



March 5, 2026

The Honorable Bo Biteman,
Senate President
Wyoming State Legislature
State Capitol
Cheyenne, WY 82002

Re: Line-Item Veto of SF0001/Senate Enrolled Act No. 27 General government appropriations

Dear President Biteman,

First, thank you for the legislature's efforts in producing a budget that will provide adequate funding for the state government for the next biennium. Delivering a sound budget was the essential objective of this session, and to have the Senate, the House, and the Chief Executive all sharing the credit is, in itself, a remarkable achievement all things considered.

During my State of the State address to the 68th Legislature, I emphasized the importance of passing a budget that covered The Essentials. I mentioned that, without essentials, families falter, communities fade, and opportunity withers. The budget proposal I put forward in November substantially met those essentials. Accordingly, at this session's end, I commend the legislature for the actions they took recognizing families, communities, and preserving opportunity.

Furthermore, on behalf of all state employees, thank you for moving state employees to the 2024 pay table. This action ensures that the State of Wyoming stays efficient and competitive with our neighboring states. Trying to catch up to 2028 when you are working from 2022 pay tables would have tested the loyalty of even our most ardent Wyoming employees. Thank you for recognizing the importance of staying current.

I compliment you too, for supporting young families by providing an external cost adjustment for developmental preschools – these provide essential services and education for our children. Thank you for funding Wyoming's future.

The budget you received was built on providing essential needs for Wyoming citizens and enabling the fundamental obligations of government. While I understand there are areas of discussion, I appreciate, greatly, that the majority of my recommendations made it to the finish

line. Nevertheless, I am saddened by some of the reductions. Eliminating SUNBucks, the summer food program for children, makes life more difficult for already struggling families. As I asked in my state of the state, “what kind of people are we if we won’t feed our kids?” I grew up in a state where we always found a way to do that. Feeding our children is essential, and using state dollars to match federal dollars administered by the Department of Family Services (DFS) with a proven track record of running efficient and effective programs would be a great benefit to Wyoming communities as they struggle to cope with rising demand.

I was disheartened by the message broadcast across the country that Wyoming was closed for business when the legislature drastically cut the Wyoming Business Council (WBC). A far more constructive approach would have been to engage in the hard work of reform. Fortunately, you have left a path on which the legislature, the WBC, and I can work together to fundamentally address the future of statewide economic development. Through precise line-item vetoes, detailed below, I have widened that path to allow for a more complete and comprehensive review while still meeting past and current commitments.

It has been a difficult session at times, and Wyoming should appreciate your hard work this budget session. Still, you have kept on task to provide Wyoming with a true biennial, constitutionally sound budget. As you know, it is now time for me to do my constitutional duty under Article IV, Section 1 and review the budget as passed by the legislature. Under that authority, I may recommend changes to the final budget. Correspondingly, for each of the vetoes I have put forth, I have included brief comments explaining my rationale.

Again, I thank you for your diligence and your effort.

VETOS

Since taking office in 2019, and consistent with Article 3, Section 34 of the Wyoming Constitution, I have encouraged the legislature to refrain from using the budget as a bypass for the regular legislative process. The budget is to provide funding for state government and other ancillary activities. It is not a vehicle in which to legislate. While I have exercised discretion, I have selected numerous instances where it was more appropriate to handle a subject and its related appropriation through the regular legislative process outlined in our Constitution. (See single subject requirement of Article 3, Section 24.)

Section 2

The Wyoming Constitution sets forth duties and responsibilities of our respective branches of government. In its simplest form, the legislature passes legislation and the executive branch

enforces that legislation. Likewise, the legislature appropriates funds for the running of state government. The executive branch sees that those funds are used expeditiously and efficiently. It is not the role (though it may be an understandable temptation) of the legislature to attempt to assume the extent of executive functions such as deciding how many positions, the level of individual pay, or the classification of specific employees of the executive branch. Yet, firmly implanted in our Constitution is the principle that the legislature's management tool is appropriation. It is the executive branch, which must execute under the law. It is a distinction and a discussion as old as our nation.

