



February 24, 2023

The Honorable Albert Sommers  
Speaker of the Wyoming House of Representatives  
Wyoming House of Representatives  
200 West 24th Street, Capitol Building, E201  
Cheyenne, WY 82002

Re: Line-item vetoes on HB0001/HEA No. 37

Dear Speaker Sommers,

During my State of the State address to the 67th Legislature, I emphasized that the way we handle our finances this year will affect our people and our future significantly and for a long time to come. My budget proposal also highlighted how important it was to set aside excess funds for leaner times ahead, even while we needed to address the concerns of our most vulnerable and those living on fixed incomes today. I would like to thank the Legislature for passing a budget that reflects this shared approach. You have done a great deal for the citizens of Wyoming, from offering property tax relief, to investing in Wyoming's energy industry, to setting aside funds to diversify the economy. This is a good budget.

I would like to congratulate both chambers on passing a budget in record time – all while increasing transparency. The budgeting process is not yet as transparent as it needs to be, and I commit to work with the Legislature on continuous improvement towards that common goal. I remain frustrated that while we are taking significant steps to modernize the way our state funds can be invested to bring them more in line with an “endowment” model, we have not simultaneously established the independent, non-political controls true endowments must have to avoid profligate spending. In the coming years, I intend to work diligently to establish these controls so that we avoid establishing opaque slush funds that are vulnerable to political manipulation. Our permanent funds are indeed off-limits to political whim, and as such represent a true resource for future generations.

Before I get to the specific purpose of this letter, line-item vetoes, I want to commend the Legislature on the many successes of this budget. Of those, there are two I wish to specifically highlight: one that will have a long-term positive effect, and the other an

immediate positive benefit. These exemplify the balance that is needed in any budget – the balance between the current and future needs of our state and her people.

The first of these is that for every dollar of state revenue spent, the supplemental budget saves roughly \$3.50. My budget proposal recommended more than \$600 million in permanent savings, and would have increased the LSRA (Wyoming’s rainy-day fund) to nearly \$2 billion. I support the Legislature’s work to reallocate a substantial portion of what would have gone to the LSRA to the various permanent trust funds, which are an inviolate form of savings and can be invested more beneficially. The earnings from these permanent-savings trusts help to secure Wyoming’s future by providing Wyoming millions of dollars through higher investment returns. Income from these accounts is typically among the top three revenue sources for the State, and care must be taken to ensure their continued growth in order to offset inflation to the greatest extent possible. Your actions in this area will help to keep taxes low while the future additional revenue from these savings will help pay for the necessary services that Wyoming’s people need and expect.

Second, I appreciate the Legislature’s continued support for market adjustments in compensation for state employees and teachers. Our highly valued and dedicated public employees work hard to fulfill their varied and vital core missions. High vacancy and turnover rates have challenged the ability of state agencies, schools, colleges and our university to perform essential and critical functions. The work of the Legislature to consider and enact most of my recommendations on this issue will help improve employee retention and recruit the necessary and much-needed reinforcements. Wyoming employees remain one of the most committed workforces anywhere; they live in our communities and shop locally. They are a key component of our economy and deserve all of our respect. Thank you.

There are other good things to be found in this supplemental budget, but I need to get to the purpose of this letter. In the following paragraphs, I provide a brief explanation of my reasons for each veto, as well as some thoughts on other aspects of this budget. My vetoes represent honest disagreements on a few details and in no way detract from the Legislature’s hard work and its collective efforts to put a solid and clean budget on my desk worthy of the Governor’s signature.

Let me begin by recognizing the approach the Legislature took with regard to the Attorney General’s budget request. It provides a good example of how each branch should exercise its respective duty in this supplemental budget. In acknowledging a need to give that agency the

additional resources it found appropriate while also eschewing a temptation to stray into the role of the Executive Branch, the Legislature acted in accordance with the respective duties outlined in Wyoming's Constitution. Accordingly, I have reciprocated with my signature of House Bill 001, House Enrolled Act 37, with the following line-item vetoes:

Section 001 Office of the Governor Footnote 9

While I appreciate the Legislature's willingness to allow my office the discretion to spend up to \$1M for special contingencies that are not defined as public welfare emergencies, this footnote appears to contradict W. S. 9-2-1014.3. Therefore I am removing reference to this statute and will propose in the standard budget that this funding not come from the legislatively allocated \$20M for public welfare emergencies.

Section 006 Administration and Information Footnote 1

This footnote provides a woefully insufficient amount of funding to conduct not one, but two studies. One involves a survey of all state employees, the second a feasibility study of providing childcare services to state employees. Additionally, a footnote that requires a detailed study does not comply with the constitutional requirement that the budget bill be for appropriations for the ordinary expenses of state government. This type of provision should be placed in a standalone bill. There are other examples of this in the budget; however, I left those provisions but intended to call this to your attention for the Legislature to consider going forward.

Section 006 Administration and Information Footnote 3

Wyoming's Capitol is glorious and a true treasure of our state's heritage. I am glad every time I meet someone walking its hallways and take time to expound on the history this building holds. While I do not oppose having the Capitol open on weekends, I do not believe we have enough information about the cost, probable visitation, or potential security vulnerabilities to determine if weekend hours for the Capitol are the best (or even adequate) use of state funds. The Department would use these appropriated funds to implement a pilot program to determine the actual need and cost before entertaining a request for ongoing funding. Initially, under the pilot program, the Capitol would be open on Saturdays with similar hours to the Wyoming State Museum during peak tourist season. If the pilot program

indicates significant visitors and manageable costs, then the program can be expanded with an appropriation sufficient to pay for the extended hours. The Department can provide updates on the successes and challenges of keeping the Capitol open on the weekends to the Joint Appropriations Committee over the interim so that a more informed decision can be made regarding options for Capitol weekend hours.

