



March 15, 2024

The Honorable Chuck Gray
Secretary of State
State Capitol, 200 West 24th Street
Cheyenne, Wyoming 82002

RE: Veto of SF0013/SEA No. 0067 - Federal land use plans - legal actions authorized

Dear Secretary Gray,

I have determined to veto Senate Enrolled Act No. 67, being original SF0013 - Federal land use plans - legal actions authorized and therefore, I am delivering the original bill to you without my signature. My concerns are based upon my duty as Governor to not only honor the interests of Wyoming as expressed through legislative action, but to also recognize the separation of powers between the legislative branch and the executive branch.

At the outset, let me state there may be occasions when the Legislature might be justified in seeking counsel for specific litigation; but these instances would be exceedingly rare, and should never confound a court. Arguably, the Legislature has a legal interest in assuring that federal law does not diminish its lawmaking authority and that is why it charges the Attorney General with these tasks. With regard to the purpose of Enrolled Act No. 37, this is clearly not such a circumstance or a situation where lawmaking authority would be challenged. Rather, this act only provides funding for the Legislature to litigate parallel to what Wyoming is already litigating. At best, competing litigation efforts would only serve to confuse courts as to who represents the State of Wyoming, and at worst it would enable frivolous and political pursuits. Among the matters that have prompted this appropriation are federal decisions that concern all Wyoming citizens regarding federal natural resource policies. I respect the concerns of the Legislature; however, they do not overcome the fact that this bill represents a clear attempt to cross, blur and trample the line of separation between our equal, but separate, branches of government.

Furthermore, this Act is not fiscally conservative. The \$75,000,000 borrowing authority in this bill amounts to 67 percent of the biennial budget of the Attorney General's office only serving to enable duplicative Legislative litigation safaris that would be counterproductive and contrary to Wyoming's well established practice of cooperation between branches and respect for the Constitutionally enshrined principle of the separation of powers between the branches (Article 2

of the Wyoming Constitution). The Legislature's self-declared opinion of the proper interpretation and administration of federal natural resources law also does not pertain to the legislative power vested in the Legislature under Article 3, Section 1 of the Wyoming Constitution.

The Executive Branch of our state government is uniquely designed and charged to provide one voice when it is necessary for Wyoming to litigate to protect our interests and enforce or implement state laws created by the Legislature. Today, the State of Wyoming, through our Attorney General, is involved in more than 30 various cases protecting the rights of our citizens. I have not shied away from issues involving federal overreach into our management of Wyoming fossil fuels, wildlife and water, and will continue to do so. Federal land management plans have a great impact and benefit to Wyoming. We are ever vigilant in protecting our interests, particularly in federal land management plans. The support of those interests begins long before litigation. Our agencies and counties are cooperative agencies and are the best informed over the need to challenge federal decisions. That information is available to the executive branch, and this branch can initiate or join litigation being fully informed and accompanied with a deep understanding of the impact of such plans, which is gained because the executive branch implements the laws on a day-to-day basis.

I cannot conceive a situation when dealing with federal management plans that the legislative branch would provide a litigatory advantage beyond that of the executive. Such litigation is costly, and there is no financial reason to double the cost to the Wyoming taxpayer with two parties, both claiming to represent the state of Wyoming. That represents a weakness to be exploited by those not wishing the State of Wyoming to succeed.

Wyoming will vigorously continue to protect our interests through litigation and the prudent use of our taxpayers' dollars.

Sincerely,



Mark Gordon
Governor

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cc: The Honorable Ogden Driskill, President of the Senate w/copy of SEA No. 67
The Honorable Albert Sommers, Speaker of the House w/copy of SEA No. 67
Chief Clerk, Wyoming Senate w/copy of SEA No. 67
Chief Clerk, Wyoming House of Representatives w/copy of SEA No. 67