This section breaches the separation of powers outlined in Article 2, Section 1 of the Wyoming Constitution. The legislature holds the power of the purse, however, the executive branch has the authority to determine the number of employees and manage those employees as deemed necessary by the executive branch to execute the statutorily required programs and purposes established by the legislature.

Instead of vetoing every employee table for every agency and every designation of specific positions, classification, full or part-time status and other related executive personnel management overreach contained in the bill, of which there are many, this concise veto extends to each and every overreach contained in the bill. As a gesture of respect, and to conserve your valuable time in considering the other important matters that follow, I offer this singular veto to make that point.

It is my intent that the executive agencies, subject to my approval, will be able to determine the number and duties of their employees within the confines of the amount of funds appropriated by the legislature. The legislature's categorical appropriations into series 100 provides sufficient restriction to ensure that the expenditures are limited to personnel costs and that there is no increase in cost to Wyoming.

Now to address the remainder of the budget.

Section 004 State Treasurer

- **Footnote 1**

I appreciate the flexibility given to the treasurer for reclassification and compensation adjustments. However, I do not believe the investment funds committee needs to nor finds it in their charter to provide a recommendation. Their area of expertise is in investments and markets, not over the administration of personnel.

Section 010 Department of Agriculture

- **Footnote 4**

All agencies, boards, and commissions pay their share of the statewide cost allocation for shared services provided by the state. These services include access to the Attorney General's Office, email, archives, human resources, central mail, and more. The consequence of these exceptions is the Wyoming taxpayers needlessly have to fund additional general fund dollars to realize the same benefits. I have vetoed this footnote because it allows the entities listed not to pay their fair share, and might encourage other agencies to seek relief defeating the value of the statewide cost allocation. As drafted, exempting agencies from paying a fair share is inherently counterproductive and wasteful. Nevertheless, I have also directed the State Budget Department to work closely with the designated boards and commissions to affirm allocations are proportionate, fair, and based upon the allowable administrative costs available. This effort is better done in the executive branch where the exigencies of commissions, boards, and agencies can be best understood.

Section 015 Attorney General

- **Footnote 4**

The legislature put unnecessary burdens on the Office of the Attorney General in their efforts to protect Wyoming's water rights. I support the reporting requirement, but the additional requirements may interfere with the ability of the attorney general to conduct litigation related activities they deem necessary. Reporting "proposed" expenditures with a description of the desired actions and outcomes of the expenditure "not less than 10 days before the expenditure" is unrealistic and impedes the authority of the attorney general in the management of his duty. It also creates an implied expectation that use of the funds requires additional legislative approval or action, which violates the separation of powers. I have left the reporting provisions that provide the legislature with the ability to discharge its oversight responsibilities.

Section 042 Geological Survey

- **Footnote 1**

I deleted, "to the greatest extent possible", in footnote 1, because it is unnecessary and even potentially confusing. The footnote outlines the agency making the good faith effort to secure matching funds. In addition, this term is highly subjective and would be difficult to prove.

Section 045 Department of Transportation

- **Footnote 4**

While respecting the appropriation, the appropriateness of the legislature dictating the use or sale of specific equipment purchased by another branch of government is an over-step. I have therefore removed the language that either grounds or sells one state jet. Costs will be handled within the appropriation provided by the legislature.

Section 057 Community College Commission

- **Footnote 1**

Dual enrollment opportunities for youth in Wyoming are important, and I commend the legislature for appropriating funds for a program to support this effort. However, Wyoming ought to be about providing this opportunity to *all* students. Additionally, these funds cannot be appropriated for a new “grant” program, as there is no capacity to establish rules to administer the “grant” program associated with the appropriation.

