



March 17, 2023

The Honorable Secretary of State, Chuck Gray
Secretary of State's Office
Herschler Building East,
122 W. 25th Street, Suites 100
Cheyenne, Wyoming 82002

RE: Line-Item Veto of SF0146/SEA No. 084 State Funded Capital Construction

Dear Secretary Gray,

I am very appreciative of the 67th Legislature's work on Senate Enrolled Act No. 84 - State Funded Capital Construction (SEA0084). The entire nation is facing stark impacts from inflation, in particular when it comes to construction. Some projects are seeing 20 to 40 percent cost increases. Therefore, it is appropriate that the focus of this bill is to finalize projects, which the Legislature previously approved and funded. I also applaud the Legislature for pausing new projects at the University of Wyoming beyond those that are underway. We will not alleviate local inflationary pressures by starting more projects in the next few years.

There are two sections of the state funded capital construction, SEA0084, that I have chosen for line-item vetoes. Section .027 on page 7 and section 9 starting on page 10 will show the vetoes.

I am striking a portion of the funding from the table under Section .027 Capital Construction Projects line SCD - Riverton State Office Bldg. to allocate \$2,500,000 in general funds. The full cost of a state office in Riverton is unknown, and I believe the amount of funding in the bill as it came to my desk is premature. As of this time, we do not know enough about the need for an investment in state offices for Riverton or if such an investment will generate sufficient savings for the State over the cost of continued leasing. Therefore, I am striking most of the funding from the table under Section .027 Capital Construction Projects line SCD - Riverton State Office Bldg. to \$2,500,000 in general funds. Leaving \$2,500,000 allows this task force to do a Level 1 study to assess the need and potentially a Level 2 study, or for the state building commission to make an early investment if something is available at a more affordable cost.

Currently there are 62 state employees in the Riverton area in office space (45 in leased space and 17 in state-owned space). Agencies that occupy office space in Riverton are the Wyoming Military Department, the Attorney General Office, the State Engineer's Office, the Departments of Agriculture, Revenue, Health, and Workforce Services and Family Services. The Department

of Family Services has the largest footprint with 22 employees. The 62 state employees excludes the Department of Corrections (DOC) employees at the Honor Farm (77 employees) and the staff of the Wyoming Fire Academy (11 employees). The Fire Academy staff are in a relatively new space with training facilities, a classroom, etc. and the Department of Fire Prevention and Electrical Safety indicated that a move would not be feasible. In addition to the 62 state employees in office space, WYDOT has 26 employees at state owned facilities and Game and Fish (G&F) has 2 employees (game wardens who work from their homes when not in the field).

The State currently pays for a total of nine (9) leases in the Riverton area. The cost is approximately \$300K annually for leased space. The state pays an additional \$575K for nine (9) leases in Fremont County. These totals do not include the Honor Farm, WYDOT, Fire Prevention or G&F. Unless consolidation of offices for all these leases is best for Wyoming, the potential savings in rent does not justify funding at the full amount in the bill (\$12,500,000).

I will be vetoing parts of Section 9, the Riverton State Office Building Task Force. The directives to the task force do not include a Level I study, which I believe would at least evaluate if a state office in Riverton would be a wise investment of the state's resources at this time. The task force can study the project and decide later whether to appropriate more money for a state office if that is its recommendation. Since a majority of the Riverton office task force are legislators who will serve in an advisory role to the executive branch, the task force should be staffed by the Legislative Services Office. My line-item vetoes address those concerns. My intent is to shape the work of the task force so that it will make an honest assessment without a predetermined outcome on a state-owned office in Riverton.

I note that Section 9 only contained an appropriation for salary, per diem, and mileage reimbursement for legislative members. Without an appropriation for executive branch members that will be assigned to serve on the task force, the burden imposed on the executive branch amounts to an unfunded mandate. Sauce for the goose should be sauce for the gander, and the non-legislative participants should also be reimbursed for their costs of travel.

Sincerely,



Mark Gordon
Governor

MG:rm:kh

cc: The Honorable Albert Sommers, Speaker of the House
The Honorable Ogden Driskill, President of the Senate
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate

ENROLLED ACT NO. 84, SENATE

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

APPROPRIATION FOR	GENERAL FUND \$	FEDERAL FUNDS \$	OTHER FUNDS \$	TOTAL APPROPRIATION \$
Section 027. CAPITAL CONSTRUCTION PROJECTS				
PROGRAM				
SBC - State Facility Inflation Reserve ¹ .	51,405,563			51,405,563
SBC - Cost Escalation/ De-escalation Fund	7,058,700			7,058,700
AGR - State Fair Projects ² .	500,000			500,000
AGR - Ft. Washakie Demo.	452,000			452,000
SCD - Riverton State Office Bldg. <i>Mo</i>	12,500,000			12,500,000
DOH - State Hospital Demo. ³ .			15,000,000 S0	15,000,000
DFS - Emerson Bldg. Rehab. ⁴ .	500,000			500,000
LCCC - Exterior Facade	5,779,006		4,687,463 PR	10,466,469
WWCC - Powerline Tech.	2,220,994		1,791,125 PR	4,012,119
EWC - Construction Tech.			3,386,811 PR	3,386,811
NWC - Orendorff Bldg.	4,000,000			4,000,000
WCCC - Military Campus Rec. ⁵ .	25,000			25,000
OSLI - Ranch A ⁶ .			1,000,000 S13	1,000,000
DOC - Women's Ctr. Roof	3,920,000			3,920,000
TOTALS	88,361,263	0	25,865,399	114,226,662

