

Senate Bill No. 317

(By Senators Unger, Nohe, Kessler (Mr. President), D. Hall,
Stollings, Tucker, Cann, Fitzsimmons, Kirkendoll, Miller, Laird,
Williams, Yost, Beach, Edgell, Plymale, Prezioso and Snyder)

[Introduced January 10, 2014; referred to the Committee on
Government Organization; and then to the Committee on the
Judiciary.]

A BILL to repeal §8-12-5a of the Code of West Virginia, 1931, as
amended; to amend and reenact §7-1-3 of said code; to amend
and reenact §8-12-5 of said code; and to amend said code by
adding thereto a new article, designated §61-7B-1, §61-7B-2,
§61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to
crimes and punishment; jurisdiction, powers and duties of
county commissions; general powers of municipalities and their
governing bodies; uniform regulation of firearms, ammunition
and firearm accessories throughout West Virginia solely by the
Legislature; legislative intent; definition; general rules
relating to the regulation of firearms, ammunition and firearm

1 accessories; remedies for unlawful regulation; providing for
2 exceptions; and providing applicability, grandfathering clause
3 and effective date.

4 *Be it enacted by the Legislature of West Virginia:*

5 That §8-12-5a of the Code of West Virginia, 1931, as amended,
6 be repealed; that §7-1-3 of said code be amended and reenacted;
7 that §8-12-5 of said code be amended and reenacted; and that said
8 code be amended by adding thereto a new article, designated
9 §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all
10 to read as follows:

11 **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

12 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

13 **§7-1-3. Jurisdiction, powers and duties.**

14 The county commissions, through their clerks, shall have the
15 custody of all deeds and other papers presented for record in their
16 counties and the same shall be preserved therein, or otherwise
17 disposed of as now is, or may be prescribed by law. They shall
18 have jurisdiction in all matters of probate, the appointment and
19 qualification of personal representatives, guardians, committees,
20 curators and the settlement of their accounts and in all matters
21 relating to apprentices. They shall also, under the rules as now
22 are or may be prescribed by law, have the superintendence and
23 administration of the internal police and fiscal affairs of their

1 counties, including the establishment and regulation of roads,
2 ways, streets, avenues, drives and the like, and the naming or
3 renaming thereof, in cooperation with local postal authorities, the
4 Division of Highways and the directors of county emergency
5 communications centers, to assure uniform, nonduplicative
6 conversion of all rural routes to city-type addressing on a
7 permanent basis, bridges, public landings, ferries and mills, with
8 authority to lay and disburse the county levies. They shall, in
9 all cases of contest, judge of the election, qualification and
10 returns of their own members, and of all county and district
11 officers, subject to appeal as prescribed by law. The tribunals as
12 have been heretofore established by the Legislature under and by
13 virtue of section thirty-four, article VIII of the Constitution of
14 one thousand eight hundred seventy-two, for police and fiscal
15 purposes, shall, until otherwise provided by law, remain and
16 continue as at present constituted in the counties in which they
17 have been respectively established, and shall be and act as to
18 police and fiscal matters in lieu of the county commission herein
19 mentioned, until otherwise provided by law. And until otherwise
20 provided by law, the clerk as is mentioned in section twenty-six of
21 said article, as amended, shall exercise any powers and discharge
22 any duties heretofore conferred on, or required of, any court or
23 tribunal established for judicial purposes under said section, or

1 the clerk of the court or tribunal, respectively, respecting the
 2 recording and preservation of deeds and other papers presented for
 3 record, matters of probate, the appointment and qualification of
 4 personal representatives, guardians, committees, curators and the
 5 settlement of their accounts and in all matters relating to
 6 apprentices. ~~The county commission may not limit the right of any
 7 person to purchase, possess, transfer, own, carry, transport, sell
 8 or store any revolver, pistol, rifle or shotgun or any ammunition
 9 or ammunition components to be used therewith nor to so regulate
 10 the keeping of gunpowder so as to, directly or indirectly, prohibit
 11 the ownership of the ammunition: *Provided*, That no provision in
 12 this section may be construed to limit the authority of a county to
 13 restrict the commercial use of real estate in designated areas
 14 through planning or zoning ordinances.~~

15 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

16 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**
 17 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**
 18 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**
 19 **MUNICIPALITIES.**

20 **§8-12-5. General powers of every municipality and the governing**
 21 **body thereof.**