- **Footnote 7**

I am deleting footnote 7 since it unnecessarily hampers options available to the community colleges, which may well help forestall the use of state funds over time. While the community colleges’ current intent is not to use any state dollars for this purpose, nevertheless, other states are using their state funds for Name, Image and Likeness as well as revenue sharing. The community colleges need flexibility to craft a program that meets the dual objective of education and intercollegiate activities.

Section 067 University of Wyoming

- **Footnote 2**

Dr. Piri and the Center are extremely valuable to University of Wyoming (UW) and Wyoming. The Center’s research at High Bay is unmatched anywhere and is necessary to keep Wyoming and its core industries at the leading edge of innovation. This footnote expresses the legislature’s desire to provide oversight to Wyoming’s investment in the High Bay facility and the use of these assets. However, the footnote’s instructions regarding the audit and review are too broad and will likely result in unnecessary effort, time, and expense.

The financial and administrative audit should confirm that the center is adhering to the specific terms of its governing, operational, and intellectual property agreements with

UW, the use of public funds is as intended, and that any royalty or commercialization revenue is distributed as required.

The operational review should evaluate if the:

- intellectual property is being protected and its value being maximized,
- stewardship over UW's assets are being used and maintained in accordance with the agreements and applicable standards,
- university is managing the unavoidable conflicts of interest that arise in these types of shared higher education enterprises,
- and activities are in alignment with the legislative intent behind the creation of the High Bay facility.

It is my hope that the university takes this veto language as advice on how to get the information needed by the legislature to provide this oversight function, but to do so in a pragmatic and cost effective manner.

This is part of the block grant and to the extent that this effort does not cost the amount provided, UW should not be prevented from using any unused balance of this amount for other purposes.

- **Footnote 6**

It is the legislature's option to appropriate funds for a matching program for the School of Energy Resources. However, the 10-day reporting requirement to the Management Council reaches too far into the functions of the executive branch. Similarly, for the reasons set forth for Agency 015, Footnote 4 as noted above. Also, I point out that the legislature already has two legislators as ex officio members of the energy resources council and thus are cognizant and involved in the selection of projects.

- **Footnote 8**

The world of college athletics is rapidly changing and more competitive than any time in our history. I am deleting footnote 8 since it unnecessarily hampers options available to the University, which may well help forestall the use of state funds over time. While UW's current intent is not to use any state dollars for this purpose, nevertheless, other states are using their state funds for Name, Image and Likeness as well as revenue sharing. The University needs flexibility to craft a program that meets the dual objective of obviating the use of state funds and meeting the requirements set out by the conference.

- **Footnote 9(b)**

The University of Wyoming Board of Trustees is required to submit an operational plan to the Governor and the Joint Appropriations Committee. The legislature, in requiring a predetermined outcome, lessens the value of a study potentially stepping over dollars to pick up nickels and dimes.

Section 077 Enterprise Technology Services

- **Footnote 2**

It is unnecessary to dictate to the agency to seek grants to the “greatest extent possible”, such a term following the phrase, “in good faith” is subjective and would be difficult to prove. My veto does not remove the requirement to seek grants.

Section 085 Wyoming Business Council

- **Footnote 1**

The legislature has made it clear that revisions to the Wyoming Business Council are necessary. There is little doubt that any meaningful reform will take time and participation from the public, my office, and the legislature, especially during an election year when all of the House and one-half the Senate are up for election during the interim. My veto does not increase funding for the Wyoming Business Council, but it does lengthen the time to expend those funds for necessary projects while working to revamp the agency. It does allow us to measure twice and cut once

Section 206 Department of Education

- **Footnote 1**

I have vetoed this language because it violates the separation of powers. The stricken language leaves the position, classification, and compensation in the hands of the Wyoming Charter School Authorizing Board preserving the Board’s independence. The executive director is accountable to the Board and it should have the responsibility and authority to determine these matters for this position.