#### Section 011 Department of Revenue Footnote 1

The funding in this footnote is one of the most beneficial acts of this session. It provides meaningful relief to the rising costs Wyoming people face in relation to their property taxes. With my line-item veto, this footnote provides another \$5M in property tax relief for Wyoming citizens. The program established under W. S. 39-13.109(c)(v) and expanded in HB 99 is a means targeted tax relief for those who need it. The language referring to the other remaining bill is unnecessary and it will survive or fail on its own merits.

#### Section 020 Department of Environmental Quality Footnote 2

Over the past four years, we have developed a good working relationship, and while I appreciate the purpose and intent of this footnote, I note the Legislature needs to recognize that the budget is not intended to direct day-to-day control of an agency. This footnote raises separation of powers issues by directing the hiring and resource allocations for an executive branch agency. This would have directed the Department to hire a specific position and would not leave the management of the agency to the Executive Branch. The purpose of the footnote can be accomplished without this overreach into the Executive Branch powers.

#### Section 020 Department of Environmental Quality Footnote 3

Thank you for this added funding. It will positively benefit the Department of Environmental Quality's permitting opportunities. Nevertheless, remembering the discipline you exercised elsewhere, simply outlining a budget increase tied to overall purpose would have resulted in the same outcome without raising a separation of powers issue by directing the Department specifically on how to accomplish that purpose. This is arguably controlling and managing the day-to-day operations of the Executive Branch. I believe that spending these funds towards contracting is the right action, and the proper expenditure of these funds is my responsibility.

Section 037 State Engineer Footnote 2

As Wyoming faces the mounting pressures of an ongoing drought, additional resources to the State Engineer's Office are essential. I support this funding, but again point out that this provision raises separation of powers issues by specifically directing how an Executive Branch agency functions when it comes to making staffing, workforce, and resource allocation decisions to accomplish the overall purpose of the appropriation. We acknowledge the purpose of this appropriation and note it was a part of my recommendation to the Legislature.

Section 045 Department of Transportation Footnote 4

Funding for WyoLink's operation, maintenance and infrastructure has been an ongoing trial for all of us. Ever since 9/11, we have struggled to find ways to deal with interoperable communication between jurisdictions across Wyoming's vast expanses. I believe this footnote is overfunding the program and I expect that highway funds or MRG funds can be reverted because of this, but in the next standard budget I will propose to move all operations and maintenance costs from the existing three funding sources to only General Funds. My line-item veto is meant to demonstrate that this system is used by many entities from across the state and highlight the Legislature's intent that the State should pay for all users, from municipalities and private companies, to hospitals, school bus drivers and local first responders.

Section 048 Department of Health Footnote 18

This footnote strikes language that was directing the Department to contract for a study that must be done by an outside or non-agency entity. I do not believe \$20,000 is enough funding for a private study, but this line-item would allow the Department to do an RFP and test that hypothesis. If no one is willing to do this work for that cost, then the Department is more than competent to do the study internally.

Section 048 Department of Health Footnote 19

This provision is too prescriptive. I concur with the purpose but believe we can trust the Department to do this correctly without spelling out the details of the methodology.

Section 067 University of Wyoming Footnote 11

As we have seen in many State entities, hiring is challenging at current pay rates, so I understand the Legislature's intent, but did not need this footnote to understand that. I believe the vetoed language is overly prescriptive in directing how the University functions when it comes to making compensation allocation decisions. The language encroached upon the inherent prerogative of the Executive Branch in how it implements the policies set by the Legislature. This footnote specifically controls the annual salary and specific sequence of those increases for specific classifications of Executive Branch employees, which creates a separation of powers issue.

Section 067 University of Wyoming Footnote 14

The USGS and other federal agencies partnered to contract and pay for a survey of Wyoming using unique lidar technology. Much of the data collected and mapped is now available online for free through the federal agency's website. This appropriation could add more value to that lidar data and my line-item veto is meant to open the possible uses of this funding to ensure that industries, citizens, counties and state agencies have more input into whether or not this is the best use of the funds, or if there is another option that can improve either the use of, or the ability to deploy these funds to collect, host and disseminate data to the public.

I ask UW to consider broadly optimal ways to organize and disseminate these data and how these funds can be spent to best meet and benefit the needs of Wyoming's industries and people.

Section 072 Retirement System Footnote 1

As I mentioned in my veto letter last year, this footnote raises separation of powers issues by controlling and capping the annual salary for a specific classification of Executive Branch employees. Since the Retirement System is an executive branch agency, I believe the Governor retains a proper role in authorizing compensation for Executive Branch employees.

Section 101 Supreme Court Footnote 4

This veto is purely a technical correction. There are currently 26 district court judges.

### Section 101 Supreme Court Footnote 5

This footnote raises separation of powers issues by specifically controlling and capping the annual salary of a Judicial Branch employee. This practice encroaches upon the inherent prerogative of the Judicial Branch. This line-item veto is exercised with the corroboration of the Judicial Branch.

I will note there is similar language in the budget of another, separately elected, constitutional office and, in respecting the wishes of that office, I did not line-item veto the prescriptive language in that budget.

### Section 321 Energy Matching Funds

Last year, the Legislature wisely established the Governor's Energy Matching Fund to enable my office to support our energy industry. This fund is available on a matching basis to take advantage of federal and private opportunities. In the Supplemental Budget the Legislature added "lithium mining, processing and separation" to the types of projects eligible for funding. Some in the Legislature have suggested that the lithium market in Wyoming could be enhanced through opportunities such as the X-prize competition. As written, the language is limited to lithium mining, processing and separation. I have suggested that mining be deleted so the section reads, "lithium, processing and separation." This would allow more flexibility in the use of the fund while not precluding mining. I believe this modification conforms with the intent of the Legislature.

