

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:

8

9

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

11

12

(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;

16

17

(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;

21

22

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

23

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 one (1) year 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 degree;

5

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

11

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

14

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

18

19 (vii) The student agrees to:

20

21 (A) Actively engage in work in Wyoming for
22 one (1) year or attend graduate school at the University of
23 Wyoming for one (1) year for each four (4) full-time

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

6
7 (B) Repay all Wyoming's tomorrow
8 scholarship amounts received, together with interest which
9 shall begin accruing four (4) years after execution of the
10 agreement. However, interest shall begin to accrue
11 immediately upon the student withdrawing from the eligible
12 institution or becoming ineligible for the scholarship
13 under W.S. 21-16-1704(c). Scholarship amounts shall accrue
14 at an annual interest rate equal to that charged for
15 federal direct student loans at the time interest begins to
16 accrue, which rate shall be adjusted annually to match the
17 federal direct student loan rate. In no event shall the
18 interest rate be greater than eight percent (8%). Any
19 amounts repaid by Wyoming's tomorrow scholarship recipients
20 shall be deposited to the Wyoming's tomorrow scholarship
21 expenditure account. The University of Wyoming and the
22 community college commission may create exceptions to the
23 requirements of this paragraph for good cause shown.

1

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

5

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

8

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

16

17 (ii) Is in default on a federal Title IV
18 education loan;

19

20 (iii) Owes a refund under a federal Title IV
21 student financial aid program or a subsequently enacted
22 similar federal student financial aid program, or a student
23 financial aid program administered through the state;

1

2 (iv) Is incarcerated;

3

4 (v) Has been convicted of a felony in this state
5 or another jurisdiction. An eligible institution may grant
6 a student of the eligible institution an exception to this
7 limitation for good cause shown; or

8

9 (vi) Does not otherwise qualify under this
10 article for a scholarship.

11

12 **21-16-1704. Wyoming's tomorrow scholarships.**

13

14 (a) Any student who meets the criteria under W.S.
15 21-16-1703 is eligible to receive a scholarship to pursue a
16 degree or certificate for:

17

18 (i) Not more than one thousand five hundred
19 dollars (\$1,500.00) per semester or other academic term for
20 unmet financial need at an eligible institution if enrolled
21 for twelve (12) or more semester hours;

22

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

4

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

10

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

13

14 (i) Make satisfactory academic progress toward a
15 degree or certificate by completing at least two-thirds
16 (2/3) of attempted semester hours in any academic term or
17 other academic period, maintain a cumulative grade point
18 average of at least 2.0 as evaluated at the end of each
19 spring academic term and meet such other criteria as
20 established by the eligible institution to ensure the
21 student earns a degree or certificate in a timely manner;

22

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

3
4 (d) A student receiving a Wyoming's tomorrow
5 scholarship who fails to meet the requirements of
6 subsection (c) of this section shall be ineligible to
7 receive a scholarship under this article.

8
9 **21-16-1705. Administration; rules and regulations.**

10
11 (a) This article shall be administered jointly by the
12 University of Wyoming and the community college commission
13 in accordance with the following:

14
15 (i) Students shall apply for scholarships under
16 this article with the eligible institution at the time of
17 applying for admission or in any event prior to the
18 beginning of the semester at the eligible institution. The
19 application shall contain information as required by rule
20 of the university and commission. The application shall
21 require each applicant to verify under penalty of false
22 swearing under W.S. 6-5-303, that the applicant has not

1 been convicted of a felony in this state or another
2 jurisdiction;

3

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

12

13 (iii) Each eligible institution receiving an
14 application from a student applying for a Wyoming's
15 tomorrow scholarship shall preliminarily determine the
16 student's eligibility for the scholarship. Upon final
17 determination of scholarship eligibility, each community
18 college shall certify to the commission not later than
19 thirty (30) days after the semester commences, a list of
20 students enrolled at the institution who qualify for a
21 scholarship under this article, including the amount of
22 each scholarship. The university shall certify within
23 forty-five (45) days after the semester commences a like

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

14

15 (iv) For the fall 2022 semester, the state
16 treasurer shall pay from the expenditure account amounts
17 necessary for all awarded scholarships. For each
18 subsequent semester, the university and commission shall
19 determine and certify to the state treasurer the amount
20 which is equal to seventy-five percent (75%) of the total
21 amount the eligible institution received during the
22 preceding semester under this subsection. Not later than
23 September 1 for the fall semester and not later than

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

1 the amount actually due the institution for any semester,
2 the excess amount shall be calculated by the university and
3 commission and deducted from the next payment made.

4

5 (b) The University of Wyoming and the community
6 college commission shall jointly promulgate rules and
7 regulations necessary to implement this article.

8

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

17

18 (d) The department of audit may conduct an audit of
19 any eligible institution participating in the scholarship
20 program under this article to determine compliance with any
21 provision of this article.

22

23 **21-16-1706. Additional funding considerations.**

1

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

5

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

10

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

17

18 **21-16-1707. Legislative oversight and authority.**

19

20 Nothing in this article shall be construed to constitute an
21 entitlement to a scholarship established and funded by the
22 legislature. Wyoming's tomorrow scholarships shall be
23 subject to legislative appropriation and the legislature

1 reserves the right to modify or terminate the program
2 established under this article at any time.

3

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

7

8 **9-4-204. Funds established; use thereof.**

9

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

13

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

22

23 **9-4-714. Definitions.**

1

2 (a) As used in this act:

3

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

13

14 **21-16-1302. Hathaway scholarship expenditure account**
15 **created; reserve account created; use and appropriation of**
16 **funds.**

17

18 (b) There is created the Hathaway student scholarship
19 reserve account. The reserve account shall consist of those
20 monies deposited to the account pursuant to subsection (a)
21 of this section and such other funds appropriated by the
22 legislature to the reserve account. Interest and other
23 earnings on funds within the reserve account shall be

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

1

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

7

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

13

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

15

16

(END)