

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2199

As Amended by House Committee on Federal
and State Affairs

Brief*

HB 2199, as amended, would establish the Second Amendment Protection Act.

First, the bill would exclude from federal regulation any personal firearm, firearm accessory, or ammunition manufactured commercially or privately and owned in Kansas. The bill would provide that for as long as any such personal firearm, firearm accessory, or ammunition would remain within the borders of Kansas, it would not be subjected to any federal law, regulation, or authority.

Second, the bill would prevent any federal agent or contracted employee, any state employee, or any local authority from enforcing any federal regulation or law governing any personal firearm, firearm accessory, or ammunition manufactured commercially or privately and owned in Kansas, provided it remained within the borders of Kansas.

The bill would be in effect upon publication in the *Kansas Register*.

Background

Proponents for the bill present at the House Committee hearing included testimony from Representatives Rubin and Howell, Kris W. Kobach (in his personal capacity),

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

representatives of the Kansas State Rifle Association and the Kansas Sovereignty Coalition, and a private citizen. Other written testimony in support of the bill was submitted by four other citizens, two Sedgwick County Commissioners, and one medical doctor.

A representative of the Attorney General's Office provided neutral written testimony, and cited several sections of the bill to scrutinize closely. The testimony indicated those sections could lead to future litigation and might risk exposing the State of Kansas to financial liability resulting from monetary awards to plaintiffs resulting from federal civil rights lawsuits under 42 U.S.C. 1983 .

Testimony in opposition to the bill was provided by the Kansas Action for Children and the Kansas Chapter of the American Academy of Pediatrics.

A representative of the Kansas Medical Society offered a suggested amendment for Section 9 (suggesting that references to "physician" and "psychiatrist" in the bill as introduced be changed to "health care provider," along with other changes in the original language in Section 9).

The House Committee amended the bill to:

- Delete Section 9 that addressed health care providers;
- Add a reference to "any political subdivision" in order to include employees of local authorities, in addition to state and federal employees, as prohibited from enforcing federal firearms provisions;
- Eliminate reference to dealers selling firearms; and
- Make adjustments in the wording of several provisions in order to keep consistent the language used when referring to:

- Ownership of firearms, firearms accessories, and ammunition; and
- Firearm products that are manufactured commercially or privately.

According to the Division of the Budget, the Attorney General estimated the original bill's fiscal impact due to defending legal challenges could cost approximately \$25,000 in FY 2013, \$100,000 to \$350,000 in FY 2014, and \$100,000 in FY 2015. The Attorney General noted that if the State lost any litigation, there could be additional costs if ordered to pay the attorneys' fees of the prevailing party.