

HOUSE BILL NO. HB0094

Budget modifications-executive.

Sponsored by: Management Council

A BILL

for

1 AN ACT relating to the administration of government;
2 amending reporting and other requirements for revisions to
3 legislatively appropriated budgets; amending reporting and
4 other requirements for acceptance or expenditure of federal
5 funds; clarifying requirements for reporting at-will
6 employee positions; and providing for an effective date.

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

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10 **Section 1.** W.S. 9-2-1005(a)(iv), (vii), (xi),
11 (b)(ii), (iii) and (g), 9-2-1006(a), 9-2-1013(b),
12 9-2-1022(a)(xi)(F)(VI) and 9-4-206(b) are amended to read:

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14 **9-2-1005. Payment of warrants; budget powers of**
15 **governor; agency budgets; federal funds; new employees.**

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1 (a) No warrant shall be drawn by the auditor or paid
2 by the treasurer:

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4 (iv) If the expenditure is in nonconformance
5 with the amounts, programs and approved budget authorized
6 by legislative appropriation acts except upon notice to the
7 legislature if required and approval of the governor as
8 provided by subsection (b) of this section;

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10 (vii) If the expenditure is for salaries for
11 employees exceeding the maximum number of employees for the
12 agency authorized by a legislative appropriation act except
13 upon notice to the legislature if required and approval of
14 the governor as provided by subsection (b) of this section;

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16 (xi) If the expenditure is requested from
17 federal revenues exceeding the amount authorized by a
18 legislative appropriation act except upon notice to the
19 legislature and approval of the governor as provided by
20 subsection (b) of this section;

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22 (b) Subject to subsection (c) of this section, the
23 governor may:

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(ii) 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 if~~ in his opinion an emergency financial situation exists, general fund appropriations can be conserved, agency program requirements have significantly changed or unanticipated non-general fund revenues become available and qualify pursuant to W.S. 9-2-1006(a). For any revision, change, redistribution or increase in amounts authorized for expenditure under this paragraph in excess of one hundred thousand dollars (\$100,000.00), the governor's office shall:

(A) Notify the legislature at least ten (10) days in advance of the exercise of authority;

(B) Notify the legislature as soon as practicable after the exercise of authority if the governor determines immediate action is necessary to preserve the public health, safety or welfare or to prevent the potential loss of funds;

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(C) Identify in the notice the amount, purpose and non-general fund source of the revision, change, redistribution or increase.

(iii) Subject to subsection (g) of this section, authorize the receipt and expenditure of federal revenues exceeding the amount authorized by a legislative appropriation act as provided by W.S. 9-4-206(b);

(g) No federal funds in excess of amounts approved by any legislative appropriations act may be accepted or expended until approved by the governor in writing. ~~with a copy to the joint appropriations interim committee.~~ If the governor disapproves the acceptance or expenditure of federal funds under this subsection and the federal funds are accepted or expended, the state auditor shall not draw any warrant nor shall the state treasurer pay any warrant which would result in the disbursement of funds, directly or indirectly through contracts for services, to the public or private entity involved. For any acceptance or expenditure of federal funds under this paragraph in excess

1 of one million dollars (\$1,000,000.00), the governor's
2 office shall:

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4 (i) Notify the legislature at least ten (10)
5 days in advance of approving the acceptance or expenditure
6 of federal funds;

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8 (ii) Notify the legislature as soon as
9 practicable after approving the acceptance or expenditure
10 of federal funds if the governor determines immediate
11 action is necessary to preserve the public health, safety
12 or welfare or to prevent the potential loss of funds;

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14 (iii) Identify in the notice the amount,
15 intended use and source of the federal funds.

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17 **9-2-1006. Revenues or income of state agencies not**
18 **part of appropriation or budget; exception; additions to**
19 **appropriation or budget; reports concerning enterprise fund**
20 **accounts.**

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22 (a) Revenues or income from any source collected,
23 received or accruing to any agency shall not become a part

1 of its appropriation or budget unless such revenues or
2 income is specified by law to be used for such purpose and
3 is approved by the governor after notice is provided to the
4 legislature pursuant to W.S. 9-2-1005(b). Any amount added
5 to its appropriation or budget constitutes the entire
6 appropriation for the full fiscal period.

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8 **9-2-1013. State budget; distribution of copies to**
9 **legislators; copies and reports of authorizations;**
10 **interfund loans.**

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12 (b) The budget division of the department shall
13 furnish to the legislative service office copies of all
14 authorizations by the governor pursuant to W.S. 9-2-1005(b)
15 within ten (10) days following the authorization. The
16 legislative service office shall make quarterly reports of
17 all authorizations by the governor to the legislative
18 management council and the joint appropriations interim
19 committee. The furnishing of copies of authorizations
20 required under this subsection shall be in addition to the
21 notice required by W.S. 9-2-1005(b).

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1 **9-2-1022. Duties of department performed through**
2 **human resources division.**

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4 (a) Subject to subsection (b) of this section, the
5 department through the human resources division shall:

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7 (xi) Promulgate reasonable rules:

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9 (F) Necessary to administer a program
10 whereby at-will contract employees may be utilized by
11 agencies to meet programmatic needs. These rules shall be
12 structured so that:

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14 (VI) No at-will employee contract
15 position shall be created unless specifically authorized by
16 legislation or approved by the governor. Any position
17 approved by the governor shall be reported to the joint
18 appropriations committee. ~~as provided by W.S. 9-2-1005(b).~~
19 Continued authorization of any at-will employee contract
20 position created by the governor shall be subject to
21 legislative review and approval pursuant to W.S.
22 9-2-1012(h).

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1 **9-4-206. Disposition of revenue; cash accounts;**
2 **investment of monies held by state institutions.**

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4 (b) Supplemental additions to approved budgets for
5 acceptance and expenditure of federal funds authorized for
6 acceptance by the governor after notice is provided to the
7 legislature pursuant to W.S. 9-2-1005(b) shall be in
8 writing, signed by the governor or his designated
9 representative with copies to the state auditor and
10 department of administration and information. Upon approval
11 by the governor, federal revenue that is accepted and which
12 will result in a saving or replacement of state monies to
13 accomplish a budgeted activity or function shall be
14 transferred to the general fund with appropriate
15 explanation.

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17 **Section 2.** This act is effective July 1, 2020.

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(END)