

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2760**

4
5 (By Delegates R. Phillips, Eldridge, Miley, Boggs, White, Marcum,
6 Stowers, O'Neal, Hartman, Hamilton and Tomblin)

7 (Originating in the Committee on the Judiciary)

8 [March 6, 2013]

9
10 A BILL to repeal §8-12-5a of the Code of West Virginia, 1931, as
11 amended; to amend and reenact §7-1-3 of said code; to amend
12 and reenact §8-12-5 of said code; and to amend said code, by
13 adding thereto a new article, designated §61-7B-1, §61-7B-2,
14 §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all relating to
15 crimes and punishment; jurisdiction, powers and duties of
16 county commissions; general powers of municipalities and their
17 governing bodies; uniform regulation of firearms, ammunition,
18 and firearm accessories throughout West Virginia solely by the
19 Legislature; legislative intent; definition; general rules
20 relating to the regulation of firearms, ammunition and firearm
21 accessories; remedies for unlawful regulation; providing for
22 exceptions; and providing applicability, grand fathering
23 clause and effective date.

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

25 That §8-12-5a of the Code of West Virginia, 1931, as amended
26 be repealed; that §7-1-3 of said code be amended and reenacted;

1 that §8-12-5 be amended and reenacted; and that chapter 61 of said
2 code be amended by adding thereto a new article, designated
3 §61-7B-1, §61-7B-2, §61-7B-3, §61-7B-4, §61-7B-5 and §61-7B-6, all
4 to read as follows:

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

6 **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

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

8 The county commissions, through their clerks, shall have the
9 custody of all deeds and other papers presented for record in their
10 counties and the same shall be preserved therein, or otherwise
11 disposed of as now is, or may be prescribed by law. They shall
12 have jurisdiction in all matters of probate, the appointment and
13 qualification of personal representatives, guardians, committees,
14 curators and the settlement of their accounts and in all matters
15 relating to apprentices. They shall also, under the rules as now
16 are or may be prescribed by law, have the superintendence and
17 administration of the internal police and fiscal affairs of their
18 counties, including the establishment and regulation of roads,
19 ways, streets, avenues, drives and the like, and the naming or
20 renaming thereof, in cooperation with local postal authorities, the
21 Division of Highways and the directors of county emergency
22 communications centers, to assure uniform, nonduplicative
23 conversion of all rural routes to city-type addressing on a
24 permanent basis, bridges, public landings, ferries and mills, with
25 authority to lay and disburse the county levies. They shall, in

1 all cases of contest, judge of the election, qualification and
2 returns of their own members, and of all county and district
3 officers, subject to appeal as prescribed by law. The tribunals as
4 have been heretofore established by the Legislature under and by
5 virtue of section thirty-four, article VIII of the Constitution of
6 one thousand eight hundred seventy-two, for police and fiscal
7 purposes, shall, until otherwise provided by law, remain and
8 continue as at present constituted in the counties in which they
9 have been respectively established, and shall be and act as to
10 police and fiscal matters in lieu of the county commission herein
11 mentioned, until otherwise provided by law. And until otherwise
12 provided by law, the clerk as is mentioned in section twenty-six of
13 said article, as amended, shall exercise any powers and discharge
14 any duties heretofore conferred on, or required of, any court or
15 tribunal established for judicial purposes under said section, or
16 the clerk of the court or tribunal, respectively, respecting the
17 recording and preservation of deeds and other papers presented for
18 record, matters of probate, the appointment and qualification of
19 personal representatives, guardians, committees, curators and the
20 settlement of their accounts and in all matters relating to
21 apprentices. ~~The county commission may not limit the right of any~~
22 ~~person to purchase, possess, transfer, own, carry, transport, sell~~
23 ~~or store any revolver, pistol, rifle or shotgun or any ammunition~~
24 ~~or ammunition components to be used therewith nor to so regulate~~
25 ~~the keeping of gunpowder so as to, directly or indirectly, prohibit~~
26 ~~the ownership of the ammunition: Provided, That no provision in~~

~~1 this section may be construed to limit the authority of a county to
2 restrict the commercial use of real estate in designated areas
3 through planning or zoning ordinances.~~

4 **CHAPTER 8. MUNICIPAL CORPORATIONS.**

5 **ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED**
6 **RELATIONS OF MUNICIPALITIES, GOVERNING BODIES AND**
7 **MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST**
8 **MUNICIPALITIES.**

