

February 21, 2013

RE: House Committee on Federal and State Affairs Committee  
House Bill No. 2055 Hearing

Thank you Chairman Siegfried and Honorable Members of the committee for hearing my testimony concerning House Bill 2055. I appreciate your time.

I am here today in support of House Bill 2055. improved state preemption bill on firearms. This bill is long overdue. A majority of Law Enforcement and 2<sup>nd</sup> Amendment advocates support this bill. The reason there is such strong support is because the need for uniformity is so great and everyone can go to one resource and know what the law or rules are before exercising their rights.

Make no mistake; this bill is a preemption bill not an open carry bill. Open carry in Kansas is settled law! It has been legal since 1861. I believe almost all of the jurisdictions in Kansas allow open carry on property open to the public and just less of Kansas jurisdictions allow open carry in a vehicle. This is my own research. Open carry is successful in Kansas and was designed by law enforcement for safety reasons to let everyone know there is a firearm in the area. Three of our largest cities; Wichita, Overland Park and Topeka allow it. There has never been anyone, that we can find, commit a crime while open carrying. All gun crime in those cities is by illegal unlicensed concealed carry.

Let's use Topeka for example. If we pass House Bill 2055, absolutely nothing would change in Topeka. The reason we are here is because a few cities have intentionally made a choice to not follow current state preemption law and are on record saying so.

As everyone in the committee knows, if a state law is passed and is uniform in all classes of cities, those municipalities have to follow state law and cannot invoke home rule. Home rule is article 12 section 5 of the Kansas Constitution.

In 2007 the Kansas Legislature passed a preemption bill dealing with concealed and open carry, 12-16, 124, and it is a good law. But those few cities; Kansas City, Leawood and Prairie Village, who even though being provided a copy of the law, a copy of our home rule law and copies of two recently issued Attorney General Opinions that state cities and municipalities cannot ban open carry, still refuse to comply with state law and completely ban their citizens, and people visiting or traveling to those cities, their 2<sup>nd</sup> Amendment rights. All three of those cities are currently under a civil law suit filed by the Kansas Libertarian Party.

This bill 2055 only applies to law abiding citizens. There are other federal and state laws forbidding criminals, felons, the mentally unstable, juveniles and gang members from concealing or open carrying firearms.

Mr. Chairman, I am grateful that I was able to speak in front of this committee today. I stand ready for any questions by the committee.

Earl McIntosh  
4208 SW Stonybrook Dr  
Topeka, KS 66610  
etmcintosh@cox.net  
Cell 785-213-1715