

SENATE FILE 0061,

SENATE FILE 0061

Title

AN ACT to create W.S. 28-8-113; to amend W.S. 28-8-107, 28-8-108, 28-8-111(a), 28-10-101(a)(ii) and by creating a new paragraph (iii) and by renumbering (iii) as (iv) and by amending and renumbering (iv) as (v), 28-10-102(a) and (b) introductory paragraph and (vii) and 28-10-103(a), (c), (d) and (e); and to repeal W.S. 28-10-102(a)(vii) through (xi) and (b)(ii), (iii), (v), (vi) and (viii), 28-10-103(e)(viii), (xi) through (xiv) and (xvi) and (f) relating to legislative audits and sunset reviews; restricting the disclosure of confidential information obtained during an audit or review; providing for the management audit committee; granting the audit committee authority to conduct audits through the legislative service office; establishing audit procedures; establishing the duty of agency officials while under audit; providing a penalty for denying the legislative service office access to an audited agency's records; limiting the obligations a terminated agency may incur during the winding up period; specifying agencies for sunset review and providing that designated agencies will terminate July 1, 1985 unless continued by the legislature; providing for continuation of the state insurance department and the state game and fish department; providing definitions; and providing for an effective date.

Introduced by:

Eddie Moore

DATE	ACTION	DATE	ACTION
2-14-84	INTRODUCED 2 SAYS 5 NO	MAR 7 1984	READ SECOND TIME
	RECEIVED	MAR 7 1984	REP <u>Moore</u> MOTION
	REFERRED TO COM. NO. <u>7</u>		TO SUSPEND RULE(S) <u>1-1</u>
	DELIVERED TO COM. NO. <u>7</u>		PASSED
	RETURNED FROM COM. NO. <u>7</u>		Ayes <u>12</u> Noes <u>1</u> Excused <u>0</u> Absent <u>1</u>
	DELIVERED TO COM. NO. <u>7</u>		READ THIRD TIME
2/22/84	STANDING COMM. REPORT		PASSED
	DO PASS		Ayes <u>12</u> Noes <u>1</u> Excused <u>0</u> Absent <u>0</u>
2/24/84	CONSIDERED ON COM. OF WHOLE	3/5/84	Received Amended
	DO PASS		Senate did concur on House Amendment
2/25/84	READ SECOND TIME		Ayes <u>26</u> Noes <u>4</u> Excused <u>0</u> Absent <u>0</u>
2/27/84	READ THIRD TIME		Delivered to Enrolling Section
	AMENDED AS FOLLOWS SF61531-A		Received
	PASSED		Delivered to Enrolling Section
	AYES <u>21</u> NOES <u>1</u> EXCUSED <u>0</u> ABSENT <u>0</u>		SEA No. <u>17</u> Signed By President
	SENT TO HOUSE - 20 L.S.O.		Signed By Speaker
	ENGROSSED		App. by Governor
	Sent to House		Chapter No.
FEB 27 1984	READ FIRST TIME		
	REFERRED TO COM. NO. <u>9</u>		
	DELIVERED TO COM. NO. <u>3</u>		
MAR 2 1984	RETURNED		
	Recommended Amend and Do Pass <u>7</u>		
MAR 6 1984	CONSIDERED IN COM. OF WHOLE		
	Standing Com. Amendment SF61151/AE		

ADOPTED
RECOMMENDED TO...

CONTINUED ON BACK

SF61 3d Date 2/27/04

Roll Call of the Senate
of the FORTY-SEVENTH LEGISLATURE
of Wyoming

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BOYLE			✓	
CUNDALL			✓	
DIXON			✓	
EDDINS			✓	
FRISBY			✓	
GEIS			✓	
HICKEY			✓	
KINNISON			✓	
LARSON, R.			✓	
MAJHANOVICH			✓	
MOORE				
NICHOLAS			✓	
NORRIS			✓	
PARKS-GADDIS			✓	
PREVEDEL			✓	
PROFFIT			✓	
PUGH			✓	
RECTOR			✓	
SCOTT				✓
SEDAR			✓	
SMALLEY			✓	
STAFFORD			✓	
STROOCK			✓	
TAGGART			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT		AYES	<u>29</u>
		NOES	<u>1</u>
		EXCUSED	<u>0</u>
		ABSENT	<u>0</u>
		TOTAL	<u>30</u>

SE 61INTRO

Date

Roll Call of the Senate

of the FORTY-SEVENTH LEGISLATURE
of Wyoming

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BOYLE			✓	
CUNDALL				✓
DIXON			✓	
EDDINS			✓	
FRISBY			✓	
GEIS			✓	
HICKEY			✓	
KINNISON			✓	
LARSON, R.			✓	
MAJHANOVICH			✓	
MOORE				
NICHOLAS			✓	
NORRIS			✓	
PARKS-GADDIS			✓	
PREVEDEL			✓	
PROFFIT			✓	
PUGH			✓	
RECTOR				✓
SCOTT				✓
SEDAR			✓	
SMALLEY				✓
STAFFORD				✓
STROOCK			✓	
TAGGART			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH			✓	
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT

AYES	25
NOES	5
EXCUSED	0
ABSENT	0
TOTAL	30

SF 61 DO CONCUR Date 3/8/84

Roll Call of the Senate
of the FORTY-SEVENTH LEGISLATURE
of Wyoming

	Excused	Absent	Ayes	Noes
ARNEY			✓	
BOYLE				✓
CUNDALL			✓	
DIXON			✓	
EDDINS			✓	
FRISBY			✓	
GEIS			✓	
HICKEY				✓
KINNISON			✓	
LARSON, R.			✓	
MAJHANOVICH			✓	
MOORE				
NICHOLAS			✓	
NORRIS				✓
PARKS-GADDIS			✓	
PREVEDEL			✓	
PROFFIT			✓	
PUGH			✓	
RECTOR			✓	
SCOTT			✓	
SEDAR			✓	
SMALLEY			✓	
STAFFORD			✓	
STROOCK			✓	
TAGGART			✓	
TROWBRIDGE			✓	
TRUE			✓	
TURNER			✓	
VINICH				✓
ZIMMER			✓	
MR. PRESIDENT			✓	

PRESENT		AYES	<u>26</u>
		NOES	<u>4</u>
		EXCUSED	<u>0</u>
		ABSENT	<u>0</u>
		TOTAL	<u>30</u>

STC1 Shud Picking Date 3/7/84
CJ *Supervisor of Parks*
Roll Call of the House
of the FORTY-SEVENTH LEGISLATURE
of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD		✓			ODDE		✓		
BAKER	✓				PARKER	✓			
BARLOW	✓				PERKINS	✓			
BLACKWELL		✓			PHELAN		✓		
BROWN	✓				RATLIFF		✓		
BUDD	✓				ROBERTSON	✓			
BURNS	✓				ROTH		✓		
BURTON	✓				SALISBURY	✓			
BYRD		✓			SANDERS	✓			
CHAMBERLAIN	✓				SCHMIDT	✓			
CROSS	✓				SCHWOPE		✓		
DICKEY		✓			SHREVE	✓			
DOBOS	✓				SIDI	✓			
DONLEY					SIMONS	✓			
EDWARDS		✓			SIMPSON	✓			
GERINGER	✓				SORENSEN	✓			
GETTER	✓				STAUFFER	✓			
GRANT	✓				STEWART		✓		
HAGEMAN	✓				STRAND	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HENDRICKS		✓			URBIGKIT, D.	✓			
HERBST	✓				URBIGKIT, W.		✓		
HUMPHREY		✓			WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN		✓			WIEDERSPAHN	✓			
JONES	✓				WOLFLEY	✓			
LARSON, T.		✓			ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MADER	✓								
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓								
MEENAN		✓							
MICHEL	✓								
MURPHY		✓							

