

HOUSE BILL NO. HB0097

Wyoming older Americans' trust fund.

Sponsored by: Representative(s) Parady, Huckfeldt and
Nelson and Senator(s) Boggs, Geis and Vasey

A BILL

for

1 AN ACT relating to the Wyoming older Americans' trust fund;
2 creating the Wyoming older Americans' trust fund; creating
3 a board, providing for membership and duties of the board;
4 specifying the distribution of revenues; authorizing rules
5 and regulations; requiring an audit and a report; providing
6 definitions; and providing for an effective date.

7

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

9

10 **Section 1.** W.S. 9-2-1210 through 9-2-1215 are created
11 to read:

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13 **9-2-1210. Wyoming older Americans' trust fund**
14 **established; corpus inviolate; investment by state**
15 **treasurer.**

16

1 (a) An account within the trust and agency fund is
2 established which shall be referred to as the Wyoming older
3 Americans' trust fund. The trust fund shall consist of
4 those funds designated to the account by law and other
5 contributions, grants, gifts, bequests and donations to the
6 trust fund.

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8 (b) The monies deposited into the trust fund
9 established pursuant to this section are inviolate and
10 constitute a permanent or perpetual trust fund. The monies
11 shall be transmitted to the state treasurer for credit to
12 the trust fund and shall be invested by the state treasurer
13 as authorized under W.S. 9-4-711 in a manner to obtain the
14 highest return possible consistent with the preservation of
15 the corpus. The investment interest earned from investment
16 of the corpus of the trust fund shall be annually credited
17 by the state treasurer not later than July 1 of each year
18 as follows:

19

20 (i) All investment interest earned up to an
21 amount equal to five percent (5%) of the corpus of the
22 trust fund shall be deposited into a separate account
23 within the trust and agency fund and distributed in
24 accordance with W.S. 9-2-1214;

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2 (ii) Any investment interest earned in excess of
3 the amount specified in paragraph (i) of this subsection
4 shall be credited by the state treasurer to the trust fund
5 established by subsection (a) of this section.

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7 **9-2-1211. Wyoming older Americans' trust fund board;**
8 **creation; members; expenses.**

9

10 (a) There is created the Wyoming older Americans'
11 trust fund board. The board shall consist of seven (7)
12 members, as follows:

13

14 (i) The administrator of the division on aging
15 within the department of health or his designee;

16

17 (ii) One (1) member of the advisory council on
18 aging appointed by the governor;

19

20 (iii) Three (3) persons who are senior citizens
21 appointed by the governor;

22

23 (iv) One (1) member of the senate appointed by
24 the president of the senate;

1

2 (v) One (1) member of the house of
3 representatives appointed by the speaker of the house of
4 representatives.

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6 (b) The terms of members appointed under paragraphs
7 (a)(ii) and (iii) of this section shall be for four (4)
8 years. Legislators shall serve only for the term of office
9 during which they were appointed. Of the initial appointees
10 under paragraph (a)(iii) of this section, two (2) members
11 shall be appointed for two (2) years and one (1) member
12 shall be appointed for four (4) years. The governor may
13 remove any member appointed under paragraph (a)(ii) or
14 (iii) of this section as provided in W.S. 9-1-202. A
15 vacancy on the board shall be filled for the balance of the
16 unexpired term. The board shall select one (1) of its
17 members to serve as chairman.

18

19 (c) The board shall meet not less than two (2) times
20 each year. Members shall serve without compensation but
21 shall be reimbursed for expenses incurred in the
22 performance of their official duties in the manner and
23 amounts provided by law for state employees. Members who
24 are government employees or public officials shall be

1 considered on official business of their agency when
2 performing duties as members of the commission.

3

4 **9-2-1212. Board; duties and responsibilities.**

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6 (a) The Wyoming older Americans' trust fund board
7 shall:

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9 (i) Review innovative program grants and grant
10 proposals;

11

12 (ii) Approve criteria for grant categories and
13 grant applications through rules and regulations
14 promulgated by the division on aging to meet the following
15 public purposes:

16

17 (A) To meet the demands of Wyoming's
18 growing elderly population;

19

20 (B) To enhance services to Wyoming's
21 senior citizens;

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1 (C) To strengthen the opportunity for
2 senior citizens to age in the least restrictive environment
3 possible;

4
5 (D) To be cost effective in the provision
6 of services to senior citizens;

7
8 (E) To promote compliance with federal and
9 state mandates requiring placement of people in the least
10 restrictive environment; and

11
12 (F) To supplement and enhance existing
13 programs providing services to senior citizens in the
14 state.

15
16 (iii) Review and monitor the expenditure of
17 monies from the trust fund to grantees; and

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19 (iv) Consider other necessary matters.

