

State of Wyoming

§ 9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees..

(a) No warrant shall be drawn by the auditor or paid by the treasurer:

(i) Unless funds have been previously appropriated or otherwise authorized by law for that purpose;

(ii) When it has been certified by the department that a state agency is in nonconformance with its approved budget;

(iii) If the amount sought to be expended would exceed the appropriation or other funds authorized for its use by law;

(iv) If the expenditure is in nonconformance with the amounts, programs and approved budget authorized by legislative appropriation acts except upon approval of the governor as provided by subsection (b) of this section;

(v) If the agency for which the expenditure was authorized is in noncompliance with a provision of a legislative appropriation act relating to the expenditure;

(vi) If the expenditure relates to a capital improvement project for which total appropriations and authorizations for the project are insufficient except as otherwise authorized by law;

(vii) If the expenditure is for salaries for employees exceeding the maximum number of employees for the agency authorized by a legislative appropriation act except upon approval of the governor as provided by subsection (b) of this section;

(viii) If the expenditure of general fund monies is requested for a program other than the program for which the expenditure was authorized by the legislature;

(ix) If the expenditure of nonfederal monies appropriated for the personal services budget by a legislative appropriation act is requested for any other purpose;

(x) If the expenditure was authorized for capital improvements but sought to be expended for any other purpose;

(xi) If the expenditure is requested from federal revenues exceeding the amount authorized by a legislative appropriation act except upon approval of the governor as provided by subsection (b) of this section;

(xii) If the expenditure is for data processing hardware, software, consultants or training, unless specifically approved by one (1) of the following:

(A) President of the University of Wyoming for the University of Wyoming;

(B) The state chief information officer, the director of the department making the expenditure or, if the agency is a separate operating agency, the administrative head of the agency for the executive branch. A purchase shall not be approved pursuant to this subparagraph if it fails to conform with the criteria developed pursuant to W.S. [9-1-222\(a\)\(iii\)](#);

(C) Chief justice of the supreme court for the judicial branch;

(D) Director of the legislative service office for the legislative branch; or

(E) President of each community college for his respective community college.

(xiii) If the expenditure is otherwise in violation of law.

(b) Subject to subsection (c) of this section, the governor may:

(i) Authorize revisions, changes or redistributions to approved budgets;

(ii) Authorize revisions, changes, redistributions or increases to amounts authorized for expenditure by legislative appropriation acts from non-general fund sources after notifying the legislature that in his opinion an emergency financial situation exists, general fund appropriations can be conserved, agency program requirements have significantly changed or unanticipated non-general fund revenues become available and qualify pursuant to W.S. [9-2-1006\(a\)](#);

(iii) 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\(b\)](#);

(iv) Authorize the implementation of the personnel classification and compensation plan consistent with W.S. [9-2-1022\(b\)](#). This plan shall reflect a legislative pay policy to support a combination of salaries and benefits at equitable levels recognizing the relative internal value of each position as determined by job content, and the labor market in this geographic area for similar work, with due consideration of the need to attract, retain and motivate qualified employees and to recognize the state's financial position.

(c) The governor shall not:

(i) Authorize an increase in the amount appropriated to any agency from the general fund by any legislative appropriation act excluding allocations from the governor's emergency appropriation, if any;

(ii) Authorize funds appropriated from the general fund for one (1) program as represented by line appropriations within any legislative appropriation act to be used for another program.

(d) The state auditor, state treasurer and director of the state department of audit shall assist the governor and the department in carrying out legislative appropriation acts with respect to the audit, record keeping and control of budgets approved thereunder.

(e) As used in this section:

(i) "Approved budget" means:

(A) An agency's request for an appropriation for a program and for which an appropriation is made in whole or in part;

(B) The governor's recommended appropriation for an agency program developed pursuant to W.S. [9-2-1010](#) through [9-2-1013](#) and for which an appropriation is made in whole or in part;

(C) A budget for a program as developed by the budget division and approved by the governor for appropriations for which no budgeted request was submitted.

(ii) "Program" means a line appropriation within a general appropriation act of the legislature as so designated.

(f) The joint appropriations interim committee of the legislature shall compile the approved budget for each agency's appropriation and transmit the budget to the governor and the agency.

(g) No federal funds in excess of amounts approved by any legislative appropriations act may be accepted or expended until approved by the governor in writing with a copy to the joint appropriations interim committee. If the governor disapproves the acceptance or expenditure of federal funds under this subsection and the federal funds are accepted or expended, the state auditor shall not draw any warrant nor shall the state treasurer pay any warrant which would result in the disbursement of funds, directly or indirectly through contracts for services, to the public or private entity involved.

(h) Repealed by Laws 1985, ch. 232, § 202.

(j) Repealed by Laws 2000, ch. 48, § 3.

(k) through (n) Repealed by Laws 2003, ch. 120, § 3.

(o) The governor shall report monthly to the legislature on the use of the flex authority authorized under subsections (k) and (m) of this section during each biennium. The report shall specify appropriations and authorized positions transferred during the biennium, including transfers between expenditure series, programs and agencies with a detailed written description of the transfer.

Laws 1971, ch. 203, § 8; W.S. 1957, § 9-276.18:56; Laws 1976, ch. 26, § 1; 1977, ch. 118, § 1; W.S. 1977, § 9-3-2008; Laws 1982, ch. 62, § 3; 1985, ch. 73, § 1; ch. 113, § 1; ch. 232, § 1; 1987, ch. 171, § 1; 1989, ch. 52, § 1; 1991, ch. 29, § 3; ch. 240, § 1; 1992, ch. 89, § 208; 1994, ch. 15, §§ 310, 321(o); 1995, ch. 70, § 1; 1996, ch. 1, §§ 318, 337; 1997, ch. 178, § 1; 2000, ch. 48, § 3; 2003, ch. 120, §§ 2, 3; 2006, ch. 102, § 1.

The 2006 amendment, effective July 1, 2006, in (a)(xii)(B), substituted “The state chief information officer” for “Administrator, information technology division of the department of administration and information,” and added the last sentence.

Editor's notes - There is no subsection (i) or (l) in this section as it appears in the printed acts.