

Wyoming Secretary of State

Chuck Gray



March 28, 2024

Via Hand Delivery and E-Mail

Honorable Mark Gordon, Governor
Wyoming State Capitol
200 West 24th Avenue
Cheyenne, WY 82002

Dear Governor Gordon,

First, this letter is to acknowledge the vetoes you sent to our office, pursuant to Article 4, Section 8 of the Wyoming State Constitution. While acknowledging receipt of these vetoes, our republic is built on discourse and debate. It is important that there is a vigorous discourse about the future of our state. In this vein, I wanted to respond to some of the points made in your letters that I disagree with as well as to express disagreement with many of your veto actions. These are not the only veto actions I disagree with. While this letter is detailed, it is the duty of officials in our state to discuss these issues. Wyoming can and should lead the way in providing meaningful property tax relief, protecting the unborn, defending our Second Amendment rights from tyranny at all levels, ensuring a way to fight back against attacks on our core industries, and guaranteeing that our only land grant university represents the values of Wyomingites, not leftist elites. Unfortunately, your vetoes do not do that and in that way set us in the wrong direction.

SF0054/SEA No. 70 Homeowners Exemption

SF0054/SEA No. 70 would have provided a 25% tax exemption on assessments up to \$2 million. This bill was central to the Legislature's attempt to provide real, broad based tax relief, and it was a long time coming. The other passed property tax bills were important bills but were either limited to certain populations or to the cap bill that would simply limit future increases but did not address the outrageous increases seen over the past years. Your veto message makes it sound like the remaining signed property tax bills provide complete relief, but the vetoed bill SF54 was the heart of providing across the board relief for the double-digit property tax increases seen for years.

I would also disagree with you that this SF54 is lacking in "maturity." Rather, SF54 was an important bill that has been developed in the Revenue Committee over a two-year period and after half a decade of very little action on property tax reform. As a member of the Revenue Committee in the 66th Legislature in the 2022 interim, we developed the concept, which became HB98 in the 2023 General Session. It was identified at the very start of the committee's interim process in 2022 as a clearly Constitutional method of providing real tax relief. Unfortunately, the

bill failed during the 2023 General session, but it was further studied in the 2023 interim. In other words, SF54 had been developed for over two years by a standing committee.

To call a bill that would provide a 25% tax exemption on assessments “Bidenomics” is absurd. Biden has overseen the largest tax increase in American history through inflation and a number of passed tax increase measures. The enormous property tax increases that we have seen in Wyoming are reminiscent of the disasters of the Biden Administration and that would have been addressed by this important bill. Rather, I would characterize your veto of this conservative bill as “Bidenomics.”

The time for real action on property tax reform has long passed. Wyomingites are being forced out of their homes. SF54 is the only bill that would have provided broad-based tax relief, and with its veto, the property tax package sent from the Legislature has been heavily damaged.

HB0125/HEA No. 49 Repeal gun free zones and preemption

In Wyoming, we are pro-gun and believe in the Second Amendment. HB125/HEA No. 49 was an important pro-Second Amendment Bill that would eliminate gun free zones in a number of different contexts. Gun free zones are soft targets. As Professor John Lott’s research has shown, repealing gun free zones is an important part of decreasing the likelihood of mass shootings. Your veto of this bill reverses the important pro-Second Amendment work the legislature has done.

Your letter suggested that this bill had somehow not been fully debated. But this was another deeply “mature” bill that was a long time coming, as it was debated on four different occasions during the six years I served as a legislator and many times before that. There was no bill during the 2024 session more vetted than HB125.

Your letter from March 22, 2024 addressed to me also makes the argument that the bill gives “sole authority to the Legislature to micromanage a constitutionally protected right.” The bill does the opposite. The bill would have repealed the gun free zones that were previously passed by the Legislature to unconstitutionally micromanage a constitutionally protected right.

As a member of the State Building Commission, I plan on bringing a motion to allow for citizens to carry in the Capitol and state buildings. Wyomingites should be able to defend themselves from those who may seek to harm us. But the veto of this pro-Second Amendment bill will prevent Wyomingites from being able to defend themselves in many different situations.

HB0148/HEA No. 37 Regulation of abortions

This important pro-life bill would have regulated abortion mills and required them to be licensed as ambulatory surgical centers. Any individuals performing abortions at ambulatory surgical centers would have been required to have admitting privileges at a hospital within 10 miles of the abortion mill. The bill would have also required an ultrasound to occur before any abortion.

One of the many troubling aspects of your veto message to me was that the stated reasons to try to justify the veto were actually reasons why it was so important to sign the bill. As you said, over 500 abortions occurred in Wyoming last year due to the stay of the important pro-life bills passed by the Legislature. It is a tragedy.

