



Testimony of the Kansas Association of Counties to the  
House Committee on Federal & State Affairs  
Proponent for HB 2081 • February 2, 2017

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to testify in Support of House Bill 2081, 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.”<sup>1</sup> 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 HB 2081 is a worthwhile addition to the law. KAC fully supports the legislation as written.

For the past 100 years, Kansas has provided a legal obligation for employers to maintain a safe workplace.<sup>2</sup> This obligation extends to municipalities, which includes counties.<sup>3</sup> The expectation of a safe workplace relates to HB 2081 because the insurance industry has indicated there is an added expense for employers when firearms are part of the workplace.<sup>4</sup> 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.

HB 2081 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 HB 2081 is particularly important because the state has barred employers from using personnel policies to address workplace safety in relation to firearms.<sup>5</sup> 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.

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<sup>1</sup> House Bill 2081 (2017).

<sup>2</sup> K.S.A. 44-639.

<sup>3</sup> K.S.A. 44-637.

<sup>4</sup> Addressing workplace violence, INSURANCE BUSINESS (2016), Available at:

<sup>5</sup> K.S.A. 75-7c10(e); see K.S.A. 75-7c23.

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.<sup>6</sup> Doing so helps ensure predictability as municipalities seek to maintain a safe workplace in a cost-effective manner. KAC supports HB 2081, and we ask this committee to do the same.

Respectfully,



Nathan Eberline  
Kansas Association of Counties

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<sup>6</sup> 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](http://www.nationalreview.com/article/389099/how-right-could-lose-its-way-guns-charles-c-w-cooke).