

SENATE FILE NO. SF0104

Unappropriated federal funds-reporting and limitations.

Sponsored by: Senator(s) McKeown, Bouchard and James and
Representative(s) Fortner, Laursen and
Wharff

A BILL

for

1 AN ACT relating to the administration of government;
2 clarifying reporting requirements for notice of the
3 potential acceptance or expenditure of federal funds in
4 excess of amounts approved by legislative act; requiring
5 the express affirmative approval of the legislature before
6 the acceptance or expenditure of federal funds in excess of
7 amounts approved by legislative act; making conforming
8 amendments; repealing conflicting provisions; specifying
9 applicability; and providing for an effective date.

10

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

12

13 **Section 1.** W.S. 9-2-1005(a)(xi), (g)(intro) and by
14 creating a new paragraph (v) and 9-4-206(b)(intro) are
15 amended to read:

1

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

4

5 (a) No warrant shall be drawn by the auditor or paid
6 by the treasurer:

7

8 (xi) If the expenditure is requested from
9 federal revenues exceeding the amount authorized by a
10 legislative appropriation act except upon notice to the
11 legislature and approval of the governor as provided by
12 paragraph (b)(iii) and subsection (g) of this section and,
13 if required by subsection (g) of this section, approval of
14 the legislature;

15

16 (g) No federal funds in excess of amounts approved by
17 any legislative appropriations act may be accepted or
18 expended until approved by the governor in writing and, if
19 the federal funds are subject to paragraphs (i) through
20 (iv) of this subsection, until expressly approved by the
21 legislature. If the governor or the legislature disapproves
22 the acceptance or expenditure of federal funds under this
23 subsection and the federal funds are accepted or expended,

1 the state auditor shall not draw any warrant nor shall the
2 state treasurer pay any warrant ~~which~~that would result in
3 the disbursement of funds, directly or indirectly through
4 contracts for services, to the public or private entity
5 involved. For any acceptance or expenditure of federal
6 funds under this paragraph in excess of one million dollars
7 (\$1,000,000.00), the governor's office:

8
9 (v) Shall, for any notice or report that is
10 required to be submitted to the legislature under this
11 subsection, provide the notice or report in writing or by
12 electronic means to each legislator of the legislature
13 within the time specified in this subsection for each class
14 of funds specified in this subsection.

15
16 **9-4-206. Disposition of revenue; cash accounts;**
17 **investment of monies held by state institutions.**

18
19 (b) Supplemental additions to approved budgets for
20 acceptance and expenditure of federal funds authorized for
21 acceptance by the governor after notice is provided to the
22 legislature and to each legislator pursuant to W.S.
23 9-2-1005(g) and, if applicable, the additional requirements

1 of W.S. 9-2-1005(g) have been met, shall be in writing,
2 signed by the governor or his designated representative
3 with copies to the state auditor and state budget
4 department. If approval is required by the legislature
5 under W.S. 9-2-1005(g), the governor shall provide copies
6 of the legislative act that provides the approval to the
7 state auditor and the state budget department. Upon
8 approval by the governor and, if required under W.S.
9 9-2-1005(g), by the legislature, federal revenue that is
10 accepted and ~~which~~that will result in a saving or
11 replacement of state monies to accomplish a budgeted
12 activity or function shall be transferred to the general
13 fund with appropriate explanation. If the provisions of
14 W.S. 9-2-1005(g)(ii) or (iv)(A) or (B) are applicable, the
15 joint appropriations committee shall meet as soon as
16 feasible and in all events not ~~less~~later than ten (10)
17 days after the legislature has received the request from
18 the governor. The committee shall vote whether to
19 recommend the legislature should meet in special session
20 pursuant to Wyoming Constitution Article 3, Section 7 to
21 consider the acceptance or expenditure of the federal
22 funds. Upon receipt of the committee's recommendation, the
23 presiding officers of each house shall initiate a poll of

1 the members of the legislature in accordance with rules of
2 the legislature for calling itself into special session.
3 The governor may not accept or expend the funds until the
4 ~~earlier of:~~ legislature has expressly approved the
5 acceptance or expenditure of the federal funds.
6

7 **Section 2.** W.S. 9-2-1005(g)(iii) and 9-4-206(b)(i)
8 and (ii) are repealed.
9

10 **Section 3.** This act shall apply to all federal funds
11 that are in excess of amounts approved by any legislative
12 appropriations act that may be accepted or expended by the
13 state of Wyoming pursuant to law on and after the effective
14 date of this act.
15

16 **Section 4.** This act is effective immediately upon
17 completion of all acts necessary for a bill to become law
18 as provided by Article 4, Section 8 of the Wyoming
19 Constitution.
20

21 (END)