The Legislature has increased reporting responsibilities concerning the additional funds in the matching fund, which is appropriate; however, the Legislature should note the high priority my office has made to communicate openly, transparently, and actively with the other branches of government and the people of Wyoming. My office will report to legislative committees within a reasonable timeframe before expending any of these funds, but the 30-day time frame is an unnecessary and cumbersome restriction.

### Section 325 Appropriation to Match Federal Infrastructure Grants

As stated above, my office has striven to communicate as well as possible. I maintain that commitment to notify the Legislature in advance. I make this line-item veto to make sure that if the 30-day time period is not possible Wyoming does not miss a potential opportunity.

#### Section 327 Supplemental Appropriation - Governor's Project Contingencies

Same explanation as for Section 325.

#### Section 328 Enterprise Inflation (b)

My Budget Department worked with all state agencies, the University and the community colleges to analyze the impacts of inflation and provide legislators with a conservative and fact-based estimate of those costs. In a letter dated December 5, 2022, the Community College Commission provided their estimate by college. Unfortunately, this was late and as you know, my budget had already been submitted. In my budget letter #4 of December 14, 2023 to the Joint Appropriations Committee, I included a figure for the community colleges of \$693,000. That amount is already funded and will cover the inflationary costs for colleges, which also receive additional funds from the increase in mineral revenues. The additional funding of \$3.5M in Section 328 treats the colleges differently than other agencies. While I support the colleges and their mission, and can support some increase in inflationary funding above the already allocated \$693,000, I believe that \$3.5M is too much and not a balanced approach to dealing with inflation and have reduced this amount to \$500,000. This will allocate a total to community colleges of over \$1.1 million in additional state aid in the supplemental budget. I note that the assessed valuation for community colleges is at its highest in the last 10 years and will result in additional local revenue to the community college districts.

#### Section 328 Enterprise Inflation (c)

As referenced above, the conservative inflation estimates provided in budget letter #4 of December 14, 2023 to the Joint Appropriations Committee are absolutely necessary to deal with the climbing costs of food, fuel, electricity and healthcare. Those are the costs the enterprise inflation funding covers. Sadly, inflation, while it may be slowing, is not going away and these costs do need to be added to the succeeding fiscal biennium budget. It is my intent that they be included.



Section 332 Capitol Square Improvements

This appropriation is necessary to make our Capitol function better for the public and for those who work here. There are many who work here during, before, and after any given Legislative session. Arguably, the issues that are to be considered in this request affect more than just the work that is done during the relatively brief legislative session. Accordingly, I use this line-item veto to provide more flexibility and discretion for the state Construction Department and to allow for acoustic improvements in other meeting rooms. The ceremonial conference room and those in some of the executive branch offices also suffer from excessive HVAC and mechanical background noise that impair visitors' ability to communicate.

Again, I compliment the Legislature on delivering a solid and clean supplemental budget that closely follows and in some ways enhances my initial recommendation. The relatively few and mostly minor flaws and occasional honest differences in our views of our respective constitutional powers and obligations, speaks to the quality of our working experience and the diligence of each branch. This is a strong budget and I appreciate your review of this letter. I thank everyone who voted for it and worked to improve it. We can be proud of saving \$1.4 billion while also addressing many of the needs of Wyoming's people. It is a feat done in a single year that I hope other legislatures and governors will aspire to in the future; but it is also wise as the coming years may well challenge Wyoming again in ways that our efforts today can help cushion. I am proud to sign it.

Thank you again for your diligence and service to our wonderful state.

Sincerely,



Mark Gordon  
Governor

MG:rm:kh

cc: The Honorable Chuck Gray, Secretary of State  
The Honorable Ogden Driskill, President of the Senate  
Chief Clerk, Wyoming Senate  
Chief Clerk, Wyoming House of Representatives



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION	GENERAL	FEDERAL	OTHER	TOTAL
FOR	FUND	FUNDS	FUNDS	APPROPRIATION
	\$	\$	\$	\$

Wyoming innovation partnership. The following shall apply to this appropriation:

(i) Up to four hundred thousand dollars (\$400,000.00) may be expended for one (1) or more at-will employee contract positions within the personal services series (100 series) or through the contractual services series (900 series) as necessary to administer, monitor and report at regular intervals to the joint appropriations committee on the Wyoming innovation partnership;

(ii) No funds shall be expended until the governor makes a determination that appropriate metrics have been established to measure the intended outputs and outcomes of the Wyoming innovation partnership and the expenditures will result in a reasonable likelihood of successfully achieving the identified metrics. The governor's office shall include a report of the established metrics and results within any biennial budget request submitted under W.S. 9-2-1013 in which the office seeks additional funding for the partnership;

(iii) Expenditures shall be approved by the governor and reported to the joint appropriations committee through the B-11 process as authorized by W.S. 9-2-1005(b) (ii) and reported pursuant to W.S. 9-2-1013(b);

(iv) This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included within the office of the governor's standard budget for the immediately succeeding fiscal biennium.

(b) The appropriation in subsection (a) of this footnote shall not be subject to Section 307 of this act.

8. Subject to footnote 5 and footnote 6 of this section, this general funds appropriation or other funds appropriation may be expended by the governor for litigation costs incurred by Wyoming counties involved in litigation relating to treaties between the United States and a federally recognized Indian tribe.

