

SENATE FILE NO. SF0032

Public library endowment challenge program.

Sponsored by: Senator(s) Schiffer and Massie and  
Representative(s) Berger, Cohee and Simpson

A BILL

for

1 AN ACT relating to the Wyoming public library endowment  
2 challenge program; establishing the endowment fund;  
3 providing for separate accounts for each Wyoming public  
4 library; defining terms; establishing a matching fund  
5 program administered by the state treasurer based upon  
6 gifts received by each institution's foundation; providing  
7 an appropriation; providing for future funding needs as  
8 specified; and providing for an effective date.

9

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

11

12 **Section 1.** W.S. 18-7-201 through 18-7-205 are created  
13 to read:

14

15 ARTICLE 2

16 WYOMING PUBLIC LIBRARY ENDOWMENT CHALLENGE PROGRAM

1

2           **18-7-201. Wyoming public library endowment challenge**  
3 **program.**

4

5 The Wyoming public library endowment challenge program is  
6 created.

7

8           **18-7-202. Definitions.**

9

10           (a) As used in this article:

11

12                   (i) "Challenge fund" means the public library  
13 endowment challenge fund created under this article;

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15                   (ii) "Endowment gift" means an irrevocable gift  
16 or transfer to a Wyoming public library foundation of money  
17 or other property, whether real, personal, tangible or  
18 intangible, and whether or not the donor or transferor  
19 retains an interest in the property, where the gift of the  
20 foundation's interest in the property is required to be  
21 used by the foundation exclusively for endowment purposes,  
22 where:

23

1           (A) The gift was received or the transfer  
2 occurred during the period July 1, 2007, through June 30,  
3 2012; or

4  
5           (B) A commitment to make the gift or  
6 transfer was made in writing to the respective public  
7 library foundation, which commitment was received during  
8 the period July 1, 2007, through June 30, 2012, and the  
9 gift was received or the transfer occurred not later than  
10 December 31, 2013.

11

12           (iii) "Foundation" means an organization  
13 established for each public library that among other  
14 purposes, exists to generate additional revenues for public  
15 library programs and activities;

16

17           (iv) "Match" means the level of funds the state  
18 treasurer will provide to each public library foundation,  
19 where:

20

21           (A) The amount disbursed by the state  
22 treasurer will be three (3) times the amount raised by the  
23 library foundation of any of the following counties:

1 Albany, Johnson, Big Horn, Hot Springs, Platte, Crook,  
2 Weston, Washakie, Goshen and Niobrara;

3

4 (B) The amount disbursed by the state  
5 treasurer will be two (2) times the amount raised by the  
6 library foundation of any of the following counties:  
7 Natrona, Lincoln, Carbon, Uinta, Laramie, Park, Sheridan  
8 and Converse;

9

10 (C) The amount disbursed by the state  
11 treasurer will be equal to the amount raised by the library  
12 foundation of any of the following counties: Campbell,  
13 Sublette, Sweetwater, Fremont and Teton.

14

15 (v) "Permanent endowment funds managed by a  
16 Wyoming public library foundation" means the endowment  
17 funds that are invested by the respective Wyoming public  
18 library foundation on a permanent basis and the earnings on  
19 those investments are dedicated to be expended exclusively  
20 to benefit and promote the mission, operation or any  
21 program or activity of the respective public library,  
22 including but not limited to augmentation of collections,  
23 programs and projects, capital improvements, increases to

1 the corpus of the endowment and defraying reasonable costs  
2 of endowment administration.

3  
4 **18-7-203. Wyoming public library endowment challenge**  
5 **fund.**

6  
7 (a) The Wyoming public library endowment challenge  
8 fund is created and shall consist of twenty-three (23)  
9 separate accounts, one (1) account for each Wyoming public  
10 library established pursuant to W.S. 18-7-101.

11  
12 (b) The state treasurer shall invest funds within the  
13 fund created under subsection (a) of this section and shall  
14 deposit the earnings from fund investments to the general  
15 fund.

16  
17 **18-7-204. Endowment challenge fund matching program;**  
18 **matching payments; agreements with foundations; annual**  
19 **reports.**

20  
21 (a) To the extent funds are available in the separate  
22 account of any public library within the endowment  
23 challenge fund, the state treasurer shall match endowment  
24 gifts actually received by that public library's

1 foundation. A match shall be paid under this subsection by  
2 the state treasurer at the time any accumulated amounts  
3 actually received by a public library foundation total ten  
4 thousand dollars (\$10,000.00) or more. The match shall be  
5 made by transferring from the separate challenge fund  
6 account to the appropriate public library a match amount  
7 calculated as provided by W.S. 18-7-202(a)(iv). The  
8 recipient public library shall immediately transfer  
9 matching funds received under this subsection to the public  
10 library foundation.