22 In addition to the powers and authority granted by: (I) The

1 Constitution of this state; (ii) other provisions of this chapter;
2 (iii) other general law; and (iv) any charter, and to the extent
3 not inconsistent or in conflict with any of the foregoing except
4 special legislative charters, every municipality and the governing
5 body thereof shall have plenary power and authority therein by
6 ordinance or resolution, as the case may require, and by
7 appropriate action based thereon:

8 (1) To lay off, establish, construct, open, alter, curb,
9 recurb, pave or repave and keep in good repair, or vacate,
10 discontinue and close, streets, avenues, roads, alleys, ways,
11 sidewalks, drains and gutters, for the use of the public, and to
12 improve and light the same, and have them kept free from
13 obstructions on or over them which have not been authorized
14 pursuant to the succeeding provisions of this subdivision; and,
15 subject to such terms and conditions as the governing body shall
16 prescribe, to permit, without in any way limiting the power and
17 authority granted by the provisions of article sixteen of this
18 chapter, any person to construct and maintain a passageway,
19 building or other structure overhanging or crossing the airspace
20 above a public street, avenue, road, alley, way, sidewalk or
21 crosswalk, but before any permission for any person to construct
22 and maintain a passageway, building or other structure overhanging
23 or crossing any airspace is granted, a public hearing thereon shall

1 be held by the governing body after publication of a notice of the
2 date, time, place and purpose of the public hearing has been
3 published as a Class I legal advertisement in compliance with the
4 provisions of article three, chapter fifty-nine of this code and
5 the publication area for the publication shall be the municipality:
6 *Provided*, That any permit so granted shall automatically cease and
7 terminate in the event of abandonment and nonuse thereof for the
8 purposes intended for a period of ninety days, and all rights
9 therein or thereto shall revert to the municipality for its use and
10 benefit;

11 (2) To provide for the opening and excavation of streets,
12 avenues, roads, alleys, ways, sidewalks, crosswalks and public
13 places belonging to the municipality and regulate the conditions
14 under which any such opening may be made;

15 (3) To prevent by proper penalties the throwing, depositing or
16 permitting to remain on any street, avenue, road, alley, way,
17 sidewalk, square or other public place any glass, scrap iron,
18 nails, tacks, wire, other litter or any offensive matter or
19 anything likely to injure the feet of individuals or animals or the
20 tires of vehicles;

21 (4) To regulate the use of streets, avenues, roads, alleys,
22 ways, sidewalks, crosswalks and public places belonging to the
23 municipality, including the naming or renaming thereof, and to

1 consult with local postal authorities, the Division of Highways and
2 the directors of county emergency communications centers to assure
3 uniform, nonduplicative addressing on a permanent basis;

4 (5) To regulate the width of streets, avenues and roads, and,
5 subject to the provisions of article eighteen of this chapter, to
6 order the sidewalks, footways and crosswalks to be paved, repaved,
7 curbed or recurbed and kept in good order, free and clean, by the
8 owners or occupants thereof or of the real property next adjacent
9 thereto;

10 (6) To establish, construct, alter, operate and maintain, or
11 discontinue, bridges, tunnels and ferries and approaches thereto;

12 (7) To provide for the construction and maintenance of water
13 drains, the drainage of swamps or marshlands and drainage systems;

14 (8) To provide for the construction, maintenance and covering
15 over of watercourses;

16 (9) To control and administer the waterfront and waterways of
17 the municipality and to acquire, establish, construct, operate and
18 maintain and regulate flood control works, wharves and public
19 landings, warehouses and all adjuncts and facilities for navigation
20 and commerce and the utilization of the waterfront and waterways
21 and adjacent property;

22 (10) To prohibit the accumulation and require the disposal of
23 garbage, refuse, debris, wastes, ashes, trash and other similar

1 accumulations whether on private or public property: *Provided,*
2 That, in the event the municipality annexes an area which has been
3 receiving solid waste collection services from a certificated solid
4 waste motor carrier, the municipality and the solid waste motor
5 carrier may negotiate an agreement for continuation of the private
6 solid waste motor carrier services for a period of time, not to
7 exceed three years, during which time the certificated solid waste
8 motor carrier may continue to provide exclusive solid waste
9 collection services in the annexed territory;

10 (11) To construct, establish, acquire, equip, maintain and
11 operate incinerator plants and equipment and all other facilities
12 for the efficient removal and destruction of garbage, refuse,
13 wastes, ashes, trash and other similar matters;