~~9. Of this other funds appropriation, ten million dollars (\$10,000,000.00) S10 reflects the continuing appropriation authorized in W.S. 9-2-1014.3(a) for fiscal year 2024. Of this other funds appropriation, five hundred twenty-five thousand dollars (\$525,000.00) S10 may be expended as~~



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<del>determined by the governor for special contingencies other than public welfare emergencies as defined in W.S. 9-2-1002(a)(xxv).</del>				
<b>Section 004. STATE TREASURER</b>				
PROGRAM				
Treasurer's Operations <sup>1., 2., 3., 4., 9.</sup>	3,121,944		150,609 SR	3,272,553
	<u>3,162,944</u>			<u>3,313,553</u>
Veterans' Tax Exemption <sup>5.</sup>	14,867,909			14,867,909
Invest. & Fin. Acct.			53,722,907 SR	53,722,907
Unclaimed Property			1,606,892 SR	1,606,892
Internal Investments <sup>6., 7., 10., 11.</sup>			<u>10,769,588 SR</u>	<u>10,769,588</u>
			<u>10,852,588 SR</u>	<u>10,852,588</u>
Native American Exemption <sup>8.</sup>	746,120			746,120
TOTALS	<u>18,735,973</u>	0	<u>66,249,996</u>	<u>84,985,969</u>
	<u>18,776,973</u>		<u>66,332,996</u>	<u>85,109,969</u>

AUTHORIZED EMPLOYEES	
Full Time <sup>10.</sup>	45
Part Time	<u>0</u>
TOTAL	45

1. Of this general fund appropriation, ten thousand dollars (\$10,000.00) shall only be available for expenditure if there is a change of state treasurer as a result of the 2022 general election. This appropriation is for transition staff salaries, travel and other related office expenses. It is the intent of the legislature that this appropriation not be included in the state treasurer's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

2. A portion of this general fund appropriation may be expended to carry out the purposes of this footnote. In accordance with W.S. 9-1-205(a), effective beginning September 30, 2022, not later than ninety (90) days after the end of each calendar quarter, the state treasurer's office shall provide a reconciliation of cash and investment earnings for all transactions conducted in the prior quarter to the joint appropriations committee and select committee on capital financing and investments.



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 006. ADMINISTRATION AND INFORMATION</b>				
<b>PROGRAM</b>				
Director's Office <u>1</u>	3,364,337		387,008 SR	3,751,345
	<u>3,372,337</u>			<u>3,759,345</u>
Professional Licensing Bds.			1,508,880 SR	1,508,880
General Services <u>2, 3</u>	49,968,115		30,949,378 IS	
	<u>61,047,469</u>			
			255,719 SR	81,173,212
				<u>92,252,566</u>
Human Resources Division	19,073,481	635,701		19,709,182
	<u>18,270,412</u>			<u>18,906,113</u>
Employees' Group Insurance			824,832,755 IS	
			8,000,000 SR	832,832,755
Economic Analysis	1,130,996			1,130,996
State Library	4,364,967	1,171,034	4,067,901 SR	9,603,902
TOTALS	<u>77,901,896</u>	<u>1,806,735</u>	<u>870,001,641</u>	<u>949,710,272</u>
	<u>88,186,181</u>			<u>959,994,557</u>

**AUTHORIZED EMPLOYEES**

Full Time	280
Part Time	<u>1</u>
TOTAL	281

~~1. (a) Of this general fund appropriation, five thousand dollars (\$5,000.00) is appropriated to conduct:~~

~~(i) A survey of all state employees. The survey shall collect data regarding if those state employees would:~~

~~(A) Consider an opportunity to retain their current position and salary and relocate to the Fremont county area and be officed in a state office building in Riverton; and~~

~~(B) Be more inclined to relocate if the state would assist in defraying moving expenses.~~

~~(ii) A feasibility study to include an analysis of the costs required to provide or contract for the provision of childcare services for state employees, the potential utilization of child care services, the space needs and site options for the child care services, the prevailing local~~



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
FOR	\$	\$	\$	\$

~~market rates for child care and the requirements necessary to make the provision of child care services cost-neutral.~~ *ML*

~~(b) It is the intent of the legislature that this appropriation not be included in the department of administration and information's standard budget in the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.~~ *ML*

~~(c) The department of administration and information shall make the results of the survey and feasibility study available to the governor's office and the joint appropriations committee not later than November 1, 2023.~~ *ML*

2. Of this general fund appropriation, four hundred twelve thousand seven hundred ten dollars (\$412,710.00) within the trades management unit (unit 3055) for Thyra Thomson building operations and staff shall not be subject to Section 307 of this act. This appropriation shall not be transferred or expended for any other purpose.

*ML* 3. Of this general fund appropriation, three hundred fifty thousand dollars (\$350,000.00) shall only be effective if the department of administration and information ensures that the Wyoming capitol building is open to the public on Saturdays and Sundays for not less than four (4) hours per day throughout the year except for recognized holidays. This appropriation shall not be transferred or expended for any other purpose. *ML*



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 011. DEPARTMENT OF REVENUE</b>				
PROGRAM				
Administration	5,590,939			5,590,939
	<u>5,699,562</u>			<u>5,699,562</u>
Revenue Division	8,567,316		783,293 SR	9,350,609
	8,682,056		<u>815,597 SR</u>	<u>9,497,653</u>
Valuation Division <sup>1</sup> .	<u>10,123,971</u>			<u>10,123,971</u>
	<u>15,201,746</u>			<u>15,201,746</u>
Liquor Division			11,268,039 EF	11,268,039
			<u>11,394,290 EF</u>	<u>11,394,290</u>
Liquor Sales & Purchases			275,000,000 EF	275,000,000
General Fund Transfers			42,000,000 EF	42,000,000
TOTALS	<u>24,282,226</u>	0	<u>329,051,332</u>	<u>353,333,558</u>
	<u>29,583,364</u>		<u>329,209,887</u>	<u>358,793,251</u>
AUTHORIZED EMPLOYEES				
Full Time	119			<u>122</u>
Part Time	0			
TOTAL	<u>119</u>			<u>122</u>

1. Of this general fund appropriation, ~~three million dollars (\$3,000,000.00)~~ eight million dollars (\$8,000,000.00) is appropriated for the property tax refund program pursuant to W.S. 39-13-109(c)(v). ~~Of this general fund appropriation, five million dollars (\$5,000,000.00) shall be reduced by one dollar (\$1.00) for every one dollar (\$1.00) up to five million dollars (\$5,000,000.00) appropriated to the property tax refund program under W.S. 39-13-109(c)(v) or any appropriation, transfer or similar distribution of funds for fiscal year 2024 enacted into law in 2023 House Bill 0098, 2023 House Bill 0099, 2023 House Bill 0121, 2023 Senate File 0136 or any combination thereof.~~ It is the intent of the legislature that this appropriation not be included within the department of revenue's standard budget for the immediately succeeding fiscal biennium.