9 **§8-12-5. General powers of every municipality and the governing**
10 **body thereof.**

11 In addition to the powers and authority granted by: (i) The
12 Constitution of this state; (ii) other provisions of this chapter;
13 (iii) other general law; and (iv) any charter, and to the extent
14 not inconsistent or in conflict with any of the foregoing except
15 special legislative charters, every municipality and the governing
16 body thereof shall have plenary power and authority therein by
17 ordinance or resolution, as the case may require, and by
18 appropriate action based thereon:

19 (1) To lay off, establish, construct, open, alter, curb,
20 recurb, pave or repave and keep in good repair, or vacate,
21 discontinue and close, streets, avenues, roads, alleys, ways,
22 sidewalks, drains and gutters, for the use of the public, and to
23 improve and light the same, and have them kept free from
24 obstructions on or over them which have not been authorized
25 pursuant to the succeeding provisions of this subdivision; and,

1 subject to such terms and conditions as the governing body shall
2 prescribe, to permit, without in any way limiting the power and
3 authority granted by the provisions of article sixteen of this
4 chapter, any person to construct and maintain a passageway,
5 building or other structure overhanging or crossing the airspace
6 above a public street, avenue, road, alley, way, sidewalk or
7 crosswalk, but before any permission for any person to construct
8 and maintain a passageway, building or other structure overhanging
9 or crossing any airspace is granted, a public hearing thereon shall
10 be held by the governing body after publication of a notice of the
11 date, time, place and purpose of the public hearing has been
12 published as a Class I legal advertisement in compliance with the
13 provisions of article three, chapter fifty-nine of this code and
14 the publication area for the publication shall be the municipality:
15 *Provided*, That any permit so granted shall automatically cease and
16 terminate in the event of abandonment and nonuse thereof for the
17 purposes intended for a period of ninety days, and all rights
18 therein or thereto shall revert to the municipality for its use and
19 benefit;

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

24 (3) To prevent by proper penalties the throwing, depositing or
25 permitting to remain on any street, avenue, road, alley, way,
26 sidewalk, square or other public place any glass, scrap iron,

1 nails, tacks, wire, other litter or any offensive matter or
2 anything likely to injure the feet of individuals or animals or the
3 tires of vehicles;

4 (4) To regulate the use of streets, avenues, roads, alleys,
5 ways, sidewalks, crosswalks and public places belonging to the
6 municipality, including the naming or renaming thereof, and to
7 consult with local postal authorities, the Division of Highways and
8 the directors of county emergency communications centers to assure
9 uniform, nonduplicative addressing on a permanent basis;

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

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

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

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

22 (9) To control and administer the waterfront and waterways of
23 the municipality and to acquire, establish, construct, operate and
24 maintain and regulate flood control works, wharves and public
25 landings, warehouses and all adjuncts and facilities for navigation
26 and commerce and the utilization of the waterfront and waterways

1 and adjacent property;

2 (10) To prohibit the accumulation and require the disposal of
3 garbage, refuse, debris, wastes, ashes, trash and other similar
4 accumulations whether on private or public property: *Provided,*
5 That in the event the municipality annexes an area which has been
6 receiving solid waste collection services from a certificated solid
7 waste motor carrier, the municipality and the solid waste motor
8 carrier may negotiate an agreement for continuation of the private
9 solid waste motor carrier services for a period of time, not to
10 exceed three years, during which time the certificated solid waste
11 motor carrier may continue to provide exclusive solid waste
12 collection services in the annexed territory;

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

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

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

22 (14) To regulate the keeping of ~~gunpowder and other~~
23 combustibles;

24 (15) To make regulations guarding against danger or damage by
25 fire;

26 (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,"
24 table or faro bank or keno table, or table of like kind, under any
25 denomination, whether the gaming table be played with cards, dice
26 or otherwise, or any person who shall be a partner or concerned in

1 interest, in keeping or exhibiting the table or bank, or keeping or
2 maintaining any gaming house or place, or betting or gambling for
3 money or anything of value;

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

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

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

25 (26) To regulate or prohibit the keeping of animals or fowls
26 and to provide for the impounding, sale or destruction of animals

1 or fowls kept contrary to law or found running at large;

2 (27) To arrest, convict and punish any person for cruelly,
3 unnecessarily or needlessly beating, torturing, mutilating,
4 killing, or overloading or overdriving or willfully depriving of
5 necessary sustenance any domestic animal;

