



HB0150

State budgeting and expenditure authority.

Sponsored By: Joint Appropriations Committee

AN ACT relating to public funds and administration of government; amending authority, requirements and procedures for the executive department's acceptance and expenditure of federal funds; amending the authority of the executive department and requirements and procedures for the modifications of amounts authorized for expenditure of other funds under emergencies and other circumstances; specifying restrictions on budgeting authority conferred on the executive department; repealing existing emergency expenditure authority; providing a yearly appropriation; providing for legislative review and actions; creating and amending definitions; and providing for an effective date.

2/25/2021 Bill Number Assigned
3/1/2021 H Received for Introduction
3/2/2021 H Introduced and Referred to H02 - Appropriations
3/4/2021 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Kinner, Larsen, Nicholas, Schwartz, Simpson, Stith, Walters

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/4/2021 H Placed on General File

HB0150HS001/ADOPTED

Page 11-line 14 Delete "the".

Page 11-lines 15 through 17 Delete entirely.

Page 11-line 18 Delete "take other" insert "legislative".

Page 20-line 6 Delete "the management council".

Page 20-line 7 Delete "shall request"; after "committee" insert "shall".

Page 20-line 9 Delete "council" insert "legislature".

Page 20-line 10 After "governor." delete balance of the line.

Page 20-lines 11 through 23 Delete entirely.

Page 21-lines 1 through 3 Delete entirely and insert: "The committee shall vote whether to recommend the legislature should meet in special session pursuant to Wyoming Constitution Article 3, Section 7, to consider the acceptance or expenditure of the federal funds. Upon receipt of the committee's recommendation, the presiding officers of each house shall initiate a poll of the members of the legislature in accordance with rules of the legislature for calling itself into special session. The governor may not accept or expend the funds until the earlier of:

(i) Certification by either the president of the senate or the speaker of the house to the governor's office that a majority of the elected members of the Senate or House have not elected to call their body into special session;

(ii) Forty (40) days after the governor submitted his request to the legislature under W.S. 9-2-1005(g).". NICHOLAS, CHAIRMAN

3/9/2021 H COW:Passed
3/10/2021 H 2nd Reading:Passed
3/11/2021 H 3rd Reading:Passed 54-6-0-0-0

ROLL CALL

Ayes: Representative(s) Banks, Barlow, Bear, Blackburn, Brown, Burkhart, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Gray, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Yin, Zwonitzer

Nays: Representative(s) Andrew, Baker, Fortner, Laursen, D, Styvar, Winter

Ayes 54 **Nays** 6 **Excused** 0 **Absent** 0 **Conflicts** 0

3/11/2021 S Received for Introduction
3/17/2021 S Introduced and Referred to S02 - Appropriations
3/18/2021 S02 - Appropriations:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Gierau, Hicks, Kinskey, Perkins, Steinmetz

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/18/2021 S Placed on General File
3/24/2021 S COW:Laid Back

HB0150SW001/ADOPTED

(TO ENGROSSED COPY)

Page 11-line 8 After "subsection" insert "and subject to paragraph (iv) of this subsection".

Page 12-line 3 After "funds" insert "subject to paragraph (iv) of this subsection".

Page 12-line 4 After "(ii)" insert "or subparagraphs (iv)(A) or (B)".

Page 12-line 5 After "(ii)" insert "and W.S. 9-4-206(b)".

Page 12-line 12 After "subsection" insert "and W.S. 9-4-206(b). If the determination under subparagraph (iv)(B) of this subsection has been made, the governor shall not expend any funds solely to prevent the potential loss of funds until the requirements of W.S. 9-4-206(b) have been met".

Page 12-line 16 Delete "and" and insert ",".

Page 12-line 17 After "funds" insert "and whether the state's taxing or appropriation authority is in any manner limited".

Page 12-line 20 After "expended" insert "and the effect on the state's taxing or appropriation authority".

