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March 15, 2019

The Honorable Drew Perkins
President of the Senate,
Wyoming Senate,
3001 East Pershing Boulevard,
Cheyenne, Wyoming 82001

RE: Line item vetoes on SF0162/SEA No. 0083 State funded capital construction

Dear President Perkins,

Funding decisions over state-funded capital construction were a major hurdle this session. I applaud the Legislature for coming together in the eleventh hour to fund the menu of needed projects.

There are two portions of SF162 that I have chosen for line item vetoes. I have disapproved of a few items and parts of this bill making appropriations of money embracing distinct items. In doing so, I have tried to preserve the intent of the legislature while obviating against departmental jurisdictional creep as is proscribed by Article 2, Section 1 of the Wyoming Constitution. Specifically, the language in Section 4 amending 2018 Wyoming Session Laws, Chapter 136, Section 6 [Casper State Office Building - Appropriation and Advisory Task Force], Subsection (d) (v), (vi), and Subsection (k) wherein the functions of providing meeting rooms sufficient for the purposes of "joint interim committees of the legislature" are to be included in the level III design, construction, and operation plans of the Casper state office building project. My line item vetoes are detailed below:

- 1) In the amendment to Section 6(d)(v): I have stricken the word "legislative" from the sentence, "Include in each interim report the status of the *legislative* meeting rooms and facilities authorized by subsection (k) of this section and..."
- 2) In the amendment to Section 6(d)(vi): I have stricken the word "legislative" from the sentence, "Closely monitor and make recommendations to the state construction department and any entity procured for professional services on all aspects of the *legislative* meeting rooms and facilities..."

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- 2) In the amendment to Section 6(d)(vi): I have stricken the word “legislative” from the sentence, “Closely monitor and make recommendations to the state construction department and any entity procured for professional services on all aspects of the *legislative* meeting rooms and facilities...”
- 3) In the amendment to Section 6(k): I have stricken the word “legislative” from the sentence, “As part of the level III design, construction and operation plans of the Casper state office building project, there shall be located in the building *legislative* meeting rooms and facilities.” Further, I have stricken in its entirety the sentence, “The meeting rooms and facilities shall be under the jurisdiction and control of the legislative service office.”

These changes allay complications arising from the fact that Article 3, Section 31 of the Wyoming Constitution which require contracts related to “...furnishing the halls and rooms used for the meeting of the legislature and its committees...” to be separately approved by the governor and state treasurer. All in all, these changes preserve the intent to create space suited to the purposes articulated in the bill while correspondingly simplifying the Level III process.

In Section 5 [Capitol Complex] I have stricken subsections (b) and (c). The provisions of these subsections are already comprehensively covered in SEA 77/ SF 149 Capitol complex oversight. In particular, SEA 77/ SF 149 created 9-5-101(d), amended 9-5-102(a), amended 9-5-106(d) and created 9-5-106(e) through 9-5-106(g). Among other things, those provisions called for the State Building Commission to oversee the development and creation of a “master plan” for maintenance, preservation, restoration, rehabilitation, construction, and enhancement within the capitol complex. The broad language of this provision already encompasses the ability for the building commission to include the items specified in subsection (b) within the “master plan.” The matters covered in Section 5(b) can be part of any “master plan” considered in 9-5-101(d) which contemplates consultation with and review by the legislature. Section 5(b) is therefore duplicative and strays perhaps too close to the line set forth in Article 2, Section 1 of the Wyoming Constitution.

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Finally, although I find Section 5 [Capitol Complex], subsection (d) to be unnecessary as the state building commission under its general authority to operate and manage state owned buildings, 9-5-106(a), and the city of Cheyenne already have the authority to enter into memoranda of understanding, it is clearly the intent of the 65th legislature to encourage those communications. Consequently, I will sign the bill with this provision intact and the intent clearly noted.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Gordon", written in a cursive style.

Mark Gordon
Governor

cc: The Honorable Secretary of State, Edward Buchanan
The Honorable Steve Harshman, Speaker of the House
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate

ORIGINAL SENATE
FILE NO. SF0162

ENGROSSED

ENROLLED ACT NO. 83, SENATE

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
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AN ACT relating to state funded capital construction; providing definitions; providing appropriations and increasing prior appropriations for purposes related to state funded capital construction; modifying prior appropriations; making certain appropriations subject to specified terms and conditions; providing matching funds for specified projects; authorizing legislative meeting facilities; providing an appropriation for an advisory task force related to state facilities; requiring studies and reports; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1.

