

OFFICE OF THE GOVERNOR
STATE OF MONTANA

STEVE BULLOCK
GOVERNOR



MIKE COONEY
LT. GOVERNOR

February 23, 2017

The Honorable Austin Knudsen
Speaker of the House
State Capitol
Helena, MT 59620

The Honorable Scott Sales
President of the Senate
State Capitol
Helena, MT 59620

Dear Speaker Knudsen and President Sales:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I do hereby veto House Bill 246 (HB 246), "AN ACT AUTHORIZING A PERSON TO CARRY A FIREARM ON UNITED STATES POSTAL SERVICE PROPERTY; PROVIDING THAT FEDERAL LAWS PROHIBITING FIREARMS ON POSTAL SERVICE PROPERTY ARE NOT ENFORCEABLE; AMENDING SECTION 45-8-317, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

HB 246 allows a person to bring a firearm onto property owned or leased by the United States Postal Service (USPS) and nullifies any federal laws prohibiting firearms on USPS property in the State of Montana.

My primary objection to HB 246 is constitutional: I believe that this bill violates the United States Constitution under both the Property Clause and the Supremacy Clause. The Property Clause states that "Congress shall have the power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States." We would not propose to tell the United States Air Force how to run Malmstrom Air Force Base, or for that matter a private store owner who posts a "No firearms allowed" in their storefront, and the same logic applies here.

Under the Supremacy Clause, "the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." Regulations prohibiting carry and possession of firearms on USPS property supersede any conflicting state law, and those same regulations have already been challenged and found to be constitutional.

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Law enforcement takes an oath to uphold all federal, state and local laws, and HB 246 would put them in the impossible position of violating state law to enforce federal law, or vice versa. As the protectors of our safe communities, I stand with law enforcement in rejecting this bill. I respectfully ask for you to do the same and sustain my veto.

Sincerely,



STEVE BULLOCK
Governor

cc: Legislative Services Division
Secretary Corey Stapleton