14 (12) To regulate or prohibit the purchase or sale of articles
15 intended for human use or consumption which are unfit for use or
16 consumption, or which may be contaminated or otherwise unsanitary;

17 (13) To prevent injury or annoyance to the public or
18 individuals from anything dangerous, offensive or unwholesome;

19 (14) To regulate the keeping of gunpowder and other
20 combustibles;

21 (15) To make regulations guarding against danger or damage by
22 fire;

23 (16) To arrest, convict and punish any individual for carrying

1 about his or her person any ~~revolver or other pistol,~~ dirk, bowie
2 knife, razor, slingshot, billy, metallic or other false knuckles or
3 any ~~other dangerous or other~~ deadly weapon of like kind or
4 character;

5 (17) To arrest, convict and punish any person for importing,
6 printing, publishing, selling or distributing any pornographic
7 publications;

8 (18) To arrest, convict and punish any person for keeping a
9 house of ill fame, or for letting to another person any house or
10 other building for the purpose of being used or kept as a house of
11 ill fame, or for knowingly permitting any house owned by him or her
12 or under his or her control to be kept or used as a house of ill
13 fame, or for loafing, boarding or loitering in a house of ill fame,
14 or frequenting same;

15 (19) To prevent and suppress conduct and practices which are
16 immoral, disorderly, lewd, obscene and indecent;

17 (20) To prevent the illegal sale of intoxicating liquors,
18 drinks, mixtures and preparations;

19 (21) To arrest, convict and punish any individual for driving
20 or operating a motor vehicle while intoxicated or under the
21 influence of liquor, drugs or narcotics;

22 (22) To arrest, convict and punish any person for gambling or
23 keeping any gaming tables, commonly called "A, B, C," or "E, O,"

1 table or faro bank or keno table, or table of like kind, under any
2 denomination, whether the gaming table be played with cards, dice
3 or otherwise, or any person who shall be a partner or concerned in
4 interest, in keeping or exhibiting the table or bank, or keeping or
5 maintaining any gaming house or place, or betting or gambling for
6 money or anything of value;

7 (23) To provide for the elimination of hazards to public
8 health and safety and to abate or cause to be abated anything which
9 in the opinion of a majority of the governing body is a public
10 nuisance;

11 (24) To license, or for good cause to refuse to license in a
12 particular case, or in its discretion to prohibit in all cases, the
13 operation of pool and billiard rooms and the maintaining for hire
14 of pool and billiard tables notwithstanding the general law as to
15 state licenses for any such business and the provisions of section
16 four, article thirteen of this chapter; and when the municipality,
17 in the exercise of its discretion, refuses to grant a license to
18 operate a pool or billiard room, mandamus may not lie to compel the
19 municipality to grant the license unless it shall clearly appear
20 that the refusal of the municipality to grant a license is
21 discriminatory or arbitrary; and in the event that the municipality
22 determines to license any business, the municipality has plenary
23 power and authority and it shall be the duty of its governing body

1 to make and enforce reasonable ordinances regulating the licensing
2 and operation of the businesses;

3 (25) To protect places of divine worship and to preserve peace
4 and order in and about the premises where held;

5 (26) To regulate or prohibit the keeping of animals or fowls
6 and to provide for the impounding, sale or destruction of animals
7 or fowls kept contrary to law or found running at large;

8 (27) To arrest, convict and punish any person for cruelly,
9 unnecessarily or needlessly beating, torturing, mutilating,
10 killing, or overloading or overdriving or willfully depriving of
11 necessary sustenance any domestic animal;

12 (28) To provide for the regular building of houses or other
13 structures, for the making of division fences by the owners of
14 adjacent premises and for the drainage of lots by proper drains and
15 ditches;

16 (29) To provide for the protection and conservation of shade
17 or ornamental trees, whether on public or private property, and for
18 the removal of trees or limbs of trees in a dangerous condition;

19 (30) To prohibit with or without zoning the location of
20 occupied house trailers or mobile homes in certain residential
21 areas;

22 (31) To regulate the location and placing of signs,
23 billboards, posters and similar advertising;

