



April 6, 2021

The Honorable Eric Barlow, Speaker
Wyoming House of Representative
200 West 24th Street
Capitol Building
Cheyenne, WY 82002

Re: Line item vetoes on HB0121/HEA No. 0073 State funded capital construction

Dear Speaker Barlow,

I am pleased to sign a state funded capital construction bill this year. I appreciate the work of the Legislature in appropriating funds to necessary projects that are truly an investment in our state's future.

I have signed House Bill 0121/House Enrolled Act No. 0073 State funded capital construction into law with the following line-item vetoes:

Section 8. CAPITOL SQUARE PRESERVATION

While I look forward to the work of the subcommittee created by this Section, I have stricken parts of this Section that are legislative overreach into executive functions. I have stricken the word "construction" on two occasions in Sections 8(a) and (b). Construction is the execution of designs and planning and is an Executive Branch function.

I have stricken Section 8(a)(ii), as this provision is unnecessary. The statute referenced by this provision more than adequately accounts for the intended objective.

In Section 8(a)(iii), I have stricken the words "for final approval". Final approval of recommendations and actions of this nature is the domain of the Executive Branch to be carried out through the State Building Commission.

I have stricken the words "the management council and" in Sections 8(d)(i) and (ii) for the same reasons stated in the paragraph above for Section 8(a)(iii).

Section 9. HIGHER EDUCATION PROJECT AUTHORIZATION

In Section 9(d), I have stricken the following language beginning in the second sentence of the provision: "...governor, with the assistance of the state construction department, shall submit grant applications to secure those funds as may be available. In submitting the applications, the..." I appreciate the purpose of this provision – to allow "private revenue" to include federal funds; however, requiring me to apply for grants to secure these funds without knowledge of what strings are attached to those funds is too precarious an action. I look forward to working with the Legislature and considering the intent of this section to most optimally use the funds of the American Rescue Plan Act when its guidance is released and its constraints are fully understood.

The creation of the Capitol square preservation account is an action I support, but I do note that the language in this section does not take into account the intent of a gift, transfer, bequest or donation. If our joint vision for this account is to be actualized, the use of the account must remain flexible enough to heed the intent of philanthropists as well as to abide the requirements of grants received.

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

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

AN ACT relating to state funded capital construction; creating an account; providing definitions; providing appropriations for purposes related to state funded capital construction; making certain appropriations subject to specified terms and conditions; modifying prior appropriations; providing for the acceptance and purchase of real property; providing appropriations for and recreating an advisory task force related to state facilities; authorizing and specifying requirements for higher education projects; creating a subcommittee; providing for the acceptance of contributions; and providing for an effective date.

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

Section 1. W.S. 9-4-225 is created to read:

9-4-225. Capitol square preservation account.

The capitol square preservation account is created. The state treasurer may accept federal grants and other contributions, grants, gifts, transfers, bequests and donations of money from any source for deposit into the account. Funds within the account shall only be expended upon legislative appropriation. All funds within the account shall be invested by the state treasurer and all investment earnings from the account shall be credited to the general fund.

Section 2.

(a) As used in this act:

(i) "Appropriation" means the authorizations granted by the legislature under this act to make

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

expenditures from and to incur obligations against the general and other funds as specified;

(ii) "FF" means federal funds;

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

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

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

(b) Appropriations for projects in this act remain in effect until the project is completed, unless otherwise provided. The amounts appropriated for projects under this act shall be expended only on the projects specified and any unexpended, unobligated funds remaining upon completion of a project shall revert as provided by law. The amounts appropriated in this act are intended to provide a maximum amount for each project and shall not be construed to be an entitlement or guaranteed amount.

[CAPITAL CONSTRUCTION]

Section 3.