Section 303(a) Wild Horse and Burro Management

Over the years, Wyoming has invested resources and time in the proper management of wild horses and burros. The land pattern of federal and state lands within Wyoming makes meaningful management of feral horses and burros nearly impossible. That might change under

the current administration in Washington D.C. Since this appropriation has not been used for two years, my veto re-appropriates the funds to the office of the governor for use anywhere in the state, including the Wind River Reservation. My veto leaves the legislature's requirement for a dollar-to-dollar match for projects on the Wind River Reservation in place. This gives me the flexibility to partner with our Wyoming Tribes with whom I have a great partnership in the management of wild horses and burros, but also ensure the money is used to continue this work where it can be most effective.

Section 307 Personal Services Transfers

This section limits the executive branch from transferring 100 series for personal services to 900 services contract services. The legislative branch does not have this limitation and actually allows the Management Council to transfer funds from one expense category to another, as the activities of the legislature require. If it is good for the goose, it should be good for the gander.

During this legislative session, and in previous sessions, the Joint Appropriations Committee recognized this restriction and allowed some agencies more flexibility. The Department of Corrections, Department of Health, and Department of Environmental Quality have what is referred to as "superflex" for some time, representing 37% of the positions authorized in this budget. The Public Defender and the Highway Patrol Capitol Protective Service have limited flex authority. This authority needs to be allowed across the enterprise. It is not only a separation of powers issue, but one that allows greater efficiency and effectiveness by agencies to execute the law and fulfill the duties charged by the legislature. For the last two years I have taken, and with this veto, will continue to take executive action to control agencies from abusing this executive discretion and limiting bureaucratic waste and excess.

I signed Executive Order 2024-07 Budget Funds For Personal Services two years ago to ensure the executive branch followed a protocol for these transfers. This action implemented measures to prevent unchecked growth in positions and budgets, and to administer Wyoming's funds in a fiscally responsible manner. I only approved these adjustments when necessary during the current biennium. To date, agencies made ten separate requests, of which only four were granted, totaling \$1,012,393.00. The majority of these were funded with special revenues.

Section 310 Limitation of Salary Increase

I still question the constitutionality and functionality of this re-occurring budget language. The fiscal control intended by this section is something that already exists in executive order. My designees to review proposed salary increases are the Director of the Budget Department, the Director of the Departments of Administration and Information, and the Human Resource Division Administrator. They review any proposed salary increases for compliance with

personnel rules, to make sure these increases do not create systemic inequities, and to ensure that an agency has adequate funds in its budgets. Any increase above what the legislature has authorized would result in an exception request to the legislature under executive rules and Chapter 2 of Title 9 of the Wyoming Statutes. As written, this provision infringes on the separation of powers and encroaches upon the inherent prerogative of the executive branch. Accordingly, I have stricken the offending language.

As mentioned in my response above to Section 307, two years ago, I signed Executive Order 2024-07, which implemented measures that prevent unchecked growth in positions or budgets. This Executive Order does allow flexibility within the already allocated 100 or 900 series funds when necessary to allow for the efficient operation of government. This approach will uphold our commitment to prudent governance and fiscal responsibility while respecting the separation of powers.

Section 312(b) Energy Matching Fund Grant

In keeping with other provisions in this letter, reporting “proposed grants ... not less than 10 days prior to the execution of the grant” is unrealistic and impedes the authority of the agency. It also fosters an expectation that awards require additional legislative approval or action, which violates the separation of powers. The reporting provisions remain that provide the legislature with the ability to discharge its oversight responsibilities.

Section 317 Deappropriation - Business Ready Community Account

As mentioned earlier, the legislature has directed that the Wyoming Business Council be reviewed and revamped. Such a review and eventual recommendations will take time. I vetoed subparagraph (a) which will leave the existing BRC funds intact, which do not revert under prior law. There are projects already approved and are important to communities in the state, and pending final approval by the SLIB in April 2026. One is an application for a workforce housing project in Laramie County. This veto will not only allow that application, if approved by the SLIB to move forward, but will allow other pending projects throughout the state to continue their work, and avoid an abrupt end to state support for economic development in Wyoming. All other unexpended and unencumbered funds or funds that are not continuously appropriated under existing law will revert on June 30, 2026.

