

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2537 Session of
2010

INTRODUCED BY CONKLIN, GABLER, KORTZ, THOMAS, DALEY, HALUSKA,
HANNA, PHILLIPS AND KOTIK, MAY 26, 2010

REFERRED TO COMMITTEE ON GAME AND FISHERIES, MAY 26, 2010

AN ACT

1 Regulating lead management and remediation at firing ranges; and
2 providing for powers and duties of the Pennsylvania Game
3 Commission.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Freedom to
8 Shoot Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Commission." The Pennsylvania Game Commission.

14 "Director." The executive director of the Pennsylvania Game
15 Commission.

16 "Federal standard." The Best Management Practices for Lead
17 at Outdoor Shooting Ranges (June 2005), established by the
18 Environmental Protection Agency.

1 "Task force." The Task Force on Lead Management and
2 Remediation at Firing Ranges established in section 3.
3 Section 3. Task force.

4 (a) Establishment.--The Task Force on Lead Management and
5 Remediation at Firing Ranges is established.

6 (b) Membership.--The task force shall consist of the
7 following individuals:

8 (1) The Secretary of Conservation and Natural Resources
9 or a designee.

10 (2) The Secretary of Environmental Protection or a
11 designee.

12 (3) The Secretary of Health or a designee.

13 (4) A representative of the Amateur Trapshooting
14 Association.

15 (5) A representative of the Pennsylvania Federation of
16 Sportsmen's Club, Inc.

17 (6) A representative of the Pennsylvania State
18 Sportsmen's Association.

19 (7) The director.

20 (c) Organization.--

21 (1) The director shall serve as chairperson of the task
22 force.

23 (2) Four members of the task force constitute a quorum.

24 (d) Functions.--The task force has the following functions:

25 (1) To study lead management and remediation at firing
26 ranges.

27 (2) To recommend to the commission, within six months of
28 the effective date of this section, regulations for lead
29 management and remediation at firing ranges which can be
30 applied evenly and fairly throughout this Commonwealth.

1 Section 4. Commission.

2 (a) Regulations.--The commission shall promulgate
3 regulations for lead management and remediation at firing
4 ranges.

5 (b) Time.--The commission shall initiate the regulatory
6 process on the earlier of:

7 (1) receipt of the recommendation under section 3(d)(2);

8 or

9 (2) six months after the effective date of section 3.

10 Section 5. Primacy.

11 (a) Legal principles.--The only law of this Commonwealth for
12 the regulation of lead management and remediation at firing
13 ranges is:

14 (1) before the effective date of regulations under
15 section 4, the Federal standard; and

16 (2) on and after the effective date of regulations under
17 section 4, the regulations under section 4.

18 (b) Commonwealth agencies.--Commonwealth agencies shall
19 apply the legal principles under subsection (a).

20 (c) Firing ranges.--

21 (1) Except as set forth in paragraph (2), shooting at a
22 firing range may not be curtailed nor impeded by a
23 Commonwealth agency.

24 (2) Shooting at a firing range may be curtailed or
25 impeded by a Commonwealth agency if any of the following
26 apply:

27 (i) The management of the firing range consents in
28 writing to the action.

29 (ii) The commission consents to the action because
30 of scientific proof that the action is necessary to avoid

- 1 environmental degradation which is beyond remediation.
- 2 Section 20. Effective date.
- 3 This act shall take effect immediately.