

Conference Engrossed

State of Arizona
House of Representatives
Forty-fourth Legislature
Second Regular Session
2000

HOUSE BILL 2095

AN ACT

AMENDING SECTIONS 13-3102, 13-3108 AND 15-341, ARIZONA REVISED STATUTES;
RELATING TO FIREARMS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Section 13-3102, Arizona Revised Statutes, is amended to
3 read:
4 13-3102. Misconduct involving weapons; defenses;
5 classification; definitions
6 A. A person commits misconduct involving weapons by knowingly:
7 1. Carrying a deadly weapon without a permit pursuant to section
8 13-3112 except a pocket knife concealed on his person; or
9 2. Carrying a deadly weapon without a permit pursuant to section
10 13-3112 concealed within immediate control of any person in or on a means of
11 transportation; or
12 3. Manufacturing, possessing, transporting, selling or transferring a
13 prohibited weapon; or
14 4. Possessing a deadly weapon if such person is a prohibited
15 possessor; or
16 5. Selling or transferring a deadly weapon to a prohibited possessor;
17 or
18 6. Defacing a deadly weapon; or
19 7. Possessing a defaced deadly weapon knowing the deadly weapon was
20 defaced; or
21 8. Using or possessing a deadly weapon during the commission of any
22 felony offense included in chapter 34 of this title; or
23 9. Discharging a firearm at an occupied structure in order to assist,
24 promote or further the interests of a criminal street gang, a criminal
25 syndicate or a racketeering enterprise; or
26 10. Unless specifically authorized by law, entering any public
27 establishment or attending any public event and carrying a deadly weapon on
28 his person after a reasonable request by the operator of the establishment or
29 the sponsor of the event or the sponsor's agent to remove his weapon and
30 place it in the custody of the operator of the establishment or the sponsor
31 of the event; or
32 11. Unless specifically authorized by law, entering an election polling
33 place on the day of any election carrying a deadly weapon; or
34 12. Possessing a deadly weapon on school grounds; or
35 13. Unless specifically authorized by law, entering a commercial
36 nuclear generating station carrying a deadly weapon on his person or within
37 the immediate control of any person; or
38 14. Supplying, selling or giving possession or control of a firearm to
39 another person if the person knows or has reason to know that the other
40 person would use the firearm in the commission of any felony.
41 B. Subsection A, paragraph 1 of this section shall not apply to a
42 person in his dwelling, on his business premises or on real property owned or
43 leased by that person.

1 C. Subsection A, paragraphs 1, 2, 3, 7, 10, 11, 12 and 13 of this
2 section shall not apply to:

3 1. A peace officer or any person summoned by any peace officer to
4 assist and while actually assisting in the performance of official duties; or

5 2. A member of the military forces of the United States or of any
6 state of the United States in the performance of official duties; or

7 3. A warden, deputy warden or correctional officer of the state
8 department of corrections; or

9 4. A person specifically licensed, authorized or permitted pursuant to
10 a statute of this state or of the United States.

11 D. Subsection A, paragraphs 3 and 7 of this section shall not apply
12 to:

13 1. The possessing, transporting, selling or transferring of weapons by
14 a museum as a part of its collection or an educational institution for
15 educational purposes or by an authorized employee of such museum or
16 institution, if:

17 (a) Such museum or institution is operated by the United States or
18 this state or a political subdivision of this state, or by an organization
19 described in section 170(c) of title 26 of the United States Code as a
20 recipient of a charitable contribution; and

21 (b) Reasonable precautions are taken with respect to theft or misuse
22 of such material.

23 2. The regular and lawful transporting as merchandise; or

24 3. Acquisition by a person by operation of law such as by gift, devise
25 or descent or in a fiduciary capacity as a recipient of the property or
26 former property of an insolvent, incapacitated or deceased person.

27 E. Subsection A, paragraph 3 of this section shall not apply to the
28 merchandise of an authorized manufacturer of or dealer in prohibited weapons,
29 when such material is intended to be manufactured, possessed, transported,
30 sold or transferred solely for or to a dealer or a regularly constituted or
31 appointed state, county or municipal police department or police officer, or
32 a detention facility, or the military service of this or another state or the
33 United States, or a museum or educational institution or a person
34 specifically licensed or permitted pursuant to federal or state law.