1. This appropriation shall only be expended in accordance with W.S. 9-2-3006(h), as created by section 2 of this act. Of this general fund appropriation, twenty-six million seven hundred sixty-five thousand eight hundred thirty-three dollars (\$26,765,833.00) is appropriated for inflationary costs associated with previously appropriated and authorized projects for state facilities managed by the state construction department other than community college projects. Of this general fund appropriation, twenty-four million six hundred thirty-nine thousand seven hundred thirty dollars (\$24,639,730.00) is appropriated for inflationary costs associated with previously appropriated and authorized projects for community college facilities.

2. This appropriation shall only be expended on projects identified in the 2020 state fair master plan that are feasible to be completed within one (1) to three (3) years. As a condition of this appropriation and prior to the expenditure of general funds, the department of agriculture shall secure matching funds in the ratio of five dollars (\$5.00) of appropriated general

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Section 8.


(a) There is appropriated four million dollars (\$4,000,000.00) from the general fund to the office of state lands and investments for purposes of providing a grant as provided in this subsection for infrastructure related to qualifying special events conducted on the grounds of any indoor or outdoor rodeo with a total seating capacity of not less than seven thousand five hundred (7,500). This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2026. Grant recipients that qualify under this subsection shall be selected by the state loan and investment board, subject to the following conditions:

(i) Any grant under this subsection shall only be awarded for infrastructure projects that create or enhance pedestrian transportation infrastructure to increase safety and avoid pedestrian and vehicle interactions, collisions and conflicts;

(ii) Expenditure of any grant by a recipient is conditioned upon a match of funds in the ratio of one dollar (\$1.00) of grant funds to not less than one dollar (\$1.00) from any other source, including in-kind contributions to the project.

[RIVERTON STATE OFFICE ~~BUILDING~~ TASK FORCE] 

Section 9.

 (a) There is created the Riverton state office ~~building~~ task force. The task force shall be comprised of:

(i) Six (6) members of the legislature as follows:

(A) Three (3) members of the senate, appointed by the president of the senate;

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(B) Three (3) members of the house of representatives, appointed by the speaker of the house of representatives.

(ii) The director of the state construction department or the director's designee;

(iii) Not more than four (4) members appointed by the governor from state agencies with a physical presence in Riverton.

(b) The president of the senate and the speaker of the house shall each designate a co-chairman of the task force.

(c) Legislative members of the task force shall receive salary, mileage and per diem for attending meetings. Members appointed under paragraphs (a)(ii) and (iii) of this section who are government employees shall be considered to be on official business of their agency when performing duties as members of the task force.

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

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

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MS
MS (ii) Closely monitor ~~the procurement of professional services and progress on the planning and design of the Riverton state office building project;~~ *MS*

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

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

MS
MS (v) Include in each interim report any recommendations ~~for legislative action~~ for consideration during the legislative session immediately following the report as necessary ~~to complete or continue the Riverton state office building project.~~

MS
MS
MS (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:~~

MS (i) Coordinate and schedule all meetings, assemble all required meeting agendas 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 legislative members of the task force to fulfill their responsibilities as members of the task force;~~

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

MS
MS (iii) Provide regular updates ~~and progress reports to the task force and the state building commission regarding the Riverton state office building project;~~ *MS*

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

(f) The task force shall terminate on June 30, 2028.

(g) There is appropriated fifty thousand dollars (\$50,000.00) from the general fund to the legislative service office for the period beginning with the effective date of this act and ending June 30, 2028. This appropriation shall only be for purposes of providing 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 shall revert as provided by law on June 30, 2028.

[WYOMING STATE PENITENTIARY CAPITAL CONSTRUCTION ACCOUNT -
APPROPRIATIONS]

Section 10.

(a) There is appropriated an amount not to exceed ten million dollars (\$10,000,000.00) from the Wyoming state penitentiary capital construction account to the state construction department for, in consultation with the department of corrections:

(i) Demolition of the north unit of the old state penitentiary in Rawlins;

(ii) Demolition of the administrative building at the Wyoming honor farm;

(iii) Relocation of utilities and information technology assets in the administrative building at the Wyoming honor farm to a suitable location on the campus of honor farm.