PRESENT _____

AYES 46

NOES 18

EXCUSED _____

ABSENT _____

TOTAL 64

LESS 18

46

299, 11,
35, 36, 54,
61, 77, 79,
116

Consent

Date 3/7/84

Roll Call of the House of the FORTY-SEVENTH LEGISLATURE of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BAKER	✓				PARKER	✓			
BARLOW	✓				PERKINS	✓			
BLACKWELL	✓				PHELAN	✓			
BROWN	✓				RATLIFF	✓			
BUDD	✓				ROBERTSON	✓			
BURNS	✓				ROTH	✓			
BURTON	✓				SALISBURY	✓			
BYRD	✓				SANDERS	✓			
CHAMBERLAIN	✓				SCHMIDT	✓			
CROSS	✓				SCHWOPE	✓			
DICKEY	✓				SHREVE	✓			
DOBOS	✓				SIDI	✓			
DONLEY					SIMONS	✓			
EDWARDS	✓				SIMPSON	✓			
GERINGER	✓				SORENSEN	✓			
GETTER	✓				STAUFFER	✓			
GRANT	✓				STEWART	✓			
HAGEMAN	✓				STRAND	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HENDRICKS	✓				URBIGKIT, D.	✓			
HERBST	✓				URBIGKIT, W.	✓			
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WIEDERSPAHN	✓			
JONES	✓				WOLFLEY	✓			
LARSON, T.	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MADER	✓				PRESENT _____ AYES <u>64</u> NOES _____ EXCUSED _____ ABSENT _____ TOTAL <u>64</u> LESS _____				
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHEL	✓								
MURPHY	✓								

1-9, 11, 35, 36, 54, 61, 77, 79, 116.
 By *Johnson moved* Date *3/7/84*
Amended - 7-1
Roll Call of the House
 of the FORTY-SEVENTH LEGISLATURE
 of Wyoming

	Ayes	Noes	Excused	Absent		Ayes	Noes	Excused	Absent
ARNOLD	✓				ODDE	✓			
BAKER	✓				PARKER	✓			
BARLOW	✓				PERKINS	✓			
BLACKWELL	✓				PHELAN	✓			
BROWN	✓				RATLIFF	✓	✓		
BUDD	✓				ROBERTSON	✓			
BURNS	✓				ROTH	✓			✓
BURTON	✓				SALISBURY	✓			
BYRD	✓				SANDERS	✓			
CHAMBERLAIN	✓				SCHMIDT	✓			
CROSS	✓				SCHWOPE	✓			
DICKEY	✓				SHREVE	✓			
DOBOS	✓				SIDI	✓			
DONLEY					SIMONS	✓			
EDWARDS	✓				SIMPSON	✓			
GERINGER	✓				SORENSEN	✓			
GETTER	✓				STAUFFER	✓			
GRANT	✓				STEWART	✓			
HAGEMAN	✓				STRAND	✓			
HANSEN	✓				TIPTON	✓			
HARRISON	✓				TYSDAL	✓			
HENDRICKS	✓				URBIGKIT, D.	✓			
HERBST	✓				URBIGKIT, W.	✓			
HUMPHREY	✓				WALLIS	✓			
JACKSON	✓				WEAVER	✓			
JENSEN	✓				WIEDERSPAHN	✓			
JONES	✓				WOLFLEY	✓			
LARSON, T.	✓				ZUMBRUNNEN	✓			
MACMILLAN	✓				MR. SPEAKER	✓			
MADER	✓				PRESENT				
MALDONADO	✓								
MARTON	✓								
MCILVAIN	✓								
MEENAN	✓								
MICHEL	✓								
MURPHY	✓								

AYES 62
 NOES 1
 EXCUSED _____
 ABSENT 1
 TOTAL 64
 LESS _____

House of Intro			
_____	To Com No.	_____	
_____	Stand Report	Do _____	Amd _____ Not _____
_____	Com Whole	Do _____	Amd _____ Not _____
_____	2nd Reading	Amd _____	
_____	3rd Reading	Amd _____	Pass _____ Fail _____

Second House			
_____	To Com No.	_____	
_____	Stand Report	Do _____	Amd _____ Not _____
_____	Com Whole	Do _____	Amd _____ Not _____
_____	2nd Reading	Amd _____	
_____	3rd Reading	Amd _____	Pass _____ Fail _____

INTRODUCED

1984

STATE OF WYOMING

84LSO-0007.01

SENATE FILE NO. 0061

Audit and sunset review revision.

Sponsored by: SELECT MANAGEMENT AUDIT COMMITTEE

A BILL

for

1 AN ACT to create W.S. 28-8-113; to amend W.S. 28-8-107,
 2 28-8-108, 28-8-111(a), 28-10-101(a)(ii) and by creating a
 3 new paragraph (iii) and by renumbering (iii) as (iv) and
 4 by amending and renumbering (iv) as (v), 28-10-102(a) and
 5 28-10-103(a), (c), (d) and (e); and to repeal W.S.
 6 28-10-102(a)(vii) through (xi) and (b),
 7 28-10-103(e)(viii), (xi) through (xiv) and (xvi) and (f)
 8 relating to legislative audits and sunset reviews;
 9 restricting the disclosure of confidential information
 10 obtained during an audit or review; providing for the man-
 11 agement audit committee; granting the audit committee

1 authority to conduct audits through the legislative ser-
2 vice office; establishing audit procedures; establishing
3 the duty of agency officials while under audit; providing
4 a penalty for denying the legislative service office
5 access to an audited agency's records; limiting the obli-
6 gations a terminated agency may incur during the winding
7 up period; specifying agencies for sunset review and pro-
8 viding that designated agencies will terminate July 1,
9 1985 unless continued by the legislature; providing for
10 continuation of the state insurance department and the
11 state game and fish department; providing definitions; and
12 providing for an effective date.

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

14 Section 1. W.S. 28-8-113 is created to read:

15 28-8-113. Duty of agency officers and employees;
16 legislative service office access to records; failure to
17 provide access; penalty.

18 (a) Any officer or employee of a state agency sub-
19 ject to audit or sunset review shall fully assist the leg-
20 islative service office during the course of the audit or
21 review. The legislative service office shall have access
22 to and authority to examine all books, records, accounts,

1 files, correspondence and all other documents, confiden-
2 tial or otherwise, maintained by the agency or its employ-
3 ees during the course of agency business. The provisions
4 of W.S. 16-4-201 through 16-4-205 do not apply to audits
5 or investigations of state agencies performed by or on
6 behalf of the legislature or legislative committees. Any
7 member of the legislative service office who discloses
8 confidential information obtained while conducting an
9 audit, to any person or in any manner not authorized by
10 law, is subject to disciplinary action as provided by W.S.
11 28-8-108(b).

12 (b) Any officer or employee of an agency who know-
13 ingly fails or refuses to permit such access and examina-
14 tion is guilty of a misdemeanor and shall be punished by a
15 fine of not less than one hundred dollars (\$100.00) and
16 not more than one thousand dollars (\$1,000.00), imprison-
17 ment in the county jail for a period not to exceed six (6)
18 months, or both.

19 Section 2. W.S. 28-8-107, 28-8-108, 28-8-111(a),
20 28-10-101(a)(ii) and by creating a new paragraph (iii) and
21 by renumbering (iii) as (iv) and by amending and renumber-
22 ing (iv) as (v), 28-10-102(a) and 28-10-103(a), (c), (d)
23 and (e) are amended to read:

1 28-8-107. Duties of the legislative service office
2 in auditing state agencies; factors to be considered in
3 audit reports; fiscal notes for proposed legislation.