35 F. Subsection A, paragraph 1 of this section shall not apply to a
36 weapon or weapons carried in a belt holster which holster is wholly or
37 partially visible, or carried in a scabbard or case designed for carrying
38 weapons which scabbard or case is wholly or partially visible or carried in
39 luggage. Subsection A, paragraph 2 of this section shall not apply to a
40 weapon or weapons carried in a case, holster, scabbard, pack or luggage which
41 is carried within a means of transportation or within a storage compartment,
42 trunk or glove compartment of a means of transportation.

1 G. Subsection A, paragraph 10 of this section shall not apply to
2 shooting ranges or shooting events, hunting areas or similar locations or
3 activities.

4 H. Subsection A, paragraph 3 of this section shall not apply to a
5 weapon described in section 13-3101, paragraph 7, subdivision (e), if such
6 weapon is possessed for the purposes of preparing for, conducting or
7 participating in lawful exhibitions, demonstrations, contests or athletic
8 events involving the use of such weapon. Subsection A, paragraph 12 of this
9 section shall not apply to a weapon if such weapon is possessed for the
10 purposes of preparing for, conducting or participating in hunter or firearm
11 safety courses.

12 I. Subsection A, paragraph 12 of this section shall not apply to the
13 possession of a:

14 1. Firearm which is not loaded and which is carried within a means of
15 transportation under the control of an adult provided that if the adult
16 leaves the means of transportation the firearm shall not be visible from the
17 outside of the means of transportation and the means of transportation shall
18 be locked.

19 2. Firearm for use on the school grounds in a program approved by a
20 school.

21 J. Misconduct involving weapons under subsection A, paragraph 9 or 14
22 of this section is a class 3 felony. Misconduct involving weapons under
23 subsection A, paragraph 3, 4 or 8 of this section is a class 4
24 felony. Misconduct involving weapons under subsection A, paragraph 12 of
25 this section is a class 1 misdemeanor unless the violation occurs in
26 connection with conduct which violates the provisions of section 13-2308,
27 subsection A, paragraph 5, section 13-2312, subsection C, section 13-3409 or
28 section 13-3411, in which case the offense is a class 6 felony. Misconduct
29 involving weapons under subsection A, paragraphs 5, 6 and 7 of this section
30 is a class 6 felony. Misconduct involving weapons under subsection A,
31 paragraphs 1, 2, 10, 11 and 13 of this section is a class 1 misdemeanor.

32 K. For purposes of this section:

33 1. "PUBLIC ESTABLISHMENT" MEANS A STRUCTURE, VEHICLE OR CRAFT THAT IS
34 OWNED, LEASED OR OPERATED BY THIS STATE OR A POLITICAL SUBDIVISION OF THIS
35 STATE.

36 2. "PUBLIC EVENT" MEANS A SPECIFICALLY NAMED OR SPONSORED EVENT OF
37 LIMITED DURATION EITHER CONDUCTED BY A PUBLIC ENTITY OR CONDUCTED BY A
38 PRIVATE ENTITY WITH A PERMIT OR LICENSE GRANTED BY A PUBLIC ENTITY. PUBLIC
39 EVENT DOES NOT INCLUDE AN UNSPONSORED GATHERING OF PEOPLE IN A PUBLIC PLACE.

40 ~~1-~~ 3. "School" means a public or nonpublic kindergarten program,
41 common school or high school.

42 ~~2-~~ 4. "School grounds" means in, or on the grounds of, a school."

1 3. THE USE OF LAND AND STRUCTURES, INCLUDING A BUSINESS RELATING TO
2 FIREARMS OR AMMUNITION OR THEIR COMPONENTS OR A SHOOTING RANGE IN THE SAME
3 MANNER AS OTHER COMMERCIAL BUSINESSES.

4 4. REGULATING EMPLOYEES OR INDEPENDENT CONTRACTORS OF THE POLITICAL
5 SUBDIVISION WHO ARE ACTING WITHIN THE COURSE AND SCOPE OF THEIR EMPLOYMENT OR
6 CONTRACT.

