



April 1, 2021

The Honorable Eric Barlow,
Speaker of the House of Representatives,
200 West 24th Street
State Capitol Building
Cheyenne, WY 82002

Dear Speaker Barlow,

Today's signing of the supplemental budget marks the end of an arduous but necessary task by many. This budget and the earlier cuts I made in 2020 reflect our shared commitment to the goal of living within our means. I thank you and all the members of the 66th Legislature for the close scrutiny you gave the \$500 million in reductions I proposed, and for bearing in mind the negative impacts on services these cuts will cause. These are not easy decisions to make, but this discussion on the fundamental question of the role of government has been a necessity. Now, as more reductions are implemented, the debate will continue.

Despite an epic decline in revenue, we are able to maintain some crucial programs while making some modest but integral one-time investments. These come at a cost, I realize, but I thank you for setting aside money so Wyoming can take the next step in carbon capture utilization and storage, and for ensuring we have funds for key legal actions to defend Wyoming's interests. These dollars allow us to continue to fight for our oil, gas, coal, uranium, wind and mining industries while investing in transformational technologies, agriculture, and other diversifying elements of Wyoming's evolving economy. These decisions require foresight.

Additionally, I thank you for giving our higher education system a minor reprieve from deeper cuts for this year. Your action recognizes the importance of a collective, organized post-secondary education system embodied in the new Wyoming Innovation Network (WIN), which was created in collaboration with our community colleges and the University of Wyoming. WIN is an ambitious effort to supercharge all of Wyoming's post-secondary work by combining the best ideas across Wyoming's institutions that can strengthen the state's workforce, promote entrepreneurship, and actively support economic growth and diversification. Moreover, this effort will help folks faced with changing work circumstances add to their skills and education, ultimately retaining our workforce and modernizing the deliverables of education.

The budget does set our state back by eliminating valuable programs and services, and some of the impacts of the cuts we have had to make will be felt by those who are already struggling; but it is our constitutional duty to right-size our government based on revenues. We are not adding debt for future generations with this budget. However, we cannot rest assured our troubles are over since revenues were already in decline before the global pandemic arrived. I believe we all agree that some of the programs considered for elimination this year, but spared, may need to end next year. Unhappily, some of these services will weigh heavily on the elderly and the disabled. One cannot relish that chore, but as we continue to see our revenues decline, we must continue to evaluate the role of government and what we can afford. Those decisions will affect the level of services the public has come to expect and remind us all of the fact we are fortunate that we can continue to pay very low taxes thanks to the disproportionate share we levy on our mineral industries.

Specifically, I appreciate your work to fine tune the spending for the final year of the biennium. These vetoes represent the fewest line-item vetoes I have needed to execute in my time as Governor.

Thank you again for your efforts. With my signature, House Bill 001, House of Representative Enrolled Act 45 has the following line-item vetoes:

Section 006 Administration and Information Footnote 4

The Department of A&I has committed to making cuts to the state leasing program. A&I has been working diligently on this process and will have it fully implemented in the upcoming biennial budget. I have struck the prescriptive language because, on a practical note, an emergency or unanticipated leasing necessity could require more flexibility. Nevertheless, it remains the intent of the executive branch to reduce our leasing budget by 28%.

Section 007 Wyoming Military Department Footnote 4

The management of the Veterans Museum was transferred from the Department of State Parks and Cultural Resources to the Military Department in a single-subject piece of legislation in 2008. If the legislative intent is that the responsibility for management of the museum returns to State Parks, mandating an MOU represents substantive lawmaking within the budget bill. A transfer of responsibility or authority for any particular program is appropriately the subject of a stand-alone bill. Even so, for the time being the Military Department is committed to working with State Parks for the operation and administration of the Veterans Museum and this can be codified with a stand-alone bill next year.

Section 024 State Parks & Cultural Resources Footnote 8

This conforms with the change to the Military Department budget. This footnote presents substantive law-making within the budget bill. I support making this change in a stand-alone bill next year, but

until then the Military Department is committed to working with State Parks and Cultural Resources for the operation and administration of the Veterans Museum.

Section 027 State Construction Department Footnote 2

The review and performance assessment of individual employees in state agencies is the exclusive responsibility of the Executive Branch and the authority of the Legislative Branch does not extend to the review and assessment of Executive Branch employees. Since your expressed intent relates to a matter for which you have no authority now or in the future, I have vetoed this footnote.

Section 053 Department of Workforce Services Footnote 2

The Department of Workforces Services is committed to working with the Wyoming Business Council for the operation and administration of the Wyoming Council for Women's Issues. Work is already underway to execute an MOU for the two agencies. However, mandating such an agreement transfers the authority to administer the Wyoming Council for Women's Issues to a different agency and therefore represents substantive lawmaking within the budget bill. It is appropriately the subject of a stand-alone bill and I commit to work with you to develop such a bill next year.

Section 085 Wyoming Business Council Footnote 1

This conforms with the change to the Department of Workforce Services budget. The required MOU represents substantive law-making within the budget bill. These changes are appropriately the subject of a stand-alone bill. The Department of Workforces Services is committed to working with the Wyoming Business Council for the operation and administration of the Wyoming Council for Women's Issues.

Section 206 Department of Education Footnote 2

This vetoed language is overly prescriptive in directing how an Executive Branch agency functions when it comes to making staffing, workforce and resource allocation decisions, and therefore raises separation of powers concerns. For instance, if the Board of Education wanted to pay this contractor less than \$136,890 it could not or if the Board wanted to hire two contractors for \$68,445 each to work part-time the Board could not if this footnote remains.

Section 3

Careful inspection of the vetoed portion of this section seems especially appropriate on April 1. This veto conforming to the veto I made to Section 300, requires an especially artful and careful -- if clever -- use of red ink.

Section 300 - Budget Balance Transfers (p)

Subsection (p) directs the State Auditor's office to transfer the balance of the Wyoming State Penitentiary Capital Construction Account in equal parts to the Permanent Wyoming Mineral Trust Fund and the Common School Account within the Permanent Land Fund. The State Penitentiary Capital Construction Account was created in 2017 as a sub-account of the Strategic Investment and Projects Account (SIPA). While I am in favor of repealing the SIPA, I believe this account needs to be part of an interim topic discussion and therefore the transfer should not happen at this time.

With the passage of this supplemental budget, we now must embark on the hard work of creating our next standard budget. I look forward to presenting it to you in November. There are a couple of items I would like to raise now so they are on your radar. First, part of the Department of Corrections' budget cut was brought forward with the understanding that a separate bill would raise fees to help pay for the cost of probation and parole officers. These are key positions for public safety; however that fee increase did not pass. This is unfortunate and seems ill-timed placing unrealistic burdens on the department to man yet not fully pay for the positions allowed. I will be seeking to use federal American Rescue Plan dollars for these positions or in the budget next year I will be asking for a provision that enables funding to those positions, which you did restore. I will ask that they be effective immediately.

Lastly, I appreciate and applaud our joint efforts to bring more transparency and accessibility to the Executive and Judicial branch budgets over the past couple of years. More than anything, thank you again for your diligence and service to our wonderful state during trying times. It has been an honor to work with you for the greater good of the people of this glorious state.

Sincerely,



Mark Gordon
Governor

cc:

The Honorable Secretary of State, Edward Buchanan,
The Honorable Dan Dockstader, President of the Senate
Chief Clerk, Wyoming Senate
Chief Clerk, Wyoming House of Representatives