4 ~~it--shall--be--the-duty-of~~ The director, ~~--through~~
5 ~~the-audit-division-of-the~~ LEGISLATIVE SERVICE office, and
6 ~~under~~ AT the direction and ~~supervision~~ of the management
7 ~~council-and-subject-to-council-priorities~~ MANAGEMENT AUDIT
8 COMMITTEE ESTABLISHED BY W.S. 28-8-103(c), SUBJECT TO
9 MANAGEMENT COUNCIL BUDGET PRIORITIES, and subject to gen-
10 eral policies established by the legislature when in regu-
11 lar or special session, ~~to--perform--an--examination--of~~
12 ~~accounts-and-operations-of-all~~ SHALL;

13 (i) AUDIT THE ACCOUNTS AND OPERATIONS OF state
14 departments, agencies, commissions, boards, and institu-
15 tions, PROGRAMS WITHIN DEPARTMENTS, OR ANY ENTITY DIRECTLY
16 OR INDIRECTLY RECEIVING STATE FUNDS; ~~--To--this--end,--the~~
17 ~~audit-division-shall-periodically~~

18 (ii) Conduct post-audits dealing with the uti-
19 lization of all monies received and expended by ~~all~~ ANY
20 state departments DEPARTMENT, agencies AGENCY, commissions
21 COMMISSION, ~~boards--and---institutions---and~~ BOARD OR
22 INSTITUTION;

1 (iii) CONDUCT AUDITS OF AGENCIES SUBJECT TO
2 SUNSET REVIEW AND TERMINATION UNDER W.S. 28-10-101
3 THROUGH 28-10-104.

4 (b) THE LEGISLATIVE SERVICE OFFICE SHALL submit an
5 THE audit report to the ~~management--council~~ AGENCY BEING
6 REVIEWED FOR COMMENT. THE AGENCY SHALL HAVE FIFTEEN (15)
7 DAYS, UNLESS OTHERWISE AUTHORIZED BY THE COMMITTEE, TO
8 SUBMIT A WRITTEN RESPONSE TO THE REPORT TO THE LEGISLATIVE
9 SERVICE OFFICE. THE COMPLETED AUDIT REPORT, WHICH INCLUDES
10 THE AGENCY RESPONSE, IF ANY, SHALL BE TRANSMITTED TO THE
11 MANAGEMENT AUDIT COMMITTEE FOR REVIEW AND DISCUSSION WITH
12 THE AGENCY OFFICIALS AND THE LEGISLATIVE AUDITORS. THIS
13 REVIEW AND DISCUSSION OF THE AUDIT REPORT MAY BE CONDUCTED
14 BY THE COMMITTEE IN EXECUTIVE SESSION. FOLLOWING REVIEW
15 THE AUDIT REPORT MAY BE RELEASED UNLESS THE COMMITTEE
16 REQUESTS THE LEGISLATIVE SERVICE OFFICE TO OBTAIN SUPPLE-
17 MENTAL INFORMATION. A COPY OF THE COMPLETED REPORT AND
18 ANY SUPPLEMENTAL INFORMATION SHALL BE DISTRIBUTED TO THE
19 GOVERNOR and each member of the legislature. ~~When-directed~~
20 ~~by--the-management-council,--shall-audit-any-entity-receiv-~~
21 ~~ing-state-funds-either-directly-or-indirectly.~~

22 (c) THE CONTENTS OF THE AUDIT REPORT, ITS FINDINGS
23 AND DOCUMENTATION ARE CONFIDENTIAL AND SHALL NOT BE DIS-

1 CLOSED BY ANY MEMBER OF THE MANAGEMENT AUDIT COMMITTEE
2 UNTIL THE COMPLETED AUDIT REPORT IS RELEASED, BUT THE COM-
3 MITTEE MAY DISCUSS THE AUDIT FINDINGS WITH THE GOVERNOR
4 BEFORE RELEASE OF THE FINAL REPORT.

5 (d) All audits shall be conducted under generally
6 accepted governmental auditing standards as promulgated by
7 ~~the--American--Institute--of--Certified--Public--Accountants,~~
8 the Comptroller General of the United States. ~~and--the~~
9 ~~Municipal--Finance--Officers--Association,---~~ (b) The audit
10 ~~report shall determine, in addition to the regular audit~~
11 CONSIDER:

12 (i) Whether the funds which have been appro-
13 priated or otherwise allotted by the legislature to the
14 various state agencies have been expended in accordance
15 with legislative intent;

16 (ii) Whether administrative programs are being
17 conducted according to legislative intent;

18 ~~{iii}--Whether the collection--and--expenditure~~
19 ~~of revenues and receipts are in accordance with applicable~~
20 ~~laws--and in accordance with generally accepted accounting~~
21 ~~principles applicable to governmental institutions;~~

22 ~~{iv}--Whether there is proper accounting--and~~

1 ~~protection-for-such-revenues-and-receipts,~~

2 ~~(v)~~(iii) Whether funds and properties handled
3 by all state departments, agencies, commissions, boards
4 and institutions or held in trust have been properly
5 administered;

6 ~~(vi)~~(iv) That reports and financial statements
7 by the agency disclose fully the nature and scope of the
8 activities conducted and provide a proper basis for evalu-
9 ating the agency's operations;

10 (v) ANY OTHER FACTORS RELATING TO THE EFFI-
11 CIENCY, ECONOMY AND EFFECTIVENESS OF THE AGENCY BEING
12 AUDITED.

13 ~~(e)~~(e) The ~~audit-division~~ LEGISLATIVE SERVICE OFFICE
14 shall provide fiscal notes for all proposed legislation
15 having a fiscal impact, indicating fiscal and personnel
16 impact and revenue generated or required by the proposed
17 legislation, in such form and under such conditions as
18 specified by joint rule of the legislature. ~~(d)~~ Fiscal
19 notes shall be submitted to the sponsor of the bill for
20 review and approval prior to attachment to the bill.

21 28-8-108. Comments, recommendations and suggestions
22 in audit reports; disclosure of confidential information;

1 unauthorized reports or releases.

2 (a) The reports of the ~~audit-division~~ LEGISLATIVE
3 SERVICE OFFICE may include comments, recommendations and
4 suggestions, but NEITHER the director NOR THE AUDITORS
5 shall have ~~ne~~ ANY authority to enforce them nor shall ~~he~~
6 THEY otherwise influence or direct executive or legisla-
7 tive action. CONFIDENTIAL INFORMATION OBTAINED BY THE LEG-
8 ISLATIVE SERVICE OFFICE SHALL REMAIN CONFIDENTIAL IN THE
9 POSSESSION OF THE LEGISLATIVE SERVICE OFFICE. THIS INFOR-
10 MATION MAY BE DISCLOSED ONLY TO MEMBERS OF THE LEGISLATIVE
11 COMMITTEE FOR WHICH THE INFORMATION WAS OBTAINED, ONLY TO
12 THE EXTENT NECESSARY TO DOCUMENT A STATEMENT OR REPORT,
13 AND ONLY IN SUCH A MANNER AS TO PROTECT INDIVIDUAL
14 IDENTITIES.

15 (b) ANY MEMBER OF THE LEGISLATIVE SERVICE OFFICE WHO
16 KNOWINGLY DISCLOSES CONFIDENTIAL INFORMATION OTHER THAN AS
17 AUTHORIZED BY SUBSECTION (a) OF THIS SECTION, DISCLOSES
18 THE CONTENTS OF AUDIT REPORTS PROHIBITED BY W.S. 28-8-107
19 OR RELEASES OTHER reports or releases-ether-than-these
20 INFORMATION NOT authorized by the management council, will
21 constitute-good-and-sufficient-grounds-for THE MANAGEMENT
22 AUDIT COMMITTEE OR BY STATUTE IS SUBJECT TO immediate
23 termination of employment. of-the-director-or--any--member

1 ~~of-the-staff.~~

2 28-8-111. Assistance to be provided by state and
3 local officers or agencies; duty of audited agencies; pen-
4 alty.