7 5. LIMITING FIREARMS POSSESSION IN PARKS OR PRESERVES OF ONE SQUARE
8 MILE OR LESS IN AREA TO PERSONS WHO POSSESS A CONCEALED WEAPONS PERMIT ISSUED
9 PURSUANT TO SECTION 13-3112. THE POLITICAL SUBDIVISION SHALL POST REASONABLE
10 NOTICE AT EACH PARK OR PRESERVE. THE NOTICE SHALL STATE THE FOLLOWING:
11 "CARRYING A FIREARM IN THIS PARK IS LIMITED TO PERSONS WHO POSSESS A PERMIT
12 ISSUED PURSUANT TO SECTION 13-3112." IN PARKS OR PRESERVES THAT ARE MORE
13 THAN ONE SQUARE MILE IN AREA, A POLITICAL SUBDIVISION MAY DESIGNATE DEVELOPED
14 OR IMPROVED AREAS IN WHICH THE POLITICAL SUBDIVISION MAY LIMIT FIREARMS
15 POSSESSION TO PERSONS WHO POSSESS A CONCEALED WEAPONS PERMIT ISSUED PURSUANT
16 TO SECTION 13-3112. THE POLITICAL SUBDIVISION SHALL POST REASONABLE NOTICE
17 AT EACH DESIGNATED DEVELOPED OR IMPROVED AREA. THE NOTICE SHALL STATE THE
18 FOLLOWING: "CARRYING A FIREARM IN THIS DEVELOPED OR IMPROVED AREA IS LIMITED
19 TO PERSONS WITH A PERMIT ISSUED PURSUANT TO SECTION 13-3112." FOR THE
20 PURPOSES OF THIS PARAGRAPH, "DEVELOPED OR IMPROVED AREA" MEANS AN AREA OF
21 PROPERTY DEVELOPED FOR PUBLIC RECREATION OR FAMILY ACTIVITY, INCLUDING PICNIC
22 AREAS, CONCESSIONS, PLAYGROUNDS, AMPHITHEATERS, RACQUET COURTS, SWIMMING
23 AREAS, GOLF COURSES, ZOOS, HORSEBACK RIDING FACILITIES AND BOAT LANDING AND
24 DOCKING FACILITIES. DEVELOPED OR IMPROVED AREA DOES NOT INCLUDE CAMPGROUNDS,
25 TRAILS, PATHS OR ROADWAYS EXCEPT TRAILS, PATHS AND ROADWAYS DIRECTLY
26 ASSOCIATED WITH AND ADJACENT TO DESIGNATED DEVELOPED OR IMPROVED AREAS. ANY
27 NOTICE THAT IS REQUIRED BY THIS PARAGRAPH SHALL BE CONSPICUOUSLY POSTED AT
28 ALL PUBLIC ENTRANCES AND AT INTERVALS OF ONE-FOURTH MILE OR LESS WHERE THE
29 PARK, PRESERVE OR DEVELOPED OR IMPROVED AREA HAS AN OPEN PERIMETER. ANY
30 LIMITATION IMPOSED BY A POLITICAL SUBDIVISION PURSUANT TO THIS PARAGRAPH
31 SHALL NOT APPLY TO A PERSON:

32 (a) ENGAGED IN A PERMITTED FIREARMS OR HUNTERS SAFETY COURSE CONDUCTED
33 IN A PARK BY A CERTIFIED HUNTER SAFETY INSTRUCTOR OR CERTIFIED FIREARMS
34 SAFETY INSTRUCTOR.

35 (b) AT A PROPERLY SUPERVISED RANGE, AS DEFINED IN SECTION 13-3107, A
36 PERMITTED SHOOTING EVENT, A PERMITTED FIREARMS SHOW OR IN A PERMITTED HUNTING
37 AREA.

38 (c) LEGALLY TRANSPORTING, CARRYING, STORING OR POSSESSING A FIREARM IN
39 A VEHICLE.

40 (d) GOING DIRECTLY TO OR FROM AN AREA WHERE THE PERSON IS LAWFULLY
41 ENGAGED IN HUNTING, MARKSMANSHIP PRACTICE OR RECREATIONAL SHOOTING.

42 (e) TRAVERSING A TRAILHEAD AREA IN ORDER TO GAIN ACCESS TO AREAS WHERE
43 THE POSSESSION OF FIREARMS IS NOT LIMITED.

1 (f) USING TRAILS, PATHS OR ROADWAYS TO GO DIRECTLY TO OR FROM AN AREA
2 WHERE THE POSSESSION OF FIREARMS IS NOT LIMITED AND WHERE NO REASONABLE
3 ALTERNATE MEANS OF ACCESS IS AVAILABLE.

4 6. LIMITING OR PROHIBITING THE DISCHARGE OF FIREARMS IN PARKS AND
5 PRESERVES EXCEPT:

6 (a) AS ALLOWED PURSUANT TO CHAPTER 4 OF THIS TITLE.

7 (b) ON A PROPERLY SUPERVISED RANGE AS DEFINED IN SECTION 13-3107.