6 (28) To provide for the regular building of houses or other
7 structures, for the making of division fences by the owners of
8 adjacent premises and for the drainage of lots by proper drains and
9 ditches;

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

13 (30) To prohibit with or without zoning the location of
14 occupied house trailers or mobile homes in certain residential
15 areas;

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

18 (32) To erect, establish, construct, acquire, improve,
19 maintain and operate a gas system, a waterworks system, an electric
20 system or sewer system and sewage treatment and disposal system, or
21 any combination of the foregoing (subject to all of the pertinent
22 provisions of articles nineteen and twenty of this chapter and
23 particularly to the limitations or qualifications on the right of
24 eminent domain set forth in articles nineteen and twenty), within
25 or without the corporate limits of the municipality, except that
26 the municipality may not erect any system partly without the

1 corporate limits of the municipality to serve persons already
2 obtaining service from an existing system of the character proposed
3 and where the system is by the municipality erected, or has
4 heretofore been so erected, partly within and partly without the
5 corporate limits of the municipality, the municipality has the
6 right to lay and collect charges for service rendered to those
7 served within and those served without the corporate limits of the
8 municipality and to prevent injury to the system or the pollution
9 of the water thereof and its maintenance in a healthful condition
10 for public use within the corporate limits of the municipality;

11 (33) To acquire watersheds, water and riparian rights, plant
12 sites, rights-of-way and any and all other property and
13 appurtenances necessary, appropriate, useful, convenient or
14 incidental to any system, waterworks or sewage treatment and
15 disposal works, as aforesaid, subject to all of the pertinent
16 provisions of articles nineteen and twenty of this chapter;

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

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

21 (36) To establish, construct, acquire, maintain and operate
22 public buildings, municipal buildings or city halls, Auditoriums,
23 arenas, jails, juvenile detention centers or homes, motor vehicle
24 parking lots or any other public works;

25 (37) To establish, construct, acquire, provide, equip,
26 maintain and operate recreational parks, playgrounds and other

1 recreational facilities for public use and in this connection also
2 to proceed in accordance with the provisions of article two,
3 chapter ten of this code;

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

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

9 (40) To establish and maintain a public health unit in
10 accordance with the provisions of section two, article two, chapter
11 sixteen of this code, which unit shall exercise its powers and
12 perform its duties subject to the supervision and control of the
13 West Virginia Board of Health and State Bureau for Public Health;

14 (41) To establish, construct, acquire, maintain and operate
15 hospitals, sanitariums and dispensaries;

16 (42) To acquire, by purchase, condemnation or otherwise, land
17 within or near the corporate limits of the municipality for
18 providing and maintaining proper places for the burial of the dead
19 and to maintain and operate the same and regulate interments
20 therein upon terms and conditions as to price and otherwise as may
21 be determined by the governing body and, in order to carry into
22 effect the authority, the governing body may acquire any cemetery
23 or cemeteries already established;

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

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

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

5 (46) Except as otherwise provided, to require and take bonds
6 from any officers, when considered necessary, payable to the
7 municipality, in its corporate name, with such sureties and in a
8 penalty as the governing body may see fit, conditioned upon the
9 faithful discharge of their duties;

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

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

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

20 (50) To create, maintain and operate a system for the
21 enumeration, identification and registration, or either, of the
22 inhabitants of the municipality and visitors thereto, or the
23 classes thereof as may be considered advisable;

24 (51) To require owners, residents or occupants of
25 factory-built homes situated in a factory-built rental home
26 community with at least ten factory-built homes, to visibly post

1 the specific numeric portion of the address of each factory-built
2 home on the immediate premises of the factory-built home of
3 sufficient size to be visible from the adjoining street: *Provided,*
4 That in the event no numeric or other specific designation of an
5 address exists for a factory-built home subject to the
6 authorization granted by this subdivision, the municipality has the
7 authority to provide a numeric or other specific designation of an
8 address for the factory-built home and require that it be posted in
9 accordance with the authority otherwise granted by this section.

