

SENATE FILE NO. SF0152

Overspending budgets-penalty.

Sponsored by: Senator(s) Scott, Driskill, Nicholas, P. and
Ross and Representative(s) Brown

A BILL

for

1 AN ACT relating to offenses by public officials; creating a
2 misdemeanor offense for public officers and public servants
3 overspending or transferring an appropriation as specified;
4 providing a penalty; providing for discharge from
5 employment as specified; providing exceptions; granting
6 rulemaking authority; providing instruction to the
7 department of health if claims exceed appropriations;
8 providing for reports; repealing redundant provisions; and
9 providing for an effective date.

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

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13 **Section 1.** W.S. 6-5-119 is created to read:

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15 **6-5-119. Overspending of appropriation; penalties.**

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1 (a) Any public officer or public servant commits an
2 offense if he:

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4 (i) Knowingly expends or encumbers, or causes
5 another to expend or encumber, funds in excess of those
6 lawfully available in an appropriation or fund for that
7 purpose; or

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9 (ii) Knowingly expends or encumbers funds for a
10 purpose other than the purpose for which the funds were
11 appropriated.

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13 (b) Violation of subsection (a) of section is a
14 misdemeanor punishable by a fine of not more than five
15 thousand dollars (\$5,000.00).

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17 (c) This section shall not apply to:

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19 (i) Transfers of appropriated funds or increases
20 in funds pursuant to specific legislative authorization
21 contained in statute, in a budget bill or in another
22 appropriation bill;

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(ii) The Medicaid program to the extent expenditures are necessary to comply with the entitlement requirements of federal law and regulations.

Section 2. W.S. 9-2-1022(a)(xi) by creating new subparagraphs (G) and (H) and 42-4-104 by creating a new subsection (f) are amended to read:

9-2-1022. Duties of department performed through human resources division.

(a) Subject to subsection (b) of this section, the department through the human resources division shall:

(xi) Promulgate reasonable rules:

(G) Providing conviction of violation of W.S. 6-5-119(a) is sufficient for immediate discharge from employment without cause;

(H) Providing that a state employee may be discharged from employment for cause, regardless of whether a criminal prosecution is filed, if it is shown by a

1 preponderance of the evidence that the state employee has
2 violated W.S. 6-5-119(a).

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4 **42-4-104. Powers and duties of department of health;**
5 **state Medicaid agent appointed by governor.**

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7 (f) If Medicaid obligations are incurred in excess of
8 appropriated funds to comply with the entitlement
9 requirements of federal law and regulations, the department
10 shall cease paying Medicaid expenses when the current
11 budget is exhausted, pay those expenses as soon as a new
12 budget is available and promptly report the amounts
13 involved, the actions taken and the reasons for those
14 actions to the governor and the joint appropriations
15 interim committee.

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17 **Section 2.** W.S. 9-4-102 is repealed.

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19 **Section 3.** This act is effective July 1, 2013.

20
21 (END)