8 (c) IN AN AREA RECOMMENDED AS A HUNTING AREA BY THE ARIZONA GAME AND
9 FISH DEPARTMENT AND APPROVED AND POSTED AS REQUIRED BY THE POLITICAL
10 SUBDIVISION'S CHIEF LAW ENFORCEMENT OFFICER. ANY SUCH AREA MAY BE CLOSED
11 WHEN DEEMED UNSAFE BY THE POLITICAL SUBDIVISION'S CHIEF LAW ENFORCEMENT
12 OFFICER OR THE DIRECTOR OF THE ARIZONA GAME AND FISH DEPARTMENT.

13 (d) TO CONTROL NUISANCE WILDLIFE BY PERMIT FROM THE ARIZONA GAME AND
14 FISH DEPARTMENT OR THE UNITED STATES FISH AND WILDLIFE SERVICE.

15 (e) BY SPECIAL PERMIT OF THE CHIEF LAW ENFORCEMENT OFFICER OF THE
16 POLITICAL SUBDIVISION.

17 (f) AS REQUIRED BY AN ANIMAL CONTROL OFFICER IN PERFORMING DUTIES
18 SPECIFIED IN SECTION 9-499.04 AND TITLE 11, CHAPTER 7, ARTICLE 6.

19 (g) IN SELF DEFENSE OR DEFENSE OF ANOTHER PERSON AGAINST AN ANIMAL
20 ATTACK IF A REASONABLE PERSON WOULD BELIEVE THAT DEADLY PHYSICAL FORCE
21 AGAINST THE ANIMAL IS IMMEDIATELY NECESSARY AND REASONABLE UNDER THE
22 CIRCUMSTANCES TO PROTECT ONESELF OR THE OTHER PERSON.

23 D. A VIOLATION OF ANY ORDINANCE ESTABLISHED PURSUANT TO SUBSECTION C,
24 PARAGRAPH 6 OF THIS SECTION IS A CLASS 2 MISDEMEANOR UNLESS THE POLITICAL
25 SUBDIVISION DESIGNATES A LESSER CLASSIFICATION BY ORDINANCE.

26 Sec. 3. Section 15-341, Arizona Revised Statutes, is amended to read:

27 15-341. General powers and duties; immunity; delegation

28 A. The governing board shall:

29 1. Prescribe and enforce policies and procedures for the governance of
30 the schools, not inconsistent with law or rules prescribed by the state board
31 of education.

32 2. Maintain the schools established by it for the attendance of each
33 pupil for a period of not less than one hundred seventy-five school days or
34 two hundred school days, as applicable, or its equivalent as approved by the
35 superintendent of public instruction for a school district operating on a
36 year-round operation basis, to offer an educational program on the basis of a
37 four day school week or to offer an alternative kindergarten program on the
38 basis of a three day school week, in each school year, and if the funds of
39 the district are sufficient, for a longer period, and as far as practicable
40 with equal rights and privileges.

41 3. Exclude from schools all books, publications, papers or audiovisual
42 materials of a sectarian, partisan or denominational character.

43 4. Manage and control the school property within its district.

- 1 5. Acquire school furniture, apparatus, equipment, library books and
2 supplies for the use of the schools.
- 3 6. Prescribe the curricula and criteria for the promotion and
4 graduation of pupils as provided in sections 15-701 and 15-701.01.
- 5 7. Furnish, repair and insure, at full insurable value, the school
6 property of the district.
- 7 8. Construct school buildings on approval by a vote of the district
8 electors.
- 9 9. Make in the name of the district conveyances of property belonging
10 to the district and sold by the board.
- 11 10. Purchase school sites when authorized by a vote of the district at
12 an election conducted as nearly as practicable in the same manner as the
13 election provided in section 15-481 and held on a date prescribed in section
14 15-491, subsection E, but such authorization shall not necessarily specify
15 the site to be purchased and such authorization shall not be necessary to
16 exchange unimproved property as provided in section 15-342, paragraph 23.
- 17 11. Construct, improve and furnish buildings used for school purposes
18 when such buildings or premises are leased from the national park service.
- 19 12. Purchase school sites or construct, improve and furnish school
20 buildings from the proceeds of the sale of school property only on approval
21 by a vote of the district electors.
- 22 13. Hold pupils to strict account for disorderly conduct on school
23 property.
- 24 14. Discipline students for disorderly conduct on the way to and from
25 school.
- 26 15. Except as provided in section 15-1224, deposit all monies received
27 by the district as gifts, grants and devises with the county treasurer who
28 shall credit the deposits as designated in the uniform system of financial
29 records. If not inconsistent with the terms of the gifts, grants and devises
30 given, any balance remaining after expenditures for the intended purpose of
31 the monies have been made shall be used for reduction of school district
32 taxes for the budget year, except that in the case of accommodation schools
33 the county treasurer shall carry the balance forward for use by the county
34 school superintendent for accommodation schools for the budget year.
- 35 16. Provide that, if a parent or legal guardian chooses not to accept a
36 decision of the teacher as provided in section 15-521, paragraph 3, the
37 parent or legal guardian may request in writing that the governing board
38 review the teacher's decision. Nothing in this paragraph shall be construed
39 to release school districts from any liability relating to a child's
40 promotion or retention.
- 41 17. Provide for adequate supervision over pupils in instructional and
42 noninstructional activities by certificated or noncertificated personnel.

