

HOUSE BILL NO. HB0307

State agency funding.

Sponsored by: Representative(s) Luthi and Senator(s) Kunz

A BILL

for

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

9

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

11

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

13

14 **9-1-639. Attorney general; funds accounting;**
 15 **reporting requirements.**

16

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

4
5 (i) Monies the attorney general administers as
6 trustee pursuant to law or agreement which restricts the
7 use of the money to a specified purpose; and

8
9 (ii) Monies which the attorney general holds and
10 disburses as an agent or attorney in fact, which shall
11 include but not be limited to class action litigation
12 recoveries that are to be distributed to any person or
13 business organization, local government pass-through
14 monies, and contingent fee contracts to be distributed to
15 contract attorneys.

16
17 (b) All recoveries, including consumer protection
18 recoveries and class action recoveries, where the attorney
19 general is not designated as the administrator, the trustee
20 or the agent for distribution purposes, shall be deposited
21 into the general fund after deducting litigation costs
22 reimbursed to the attorney general. For purposes of this
23 subsection "litigation costs" shall include expert witness

1 fees, filing fees, reporter costs, other witness fees and
2 costs associated with depositions and discovery.

3

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

7

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

18

19 (e) Not later than November 1 of each year, the
20 attorney general shall report to the joint appropriations
21 interim committee on the expenditure of monies received
22 pursuant to this section, W.S. 9-1-633, 9-1-635, 9-1-702
23 and 9-2-1005. The report shall include an account of the

1 monies in the trust and agency account and the enterprise
2 account for the last fiscal year.

3

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

8

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

12

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

19

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

1 ~~enterprise fund which are appropriated to be expended by~~
2 ~~the academy for the actual direct and indirect costs of use~~
3 ~~of facilities under this subsection.~~

4
5 (j) To the extent space is available and under
6 policies established by the director and approved by the
7 attorney general, the academy may permit persons other than
8 peace officers to attend training courses it offers and to
9 charge a fee to recover, at a minimum, the cost of the
10 training and all services provided in conjunction
11 therewith. Prior to admittance a person shall meet all
12 requirements of W.S. 9-1-704(b) (i) through (viii) providing
13 for any background investigation and examinations at the
14 cost of the applicant. ~~The director, through the attorney~~
15 ~~general, shall report annually to the joint appropriations~~
16 ~~interim committee regarding the total cost of and revenues~~
17 ~~received from providing training authorized under this~~
18 ~~subsection.~~

19
20 (m) The director shall establish an outreach training
21 services program whereby certain updates, specialized or
22 advanced training courses may be provided locally. The
23 director may seek assistance from the appropriate entities
24 in determining the amount and the specific courses to be

1 offered under the program. The director shall charge and
2 collect a fee to cover the development, delivery and
3 material costs of the training offered by the program. ~~Any~~
4 ~~fees collected from the program shall be transferred to the~~
5 ~~state treasurer for deposit into an account within the~~
6 ~~enterprise fund. The cost of providing training authorized~~
7 ~~under this subsection shall be appropriated by the~~
8 ~~legislature from the enterprise fund.~~

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

16
17 **9-1-702. Created; membership; removal; compensation;**
18 **meetings; publication of procedures; standards for**
19 **certified training; powers and duties.**

20
21 (j) The commission may establish examination and
22 certification fees for administering its duties under this
23 article in accordance with W.S. 33-1-201. Revenues received
24 pursuant to this subsection shall be credited to an account

1 in the enterprise fund and are continuously appropriated to
2 the attorney general to be expended for the actual direct
3 and indirect costs of providing the services generating the
4 revenues.

5
6 **9-2-1005. Payment of warrants; budget powers of**
7 **governor; agency budgets; federal funds; new employees.**

8
9 (a) ~~Subject to subsections (k), (m) and (n) of this~~
10 ~~section and except as otherwise provided by law for the~~
11 ~~period commencing July 1, 1994 and ending June 30, 1998, No~~
12 warrant shall be drawn by the auditor or paid by the
13 treasurer:

14
15 (b) Subject to subsection (c) of this section, ~~and~~
16 ~~except as otherwise provided by law for the period~~
17 ~~commencing July 1, 1994 and ending June 30, 1998,~~ the
18 governor may:

19
20 (ii) ~~Increase or revise~~ Authorize revisions,
21 changes, redistributions or increases to amounts authorized
22 for expenditure by legislative appropriation acts from non-
23 general fund sources after notifying the legislature that
24 in his opinion an emergency financial situation exists,

1 general fund appropriations can be conserved, ~~or~~ agency
2 program requirements have significantly changed or
3 unanticipated non-general fund revenues become available
4 and qualify pursuant to W.S. 9-2-1006(a);

5

6 (c) ~~Subject to subsections (k), (m) and (n) of this~~
7 ~~section and except as otherwise provided by law for the~~
8 ~~period commencing July 1, 1994 and ending June 30, 1998,~~

9 The governor shall not:

10

11 **9-2-1006. Revenues or income of state agencies not**
12 **part of appropriation or budget; exception; additions to**
13 **appropriation or budget; reports concerning enterprise fund**
14 **accounts.**

15

16 (a) Revenues or income from any source collected,
17 received or accruing to any agency shall not become a part
18 of its appropriation or budget unless such revenues or
19 income is specified by law to be used for such purpose and
20 is approved by the ~~department through the budget division~~
21 governor pursuant to W.S. 9-2-1005(b). Any amount added to
22 its appropriation or budget constitutes the entire
23 appropriation for the full fiscal period.

24

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

3

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

11

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

16

17

(END)