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 020. DEPARTMENT OF ENVIRONMENTAL QUALITY</b>				
PROGRAM				
Administration <sup>2</sup> .	6,297,761			6,297,761
	6,594,153			6,594,153
Air Quality <sup>2</sup> .	6,793,254	1,510,028	13,555,245 SR	21,858,527
	8,293,254			23,358,527
Water Quality	11,277,963	9,556,047	1,196,775 SR	22,030,785
	11,432,364	9,690,641		22,319,780
Land Quality	4,555,984	4,624,679		9,180,663
Industrial Siting	456,445			456,445
Solid Waste Management	3,263,913	3,471,677	4,248,204 SR	10,983,794
Uranium NRC Agreement			2,048,232 SR	2,048,232
Abandoned Mine Reclam.		103,064,366		103,064,366
Subsidence Loss Ins.			225,413 SR	225,413
TOTALS	32,645,320	122,226,797	21,273,869	176,145,986
	34,596,113	122,361,391		178,231,373

AUTHORIZED EMPLOYEES

Full Time	256	260
Part Time	0	
TOTAL	256	260

2. Of this general fund appropriation, one hundred eighty thousand dollars (\$180,000.00) is appropriated ~~for a deputy director/ombudsman~~ to assist permit and license applicants in navigating and completing the permitting or licensing processes of the department of environmental quality. This appropriation shall not be transferred or expended for any other purpose.

3. Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) is appropriated ~~for contractual services (900 series)~~ ~~as necessary~~ to ensure that reviews of air quality permits for industrial projects are completed in a timely manner. This appropriation shall not be transferred or expended for any other purpose. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not revert until June 30, 2026.



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
<b>Section 037. STATE ENGINEER</b>				
PROGRAM				
Administration <sup>2</sup> .	1,796,136		49,906 S1	1,846,042
	<u>2,946,136</u>			<u>2,996,042</u>
Ground Water Div.	2,880,135			2,880,135
Surface Water Div.	1,999,168			1,999,168
Board of Control Div.			14,258,827 S1	14,258,827
Support Services Div.	1,493,867			1,493,867
Board of Registration PE			982,837 SR	982,837
Interstate Streams Div. <sup>1</sup> .	1,615,098		102,953 S1	1,718,051
Special Projects			17,820 SR	17,820
North Platte Settlement	<u>1,380,530</u>			<u>1,380,530</u>
	<u>1,420,530</u>			<u>1,420,530</u>
Well Drillers' Licensing			251,160 SR	251,160
TOTALS	<u>11,164,934</u>	<u>0</u>	<u>15,663,503</u>	<u>26,828,437</u>
	<u>12,354,934</u>			<u>28,018,437</u>

AUTHORIZED EMPLOYEES

Full Time <sup>2</sup> .	107	<u>108</u>
Part Time	9	
TOTAL	<u>116</u>	<u>117</u>

1. Of this general fund appropriation, three hundred sixty-six thousand one hundred eighteen dollars (\$366,118.00) is effective immediately.

2. Of this general fund appropriation, six hundred fifty thousand dollars (\$650,000.00) is appropriated ~~and of these full-time employees, one (1) full-time employee is authorized~~ for purposes of modeling, supportive research, coordination and, as needed, engaging the services of consultants and other qualified professionals to assist with upper Colorado river basin projects or potential projects. This appropriation shall not be subject to Section 307 of this act. ~~Of these full-time employees, authorization for one (1) full-time employee shall not be effective if 2023 House Bill 0222 is enacted into law and if 2023 House Bill 0222, as enacted, authorizes at least one (1) full-time employee or one (1) full-time equivalent position.~~ It is the intent of the legislature that this appropriation be doubled and included in the state engineer's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION	GENERAL	FEDERAL	OTHER	TOTAL
FOR	FUND	FUNDS	FUNDS	APPROPRIATION
	\$	\$	\$	\$

efficient manner as determined by the director of the department of transportation. This appropriation shall not be subject to Section 307 of this act.

3. Of this other funds appropriation, four million one hundred seven thousand two hundred sixty-three dollars (\$4,107,263.00) is appropriated to fund the ongoing costs of hardware and software maintenance for the WyoLink statewide public safety interoperable radio communications system. As a condition of this appropriation, the department of transportation shall administer a billing system for the use of the WyoLink system. This appropriation shall be used to pay any charges to local governments until the appropriation is exhausted.

4. Of this general fund appropriation, eight million six hundred thousand dollars (\$8,600,000.00) shall only be expended for purposes of operations and maintenance for, and offsetting any charges to local ~~government~~ users of, the WyoLink statewide public safety interoperable radio communications system. It is the intent of the legislature that this appropriation be included in the department of transportation's standard budget for the immediately succeeding fiscal biennium.