The signing of this bill would have put a new set of common-sense regulations on abortion mills, saving lives during this period when the stay is in place and the Wyoming Supreme Court is making its decision. When the inevitable legal challenge of HB0148/HEA No. 37 would have occurred, it is wrong to have said that a temporary restraining order and stay would have been ultimately granted. There are many reasons why Wyoming courts would not have gone in that direction. Rather, this bill would have likely provided needed regulation of abortion mills while the Wyoming Supreme Court is making a decision regarding previously passed bills and would have saved thousands of lives in the process.

SF0013/SEA No. 0067 Federal land use plans-legal actions authorized

The BLM's Draft Resource Management Plan is a direct attack on Wyoming's way of life. The federal government's continued attempts to prevent our state from reaching its full potential are unacceptable and unconstitutional. As a member of the State Board of Land Commissioners, I have been heavily involved in pushing back on the BLM's outrageous Resource Management Plan. In October, I joined hundreds of Sweetwater County residents to share the concerns Wyoming businesses and landowners had conveyed to me in my capacity as Secretary of State. The BLM's conduct has been appalling. Although billed as an 'open house,' the meeting would not accept verbal comments from those most deeply affected by the proposed plan and the BLM's preferred alternative: the public. The proposed plan's preferred alternative is another example of Washington, D.C. attempting to exert control over Wyoming in order to prevent our state, and our people, from achieving our full potential. I've been consistent in my strong opposition to the Draft RMP, and have joined the vast majority of Wyomingites in asking the BLM to withdraw the plan, and listen to the best interests of Wyoming, not Washington, D.C.

SF0013/SEA No. 67 would have been pivotal in allowing the Legislature to step in if the Attorney General is not sufficiently defending the interests of Wyoming. It also would have set aside a large war chest for that effort. With the stakes being so high, this makes clear sense. The lost potential for southwest Wyoming, and by extension all of Wyoming, if the Resource Management Plan were adopted would dwarf the costs associated with this bill.

This bill was modeled after HB0251/HEA No. 117, coal export terminal litigation, a bill that I was the lead sponsor of in the 2019 General Session. The 2019 bill would have allowed the Legislature to step in and commence litigation if it deemed that the Attorney General was not sufficiently defending our coal export interests. California, Oregon, and Washington continue to block us from being able to export Wyoming coal. As I remember very vividly, you also vetoed that bill, using very similar argumentation as the veto letter for this bill.

The lessons of the veto of the coal export terminal litigation bill is instructive as to why this bill was important. After the veto in 2019, you stated that your office, in coordination with the appointed Attorney General would pursue the litigation on your own. But the Attorney General proceeded to wait for almost an entire year until January of 2020 to file the interstate

commerce clause litigation. When COVID started, the cert decision for the case was delayed. And when the coal export terminal parent company, Lighthouse Resources, went bankrupt, Washington State was able to argue that the case was moot. That played a significant role in the Supreme Court declining to take the case. Timing is pivotal to litigation, and the Attorney General missed the boat and waited too long to act, which cost us valuable time in achieving a favorable outcome.

That same mistake must not be made again. One of the key lessons of the coal export terminal litigation is that there must be a backup plan if the Attorney General is not able to adequately execute a complex case. The stakes with the BLM's attack on our way of life could not be higher. The federal government has unlimited resources in this type of litigation. Wyoming must be fully prepared to defend our interests with both the Executive and Legislative branches focused on achieving a favorable outcome. The veto of this bill will endanger Wyoming by denying key resources in challenging the federal government's direct attack on our way of life.

SF0044/SEA No. 62 Limited mining operations-amendments

I'm deeply concerned about the proposed gravel pit at the foot of Casper Mountain. As a fellow member of the State Board of Land Commissioners, it is important that we work with the Natrona County Board of Commissioners to stop this problematic proposal.

SF0103/SEA No. 30 Wyoming PRIME Act

Expanding food freedom has been an important accomplishment of Wyoming state government over the past decade. The Wyoming PRIME Act would expand food freedom provisions to homemade meat products if the federal PRIME Act becomes law. Expanding food freedom to Wyoming meat products would be a pivotal economic development measure. One of the largest challenges Wyoming producers face is the economic pressures brought on by the costs imposed by the meat packer monopoly. And passing the PRIME Act would give Wyoming producers more freedom to bypass the meat packer monopoly.

Your veto expressed opposition to trigger bills for "cluttering our laws" and "increase confusion." I find these arguments to be problematic. First, trigger bills are important in preparing Wyoming for the very real, welcome possibility that the federal PRIME Act is passed. The Legislature only meets once a year, so having the bill in place would prevent a delay in implementation of food freedom if the federal PRIME Act is passed.