1 (32) To erect, establish, construct, acquire, improve,
2 maintain and operate a gas system, a waterworks system, an electric
3 system or sewer system and sewage treatment and disposal system, or
4 any combination of the foregoing (subject to all of the pertinent
5 provisions of articles nineteen and twenty of this chapter and
6 particularly to the limitations or qualifications on the right of
7 eminent domain set forth in articles nineteen and twenty), within
8 or without the corporate limits of the municipality, except that
9 the municipality may not erect any system partly without the
10 corporate limits of the municipality to serve persons already
11 obtaining service from an existing system of the character proposed
12 and where the system is by the municipality erected, or has
13 heretofore been so erected, partly within and partly without the
14 corporate limits of the municipality, the municipality has the
15 right to lay and collect charges for service rendered to those
16 served within and those served without the corporate limits of the
17 municipality and to prevent injury to the system or the pollution
18 of the water thereof and its maintenance in a healthful condition
19 for public use within the corporate limits of the municipality;

20 (33) To acquire watersheds, water and riparian rights, plant
21 sites, rights-of-way and any and all other property and
22 appurtenances necessary, appropriate, useful, convenient or
23 incidental to any system, waterworks or sewage treatment and

1 disposal works, as aforesaid, subject to all of the pertinent
2 provisions of articles nineteen and twenty of this chapter;

3 (34) To establish, construct, acquire, maintain and operate
4 and regulate markets and prescribe the time of holding the same;

5 (35) To regulate and provide for the weighing of articles sold
6 or for sale;

7 (36) To establish, construct, acquire, maintain and operate
8 public buildings, municipal buildings or city halls, auditoriums,
9 arenas, jails, juvenile detention centers or homes, motor vehicle
10 parking lots or any other public works;

11 (37) To establish, construct, acquire, provide, equip,
12 maintain and operate recreational parks, playgrounds and other
13 recreational facilities for public use and in this connection also
14 to proceed in accordance with the provisions of article two,
15 chapter ten of this code;

16 (38) To establish, construct, acquire, maintain and operate a
17 public library or museum or both for public use;

18 (39) To provide for the appointment and financial support of
19 a library board in accordance with the provisions of article one,
20 chapter ten of this code;

21 (40) To establish and maintain a public health unit in
22 accordance with the provisions of section two, article two, chapter
23 sixteen of this code, which unit shall exercise its powers and

1 perform its duties subject to the supervision and control of the
2 West Virginia Board of Health and State Bureau for Public Health;

3 (41) To establish, construct, acquire, maintain and operate
4 hospitals, sanitariums and dispensaries;

5 (42) To acquire, by purchase, condemnation or otherwise, land
6 within or near the corporate limits of the municipality for
7 providing and maintaining proper places for the burial of the dead
8 and to maintain and operate the same and regulate interments
9 therein upon terms and conditions as to price and otherwise as may
10 be determined by the governing body and, in order to carry into
11 effect the authority, the governing body may acquire any cemetery
12 or cemeteries already established;

13 (43) To exercise general police jurisdiction over any
14 territory without the corporate limits owned by the municipality or
15 over which it has a right-of-way;

16 (44) To protect and promote the public morals, safety, health,
17 welfare and good order;

18 (45) To adopt rules for the transaction of business and the
19 government and regulation of its governing body;

20 (46) Except as otherwise provided, to require and take bonds
21 from any officers, when considered necessary, payable to the
22 municipality, in its corporate name, with such sureties and in a
23 penalty as the governing body may see fit, conditioned upon the

1 faithful discharge of their duties;

2 (47) To require and take from the employees and contractors
3 such bonds in a penalty, with such sureties and with such
4 conditions, as the governing body may see fit;

5 (48) To investigate and inquire into all matters of concern to
6 the municipality or its inhabitants;

7 (49) To establish, construct, require, maintain and operate
8 such instrumentalities, other than free public schools, for the
9 instruction, enlightenment, improvement, entertainment, recreation
10 and welfare of the municipality's inhabitants as the governing body
11 may consider necessary or appropriate for the public interest;

12 (50) To create, maintain and operate a system for the
13 enumeration, identification and registration, or either, of the
14 inhabitants of the municipality and visitors thereto, or the
15 classes thereof as may be considered advisable;

16 (51) To require owners, residents or occupants of
17 factory-built homes situated in a factory-built rental home
18 community with at least ten factory-built homes, to visibly post
19 the specific numeric portion of the address of each factory-built
20 home on the immediate premises of the factory-built home of
21 sufficient size to be visible from the adjoining street: *Provided,*
22 That in the event no numeric or other specific designation of an
23 address exists for a factory-built home subject to the

1 authorization granted by this subdivision, the municipality has the
2 authority to provide a numeric or other specific designation of an
3 address for the factory-built home and require that it be posted in
4 accordance with the authority otherwise granted by this section.

