



March 6, 2026

The Honorable Bo Biteman
President of the Wyoming Senate
State Capitol, 200 West 24th Street
Cheyenne, Wyoming 82002

Re: Veto of Senate Enrolled Act No. 29 / Senate File 0119 - Strategic investments and projects account - repeal - 2

Dear President Biteman,

The State of Wyoming budget process is complex, and I have long argued for more simplicity and clarity. I appreciate your efforts to add transparency to the flow of funds. Ostensibly, that seems to be the aim of Senate Enrolled Act No. 98/ Senate File 0169. However, upon review of each section of this Act, something less innocuous may also be afoot: limiting the Chief Executive's ability to make budget recommendations by reducing access to revenue. Thereby establishing an unreasonable one-sidedness between the Executive and Legislative branches. This tension is neither new nor unexpected, yet it complicates what should be a relatively simple effort to disentangle the state's unduly complicated fund structures.

Section 3 of this act repeals W.S. 9-4-719 (b) (i). This repeal removes the authority from the Treasurer to transfer a percentage of earnings from the Permanent Mineral Trust Fund (PMTF) into the Strategic Investment Projects Account (SIPA). A palatable solution in the repeal would have been to keep the current flow of funds to the School Foundation Program and the General Fund. This would have ensured transparency. Intriguingly, this act transfers those funds to the School Foundation Program Reserve Account and the Permanent Mineral Trust Fund Reserve Account where they are *only* available to the Legislature.

Under the Wyoming Constitution, the budget is required to be balanced. Wyoming Statute 9-2-1013(d)(ii) defines that in general terms: "[t]he total recommended appropriations under this subsection for any two (2) fiscal year budget period shall not exceed the total estimated revenues for that two (2) year period. Simple. However, by moving revenue into these to reserve accounts changes them into non-revenue and subsequent provisions of Wyoming Statute 9-2-1013 prohibit the Governor from proposing their use in a budget. They are by legislative fiat – no

longer revenue. However, the legislature is not bound by any such restrictions under this statute, and can spend from any or all of these accounts.

Back to the bill, keeping the flow of funds to the School Foundation Program is not my concern, as it is imperative to fund education. However, transferring the remaining balance of funds to the Permanent Mineral Trust Fund Reserve Account instead of the General Fund restricts my ability, and the ability of future Governors, to utilize revenue to provide a balanced budget recommendation to the legislature. This is the same ruse in a different guise as last year's effort to artificially constrain the Governor's access to state revenues when preparing the budget. This seems fatuous when compared to the unrestricted ability of the Legislature to appropriate from any of the many accounts it has created.

To put it into numbers¹, this legislation would prevent me from utilizing \$496.7 million of available funds in my recommended budget. Actions taken by the legislature in this budget session prove that I submit a balanced budget that provides The Essentials for Wyoming families and businesses. This is an unnecessary and unwarranted restriction that ushers in an untenable, one sided pull on the Legislative Stabilization Reserve Account already arguably oversubscribed as a backstop to everything from the Hathaway to the occasional borrowings needed to fund highway projects when federal highway funds are delayed. While the bill would increase the Governor's ability to propose using up to 20% of the LSRA balance, that balance would have to be \$1.6 billion to give the Governor equal access to state revenue equal to what would be available in the SIPA.

Actions taken by the Joint Appropriations Committee (JAC) during this session further prove this act provides unnecessary restrictions. In my budget recommendation for Capital Construction, I used funds from the SIPA. The JAC chose to move those funds to the General Fund, move capital construction/major maintenance from the budget to a separate bill, and utilize General Funds to pay for those projects. If the SIPA repeal would have transferred the money to the General Fund that would be a reasonable solution. But as configured now, it does not.

If the intent is to simplify the budget process, this is not a forthright avenue. Nevertheless, I commend your efforts to take action on this issue and wish the premise was as straightforward as it ought to be. I cannot agree with an approach by the Legislature, which attempts to restrict the Executive Branch's ability to propose a responsible budget within the limits set by our Wyoming Constitution.

¹ Using LSO's "Fiscal Profile for 2025-26 (2027-28) - January 2026 CREG revenue forecast" dated March 6 2026.

Finally, I remind you that it is the legislature that eventually adopts a budget. It is my role to propose a budget. It is the Legislature's prerogative to add or delete funds during their deliberations and eventually adopt a budget. That is how it is all supposed to work. Thus, it seems arbitrary and academic to limit a governor's ability to make recommendations from the state's revenues when that discipline does not extend to the appropriators. Setting the inherent tension between branches aside, the Executive and Legislature are meant to work together towards creating a budget. It should be one that is truly simplified and transparent. Again, though, I appreciate the efforts to simplify the budget, I just had hoped for something without a hidden agenda.

Sincerely,



Mark Gordon
Governor

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cc: The Honorable Chip Neiman, Speaker of the House
The Honorable Chuck Gray, Secretary of State
Chief Clerk, Wyoming House of Representatives
Chief Clerk, Wyoming Senate