5 (a) UPON REQUEST OF THE DIRECTOR AND WITH THE
6 APPROVAL OF THE MANAGEMENT COUNCIL OR THE MANAGEMENT AUDIT
7 COMMITTEE, each officer, board, commission, department or
8 any political subdivision of state government or any local
9 government shall, ~~upon request of the director, based upon~~
10 ~~approval of the management council,~~ provide such assis-
11 tance, documents and information ~~as the director may be~~
12 ~~directed to acquire~~ TO THE LEGISLATIVE SERVICE OFFICE.

13 28-10-101. Definitions.

14 (a) As used in this act:

15 (ii) "Committee" means the MANAGEMENT AUDIT
16 committee created by W.S. 28-10-103;

17 (iii) "SUNSET REVIEW" MEANS A SYSTEMATIC EVAL-
18 UATION BY THE MANAGEMENT AUDIT COMMITTEE, WITH THE ASSIS-
19 TANCE OF THE LEGISLATIVE SERVICE OFFICE, TO DETERMINE IF
20 THE AGENCY SHOULD BE CONTINUED OR TERMINATED, OR CONTINUED
21 WITH MODIFICATION;

1 ~~{iii}~~(iv) "Termination" means the abolition or
2 annulment of any agency;

3 ~~{iv}~~(v) "This act" means W.S. 28-10-101
4 through 28-10-103.

5 28-10-102. Termination of agencies.

6 (a) The following agencies shall terminate on July
7 1, ~~1981~~ 1985:

8 (i) ~~Council---for---children---and---youth,---W.S.~~
9 ~~14-7-101-through-14-7-104~~ WYOMING AERONAUTICS COMMISSION,
10 W.S. 10-3-101 THROUGH 10-3-302;

11 (ii) COMMUNITY COLLEGE COMMISSION, W.S.
12 21-18-210 THROUGH 21-18-301;

13 (iii) ~~Board-of-pediatrics,---W.S.---33-9-101-through~~
14 ~~33-9-113~~ MOTOR VEHICLE MANAGEMENT SYSTEM OF THE DEPARTMENT
15 OF ADMINISTRATION AND FISCAL CONTROL, W.S. 9-2-1025;

16 (iv) ~~Department-of-fire-prevention---and---elec-~~
17 ~~trical---safety,---W.S.---35-9-101-through-35-9-140~~ PARI-MUTUEL
18 COMMISSION, W.S. 11-25-101 THROUGH 11-25-113;

19 (v) STATE COMMISSION ON THE AGING, W.S.

1 9-2-1201 THROUGH 9-2-1207;

2 (vi) STATE BOARD OF EDUCATION, W.S. 21-2-301
3 THROUGH 21-2-306.

4 28-10-103. Termination of state agencies; duties of
5 committee conducting sunset review, audit reports;
6 requirement for public hearing and release of audit
7 report; factors to be considered during sunset review.

8 (a) Upon termination under W.S. 28-10-102, each
9 agency shall continue in existence until July 1 of the
10 next succeeding year for the purpose of winding up its
11 affairs. During the wind-up period, termination shall not
12 reduce or otherwise limit the powers or authority of each
13 respective governmental agency. NO TERMINATED AGENCY
14 SHALL INCUR ANY OBLIGATIONS OTHER THAN NECESSARY OPERATING
15 EXPENSES SUCH AS SALARIES, RENTALS, POSTAGE AND TELEPHONE
16 CHARGES DURING THE WIND-UP PERIOD. NO EXPENSES FOR OUT-
17 OF-STATE TRAVEL OR EQUIPMENT PURCHASES ARE PERMITTED DUR-
18 ING THIS PERIOD. On July 1 of the next succeeding year
19 after termination, each respective agency shall cease all
20 activities. THE AGENCY HEAD OR HIS DESIGNEE IS AUTHORIZED
21 TO SIGN VOUCHERS FOR NECESSARY EXPENSES INCURRED DURING
22 THE WIND-UP PERIOD, FOR NINETY (90) DAYS AFTER THE AGENCY
23 HAS CEASED OPERATION.

1 (c) ~~The--management--council~~ DURING EVERY REGULAR
2 SESSION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
3 THE HOUSE of the Wyoming legislature shall EACH appoint
4 FIVE (5) MEMBERS OF THEIR RESPECTIVE BODIES TO a MANAGE-
5 MENT AUDIT committee. ~~of not less than five--(5)--legisla-~~
6 ~~tors--representing--both--the--Wyoming--house--of--representa-~~
7 ~~tives--and--senate,--to--supervise~~ NO MORE THAN THREE (3) MEM-
8 BERS SO APPOINTED FROM EACH HOUSE SHALL BE FROM THE SAME
9 POLITICAL PARTY. THE COMMITTEE MAY APPOINT ONE (1) ADDI-
10 TIONAL MEMBER OF THE LEGISLATURE TO THIS COMMITTEE. THE
11 COMMITTEE SHALL CONDUCT a ~~management-audit~~ SUNSET REVIEW
12 of each agency scheduled for termination under W.S.
13 28-10-102. ~~Audits~~ THE COMMITTEE shall ~~be-completed-at~~
14 ~~least--six--(6)--months~~ HOLD A PUBLIC HEARING BEFORE NOVEMBER
15 30 OF THE YEAR prior to the date established by W.S.
16 28-10-102 for termination TO RECEIVE TESTIMONY REGARDING
17 THE CONTINUATION OR TERMINATION OF THE AGENCY. ~~in-conduct-~~
18 ~~ing-the-audit,--the-committee-shall--consider--the--factors~~
19 ~~enumerated--in--subsection--(e)--of--this-section.--A-copy-of~~
20 ~~the-report-shall-be-distributed--to--each--member--of--the~~
21 ~~Wyoming--legislature~~ THE COMMITTEE SHALL THEN MAKE RECOM-
22 MENDATIONS TO THE LEGISLATURE ON THE CONTINUATION, CONTIN-
23 UATION WITH MODIFICATIONS OR TERMINATION OF THE AGENCY AND
24 INTRODUCE LEGISLATION REQUIRED TO IMPLEMENT THEIR RECOM-

1 MENDATION DURING THE LEGISLATIVE SESSION PRIOR TO THE
2 SCHEDULED TERMINATION DATE.

3 ~~(d) Upon completion of the audit report and prior to~~
4 ~~the termination, continuation or reestablishment of any~~
5 ~~agency, the committee shall hold at least one (1) public~~
6 ~~hearing, to review the audit report and receive testimony~~
7 ~~from the public and the executive director or chairman of~~
8 ~~the agency and the agency involved. During the course of~~
9 ~~the hearing the agency shall bear the burden of demonstra-~~
10 ~~ting a need for its continued existence and the extent to~~
11 ~~which a change in the statutory authorization of the~~
12 ~~agency may increase the efficiency of the administration~~
13 ~~or operation of the agency.~~ THE LEGISLATIVE SERVICE OFFICE
14 SHALL CONDUCT AN AUDIT OF EACH AGENCY SCHEDULED FOR
15 TERMINATION. THE AUDIT SHALL CONSIDER THE FACTORS SET
16 FORTH IN SUBSECTION (e) OF THIS SECTION AND BE CONDUCTED
17 IN ACCORDANCE WITH THE AUDIT PROCEDURES SET FORTH IN W.S.
18 28-8-107(a). THE AUDIT REPORT SHALL BE RELEASED AT LEAST
19 FOURTEEN (14) DAYS PRIOR TO THE PUBLIC HEARING REQUIRED BY
20 SUBSECTION (c) OF THIS SECTION. A COPY OF THE AUDIT REPORT
21 SHALL BE DISTRIBUTED TO THE GOVERNOR AND EACH MEMBER OF
22 THE LEGISLATURE UPON ITS RELEASE.

