

HOUSE BILL NO. HB0165

Wyoming's tomorrow scholarship program.

Sponsored by: Representative(s) Harshman, Connolly and
Sommers and Senator(s) Rothfuss, Schuler and
Wasserburger

A BILL

for

1 AN ACT relating to higher education; creating the Wyoming's
2 tomorrow scholarship program; providing eligibility
3 requirements; providing for administration, including
4 rulemaking authority; creating accounts and a permanent
5 fund; requiring reports; providing for a continuous
6 appropriation; amending a provision governing the Hathaway
7 scholarship reserve account; amending a provision regarding
8 permanent funds of the state; providing for a transfer of
9 funds; providing when scholarships may first be awarded;
10 and providing for an effective date.

11

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

13

14 **Section 1.** W.S. 21-16-1701 through 21-16-1707 are
15 created to read:

1

2

ARTICLE 17

3

WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

4

5

21-16-1701. Definitions.

6

7

(a) As used in this article:

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(i) "Academic term" means the fall semester or term or the spring semester or term;

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(ii) "Academic year" means two (2) consecutive semesters or terms and is the period of time a full-time student is expected to complete the equivalent of at least two (2) semesters of academic work;

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21

(iii) "Certificate" means a credential other than a degree. A "certificate" indicates satisfactory completion of training in an academic year program of study offered by an eligible institution;

22

23

(iv) "Cost of attendance" means the sum cost of tuition, mandatory fees, room and board, books and

1 supplies, travel and personal expenses to attend an
2 eligible institution;

3

4 (v) "Degree" means a baccalaureate or an
5 associate degree other than a certificate;

6

7 (vi) "Eligible institution" means the University
8 of Wyoming or a Wyoming community college;

9

10 (vii) "Equivalent of a full-time semester" means
11 twelve (12) semester hours in a semester;

12

13 (viii) "Other academic period" means an
14 educational term other than the fall semester or spring
15 semester and includes a summer term or January term;

16

17 (ix) "Semester hour" means each nonremedial
18 semester hour attempted for credit toward a postsecondary
19 degree or certificate;

20

21 (x) "Title IV" means Title IV of the federal
22 Higher Education Act of 1965, as amended;

23

1 (xi) "Unmet financial need" means the cost of
2 attendance minus the sum of expected family contribution
3 and all federal, state, local, institutional and privately
4 funded scholarships or grants received by the student, all
5 as determined by the eligible institution.

6

7 **21-16-1702. Wyoming tomorrow scholarship expenditure**
8 **account created; reserve account created; use and**
9 **appropriation of funds.**

10

11 (a) The Wyoming's tomorrow scholarship expenditure
12 account is created to consist of all earnings from the
13 Wyoming's tomorrow scholarship endowment fund created by
14 W.S. 9-4-204(u)(ix) and such other funds appropriated by
15 the legislature to the expenditure account. Monies within
16 the expenditure account are continuously appropriated to
17 the state treasurer for distribution to eligible
18 institutions based on scholarships awarded under this
19 article. All unexpended and unencumbered monies within the
20 expenditure account at the end of each fiscal year shall be
21 deposited by the state treasurer to the Wyoming's tomorrow
22 scholarship reserve account.

23

1 (b) There is created the Wyoming's tomorrow
2 scholarship reserve account. The reserve account shall
3 consist of those monies deposited to the account pursuant
4 to subsection (a) of this section and such other funds
5 appropriated by the legislature to the reserve account.
6 Interest and other earnings on funds within the reserve
7 account shall be credited to the reserve account. To the
8 extent funds within the Wyoming's tomorrow scholarship
9 expenditure account are insufficient in any fiscal year to
10 fully fund scholarships awarded under this article, monies
11 within the reserve account shall be deposited by the state
12 treasurer to the expenditure account for distribution to
13 eligible institutions to fund those scholarships. As soon
14 as possible after the end of each fiscal year, the state
15 treasurer shall transfer monies from this reserve account
16 to the Wyoming's tomorrow scholarship endowment fund to the
17 extent monies within the reserve account are in excess of
18 the greater of twelve million dollars (\$12,000,000.00) or
19 an amount equal to nine percent (9%) of the previous five
20 (5) year average market value of the Wyoming's tomorrow
21 scholarship endowment fund, calculated from the first day
22 of the fiscal year. The state treasurer shall report not
23 later than November 1, of each year to the joint education

1 interim committee and the select committee on capital
2 financing and investments the amount of funds within the
3 reserve account at the end of the previous fiscal year and
4 as of July 1, of the current fiscal year.

5

6 **21-16-1703. Wyoming's tomorrow scholarship program;**
7 **eligibility requirements.**

8

9 (a) There is created the Wyoming's tomorrow
10 scholarship program.