5 (52) To appropriate and expend not exceeding \$.25 per capita
6 per annum for advertising the municipality and the entertainment of
7 visitors;

8 (53) To conduct programs to improve community relations and
9 public relations generally and to expend municipal revenue for such
10 purposes;

11 (54) To reimburse applicants for employment by the
12 municipality for travel and other reasonable and necessary expenses
13 actually incurred by the applicants in traveling to and from the
14 municipality to be interviewed;

15 (55) To provide revenue for the municipality and appropriate
16 the same to its expenses;

17 (56) To create and maintain an Employee Benefits Fund which
18 may not exceed one tenth of one percent of the annual payroll
19 budget for general employee benefits and which is set up for the
20 purpose of stimulating and encouraging employees to develop and
21 implement cost-saving ideas and programs and to expend moneys from
22 the fund for these purposes;

23 (57) To enter into reciprocal agreements with governmental

1 subdivisions or agencies of any state sharing a common border for
2 the protection of people and property from fire and for emergency
3 medical services and for the reciprocal use of equipment and
4 personnel for these purposes;

5 (58) To provide penalties for the offenses and violations of
6 law mentioned in this section, subject to the provisions of section
7 one, article eleven of this chapter, and such penalties may not
8 exceed any penalties provided in this chapter and chapter sixty-one
9 of this code for like offenses and violations; and

10 (59) To participate in a purchasing card program for local
11 governments authorized and administered by the State Auditor as an
12 alternative payment method.

13 **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

14 **ARTICLE 7B. UNIFORM REGULATION OF FIREARMS, AMMUNITION, AND**
15 **FIREARM ACCESSORIES THROUGHOUT WEST VIRGINIA.**

16 **§61-7B-1. Legislative intent.**

17 The purpose of this article is to establish within the
18 Legislature complete control over regulation and policy pertaining
19 to firearms, ammunition and firearm accessories in order to ensure
20 that such regulation and policy is applied uniformly throughout
21 this state to each person subject to the state's jurisdiction and
22 to ensure protection of the right to keep and bear arms recognized
23 by the Constitutions of the United States and of this state. This

1 article is to be liberally construed to accomplish its purpose.

2 **§61-7B-2. Definitions.**

3 As used in this section:

4 (a) "Ammunition" means fixed cartridge ammunition, shotgun
5 shells, the individual components of fixed cartridge ammunition and
6 shotgun shells, projectiles for muzzle-loading firearms and any
7 propellant used in firearms or ammunition.

8 (b) "Expressly authorized by a statute of this state" means
9 the power to regulate firearms, ammunition, or firearm accessories
10 is authorized by a duly-enacted state statute that specifically
11 mentions firearms, a particular type of firearm, ammunition, or a
12 particular type of ammunition.

13 (c) "Firearm accessory" means a device specifically designed
14 or adapted to enable the wearing or carrying about one's person, or
15 the storage or mounting in or on a conveyance, of a firearm, or an
16 attachment or device specifically designed or adapted to be
17 inserted into or affixed onto a firearm to enable, alter, or
18 improve the functioning or capabilities of the firearm.

19 (d) "Firearm" has the same meaning as in section two, article
20 seven of this chapter.

21 (e) "Person adversely affected" means any of the following:

22 (1) A resident of this state who may legally possess a firearm
23 under the laws of this state and the United States and who either:

1 (A) Is subject to any manner of regulation alleged to be
2 promulgated or enforced in violation of this section, whether or
3 not specific enforcement action has been initiated or threatened
4 against that person or another person; or

5 (B) Would be, if the person were present in the political
6 subdivision in question, subject to any manner of regulation
7 alleged to be promulgated or enforced in violation of this section,
8 whether or not specific enforcement action has been initiated or
9 threatened against that person or another person.

10 (2) A person who otherwise has standing under the laws of this
11 state to bring an action under section four of this article.

12 (3) A membership organization the members of which include a
13 person described in subparagraph (A) or (B) of this subdivision and
14 that is dedicated, in whole or in part, to protecting the legal,
15 civil, or constitutional rights of its membership.