23 ~~(e) During hearings under subsection (d) of this~~

1 ~~section~~ THE SUNSET REVIEW the committee ~~in-determining~~
2 ~~whether-or-not-an-agency-has-demonstrated-a-need--for--its~~
3 ~~continued-existence~~ shall consider the following factors,
4 among others:

5 (i) The extent to which the ~~agency-has-permit-~~
6 ~~ted--qualified--applicants--to--serve~~ AGENCY'S TERMINATION
7 WOULD AFFECT the public;

8 (ii) The extent to which ~~compliance--has--been~~
9 ~~achieved--by~~ the agency ~~or-the-industry-it-regulates-in~~
10 ~~accordance-with-requirements-of-state-and-federal-statutes~~
11 MANAGES AND UTILIZES ITS RESOURCES IN AN ECONOMICAL AND
12 EFFICIENT MANNER;

13 (iii) The extent to which the agency ~~is~~
14 ~~operated~~ OPERATES in the public interest and ~~the-extent-to~~
15 ~~which-its--operation--has--been--impeded--or--enhanced--by~~
16 WHETHER existing statutes, procedures and practices by any
17 other state agency, and any other circumstances, including
18 budgetary, resource and personnel matters INTERFERE WITH
19 THE AGENCY'S ABILITY TO OPERATE IN THE PUBLIC INTEREST;

20 (iv) The extent TO which the agency ~~has-recom-~~
21 ~~mended-statutory-changes-to-the-Wyoming-legislature--which~~
22 ~~would--benefit--the--public--it-regulates~~ IS RESPONSIVE TO

1 PUBLIC INQUIRIES AND COMPLAINTS;

2 (v) The extent to which the agency~~---has~~
3 ~~required-the-persons-or-industry-it-regulates-to-report-to~~
4 ~~it--concerning--the--impact--of-rules-and-decisions-of-the~~
5 ~~agency-on-the-public-regarding-improved--service,--economy~~
6 ~~of--service--and-availability-of-service~~ AGENCY'S PROGRAMS
7 CONFLICT OR DUPLICATE THOSE OFFERED BY OTHER PUBLIC AND
8 PRIVATE ENTITIES;

9 (vi) The extent to which the agency has
10 ~~encouraged-participation-by-the~~ CONSIDERS public INPUT in
11 making its rules and its decisions ~~as-opposed-to-partici-~~
12 ~~pation-solely-by-the-persons-it-regulates~~ AND WHETHER THE
13 AGENCY INFORMS THE PUBLIC OF ITS ACTIONS;

14 (vii) The ~~purpose,--powers,--duties~~ OBJECTIVES
15 and functions of the agency ~~currently--performed~~ AND ITS
16 EFFECTIVENESS IN MEETING THOSE OBJECTIVES;

17 (ix) Any ~~powers,--duties--or~~ OBJECTIVES OR func-
18 tions which are inconsistent with ~~current-and-projected~~
19 public needs and which should be terminated or altered;

20 (x) Whether the agency is complying with
21 Wyoming law and ~~the-directions-of-the-Wyoming-legislature~~
22 WHETHER ITS ACTIVITIES ARE AUTHORIZED BY STATUTE;

1 (xv) Such other matters as the committee may
2 wish to ~~include in the report,~~ and CONSIDER.

3 Section 3. W.S. 28-10-102(a)(vii) through (xi) and
4 (b), 28-10-103(e)(viii), (xi) through (xiv) and (xvi) and
5 (f) are repealed.

6 Section 4. The state game and fish department is
7 reestablished and continued under the provisions of W.S.
8 28-10-103(b).

9 Section 5. The state insurance department is
10 reestablished and continued under the provisions of W.S.
11 28-10-103(b).

12 Section 6. This act is effective June 5, 1984.

13 (END)

FISCAL NOTE

<u>Anticipated REVENUE to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
TOTAL ESTIMATED REVENUE		
<u>Anticipated COST to:</u>	<u>Fiscal Year 19</u>	<u>Fiscal Year 19</u>
TOTAL ESTIMATED COST		

No apparent personnel or fiscal impact.

1984

STATE OF WYOMING

84LSO-0007/eng

SENATE FILE NO. 0061

ENGROSSED

Audit and sunset review revision.

Sponsored by: SELECT MANAGEMENT AUDIT COMMITTEE

A BILL

for

1 AN ACT to create W.S. 28-8-113; to amend W.S. 28-8-107,
2 28-8-108, 28-8-111(a), 28-10-101(a)(ii) and by creating a
3 new paragraph (iii) and by renumbering (iii) as (iv) and
4 by amending and renumbering (iv) as (v), 28-10-102(a) and
5 28-10-103(a), (c), (d) and (e); and to repeal W.S.
6 28-10-102(a)(vii) through (xi) and (b),
7 28-10-103(e)(viii), (xi) through (xiv) and (xvi) and (f)
8 relating to legislative audits and sunset reviews;
9 restricting the disclosure of confidential information
10 obtained during an audit or review; providing for the man-
11 agement audit committee; granting the audit committee

1 authority to conduct audits through the legislative ser-
2 vice office; establishing audit procedures; establishing
3 the duty of agency officials while under audit; providing
4 a penalty for denying the legislative service office
5 access to an audited agency's records; limiting the obli-
6 gations a terminated agency may incur during the winding
7 up period; specifying agencies for sunset review and pro-
8 viding that designated agencies will terminate July 1,
9 1985 unless continued by the legislature; providing for
10 continuation of the state insurance department and the
11 state game and fish department; providing definitions; and
12 providing for an effective date.

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

14 Section 1. W.S. 28-8-113 is created to read:

15 28-8-113. Duty of agency officers and employees;
16 legislative service office access to records; failure to
17 provide access; penalty.

18 (a) Any officer or employee of a state agency sub-
19 ject to audit or sunset review shall fully assist the leg-
20 islative service office during the course of the audit or
21 review. The legislative service office shall have access
22 to and authority to examine all books, records, accounts,

1 files, correspondence and all other documents, confiden-
2 tial or otherwise, maintained by the agency or its employ-
3 ees during the course of agency business. The provisions
4 of W.S. 16-4-201 through 16-4-205 do not apply to audits
5 or investigations of state agencies performed by or on
6 behalf of the legislature or legislative committees. Any
7 member of the legislative service office who discloses
8 confidential information obtained while conducting an
9 audit, to any person or in any manner not authorized by
10 law, is subject to disciplinary action as provided by W.S.
11 28-8-108(b).

12 (b) Any officer or employee of an agency who know-
13 ingly fails or refuses to permit such access and examina-
14 tion is guilty of a misdemeanor and shall be punished by a
15 fine of not less than one hundred dollars (\$100.00) and
16 not more than one thousand dollars (\$1,000.00), imprison-
17 ment in the county jail for a period not to exceed six (6)
18 months, or both.

19 Section 2. W.S. 28-8-107, 28-8-108, 28-8-111(a),
20 28-10-101(a)(ii) and by creating a new paragraph (iii) and
21 by renumbering (iii) as (iv) and by amending and renumber-
22 ing (iv) as (v), 28-10-102(a) and 28-10-103(a), (c), (d)
23 and (e) are amended to read:

1 28-8-107. Duties of the legislative service office
2 in auditing state agencies; factors to be considered in
3 audit reports; fiscal notes for proposed legislation.