11

12 (b) Under the Wyoming's tomorrow scholarship program,
13 subject to availability of funds as determined by the
14 legislature, the state shall provide a scholarship pursuant
15 to W.S. 21-16-1704 to any student who has been accepted by
16 and enrolls in an eligible institution to pursue a degree
17 or certificate, and who meets the following qualifications:

18

19 (i) The student has demonstrated Wyoming
20 residency for not less than three (3) years immediately
21 preceding application, as determined by the eligible
22 institution at which the student is enrolled;

23

1 (ii) The student is twenty-four (24) years of
2 age or older;

3

4 (iii) The student has not earned a baccalaureate
5 degree;

6

7 (iv) The student has completed and filed a free
8 application for federal student aid for the academic year
9 for which the student is applying for a scholarship, has
10 unmet financial need and qualifies for federal financial
11 aid;

12

13 (v) The student is not eligible for a Hathaway
14 scholarship under article 13 of this chapter;

15

16 (vi) The student has registered with the
17 department of workforce services for applicable training
18 assistance;

19

20 (vii) The student agrees to:

21

22 (A) Actively engage in work in Wyoming for
23 one (1) year or attend graduate school at the University of

1 Wyoming for one (1) year for each four (4) full-time
2 academic semesters or portions thereof in which a Wyoming's
3 tomorrow scholarship was received. This requirement shall
4 be completed within four (4) years after the completion of
5 the last semester in which a Wyoming's tomorrow scholarship
6 was received; or

7
8 (B) Repay all Wyoming's tomorrow
9 scholarship amounts received, together with interest which
10 shall begin accruing four (4) years after execution of the
11 agreement. However, interest shall begin to accrue
12 immediately upon the student withdrawing from the eligible
13 institution or becoming ineligible for the scholarship
14 under W.S. 21-16-1704(c). Scholarship amounts shall accrue
15 at an annual interest rate equal to that charged for
16 federal direct student loans at the time interest begins to
17 accrue, which rate shall be adjusted annually to match the
18 federal direct student loan rate. In no event shall the
19 interest rate be greater than eight percent (8%). Any
20 amounts repaid by Wyoming's tomorrow scholarship recipients
21 shall be deposited to the Wyoming's tomorrow scholarship
22 expenditure account. The University of Wyoming and the

1 community college commission may create exceptions to the
2 requirements of this paragraph for good cause shown.

3

4 (c) No student shall be eligible for a scholarship
5 under this article for more than the equivalent of four (4)
6 full-time semesters.

7

8 (d) A student is not eligible for a scholarship under
9 this article if the student:

10

11 (i) Is not a United States citizen or a
12 permanent resident alien who meets the definition of an
13 eligible noncitizen under federal Title IV requirements or
14 requirements of a subsequent similar federal enactment. An
15 eligible institution may grant a student of the eligible
16 institution an exception to this limitation for good cause
17 shown;

18

19 (ii) Is in default on a federal Title IV
20 education loan;

21

22 (iii) Owes a refund under a federal Title IV
23 student financial aid program or a subsequently enacted

1 similar federal student financial aid program, or a student
2 financial aid program administered through the state;

3

4 (iv) Is incarcerated;

5

6 (v) Has been convicted of a felony in this state
7 or another jurisdiction unless the student has had rights
8 restored under W.S. 7-13-105 or 7-13-1502. An eligible
9 institution may grant a student of the eligible institution
10 an exception for good cause shown; or

11

12 (vi) Does not otherwise qualify under this
13 article for a scholarship.

14

15 **21-16-1704. Wyoming's tomorrow scholarships.**

16

17 (a) Any student who meets the criteria under W.S.
18 21-16-1703 is eligible to receive a scholarship to pursue a
19 degree or certificate for:

20

21 (i) Not more than one thousand five hundred
22 dollars (\$1,500.00) per semester or other academic term for

1 unmet financial need at an eligible institution if enrolled
2 for twelve (12) or more semester hours;

3

4 (ii) The amount provided under paragraph (i) of
5 this subsection times a fraction that represents the
6 student's enrollment status.

7

8 (b) Scholarships under this section shall be for a
9 maximum of the equivalent of four (4) full-time semesters.
10 No student shall receive more than a total of six thousand
11 dollars (\$6,000.00) in unmet financial need under this
12 article.