16 (f) "Political subdivision" has the same meaning as in section
17 ten-a, article three, chapter five-a of this code.

18 (g) "Reasonable expenses" include, but are not limited to,
19 attorney fees, expert witness fees, court costs, and compensation
20 for loss of income.

21 **§61-7B-3. General rule.**

22 (a) Except as otherwise provided in this section or as
23 expressly authorized by a statute of this state, the Legislature

1 hereby occupies and preempts the entire field of regulation in this
2 state touching in any way upon firearms, ammunition and firearm
3 accessories to the complete exclusion of any order, ordinance or
4 rule promulgated or enforced by any political subdivision of this
5 state.

6 (b) The authority of a political subdivision to regulate
7 firearms, ammunition, or firearm accessories may not be inferred
8 from its proprietary authority, home rule status or any other
9 inherent or general power.

10 (c) Any existing or future orders, ordinances, or rules
11 promulgated or enforced in violation of this section are null and
12 void.

13 **§61-7B-4. Remedies for unlawful regulation.**

14 (a) A person adversely affected by any order, ordinance, or
15 rule promulgated or enforced in violation of this section may file
16 suit in an appropriate court for declarative and injunctive relief
17 and for all actual and consequential damages attributable to the
18 violation.

19 (b) The court shall award reasonable expenses to a person
20 adversely affected if an action under this subsection results in
21 either:

22 (1) A final determination in favor of the person adversely
23 affected; or

1 (2) Rescission, repeal, or amendment of the challenged manner
2 of regulation or enforcement after suit has been filed under
3 subdivision (1) but prior to a final determination by the court.

4 **§61-7B-5. Exceptions.**

5 This article may not be construed to prevent any of the
6 following:

7 (a) A duly organized law-enforcement agency of a political
8 subdivision from promulgating and enforcing rules pertaining to
9 firearms, ammunition or firearm accessories that it issues to or
10 that are used by the political subdivision's peace officers in the
11 course of their official duties.

12 (b) An employer from regulating or prohibiting an employee's
13 carrying or possession of firearms, firearm accessories or
14 ammunition during and in the course of the employee's official
15 duties.

16 (c) A court or administrative law judge from hearing and
17 resolving a case or controversy or issuing an opinion or order on
18 a matter within its jurisdiction.

19 (d) The enactment or enforcement of a generally applicable
20 zoning or business ordinance that includes firearms businesses
21 along with other businesses, provided that an ordinance designed or
22 enforced effectively to restrict or prohibit the sale, purchase,
23 transfer, manufacture or display of firearms, ammunition or firearm

1 accessories that is otherwise lawful under the laws of this state
2 is in conflict with this section and is void.

3 (e) A political subdivision from enacting and enforcing rules
4 of operation and use for any firearm range owned or operated by the
5 political subdivision.

6 (f) A political subdivision from sponsoring or conducting any
7 firearm-related competition or educational or cultural program and
8 from enacting and enforcing rules for participation in or
9 attendance at such program: *Provided*, That nothing in this section
10 authorizes or permits a political subdivision to offer remuneration
11 for the surrender or transfer of a privately-owned firearm to the
12 political subdivision or another party as a method of reducing the
13 number of privately-owned firearms within the political
14 subdivision.

15 (g) Any official of a political subdivision with appropriate
16 authority and jurisdiction from enforcing any statute enacted by
17 the State Legislature.

18 (h) A political subdivision from leasing public property to
19 another person or entity for a firearm-related event on terms
20 agreeable to both parties.

21 **§61-7B-6. Applicability and effective dates.**

22 This article applies to an order, ordinance or rule adopted by
23 a political subdivision of this state or to official actions taken

1 by an employee or agent of such political subdivision, prior to or
2 on or after the effective date of this article. The remedies
3 prescribed under section three of this article shall take effect
4 ninety days after the enactment date of this article to provide
5 political subdivisions an opportunity to come into compliance with
6 the provisions of this article.

NOTE: The purpose of this bill is to create a uniform regulation of firearms, ammunition, and firearm accessories throughout West Virginia solely determined by the Legislature. It states legislative intent; provides definitions; general rules relating to the regulation of firearms, ammunition, and firearm accessories; provides remedies for unlawful regulation; and provides for exceptions. The bill removes references to regulation of firearms by counties and municipalities. And, the bill provides applicability and effective date of the new article.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.

§61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6 are new; therefore, strike-throughs and underscoring have been omitted.