4 ~~it--shall--be--the-duty-of~~ The director, ~~through~~
5 ~~the-audit-division-of-the~~ LEGISLATIVE SERVICE office, and
6 under AT the direction and ~~supervision~~ of the management
7 ~~council-and-subject-to-council-priorities~~ MANAGEMENT AUDIT
8 COMMITTEE ESTABLISHED BY W.S. 28-8-103(c), SUBJECT TO
9 MANAGEMENT COUNCIL BUDGET PRIORITIES, and subject to gen-
10 eral policies established by the legislature when in regu-
11 lar or special session, ~~to--perform--an--examination--of~~
12 ~~accounts-and-operations-of-all~~ SHALL:

13 (i) AUDIT THE ACCOUNTS AND OPERATIONS OF state
14 departments, agencies, commissions, boards, and institu-
15 tions, PROGRAMS WITHIN DEPARTMENTS, OR ANY ENTITY DIRECTLY
16 OR INDIRECTLY RECEIVING STATE FUNDS; ~~--To--this--end,--the~~
17 ~~audit-division-shall-periodically~~

18 (ii) Conduct post-audits dealing with the uti-
19 lization of all monies received and expended by ~~all~~ ANY
20 state departments DEPARTMENT, agencies AGENCY, commissions
21 COMMISSION, ~~boards--and--institutions--and~~ BOARD OR
22 INSTITUTION;

1 (iii) CONDUCT POST-AUDITS TO DETERMINE IF SPE-
2 CIFIC RECOMMENDATIONS AND PROBLEMS REVEALED BY A FIRST
3 AUDIT HAVE BEEN CORRECTED;

4 (iv) CONDUCT AUDITS OF AGENCIES SUBJECT TO
5 SUNSET REVIEW AND TERMINATION UNDER W.S. 28-10-101
6 THROUGH 28-10-104.

7 (b) THE LEGISLATIVE SERVICE OFFICE SHALL submit an
8 THE audit report to the ~~management-council~~ AGENCY BEING
9 REVIEWED FOR COMMENT. THE AGENCY SHALL HAVE FIFTEEN (15)
10 DAYS, UNLESS OTHERWISE AUTHORIZED BY THE COMMITTEE, TO
11 SUBMIT A WRITTEN RESPONSE TO THE REPORT TO THE LEGISLATIVE
12 SERVICE OFFICE. THE COMPLETED AUDIT REPORT, WHICH INCLUDES
13 THE AGENCY RESPONSE, IF ANY, SHALL BE TRANSMITTED TO THE
14 MANAGEMENT AUDIT COMMITTEE FOR REVIEW AND DISCUSSION WITH
15 THE AGENCY OFFICIALS AND THE LEGISLATIVE AUDITORS. THIS
16 REVIEW AND DISCUSSION OF THE AUDIT REPORT MAY BE CONDUCTED
17 BY THE COMMITTEE IN EXECUTIVE SESSION. FOLLOWING REVIEW
18 THE AUDIT REPORT MAY BE RELEASED UNLESS THE COMMITTEE
19 REQUESTS THE LEGISLATIVE SERVICE OFFICE TO OBTAIN SUPPLE-
20 MENTAL INFORMATION. A COPY OF THE COMPLETED REPORT AND
21 ANY SUPPLEMENTAL INFORMATION SHALL BE DISTRIBUTED TO THE
22 GOVERNOR and each member of the legislature. ~~When-directed~~
23 ~~by-the-management-council, shall-audit-any-entity--receiv-~~

1 ~~ing-state-funds-either-directly-or-indirectly.~~

2 (c) THE CONTENTS OF THE AUDIT REPORT, ITS FINDINGS
3 AND DOCUMENTATION ARE CONFIDENTIAL AND SHALL NOT BE DIS-
4 CLOSED BY ANY MEMBER OF THE MANAGEMENT AUDIT COMMITTEE
5 UNTIL THE COMPLETED AUDIT REPORT IS RELEASED, BUT THE COM-
6 MITTEE MAY DISCUSS THE AUDIT FINDINGS WITH THE GOVERNOR
7 BEFORE RELEASE OF THE FINAL REPORT.

8 (d) All audits shall be conducted under generally
9 accepted governmental auditing standards as promulgated by
10 ~~the-American-Institute-of--Certified--Public--Accountants,~~
11 the Comptroller General of the United States, ~~and-the~~
12 ~~Municipal-Finance-Officers--Association.---~~ (b) The audit
13 ~~report shall determine,-in-addition-to-the-regular-audit~~
14 CONSIDER:

15 (i) Whether the funds which have been appro-
16 priated or otherwise allotted by the legislature to the
17 various state agencies have been expended in accordance
18 with legislative intent;

19 (ii) Whether administrative programs are being
20 conducted according to legislative intent;

21 ~~(iii)--Whether--the--collection-and-expenditure~~
22 ~~of-revenues-and-receipts-are-in-accordance-with-applicable~~

1 ~~laws-and-in-accordance-with-generally-accepted--accounting~~
2 ~~principles-applicable-to-governmental-institutions,~~

3 ~~{iv}--Whether--there--is--proper-accounting-and~~
4 ~~protection-for-such-revenues-and-receipts,~~

5 ~~{v}{iii}~~ Whether funds and properties handled
6 by all state departments, agencies, commissions, boards
7 and institutions or held in trust have been properly
8 administered;

9 ~~{vi}{iv}~~ That reports and financial statements
10 by the agency disclose fully the nature and scope of the
11 activities conducted and provide a proper basis for evalu-
12 ating the agency's operations;

13 (v) ANY OTHER FACTORS RELATING TO THE EFFI-
14 CIENCY, ECONOMY AND EFFECTIVENESS OF THE AGENCY BEING
15 AUDITED.

16 ~~{e}{e}~~ The ~~audit-division~~ LEGISLATIVE SERVICE OFFICE
17 shall provide fiscal notes for all proposed legislation
18 having a fiscal impact, indicating fiscal and personnel
19 impact and revenue generated or required by the proposed
20 legislation, in such form and under such conditions as
21 specified by joint rule of the legislature. ~~{d}~~ Fiscal
22 notes shall be submitted to the sponsor of the bill for

1 review and approval prior to attachment to the bill.

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

5 (a) The reports of the ~~audit--division~~ LEGISLATIVE
6 SERVICE OFFICE may include comments, recommendations and
7 suggestions, but NEITHER the director NOR THE AUDITORS
8 shall have ~~no~~ ANY authority to enforce them nor shall ~~he~~
9 THEY otherwise influence or direct executive or legisla-
10 tive action. CONFIDENTIAL INFORMATION OBTAINED BY THE LEG-
11 ISLATIVE SERVICE OFFICE SHALL REMAIN CONFIDENTIAL IN THE
12 POSSESSION OF THE LEGISLATIVE SERVICE OFFICE. THIS INFOR-
13 MATION MAY BE DISCLOSED ONLY TO MEMBERS OF THE LEGISLATIVE
14 COMMITTEE FOR WHICH THE INFORMATION WAS OBTAINED, ONLY TO
15 THE EXTENT NECESSARY TO DOCUMENT A STATEMENT OR REPORT,
16 AND ONLY IN SUCH A MANNER AS TO PROTECT INDIVIDUAL
17 IDENTITIES.

18 (b) ANY MEMBER OF THE LEGISLATIVE SERVICE OFFICE WHO
19 KNOWINGLY DISCLOSES CONFIDENTIAL INFORMATION OTHER THAN AS
20 AUTHORIZED BY SUBSECTION (a) OF THIS SECTION, DISCLOSES
21 THE CONTENTS OF AUDIT REPORTS PROHIBITED BY W.S. 28-8-107
22 OR RELEASES OTHER reports or releases--other--than--those
23 INFORMATION NOT authorized by the management council, ~~will~~

1 ~~constitute--good-and-sufficient-grounds-for~~ THE MANAGEMENT
2 AUDIT COMMITTEE OR BY STATUTE IS SUBJECT TO immediate
3 termination of employment ~~of-the-director-or-any-member~~
4 ~~of-the-staff.~~

5 28-8-111. Assistance to be provided by state and
6 local officers or agencies; duty of audited agencies; pen-
7 alty.