11

12 (b) Each public library shall enter into an agreement  
13 with its foundation under which the foundation shall manage  
14 the matching funds received under subsection (a) of this  
15 section and under W.S. 18-7-205 in the same manner as other  
16 permanent endowment funds are managed by its foundation,  
17 including the permanent investment of funds, maintenance of  
18 the fund corpus as inviolate and the expenditure of fund  
19 earnings for endowment purposes only.

20

21 (c) Earnings from endowment funds established with  
22 matching funds under this section, and funds received under  
23 W.S. 18-7-205, shall be expended only for the purpose of

1 the endowment, including increasing the balance in the fund  
2 corpus and reasonable costs of administration.

3  
4 (d) The state treasurer shall make transfers to the  
5 appropriate public library under this section not later  
6 than the end of the calendar quarter following the quarter  
7 during which foundation gifts total at least ten thousand  
8 dollars (\$10,000.00). If gifts are made through a series  
9 of payments or transfers, no matching funds shall be  
10 transferred under this section until the total value of all  
11 payments or transfers actually received totals at least ten  
12 thousand dollars (\$10,000.00).

13  
14 (e) Matching funds transferred under this article  
15 shall not be distributed to or encumbered by any public  
16 library foundation in excess of the amount in the challenge  
17 fund account for that library. Matching funds shall not be  
18 transferred to any public library by the state treasurer  
19 except to match gifts actually received by its foundation.

20  
21 (f) If any public library board determines that the  
22 purpose of an endowment gift to the public library's  
23 foundation is not consistent with the mission or capability

1 of that library, the gift shall not qualify for matching  
2 funds under this section.

3

4 (g) For the purpose of computing the matching amount,  
5 the state treasurer shall use the value of an endowment  
6 gift based upon its fair market value at the time the gift  
7 is received by the public library foundation. The public  
8 library shall provide evidence of fair market value for any  
9 gift if requested by the state treasurer and shall fund the  
10 cost of providing any requested evidence.

11

12 (h) Each public library shall on or before October 1,  
13 of each year submit a report to the state treasurer from  
14 its foundation on the endowment matching program under this  
15 section for the preceding fiscal year. The report shall  
16 include a summary of funds raised under this program and  
17 the expenditure of endowment earnings. The report required  
18 under this subsection shall be for each applicable fiscal  
19 year through June 30, 2014.

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21 **18-7-205. Additional transfer of funds.**

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23 (a) In addition to the transfer of matching funds  
24 authorized under W.S. 18-7-204, when the state treasurer



1 determines that the cumulative amount of endowment gifts  
2 received by all twenty-three (23) of the public library  
3 foundations has reached two million three hundred thousand  
4 dollars (\$2,300,000.00), the treasurer will transfer to  
5 each of the public libraries, from its separate challenge  
6 fund account, the amount of one hundred thousand dollars  
7 (\$100,000.00) or the amount of the balance remaining in the  
8 library's challenge fund account, whichever is less.

9  
10 (b) A library receiving funds under this section  
11 shall immediately transfer the funds to its public library  
12 foundation.

13  
14 **Section 2.**

15  
16 (a) There is appropriated from the general fund eight  
17 million four hundred thousand dollars (\$8,400,000.00) to  
18 fund the Wyoming public library endowment challenge fund as  
19 created under section 1 of this act. Of this amount, two  
20 million three hundred thousand dollars (\$2,300,000.00)  
21 shall be set aside and disbursed in accordance with W.S.  
22 18-7-205.

(b) The amount appropriated into the endowment challenge fund under subsection (a) of this section shall be equally deposited by the state treasurer into each of the twenty-three (23) separate endowment challenge fund accounts established for the Wyoming public libraries pursuant to section 1 of this act.

8 (c) Notwithstanding any other provision of law, any  
9 unexpended funds from the amounts deposited under this  
10 section shall revert to the budget reserve account on July  
11 1, 2014.

13           **Section 3.** The governor shall request the amount of  
14 sixteen million nine hundred thousand dollars  
15 (\$16,900,000.00) to complete funding of the Wyoming public  
16 library endowment challenge fund as created under section 1  
17 of this act in his 2009 - 2010 biennial budget request.

19           **Section 4.** This act is effective July 1, 2007.

21 (END)