



Testimony before the
Senate Committee on Federal and State Affairs
on
SB 65 - Carrying of concealed handguns by public employees while engaged in employment
by
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Mr, Chairman, Members of the Committee:

Thank you for the opportunity to appear on **SB 65**. KASB appears as neutral on this bill because we believe school districts would be exempt from this law. However, because this is not clear, we want to explain why we believe districts should be exempted, and would oppose the bill if they are not.

The bill states that “No public employer shall restrict or otherwise prohibit by personnel policies any employee who is licensed under this act from carrying a concealed handgun while engaged in the duties of such employee’s employment outside of such employer’s place of business, including while in a means of conveyance.” (page 2, lines 26-30).

Furthermore, the bill goes to state: “public employer” means any state agency, department, board, commission, institution or bureau and any city, county or other municipality that employs one or more individuals.” (page 3, lines 25-27). Municipality is not defined as to whether school districts are included. However, section 1 of the bill says it is “Subject to the provisions of K.S.A. 2014 Supp. 75-7c20, and amendments thereto.” 75-7c20 excludes school districts from the definition of municipality.

As a result, we believe the bill does not apply to school districts and their employees. However, in the interest of clarity, we suggest the definition in this bill should be amended to specifically exclude school districts.

However, if it is not the intent to exclude districts, KASB would oppose the bill for the following reasons:

First, the Legislature has already made the decision to exclude school districts from the law concerning concealed handguns in public buildings.

Second, the Legislature has given school districts the option to authorize employees to carry concealed weapons. However, districts have been repeatedly informed that insurance companies will not provide coverage if employees are allowed to do so. We are concerned school districts could not get liability insurance if employees are allowed to carry concealed weapons in the course of their employment.

Third, there is no clear line between a school district employee's employment outside of such employer's place of business and inside that place of business. Is a bus driver transporting a group of students, or a teacher on field trip, or a coach traveling to another school, or a custodian mowing the football field "away" from their employees place of business? Generally, schools are viewed as responsible for student transportation and activities just as much as students in the hall or classroom.

For these reasons, we request the committee clarify that school district are not covered by this bill if you choose to take action on it.

Thank you for your consideration.