8 (a) UPON REQUEST OF THE DIRECTOR AND WITH THE
9 APPROVAL OF THE MANAGEMENT COUNCIL OR THE MANAGEMENT AUDIT
10 COMMITTEE, each officer, board, commission, department or
11 any political subdivision of state government or any local
12 government shall,--upon-request-of-the-director,--based-upon
13 approval--of--the--management-council, provide such assis-
14 tance, documents and information ~~as-the--director--may--be~~
15 ~~directed-to-acquire~~ TO THE LEGISLATIVE SERVICE OFFICE.

16 28-10-101. Definitions.

17 (a) As used in this act:

18 (ii) "Committee" means the MANAGEMENT AUDIT
19 committee created by W.S. 28-10-103;

20 (iii) "SUNSET REVIEW" MEANS A SYSTEMATIC EVAL-
21 UATION BY THE MANAGEMENT AUDIT COMMITTEE, WITH THE ASSIS-

1 TANCE OF THE LEGISLATIVE SERVICE OFFICE, TO DETERMINE IF
2 THE AGENCY SHOULD BE CONTINUED OR TERMINATED, OR CONTINUED
3 WITH MODIFICATION;

4 ~~{iii}~~(iv) "Termination" means the abolition or
5 annulment of any agency;

6 ~~{iv}~~(v) "This act" means W.S. 28-10-101
7 through 28-10-103.

8 28-10-102. Termination of agencies.

9 (a) The following agencies shall terminate on July
10 1, ~~1981~~ 1985:

11 (i) ~~Council--for--children--and--youth,---W.S.~~
12 ~~14-7-101--through-14-7-104~~ WYOMING AERONAUTICS COMMISSION,
13 W.S. 10-3-101 THROUGH 10-3-302;

14 (ii) COMMUNITY COLLEGE COMMISSION, W.S.
15 21-18-210 THROUGH 21-18-301;

16 (iii) ~~Board-of-pediatrics,--W.S.--33-9-101--through~~
17 ~~33-9-113~~ MOTOR VEHICLE MANAGEMENT SYSTEM OF THE DEPARTMENT
18 OF ADMINISTRATION AND FISCAL CONTROL, W.S. 9-2-1025;

19 (iv) ~~Department--of--fire-prevention-and-elec-~~
20 ~~trical-safety,--W.S.--35-9-101--through-35-9-140~~ PARI-MUTUEL

1 COMMISSION, W.S. 11-25-101 THROUGH 11-25-113;

2 (v) STATE COMMISSION ON THE AGING, W.S.
3 9-2-1201 THROUGH 9-2-1207;

4 (vi) STATE BOARD OF EDUCATION, W.S. 21-2-301
5 THROUGH 21-2-306.

6 28-10-103. Termination of state agencies; duties of
7 committee conducting sunset review, audit reports;
8 requirement for public hearing and release of audit
9 report; factors to be considered during sunset review.

10 (a) Upon termination under W.S. 28-10-102, each
11 agency shall continue in existence until July 1 of the
12 next succeeding year for the purpose of winding up its
13 affairs. During the wind-up period, termination shall not
14 reduce or otherwise limit the powers or authority of each
15 respective governmental agency. NO TERMINATED AGENCY
16 SHALL INCUR ANY OBLIGATIONS OTHER THAN NECESSARY OPERATING
17 EXPENSES SUCH AS SALARIES, RENTALS, POSTAGE AND TELEPHONE
18 CHARGES DURING THE WIND-UP PERIOD. NO EXPENSES FOR OUT-
19 OF-STATE TRAVEL OR EQUIPMENT PURCHASES ARE PERMITTED DUR-
20 ING THIS PERIOD. On July 1 of the next succeeding year
21 after termination, each respective agency shall cease all
22 activities. THE AGENCY HEAD OR HIS DESIGNEE IS AUTHORIZED

1 TO SIGN VOUCHERS FOR NECESSARY EXPENSES INCURRED DURING
2 THE WIND-UP PERIOD, FOR NINETY (90) DAYS AFTER THE AGENCY
3 HAS CEASED OPERATION.

4 (c) ~~The--management--council~~ DURING EVERY REGULAR
5 SESSION, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF
6 THE HOUSE of the Wyoming legislature shall EACH appoint
7 FIVE (5) MEMBERS OF THEIR RESPECTIVE BODIES TO a MANAGE-
8 MENT AUDIT committee. ~~of not less than five (5) legisla-~~
9 ~~tors representing both the Wyoming--house--of--representa-~~
10 ~~tives and senate, to supervise~~ NO MORE THAN THREE (3) MEM-
11 BERS SO APPOINTED FROM EACH HOUSE SHALL BE FROM THE SAME
12 POLITICAL PARTY. THE COMMITTEE MAY APPOINT ONE (1) ADDI-
13 TIONAL MEMBER OF THE LEGISLATURE TO THIS COMMITTEE. THE
14 COMMITTEE SHALL CONDUCT a ~~management-audit~~ SUNSET REVIEW
15 of each agency scheduled for termination under W.S.
16 28-10-102. ~~Audits~~ THE COMMITTEE shall ~~be--completed--at~~
17 ~~least six (6) months~~ HOLD A PUBLIC HEARING BEFORE NOVEMBER
18 30 OF THE YEAR prior to the date established by W.S.
19 28-10-102 for termination TO RECEIVE TESTIMONY REGARDING
20 THE CONTINUATION OR TERMINATION OF THE AGENCY. ~~in conduct-~~
21 ~~ing--the--audit,--the--committee--shall--consider--the--factors~~
22 ~~enumerated in subsection (e) of this section. A--copy--of~~
23 ~~the--report--shall--be--distributed--to--each--member--of--the~~
24 ~~Wyoming--legislature~~ THE COMMITTEE SHALL THEN MAKE RECOM-

1 MENDATIONS TO THE LEGISLATURE ON THE CONTINUATION, CONTIN-
2 UATION WITH MODIFICATIONS OR TERMINATION OF THE AGENCY AND
3 INTRODUCE LEGISLATION REQUIRED TO IMPLEMENT THEIR RECOM-
4 MENDATION DURING THE LEGISLATIVE SESSION PRIOR TO THE
5 SCHEDULED TERMINATION DATE.

6 (d) ~~Upon completion of the audit report and prior to~~
7 ~~the termination, continuation or reestablishment of any~~
8 ~~agency, the committee shall hold at least one (1) public~~
9 ~~hearing to review the audit report and receive testimony~~
10 ~~from the public and the executive director or chairman of~~
11 ~~the agency and the agency involved. During the course of~~
12 ~~the hearing the agency shall bear the burden of demonstra-~~
13 ~~ting a need for its continued existence and the extent to~~
14 ~~which a change in the statutory authorization of the~~
15 ~~agency may increase the efficiency of the administration~~
16 ~~or operation of the agency.~~ THE LEGISLATIVE SERVICE OFFICE
17 SHALL CONDUCT AN AUDIT OF EACH AGENCY SCHEDULED FOR
18 TERMINATION. THE AUDIT SHALL CONSIDER THE FACTORS SET
19 FORTH IN SUBSECTION (e) OF THIS SECTION AND BE CONDUCTED
20 IN ACCORDANCE WITH THE AUDIT PROCEDURES SET FORTH IN W.S.
21 28-8-107(a). THE AUDIT REPORT SHALL BE RELEASED AT LEAST
22 FOURTEEN (14) DAYS PRIOR TO THE PUBLIC HEARING REQUIRED BY
23 SUBSECTION (c) OF THIS SECTION. A COPY OF THE AUDIT REPORT
24 SHALL BE DISTRIBUTED TO THE GOVERNOR AND EACH MEMBER OF