10 (52) To appropriate and expend not exceeding 25¢ per capita
11 per annum for advertising the municipality and the entertainment of
12 visitors;

13 (53) To conduct programs to improve community relations and
14 public relations generally and to expend municipal revenue for such
15 purposes;

16 (54) To reimburse applicants for employment by the
17 municipality for travel and other reasonable and necessary expenses
18 actually incurred by the applicants in traveling to and from the
19 municipality to be interviewed;

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

22 (56) To create and maintain an Employee Benefits Fund which
23 may not exceed one tenth of one percent of the annual payroll
24 budget for general employee benefits and which is set up for the
25 purpose of stimulating and encouraging employees to develop and
26 implement cost-saving ideas and programs and to expend moneys from

1 the fund for these purposes;

2 (57) To enter into reciprocal agreements with governmental
3 subdivisions or agencies of any state sharing a common border for
4 the protection of people and property from fire and for emergency
5 medical services and for the reciprocal use of equipment and
6 personnel for these purposes;

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

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

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

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

18 **§61-7B-1. Legislative intent.**

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

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

2 **§61-7B-2. Definitions.**

3 As used in this article:

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 improve
18 the functioning or capabilities of the firearm.

19 (d) "Firearm" has the same meaning as in section 2, article 7
20 of this chapter.

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

22 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:

24 (A) Is subject to any manner of regulation alleged to be
25 promulgated or enforced in violation of this section, whether or
26 not specific enforcement action has been initiated or threatened

1 against that person or another person; or

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

7 (C) A person who otherwise has standing under the laws of this
8 state to bring an action under subsection (f).

9 (D) A membership organization the members of which include a
10 person described in subparagraphs (A) or (B) of this subdivision
11 and that is dedicated, in whole or in part, to protecting the
12 legal, civil, or constitutional rights of its membership.

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

15 "Reasonable expenses" include, but are not limited to,
16 attorney fees, expert witness fees, court costs, and compensation
17 for loss of income.

18 **§61-7B-3. General rule.**

19 (a) Except as otherwise provided in this article or as
20 expressly authorized by a statute of this state, the Legislature
21 hereby occupies and preempts the entire field of regulation in this
22 state touching in any way upon firearms, ammunition and firearm
23 accessories to the complete exclusion of any order, ordinance or
24 rule promulgated or enforced by any political subdivision of this
25 state.

26 (b) The authority of a political subdivision to regulate

1 firearms, ammunition, or firearm accessories may not be inferred
2 from its proprietary authority, home rule status or any other
3 inherent or general power.

4 (c) Any existing or future orders, ordinances, or rules
5 promulgated or enforced in violation of this section are null and
6 void.

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

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

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

16 (1) A final determination in favor of the person adversely
17 affected; or

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

21 **§61-7B-5. Exceptions.**

22 This article may not be construed to prevent any of the
23 following:

24 (a) A duly organized law-enforcement agency of a political
25 subdivision from promulgating and enforcing rules pertaining to
26 firearms, ammunition or firearm accessories that it issues to or

1 that are used by the political subdivision's peace officers in the
2 course of their official duties.

3 (b) An employer from regulating or prohibiting an employee's
4 carrying or possession of firearms, firearm accessories or
5 ammunition during and in the course of the employee's official
6 duties.

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

10 (d) The enactment or enforcement of a generally applicable
11 zoning or business ordinance that includes firearms businesses
12 along with other businesses, provided that an ordinance designed or
13 enforced effectively to restrict or prohibit the sale, purchase,
14 transfer, manufacture or display of firearms, ammunition or firearm
15 accessories that is otherwise lawful under the laws of this state
16 is in conflict with this section and is void.

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

20 (f) A political subdivision from sponsoring or conducting any
21 firearm-related competition or educational or cultural program and
22 from enacting and enforcing rules for participation in or
23 attendance at such program: Provided, That nothing in this section
24 authorizes or permits a political subdivision to offer remuneration
25 for the surrender or transfer of a privately-owned firearm to the
26 political subdivision or another party as a method of reducing the

1 number of privately-owned firearms within the political
2 subdivision.

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

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

9 **§61-7B-6. Applicability and effective dates.**

10 This article applies to an order, ordinance or rule adopted by
11 a political subdivision of this state or to official actions taken
12 by an employee or agent of such political subdivision, prior to or
13 on or after the effective date of this article. The remedies
14 prescribed under section three of this article shall take effect
15 ninety days after the enactment date of this article to provide
16 political subdivisions an opportunity to come into compliance with
17 the provisions of this article. Upon the effective date of this
18 article, any grandfathered municipal gun ordinances which were in
19 effect at the time of the original passage of section five-a,
20 article twelve, chapter eight of this code shall no longer be of
21 any force or effect, to the extent they are in conflict with the
22 provisions of this article.