



Testimony of the Kansas Association of Counties to the
Senate Committee on Federal & State Affairs
Proponent for SB 108 • February 8, 2017

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in Support of Senate Bill 108, a proposal to provide liability protection to counties and other public employers in the event of misconduct by an employee. The key provision reads: “Public employers shall not be liable for any wrongful or negligent act of an employee carrying a concealed handgun, concerning acts or omissions regarding such handguns.”¹ The provision alters K.S.A. 75-7c10, the law regulating concealed handguns in Kansas. The Legislature has amended this bill seven times in the past decade, and the change in SB 108 is a worthwhile addition to the law. KAC fully supports the legislation with the amendment covering employees who carry firearms as part of their jobs.

For the past 100 years, Kansas has provided a legal obligation for employers to maintain a safe workplace.² This obligation extends to municipalities, which includes counties.³ The expectation of a safe workplace relates to SB 108 because the insurance industry has indicated there is an added expense for employers when firearms are part of the workplace.⁴ Employers must address the expansion of guns in the workplace through thoughtful risk management. This includes training and workplace insurance, which adds expense to operations.

SB 108 helps manage these costs by emphasizing that public employees who carry a firearm also carry the responsibility of this decision. If an employee carries a firearm that is unnecessary for their workplace responsibilities, then that employee is liable for any wrongful or negligent acts regarding the use of the firearm. The change in SB 108 is particularly important because the state has barred employers from using personnel policies to address workplace safety in

¹ Senate Bill 108 (2017).

² K.S.A. 44-639.

³ K.S.A. 44-637.

⁴ Addressing workplace violence, INSURANCE BUSINESS (2016), Available at: www.ibamag.com/us/business-strategy/addressing-workplace-violence-34958.aspx.

relation to firearms.⁵ Similarly, counties may not If public employers can no longer take personnel steps to mitigate risk, then it is sound policy that potential litigants may not hold employers responsible for the employee's misconduct.

This legislation emphasizes that there is responsibility that comes with the power of carrying a firearm. It also reflects the need to consider risk and actuarial evidence relating to firearms.⁶ Doing so helps ensure predictability as municipalities seek to maintain a safe workplace in a cost-effective manner. KAC supports SB 108, and we ask this committee to do the same.

Respectfully,



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Kansas Association of Counties

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⁶ Charles C. W. Cooke, [How the Right Could Lose Its Way on Guns](http://www.nationalreview.com/article/389099/how-right-could-lose-its-way-guns-charles-c-w-cooke), NATIONAL REVIEW (2014). Available at: www.nationalreview.com/article/389099/how-right-could-lose-its-way-guns-charles-c-w-cooke.