

SESSION OF 2017

**SUPPLEMENTAL NOTE ON SENATE SUBSTITUTE FOR  
HOUSE BILL NO. 2278**

As Amended by Senate Committee on Ways  
and Means

**Brief\***

HB 2278, as amended, would exempt the following institutions from a general requirement in existing law that public buildings have adequate security measures in place before the concealed carry of handguns can be prohibited:

- State- or municipal-owned medical care facilities and adult care homes;
- Community mental health centers (CMHCs);
- Indigent health care clinics; and
- Any buildings located in the health care district associated with the University of Kansas Medical Center (KUMC).

Under current law, these facilities can exempt themselves from allowing concealed carry in their buildings and public areas until July 1, 2017, if the governing body or chief administrative officer filed notification of such exemption with the Office of the Attorney General.

The bill would specify that public employers would not be liable for wrongful or negligent acts of employees carrying concealed handguns when those weapons are not carried within the scope of their employment, concerning acts or omissions regarding such handguns.

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\*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>

## **Background**

As introduced by the House Committee on Local Government, HB 2278 would have deannexed all City of Valley Center territory within the Hillside Cemetery District, located in Sedgwick and Harvey counties, from the cemetery district, effective December 31, 2017.

On May 5, 2017, the Senate Committee on Ways and Means removed the contents of HB 2278, inserted the contents of SB 235, and recommended a substitute bill.

On May 16, 2017, the Senate Committee of the Whole amended the bill to specify the listed facilities could not prohibit concealed carry license holders from carrying concealed weapons unless the facility provides adequate security measures to ensure no weapons are carried in or provides storage lockers to secure weapons upon entry. The amendment provided that patients at the four state hospitals would still be prohibited from carrying concealed handguns in hospital buildings and public areas, even if the patients are concealed carry license holders.

After the bill was amended, the Senate Committee of the Whole voted to return the bill to the Senate Committee on Ways and Means.

On May 23, 2017, the Senate Committee on Ways and Means amended the bill by:

- Removing language allowing concealed carry license holders, except patients at the four state hospitals, to conceal carry at the listed facilities, unless the facility provided adequate security measures to ensure no weapons were carried in or provided storage lockers to secure weapons upon entry (originally added by the Senate Committee of the Whole); and

- Adding language specifying public employers would not be liable for wrongful or negligent acts of employees carrying concealed handguns when those weapons are not carried within the scope of their employment, concerning acts or omissions regarding such handguns.

### **SB 235**

In the Senate Committee on Ways and Means hearing, proponent testimony was provided by representatives from the University of Kansas Health System; Association of CMHCs of Kansas, Inc.; Kansas Hospital Association; Kansas Interfaith Action; and LeadingAge Kansas. Written-only proponent testimony was provided by representatives from the Greater Kansas City Chamber of Commerce; Kansas Association of Chiefs of Police; University of Kansas Hospital; and a second representative of the University of Kansas Health System.

Neutral testimony was provided by representatives from the Kansas Department for Aging and Disability Services (KDADS). Written-only neutral testimony was provided by a representative of Johnson County Community College.

Opponent testimony was provided by a representative of the Kansas State Rifle Association. Written-only opponent testimony was provided by a representative of the National Rifle Association and former Senator Knox.

According to the fiscal note provided by the Division of the Budget on SB 235, as introduced, enactment of the bill would have no fiscal effect because it would allow facilities to continue to operate without adding security measures. KDADS indicated, if the bill was not enacted, additional expenditures of \$11,250,000, all from the State General Fund, would be required for additional security. Of this amount, \$450,000 would be one-time costs of additional metal detectors and \$10,800,000 would be for ongoing costs for salaries and wages of 180.0 FTE Security Officer

positions (2.0 FTE positions for 3 shifts for 30 locations at all state hospitals). The \$450,000 would be needed for FY 2017 while ongoing costs would be for FY 2018 and beyond. No cost estimates were provided in the fiscal note by the KUMC to implement additional security measures.

[*Staff note:* The updated cost estimate by the Division of the Budget for the state hospitals includes \$810,000, all from the State General Fund, for one-time costs for equipment and \$11.7 million, all from the State General Fund, starting in FY 2018 and continuing each year for salaries and wages of 180.0 FTE positions for armed personnel at the four state hospitals.]