*MS*



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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17. The director of the department of health, with the consent of the governor, shall enter into negotiations with the United States department of health and human services regarding the operation of a narrowly tailored, long-term care waiver under Section 1315 of Title XI, Part A of the federal Social Security Act, as amended, with the intent of expanding long-term home care and community-based services to individuals who may not currently qualify for such services under Medicaid as reported by the department of health to the joint labor, health and social services interim committee and the joint appropriations committee in accordance with footnote 6 of this section.

18. Of this general fund appropriation, twenty thousand dollars (\$20,000.00) is appropriated for an outside study to review the program of all-inclusive care for the elderly (PACE) specified in W.S. 42-4-121. The study shall review the possibility of reinstating the program throughout Wyoming, considering for-profit and nonprofit options and potential cost savings. The joint labor, health and social services interim committee shall also study the program for all-inclusive care for the elderly during the 2023 interim.

19. (a) Of this general fund appropriation, fifty thousand dollars (\$50,000.00) is appropriated for the department of health to combine with any other available department resources to initiate a revised methodology and rebasing for the 2025-2026 fiscal biennium by which individual budget amounts are established for comprehensive waiver program participants. The objectives of the revised methodology shall include:

(i) Evaluation of the adequacy of current assessment tools utilized in the development of individual budget amounts;

(ii) Budget neutrality to the state of Wyoming;

(iii) Allowance for program participants to access the entirety of their individual budget amounts.

(b) This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included in the department of health's standard budget for the immediately succeeding fiscal biennium.



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
FOR	\$	\$	\$	\$

(ii) Conducting all computational and practical research to the extent reasonably possible with University of Wyoming students within Wyoming;

(iii) Performing research on geologic formations and energy extraction opportunities that may be found within Wyoming;

(iv) Developing any feasibility studies, small-scale experiments or large-scale projects associated with research funded by this appropriation within the state of Wyoming to the extent possible.

9. Not later than June 1, 2022, the University of Wyoming shall report to the joint appropriations committee and the joint education interim committee on the general education requirements or other requirements for students seeking non-liberal arts degrees to take university studies courses or other general education courses outside of the students' majors. This report shall include all regulation and policy incentives and disincentives to students used by the university to take extra-major courses, including any impact on student registration and the effects these requirements, policies and other university actions have on student choice and the cost of education to students. This footnote is effective immediately.

10. Of this general fund appropriation, two hundred fifty thousand dollars (\$250,000.00) shall only be effective if the shop Wyoming marketplace program or an equivalent internet marketplace program is made available to Wyoming companies for the sale of firearms, firearm related products, or both, in compliance with W.S. 13-10-302(a).

11. (a) Of this general fund appropriation, four hundred sixty thousand dollars (\$460,000.00) is appropriated to increase compensation levels as close to industry market value as possible for three (3) vacant pathologist positions as of December 15, 2022 and two (2) filled pathologist positions within the biosafety level three (3) laboratory. *Me*

*Me* (b) Only after at least two (2) of the vacant pathologist positions within the biosafety level three (3) laboratory have been filled, of this general fund appropriation, an additional four hundred thousand dollars (\$400,000.00) is appropriated for purposes of increasing the compensation of one (1) epidemiologist, two (2) technicians and the director of the biosafety level three (3) lab to as close to industry market value as possible. *Me*



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION


APPROPRIATION	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
FOR	\$	\$	\$	\$

(c) This appropriation shall be to sustain timely service for vital economic sectors of Wyoming.

(d) It is the intent of the legislature that this appropriation be doubled and included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

12. Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) is appropriated for the purpose of providing a state match for funds received by the University of Wyoming or donated funds to be used solely to support excellence in research, scholarships or endowments to support the school of energy resources. Distributions of this appropriation are conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from any non-state source. This appropriation shall be retained by the state treasurer for distribution in accordance with W.S. 21-16-904.

13. Of this general fund appropriation, two million five hundred thousand dollars (\$2,500,000.00) shall only be expended for matching funds to support excellence in research, education and extension in the college of agriculture, to include endowed chairs and professorships, which directly support Wyoming's agriculture industry and for which matching funds are received. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than one dollar (\$1.00) of matching funds from any other source. The University of Wyoming shall only distribute these funds after consultation with the advisory board of the college of agriculture. This appropriation shall be retained by the treasurer for distribution in accordance with W.S. 21-16-904. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207(a), any unexpended, unobligated monies from this appropriation shall not revert until June 30, 2028. It is the intent of the legislature that this appropriation not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

14. (a) Of this general fund appropriation, one million five hundred thousand dollars (\$1,500,000.00) is ~~appropriated for the purpose of converting light detection and ranging data collected pursuant to the United States geological survey's 3D elevation program initiative in Wyoming into a~~ 



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION	GENERAL FUND	FEDERAL FUNDS	OTHER FUNDS	TOTAL APPROPRIATION
FOR	\$	\$	\$	\$

~~statewide digital elevation model including statewide, two (2) foot digital contours and collecting and packaging the data for use by each of Wyoming's twenty-three (23) counties.~~

~~(b) Of this general fund appropriation, five hundred thousand dollars (\$500,000.00) is appropriated for the hosting, dissemination and public availability of the data by the University of Wyoming at a data hub, including Wyoming's geographic information science center, the Wyoming innovation partnership's data hub or both.~~

~~(c) These appropriations shall not be transferred or expended for any other purpose. It is the intent of the legislature that the funds associated with this footnote not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, this appropriation shall not revert until June 30, 2026.~~

15. (a) Of this general fund appropriation, seven million five hundred thousand dollars (\$7,500,000.00) is appropriated to the University of Wyoming college of health sciences to be expended to plan, develop and sustain an accredited physician assistant training program that will train a workforce to provide rural health care in Wyoming, including pandemic response. The program shall work and align as closely as possible with current medical education and training programs in Wyoming.

