

Bill No.: HB0150 **Effective:** **Immediately**

LSO No.: 21LSO-0265

Enrolled Act No.: HEA No. 0074

Chapter No.: 124

Prime Sponsor: Joint Appropriations Committee

Catch Title: **State budgeting and expenditure authority.**

Subject: Modifications to the executive department's authority to accept and expend federal funds and modifications to other authority of the executive department relating to state budgeting and expenditures.

Summary/Major Elements:

- The bill provides an annual appropriation of ten million dollars (\$10,000,000.00) from the legislative stabilization reserve account which may be allocated by the governor for public welfare emergencies.
- A public welfare emergency is defined in the act. The definition is expanded from the requirements for emergency expenditures under current law by including protection of "economic well-being" as a potential emergency.
- Expenditure of the public welfare emergency appropriation has other restrictions, including that other funds are not available or are insufficient to meet the emergency.
- If the appropriation for public welfare emergencies is not expended it reverts at the end of each fiscal year.
- The bill changes the definition of funds that may be subject to the "B-11" process from being limited to "non-general fund sources" to defined funds. The "B-11" process allows for the Governor to authorize revisions, changes, redistributions or increases to amounts authorized for expenditure by legislative appropriation acts.
- The bill modifies the authority of agencies and the Governor to accept federal funds beyond those appropriated.
- Depending on differing requirements attached to the federal funds - funds limited to specified purposes (or not); to be expended on a program previously approved for funding by the legislature (or not); obligating the state to expend general funds or other state funds (or not); or in any manner limiting the state's taxing or appropriations authority - different notification requirements and restrictions are specified.
- The requirements can range from the Governor simply notifying the Legislature to the Legislature being given up to forty days to act before the federal funds may be accepted or expended.
- There are exceptions to the notification and maximum "forty (40) day pause" requirements for protecting the public health, safety and welfare or to prevent a potential loss of funds.

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- The requirement for the Governor's written approval before an agency may accept additional federal funds is made even more explicit, by the addition of not allowing "disbursements" by an agency (in addition to the current restriction on "expenditure") and by the addition of specifying that the requirement applies whether or not the agency has additional statutory authority to accept federal funds.
- The bill includes requirements for agencies to report to the Governor's office on whether the acceptance of federal funds would obligate the state or political subdivisions to meet maintenance of effort or similar requirements.
- The reports are to include information necessary for the Governor to make required determinations, such as the amount of anticipated, additional nonfederal fund expenditures and any limitation on the state's taxing or appropriation authority.
- There are exceptions to the reporting requirements for cases in which the legislative act appropriating the federal funds identifies the federal enactment under which the funds are accepted.
- The bill also provides additional conforming and clarifying amendments to provisions regulating the state budgeting and executive expenditure authority.

Comments:

- Creates/amends a major program – makes significant modifications to state budgeting and expenditure statutes;
- Requires a report – requires agency reports as noted above. Requires the Governor's Office to provide notifications to the Legislature as noted above.

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