



STATE OF ARIZONA

JANICE K. BREWER
GOVERNOR

April 29, 2011

EXECUTIVE OFFICE

The Honorable Ken Bennett
Secretary of State
1700 West Washington Street, 7th Floor
Phoenix, Arizona 85007

Re: Senate Bill 1201 (firearms omnibus)

Dear Secretary Bennett:

Today I vetoed Senate Bill 1201. While I have a nearly 30-year record of promoting Second Amendment rights, Senate Bill 1201 has too many loopholes and flaws for me to sign. I will focus on two concerns only in this letter and then discuss how I believe we can move forward to protect and expand Second Amendment rights in Arizona over the next 3½ years.

My first concern is that Senate Bill 1201 establishes an inexplicable, unjustifiable and unacceptable double standard for the regulation of guns in Arizona – one for the Legislature and one for most other public bodies. Senate Bill 1201 gives the Legislature four separate exemptions from the very laws it imposes on other public bodies (see attachment). For example, the Legislature exempted itself from the prohibition on public bodies licensing or registering firearms (page 8, lines 1 through 6). Besides the obvious double standard problem, giving this unbridled authority to future legislatures that may not be Second Amendment-friendly is very dangerous. These exemptions are not needed for the Legislature to amend these laws in the future as some have claimed. The legislative process is set forth in the Arizona State Constitution.

My second concern is that Senate Bill 1201 amends the state regulation of loaded guns on K-12 school grounds in a confusing way for Arizona gun owners. Section 13-3102(G) on page 5 of the bill strikes the word “unloaded” so as to allow for the storage of loaded firearms in locked vehicles on K-12 school grounds. While this practice is allowed under the federal Gun Free School Zone Act for Concealed Carry Weapon (CCW) permit holders due to a separate CCW exemption, non-CCW permit holders would be violating federal law unless they are otherwise exempt. Failing to make the distinction between CCW and non-CCW permit holders in Senate Bill 1201 is very significant because I very proudly signed the historic “Constitutional Carry” law last year allowing Arizona citizens to carry concealed weapons without a CCW permit. Arizona gun owners and K-12 school officials need clarity, not the confusion engendered by Senate Bill 1201, with regard to keeping loaded guns on K-12 school grounds.

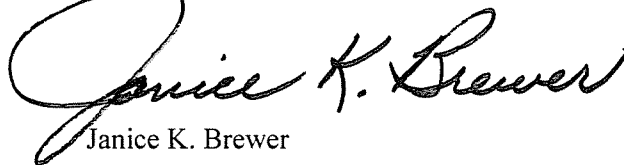
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More generally, a proponent of Senate Bill 1201 has argued that the laws requiring gun storage systems at public buildings are not being properly enforced. This is not acceptable. I am adamant that current laws affording gun owners the right to store their weapons at public buildings be enforced. For this reason, I asked the Director of the Department of Administration earlier this year to conduct a survey of state buildings to determine compliance with our gun storage laws. Corrective action will be taken at any state building found to be out of compliance. I encourage any and all input from the gun owning community on this issue.

Let me be clear – one of my goals over the next 3½ years is to advance the Second Amendment agenda in Arizona. How can we do that? I believe the CCW permit holder concept in some of these newer situations and the protection of private property rights can play an important role. For example, we used these concepts very successfully in the law expanding Second Amendment rights for firearms in establishments with liquor licenses. In addition, we need to thoughtfully consider sensitive situations where guns may not be appropriate or are regulated by federal law (*e.g.*, our K-12 schools). Future legislation must be written clearly to avoid making Arizona gun owners lawbreakers by accident. To this end, I believe we should avoid omnibus bills involving multiple subjects relating to the Second Amendment. Most importantly, we need to work together from the very beginning and include varied stakeholders.

In conclusion, while I appreciate the efforts of the proponents to improve this bill since its introduction by reducing the number of exemptions, there is still much work needed to clear up where guns are and are not allowed. To this end, I am committed to working over the interim with all interested parties so that we can produce a clear and pragmatic solution to expand the application of our Second Amendment rights in Arizona.

Sincerely,

A handwritten signature in black ink that reads "Janice K. Brewer". The signature is fluid and cursive, with the first name "Janice" being the most prominent part.

Janice K. Brewer
Governor

Cc: The Honorable Russell Pearce
The Honorable Andy Tobin
The Honorable Ron Gould
Senate Secretary
Chief Clerk of the House of Representatives
Arizona News Service

Legislative Exemptions in Senate Bill 1201 (firearms omnibus)
(reference to House engrossed version)

Page 7, line 38

A. Except as provided in subsection E of this section AND **EXCEPT FOR THE LEGISLATURE**, a THIS STATE AND ANY AGENCY OR political subdivision of this state shall not enact any ordinance, rule or tax relating to the transportation, possession, carrying, sale, transfer, purchase, acquisition, gift, devise, storage, licensing, registration, discharge or use of firearms or ammunition or any firearm or ammunition components or related accessories in this state.

Page 8, Line 1

B. A- **EXCEPT FOR THE LEGISLATURE**, THIS STATE AND ANY AGENCY OR political subdivision of this state shall not require the licensing or registration of firearms or ammunition or any firearm or ammunition components or related accessories or prohibit the ownership, purchase, sale or transfer of firearms or ammunition or any firearm or ammunition components, or related accessories.

Page 8, line 26

D. A **EXCEPT FOR THE LEGISLATURE**, THIS STATE AND ANY AGENCY OR political subdivision of this state shall not enact any rule or ordinance that relates to firearms and is more prohibitive than or that has a penalty that is greater than any state law penalty. A ~~political subdivision's~~ rule or ordinance that relates to firearms and that is inconsistent with or more restrictive than state law, whether enacted before or after ~~the effective date of the amendment to this section~~ JULY 29, 2010, is null and void.

Page 9, line 21

3. The regulation of land and structures, including a business relating to firearms or ammunition or their components or a shooting range in the same manner as other commercial businesses. Notwithstanding any other law AND **EXCEPT FOR THE LEGISLATURE**, this paragraph does not authorize a THIS STATE OR ANY AGENCY OR political subdivision OF THIS STATE to regulate the sale or transfer of firearms on property it owns, leases, operates or controls in a manner that is different than or inconsistent with state law. For the purposes of this paragraph, a use permit or other contract that provides for the use of property owned, leased, operated or controlled by a THIS STATE OR ANY AGENCY OR political subdivision OF THIS STATE shall not be considered a sale, conveyance or disposition of property.