

Proposed

**State of Kansas**  
**Office of the Attorney General**  
**Notice of Public Hearing on Proposed Administrative Regulation**

July 1, 2014

A public hearing will be conducted on Wednesday, September 17, 2014, at 9:00 a.m. in the 2<sup>nd</sup> Fl. Auditorium of the Memorial Hall State Office Building, 120 S.W. Tenth Ave., Topeka, Kansas to consider the adoption of a proposed regulation by the Office of the Attorney General on a permanent basis.

This 60-day notice of the public hearing shall constitute a public comment period for the purpose of receiving written public comments for the proposed regulations. All interested parties may submit written comments prior to the hearing to the Concealed Carry Licensing Unit, 120 SW Tenth Ave., 2<sup>nd</sup> Fl., Topeka, KS, 66612 or by email to [ksagcc@ag.ks.gov](mailto:ksagcc@ag.ks.gov) or <http://ag.ks.gov/public-safety/concealedcarry/2014-proposed-signage-comments>. All interested parties will be given a reasonable opportunity to present their views orally regarding the adoption of the proposed regulations during the public hearing. In order to provide all parties an opportunity to present their views, it may be necessary to request that each participant limit any oral presentation to an appropriate timeframe.

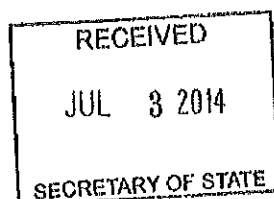
Any individual with a disability may request an accommodation in order to participate in the public hearing and may request the proposed regulations and economic impact statement in an accessible format. Requests for accommodation to participate in the hearing should be made *at least one week* in advance of the hearing by contacting Julaine Smith at (785) 291-3765. The south public entrance to Memorial Hall Office Building is handicap accessible. Handicapped parking is located in front of Memorial Hall and on Jackson Ave., between 9<sup>th</sup> and 10<sup>th</sup> streets. A summary of the proposed regulations and their Economic Impact follow.

Copies of the full proposed regulations and the Economic Impact Statement for the proposed regulations can be obtained at 120 S.W. Tenth Ave., Topeka, Kansas, 66612, and the regulation may be viewed at the following website: <http://ag.ks.gov/public-safety/concealedcarry/2014-proposed-signage>.

**K.A.R. 16-11-7 – Signage.** This amends the existing regulation 16-11-7 to coordinate with new open carry signage requirements that are set out in proposed new regulation 16-13-1.

**K.A.R. 16-13-1 – Open carry signs.** This new regulation speaks specifically to the open carry signage required under 2014 House Bill 2578, section 5. A wholly new sign prohibiting open carry is required; current signs prohibiting licensed concealed carry are allowed to also prohibit open carry of firearms; and derivations of these signs are proposed, such as prohibiting licensed concealed carry and allowing open carry.

**Economic Impact.** The Attorney General anticipates that there should be little, if any, economic impact on public or private buildings due to these proposed sign requirements.



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16-11-7. Concealed carry signs. (a) For the purposes of this regulation, the terms "state or municipal building," "state," and "municipal" shall have the meaning specified in K.S.A. 2013 Supp. 75-7c20, and amendments thereto.

(b) No license issued pursuant to or recognized under the personal and family protection act shall authorize the licensee to carry a concealed handgun into any building other than a state or municipal building if the building is conspicuously posted with one of the following:

(1) Signs that include the graphic in the document titled "buildings other than state and municipal buildings; signage adopted by the Kansas attorney general," dated June 20, 2013, which is hereby adopted by reference; or

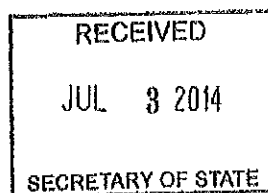
(2) signs posted in accordance with K.A.R. 16-13-1(d).

