

SENATE FILE NO. SF0116

Montgomery fund for the blind 2.

Sponsored by: Senator(s) Scott

A BILL

for

1 AN ACT relating to the administration of government;
2 creating the Montgomery fund for the blind 2; providing for
3 investment and distributions from the fund as specified;
4 providing for an accounting and report on the use of the
5 fund; providing for an accounting and report on the use of
6 the Montgomery trust for the blind; amending provisions
7 relating to the acceptance of grants and gifts for the
8 benefit of the blind; providing an appropriation; and
9 providing for an effective date.

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

12

13 **Section 1.** W.S. 25-6-102 is created to read:

14

15 **25-6-102. Fund for the blind created; administration;**
16 **distributions of interest and income; reports.**

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1 (a) There is created the Montgomery fund for the
2 blind 2. As used in this section, "fund for the blind"
3 means the Montgomery fund for the blind 2. The fund shall
4 be administered by the department of education and shall
5 consist of monies appropriated or designated to the fund by
6 law and all monies collected by the department from federal
7 grants and other contributions, grants, gifts, bequests and
8 donations and designated to the fund. The monies shall be
9 transmitted to the state treasurer for credit to the fund
10 for the blind and shall be invested by the state treasurer
11 in the same manner as funds in the Montgomery trust for the
12 blind. Any earnings from fund investments shall also
13 remain in the fund until distributed pursuant to this
14 section.

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16 (b) Appropriations deposited into the fund are
17 intended to be inviolate and constitute a permanent or
18 perpetual trust account which shall be invested in the same
19 manner as the corpus of the Montgomery trust for the blind.
20 Earnings from the fund for the blind shall be accounted for
21 and distributed separately from distributions out of the
22 Montgomery trust for the blind. Except as provided in
23 subsection (c) of this section, the department shall make
24 distributions from the fund for the blind in the same

1 manner, using the same criteria and using the same advisory
2 committee as the distributions out of the Montgomery trust
3 for the blind. The criteria shall be based on the
4 provision governing the Montgomery trust that the funds
5 shall be available "for the alleviation of the condition of
6 blind citizens of Wyoming in order that their lives may be
7 more pleasant, comfortable and enjoyable".

8

9 (c) Distributions from the fund for the blind shall
10 be made only for the benefit of those blind persons whose
11 income does not exceed two hundred fifty percent (250%) of
12 the federal poverty level, as defined in W.S.
13 35-25-102(a)(iii), at the time of the distribution.

14

15 (d) Beginning with the 2009 submission of the
16 proposed 2010-2012 biennial budget, the department of
17 education shall include as an addendum to its biennial
18 budget submission a report on the investment performance of
19 the Montgomery trust for the blind and the Montgomery fund
20 for the blind 2, distributions from the trust and the fund,
21 a summary of how those distributions have benefited blind
22 citizens of the state and the proposed budget for
23 distributions from the trust and the fund for the coming
24 biennium. The report shall conform to any relevant

1 instructions from the budget division of the department of
2 administration and information as to its format. Any
3 budgeted monies unspent at the end of a biennium shall be
4 deposited in the corpus of the fund from which it came.

5
6 (e) As used in this chapter, "Montgomery trust for
7 the blind" means the trust established pursuant to the will
8 of Roy Montgomery, which was interpreted by judgment and
9 decree in the 4th Judicial District Court on October 27,
10 1952, and which is administered by the department of
11 education.

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13 **Section 2.** W.S. 25-6-101(a) is amended to read:

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15 **25-6-101. Authority of state to receive property;**
16 **maintenance; sale and investment of proceeds.**

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18
19 (a) The state may receive gifts, devises, grants,
20 donations, other contributions, bequests, deeds and other
21 conveyances of property of any kind and federal grants for
22 the benefit of the blind citizens of Wyoming which may be
23 expended or deposited in the corpus of the Montgomery trust

1 for the blind or the Montgomery fund for the blind 2
2 according to the wishes of the source.

3

4 **Section 3.** There is appropriated five million dollars
5 (\$5,000,000.00) from the general fund to the Montgomery
6 fund for the blind 2. Notwithstanding any other provision
7 of law, this appropriation shall not be transferred or
8 expended for any other purpose.

9

10 **Section 4.** This act is effective July 1, 2009.

11

12 (END)