

SESSION OF 2016

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR SENATE
BILL NO. 65**

As Amended by Senate Committee of the Whole

Brief*

Sub. for SB 65 would prohibit public employers from restricting or prohibiting through personnel policies any employee legally qualified to conceal carry from carrying a concealed handgun while engaged in employment duties outside the employer's place of business, including while in a means of conveyance.

Under existing law, the concealed carrying of firearms may be prohibited throughout the entirety of state and municipal buildings by the governing body or chief administrative officer of the building. The bill would make the requirements for prohibiting concealed carry in public areas the same as those found in existing law for prohibiting concealed carry in public buildings: the building or public area must have adequate security at all public access entrances to ensure no weapons are permitted to be carried in the area or building and must conspicuously post the prohibition. The bill would specify that the four-year exemptions from the Personal and Family Protection Act for state and municipal buildings found in existing law would expire July 1, 2017. No specific expiration date is included in existing law.

"Public area" would be defined as any portion of a state or municipal building that is open to and accessible by the public or is otherwise designated as a public area by the governing body or the chief administrative officer, if no governing body exists, of such a building. The bill would

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

define “public employer” as the State and any municipality as defined in KSA 2015 Supp. 75-6102.

Background

The Senate Committee on Federal and State Affairs combined the contents of SB 65 (as amended by the Senate Committee) and the contents of SB 66 (as amended by the Senate Committee, but not recommended separately) into this substitute bill.

The Senate Committee of the Whole adopted a technical amendment.

SB 65

The bill was introduced by the Senate Committee on Federal and State Affairs during the 2015 Legislative Session.

At the Senate hearing on February 19, 2015, Senator Knox and a representative of the Kansas State Rifle Association provided testimony in favor of the bill, stating a public employee with a concealed carry license is able to carry a concealed firearm on the job inside a building, but cannot carry while on the job outside the building. The proponents stated public employees have the need and the right to protect themselves on the job, both outside and inside buildings.

Representatives of the Unified Government of Wyandotte County/Kansas City, Kansas, and League of Kansas Municipalities provided testimony against the bill, stating cities and counties, through home rule, should have the same rights as private employers to adopt their own personnel policies and regulate what employees can and cannot do while on the job.

A representative of the Kansas Association of School Boards provided neutral testimony on the bill, stating the Association believes the bill does not apply to school districts, but the wording of the bill was not clear.

During the 2016 Legislative Session, the Senate Committee on Federal and State Affairs amended the bill by specifying that only a legally qualified public employee could carry a concealed weapon in the course of employment and by changing the definition of “public employer” to mean the State and any municipality as defined in KSA 2015 Supp. 75-6102 and amendments thereto.

The Senate Committee of the Whole made a technical amendment to this portion of the bill.

The fiscal note prepared by the Division of the Budget in 2015 states the Office of the Attorney General indicates prior amendments to the concealed carry law have generated numerous requests for the Office, which has issued formal interpretations of the net effects of those changes to legislators and local government entities. If the number of these requests continues to grow, the Office may need an additional attorney to handle the increased volume of opinion requests. Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor’s Budget Report*.

SB 66

The bill was introduced by the Senate Federal and State Affairs Committee during the 2015 Legislative Session.

At the hearing before the Senate Federal and State Affairs Committee on February 5, 2015, Senator Knox and representatives of the League of Kansas Municipalities, the Kansas Association of Chiefs of Police, the Kansas Sheriffs’ Association, the Kansas Peace Officers Association, and the Kansas Association of Counties appeared in support of the bill. Written testimony in support of the bill was submitted by

the National Rifle Association. There was no neutral or opponent testimony provided on the bill.

During the 2016 Legislative Session, the Senate Committee amended the contents of SB 66 to specify that four-year exemptions for municipal buildings end on July 1, 2017 (previously no date had been specified), and added the amended contents of SB 66 to the amended contents of SB 65. The contents of 2015 SB 66, as introduced, are identical to the contents of 2016 HB 2440, as introduced.

According to the fiscal note prepared by the Division of the Budget in 2015, SB 66, as introduced, might generate increased requests for formal interpretations of the effects of changes to concealed carry law, which may require the office to need an additional attorney to handle an increased volume of requests for opinions. Any fiscal effect associated with SB 66 is not reflected in *The FY 2016 Governor's Budget Report*.