(c) No license issued pursuant to or recognized under the personal and family protection act shall authorize the licensee to carry a concealed handgun into any state or municipal building if the governing body or, if no governing body exists, the chief administrative officer for that state or municipal building has performed the following:

(1) Either installed adequate security measures or temporarily exempted the state or municipal building from K.S.A. 2013 Supp. 75-7c20, and amendments thereto; and

(2) ~~conspicuously either~~ posted signs in accordance with K.A.R. 16-13-1(d) or conspicuously posted signs that include the graphic and text in any of the following documents, which are hereby adopted by reference:

(A) "State and municipal buildings; signage adopted by the Kansas attorney general," dated June 20, 2013;



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(B) "state and municipal buildings: signage adopted by the Kansas attorney general,"  
dated July 10, 2013; or

(C) "state and municipal buildings: signage adopted by the Kansas attorney general,"  
dated September 26, 2013.

The top of the text shall be at least one inch but no more than two inches below the graphic. The text shall be in black letters and shall be no smaller than the text below the graphic in any of the documents adopted in this subsection. The text "State or Municipal Building, 2013 HB 2052 EXEMPT" or "State or Municipal Building, EXEMPT" shall be printed in boldface.

(d) "Conspicuously posted," when used to describe any sign specified adopted in this regulation, shall mean that the sign meets the following requirements:

(1) Has a white background;

(2) includes the graphic design that is contained in the documents adopted in this regulation and that meets the following requirements:

(A) Depicts the handgun in black ink;

(B) depicts the circle with a diagonal slash across the handgun in red ink; and

(C) is at least six inches in diameter;

(3) contains no text or other markings within the one-inch area surrounding the graphic design;

(4) contains no text other than the text specified in the document documents adopted in paragraph (c)(2) or in K.A.R. 16-13-1(d);

(5) is visible from the exterior of the building and is not obstructed by doors, sliding doorways, displays, or other postings;

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(6) is posted at the eye level of an adult, which shall mean that the entire sign is between four feet and six feet from the ground;

(7) is posted not more than 12 inches to the right or left of each exterior public and nonpublic entrance to the building; and

(8) is legible. Each sign that becomes illegible shall be replaced immediately.

(e) Except as provided in K.A.R. 16-13-1, signs posted in accordance with subsections (b) through (d) of this regulation shall also prohibit the unconcealed carry of firearms within a building to the extent allowed by law.

(f) Signs that meet the requirements of ~~subsection (b) or paragraph (e)(2)~~ this regulation may be obtained by contacting the office of the attorney general or may be reproduced from the web site of the office of the attorney general. (Authorized by K.S.A. 2013 Supp. 75-7c10 and 2014 HB 2578, § 5; implementing 2014 HB 2578, § 5, K.S.A. 2013 Supp. 75-7c10, and K.S.A. 2013 Supp. 75-7c20, as amended by 2014 Sen Sub for HB 2140, § 5; effective Nov. 27, 2006; amended Jan. 14, 2011; amended, T-16-6-28-13, July 1, 2013; amended, T-16-7-16-13, July 16, 2013; amended Nov. 8, 2013; amended, T-\_\_\_\_\_, \_\_\_\_\_; amended P-\_\_\_\_\_.)

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16-13-1. Open carry signs. (a) For the purposes of this regulation, the terms "state or municipal building," "state," and "municipal" shall have the meaning specified in K.S.A. 2013 Supp. 75-7c20, and amendments thereto.

(b) Signs posted in accordance with K.A.R. 16-11-7 shall also prohibit the unconcealed carry of firearms within a building to the extent allowed by law.