Trigger bills also indicate to the federal government where Wyoming stands on important issues. For example, the 2021 pro-life trigger bill, HEA No. 57 "Abortion prohibition-Supreme Court decision" proved to be very prescient and important in advancing Wyoming's pro-life values. The veto of this bill prevents Wyoming from taking a strong stand on this important issue.

SF0061/SEA No. 22 Education Charter Amendments

Wyoming's work to expand access to charter schools is pivotal to our state's future and it's working. Just in the past year, two new charter schools in Mills and Chugwater have been started. A charter will start in Cheyenne during the coming school year.

But there is continued work that needs to be done, and this bill was an important part of that continued improvement of Wyoming's charter school statutes. The bill contained two important reforms. First, it would have allowed charter school themselves to be designated as a local education agency (LEA). Second, it would clarify when the school district in which a charter school would be located would receive their share of the school foundation guarantee.

Both reforms are extremely important. Allowing a charter school to be an LEA would increase the independence and autonomy of each charter school and allow them to apply for funds on their own. In addition, it would take away considerable uncertainty and concern about the exact timing of their receipt of funds from the school district. Over the past year, I worked a great deal on the opening of the Chugwater charter school. The uncertainty around receipt of funds was one of the key challenges that this charter school faced. The common-sense reforms were supported by the Department of Education and passed with a 30-1 vote in the Senate and a 60-0 vote in the House. The veto of this bill is an unfortunate setback to advancing charter schools in Wyoming.

HB0166/HEA No. 53 Education savings accounts-1

School choice is pivotal for Wyoming's education system. Education Savings Accounts (ESAs) provide opportunities and options for Wyoming families. Your line item veto of this bill denies ESAs to huge swaths of Wyoming citizens. I'm confident that the removed provisions would have survived Constitutional muster and am disappointed that the full potential of this bill wasn't able to be realized due to your line item veto.

HB0001/HEA No. 50 General government appropriations

Overall spending in the budget itself is quite troubling. The final budget represented a 30% increase from the 25-26 standard budget of \$8.7 billion. The standard budget is a calculation of the level of spending that would have continued services at the 23-24 biennial levels. The continued increase in General Fund spending on superfluous, unneeded projects is not sustainable.

Section 067 University of Wyoming Footnote 12

Before being line-item vetoed, this important footnote would have defunded DEI programs at the University of Wyoming. The University of Wyoming is a very important institution in our state. As a land grant university heavily supported by the people of Wyoming through tax dollars, the University of Wyoming should represent the values of Wyomingites. DEI and gender studies programs do not represent those values. You make the deeply troubling argument in your line item veto letter that this footnote would jeopardize federal funds to the

university. Wyoming can't allow the threat of the loss of federal dollars to compromise our values. I'm deeply disappointed by your veto action and explanation.

Section 341 Wheatland Water Tower

The Wheatland water tower rebuild is an emergency project. As a fellow member of the State Loan and Investment Board, I have emphasized needed infrastructure spending for projects like these. From the start when this issue came to the attention of the State Loan and Investment Board, it is clear that this is an emergency situation. Lives are on the line.

When the State Loan and Investment Board heard the emergency application in January and approved the faulty water tower's demolition, you advocated for only funding the demolition of the water tower, stating that there would be other opportunities for funding the rest of the project. That made it all the more disappointing when you decided to line item veto the budget fully funding the water tower rebuild.

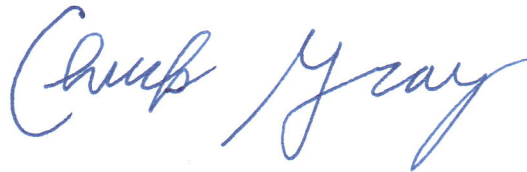
In attempting to explain the line item veto, you state that Rep. Haroldson's vote against the entire budget played a role in your decision to line item the appropriation. As a former legislator, I can tell you that voting against the budget does not mean that you object to every portion of the budget. Rep. Haroldson has been consistent from the start about his support of the demolition and complete rebuild of the Wheatland water tower. The Wheatland water tower represented about 0.018% of the spending within the budget. Rep. Haroldson's "no" vote on the entire budget is clearly a reflection of the dramatic increase in spending in the overall budget, much of it on unneeded items, rather than about that specific item.

Your explanation is retaliatory and puts lives in danger, while also discouraging needed discourse on the budget in the future.

Conclusion

Discourse and debate are very important for our republic. While these are not the only veto actions that I took issue with, I felt it was important to submit responses expressing my opposition to some of the points made in your veto letters addressed to me and to many of your veto actions themselves. I look forward to working with you to address these issues and to build a conservative future for our state.

Sincerely,



Chuck Gray
Wyoming Secretary of State