House Bill No. 2650

(By Delegates Linch, Faircloth, Harrison, Proudfoot, Staton, Warner and Collins)

Passed March 13, 1998

In Effect from Passage
ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2650
(BY DELEGATES LINCH, FAIRCLOTH, HARRISON, PROUDFOOT, STATON, WARNER AND COLLINS)

[Passed March 13, 1998; in effect from passage.]
for record in their counties and the same shall be
preserved therein, or otherwise disposed of as now is, or
may be prescribed by law. They shall have jurisdiction in
all matters of probate, the appointment and qualification
of personal representatives, guardians, committees,
curators and the settlement of their accounts and in all
matters relating to apprentices. They shall also, under the
rules as now are or may be prescribed by law, have the
superintendence and administration of the internal police
and fiscal affairs of their counties, including the
establishment and rule of roads, ways, streets, avenues,
drives and the like, and the naming or renaming thereof,
in cooperation with local postal authorities, the division of
highways and the directors of county emergency
communications centers, to assure uniform, nonduplicative
conversion of all rural routes to city-type addressing on a
permanent basis, bridges, public landings, ferries and mills,
with authority to lay and disburse the county levies. They
shall, in all cases of contest, judge of the election,
qualification and returns of their own members, and of all
county and district officers, subject to appeal as prescribed
by law. The tribunals as have been heretofore established
by the Legislature under and by virtue of section
thirty-four, article VIII of the constitution of one thousand
eight hundred seventy-two, for police and fiscal purposes,
shall, until otherwise provided by law, remain and continue
as at present constituted in the counties in which they have
been respectively established, and shall be and act as to
police and fiscal matters in lieu of the county commission
herein mentioned, until otherwise provided by law. And
until otherwise provided by law, the clerk as is mentioned
in section twenty-six, article VIII of the constitution, as
amended, shall exercise any powers and discharge any
duties heretofore conferred on, or required of, any court
or tribunal established for judicial purposes under said
section of the constitution of one thousand eight hundred
seventy-two, or the clerk of the court or tribunal,
respectively, respecting the recording and preservation of
deeds and other papers presented for record, matters of
probate, the appointment and qualification of personal
representatives, guardians, committees, curators and the
settlement of their accounts and in all matters relating to
apprentices. The county commission may not limit the
right of any person to purchase, possess, transfer, own,
carry, transport, sell or store any revolver, pistol, rifle or
shotgun or any ammunition or ammunition components
to be used therewith nor to so regulate the keeping of
gunpowder so as to, directly or indirectly, prohibit the
ownership of the ammunition: Provided, That no
provision in this section may be construed to limit the
authority of a county to restrict the commercial use of
real estate in designated areas through planning or zoning
ordinances.

CHAPTER 8. MUNICIPAL CORPORATIONS.

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

§8-12-5a. Limitations upon municipalities' power to restrict
the purchase, possession, transfer, ownership,
carrying, transport, sale and storage of certain
weapons and ammunition.

The provisions of section five of this article
notwithstanding, neither a municipality nor the governing
body of any municipality may limit the right of any
person to purchase, possess, transfer, own, carry, transport,
sell or store any revolver, pistol, rifle or shotgun or any
ammunition or ammunition components to be used
therewith nor to so regulate the keeping of gunpowder so
as to directly or indirectly prohibit the ownership of the
ammunition. Nothing herein shall in any way impair the
authority of any municipality, or the governing body
thereof, to enact any ordinance or resolution respecting
the power to arrest, convict and punish any individual
under the provisions of subdivision (16), section five of
this article or from enforcing any such ordinance or
resolution: Provided, That any municipal ordinance in
place as of the effective date of this section shall be
excepted from the provisions of this section: Provided however, That no provision of this section may be
construed to limit the authority of a municipality to
restrict the commercial use of real estate in designated
areas through planning or zoning ordinances.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 15th day of _______ 1998.

Governor
PRESENTED TO THE
GOVERNOR
Date: 3/24/98
Time: 10:10 AM