Page 13-line 2 After "biennia" insert ". The governor's office shall notify the legislature as soon as practicable if the office determines that as a result of the acceptance or expenditure of the federal funds:

(A) The state is obligated or is anticipated to expend general or state funds in excess of one million dollars (\$1,000,000.00) in any fiscal biennium. If so, the governor's office shall request legislative action as provided in W.S. 9-4-206(b) and shall not accept the federal funds until the requirements of W.S. 9-4-206(b) have been met, except as provided in paragraph (iii) of this subsection; or

(B) The state's taxing or appropriation authority is in any manner limited. If so, the governor's office shall request legislative action as provided in W.S. 9-4-206(b) and shall not accept the federal funds until the requirements of W.S. 9-4-206(b) have been met, except that the governor may accept the federal funds as necessary to preserve health, safety or welfare and in accordance with paragraph (iii) of this subsection".

Page 20-line 5 After "(ii)" insert or "(iv)(A) or (B)". STEINMETZ, GIERAU

3/25/2021 S COW:Passed

3/26/2021 S 2nd Reading:Laid Back

HB0150S2001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED CORRECTED COPY)

Page 2-line 6 After "year" insert "beginning July 1, 2021".

Page 3-line 14 Delete "(b)(intro), (ii)" and insert "(b)(ii)".

Page 3-line 15 After "(o)(ii)" delete "," and insert "and"; after "(p)" delete balance of line.

Page 3-line 16 Delete "subsection (q)".

Page 7-line 18 Reinsert all stricken language and delete all new language.

Page 8-line 3 After "types" insert ", and from federal funds as provided under paragraph (c)(iii) and subsection (g) of this section and W.S. 9-4-206,".

Page 13-line 2 In the Steinmetz et al. committee of the whole amendment (HB0150SW001/AE) to this line, in subparagraph (A) created by that amendment, after "in excess of" delete "one million dollars (\$1,000,000.00)" and insert "ten million dollars (\$10,000,000.00)".

Page 14-lines 1 through 11 Delete entirely.

Page 21-line 10 Delete "July 1, 2021" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". STEINMETZ, GIERAU

HB0150S2002/ADOPTED (TO ENGROSSED COPY)

Page 3-line 14 Delete the Steinmetz, et al., second reading amendment (HB150H2001/ACE) to this line; after "(xi)," insert "(xiii),".

Page 3-line 15 Delete "a new".

Page 3-line 16 Delete "subsection (q)," and insert "new subsections (q) and (r),".

Page 7-after line 16 Insert:

"(xiii) If the expenditure or disbursement is in violation of subsection (q) of this section or otherwise in violation of law."

Page 7-line 18 Delete the Steinmetz, et al., second reading amendment (HB150H2001/ACE) to this line.

Page 14-after line 11 Insert:

"(q) A state agency which receives an appropriation from the legislature and which accepts any federal funds in excess of the amount authorized by a legislative appropriation act, whether pursuant to the authority under this section or any other provision of law, shall not expend the funds or disburse the funds to any political subdivision within the state if, as a condition of receipt, expenditure or disbursement of the funds, the agency accepting the funds or any political subdivision to which the funds would be disbursed would be obligated to meet any maintenance of effort or maintenance of equity requirement that is increased from or did not exist at the time of enactment of the legislative act authorizing acceptance of, or providing the initial appropriation of, the federal funds. The prohibitions in this subsection shall not be applicable to federal funds authorized by a federal enactment which is specifically identified by a state legislative act explicitly appropriating the federal funds or explicitly approving the acceptance of the federal funds.

(r) As used in subsection (q) of this section:

(i) "State agency" shall not include the Wyoming department of transportation, the game and fish department, the University of Wyoming, the Wyoming community college commission or Wyoming community colleges;

(ii) "Federal funds" shall not include federal funds provided for unemployment benefits, relief for natural disasters or natural resource reclamation funding." SCOTT

3/29/2021 S 2nd Reading:Passed

HB0150S3001/ADOPTED (TO ENGROSSED COPY)

Page 3-line 14 After "(ii)," insert "(iii)".