(a) The following sums of money are appropriated for the capital construction projects specified:

(i) Appropriations and authorization for projects administered through the state construction department:

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 027. CAPITAL CONSTRUCTION PROJECTS				
PROGRAM				
SBC- Flex Fund			11,000,000 S13	11,000,000
Mil- Army NG Vehicle				
Maint. Shop - Sheridan		16,895,000		16,895,000
State Parks- Maint.				
Outdoor Rec. ¹ .			5,450,000 SR	5,450,000
State Parks- Water Fac.			300,000 SR	300,000
State Parks- Quebec 01 Fac.			25,000 SR	25,000
State Parks- Terr. Prison			210,000 SR	210,000
SCD- Enterprise				
Lvl I & Lvl II			899,800 S13	899,800
SCD- Comm. College				
Proj. ^{4, 5} .	12,000,000			12,000,000
WWCC- Mechanical Rep.			11,740,000 S10	11,740,000
DOC- WWC HVAC Replace			2,612,045 S13	2,612,045
State Facilities Const. ² .			4,000,000 S13	4,000,000
SCD- Chancery Court ³ .			775,000 S13	775,000
TOTALS	12,000,000	16,895,000	37,011,845	65,906,845

1. Of this other funds appropriation, three million dollars (\$3,000,000.00)SR is appropriated for facility remedies of concessionaires within Hot Springs state park as determined by the department of state parks and cultural resources.

2. Funds from this appropriation shall be deposited in the state facilities construction account. These funds are hereby further

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

appropriated and may be expended from the state facilities construction account in addition to prior appropriations from the state facilities construction account by the state construction department for abatement activities at the Wyoming life resource center.

3. This other funds appropriation is appropriated for capital outlay expenditures associated with the chancery court within the Casper state office building.

4. The state construction department, in consultation with the Wyoming community college commission, shall allocate this appropriation for projects prioritized based upon complete design, earliest established construction timeline, timeliness to proceed with contracting and construction, and available matching funds.

5. (a) This general fund appropriation shall be matched in a ratio of one dollar (\$1.00) from the general fund to one dollar (\$1.00) of matching funds from any source by the recipient community college. The funds shall only be allocated for the following projects:

- (i) CWC- Jackson Outreach Center;
- (ii) NWC- Student Center;
- (iii) LCCC- RAC Renovation; or
- (iv) NWCCD- Construction Technology Center.

(ii) Appropriations and authorization for University of Wyoming projects:

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
PROGRAM				
UW ¹ .	<u>6,000,000</u>	<u> </u>	<u> </u>	<u>6,000,000</u>
TOTALS	6,000,000			6,000,000

1. This general fund appropriation shall be matched in a ratio of one dollar (\$1.00) from the general fund to one dollar (\$1.00) of matching funds from the university from any other source. This appropriation shall be expended for the design and construction of University of Wyoming projects selected by the University of Wyoming board of trustees.

[NWCCD ACCEPTANCE OF GIFT]

Section 4. The northern Wyoming community college district is authorized to accept the transfer of ownership of two (2) facilities totaling approximately twenty-nine thousand seven hundred twenty (29,720) square feet to be used to house a construction technology program. These facilities shall be included within the computation of major maintenance in accordance with W.S. 21-18-225 until the facilities are no longer owned by the community college district.

[CWC AUTHORIZATION TO PURCHASE]

Section 5. Central Wyoming Community College is authorized to purchase not more than five (5) acres in Teton County, Wyoming to be used as the site for the Central Wyoming Community College Jackson Outreach Center. Any facilities constructed on the site through authorized state or community college funds, from any source, shall be included within the computation of major maintenance in

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

accordance with W.S. 21-18-225 until the facilities are no longer owned by the community college district.

[REAPPROPRIATION OF MAGHEE BUILDING REMODEL FUNDS]

Section 6. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, up to one million eight hundred eighty thousand dollars (\$1,880,000.00) of unexpended, unobligated monies appropriated from the general fund to the department of family services under 2018 Wyoming Session Laws, Chapter 136, Section 4(a)(i), as amended by 2019 Wyoming Session Laws, Chapter 205, Section 2, for the Maghee building remodel are reappropriated to the department of family services, to be administered through the state construction department, for purposes of the remodel of the Emerson building on the campus of the Wyoming life resource center. This appropriation shall remain in effect until the project is completed. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining upon completion of the project shall revert as provided by law.

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

Section 7.

(a) The Casper state office building advisory task force created in 2018 Wyoming Session Laws, Chapter 136, Section 6 as amended by 2019 Wyoming Session Laws, Chapter 205, Section 4 is hereby recreated.

(b) The task force shall be comprised of:

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

(i) Four (4) members of the legislature as follows:

(A) Two (2) members of the senate, appointed by the president of the senate;

(B) Two (2) members of the house of representatives, appointed by the speaker of the house.

