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January 24, 2019

ATTORNEY GENERAL OPINION NO. 2019- 2

The Honorable Ken Rahjes
State Representative, 110th District
State Capitol, Room 149-S
Topeka, KS 66612

Re: State Departments; Public Officers and Employees—Firearms—
Personal and Family Protection Act; Restrictions on Carrying
Concealed Handgun; Sign Requirements; Dormitory

Synopsis: A one-story dormitory-type structure having a series of
living/sleeping units, each with a separate exterior door, is a
“building” under K.S.A. 2018 Supp. 75-7c10. The Personal and
Family Protection Act requires that signage for such a structure be
posted near all exterior doors of the building. Therefore, signage
would need to be placed near the exterior door of each
living/sleeping unit. Cited herein: K.S.A. 2018 Supp. 75-7c01; 75-
7c10; K.S.A. 2013 Supp. 75-7c20; L. 2010, Ch. 140, § 9.

* * *

Dear Representative Rahjes:

As State Representative for the 110th District, you request our opinion regarding
the signage requirements of the Personal and Family Protection Act¹ (PFPA) for
a building owned and occupied by a Kansas not-for-profit corporation. You ask
specifically whether signage is required for each door leading into an individual
living/sleeping unit of a one-story dormitory-type structure. The door of each
living/sleeping unit allows direct access into the unit from an outdoor courtyard.
There is no shared interior space, such as a commons area or interior hallways
connecting the units.

¹ K.S.A. 2018 Supp. 75-7c01 *et seq.*

Subsection (a) of K.S.A. 2018 Supp. 75-7c10 states, “The carrying of a concealed handgun shall not be prohibited in any building unless such building is conspicuously posted in accordance with rules and regulations adopted by the attorney general.” The rules and regulations are to “prescrib[e] the location, content, size and other characteristics of signs to be posted on a building where carrying a concealed handgun is prohibited. . . .”² Minimum requirements set by statute are that:

- (1) The signs be posted at all *exterior entrances to the prohibited buildings*;
- (2) the signs be posted at eye level of adults using the entrance and not more than 12 inches to the right or left of such entrance;
- (3) the signs not be obstructed or altered in any way; and
- (4) signs which become illegible for any reason be immediately replaced.³

The answer to your question turns on the meaning of “exterior entrances to the prohibited buildings.” Since July 1, 2010, “‘building’ [has] not include[d] any structure, or any area of any structure, designated for the parking of motor vehicles.”⁴ The term “building” is not otherwise defined in the PFPA.⁵ In Attorney General Opinion Nos. 2013-14 and 2013-21, this office employed the ordinary meaning of “building” in K.S.A. 2013 Supp. 75-7c20, when we determined it refers to a structure as a whole. A “building” is “a structure with a roof and walls, such as a house or factory;” “a relatively permanent enclosed construction over a plot of land, having a roof and usually windows and often more than one level, used for any of a wide variety of activities, as living, entertaining, or manufacturing.”⁶ As a result, we concluded an interior office suite or individual floor within a multi-office or multi-story structure is not a “state or municipal building” under the PFPA.⁷

Although Attorney General Opinion Nos. 2013-14 and 2013-21 concerned public buildings, rather than a privately-owned facility such as you describe, we believe

² K.S.A. 2018 Supp. 75-7c10(j).

³ *Id.* (emphasis added).

⁴ See L. 2010, Ch. 140, § 9; K.S.A. 2018 Supp. 75-7c10(h)(2).

⁵ Attorney General Opinion No. 2013-14.

⁶ Attorney General Opinion Nos. 2013-14; 2013-21.

⁷ In Attorney General Opinion No. 2013-21 we also opined that an office space leased by a public entity in a strip shopping center is a “state or municipal building” for the purposes of the PFPA; however, that opinion relied upon legislative history showing that the 2013 amendments to the PFPA were intended to “maximize the ability of concealed carry licensees to carry concealed handguns into public buildings.” We do not apply the same analysis here because you ask only about privately-owned buildings.

this ordinary meaning is likewise applicable to private buildings whose signage is regulated by K.S.A. 2018 Supp. 75-7c10.⁸ A one-story dormitory-type structure having a series of living/sleeping units, each with a separate exterior door, is a “building” under K.S.A. 2018 Supp. 75-7c10. The PFPA requires that signage for such a structure be posted near all exterior doors of the building. The PFPA does not require that the exterior door grant access to all areas within a building. Therefore, signage would need to be placed near the exterior door of each living/sleeping unit.

Sincerely,

/s/Derek Schmidt

Derek Schmidt
Kansas Attorney General

/s/Richard D. Smith

Richard D. Smith
Assistant Attorney General

DS:AA:RDS:sb

⁸ “[I]n determining legislative intent, the starting point is not legislative history; rather, we first look to the plain language of the statute, giving common words their ordinary meaning.” *University of Kansas Hosp. Authority v. Bd. of County Comm’rs of the Unified Gov’t of Wyandotte County/Kansas City*, 301 Kan. 993, 998 (2015).