

How the title of SB 173 would appear with Amendment SB017301.alk (January 25, 2011, 5:14 p.m.):

AN ACT CLARIFYING THAT ~~NORMAL OPERATIONS OF~~ NOISES RESULTING FROM SHOOTING ACTIVITIES AT SHOOTING RANGES MAY NOT BE CONSIDERED TO BE PUBLIC OR PRIVATE NUISANCES; AND AMENDING SECTION 27-30-101, MCA

How Section 27-30-101 in SB 173 would read with Amendment SB017301.alk (January 25, 2011, 5:14 p.m.):

27-30-101. Definition of nuisance. (1) Anything ~~which that~~ which is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or ~~which that~~ which unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin or any public park, square, street, or highway is a nuisance.

(2) Nothing ~~which that~~ which is done or maintained under the express authority of a statute, ~~including normal operations of shooting ranges authorized under 76-9-101 through 76-9-105,~~ can may be deemed a public or private nuisance.

(3) ~~No~~ An agricultural or farming operation, a place, an establishment, or a facility or any of its appurtenances or the operation ~~thereof is or becomes~~ of those things is not or does not become a public or private nuisance because of the its normal operation ~~thereof~~ as a result of changed residential or commercial conditions in or around its locality if the agricultural or farming operation, place, establishment, or facility has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation.

(4) Noises resulting from the shooting activities at a shooting range during established hours of operation are not considered a public or private nuisance.

How Section 27-30-101 would be codified upon passage and approval of SB 173 with the amendment:

27-30-101. Definition of nuisance. (1) Anything that is injurious to health, indecent or offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property, or that unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, river, bay, stream, canal, or basin or any public park, square, street, or highway is a nuisance.

(2) Nothing that is done or maintained under the express authority of a statute can be deemed a public or private nuisance.

(3) An agricultural or farming operation, a place, an establishment, or a facility or any of its appurtenances or the operation of those things is not or does not become a public or private nuisance because of its normal operation as a result of changed residential or commercial conditions in or around its locality if the agricultural or farming operation, place, establishment, or facility has been in operation longer than the complaining resident has been in possession or commercial establishment has been in operation.

(4) Noises resulting from the shooting activities at a shooting range during established hours of operation are not considered a public or private nuisance.