20
21 (b) In fulfilling its duties under subsection (a) of
22 this section, the board shall:

23

1 (i) Consult with the division on aging and the
2 advisory council on aging appointed pursuant to W.S.
3 9-2-1206, as necessary;

4
5 (ii) Accept federal grants and other
6 contributions, grants, gifts, bequests and donations from
7 any source.

8

9 **9-2-1213. Division on aging; duties.**

10

11 (a) The division on aging shall:

12

13 (i) Maintain, manage and be responsible for the
14 distribution of the funds in the separate account within
15 the trust and agency fund established under W.S.
16 9-2-1210(b);

17

18 (ii) In consultation with the board, promulgate
19 reasonable rules and regulations in accordance with the
20 Wyoming Administrative Procedure Act to implement the
21 provisions of W.S. 9-2-1210 through 9-2-1215;

22

23 (iii) Disburse the funds in the separate account
24 within the trust and agency fund established under W.S.

1 9-2-1210(b) in accordance with awards made by the board
2 pursuant to W.S. 9-2-1214.

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4 **9-2-1214. Disbursement of grants from trust fund**
5 **investment earnings.**

6

7 (a) From the funds available for distribution under
8 W.S. 9-2-1210(b), the board may award grants to senior
9 centers throughout the state to support the purposes
10 specified in W.S. 9-2-1212(a)(ii). The division on aging
11 shall disburse the funds in accordance with awards made by
12 the board under this section.

13

14 (b) The board shall have the discretion in
15 determining the amount of money under each grant as
16 follows:

17

18 (i) Eighty-five percent (85%) of the funds
19 available for distribution to senior centers on a formula
20 established by the division on aging in accordance with
21 subsection (c) of this section;

22

23 (ii) Fifteen percent (15%) of the funds
24 available shall be retained by the division on aging as a

1 contingency fund and distributed to senior centers as
2 determined by the board to meet emergencies or approved
3 projects. Notwithstanding W.S. 9-4-207, unobligated or
4 unencumbered funds retained by the division on aging under
5 this paragraph shall not lapse at the end of a fiscal
6 period and shall remain available for distribution as
7 provided in this paragraph.

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9 (c) The division on aging, in consultation with the
10 board, shall by rule and regulation establish a formula for
11 distribution of funds under W.S. 9-2-1214(b)(i), as
12 follows:

13

14 (i) Each eligible senior center in the state may
15 receive a basic grant not to exceed five thousand dollars
16 (\$5,000.00) from the funds available for distribution;

17

18 (ii) Of the amounts remaining after the basic
19 grants are awarded, the board shall award grants to
20 eligible senior centers based on the formula developed by
21 the division on aging and approved by the board.

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23 (d) If the local government entity having
24 jurisdiction in the locality where a grantee is situated

1 reduces its financial support for a grantee who receives
2 funds under this section, the grantee shall have its award
3 reduced in the subsequent fiscal year by an amount equal to
4 the amount of reduction in funds from the local government
5 entity.

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7 **9-2-1215. Biennial audit; report by board.**

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9 The director of the department of audit or his designee
10 shall audit the trust fund created by W.S. 9-2-1210
11 biennially. A report on the audit shall be provided to the
12 division on aging, the board, the governor and the joint
13 labor, health and social services interim committee no
14 later than September 1 of the year in which the audit
15 occurs.

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17 **Section 2.** W.S. 9-2-1201(a) is amended to read:

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19 **9-2-1201. Definitions.**

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21 (a) As used in this act:

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23 (i) "Board" means the Wyoming older Americans'

24 trust fund board created by W.S. 9-2-1211;

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(ii) "Division on aging" means the division within the Wyoming department of health designated pursuant to W.S. 9-2-1302(a)(iv);

(iii) "Fund" or "trust fund" means the Wyoming older Americans' trust fund established by W.S. 9-2-1210;

(iv) "Senior center" means an organization that receives funds under the federal administration on aging Title IIIB supportive services program or Title IIIC nutrition program, excluding organizations that only receive Title IIIB supportive services funds used exclusively for transportation. The term "senior center" may include a community facility or statewide service, which is the focal point for providing a broad spectrum of services including health, mental health, social, nutritional, recreational and educational services for senior citizens;

~~(i)~~(v) "Senior citizen" means any person sixty (60) years of age or older;

1 ~~(ii)~~(vi) "This act" means W.S. 9-2-1201 through
2 ~~9-2-1208~~9-2-1215.

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4 **Section 3.** There is appropriated ten million dollars
5 (\$10,000,000.00) from the budget reserve account to the
6 Wyoming older Americans' trust fund created by this act,
7 effective July 1, 2002.

8

9 **Section 4.** This act is effective July 1, 2002.

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11

(END)