



Written by [Christian Gomez](#) on March 14, 2013

Kansas House of Representatives Passes Gun Control Nullification

On Thursday, March 14, the Kansas House of Representatives approved House Bill 2199, the [Second Amendment Protection Act](#), which would nullify any new federal restrictions — passed either by Congress, presidential executive order, agency order, rule, or regulation — on firearms, magazines, and ammunition.



The bill originally passed Wednesday, March 13, by a voice vote, but the actual official recorded vote was not taken until Thursday, when it passed 94-29.

On Tuesday, during a debate over the bill on the floor, one representative who was against the bill stated that Kansas should not “punish” federal agents ordered to enforce federal gun controls in the state of Kansas. “The citizens of Kansas belong to the United States,” said the speaker.

State Representative Brett Hildabrand (R-17) took to the podium and replied:

The citizens of Kansas do not belong to the United States. The United States belongs to the citizens of Kansas! We cannot allow the response, “I was following orders” to be an excuse for violating our Constitutional rights. How many atrocities have been committed in history by people simply following orders?

For the first time in three years, members broke chamber rules and erupted into applause, according to [Hildabrand’s Facebook page](#).

The key provision of Kansas’ Second Amendment Protection Act reads, in part:

Sec. 6. (a) Any act, law, treaty, order, rule or regulation of the government of the United States which violates the second amendment to the constitution of the United States is null, void and unenforceable in the state of Kansas.

Another key provision of the bill reads:

Sec. 7. It is unlawful for any official, agent or employee of the government of the United States, or employee of a corporation providing services to the government of the United States to enforce or attempt to enforce any act, law, treaty, order, rule or regulation of the government of the United States upon a firearm, a firearm accessory, or ammunition that is manufactured commercially or privately and owned in the state of Kansas and that remains within the borders of Kansas. Violation of this section is a severity level 10 nonperson felony.

In accordance to Section 6a (quoted above), Kansas’ Second Amendment Protection Act would also nullify almost every ban, restriction, and or regulation passed by the federal government. The bill does not use the decisions or opinions of the Supreme Court to define the limits of the Second Amendment; rather, the bill affirms:



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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.

Essentially, if HB 2199 is passed and signed, any federal regulation or restriction passed by Congress and recognized by the courts after 1861 would be deemed null and void because those actions are not in line with what Kansas agreed to when it petitioned to join the Union as a state in 1859.

The total number of states that have introduced pro-Second Amendment nullification bills in their state legislatures currently stands at 32. These states include Alabama, Alaska, Arizona, Colorado, Kansas, Kentucky, Ohio, Oklahoma, Oregon, Idaho, Indiana, Iowa, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Dakota, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, and Wyoming.

Of those 32 states, bills have passed both chambers in Montana, and only one chamber in Alaska, Kentucky, Idaho, North Dakota, Utah, Wyoming, and now Kansas.

With its passage in the House, it will now proceed to the state Senate for passage. If the Senate passes the bill soon, Kansas could be the second state in the country to pass such a bill in both chambers of its legislature, Montana being the first.

Montana's bill requires Governor Steve Bullock's signature for it to become law. Passage in the Senate of HB 2199 would likewise require the signature of Governor Sam Brownback, a Republican. A vote in the Senate for the Second Amendment Protection Act has yet to be scheduled.

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