

STATE OF KANSAS

TOM HAWK
STATE SENATOR, 22ND DISTRICT
2600 WOODHAVEN CT.
MANHATTAN, KANSAS 66502
tom@tomhawk.com

STATE CAPITOL 135-E
300 S.W. 10TH AVENUE
TOPEKA, KANSAS 66612
(785) 296-7360
tom.hawk@senate.ks.gov



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TESTIMONY IN SUPPORT OF SB108

February 8, 2017

Chairman LaTurner, members of the Senate Federal and State Affairs Committee:

I support SB108 and want to share some brief comments on the “simple” bill.

My county commissioners brought the issue at hand to my attention and to the attention of our legislative delegation in a meeting last fall. It is their position, as it is with other local units of government, that they, as the employer, should not be held liable for the actions of an employee off the county work premises who might act in an irresponsible or negligent manner with a firearm. They preferred having the authority to prohibit employees from open or concealed carry while off-site and believed that the original bill (that was passed) left them in the precarious place of assuming liability should there be some accident or inappropriate action by an employee which involved a firearm.

Our legislative attorneys have been working carefully, mind you, to improve my use of the proper language, and I agree that “wrongful” and “negligent” are great terms to use. As the reviser has explained to me, the employee will keep all of the rights from the original legislation. There is the “simple” insertion on P. 2, Section 1 (e), Lines 18-20: “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.”

I believe others who are testifying today have suggestions that would be even clearer about how this bill should be amended to accomplish the intent of the concerned local units of government, specifically counties and cities.

Thank you for allowing me to represent my county. I will stand for questions at the appropriate time.