13

14 (c) To remain eligible for the scholarship under this
15 section, the student shall:

16

17 (i) Make satisfactory academic progress toward a
18 degree or certificate by completing at least two-thirds
19 (2/3) of attempted semester hours in any academic term or
20 other academic period, maintain a cumulative grade point
21 average of at least 2.0 as evaluated at the end of each
22 spring academic term and meet such other criteria as

1 established by the eligible institution to ensure the
2 student earns a degree or certificate in a timely manner;

3

4 (ii) Maintain continuous enrollment for not less
5 than two (2) semesters in each successive academic year.

6

7 (d) A student receiving a Wyoming's tomorrow
8 scholarship who fails to meet the requirements of
9 subsection (c) of this section shall be ineligible to
10 receive a scholarship under this article.

11

12 **21-16-1705. Administration; rules and regulations.**

13

14 (a) This article shall be administered jointly by the
15 University of Wyoming and the community college commission
16 in accordance with the following:

17

18 (i) Students shall apply for scholarships under
19 this article with the eligible institution at the time of
20 applying for admission or in any event prior to the
21 beginning of the semester at the eligible institution. The
22 application shall contain information as required by rule
23 of the university and commission. The application shall

1 require each applicant to verify under penalty of false
2 swearing under W.S. 6-5-303, that the applicant has not
3 been convicted of a felony in this state or another
4 jurisdiction or that the student has had rights restored
5 under W.S. 7-13-105 or 7-13-1502;

6

7 (ii) For students transferring from an eligible
8 institution to another eligible institution and making
9 application for continuance of a scholarship, the
10 institution from which the student is transferring shall at
11 the student's request provide an official transcript to the
12 new institution and shall provide a list of all semesters
13 of attendance in which a Wyoming's tomorrow scholarship was
14 received by the student;

15

16 (iii) Each eligible institution receiving an
17 application from a student applying for a Wyoming's
18 tomorrow scholarship shall preliminarily determine the
19 student's eligibility for the scholarship. Upon final
20 determination of scholarship eligibility, each community
21 college shall certify to the commission not later than
22 thirty (30) days after the semester commences, a list of
23 students enrolled at the institution who qualify for a

1 scholarship under this article, including the amount of
2 each scholarship. The university shall certify within
3 forty-five (45) days after the semester commences a like
4 list for students enrolled at the university. The director
5 of the community college commission shall verify within ten
6 (10) days after receiving all lists from community colleges
7 whether there is any duplication of students on the
8 community college lists, shall provide the lists to the
9 university and then the commission and the university shall
10 certify the amount each college is to receive under this
11 article. Students attending more than one (1) eligible
12 institution shall enter into a consortium agreement with
13 the multiple institutions whereby the student shall
14 designate a home institution to be paid the entire
15 Wyoming's tomorrow scholarship amount for which the student
16 qualifies;

17

18 (iv) For the fall 2022 semester, the state
19 treasurer shall pay from the expenditure account amounts
20 necessary for all awarded scholarships. For each
21 subsequent semester, the university and commission shall
22 determine and certify to the state treasurer the amount
23 which is equal to seventy-five percent (75%) of the total

1 amount the eligible institution received during the
2 preceding semester under this subsection. Not later than
3 September 1 for the fall semester and not later than
4 January 15 for the spring semester, the state treasurer
5 shall pay from the scholarship expenditure account the
6 amount certified. The university and commission shall
7 review the lists provided under paragraph (iii) of this
8 subsection, determine whether there is any duplication of
9 students, and determine and certify to the state treasurer
10 the balance of the amount due under this article to each
11 institution for the semester. For any duplication, the
12 university and commission shall determine whether the
13 student is attending more than one (1) eligible
14 institution. If the student is attending multiple eligible
15 institutions payment of the Wyoming's tomorrow scholarship
16 for which the student qualifies shall be made only to the
17 institution designated as the home institution by the
18 student. The state treasurer shall pay from the scholarship
19 expenditure account the balance of the amount due. Payments
20 of the balance due under this paragraph shall be made not
21 later than seventy-five (75) days after the institution's
22 semester has commenced. Payments to the university shall be
23 made directly to the university. Payments to the community

1 colleges shall be made directly to each college and be
2 reported by the state treasurer to the community college
3 commission. Should a prepayment under this paragraph exceed
4 the amount actually due the institution for any semester,
5 the excess amount shall be calculated by the university and
6 commission and deducted from the next payment made.

7

8 (b) The University of Wyoming and the community
9 college commission shall jointly promulgate rules and
10 regulations necessary to implement this article.

11

12 (c) The University of Wyoming and the community
13 college commission shall establish appropriate annual
14 reporting procedures for purposes of policy analysis and
15 program evaluation and providing accurate data to the
16 legislature and governor relative to the program's impact
17 on the state and on students. The commission shall submit
18 the annual report to the governor and the legislature in
19 accordance with W.S. 9-2-1014.