(b) This appropriation shall be reduced by one dollar (\$1.00) for every one dollar (\$1.00) up to seven million five hundred thousand dollars (\$7,500,000.00) appropriated for the purpose of developing and sustaining an accredited physician assistant training program in 2023 House Bill 0195.

(c) Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated funds from this appropriation shall not revert. This appropriation shall not be transferred or expended for any other purpose.

(d) The physician assistant training program may allow students to participate remotely from any Wyoming community college or from the University of Wyoming.

16. Of this general fund appropriation, three hundred thousand dollars (\$300,000.00) is appropriated to the school of energy resources to undertake a technological and economic analysis of the feasibility of producing high-



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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grade graphite from coal and other source materials. It is the intent of the legislature that this appropriation not be included in the University of Wyoming's standard budget for the immediately succeeding fiscal biennium. This appropriation shall not be transferred or expended for any other purpose.

**Section 072. RETIREMENT SYSTEM** <sup>1.</sup>

PROGRAM	GENERAL	FEDERAL	OTHER	TOTAL
Administration			19,048,113 PF	19,048,113
			<u>19,164,345 PF</u>	<u>19,164,345</u>
Highway Patrol			23,520 SR	23,520
Game & Fish-Wardens			33,055 SR	33,055
Deferred Compensation			1,926,645 P2	1,926,645
TOTALS	<u>0</u>	<u>0</u>	<u>21,031,333</u> <u>21,147,565</u>	<u>21,031,333</u> <u>21,147,565</u>

AUTHORIZED EMPLOYEES	
Full Time	44 <u>45</u>
Part Time	<u>0</u>
TOTAL	44 <u>45</u>

1. Beginning July 1, 2022 and ending June 30, 2024, except for performance compensation authorized under W.S. 9-3-406(a), no funds shall be expended to increase the compensation of Wyoming retirement system investment employees listed in W.S. 9-3-406(a)(ii) without ~~executive authorization and~~ legislative action. Mg

**Section 077. ENTERPRISE TECHNOLOGY SERVICES**

PROGRAM	GENERAL	FEDERAL	OTHER	TOTAL
Enterprise Operations	51,801,381			51,801,381
	<u>59,086,067</u>			<u>59,086,067</u>
IT Enhanced Services <sup>1.</sup>	252,821		43,683,131 IS	43,935,952
Depreciation Reserve			575,500 IS	575,500
WUN Infrastructure			14,942,316 S5	14,942,316
TOTALS	<u>52,054,202</u> <u>59,338,888</u>	<u>0</u>	<u>59,200,947</u>	<u>111,255,149</u> <u>118,539,835</u>



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
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standard budget for the immediately succeeding fiscal biennium. Notwithstanding W.S. 9-2-1008, 9-2-1012(e) and 9-4-207, any unexpended, unobligated monies from the appropriations subject to this footnote shall not revert until June 30, 2025.

3. Of the authorized employees, three (3) new full-time positions are authorized through June 30, 2024. It is the intent of the legislature that these three (3) full-time positions be authorized through June 30, 2025 through the supreme court's standard budget for the immediately succeeding fiscal biennium.

4. (a) In accordance with W.S. 5-1-110(b) and subject to constitutional and statutory provisions concerning when salaries can become effective, there is appropriated eight hundred seventy-seven thousand dollars (\$877,000.00) from the general fund for salary adjustments of supreme court justices, district court judges and circuit court judges for the period commencing April 1, 2023 and ending June 30, 2024 as specified in this footnote. This appropriation shall be allocated as follows:

(i) Not more than one hundred thousand dollars (\$100,000.00) for distribution among five (5) supreme court justices to effectuate a seven percent (7%) salary increase to one hundred eighty-seven thousand two hundred fifty dollars (\$187,250.00) annually;

(ii) Not more than four hundred thirty-seven thousand dollars (\$437,000.00) for distribution among ~~twenty-four (24)~~ district court judges to effectuate a seven percent (7%) salary increase to one hundred seventy-one thousand two hundred dollars (\$171,200.00) annually; *MB*

(iii) Not more than three hundred forty thousand dollars (\$340,000.00) for distribution among twenty-four (24) circuit court judges to effectuate a six percent (6%) salary increase to one hundred fifty-three thousand seven hundred dollars (\$153,700.00) annually.

75 5. Of this general fund appropriation, one hundred forty thousand seven hundred eighty-nine dollars (\$140,789.00), and of the authorized employees, one (1) full-time employee are authorized ~~for the purposes of hiring one (1) staff attorney.~~ This appropriation shall not be transferred or expended for any other purpose. *MB*



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

appropriation is for purposes of providing matching funds for private or federal funding for research, demonstration, pilot projects or commercial deployment projects related to Wyoming energy needs, including, but not limited to, carbon capture utilization and storage, carbon dioxide transportation, industrial carbon capture, coal refinery, and hydrogen production, transportation, storage, hydrogen hub development, biomass, biochar, hydropower, lithium mining, processing and separation, battery storage or wind and solar energy. This appropriation shall not be transferred or expended for any other purpose. *MS*

(d) Of the appropriations in subsection (a) of this section, up to ten million dollars (\$10,000,000.00) is appropriated for lithium mining, processing and separation and lithium mining development projects. Expenditure of funds under this subsection shall be conditioned upon receipt of matching funds in the ratio of one dollar (\$1.00) of appropriated funds under this subsection to not less than one dollar (\$1.00) of nonstate matching funds. *MS*

(e) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee ~~not less than thirty (30) days~~ prior to the expenditure being made. *MS*

[APPROPRIATION TO MATCH FEDERAL INFRASTRUCTURE GRANTS]

**Section 325.**

(a) Except as provided in subsection (c) of this section, there is appropriated seventy-five million dollars (\$75,000,000.00) from the general fund to the office of the governor for the purpose of providing state matching funds to qualify for federal infrastructure funds awarded to Wyoming or its political subdivisions under the Infrastructure Investment and Jobs Act, P.L. 117-58. This appropriation shall not be expended for any other purpose. Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of appropriated general funds to not less than four dollars (\$4.00) of federal funds.

