

ORIGINAL HOUSE  
BILL NO. HB0094

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING  
2020 BUDGET SESSION

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

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

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

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

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

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

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

(xi) If the expenditure is requested from federal revenues exceeding the amount authorized by a legislative appropriation act except upon notice to the

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legislature and approval of the governor as provided by subsection (b) of this section;

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

(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;

(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

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

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

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

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

**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.**

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(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 is approved by the governor after notice is provided to the legislature 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.

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

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

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

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

(xi) Promulgate reasonable rules:

(F) Necessary to administer a program whereby at-will contract employees may be utilized by

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agencies to meet programmatic needs. These rules shall be structured so that:

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

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

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

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

(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