

ORIGINAL HOUSE
BILL NO. 0307

ENROLLED ACT NO. 70, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to public funds; specifying procedures for modifying agency budgets in certain circumstances; specifying public funds to be used to account for monies received by the attorney general; imposing reporting requirements; authorizing fees for specified services; specifying the disposition of certain fees; providing continuous appropriations of specified funds; authorizing certain expenditures; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 9-1-639 is created to read:

9-1-639. Attorney general; funds accounting; reporting requirements.

(a) There is created an account within the trust and agency fund which the attorney general shall use to account for:

(i) Monies the attorney general administers as trustee pursuant to law or agreement which restricts the use of the money to a specified purpose; and

(ii) Monies which the attorney general holds and disburses as an agent or attorney in fact, which shall include but not be limited to class action litigation recoveries that are to be distributed to any person or business organization, local government pass-through monies, and contingent fee contracts to be distributed to contract attorneys.

(b) All recoveries, including consumer protection recoveries and class action recoveries, where the attorney general is not designated as the administrator, the trustee

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or the agent for distribution purposes, shall be deposited into the general fund after deducting litigation costs reimbursed to the attorney general. For purposes of this subsection "litigation costs" shall include expert witness fees, filing fees, reporter costs, other witness fees and costs associated with depositions and discovery.

(c) Monies deposited to the trust and agency fund under subsection (a) of this section may be expended in accordance with W.S. 9-2-1005(b)(ii).

(d) Monies deposited into the trust and agency fund under subsection (a) of this section and not otherwise expended under subsection (c) of this section may be expended by the attorney general in accordance with the purposes for which the monies were received. Monies received by the attorney general for reimbursement of litigation expenses under subsection (b) of this section are continuously appropriated to the attorney general to be expended for the costs of providing the litigation services rendered to collect the recovered monies.

(e) Not later than November 1 of each year, the attorney general shall report to the joint appropriations interim committee on the expenditure of monies received pursuant to this section, W.S. 9-1-633, 9-1-635, 9-1-702 and 9-2-1005. The report shall include an account of the monies in the trust and agency account and the enterprise account for the last fiscal year.

Section 2. W.S. 9-1-633(f), (g), (j), (m) and by creating a new subsection (n), 9-1-702 by creating a new subsection (j), 9-2-1005(a)(intro), (b)(intro), (ii), (c)(intro) and 9-2-1006(a) are amended to read:

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9-1-633. Wyoming law enforcement academy; director; appointment; term; qualifications; employees; salaries; curriculum and training programs; fees; disposition.

(f) The director shall charge and collect a fee sufficient to cover actual direct and indirect costs of coroner basic courses. The fee shall be at least three hundred dollars (\$300.00) per student attending the coroner basic courses. ~~., which shall be credited to the general fund.~~

(g) The director may allow the use of academy facilities by governmental agencies other than law enforcement and shall charge a fee based on actual direct and indirect costs for that use. ~~Fees collected under this subsection shall be credited to an account in the enterprise fund which are appropriated to be expended by the academy for the actual direct and indirect costs of use of facilities under this subsection.~~

(j) To the extent space is available and under policies established by the director and approved by the attorney general, the academy may permit persons other than peace officers to attend training courses it offers and to charge a fee to recover, at a minimum, the cost of the training and all services provided in conjunction therewith. Prior to admittance a person shall meet all requirements of W.S. 9-1-704(b) (i) through (viii) providing for any background investigation and examinations at the cost of the applicant. ~~The director, through the attorney general, shall report annually to the joint appropriations interim committee regarding the total cost of and revenues received from providing training authorized under this subsection.~~

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(m) The director shall establish an outreach training services program whereby certain updates, specialized or advanced training courses may be provided locally. The director may seek assistance from the appropriate entities in determining the amount and the specific courses to be offered under the program. The director shall charge and collect a fee to cover the development, delivery and material costs of the training offered by the program. ~~Any fees collected from the program shall be transferred to the state treasurer for deposit into an account within the enterprise fund. The cost of providing training authorized under this subsection shall be appropriated by the legislature from the enterprise fund.~~

(n) Revenues received pursuant to subsections (e), (f), (g), (j) and (m) of this section and W.S. 9-1-635 shall be credited to an account in the enterprise fund and are continuously appropriated to the attorney general to be expended for the actual direct and indirect costs of providing the services generating the revenues.

9-1-702. Created; membership; removal; compensation; meetings; publication of procedures; standards for certified training; powers and duties.

(j) The commission may establish examination and certification fees for administering its duties under this article in accordance with W.S. 33-1-201. Revenues received pursuant to this subsection shall be credited to an account in the enterprise fund and are continuously appropriated to the attorney general to be expended for the actual direct and indirect costs of providing the services generating the revenues.

9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.

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(a) ~~Subject to subsections (k), (m) and (n) of this section and except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1998,~~ No warrant shall be drawn by the auditor or paid by the treasurer:

(b) Subject to subsection (c) of this section, and ~~except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1998,~~ the governor may:

(ii) ~~Increase or revise~~ Authorize revisions, changes, redistributions or increases to amounts authorized for expenditure by legislative appropriation acts from non-general fund sources after notifying the legislature that in his opinion an emergency financial situation exists, general fund appropriations can be conserved, ~~or~~ agency program requirements have significantly changed or unanticipated non-general fund revenues become available and qualify pursuant to W.S. 9-2-1006(a);

(c) ~~Subject to subsections (k), (m) and (n) of this section and except as otherwise provided by law for the period commencing July 1, 1994 and ending June 30, 1998,~~ The governor shall not:

9-2-1006. Revenues or income of state agencies not part of appropriation or budget; exception; additions to appropriation or budget; reports concerning enterprise fund accounts.

(a) Revenues or income from any source collected, received or accruing to any agency shall not become a part of its appropriation or budget unless such revenues or income is specified by law to be used for such purpose and

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is approved by the ~~department through the budget division~~
governor pursuant to W.S. 9-2-1005(b). Any amount added to
its appropriation or budget constitutes the entire
appropriation for the full fiscal period.

Section 3. W.S. 9-1-633(k) and 9-2-1005(k) through
(n) are repealed.

Section 4. Any funds received by the attorney
general's office prior to the effective date of this act as
a result of any class action or consumer recoveries, the
use of which is not otherwise specified by law and which
have been obligated for expenditure by the governor or the
attorney general, are hereby appropriated to the attorney
general's office to be expended as obligated.

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Section 5. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____
DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk