

**S B**

**8**

# -SENATE COMMITTEE REPORT

DATE: 1/29/97

FURTHER:

DATE TURNED IN TO OFFICE: 2/6/97

Resources Committee considered SENATE BILL NO. 8

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

and recommends:

- be replaced with \_\_\_\_\_ CS \_\_\_\_\_ ( )
- adopt previous \_\_\_\_\_ CS \_\_\_\_\_ ( )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to the \_\_\_\_\_ Committee

- Senate Bill:**
- same title
  - new title
- House Bill:**
- same title
  - technical change
  - new: SCR# \_\_\_\_\_

SIGNING DO. PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Wing L. Taylor</i>	✓	<i>Amended</i>	✓		
<i>Ben Hony</i>	✓				
<i>Linda Green</i>	✓				
<i>Laura D. Lucas</i>	✓				
<i>John Ingram</i>	✓				
<b>CHAIR: <i>Rick Halford</i></b>	✓	<b>CHAIR:</b>			

**NEW FISCAL NOTE(S):**

Department	Date	Zero	Fiscal

**PREVIOUS FISCAL NOTE(S):\***

Department	Date	Zero	Fiscal
LAW	1/28	✓	

APPROPRIATION -- no fiscal note

\*Include fiscal notes accompanying Governor's bill



Official Business

# Alaska State Legislature

## Senate

**RICK  
HALFORD**

State Capitol  
Juneau, Alaska  
99801-1182  
Phone (907) 465-4958

P.O. Box 670190  
Chugiak, Alaska 99567  
Phone (907) 694-4958

600 E. Railroad Avenue  
Wasilla, Alaska 99654  
Phone (907) 376-4958

## Senate Bill 8 Sponsor Statement

### Noise at Airports and Sport Shooting Ranges

Airports and sport shooting ranges offer a public service as well as recreational opportunities and have become increasingly under attack in the lower forty-eight states. Since populations are tending to shift from urban to rural areas, new groups of citizens are moving into areas with existing airports and ranges. This encroachment has resulted in hundreds of lawsuits and complaints against airport and range owners and operators due to the noise level.

Senate Bill 8 was introduced to provide private airports and sport shooting ranges in Alaska protection from lawsuits if the action arises out of the noise level from normal operation or its uses; provided the facility was established before the person acquired the property or prior to any noise control ordinance or law.

Without the passage of SB 8 private airports and sport shooting ranges within Alaska will remain vulnerable to legal sanctions jeopardizing the opportunities they provide through their ongoing and traditional uses.

This issue was addressed by the 19th Legislature with Senate Bill 274. SB 274 passed the Senate by a vote of 17-1, and the House by a margin of 33-5, before being vetoed by the governor.

This piece of legislation is endorsed by the National Rifle Association, Alaska Air Carriers Association, the Alaska Outdoor Council, Alaska Boating Association and the Alaska Airmen's Association.

Thank you for your consideration.

# FISCAL NOTE

STATE OF ALASKA  
1997 LEGISLATIVE SESSION

BILL NO. SB 8

Revision Date: 1/27/97, 1:30 p.m. Dept. Affected: Department of Law  
 Title: "An Act relating to the noise levels of airports and sport shooting facilities." BRU: Civil Division  
 Sponsor: Senator Halford Component: General Legal Services  
 Requester: House Transportation COMPONENT SERIAL NO. 2087

**Expenditures/Revenues** (Thousands of Dollars)

OPERATING EXPENDITURES	FY 98	FY 99	FY 00	FY 01	FY 02	FY 03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY97) cost: \$ 0.0

**POSITIONS**

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME						
TEMPORARY						

**ANALYSIS:** (Attach a separate page if necessary)

SB 8 will have no fiscal impact on the Department of Law.

Prepared by: Joan M. Kasson *Joan M. Kasson*  
 Division: Administrative Services Division  
 Approved by Commissioner: Bruce M. Botelho *Bruce M. Botelho*, Attorney General  
 Agency: Department of Law

Phone: 465-5370  
 Date: 1/27/97  
 Date: 1/27/97

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# LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

JAN 17 1997

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101


130 Seward Street, Suite 409  
Juneau, Alaska 99801-2105

## MEMORANDUM

January 16, 1997

**SUBJECT:** Sectional Summary of SB 8 (Work Order 20-LS0135\A)

**TO:** Senator Rick Halford  
Attn: Brett Huber

**FROM:**  Theresa Bannister  
Legislative Counsel

You have requested a sectional summary of the above-described bill.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents.

**Section 1.** Adds a new chapter relating to the noise levels of sport shooting facilities and private airport facilities.

Sec. 34.75.010(a) prohibits the bringing of a civil or criminal action against a person who operates or uses a sport shooting facility or a private airport facility, if the action is based on the noise level from the normal operation or use of the facility. Establishes certain conditions for the application of this provision.

Sec. 34.75.010(b) states that (a) does not apply to a contract action or to certain personal injury actions.