1 18. Use school monies received from the state and county school
2 apportionment exclusively for payment of salaries of teachers and other
3 employees and contingent expenses of the district.

4 19. Make an annual report to the county school superintendent on or
5 before October 1 each year in the manner and form and on the blanks
6 prescribed by the superintendent of public instruction or county school
7 superintendent. The board shall also make reports directly to the county
8 school superintendent or the superintendent of public instruction whenever
9 required.

10 20. Deposit all monies received by school districts other than student
11 activities monies or monies from auxiliary operations as provided in sections
12 15-1125 and 15-1126 with the county treasurer to the credit of the school
13 district except as provided in paragraph 21 of this subsection and sections
14 15-1223 and 15-1224, and the board shall expend the monies as provided by law
15 for other school funds.

16 21. Establish a bank account in which the board may during a month
17 deposit miscellaneous monies received directly by the district. The board
18 shall remit monies deposited in the bank account at least monthly to the
19 county treasurer for deposit as provided in paragraph 20 of this subsection
20 and in accordance with the uniform system of financial records.

21 22. Employ an attorney admitted to practice in this state whose
22 principal practice is in the area of commercial real estate, or a real estate
23 broker who is licensed by this state and who is employed by a reputable
24 commercial real estate company, to negotiate a lease of five or more years
25 for the school district if the governing board decides to enter into a lease
26 of five or more years as lessor of school buildings or grounds as provided in
27 section 15-342, paragraph 7 or 10. Any lease of five or more years negotiated
28 pursuant to this paragraph shall provide that the lessee is responsible for
29 payment of property taxes pursuant to the requirements of section 42-11104.

30 23. Prescribe and enforce policies and procedures for disciplinary
31 action against a teacher who engages in conduct which is a violation of the
32 policies of the governing board but which is not cause for dismissal of the
33 teacher or for revocation of the certificate of the teacher. Disciplinary
34 action may include suspension without pay for a period of time not to exceed
35 ten school days. Disciplinary action shall not include suspension with pay
36 or suspension without pay for a period of time longer than ten school
37 days. The procedures shall include notice, hearing and appeal provisions for
38 violations which are cause for disciplinary action. The governing board may
39 designate a person or persons to act on behalf of the board on these matters.

40 24. Prescribe and enforce policies and procedures for disciplinary
41 action against an administrator who engages in conduct which is a violation
42 of the policies of the governing board regarding duties of administrators but
43 which is not cause for dismissal of the administrator or for revocation of
44 the certificate of the administrator. Disciplinary action may include

1 suspension without pay for a period of time not to exceed ten school
2 days. Disciplinary action shall not include suspension with pay or
3 suspension without pay for a period of time longer than ten school days. The
4 procedures shall include notice, hearing and appeal provisions for violations
5 which are cause for disciplinary action. The governing board may designate
6 a person or persons to act on behalf of the board on these matters. For
7 violations which are cause for dismissal, the provisions of notice, hearing
8 and appeal in chapter 5, article 3 of this title shall apply. The filing of
9 a timely request for a hearing suspends the imposition of a suspension
10 without pay or a dismissal pending completion of the hearing.

11 25. [NOTWITHSTANDING SECTION 13-3108](#), prescribe and enforce policies and
12 procedures that prohibit a person from carrying or possessing a weapon on
13 school grounds unless the person is a peace officer or has obtained specific
14 authorization from the school administrator.