(ii) Five (5) members appointed by the governor to include:

(A) One (1) member from the state construction department;

(B) One (1) member to represent the interests of the city of Casper;

(C) One (1) member to represent the interests of the Casper downtown development authority;

(D) Two (2) members appointed from the state agencies that are anticipated to occupy the Casper state office building.

(c) The cochairmen of the task force shall be appointed by the president of the senate and the speaker of the house, respectively.

(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 construction and completion of the Casper state office building project. While serving in an advisory role, the task force shall:

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

(i) Receive and, when necessary, request information from the state construction department to stay informed on all aspects of the Casper state office building project;

(ii) Closely monitor the procurement of professional services and progress on the Casper state office building project;

(iii) When necessary or prudent, make recommendations to the state construction department regarding important aspects of the Casper state office building project;

(iv) Closely monitor and make recommendations to the state construction department and any entity procured for professional services on all aspects of the meeting rooms and facilities located within the Casper state office building project that are designed to accommodate meetings of joint interim committees of the legislature in accordance with 2018 Wyoming Session Laws, Chapter 136, Section 6(k) as amended by 2019 Wyoming Session Laws, Chapter 205, Section 4;

(v) Provide interim reports on the activities of the task force to the joint appropriations committee not later than November 1 of each year the task force is in existence;

(vi) Include in each interim report the status of the meeting rooms and facilities referenced in paragraph (iv) of this subsection and any recommendations for legislative action that should be considered during the legislative session immediately following the report as

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

necessary to continue or complete the Casper state office building project.

(e) The task force shall be staffed by the state construction department with assistance provided by the legislative service office. In staffing the task force, the state construction department shall:

(i) Coordinate and schedule all meetings, assemble all required meeting agenda and meeting materials for the task force and include and communicate with the legislative service office to allow the legislative service office to provide sufficient assistance to the legislative members to fulfill their responsibilities as members of the task force;

(ii) Act as a liaison between the task force and the executive branch of government to communicate task force recommendations;

(iii) Provide regular updates and progress reports to the task force and the state building commission concerning the Casper state office building project;

(iv) Provide other information and assistance to the task force as requested.

(f) Members of the task force who are legislators shall be paid salary, per diem and mileage in the amount and manner provided for members of an interim committee under W.S. 28-5-101 and 28-5-102 when performing official duties as members of the task force. The cochairmen of the task force shall be eligible for salary as provided under W.S. 28-5-101(e)(i).

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

(g) Except as otherwise provided in this section, nonlegislative members of the task force shall serve without salary but shall be paid expenses in the amount and manner provided for state employees under W.S. 9-3-102 and 9-3-103 when performing official duties as members of the task force. Nonlegislative members of the task force who are state employees shall be considered on official business of the state when performing official duties as members of the task force, shall not be paid a separate salary and shall be paid expenses in the amount and manner provided by their agency.

(h) The task force shall terminate sixty (60) days after the substantial completion document for the project is signed by the project architect, contractor and owner and filed with the state construction department.

(j) There is appropriated ten thousand dollars (\$10,000.00) from the strategic investments and projects account to the legislative service office. This appropriation shall be for the period beginning with the effective date of this section and ending the month following termination of the task force. This appropriation shall only be expended for the purpose of funding salary, mileage and per diem of legislative members of the task force. 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 after termination of the task force shall revert as provided by law.

(k) There is appropriated ten thousand dollars (\$10,000.00) from the strategic investments and projects account to the state construction department. This appropriation shall be for the period beginning with the

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

effective date of this section and ending the month following termination of the task force. This appropriation shall only be expended for the purpose of funding mileage and per diem for the members of the task force appointed by the governor who are not state employees. 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 after termination of the task force shall revert as provided by law.

[CAPITOL SQUARE PRESERVATION]

Section 8.