Sec. 34.75.010(c) prohibits a person from bringing a nuisance action for noise level against a sport shooting facility or a private airport facility located in the vicinity of the person's property if the facility was established before the person acquired the property. Establishes some exceptions to this prohibition.

Sec. 34.75.020 sets a time limit on bringing a nuisance action against a sport shooting facility or a private airport facility for noise level. The time limit is five years after the facility is established or begins operation, or three years after a substantial change in the use of the facility.

Senator Rick Halford  
January 16, 1997  
Page 2

Sec. 34.75.030(a) prohibits the state and municipalities from regulating the outdoor level of noise at a sport shooting facility or private airport facility, if the facility is exempt from criminal or civil action under AS 34.75.010(a).

Sec. 34.75.030(b) allows a municipality to regulate the noise level of a facility except as otherwise provided by the new chapter.

Sec. 34.75.090 defines some terms for the new chapter.

**Section 2.** Limits the applicability of AS 34.75.010 to exclude a civil action that accrues before the effective date of the Act and a criminal action where the criminal activity occurred before the effective date of the Act.

If I may be of further assistance, please advise.

TLB:jdr  
97-014.jdr



JAN 23 1997

NATIONAL RIFLE ASSOCIATION OF AMERICA  
INSTITUTE FOR LEGISLATIVE ACTION  
555 CAPITOL MALL, SUITE 455  
SACRAMENTO, CA 95814  
(916) 446-2455

January 16, 1997

Senator Rick Halford  
Alaska State Legislature  
State Capitol (MS 3100)  
Juneau, AK 99801-1182

Dear Senator Halford,

On behalf of the over 25,000 Alaska members of the National Rifle Association, let me take this opportunity to thank you for introducing Senate Bill 8 and to indicate strong support for the bill. Firearms shooting ranges are under attack across the United States and it is important to head this off, particularly in a state like Alaska which has such a strong firearms and shooting heritage.

Firearms shooting ranges have established a long tradition of service to a wide variety of citizen groups in local communities. However, population shifts from urban to suburban or rural areas have moved new groups of citizens in closer proximity to existing ranges. In recent years, this encroachment on previously existing ranges has resulted in hundreds of lawsuits and complaints filed by newcomers against range owners and operators or the passage of local ordinances aimed at closing ranges because of noise.

It is critical that the state of Alaska adopt SB 8 to ensure that ranges remain open for operation so as to provide safe places for the use of firearms. Range owners and operators must be protected from civil court action, criminal prosecution, or other local restrictions. SB 8 would only protect existing ranges and existing activity levels. This legislation would not tie the hands of local government to regulate the location of future ranges nor limit local government from regulating unsafe ranges.

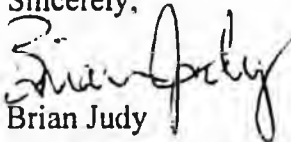
Firearm shooting ranges have longstanding records of safely providing important public services and recreational or training opportunities and often serve as training facilities for local law enforcement officials and military personnel. In addition to serving as locations to hold both informal practice sessions and organized competitions for those engaged in recreational shooting, firearm ranges offer firearm and hunter education and safety courses, providing invaluable hands-on instruction in the safe and proper handling and use of firearms.

January 16, 1997  
Senate Bill 8  
Page 2

Without the protection afforded by Senate Bill 8, shooting ranges which currently offer valuable public services and recreational opportunities while posing no hazard to nearby residents will continue to remain vulnerable to arbitrary legal or legislative sanctions. To date, eighteen other states have passed range protection legislation similar to SB 8, including Idaho, Indiana and Oklahoma which passed their laws just last session.

Senate Bill 8 is an important piece of legislation which will provide real benefits to Alaska's law-abiding firearm users and to the public at large.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brian Judy".

Brian Judy  
Alaska State Liaison



JAN 17 1997

**ALASKA AIR CARRIERS ASSOCIATION**

1117 E. 35th Avenue, Suite 102  
Anchorage, Alaska 99508  
(907) 277-0071 Fax (907) 277-0072

January 14, 1997

Senator Rick Halford  
Alaska State Senate  
State Capital Building  
Juneau, AK 99801-1182

via fax: 465-4928

Re: SB8 Noise Levels at Private Airports

Dear Senator Halford,

The Alaska Air Carriers Association, representing more than 100 air carriers operating throughout Alaska, supports the legislation you have introduced relating to noise levels at airports and shooting facilities.

If we can be of further assistance in the promotion of SB8, please contact this office.

Best Regards,

Kimberly S. Daniels Ross  
Executive Director

cc: AACCA Board of Directors

ALASKA AIRMEN'S ASSOCIATION.. INC.

January 16, 1997

sent by facsimile

Senator Rick Halford  
State Capitol Building, Room 508  
Juneau, AK 99801-1182

Ref: SB-8

Dear Senator *Halford* *Rich*:

It is the position of the Alaska Airmen's Association to strongly support SB-8, which is an act relating to the noise levels of airports and sport shooting facilities. In the definition of "airport facility" which currently reads "private area of land or water that is used or intended for use for the landing and take-off of aircraft", we are in support of you including heliports.

