil  
24 action under AS 34.75.010(a).

25 (b) Except as otherwise provided in this chapter, a municipality may regulate  
26 the noise level produced by a facility.

27 **Sec. 34.75.090. Definitions.** In this chapter, unless the context indicates  
28 otherwise,

29 (1) "airport facility" means an area of land or water that is used or  
30 intended for use for the landing and takeoff of aircraft, including appurtenant areas that  
31 are used or intended for use as airport buildings or rights-of-way; in this paragraph,

1 "aircraft" includes fixed-wing and rotor aircraft;

2 (2) "facility" means a sport shooting facility or a private airport facility;

3 (3) "law" means a state statute or regulation or an ordinance of a  
4 municipality;

5 (4) "person" includes the state, a state agency, and a municipality;

6 (5) "private" means an airport that is privately owned and operated;  
7 airports owned, operated, or leased by the state, a municipality, or a political  
8 subdivision of the state or a local government are considered public airports;

9 (6) "sport shooting facility" means real property operated for the use  
10 of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, archery, or similar  
11 activity related to sport shooting.

12 \* **Sec. 2.** AS 34.75.010, enacted by sec. 1 of this Act, does not prohibit

13 (1) the bringing of civil actions for causes of action that accrue before the  
14 effective date of this Act; or

15 (2) the prosecution of criminal actions for activity that occurs before the  
16 effective date of this Act.