



March 21, 2013

RE: House Committee on Federal and State Affairs
House Bill No. 2111 Hearing

Thank you Chairman Siegfried and Honorable Members of the committee for hearing my testimony concerning House Bill 2111. I appreciate your time.

Everyone just imagine for a second that after all the new state legislation and laws that were enacted in 2013 are sent out to municipalities of Kansas and are reviewed by those elected bodies and some local jurisdictions decide to pick and choose which laws they were going to follow. Well I can tell you that is why we're here today.

Per the Kansas Constitution Article 12 Home Rule - if a state law is uniform among all classes of cities or a civil right, local government cannot invoke home rule. Home rule was designed if there was no Federal or State law municipalities could make their own law to fill those gaps.

Before 2007 Kansas had a checker board of laws dealing with guns. A person could be following the law in one county and break the law in another jurisdiction and not even know it. Law enforcement and law abiding citizens for years were asking the legislature for uniform firearm laws.

In 2006 the Kansas Legislature passed The Personal and Family Protection act which we all know as concealed carry. That same year several cities like Kansas City, Leawood, and Prairie Village decided to do everything they could to circumvent that law. They knowingly didn't follow newly enacted legislation.

The next year in 2007 the Kansas legislature had enough of cities not following state law. So the legislature passed statewide uniform preemption dealing with firearms 12-16, 124. Unfortunately those same cities decided again they were still not going to comply with state law.

Fast forward to 2011 the Attorney General of Kansas, one upon request of a legislator, another upon request of the City of Wichita, issued two opinions dealing with 12-16, 124 and open carry. He stated that "municipalities could not ban open carry of a loaded firearm on property open to the public". After those two opinions were issued Wichita, Overland Park, Gardner, and Silver Lake overturned their ordinances dealing with open carry to comply with state law.

Even after those two Attorney General opinions were issued and our largest cities complying with state law Kansas City, Leawood, and Prairie Village declared at their council meetings and to the press they were not going to comply. After that, in January of 2012 the Kansas Libertarian Party in partnership with The Kansas State Rifle Association had enough. We sent those municipalities copies of the law, home rule and both Attorney General opinions. After several months they replied with statements that they didn't care what the law was so the Kansas Libertarian Party filed civil law suits against those municipalities.

I am imploring this committee to please vote in support of HB 2111. In my own research almost all cities in Kansas comply with state law. Law enforcement and law abiding citizens are begging for uniform state laws dealing with Firearms. They need to be able to go to one place to find out what the rules are and HB 2111 is a great finish to that uniformity. This leaves no doubt that the Kansas State Legislature is in charge of firearms.

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