(a) As used in this act:

(i) "Appropriation" means the authorizations granted by the legislature under this act to make expenditures from and to incur obligations against the general and other funds as specified;

(ii) "Approved budget" means as defined in W.S. 9-2-1005(e);

(iii) "FF" means federal funds;

(iv) "PR" means private funding sources;

(v) "RA" means the permanent Wyoming mineral trust fund reserve account;

(vi) "SR" means an agency's account within the special revenue fund;

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(vii) "S6" means the school capital construction account within the special revenue fund;

(viii) "T5" means the penitentiary permanent land fund;

(ix) "S10" means the legislative stabilization reserve account;

(x) "S13" means the strategic investments and projects account.

[AMENDMENTS-CAPITAL CONSTRUCTION]

Section 2. 2018 Wyoming Session Laws, Chapter 136, Section 4(a) (i) is amended to read:

[CAPITAL CONSTRUCTION]

Section 4.

(a) The following sums of money are appropriated for the capital construction projects specified. Appropriations for these projects remain in effect until the project is completed, unless otherwise provided. Appropriated funds under this section shall be expended only on the projects specified and any unused funds remaining at project completion shall revert to the accounts from which they were appropriated. The amounts appropriated in this section are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount:

(i) Appropriations for projects with state funding administered through the state construction department:

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APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 027. CAPITAL CONSTRUCTION PROJECTS				
PROGRAM				
SBC Contingency	9,000,000			9,000,000
NWCCD- Health Science Bldg.	385,000			385,000
LCCC- PE Building Reno			7,300,000 PR	7,300,000
NWCC- Performing Arts Ctr. ¹⁺	495,000		495,000 PR	990,000
	294,500		149,500 PR	444,000
NWCC- Student Center ¹⁺	550,000		550,000 PR	1,100,000
	282,500		137,500 PR	420,000
LCCC- Albany Cty Campus			1,300,000 PR	1,300,000
CC- Visual Arts Bldg. ^{1,2}	5,750,000		5,750,000 PR	11,500,000
CC- Ag & Equine Center ^{1,3}	2,000,000		2,000,000 PR	4,000,000
WWCC- Mechanical Repairs ⁴	1,071,200			1,071,200
	3,131,200			3,131,200
LCCC- Fine Arts Bldg. ¹	7,000,000		7,000,000 PR	14,000,000
Mil- Cheyenne Readiness		28,900,000		28,900,000
Mil- Guernsey Readiness		22,300,000		22,300,000
Mil- Guernsey Air Tower		17,000,000		17,000,000
DFS- Maghee Bldg. Remodel ⁹	2,170,000			2,170,000
	2,230,000			2,230,000
State Parks- Health/Safety			4,300,000 SR	4,300,000
State Parks- Terr. Prison			210,000 SR	210,000
State Parks- Water Fac.			770,000 SR	770,000
DOC- WSP Repairs and Contingency ^{5,6}			8,184,125 T5	8,184,125
State Facilities Const. ⁷			7,500,000 RA	
			7,500,000 S10	15,000,000
State Facilities - Casper ⁸	5,000,000			5,000,000
LCCC- Crossroads			1,200,000 PR	1,200,000
OSLI- Fire Academy Lvl II	300,000			300,000
WDH- Veteran's Home I & II	600,000			600,000
NWCC- Cody Hall			3,000,000 PR	3,000,000
NWCCD- Health Science Bldg.	6,718,104		6,718,105 PR	13,436,209
NWCCD- Culinary Arts	2,181,984		2,181,984 PR	4,363,968
DOC- WSP Roof Replacement	4,219,973			4,219,973
DOC- Honor Farm Admin Bldg.	250,000			250,000
CWC- Ag & Animal Science	3,926,792		3,926,792 PR	7,853,584
WDH-WLRC Abatement ¹⁰	3,500,000			3,500,000
Capitol Contingency & Enhancements ¹¹			3,000,000 S13	3,000,000
TOTALS	33,421,200 56,770,053	68,200,000	54,059,125 72,128,006	155,680,325 197,098,059

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1. As a condition of this general fund appropriation, the community college to which the funds are appropriated shall expend the entire appropriation of other funds prior to the release of any general funds appropriated for purposes of the authorized capital construction project.

2. Casper College shall complete requirements specified in footnotes 1 and 3 of this section for the Casper College-Agriculture and Equine Center appropriation before release of the general fund appropriation for the Casper College-Visual Arts Building.

3. For the Casper College-Agriculture and Equine Center, any funds expended pursuant to 2014 Wyoming Session Laws, Chapter 26, Section 3, Section 006, footnote 5, up to seven hundred fifty thousand dollars (\$750,000.00), shall be considered expenditures of other funds for purposes of footnote 1 of this section if the Casper College-Agriculture and Equine Center is constructed on the property acquired from that expenditure.

4. Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) shall only be expended upon a determination by the governor, in consultation with Western Wyoming Community College and the state construction department, that insufficient appropriations are available to address emergency repair needs related to building system failures at the college.

5. Of this other funds appropriation, three million one hundred eighty-four thousand one hundred twenty-five dollars (\$3,184,125.00)T5, or as much thereof as is available, is effective immediately and shall be expended on water mitigation projects, maintenance and repairs at the Wyoming state penitentiary recommended pursuant to the penal facility peer review study conducted under 2017 Wyoming Session Laws, Chapter 120, Section 332 and on file with the legislative service office.

6. Of this other funds appropriation, five million dollars (\$5,000,000.00)T5, or as much thereof as is available, shall be expended for operations, major maintenance, capital construction, repairs or inmate relocation in the event hazardous conditions resulting from subsurface movement or other building failure at any correctional facility of the department of corrections warrants an immediate response. Expenditures of the appropriation subject to this footnote shall be made only upon the approval of the governor after consultation with the joint appropriations committee. The department of corrections shall report quarterly to the joint appropriations committee on expenditures made from this appropriation subject to this footnote. Any unexpended, unobligated funds remaining from

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the appropriation subject to this footnote shall revert as provided by law on June 30, 2020.

7. Funds from this appropriation shall be deposited in the state facilities construction account. This appropriation shall be effective immediately.

8. Funds from this appropriation shall be deposited to the Casper state facilities account created in W.S. 9-4-223.

9. Of this general fund appropriation, sixty thousand dollars (\$60,000.00) shall only be expended for costs of abatement associated with the remodel of the Maghee building in Fremont County.

10. Funds from this appropriation shall be deposited into the state facilities construction account. In addition to amounts appropriated in 2017 Wyoming Session Laws, Chapter 78 and 2018 Wyoming Session Laws, Chapter 136 for the Wyoming state hospital and Wyoming life resource center, up to three million five hundred thousand dollars (\$3,500,000.00) from the state facilities construction account is appropriated for abatement activities at the Wyoming life resource center.

11. Of this other funds appropriation, three million dollars (\$3,000,000.00) shall only be expended for contingencies for the capitol building rehabilitation and restoration project. If any unexpended, unobligated funds remain after addressing all contingencies for the capitol building rehabilitation and restoration project, this other funds appropriation shall only be expended for completing the unfinished legislative spaces in the capitol building and the capitol extension.

[HEALTH FACILITIES TASK FORCE]

Section 3. There is appropriated forty thousand dollars (\$40,000.00) from the general fund to the legislative service office. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the joint legislative and executive task force on department of health facilities as constituted in 2017 Wyoming Session Laws, Chapter 78. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by

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law on June 30 of the year following the year in which construction and renovation at the Wyoming state hospital and Wyoming life resource center is complete and the facilities are occupied.


[AMENDMENTS - CASPER STATE OFFICE BUILDING - LEGISLATIVE
MEETING FACILITIES]

Section 4. 2018 Wyoming Session Laws, Chapter 136, Section 6(d)(v), by creating a new paragraph (vi) and by creating new subsections (k) and (m) is amended to read:

[CASPER STATE OFFICE BUILDING -
APPROPRIATION AND ADVISORY TASK FORCE]

Section 6.

(d) The task force shall serve in an advisory role and provide recommendations to the executive branch of government for the procurement of professional services and completion of a level II feasibility study, as described in W.S. 9-5-108(a)(ii), level III construction and operation plans, as described in W.S. 9-5-108(a)(iii), and construction of the Casper state office building project. While serving in an advisory role, the task force shall:

(v) Include in each interim report the status of the ~~legislative~~ meeting rooms and facilities authorized by subsection (k) of this section and any recommendations for legislative action that should be considered during the legislative session immediately following the report as necessary to continue or complete the Casper state office building project. 

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(vi) Closely monitor and make recommendations to the state construction department and any entity procured for professional services on all aspects of the ~~legislative~~ meeting rooms and facilities authorized by subsection (k) of this section. *me*

(k) As part of the level III design, construction and operation plans of the Casper state office building project, there shall be located within the building ~~legislative~~ meeting rooms and facilities. The meeting rooms and facilities shall consist of two (2) meeting rooms with all necessary components to accommodate meetings of joint interim committees of the legislature and such additional areas and facilities as necessary to support the intended functions of the meeting rooms. The meeting rooms and related facilities shall be located in an area of the building that provides for ease of public access and does not unduly disrupt the intended uses of the other occupants of the building. ~~The meeting rooms and facilities shall be under the jurisdiction and control of the legislative service office.~~ *me* Legislative use of the meeting rooms and facilities shall be given first priority, but the rooms and facilities shall be open for use by the executive branch occupants of the building and compatible use by the public. Subject to legislative prioritization, these spaces shall be managed to maximize use for all authorized users and purposes as provided in this subsection. The meeting rooms and facilities shall be designed, constructed, finished, furnished and equipped to provide:

(i) Necessary committee dais space for at least fourteen (14) committee members and necessary staff;

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(ii) Appropriate accommodations for witnesses and seating for between thirty-five (35) and one hundred (100) members of the public;

(iii) Appropriate information technology and audio-visual infrastructure and equipment necessary to provide speech reinforcement, video monitor presentation capability, audio conferencing capability, audio streaming and raceway for future video camera locations to livestream committee meetings from the room;

(iv) All other appropriate space, areas, facilities, infrastructure, furnishings and equipment necessary to support the intended functions of the meeting rooms.

(m) All necessary expenditures for the meeting rooms and facilities authorized by subsection (k) of this section shall be funded from the appropriation authorized in subsection (j) of this section. If the state construction department and any entity procured for professional services find that additional funds are necessary to complete the meeting rooms and facilities, and the task force recommends the expenditure of additional funds, the task force may include requests for an additional appropriation in its interim reports.

[CAPITOL COMPLEX]

Section 5.

(a) The state loan and investment board shall consult with the city of Cheyenne to identify the most efficient means to construct a stormwater interceptor to protect the capitol

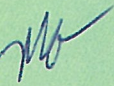
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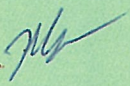
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building and Herschler building from surface and subsurface stormwater runoff. Upon agreement between the board and the city on the most efficient means to construct the interceptor and after the city's presentation to the board of plans to undertake necessary construction, the board may grant the city not more than three million dollars (\$3,000,000.00) to construct the stormwater interceptor. The project may provide protection for other facilities or residences in the city but shall be designed primarily to provide protection to the capitol building, Herschler building and other state facilities. Of the unobligated, unencumbered balance in the construction management flex contingency account, most recently appropriated to in 2015 Wyoming Session Laws, Chapter 142, Section 345, there is appropriated three million dollars (\$3,000,000.00) to the state loan and investment board. This appropriation shall only be expended for purposes of this subsection. Notwithstanding any other provision of law, this appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2020.

~~(b) The state building commission shall consult with the city of Cheyenne and the state capitol building rehabilitation and restoration oversight group to provide a long range plan for the capitol building and grounds and the immediately surrounding area. The plan shall be designed to contribute to the historic integrity of the capitol building and its grounds and surrounding neighborhoods while also recognizing and accommodating security measures necessary to protect the capitol building as a working capitol building. The plan shall:~~ 

~~(i) Provide for traffic control on roads and streets by providing limited or restricted motor vehicle access to roads and streets as determined appropriate by application of best security practices;~~ 

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~~(ii) Provide for safety of tourists, students, other visitors and workers crossing roads and streets to the capitol building, Herschler building, supreme court building and other state buildings adjacent to these buildings;~~ *MB*

~~(iii) Make accommodation for tour and school buses and other vehicles of visitors to the capitol building.~~ *MB*

~~(c) To the extent the state building commission adopts a master plan for the capitol complex as provided in 2019 Senate File 0149, as enacted into law, the long range plan recommended under this section shall be incorporated into that master plan.~~ *MB*

(d) The state building commission and the city of Cheyenne may enter into memoranda of understanding to modify, reroute or otherwise limit access to streets within the capitol complex as defined in 2019 Senate File 0149, as enacted into law, to further the purposes of the long range plan specified in this section. The commission shall promptly report all memoranda of understanding entered into under this subsection to the legislature.

(e) For purposes of this section, "streets" means as defined in W.S. 15-6-101(a)(v).

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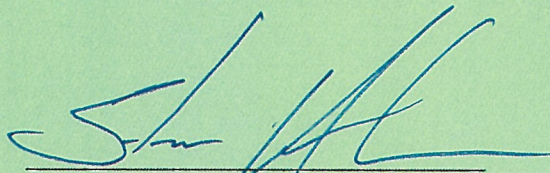
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Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

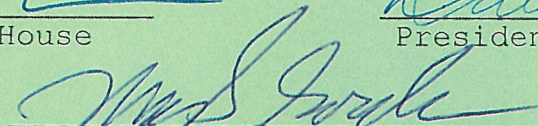
(END)



Speaker of the House



President of the Senate

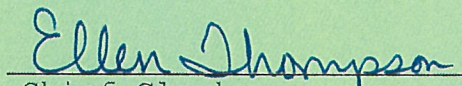


Governor

TIME APPROVED: 10:50 ut

DATE APPROVED: 15 March 2019

I hereby certify that this act originated in the Senate.



Chief Clerk