The Alaska Airmen's Association would like to thank you for the opportunity to review and submit our position on this important bill.

Sincerely,

*John Spalding*  
John Spalding  
President




ALASKA AIRMEN'S ASSOCIATION, INC.

## RESOLUTION

The Alaska Airmen's Association hereby resolves that the Alaska Legislature adopt proposed Senate Bill 8 relating to the noise levels of airports and sport shooting facilities.

So Resolved this 22 day of January, 1997

  
John Spalding, President  
ALASKA AIRMEN'S ASSOCIATION, INC.

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## ALASKA OUTDOOR COUNCIL

P.O. BOX 2790  
PALMER, AK. 99645  
(907) 376-2913

Jan. 14, 1997

The Honorable Rick Halford, Chair  
Senate Resources Committee  
Alaska State Capitol  
Juneau, Ak. 99801

Dear Senator Halford:

The Alaska Outdoor Council and its member organizations strongly support SB 8 and appreciate your continued efforts on the behalf of the citizens of Alaska to protect traditional activities important to them.

SB 8, "An act relating to the noise levels of airports and sport shooting facilities" is an important effort to maintain the opportunity to pursue traditional activities inherently important to many Alaskans. As you are well aware, most long time Alaskans have recently found themselves constantly fighting the increasing involvement of government in their lives. The Alaska Outdoor Council feels it is time to work towards reducing the level of government in our daily lives and look at efforts like SB 8 as a good start in the fight to protect and maintain traditional Alaskan activities.

Once again, the AOC would like to thank you Senator for your efforts supporting the traditions our members value. If there is something further we can do to assist you in this effort, please feel free to contact us.

Sincerely,

Rod Arno  
President

cc: Senator Pearce



January 17, 1997

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Alaska Boating Association • P.O. Box 210430 • Anchorage, Alaska 99521

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Senator Rick Halford  
Alaska State Senate  
State Capitol, Interdepartmental Mail Stop: 3101  
Juneau, AK 99801-1182

Dear Senator Halford:

This letter is in response to your proposed SB0008 relating to the noise levels of airports and sport shooting facilities. At a regularly scheduled meeting of the Alaska Boating Association held on January 16, 1997, our organization voted unanimously to join the National Rifle Association, Alaska Air Carriers Association, Alaska Outdoor Council, and the Alaska Airmen's Association in endorsing this piece of legislation. This letter communicates to you our official position on this legislation.

In addition, many of our individual members will be corresponding with individual letters, POM's, testimony at teleconferences, etc. This bill is important to all of us for if it is not passed opportunities provided through ongoing and traditional uses may become jeopardized.

Thank you for your efforts and continue to keep us informed of any and all related legislative matters we can be effective in supporting.

Yours truly,

Roy J. Burkhart, Legislative Affairs Officer  
Alaska Boating Association  
Voice: (907)495-6337 FAX: (907)495-6338 E-Mail: rjburk@alaska.net

cc: Donald Sherwood, President, Alaska Boating Association  
Senator Drue Pearce, Co-Sponsor SB0008, Alaska State Senate

- Dedicated to the rights of Alaskan Boaters -



217 Second Street, Suite 200 • Juneau, Alaska 99801 • Tel (907) 586-1325, Fax (907) 463-5480

February 3, 1997

Senator Rick Halford  
State Capitol  
Juneau, AK 99801

Dear Senator Halford:

Thank you for the opportunity to work with you on SB 8, relating to noise levels of airports and shooting facilities.

The Transportation, Utilities & Environment Policy Subcommittee and the Land Use, Resources and Economic Development Policy Subcommittee of the AML Legislative Committee discussed the legislation via teleconference. Municipalities recognize the right of the state to assume control and liability for certain statewide regulatory concerns.

The municipalities' biggest concern about the bill is clarifying the balance of rights between property owners regarding changes in the use of the facilities and its affect on existing surrounding private property owners. We understand the issue of people moving into an area where there is an existing airstrip or shooting range and complaining about noise after the fact. However, if, for example, an airstrip is historically used for landing a single small airplane but suddenly becomes a landing pad for helicopters, the neighbors could have a right to be upset at the change in noise levels.

At the recommendation of our legislative subcommittees, we suggest the language be changed under Sec. 34.75.010 (b) to clarify this intent. Beyond this amendment, the AML does not have further comments, nor will it oppose the bill as curenly written with the amendment. The proposed clarification takes the language in ( c ) in the same section, and adds it to ( b ) to make it clear that the provision applies to both nuisance actions and regulatory exemptions:

- (b) The exemption [prohibition] in (a) of this section do not apply to an action that arises out of
- (1) a contract; or
  - (2) a personal injury suffered by a person while on the premises of the facility; or
  - (3) substantial change in use of the facility.

Again, we appreciate the opportunity to work with you and your staff on this legislation and if you have any questions, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read 'Kevin C. Ritchie', written over a horizontal line.

Kevin C. Ritchie  
Executive Director

cc: Senate Resources Committee  
AML Legislative Committee

c:\kleg97\sb8ltr.doc