



March 22, 2024

The Honorable Chuck Gray, Secretary of State  
Secretary of State's Office  
Herschler Building East, 122 W. 25<sup>th</sup> Street, Suites 100  
Cheyenne, Wyoming 82002

Re: Veto of HB0125/House Enrolled Act No. 49 Repeal gun free zones and preemption amendments

Dear Secretary Gray,

I am a fervent supporter of the Second Amendment. The right to bear arms is not some obscure academic or political principle to my family – it is a real right and responsibility. I have consistently advocated for firearm freedom. Accordingly, this session alone, I have signed Senate Enrolled Act No. 38 (Concealed firearms-permit eligibility), Senate Enrolled Act No. 41 (Wyoming Second Amendment Privacy Act), Senate Enrolled Act No. 54 (Prohibit Red Flag Gun Seizure Act), and Senate Enrolled Act No. 57 (School safety and security-funding).

As Governor, I have signed nine additional bills in support of the Second Amendment which expanded concealed carry; limited firearm seizure; protected firearm commerce and transactions; and created the state shooting sports complex. I continuously promote Wyoming as a Second Amendment-friendly state to businesses, retailers, and manufacturers across the nation. Those businesses agree, as they continue to move operations and manufacturing to Wyoming. Our current laws have also shown constitutional carry and giving school districts the ability to craft local policies allowing for trained staff to carry in schools do not bring about an increase in violence.

However, House Bill 125/House Enrolled Act No. 49, erodes historic local control norms by giving sole authority to the Legislature to micromanage a constitutionally protected right. Any further clarification of the law, if this bill were enacted, would augment the Legislature's reach into local firearms regulation. The bill exceeds the separation of powers embodied in Article 2 of our Wyoming Constitution. I must, therefore, veto it.

If enacted, House Enrolled Act No. 49 would require every one of our unique state facilities, such as the University of Wyoming, Wyoming State Hospital, or the Wyoming Boys School, to receive legislative approval to restrict carrying firearms, or even to set policies as practical as proper weapon storage. These potential restrictions regarding government and school facilities

are not novel. As described by the U.S. Supreme Court Justice Antonin Scalia in his opinion on the 2008 case *District of Columbia v. Heller*, “Like most rights, the right secured by the Second Amendment is not unlimited. From Blackstone through the 19th century cases, commentators and courts routinely explained that the right was not a right to keep and carry any weapon whatsoever in any manner whatsoever and for whatever purpose.”

Every piece of legislation must stand for critical review, particularly those affecting our constitutional rights. As delivered to my desk, this bill lacks sufficient review and debate. Imperfect language opens potential loopholes such as putting a family services case worker at risk of being charged with a misdemeanor for simply asking someone they knew to be carrying a firearm to leave a building in order to defuse an emotionally charged family situation. A bill covering such a sensitive topic does not lend itself to successive tweaks to correct flaws, and therefore I believe the Legislature should be open to debating and fully working this bill through its established processes.

I must also question the need, both in this bill and Senate Enrolled Act No. 54 (Red Flag Gun Seizure Act), to include criminal and civil penalties for simple repeals, the prohibition of government actions, and the erosion of qualified immunity for law enforcement who daily risk their lives to uphold the very laws the Legislature has passed. Wyoming values our law enforcement personnel. This Legislature does not operate in a vacuum, and most of the time it works to consider legislation transparently and with an eye to the regulatory lay of the land. In this case, it seemed to act more in the mode of blitzkrieg.

It is important to note that in 2017 W.S. 21-3-132 was created, allowing for “local school boards to authorize employees to carry concealed deadly weapons under well thought out conditions,” as described in Governor Mead’s veto message on House Enrolled Act No. 107. Currently, House Enrolled Act No. 49 would repeal that statute obliterating the hard work of the school districts that have established excellent policies and provisions for their districts. Instead, this bill would only carry forward certain legislatively approved standards for school board employees, obliging those school boards to choose to adopt them or have no standards at all.

This is not a veto of the notion of repealing gun free zones, it is a request to approach this topic more transparently. With the authority already in place to address this issue at a local level, I call on school districts, community colleges, and the University to take up these difficult conversations again and establish policies that allow for the safe carry of concealed weapons within their facilities. It is one thing to have had the conversation – as four school districts in the state have done – to allow for trained employees to carry on campus or others who have decided on hiring additional school safety officers; and yet another to avoid the topic altogether.

There exists a degree of executive leeway to begin this conversation for state facilities. I will direct the State Building Commission to start the process to reconsider our rules to allow concealed carry permit holders to exercise their rights within the Capitol and other appropriate state facilities. This process will involve significant public input and consist of carefully crafted policies which have the ability to contemplate the unique circumstances in the State's array of jurisdictions.

These conversations will set the stage for robust and well-informed legislation in the best traditions of the Wyoming Legislature. With this veto letter, I deliver original HB 125/House Enrolled Act No. 49 to you without my signature.

Sincerely,



Mark Gordon  
Governor

MG:nr:kh

cc: The Honorable Ogden Driskill, President of the Senate w/copy of HEA No. 49  
The Honorable Albert Sommers, Speaker of the House w/copy of HEA No. 49  
Chief Clerk, Wyoming Senate w/copy of HEA No. 49  
Chief Clerk, Wyoming House of Representatives w/copy of HEA No. 49