

ORIGINAL HOUSE
BILL NO. HB0060

ENROLLED ACT NO. 29, HOUSE OF REPRESENTATIVES

SIXTY-SIXTH LEGISLATURE OF THE STATE OF WYOMING
2022 BUDGET SESSION

AN ACT relating to minimum fiscal procedures training for public officers; providing for the enforcement of financial reporting requirements through the withholding of state grants and loans; specifying duties of the state auditor; requiring rulemaking; specifying applicability; and providing for an effective date.

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

Section 1. W.S. 9-1-507(g), (j)(i) and by creating a new paragraph (iii) and 9-1-510(a) are amended to read:

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

(g) No state agency or board shall require of any recipient of grants or funds, as a condition of receiving the grant or funds, any audit procedures to be performed which exceed the requirements in subsection (c) of this section unless the state agency or board provides funding for the additional audit requirements through a specific amount in the grant of funds, or unless the requirements are specifically authorized by statute. All state agencies and boards shall verify that all applicants and recipients of state grants or loans are in compliance with the applicable reporting requirement under paragraph (a)(vii) of this section as a condition of receiving the grant or loan. For purposes of this section, a state grant or loan shall not be those grants or loans which include any federal funds or monies paid in consideration for services rendered to the state agency or board.

(j) The director of the department of audit shall certify:

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(i) To the state treasurer and state auditor by October 5 of each year, a list of counties, cities and towns ~~which have that~~ failed to comply with paragraph (a)(vii) of this section. The state treasurer shall withhold the annual distribution, which would otherwise be made under W.S. 9-2-1014.1, to any county, city or town failing to comply with paragraph (a)(vii) of this section. The withheld distribution shall be retained in the budget reserve account until the director of the department of audit certifies that the county, city or town has filed the required report. The state auditor shall immediately notify all state agencies and boards of every county, city or town that failed to comply with paragraph (a)(vii) of this section. Upon receipt of notification by the state auditor pursuant to this paragraph, a state agency or board shall withhold state grant and loan payments to every noncompliant county, city or town for the period after October 15 until further notice from the state auditor that a noncompliant county, city or town has come into compliance with paragraph (a)(vii) of this section. The department of audit shall certify to the state auditor when a county, city or town comes into compliance with paragraph (a)(vii) of this section. The state auditor shall immediately notify all state agencies and boards of every county, city or town that has come into compliance with paragraph (a)(vii) of this section. Any withheld state grant or loan payments shall be retained by the state agency or board in the account from which the disbursement would be made until the state agency or board receives notification from the state auditor that the county, city or town is in compliance with paragraph (a)(vii) of this section, or as otherwise provided by law;

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(iii) To the state auditor by October 5 of each year, a list of special districts and other entities described in W.S. 16-4-125(c) or specified in W.S. 16-12-202(a), no matter how formed, that failed to comply with paragraph (a)(vii) of this section. The state auditor shall immediately notify all state agencies and boards of every special district or other entity described in W.S. 16-4-125(c) or specified in W.S. 16-12-202(a) that failed to comply with paragraph (a)(vii) of this section. Upon receipt of notification by the state auditor pursuant to this paragraph, a state agency or board shall withhold state grant and loan payments to every noncompliant special district or other entity described in W.S. 16-4-125(c) or specified in W.S. 16-12-202(a) for the period after October 15 until further notice from the state auditor that a noncompliant district or entity has come into compliance with paragraph (a)(vii) of this section. The department of audit shall certify to the state auditor when a special district or other entity comes into compliance with paragraph (a)(vii) of this section. The state auditor shall immediately notify all state agencies and boards of any special district or other entity that has come into compliance with paragraph (a)(vii) of this section. Any withheld state grant or loan payment shall be retained by the state agency or board in the account from which the disbursement would be made until the state agency or board receives notification from the state auditor that the special district or other entity has complied with paragraph (a)(vii) of this section, or as otherwise provided by law.

9-1-510. Instructions to public officers; failure of public officer to obey.

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(a) The director of the state department of audit shall establish minimum training requirements for public officers. The department of audit shall promulgate rules to effectuate this paragraph. The director shall instruct public officers in the proper handling of the accounts of their offices in accordance with the minimum training requirements established by the director and provide comprehensive written materials. In lieu of directly instructing public officers, the director may develop and maintain a list of approved courses that comply with the minimum training requirements. All public officers shall receive instruction in accordance with the minimum training requirements established by the director within one (1) year of assuming office or assuming responsibility for handling the accounts of their office. The director may waive or modify the requirement for public officers to receive instruction within one (1) year of assuming office or responsibility for handling the accounts of their office if no approved courses exist in either a virtual format or within the state, or if available courses are cost prohibitive. A public officer shall handle the accounts of his office strictly in conformance with the instructions of the director or any approved course and in the manner required by law. If any public officer willfully neglects or refuses to handle his accounts in the manner required or fails to comply with the minimum training requirements established by the director within one (1) year of assuming office, the director may request those in authority to the governing body with oversight over the public officer or other appropriate authority to remove the public officer or provide increased oversight. For purposes of this section, a "public officer" shall be defined as:

(i) The person or persons directly responsible for handling the accounts of their public office; and

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(ii) For entities managed by a governing body, members of the governing body with oversight over the person or persons directly responsible for handling the accounts of their public office.

Section 2. All public officers who hold their position as of July 1, 2023 shall receive the training required by this act on or before July 1, 2024.

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Section 3. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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