Page 9-after line 3 Insert:

"(iii) Subject to ~~subsection (g)~~ subsections (g) and (q) 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);

Page 14-after line 11 Delete the Scott second reading amendment (HB150S2002/AE) to this line and insert:

"(q) Prior to accepting any federal funds in excess of the amount authorized by a legislative appropriation act, whether pursuant to the authority under this section or any other provision of law, a state agency which receives an appropriation from the legislature shall:

(i) Report to the governor's office if, as a result of accepting or expending the funds:

(A) The state or any political subdivision of the state would be obligated to meet any maintenance of effort, maintenance of equity or maintenance of financial support requirement that is increased or did not exist at the time of enactment of the state legislative act authorizing acceptance of, or providing the initial appropriation of, the federal funds; or

(B) The state's taxing or appropriation authority is in any manner limited.

(ii) Include in the report required by paragraph (i) of this subsection, for the fiscal biennium in which the federal funds are accepted and for the next two (2) immediately succeeding fiscal biennia:

(A) Both the dollar amount of any anticipated expenditure of nonfederal funds and the percentage increase in any maintenance of effort, maintenance of equity or maintenance of financial support requirement over the requirement existing at the time of the enactment of the state legislative act;

(B) The specific limitation on the state's taxing or appropriation authority.

(iii) Not accept or expend the funds whether directly or by disbursement to other entities until approved by the governor in writing.

(r) The governor's approval under subsection (q) of this section shall be subject to and in accordance with the requirements of subsection (q) of this section. The reporting and approval requirements of subsection (q) of this section are in addition to other requirements imposed by law. The requirements of subsection (q) of this section shall not be applicable to federal funds authorized by a federal enactment which is specifically identified by a state legislative act explicitly appropriating the federal funds or explicitly approving the acceptance or expenditure of the federal funds."

Page 13-line 2 In the Steinmetz, et al. committee of the whole amendment (HB150SW1001/AE) to this line, delete subparagraph (A) created by that amendment, and delete the Steinmetz, et al. second reading amendment (HB150H2001/ACE) to that subparagraph and insert:

"(A) The state is obligated or is anticipated to expend general or other state funds in excess of ten million dollars (\$10,000,000.00) in any fiscal

biennium including, but not limited to, the expenditure of general or other state funds as a result of a state agency's or a political subdivision's obligation to meet any maintenance of effort, maintenance of equity or maintenance of financial support requirement reportable under subparagraph (q)(i)(A) of this section. If so, the governor's office shall request legislative action as provided in W.S. 9-4-206(b) and shall not accept the federal funds until the requirements of W.S. 9-4-206(b) have been met, except that the governor may accept the federal funds as necessary to preserve health, safety or welfare and in accordance with paragraph (iii) of this subsection; or". PERKINS, SCOTT

3/30/2021 S 3rd Reading:Passed 27-3-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Biteman, Boner, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Salazar, Schuler, Scott, Steinmetz, Wasserburger

Nays: Senator(s) Bouchard, James, Rothfuss

Ayes 27 **Nays** 3 **Excused** 0 **Absent** 0 **Conflicts** 0

3/30/2021 H Received for Concurrence

3/31/2021 H Concur:Failed 9-51-0-0-0

ROLL CALL

Ayes: Representative(s) Burt, Duncan, Fortner, Gray, Jennings, Knapp, Laursen, D, Neiman, Styvar

Nays: Representative(s) Andrew, Baker, Banks, Barlow, Bear, Blackburn, Brown, Burkhart, Clausen, Clifford, Connolly, Crago, Eklund, Eyre, Flitner, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Kinner, Larsen, L, Macguire, Martinez, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

Ayes 9 **Nays** 51 **Excused** 0 **Absent** 0 **Conflicts** 0

3/31/2021 H Appointed JCC01 Members

Representative(s) Larsen, Andrew, Stith

3/31/2021 S Appointed JCC01 Members

Senator(s) Perkins, Gierau, Steinmetz

4/1/2021 H Adopted HB0150JC001: 59-1-0-0-0

HB0150JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0150SW001/AE

HB0150S3001/AE

Delete the following Senate amendments:

HB0150S2001/ACE

HB0150S2002/AE

Further amend the ENGROSSED COPY as follows:

Page 2-line 6 Delete "As" and insert "Beginning July 1, 2021, as".