1 THE LEGISLATURE UPON ITS RELEASE.

2 (e) During ~~hearings--under--subseetien--{d}--of--this~~
3 ~~section~~ THE SUNSET REVIEW the committee ~~in--determining~~
4 ~~whether--or--not--an--agency--has--demonstrated--a--need--for--its~~
5 ~~continued-existence~~ shall consider the following factors,
6 among others:

7 (i) The extent to which the ~~agency--has--permit-~~
8 ~~ted-qualified-applicants--to--serve~~ AGENCY'S TERMINATION
9 WOULD AFFECT the public;

10 (ii) The extent to which ~~compliance--has--been~~
11 ~~achieved-by~~ the agency ~~or--the--industry--it--regulates--in~~
12 ~~accordance-with-requirements-of-state-and-federal-statutes~~
13 MANAGES AND UTILIZES ITS RESOURCES IN AN ECONOMICAL AND
14 EFFICIENT MANNER;

15 (iii) The extent to which the agency ~~is~~
16 ~~operated~~ OPERATES in the public interest and ~~the--extent--to~~
17 ~~which--its--operation--has--been--impeded--or--enhanced--by~~
18 WHETHER existing statutes, procedures and practices by any
19 other state agency, and any other circumstances, including
20 budgetary, resource and personnel matters INTERFERE WITH
21 THE AGENCY'S ABILITY TO OPERATE IN THE PUBLIC INTEREST;

22 (iv) The extent TO which the agency ~~has--recom-~~

1 ~~mended--statutory-changes-to-the-Wyoming-legislature-which~~
2 ~~would-benefit-the-public-it--regulates~~ IS RESPONSIVE TO
3 PUBLIC INQUIRIES AND COMPLAINTS;

4 (v) The extent to which the agency--has
5 ~~required-the-persons-or-industry-it-regulates-to-report-to~~
6 ~~it-concerning-the-impact-of-rules--and--decisions--of--the~~
7 ~~agency--on--the-public-regarding-improved-service,-economy~~
8 ~~of-service-and-availability-of-service~~ AGENCY'S PROGRAMS
9 CONFLICT OR DUPLICATE THOSE OFFERED BY OTHER PUBLIC AND
10 PRIVATE ENTITIES;

11 (vi) The extent to which the agency has
12 ~~encouraged--participation-by-the~~ CONSIDERS public INPUT in
13 making its rules and its decisions ~~as-opposed-to--partici-~~
14 ~~pation--solely-by-the-persons-it-regulates~~ AND WHETHER THE
15 AGENCY INFORMS THE PUBLIC OF ITS ACTIONS;

16 (vii) The ~~purpose,-powers,-duties~~ OBJECTIVES
17 and functions of the agency ~~currently-performed~~ AND ITS
18 EFFECTIVENESS IN MEETING THOSE OBJECTIVES;

19 (ix) Any ~~powers,-duties-or~~ OBJECTIVES OR func-
20 tions which are inconsistent with ~~current--and--projected~~
21 public needs and which should be terminated or altered;

22 (x) Whether the agency is complying with

1 Wyoming law and ~~the-directions-of-the-Wyoming--legislature~~
2 WHETHER ITS ACTIVITIES ARE AUTHORIZED BY STATUTE;

3 (xv) Such other matters as the committee may
4 wish to ~~include-in-the-report,-and~~ CONSIDER.

5 Section 3. W.S. 28-10-102(a)(vii) through (xi) and
6 (b), 28-10-103(e)(viii), (xi) through (xiv) and (xvi) and
7 (f) are repealed.

8 Section 4. The state game and fish department is
9 reestablished and continued under the provisions of W.S.
10 28-10-103(b).

11 Section 5. The state insurance department is
12 reestablished and continued under the provisions of W.S.
13 28-10-103(b).

14 Section 6. This act is effective June 5, 1984.

15 (END)

THE LEGISLATURE OF THE STATE OF WYOMING

House of Representatives

SF 0061 H51/ (TEC)

Cheyenne, March 1, 1984

Mr. Speaker:

Your Committee No. 3 on REVENUE

to whom was referred Senate File No. 0061 ENGROSSED

respectfully reports same back to the House with the recommendation that SF0061 (ENGROSSED) DO PASS with the following amendments:

- Page 1 - line 4 After "(a)" insert "and (b) ^{introductory paragraph and} (vii)".
- Page 1 - line 6 After "(b)" insert "(ii), (iii), (v), (vi) and (viii)".
- Page 3 - line 22 After "28-10-102(a)" insert "and (b) ^{introductory paragraph and} (vii)".
- Page 5 - line 16 Delete "MAY" insert "SHALL".
- Page 6 - line 4 After "COMMITTEE" insert "OR EMPLOYEE OF THE AGENCY BEING AUDITED".

Page 11 - After line 5 Insert:

"(b) The following agencies shall terminate on July 1, ~~1983~~ 1985:

(vii) State insurance department. ~~and~~".

Page 16 - line 6 After "(b)" insert "(ii), (iii), (v), (vi) and (viii)".

Page 16 - lines 11 through 13 Delete entirely and insert:

"Section 5. The Legislative Service Office is directed to perform a follow-up audit of the state insurance department to the extent provided by W.S. 28-8-107(a)(iii). The Management Audit Committee shall submit its findings and recommendations to the Governor and Legislature by December 30, 1984.".

AYES

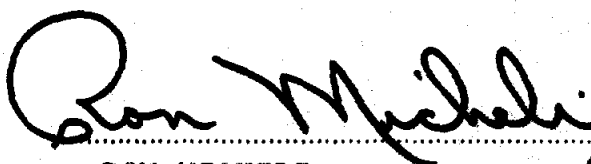
Rep. Burton
Dobos.
Grant
Mader
Urbigkit, D.
Weaver
Micheli

NOES

Rep. Phelan
Stewart
Strand

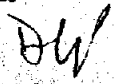
EXCUSED

0



RON MICHELI

Chairman



- 1 SF0061HS1 *AK* (TO ENGROSSED COPY)
- 2 ✓ Page 1-line 4 After "(a)" insert "and (b) introductory
3 paragraph and (vii)".
- 4 ✓ Page 1-line 6 After "(b)" insert "(ii), (iii), (v), (vi)
5 and (viii)".
- 6 ✓ Page 3-line 22 After "28-10-102(a)" insert "and (b) intro-
7 ductory paragraph and (vii)".
- 8 ✓ Page 5-line 16 Delete "MAY" insert "SHALL".
- 9 ✓ Page 6-line 4 After "COMMITTEE" insert "OR EMPLOYEE OF
10 THE AGENCY BEING AUDITED".
- 11 ✓ Page 11-After line 5 insert:
- 12 "(b) The following agencies shall terminate on July 1,
13 ~~1983~~ 1985:
- 14 (vii) State insurance department, 7-and".
- 15 ✓ Page 16-line 6 After "(b)" insert "(ii), (iii), (v), (vi)
16 and (viii)".
- 17 ✓ Page 16-lines 11 through 13 Delete entirely and insert:
- 18 "Section 5. The Legislative Service Office is directed
19 to perform a follow-up audit of the state insurance depart-
20 ment to the extent provided by W.S. 28-8-107(a)(iii). The
21 Management Audit Committee shall submit its findings and
22 recommendations to the Governor and Legislature by December
23 30, 1984." -MICHELI, CHAIRMAN

*Def***ADOPTED**

- 1 SF0061H21 *F* (TO ENGROSSED COPY)
- 2 Page 11-line 3 Delete "," insert ".".
- 3 Page 11-lines 4 and 5 Delete entirely. -RATLIFF

Def

SF61

SF0061S31/A

✓ Page 4-After line 22 insert the following paragraph and renumber the subsequent paragraph accordingly:

(iii) CONDUCT POST-AUDITS TO DETERMINE IF SPECIFIC RECOMMENDATIONS AND PROBLEMS REVEALED BY A FIRST AUDIT HAVE BEEN CORRECTED;

-LARSON