15 26. Prescribe and enforce policies and procedures relating to the
16 health and safety of all pupils participating in district sponsored practice
17 sessions, games or other interscholastic athletic activities, including the
18 provision of water. A school district and its employees are immune from
19 civil liability for the consequences of the good faith adoption and
20 implementation of policies and procedures pursuant to this paragraph.

21 27. Prescribe and enforce policies and procedures regarding the smoking
22 of tobacco within school buildings. The policies and procedures shall be
23 adopted in consultation with school district personnel and members of the
24 community and shall state whether smoking is prohibited in school
25 buildings. If smoking in school buildings is not prohibited, the policies
26 and procedures shall clearly state the conditions and circumstances under
27 which smoking is permitted, those areas in a school building which may be
28 designated as smoking areas and those areas in a school building which may
29 not be designated as smoking areas.

30 28. Establish an assessment, data gathering and reporting system as
31 prescribed in chapter 7, article 3 of this title.

32 29. Provide special education programs and related services pursuant to
33 section 15-764, subsection A to all children with disabilities as defined in
34 section 15-761.

35 30. Administer competency tests prescribed by the state board of
36 education for the graduation of pupils from high school.

37 31. Secure insurance coverage for all construction projects for
38 purposes of general liability, property damage and workers' compensation and
39 secure performance and payment bonds for all construction projects.

40 B. Notwithstanding subsection A, paragraphs 8, 10 and 12 of this
41 section, the county school superintendent may construct, improve and furnish
42 school buildings or purchase or sell school sites in the conduct of an
43 accommodation school.

1 C. If any school district acquires real or personal property, whether
2 by purchase, exchange, condemnation, gift or otherwise, the governing board
3 shall pay to the county treasurer any taxes on the property that were unpaid
4 as of the date of acquisition, including penalties and interest. The lien
5 for unpaid delinquent taxes, penalties and interest on property acquired by a
6 school district:

7 1. Is not abated, extinguished, discharged or merged in the title to
8 the property.

9 2. Is enforceable in the same manner as other delinquent tax liens.

10 D. The governing board may not locate a school on property that is
11 less than one-fourth mile from agricultural land regulated pursuant to
12 section 3-365, except that the owner of the agricultural land may agree to
13 comply with the buffer zone requirements of section 3-365. If the owner
14 agrees in writing to comply with the buffer zone requirements and records the
15 agreement in the office of the county recorder as a restrictive covenant
16 running with the title to the land, the school district may locate a school
17 within the affected buffer zone. The agreement may include any stipulations
18 regarding the school, including conditions for future expansion of the school
19 and changes in the operational status of the school that will result in a
20 breach of the agreement.

21 E. A school district's governing board members and its school council
22 members are immune from civil liability for the consequences of adoption and
23 implementation of policies and procedures pursuant to subsection A of this
24 section and section 15-342. This waiver does not apply if the school
25 district's governing board members or its school council members are guilty
26 of gross negligence or intentional misconduct.

27 F. A governing board may delegate in writing to a superintendent,
28 principal or head teacher the authority to prescribe procedures that are
29 consistent with the governing board's policies.

30 G. Notwithstanding any other provision of this title, a school
31 district governing board shall not take any action that would result in an
32 immediate reduction or a reduction within three years of pupil square footage
33 that would cause the school district to fall below the minimum adequate gross
34 square footage requirements prescribed in section 15-2011, subsection C,
35 unless the governing board notifies the school facilities board established
36 by section 15-2001 of the proposed action and receives written approval from
37 the school facilities board to take the action. A reduction includes an
38 increase in administrative space that results in a reduction of pupil square
39 footage or sale of school sites or buildings, or both. The sale of equipment
40 that results in an immediate reduction or a reduction within three years that
41 falls below the equipment requirements prescribed in section 15-2011,
42 subsection B is subject to commensurate withholding of school district
43 capital outlay revenue limit monies pursuant to the direction of the school
44 facilities board. Except as provided in section 15-342, paragraph 10,

1 proceeds from the sale of school sites, buildings or other equipment shall be
2 deposited in the school plant fund as provided in section 15-1102.

3 H. Subsections C through F of this section apply to a county board of
4 supervisors and a county school superintendent when operating and
5 administering an accommodation school.

6 Sec. 4. Intent

7 It is the intent of the legislature to clarify existing law relating to
8 the state's preemption of firearms regulation in this state. Firearms
9 regulation is of statewide concern. Therefore, the legislature intends to
10 limit the ability of any political subdivision of this state to regulate
11 firearms and ammunition. This act applies to any ordinance enacted before or
12 after the effective date of this act.