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"A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed."

February 19, 2013

RE: House Committee on Federal and State Affairs
House Bill No. 2199 Hearing

Dear Chairman Siegfried and Honorable Members of the Committee:

My name is Patricia Stoneking and I am the President and Registered Lobbyist for The Kansas State Rifle Association, the NRA State Affiliate. I represent over 8000 KSRA members, 48,000 NRA members in Kansas, multiple gun clubs sporting thousands of members as well as nearly 900 Kansas gun dealers. I am writing to urge you to support House Bill 2199.

Other proponents are going to talk to you about the legal and constitutional issues regarding this bill. My testimony will be centered on the practicalities of this legislation. I base my case on the practical application of this bill on the Tenth Amendment which states, "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people." and the Second Amendment which states, "**A well regulated militia, being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.**" Our inalienable Second Amendment rights are also declared in Article IV of the Kansas Constitution which was recently affirmed in 2010 by 89% of the voters in Kansas.

The right to bear arms is clearly a fundamental right the people have reserved to themselves. That right is compromised if access to firearms is only through a federally controlled supply chain. This legislation protects Kansans from violation of their inalienable Second Amendment right.

If enacted, this law will apply to small machine shops, gunsmiths and other firearms enthusiasts. Making firearms is not rocket science. It's been done for a long time. Anyone with computer-controlled machining equipment can produce the actions for firearms. They might finish and sell them, or others might buy state-made firearm actions and finish those for sale in-state as complete firearms. They would clearly be stamped, Made in Kansas. This legislation will open doors for in-state business and jobs in the manufacture of state-made and retained firearms and firearm parts and accessories.

A firearm manufactured under this legislation, marked "Made in Kansas", and found outside of the state would subject the firearm and the person possessing that firearm to federal authority and probably criminal prosecution. A firearm that has crossed the state line may be subject to the authority of Congress to regulate "commerce among the several states."

It cannot be fairly disputed that firearms making and selling was occurring within the borders of Kansas in 1859. Those manufacturing activities were not regulated by the federal government at that time. It is difficult to envision that those who negotiated the terms of the compact in 1859 thought that permission would have to be obtained from the federal government to make and sell firearms. In fact, it could be argued that Kansas would not have agreed to the compact had they believed that their Second Amendment rights were going to be regulated away by laws such as the National Firearms Act or Gun Control Act.

This legislation additionally prohibits those in medical practice to demand information from patients as to firearms ownership which is clearly none of their business. Collecting such information and making it available to the federal government through federal healthcare provisions will only lead to defacto registration of firearms which is unconstitutional.

This legislation is taking back the rights that lawfully belong to all Kansans and rejects the overreach and encroachment of the federal government to dictate intrastate commerce which has no constitutional basis. We are asking the legislature of this great state to reaffirm our natural, inalienable, God given right to keep and bear arms within our borders.

Mr. Chairman and members of the Committee, thank you for considering our position in this most important matter. We respectfully urge that you protect Kansas firearms owners by voting YES in support of HB 2199. Please recommend this bill for passage and send it to the floor of the House for a debate and vote.

Respectfully Submitted,

Patricia Stoneking, President
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