(b) All proposed expenditures under this section shall be reported to the joint appropriations committee with a description of the desired actions and outcomes ten (10) days before use of the funds are approved by the governor through the B-11 process as authorized by W.S. 9-2-1005(b) (ii).


(c) Of any unobligated, unexpended funds appropriated under this section, five million dollars (\$5,000,000.00) is appropriated for construction of an airport tower at an international airport in Wyoming.



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION


Expenditure of this appropriation is conditioned upon a match of funds in the ratio of one dollars (\$1.00) of appropriated general funds to not less than four dollars (\$4.00) from any other funding source.

(d) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee ~~not less than thirty (30) days~~ prior to the expenditure being made. 

[SUPPLEMENTAL APPROPRIATION - GOVERNOR'S PROJECT CONTINGENCIES]

Section 327.

(a) There is appropriated eighty million dollars (\$80,000,000.00) from the general fund to the office of the governor as a supplement to appropriations in 2022 Wyoming Session Laws, Chapter 51, Sections 321 and 325. This appropriation shall only be expended for the purposes, conditions and requirements specified in Sections 321 or 325 and only if the original, respective appropriations in the relevant section has been fully expended or obligated. This appropriation shall not be transferred or expended for any other purpose. It is the intent of the legislature that this appropriation not be included within the governor's office standard budget for the immediately succeeding fiscal biennium.

(b) As a condition of expending this appropriation, all proposed expenditures from this appropriation and the purposes and goals of each expenditure shall be reported to the management council of the legislature and the joint appropriations committee ~~not less than thirty (30) days~~ prior to the expenditure being made. 

(c) This section shall only be effective if 2023 Senate File 0118 is enacted into law.

[ENTERPRISE INFLATION]

Section 328.

(a) For purposes of implementing governor's letter number four (#4), dated December 14, 2022 and on file with the legislative service office, there is appropriated fourteen million four hundred forty-five thousand three hundred forty-four dollars (\$14,445,344.00) from the general fund, three million five hundred seventeen thousand three hundred fifty-eight dollars (\$3,517,358.00) from federal funds and two million one hundred sixty-nine thousand five hundred ninety-nine dollars (\$2,169,599.00) from any other funds to the state auditor to be distributed as directed by the state budget



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

department to executive branch agencies, community colleges and the University of Wyoming for increased costs of utilities, travel, food at state facilities and facility health care services.

*Ms* (b) There is appropriated an additional ~~three million~~ five hundred thousand dollars (\$~~3,500,000.00~~) from the general fund to the state auditor to be distributed for community colleges as provided in subsection (a) of this section. *Ms*

~~(c) It is the intent of the legislature that these appropriations not be included within the standard budget for the immediately succeeding fiscal biennium.~~ *Ms*

[EMPLOYEE AND POSITION COMPENSATION II]

Section 329.

(a) There is appropriated forty-eight million eight hundred fifty thousand dollars (\$48,850,000.00) from the general fund to the state auditor for salary adjustments of general funded employees and vacant positions whose salary is not prescribed by law for the fiscal period commencing July 1, 2023 and ending June 30, 2024 as specified in this section. From this appropriation, the state auditor shall distribute this appropriation as follows:

(i) Twenty-eight million four hundred eight thousand two hundred ninety dollars (\$28,408,290.00) for distribution among the executive branch agencies, including statewide elected officials, pursuant to subsection (b) of this section for employees and vacant positions of the executive branch, the commission on judicial conduct and ethics, the Wyoming business council, Wyoming energy authority and the community college commission but not including any agency or entity specified in paragraphs (ii) or (iii) of this subsection;

(ii) Twelve million two hundred sixty-nine thousand three hundred forty-five dollars (\$12,269,345.00) to the University of Wyoming pursuant to subsection (b) of this section for employees and vacant positions of the University of Wyoming, the University of Wyoming medical education program, school of energy resources and the enhanced oil recovery commission;

(iii) Six million four hundred ninety-seven thousand four hundred forty-seven dollars (\$6,497,447.00) to the community college commission to be allocated among the community colleges in proportion to the state funded payroll of each college relative to the total state funded payroll as submitted by the colleges to the state budget department and further distributed within each college pursuant to subsection (b) of this



ENROLLED ACT NO. 37, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

building.

[STATE FAIR MATCHING FUNDS]

Section 331. There is appropriated five hundred thousand dollars (\$500,000.00) from the general fund to the state treasurer's office for the purpose of matching cash gifts received by the department of agriculture and deposited to the state fair endowment account. The state treasurer shall transfer the appropriation to the state fair endowment account only upon certification by the department of agriculture that the appropriation has been fully matched with cash gifts. 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, 2024.

[CAPITOL SQUARE IMPROVEMENTS]

Section 332.

(a) There is appropriated one million five hundred thousand dollars (\$1,500,000.00) 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 capitol interpretative exhibits and wayfinding subcommittee, the state construction department shall expend this appropriation for the purposes of design, development and finishes on, ~~in~~ the following ~~priority order~~: *Mo*

(i) Improvement of building acoustics in ~~public~~ meeting rooms and spaces; *Mo*

(ii) An art exhibit display area, broadcasting studio and custodial breakroom in the capitol extension.

(b) Any remaining funds from the appropriation in subsection (a) of this section shall be used to supplement previous appropriations from the capitol square preservation account for inflation.

(c) This appropriation shall not be transferred or expended for any other purpose.

[COMMUNITY FACILITY PROGRAM AND REHABILITATION]

Section 333.