

SENATE FILE NO. SF0158

Legislative audits.

Sponsored by: Senator(s) Bouchard and Biteman and
Representative(s) Clem

A BILL

for

1 AN ACT relating to the legislature; creating the legislative
2 audit committee; providing for appointment of members;
3 providing duties; requiring assistance by state agencies;
4 requiring reports; creating the position of legislative
5 auditor within the legislative service office; specifying
6 duties of the legislative auditor; providing appropriations;
7 and providing for an effective date.

8

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

10

11 **Section 1.** W.S. 28-13-101 through 28-13-105 are created
12 to read:

13

14

CHAPTER 13

15

LEGISLATIVE AUDITS

1

2 **28-13-101. Definitions.**

3

4 (a) As used in this chapter:

5

6 (i) "Agency" means any state agency, division or
7 department of any state agency, institution, council, board,
8 commission or any other unit, subunit or program of state
9 government;

10

11 (ii) "Committee" means the legislative audit
12 committee appointed in accordance with this chapter.

13

14 **28-13-102. Legislative audit committee; appointment of**
15 **members.**

16

17 (a) No later than March 15 following each general
18 election, a legislative audit committee shall be appointed
19 subject to the following:

20

21 (i) The president of the senate shall appoint
22 three (3) members of the senate;

23

1 (ii) The speaker of the house of representatives
2 shall appoint three (3) members of the house;

3

4 (iii) Membership on the committee shall be
5 apportioned as nearly as possible to reflect the percentage
6 of the elected membership of the majority and minority parties
7 of the senate and house of representatives, provided that not
8 more than five (5) of the members of the committee shall be
9 from the same political party.

10

11 **28-13-103. Legislative audit committee; mission;**
12 **powers and duties.**

13

14 (a) It is the mission of the committee to serve the
15 citizens of Wyoming by providing objective information, in
16 depth analyses and useful recommendations to improve agency
17 programs, reduce costs and promote accountability.

18

19 (b) The committee shall:

20

21 (i) Select from among its members one (1) senator
22 and one (1) member of the house to serve as co-chairmen;

23

1 (ii) Review the activities and reports of the
2 state department of audit relating to financial audits of the
3 accounts and transactions of agencies;

4

5 (iii) Oversee financial audits of the accounts and
6 transactions of agencies;

7

8 (iv) Conduct post audits to determine if specific
9 recommendations revealed by a prior audit have been
10 addressed;

11

12 (v) Prepare a report of each audit conducted,
13 which may include comments and recommendations. The report
14 shall be submitted to the governor and the legislature;

15

16 (vi) Receive reports from the department of
17 administration and information and develop any
18 recommendations, including proposed legislation, for
19 consideration by the legislature during a legislative
20 session;

21

1 (vii) Post the committee's mission statement as
2 provided in subsection (a) of this section on its official
3 website.

4

5 (c) The committee may:

6

7 (i) If an audit conducted under this section
8 identifies problems or issues relating to the accounts and
9 transactions of an agency, direct the state department of
10 audit to conduct a forensic audit on the accounts and
11 transactions of the agency;

12

13 (ii) Exercise the subpoena power granted by W.S.
14 28-1-109(a) by request of the co-chairmen or upon the request
15 of a majority of the members of the committee;

16

17 (iii) Subject to appropriation by management
18 council, engage the services of consultants on a contract
19 basis for the purpose of conducting audits as required by
20 this chapter;

21

1 (iv) Recommend to the management audit committee
2 that it conduct program evaluations or performance audits on
3 specified agencies.

4

5 **28-13-104. Confidentiality of audit reports; reporting**
6 **violations.**

7

8 (a) Except as provided in subsection (b) of this
9 section, the contents of an audit report prepared in
10 accordance with this chapter, including any report findings
11 and documentation, are confidential and shall not be
12 disclosed by any member of the committee, employee of the
13 legislative service office or an agency being audited until
14 the completed audit report is released.

15

16 (b) If information obtained by the committee related to
17 an audit discloses an indication of a violation of any
18 criminal law of this state the information shall be reported
19 by the committee to the attorney general. Any report under
20 this subsection may be made with the supporting information
21 from the audit determined to be necessary or convenient. Upon
22 request of the attorney general in investigating any apparent
23 violation reported pursuant to this subsection, the committee

1 shall make available to the attorney general any information
2 requested which was obtained during the audit.

3

4 **28-13-105. Legislative auditor.**

5

6 The director of the legislative service office shall, subject
7 to the prior approval of the management council, appoint a
8 legislative auditor. The legislative auditor shall have
9 requisite educational and accounting qualifications. The
10 sole duty of the legislative auditor shall be to staff the
11 committee and provide assistance as necessary upon request of
12 the committee.