Page 3-line 14 After "(xi)," insert "(xiii)".

Page 3-line 15 Delete "a new" and insert "new subsections (q) and (r)".

Page 3-line 16 Delete "subsection (q)".

Page 7-after line 16 Insert:

"(xiii) If the expenditure or disbursement is in violation of subsection (q) of this section or otherwise in violation of law."

Page 7-line 18 Delete "and (q)" and insert "(g) and (q)".

Page 8-line 3 After "types" insert ", and from federal funds as provided under paragraph (iii) of this subsection, subsections (g) and (q) of this section and W.S. 9-4-206,".

Page 10-line 2 Delete "subsection (q)" and insert "subsections (g) and (q)".

Page 11-line 14 Delete "request legislative".

Page 11-line 15 Delete "action" and insert "proceed".

Page 12-line 12 In the Steinmetz, et al., Senate committee of the whole amendment (HB0150SW001/AE) to this line after "subparagraph (iv)" insert "(A) or".

Page 13-line 2 In the Perkins, et al., Senate third reading amendment (HB0150S3001/AE) to this line, in subparagraph (A) created by that amendment, delete "request legislative action" and insert "proceed".

Page 13-line 2 In the Steinmetz, et al., Senate committee of the whole amendment (HB0150SW001/AE) to this line, in subparagraph (B) created by that amendment, delete "request legislative action" and insert "proceed".

Page 14-lines 1 through 11 Delete entirely.

Page 21-line 10 Delete "July 1, 2021" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". LARSEN, ANDREW, STITH, STEINMETZ, GIERAU, PERKINS

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Banks, Barlow, Bear, Blackburn, Brown, Burkhardt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Gray, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Neiman, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Styvar, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

Nays: Representative Burt

Ayes 59 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

HB0150JC001/HADOPTEDSADOPTED (TO ENGROSSED COPY)

Adopt the following Senate amendments:

HB0150SW001/AE

HB0150S3001/AE

Delete the following Senate amendments:

HB0150S2001/ACE

HB0150S2002/AE

Further amend the ENGROSSED COPY as follows:

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Page 7-after line 16 Insert:

"(xiii) If the expenditure or disbursement is in violation of subsection (q) of this section or otherwise in violation of law."

Page 7-line 18 Delete "and (q)" and insert "(q) and (q)".

Page 8-line 3 After "types" insert ", and from federal funds as provided under paragraph (iii) of this subsection, subsections (q) and (q) of this section and W.S. 9-4-206,".

Page 10-line 2 Delete "subsection (q)" and insert "subsections (q) and (q)".

Page 11-line 14 Delete "request legislative".

Page 11-line 15 Delete "action" and insert "proceed".

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Page 13-line 2 In the Steinmetz, et al., Senate committee of the whole amendment (HB0150SW001/AE) to this line, in subparagraph (B) created by that amendment, delete "request legislative action" and insert "proceed".

Page 14-lines 1 through 11 Delete entirely.

Page 21-line 10

Delete "July 1, 2021" and insert "immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution". LARSEN, ANDREW, STITH, STEINMETZ, GIERAU, PERKINS

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Biteman, Boner, Bouchard, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Salazar, Schuler, Scott, Steinmetz, Wasserburger

Nays: Senator Rothfuss

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

4/2/2021 Assigned Number HEA No. 0074
4/2/2021 H Speaker Signed HEA No. 0074
4/2/2021 S President Signed HEA No. 0074
4/6/2021 Governor Signed HEA No. 0074
4/6/2021 Assigned Chapter Number 124

Chapter No. 124 Session Laws of Wyoming 2021