

APA-1
6/93

**TRANSMITTAL SHEET FOR
NOTICE OF INTENDED ACTION**

Control No. 220 Department or Agency Conservation and Natural Resources

Rule No.: 220-2-.126

Rule Title: Public Shooting Range Regulation

New Amend Repeal (of Existing Rule) Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? YES

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? YES

Is there another, less restrictive method of regulation available that could adequately protect the public? NO

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? NO

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? YES

Does the proposed rule have any economic impact? NO

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975 and that it conforms to all applicable filing requirements of the Alabama Administrative Procedure Division of the Legislative Reference Service.

Signature of Certifying Officer Jennifer Wilcox
Secretary of Administrative Procedure

Date 5-20-16

Department of Conservation and Natural Resources
Division of Wildlife and Freshwater Fisheries

NOTICE OF INTENDED ACTION

AGENCY NAME: Department of Conservation and Natural Resources

RULE NO. & TITLE: 220-2-.126 Public Shooting Range Regulation

INTENDED ACTION: Amendment.

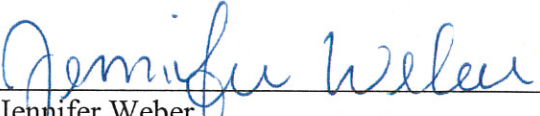
SUBSTANCE OF PROPOSED ACTION: (1) To provide additional safety precautions; (2) to omit the reference to the specific archery parks and provide that the rules are applicable to any range operated now or in the future by the Division of Wildlife and Freshwater Fisheries; (3) to add the word "either" to clarify that certain persons may use different forms of licenses to use the range; (4) to omit the references to code citations and (5) to remove the annual fishing license as an option of a valid form of license for persons using the range.

TIME, PLACE, MANNER OF PRESENTING VIEWS: Interested persons may present their views in writing to the Director of the Division of Wildlife and Freshwater Fisheries at any time during the period stated below, or orally if requested in writing 48 hours in advance to the Director of the Division of Wildlife and Freshwater Fisheries, by personally appearing at Room 474, Folsom Administrative Building, 64 North Union Street, Montgomery, Alabama, at 10:00 a.m., Tuesday, July 5, 2016.

If ADA accommodations are needed, please contact Daisy Perry at (334) 242-3165 or daisy.perry@dcnr.alabama.gov. Requests should be made as soon as possible but at least seven days prior to the date of a personal appearance to present views regarding the proposed rules.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE:
July 5, 2016.

CONTACT PERSON AT AGENCY: Chuck Sykes, Director, Division of Wildlife and Freshwater Fisheries, 5th Floor, 64 N. Union Street, Montgomery, Alabama 36130, 334-242-3465.



Jennifer Weber
Secretary of Administrative Procedure

N. Gunter Guy, Jr.

220-2-.126 Public Shooting Range Regulation

(1) It shall be unlawful to discharge firearms on ~~the Etowah Public Shooting Range, the Marengo Public Shooting Range, or on any other~~ Division of Wildlife and Freshwater Fisheries public shooting range existing now or in the future, except in accordance with the following rules. All range users shall abide by the listed rules. Permits for the excepted uses will be issued by the Hunter Education Coordinator or his designee. The range may be closed as necessary.

(a) Range is open during daylight hours only, except by permit.
(b) No alcoholic beverages allowed.
(c) Any legal firearm and ammunition (except armor-piercing or tracer by permit only) may be used on target range.

(d) Keep all firearms unloaded and muzzles pointed ~~in a safe direction~~ down range when not firing or uncased. Action on uncased guns shall be open when not on the firing line.

(e) All persons are to remain behind the shooting line while firing is taking place. No firing shall be allowed while anyone is down range.

(f) All firearms [except as noted below in (g).] shall only be fired from designated stations on the concrete shooting line into the embankment at stationary paper targets, self-healing or metal automatic reset targets. The targets must be placed so that shots will impact the embankment into the bottom no higher than 5' above ground level of the embankment. Only one person may shoot from each designated location at any given time.

(g) Shotguns with no. 4 shot or smaller may be fired at moving clay targets on designated clay target areas only.

(h) All used targets, brass, shotgun hulls, and other trash shall be placed in a garbage can, or removed from the public shooting range.

(i) It shall be unlawful to violate any posted restriction.

(j) INFORMATIONAL NOTE: All Alabama residents 16 through 64 years of age using a public shooting range are required to have either a valid state hunting license ~~(issued pursuant to Sections 9-11-44 through 49, inclusive)~~, a valid state wildlife management area license, or a valid wildlife heritage license, ~~or a valid annual freshwater fishing license (issued pursuant to Section 9-11-53)~~ to use the range. All non-residents 16 through 64 years of age using a public shooting range are required to have either a valid state hunting license ~~(issued pursuant to Sections 9-11-44 through 49, inclusive)~~ or a valid state wildlife management area license. ~~See Sections 9-11-45 and 9-11-71, Code of Alabama 1975 and Act 2007-418.~~

Statutory Authority: §§ 9-2-7, 9-2-8, and 9-2-12
Code of Alabama 1975

PENALTY: As provided by law.

9/28/2002; 4/21/2009; 10/15/2009; 11/17/2011; 10/14/2013.