



Written by [Bob Adelman](#) on April 8, 2013

Kansas Legislature Sends Governor Strongest Pro-gun Bill in Country

Late last Friday, as both houses of the Kansas legislature were winding up its current session, Senate Bill 102 and House Bill 2199 [were passed overwhelmingly](#), putting the matter firmly on the desk of [pro-gun Governor Sam Brownback](#) (shown) for signing. The House passed its measure 96-24 while the Senate's bill was voted through 35-4. As both pieces of legislation are identical, no conference was necessary and the final bill will be on Brownback's desk this week for signing.



As the votes were being counted in the Senate, one senator exclaimed: "Passage of SB 102 means that the Second Amendment and the Tenth Amendment are alive and well in Kansas!"

Indeed. Not only does the bill [declare](#) that "any act, treaty, order, rule or regulation of the government of the United States which violates the second amendment of the constitution of the United States is null, void and unenforceable in the state of Kansas," it bases its legality on the Second, Ninth, and 10th Amendments:

The second amendment to the Constitution of the United States reserves to the people, individually, the right to keep and bear arms as that right was understood at the time that Kansas was admitted to statehood in 1861, and the guaranty of that right is a matter of contract between the state and people of Kansas and the United States as of the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

The ninth [and tenth] amendment[s] to the constitution of the United States guarantee to the people rights not granted in the constitution and reserve to the people of Kansas certain rights as they were understood at the time that Kansas was admitted to statehood in 1861.

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The bill is based on the state constitution of Kansas as well:

Section 4 of the bill of rights of the constitution of the state of Kansas clearly secures to Kansas citizens, and prohibits government interference with, the right of individual Kansas citizens to keep and bear arms.

This constitutional protection is unchanged from the constitution of the state of Kansas, which was approved by congress and the people of Kansas, and the right exists as it was understood at the time that the compact with the United States was agreed upon and adopted by Kansas in 1859 and the United States in 1861.

The bill has real teeth, as it expands on its declarations that any of these federal government intrusions



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is null and void. It prohibits any employee of Kansas from helping the federal government to enforce these intrusions and declares as unlawful any attempts by any federal government employee to enforce such intrusions, making such efforts a felony in the state.

It not only covers individual citizens in the state but also protects manufacturers of firearms or firearms parts or suppliers to those manufacturers. In other words, if it has anything to do with firearms in the state of Kansas, the federal government cannot do anything that the state considers to be unconstitutional.

[More than 30 state legislatures](#) this year have considered pro-Second Amendment nullification bills, but as of this writing none of these bills has been enacted into law. In his review of the bill in Missouri heading for Brownback's desk, Michael Boldin, the founder of the [Tenth Amendment Center](#), was exultant, declaring, "No state has passed such a strong nullification bill in modern American history."

The momentum in favor of states exercising their sovereignty over the national government is clearly increasing. [As Boldin explained](#):

There are many ways to nullify a law. The courts can strike a law down. The executive branch could refuse to enforce it. People in large numbers might refuse to comply. A number of states could pass a law making its enforcement illegal. Or a number of states could refuse to cooperate in any way with its enforcement.

It's the combination of these efforts that's spelling the doomsday and the death knell for federal enforcement of unconstitutional gun laws. If the states won't comply, that hamstring federal agents who are used to having their way with state law-enforcement agencies. Without their help, federal agents are emasculated. As the "physics of the law of economics" proceeds, the federal government will inevitably have fewer and fewer resources available to enforce its will on the states.

What are the chances that Governor Brownback will veto Senate Bill 102? As a member of the House of Representatives from Kansas before being elected to the Senate in 1996, he compiled a staunchly conservative voting record as measured [here](#), [here](#), and [here](#). [When quizzed by OnTheIssues](#) about the need to "tighten up gun laws," Brownback was refreshingly candid: "Well, we have the Second Amendment, just as we have the First Amendment, and I believe in the Constitution. And I believe it says what it does ... because people do have the right to bear arms."

With Kansas SB 102 likely to become law before the end of the week, other states considering similar measures will no doubt be encouraged. The "piling on" effect is likely to continue to stifle federal attempts to trample sacred and precious rights. By beating the first path through the snow, the Kansas legislation is only going to make it easier for other states to follow suit, passing similar laws and strengthening those already on their books.

Correction (4/18/2013): *Never underestimate the ability of a politician or a conference committee to make hash of a great bill. The New American has learned that in the final version of the bill that was sent to the governor's desk, a slight change in language was made that weakened it considerably. The effect of that change was to limit the protection under the bill to only those guns that were manufactured commercially or privately in the state of Kansas — thus neatly excluding all other guns from the bill's protection. (For an updated story on the bill, which was signed into law by the governor, [click here](#).) The author regrets not only the error but the change in the bill that weakens it substantially. Our enthusiasm for the bill has as a result also been greatly reduced.*



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