13

14 **Section 2.** W.S. 9-1-507(a) by creating new paragraphs
15 (ix) and (x), 9-2-1003 by creating a new subsection (f),
16 28-8-103, 28-8-104(e), 28-8-108(a), 28-8-111(a) and
17 28-8-113(a) are amended to read:

18

19 **9-1-507. Examination of books of state institutions,**
20 **agencies and certain districts and entities; independent**
21 **audit authorized; guidelines.**

22

1 (a) The director of the state department of audit
2 shall:

3
4 (ix) Upon request provide assistance, documents
5 and information to the legislative audit committee;

6
7 (x) Conduct forensic audits as directed by the
8 legislative audit committee as provided in W.S.
9 28-13-103(c)(i).

10

11 **9-2-1003. Director and division administrators;**
12 **appointment; removal; powers of director.**

13

14 (f) The director shall report annually to the
15 legislative audit committee.

16

17 **28-8-103. Director and staff.**

18

19 The management council shall appoint by majority vote a
20 director of the office. The director, subject to the prior
21 approval of the management council, shall appoint a
22 legislative auditor as required by W.S. 28-13-105 and may
23 appoint assistant directors. The director shall appoint such

1 professional, technical and clerical staff as necessary to
2 perform the functions assigned to the office. The director
3 and staff shall be selected without reference to political
4 affiliation and shall serve at the pleasure of the appointing
5 authority. They shall be paid salaries and receive necessary
6 expenses as determined by the management council.

7

8 **28-8-104. Direction by legislature during sessions;**
9 **joint interim committees; requests for services;**
10 **establishment of priorities; appointment of select**
11 **committees; vacancies; enlarging committees.**

12

13 (e) Of committees comprised of members of both houses
14 of the legislature, only management council, joint interim
15 committees of the legislature, the joint appropriations
16 committee, the legislative audit committee, the management
17 audit committee and select committees explicitly authorized
18 by statute or joint rule or resolution of the legislature
19 shall sponsor and introduce legislation during a legislative
20 session. Nothing in this subsection shall restrict the right
21 of a member of the legislature to sponsor legislation.

22

1 28-8-108. Comments, recommendations and suggestions in
2 audit reports; disclosure of confidential information;
3 unauthorized reports or releases; reporting criminal
4 violations.

5
6 (a) Except as otherwise provided by W.S. 28-13-103, the
7 reports of the legislative service office may include
8 comments, recommendations and suggestions, but neither the
9 director nor the auditors shall have any authority to enforce
10 any recommendation or suggestion nor shall they otherwise
11 influence or direct executive or legislative action. All
12 information obtained by the legislative service office
13 related to an audit is deemed not to be a public record and
14 shall remain confidential information in the possession of
15 the legislative service office. Except as otherwise provided
16 in this section, ~~or~~ W.S. 28-8-107(d) or 28-13-104, this
17 information may be disclosed by the legislative service
18 office only to members of the legislative committee for which
19 the information was obtained, only to the extent necessary to
20 document a statement or report, and only in a manner that
21 protects individual identities.

22

1 **28-8-111. Assistance to be provided by state and local**
2 **officers or agencies; duty of audited agencies.**

3
4 (a) Upon request of the director and with the approval
5 of the management council, the legislative audit committee or
6 the management audit committee, each officer, board,
7 commission, department or any political subdivision of state
8 government or any local government shall provide assistance,
9 documents and information to the legislative service office.

10
11 **28-8-113. Duty of agency officers and employees;**
12 **legislative service office access to records; failure to**
13 **provide access; penalty.**

14
15 (a) Any officer or employee of a state agency subject
16 to audit or other review by the legislature, including an
17 audit conducted in accordance with W.S. 28-13-103, shall
18 fully assist the legislative service office during the course
19 of the audit or review. The legislative service office shall
20 have access to and authority to examine all books, records,
21 accounts, files, correspondence and all other documents,
22 confidential or otherwise, maintained by the agency or its
23 employees during the course of agency business. The

1 provisions of W.S. 16-4-201 through 16-4-205 do not apply to
2 audits or investigations of state agencies performed by or on
3 behalf of the legislature or legislative committees. Any
4 member of the legislative service office who discloses
5 confidential information obtained while conducting an audit,
6 to any person or in any manner not authorized by law, is
7 subject to disciplinary action as provided by W.S.
8 28-8-108(b).

9

10 **Section 3.**

11

12 (a) There is appropriated twenty thousand dollars
13 (\$20,000.00) from the general fund to the legislative service
14 office for the period beginning with the effective date of
15 this act and ending June 30, 2020. This appropriation shall
16 only be expended to provide salary, travel and per diem to
17 members of the legislative audit committee as created by this
18 act.

19

20 (b) There is appropriated eighty thousand dollars
21 (\$80,000.00) from the general fund to the legislative service
22 office for the period beginning with the effective date of
23 this act and ending June 30, 2020. This appropriation shall

1 only be expended for funding the position of legislative
2 auditor as created by this act.

3

4 (c) Notwithstanding any other provision of law, the
5 appropriations under this section shall not be transferred or
6 expended for any other purpose and any unexpended,
7 unobligated funds remaining from the appropriations shall
8 revert as provided by law on June 30, 2020.

9

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

13

14

(END)