(c) Except as otherwise provided by law, it shall be unlawful to carry an unconcealed firearm into a building that is posted at each exterior entrance with a sign that meets the following requirements:

(1) Contains the sentence "The open carrying of firearms in this building is prohibited" with the word "prohibited" printed in underlined boldface. The text shall be in black ink and no smaller than the text in the document titled "open carry prohibited: signage adopted by the Kansas attorney general," dated June 16, 2014, which is hereby adopted by reference;

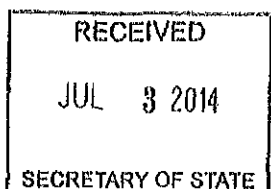
(2) has a white background;

(3) has a red border in the shape of an octagon that encloses the text specified in paragraph (c)(1) and is no smaller than the border in the document titled "open carry prohibited: signage adopted by the Kansas attorney general";

(4) contains no text or markings other than the text and markings specified in this subsection;

(5) is visible from the exterior of the building and is not obstructed by doors, sliding doorways, displays, or other postings;

(6) is posted "at the eye level of an adult," which shall mean that each sign is entirely between four feet and six feet from the ground;



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(7) is posted not more than 12 inches to the right or left of all entrances to the building;

and

(8) is legible. Each sign that becomes illegible shall be replaced immediately.

(d)(1) Except as otherwise provided by law, it shall be unlawful to carry a concealed handgun into a building that allows the unconcealed carry of firearms if the building is posted at each exterior entrance with a sign that meets the following requirements:

(A) Contains the text and graphic contained in one of the following:

(i) The document titled "buildings other than state or municipal buildings: signage to allow open carry but prohibit concealed carry," adopted by the Kansas attorney general and dated June 16, 2014, which is hereby adopted by reference;

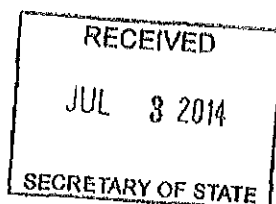
(ii) the document titled "K.S.A. 2013 Supp. 75-7c20-exempt state or municipal buildings: signage to allow open carry but prohibit concealed carry," adopted by the Kansas attorney general and dated June 16, 2014, which is hereby adopted by reference; or

(iii) the document titled "all buildings: supplemental signage to allow open carry but prohibit concealed carry," adopted by the Kansas attorney general and dated June 17, 2014, which is hereby adopted by reference and shall be posted immediately above appropriate signs posted pursuant to K.A.R. 16-11-7;

(B) has a white background;

(C) depicts the graphic in accordance with K.A.R. 16-11-7(d)(2);

(D) contains no text or markings other than the text and markings specified in this subsection;



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(E) is visible from the exterior of the building and is not obstructed by doors, sliding doorways, displays, or other postings;

(F) is posted "at the eye level of an adult," which shall mean that each sign is entirely between four feet and six feet from the ground;

(G) is posted not more than 12 inches to the right or left of all entrances to the building; and

(H) is legible. Each sign that becomes illegible shall be replaced immediately.

(2) The text of each sign shall be in black letters and shall be no smaller than the text contained in the applicable document adopted in this subsection. The text "OPEN CARRY ALLOWED, CONCEALED CARRY PROHIBITED" shall be in capital letters, and the top of the text shall be at least one inch but no more than two inches above the graphic. The word "allowed" in the phrase "open carry allowed" and the word "prohibited" in the phrase "concealed carry prohibited" shall be printed in underlined boldface. The text "State or Municipal Building, 2013 HB 2052 EXEMPT" or "State or Municipal Building, EXEMPT" shall be printed in boldface and shall be at least one inch but no more than two inches below the graphic.

(e) Signs that meet the requirements of this regulation may be obtained by contacting the office of the attorney general or may be reproduced from the web site of the office of the attorney general.

This regulation shall be effective on and after July 1, 2014. (Authorized by K.S.A. 2013 Supp. 75-7c10 and 2014 HB 2578, § 5; implementing 2014 HB 2578, § 5, K.S.A. 2013 Supp. 75-7c10, and K.S.A. 2013 Supp. 75-7c20, as amended by 2014 Sen Sub for HB 2140, § 5; effective, T-\_\_\_\_\_, \_\_\_\_\_; effective P-\_\_\_\_\_.)