(a) There is created a subcommittee to jointly oversee development of the design plans, ~~construction~~ of the interpretive exhibits and wayfinding in the capitol, the capitol extension and the Herschler building. The governor shall appoint three (3) members of the state building commission to the committee. The president of the senate shall appoint one (1) member to the committee, the speaker of the house of representatives shall appoint one (1) member to the committee and management council shall appoint one (1) member to the committee. The subcommittee shall:

(i) In developing recommendations for design and construction documents to the interpretive exhibits, be guided by the schematic design documents developed as part of the capitol square project which are on file with the legislative service office;

(ii) ~~Recommend responsibilities and operations of capitol facilities consistent with and in furtherance of~~

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

~~the memoranda of understanding and other agreements entered into under W.S. 9-5-106(f);~~ *Me*

Me (iii) Report its recommendations to the management council and the state building commission ~~for final approval.~~ *Me*

Me (b) The legislative service office and construction management division of the state construction department shall staff the subcommittee created by this section. The legislative service office, the state construction department, the department of education, the office of tourism, the department of state parks and cultural resources and other state entities as determined appropriate by the subcommittee shall provide support for the design ~~and construction~~ of the exhibits and wayfinding systems.

(c) There is appropriated two million dollars (\$2,000,000.00) from the general fund to the capitol square preservation account.

(d) There is appropriated two million dollars (\$2,000,000.00) from the capitol square preservation account to the state construction department. The state construction department shall be the fiscal and contracting agent for expenditure of this appropriation. After consultation with the subcommittee created under this section, the state construction department shall expend this appropriation for the purposes of:

(i) Development of design and construction documents and the construction of interpretative exhibits for the capitol and the capitol extension in accordance

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

with the recommendations approved by ~~the management council~~ *Me*
~~and~~ the state building commission;

(ii) Design, construction and installation of a wayfinding system and signage for the capitol, the capitol extension and the Herschler building in accordance with the recommendations approved by ~~the management council and~~ the state building commission. *Me*

[HIGHER EDUCATION PROJECT AUTHORIZATION]

Section 9.

(a) The following projects are authorized to be administered through the state construction department and shall utilize private revenue and any general funds applied to the project under section 3 of this act for the purposes of design and construction up to the following total project amounts:

(i) CWC- Jackson Outreach Center: up to eighteen million six hundred seventy thousand five hundred forty-two dollars (\$18,670,542.00);

(ii) NWC- Student Center: up to twenty-five million one hundred thirty thousand seven hundred fifty-six dollars (\$25,130,756.00);

(iii) LCCC- RAC Renovation: up to twenty-two million two hundred forty-eight thousand four hundred forty-two dollars (\$22,248,442.00);


ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

(iv) NWCCD- Construction Technology Center: up to nine million eight hundred fifty-six thousand dollars (\$9,856,000.00).

(b) The University of Wyoming is authorized to utilize up to twenty-seven million five hundred thousand dollars (\$27,500,000.00) in private revenue for the design and construction of University of Wyoming projects selected by the University of Wyoming board of trustees.

(c) The community college projects and the University of Wyoming projects authorized to be constructed under this section up to the authorized amount for each project shall be eligible for major maintenance as appropriated by the legislature until the facilities are no longer owned by the community college district or the University of Wyoming.

(d) For purposes of subsections (a) and (b) of this section, private revenue may include federal funds from qualifying capital construction grant funds allocated to the state under section 604, coronavirus capital projects fund, of the American Rescue Plan Act, P.L. 117-2. ~~The governor, with the assistance of the state construction department, shall submit grant applications to secure those funds as may be available. In submitting the applications,~~  the governor shall require the university or community college, as applicable, to provide nonstate matching funds in an appropriate ratio to the total application for federal funds to apply toward the project. The ratio shall be established by taking into consideration other funds available to the institutions and other relevant facts and circumstances. In no event shall the ratio required of any institution be greater than five (5) times the ratio of any other institution. To the extent federal funds are granted for a project, those funds are appropriated and the

ORIGINAL HOUSE
BILL NO. HB0121

ENGROSSED

ENROLLED ACT NO. 73, HOUSE OF REPRESENTATIVES

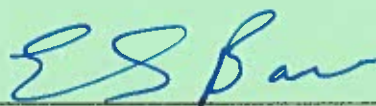
SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2021 GENERAL SESSION

authorization of non-federal private funds for the approved project shall be reduced by one dollar (\$1.00) for each one dollar (\$1.00) in federal funds received.


[EFFECTIVE DATE]

Section 10. 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: 18:12

DATE APPROVED: 6 April 2021

I hereby certify that this act originated in the House.



Chief Clerk