20

21 (d) The department of audit may conduct an audit of
22 any eligible institution participating in the scholarship

1 program under this article to determine compliance with any
2 provision of this article.

3

4 **21-16-1706. Additional funding considerations.**

5

6 (a) To the extent sufficient funds are not available
7 in the expenditure account to fund all scholarships as
8 provided under this article:

9

10 (i) After all funds within the expenditure
11 account have been expended, funds within the Wyoming's
12 tomorrow scholarship reserve account shall be used to fund
13 any remaining scholarships awarded under this article;

14

15 (ii) If no funds remain available in the
16 expenditure account or reserve account at the time payment
17 is required to be made to an institution for any semester,
18 the payment to the eligible institutions shall be reduced
19 on a first come first served basis using the student's
20 application date for the scholarship.

21

22 **21-16-1707. Legislative oversight and authority.**

23

1 Nothing in this article shall be construed to constitute an
2 entitlement to a scholarship established and funded by the
3 legislature. Wyoming's tomorrow scholarships shall be
4 subject to legislative appropriation and the legislature
5 reserves the right to modify or terminate the program
6 established under this article at any time.

7

8 **Section 2.** W.S. 9-4-204(u) by creating a new
9 paragraph (ix), 9-4-714(a)(v) and 21-16-1302(b) are amended
10 to read:

11

12 **9-4-204. Funds established; use thereof.**

13

14 (u) Other funds defined as follows shall be
15 classified by the state auditor pursuant to subsections (s)
16 and (t) of this section:

17

18 (ix) Wyoming's tomorrow scholarship endowment
19 fund - to consist of funds appropriated or designated to
20 the fund by law, or by gift from whatever source. In
21 accordance with Wyoming Constitution Article 15, Section
22 20, monies within the fund shall not be expended and may be
23 invested in the same manner as other permanent funds of the

1 state. Earnings from investment of monies within the fund
2 shall be distributed and expended as provided by law.

3

4 **9-4-714. Definitions.**

5

6 (a) As used in this act:

7

8 (v) "Permanent funds" means the permanent
9 Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the
10 Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the
11 excellence in higher education endowment fund under W.S.
12 9-4-204(u)(vi), the Hathaway student scholarship endowment
13 fund under W.S. 9-4-204(u)(vii), ~~and~~ the Hathaway expand
14 Wyoming scholarship endowment fund under W.S.
15 9-4-204(u)(viii) and the Wyoming's tomorrow scholarship
16 endowment fund under W.S. 9-4-204(u)(ix);

17

18 **21-16-1302. Hathaway scholarship expenditure account**
19 **created; reserve account created; use and appropriation of**
20 **funds.**

21

22 (b) There is created the Hathaway student scholarship
23 reserve account. The reserve account shall consist of those

1 monies deposited to the account pursuant to subsection (a)
2 of this section and such other funds appropriated by the
3 legislature to the reserve account. Interest and other
4 earnings on funds within the reserve account shall be
5 credited to the reserve account. To the extent funds within
6 the Hathaway scholarship expenditure account are
7 insufficient in any fiscal year to fully fund scholarships
8 awarded under this article, monies within the reserve
9 account shall be deposited by the state treasurer to the
10 expenditure account for distribution to eligible
11 institutions to fund those scholarships. As soon as
12 possible after the end of each of the fiscal years
13 beginning on and after July 1, 2007, the state treasurer
14 shall transfer monies from this reserve account to the
15 Hathaway student scholarship endowment fund to the extent
16 monies within the reserve account are in excess of the
17 greater of twelve million dollars (\$12,000,000.00) or an
18 amount equal to ~~four and one half percent (4.5%)~~ nine
19 percent (9%) of the previous five (5) year average market
20 value of the Hathaway student scholarship endowment fund,
21 calculated from the first day of the fiscal year. The state
22 treasurer shall report not later than November 1, of each
23 year to the joint education interim committee and the

1 select committee on capital financing and investments the
2 amount of funds within the reserve account at the end of
3 the previous fiscal year and as of July 1, of the current
4 fiscal year.

5

6 **Section 3.** On July 2, 2021, the state treasurer shall
7 transfer one hundred million dollars (\$100,000,000.00) from
8 the Hathaway student scholarship endowment fund to the
9 Wyoming's tomorrow scholarship endowment fund, as created
10 by this act.

11

12 **Section 4.** Neither the University of Wyoming nor any
13 Wyoming community college shall award a Wyoming's tomorrow
14 scholarship in the 2021-2022 academic year. The university
15 and the community colleges shall award Wyoming's tomorrow
16 scholarships beginning with the 2022-2023 academic year.

17

18 **Section 5.** This act is effective July 1, 2021.

19

20

(END)