Fiscal Note & Local Impact Statement

122 nd General Assembly of Ohio

BILL:	**Am. Sub. H.B. 209**	DATE:	**July 2, 1997**
STATUS:	**As Recommended by the Senate Civil Justice Subcommittee**	SPONSOR:	**Rep. Roman**

LOCAL IMPACT STATEMENT REQUIRED: **No** **-- No local cost**

CONTENTS: **Requires the Chief of the Division of Wildlife to adopt rules concerning noise and public safety at shooting ranges and provides limited immunity from civil and criminal liability to operators of shooting ranges who substantially comply with those rules**

State Fiscal Highlights

STATE FUND	FY 1997	FY 1998	FUTURE YEARS
General Revenue Fund			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Potential Minimal Increase		

- Rules establishing standards for shooting ranges may require additional resources than are currently available at the Division of Wildlife.
- Proposed rules may require the advertising of public notice in each county where the rules are effective.

Local Fiscal Highlights

LOCAL GOVERNMENT	FY 1997	FY 1998	FUTURE YEARS
Counties & Municipalities			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Minimal Avoidance of Potential Expenditures		

- The possibility exists for the avoidance of potential expenditures that could have arisen from civil and criminal actions. The provision of certain civil and criminal immunity to owners, operators or users of shooting ranges that are in compliance with rules established by the Chief of the Wildlife Division could result in fewer criminal and nuisance abatement actions being instigated by county and municipal prosecutors.

Detailed Fiscal Analysis

State Expenditures

The bill requires the Chief of the Division of Wildlife to adopt rules for shooting ranges pertaining to public safety and the limitation and suppression of noise. Substantial compliance with these rules could constitute a defense for the owner or operator of a range in subsequent criminal and civil action. The rules established by the Chief must be in accordance with section 1531.10 of the Revised Code. This section provides for the procedures involved in adopting, amending or rescinding rules that are necessary for the administration and enforcement of O.R.C chapter 1533. Each rule must be filed with the Clerk of the Court of Common Pleas of each county were the rule is effective. Additionally, the rules may be advertised as is considered necessary or expedient by the Chief. The rulemaking costs are dependent upon the number of counties effected and the decision of whether to publicize the new rules. All rules, whether publicized or not, shall be included in any authorized compilation of the division lawbook.

The Chief of the Division of Wildlife shall adopt rules establishing generally accepted standards for shooting ranges. These standards do not only relate to noise or public safety. The rules may also include standards for the reconstruction, enlargement, remodeling or repair of any structure or facility that is part of a shooting range. Normally, rules adopted by the Division of Wildlife are closely related to the agency's activities. The possibility exists that rules dealing with structure and noise will require assistance from other agencies or outside sources. The determination of what resources are necessary has not been decided. The Chief has 180 days after the effective date of the act to file the proposed rules.

Local Expenditures

Counties and municipalities might potentially avoid entering into civil and criminal actions because of the immunity afforded to owners and operators of shooting ranges. Nuisance actions may not be brought by prosecutors because the courts would only need to determine whether the action or omission involved was in substantial compliance with the Division of Wildlife's rules to determine that injunctive relief may not be granted. Similarly, criminal prosecution related to the creation, limitation or suppression of noise would be fruitless if the owner or operator substantially complied with the rules. The reduction of incidents would be minimal, but would result in a decrease in expenditures.

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