

OFFICE OF THE GOVERNOR  
STATE OF MONTANA

STEVE BULLOCK  
GOVERNOR



JOHN WALSH  
LT. GOVERNOR

May 6, 2013

The Honorable Linda McCulloch  
Secretary of State  
State Capitol  
Helena, MT 59620

Dear Secretary McCulloch:

In accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby veto House Bill 240 (HB 240), "AN ACT GENERALLY AFFIRMING AN INDIVIDUAL'S CONSTITUTIONAL GUARANTEES; CREATING THE HIGHER EDUCATION RIGHTS RESTORATION ACT; PROHIBITING THE BOARD OF REGENTS AND UNIVERSITY SYSTEM EMPLOYEES FROM INFRINGING ON AN INDIVIDUAL'S CONSTITUTIONAL RIGHTS; PROHIBITING THE BOARD OF REGENTS AND UNITS OF THE UNIVERSITY SYSTEM FROM REGULATING OR RESTRICTING THE POSSESSION OF FIREARMS ON UNIVERSITY PROPERTY WITH CERTAIN EXCEPTIONS; ALLOWING THE AWARD OF TREBLE DAMAGES FOR CERTAIN VIOLATIONS; AMENDING SECTIONS 45-3-111 AND 45-8-351, MCA; AND PROVIDING A DELAYED EFFECTIVE DATE."

HB 240 provides that "the board of regents and units of the university system may not regulate or restrict the possession, transportation, or storage of firearms upon or within university property" by a person who has been issued a concealed weapon permit. The bill would allow students to openly carry weapons on campus and if a university "diminished" that right in any way they could be subject to treble damages.

I have been and will continue to be a strong advocate for the second amendment rights of the citizens of Montana. I am, however, also an advocate of common sense. And I believe that common sense dictates that guns and college campuses do not mix.

The U.S. Constitution does not require me to find otherwise. In fact, I fully agreed with and joined a brief in support of a recent U.S. Supreme Court decision, cited by the sponsor of this legislation, which reaffirms that the 2nd amendment reserves to individuals the right to keep and bear arms for self-defense. Even those cases, however, acknowledge that "longstanding prohibitions on the possession of firearms by felons and the mentally ill, or laws forbidding the carrying of firearms in sensitive places such as **schools** and government buildings, or laws imposing conditions and qualifications on the commercial sale of arms" are not contrary to the rights guaranteed by the 2nd amendment. District of Columbia v. Heller, 554 U.S. 570 at pages 54-55 (2008) (Emphasis added).

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The Board of Regents currently has a reasonable policy of allowing hunting rifles to be brought on campus and stored in secure campus gun lockers where the weapons can be checked in and out for hunting and target practice off campus. The current policy mirrors that adopted by many private and public campuses across the United States of America. Our campuses have trained security and police officers to protect those on campus. Policies and training exists on our campuses to help keep students safe.

Finally, Article X, Section 9(2)(a) of the Montana Constitution vests the Board of Regents with a high degree of independence and autonomy subject only to the Legislature's power of appropriation. HB 240 may unconstitutionally intrude upon the authority of the Board to set its own common sense safety policies.

Recognizing my responsibility to the families of Montana and as the father of three young children, who will hopefully one day attend a university in Montana, I am vetoing HB 240.

Sincerely,

A handwritten signature in black ink, appearing to read 'Steve Bullock', with a horizontal line above it.

STEVE BULLOCK

Governor

cc: Legislative Services Division  
Mark Blasdel, Speaker of the House  
Jeff Essmann, President of the Senate