I have also vetoed subparagraph (c) so that the effective date of the contraction of the Wyoming Business Council will not occur on June 30, 2026. This is consistent with my line item veto in Section 85 to give the program more time to finish existing projects and more time to determine the future of this program.

Section 318 Revisions to Prior Appropriations

- **Section 321 Energy Matching Funds**

This veto makes the reporting requirement to the Management Council and Joint Appropriations consistent with current law and process. Once more, the reporting requirement is acceptable. The 10-day reporting requirement and the B-11 process is unnecessary and reaches too far. The reasoning set forth for Agency 015, Footnote 4 noted above applies here as well. In the several years of the Energy Matching Fund program, every project has been reported to the Management Council and the Joint Appropriations Committee well before any funds were expended. I have not received any request to curtail a project from either the Council or the Committee. No money will remain in the Energy Matching Funds program by June 30, 2026.

- **Section 325 Appropriation to Match Federal Infrastructure Grants**

This veto conforms the notification process of the Infrastructure Grants with current law and practice.

Section 324 Modification of Authorization to Expend Wyoming State Penitentiary Capital Construction Account

While I appreciate the authority and guidance provided in this section, the appropriation and recapture in this section is no longer necessary. The Department of Corrections has fully encumbered the funds from the capital construction account within the strategic investments and project account and the project will be completed in the next few months. If not vetoed, this footnote will result in a short fall of funds to complete the replacement of the department's security system of approximately \$1.3 million, with no ability to cover the deficit from reversions or other departmental funds. I anticipate that I will B-11 those excess funds (approximately \$43.7 million) back to the Wyoming state penitentiary capital construction account within the strategic investments and project account before the end of this fiscal year.

Section 328 Governor's Biennial Budget Development Recommendations - Restoration

- **Footnote 7**

I have deleted this footnote. As explained earlier in this letter, University of Wyoming athletics are a source of pride and joy for the citizens of Wyoming. However, recent court decisions and changes with intercollegiate rules are rapidly changing and our university and community colleges must be given the flexibility to adjust to those rapid changes. Other states have or are contemplating the use of state funds to be available for Name

Image and Likeness payments and revenue sharing. This is not the time to unnecessarily tie the hands of our community college and university officials in meeting the challenges facing our athletic programs.

Section 334(a) Wyoming Business Council - Forensic Audit

I bring this recommended veto with the purpose of clarity. A general definition of a forensic audit is: A forensic audit is a detailed, specialized examination of financial records designed to detect fraud, embezzlement, or misconduct, often for use as evidence in legal or regulatory proceedings. Unlike standard audits, these investigations trace funds, analyze internal controls, and can be used for expert testimony in court.

There have not been any allegations for fraud, embezzlement or misconduct, so a better description would be a programmatic audit like those audits conducted in the past by the Management Audit Committee. However, I am unable to add language as part of the veto process, so I recommend the deletion of the word "forensic."

Again, thank you for the hard work that went into producing this budget. Your work and the appropriations in it will serve Wyoming well in the coming biennium. My actions are offered with respect for the legislature's authority and with equal regard for the constitutional duties given to the executive branch. Our founders wisely established well-reasoned separate branches of government so that each could perform its responsibilities effectively while maintaining the proper balance of power. Our Constitutions do not give us rights. Those are given by God. The Constitution keeps government in check so that it does not usurp our rights. Preserving that balance of power ensures Wyoming's government remains accountable, efficient, and faithful to the Constitution we are sworn to uphold. I appreciate your favorable consideration of these recommendations.

Sincerely,



Mark Gordon
Governor

MG:dp:kh