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OFFICE OF THE ATTORNEY GENERAL  
ECONOMIC IMPACT STATEMENT  
Amended K.A.R. 16-11-7 and New 16-13-1

**I. Summary of Proposed Permanent Regulation, Including Its Purpose.**

K.A.R. 16-11-7 is an existing regulation that requires amendment in order to reflect changes to the Kansas personal and family protection act which were brought about by 2014 House Bill 2578 (L. 2014, ch. 97). Currently, K.A.R. 16-11-7 sets out the signage requirements for restricting the licensed concealed carry of handguns within a building depending upon if that building is a "state or municipal building" (defined under K.S.A. 75-7c20) or any other building (generally private buildings). HB 2578 now adds a requirement that the Attorney General develop a sign for buildings to post in order to prohibit the *open* carry of firearms. See, § 5. That section also requires that the current AG-approved signage that prevents licensed CCH within a building may be used to also restrict the open carry of firearms within that building.

To comply with those requirements, the Attorney General determined a two-pronged approach was necessary. First, a brand new 'open carry' regulation needed to be developed to comply with those requirements of § 5. Those new OC sign requirements are contained in approved temporary regulation 16-13-1 and explained in more detail below. Secondly, due to the requirement that current AG-approved signage could also prohibit open carry, updates to KAR 16-11-7 were felt necessary.

The Attorney General then held an *ad hoc* meeting of impacted groups that was open to media and the public. There, some general characteristics of the new signage were laid out for purposes of the temporary regulations now in effect and, possibly, the proposed permanent regulations going forward. It was determined that there are several courses a building can now take: (A) the building could allow both CCH and open carry; (B) the building could prohibit both forms of carry; (C) the building could allow CCH but prohibit open carry; and (D) the building could allow open carry but prohibit CCH. As such it was felt signage for three of those options was necessary (no signage is necessary where both forms of carry are allowed).

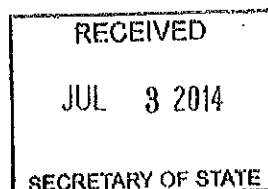
The temporary regulations, approved by the SRRB on June 30, 2014, capture those three options plus a fourth sign (which is really a short cut for option "D" above) that allows the attachment of certain language to AG-approved CCH signs that are already posted on a building. These proposed permanent regulations currently mirror the temporary regulations.

**II. Whether the Regulation Is Mandated by Federal Law and Whether it Exceeds Requirements of Federal law.**

This is not a regulation required by Federal law; therefore, the regulation does not exceed the requirements of federal law.

**III. Anticipated Economic Impact upon the Attorney General**

Any costs to the Attorney General's office related to regulation 16-11-7 and/or 16-13-1 and these amendments are *de minimus* costs associated with oversight of the concealed carry program.





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#### **IV. Anticipated Financial Impact upon Other Governmental Agencies and upon Private Business or Individuals.**

Synopsis: There will be no financial impact to Kansas citizens who wish to carry firearms. The financial impact to other governmental agencies and to private businesses will be *de minimus*.

Both the new law and the new regulations expressly provide that existing signage may be used to prohibit open carry as well as concealed carry, so an agency or business that is currently posted and wishes to now prohibit open carry is not required to print and post new signs.

New signs are required only if: a building is being posted for the first time, a currently posted building decides to permit open carry but prohibit concealed carry; or a currently posted building decides to permit concealed carry but prohibit open carry. Any financial impact, however, will be limited to the cost of printing and posting a new sign(s) from the appropriate sign template(s) which will be provided at no cost on the Attorney General's website.

#### **VI. Less Costly or Intrusive Methods That Were Considered, but Rejected, and the Reason for Rejection.**

Due to the language of HB 2578, section 5, and the status of firearm signage current law, the Attorney General's office could not envision a less-costly or alternate method than having these above-described options available for buildings depending upon ownership/management wishes.

Any costs associated with these amendments should be minimal. Requiring no change to current signage for those buildings that currently prohibit CCH and also want to exercise the discretion allowed by section 5 was the easiest and cheapest option as they are not required to do anything further. For the only required new sign from section 5, it is minimalist in design and its intent is clear. The other signage option can be accomplished in little to no time with little to no cost. All of these options will clearly express the intentions of the building management/ownership as to which, if any, forms of carry it will prohibit.

