

SENATE RESOLUTION #2783



TITLE: ASUW Support for Wyoming Legislature HB#0031: Wyoming's Tomorrow Scholarship Program

DATE INTRODUCED: February 8th, 2022

AUTHORS: Director of Governmental and Community Affairs Brown

SPONSORS: Senators Castronovo, Engel-Cartie, Ewalt, McGee, Nwokejiobi, Rhymes, and Smith; President Swilling

1. WHEREAS, the purpose of the Associated Students of the University of
2. Wyoming (ASUW) is to serve our fellow students in the best manner possible; and,
3. WHEREAS, there are scholarships in place for in-state students through the State of
4. Wyoming; and,
5. WHEREAS, creating more scholarship and funding opportunities for students unable
6. to receive in-state scholarships would address problems with equity in scholarships; and,
7. WHEREAS, there is currently no substantial funding for out of state, non-traditional
8. students to receive funding from the State of Wyoming; and,
9. WHEREAS, Wyoming Legislature HB#0031 establishes "Wyoming's Tomorrow
10. Scholarship Program"; and,
11. WHEREAS, the Wyoming's Tomorrow Scholarship Program would provide a
12. scholarship for out of state, non-traditional students for four academic terms towards
13. degree completion; and,
14. WHEREAS, the Wyoming's Tomorrow Scholarship Program would provide funding for
15. students who meet the scholarship requirements outlined in Section 21-16-
16. 1903 including: (1) accepted and enrolled in an eligible institution to pursue a degree or
17. certificate, (2) demonstrated Wyoming residency for not less than one year immediately
18. preceding application or not less than a total of three years at any time prior to the

19. application, (3) the student is twenty-four years of age or older, (4) the student agrees to
20. register with the department of workforce services for applicable training assistance;
21. and,

22. WHEREAS, Wyoming's Tomorrow Scholarship Program would not provide funding for
23. students who are: (1) currently receiving the Hathaway Scholarship, (2) not a United
24. States citizen or a permanent resident who meets the definition of an eligible noncitizen
25. under Title IV requirements, (3) owes a refund under a federal Title IV student financial
26. aid program (4) is incarcerated, and (5) previously received a scholarship under this
27. article for the maximum of the equivalent of four full-time academic terms; and,
28. WHEREAS, the establishment of the Wyoming's Tomorrow Scholarship Program,
29. provided HB#0031 passes in the Wyoming State Legislature, will take effect July 1,
30. 2022.

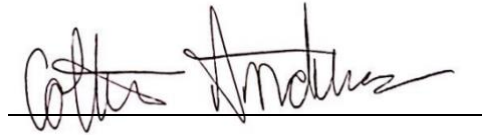
31. THEREFORE, be it resolved that the Associated Students of the University of Wyoming
32. (ASUW) Student Government recommends the State of Wyoming explores further
33. avenues for out of state, international, and non-US Citizen students to receive funding for
34. their undergraduate studies to ensure equity in opportunities and resources for all students
35. at the University of Wyoming; and,

36. THEREFORE, be it further resolved that the ASUW Student Government supports the
37. passage and subsequent implementation of HB#0031.

PASSED 24-0

Referred to: Advocacy, Diversity, and Policy

Date of Passage: February 15th, 2022 **Signed:**

A handwritten signature in black ink, appearing to read "Colin Anderson", written over a horizontal line.

(ASUW Chairperson)

“Being enacted on February 15th, 2022**, I do hereby sign my name hereto**

and approve this Senate action.” 
ASUW President

PASSED 24-0

Addendum A

HOUSE BILL NO. HB0031

Wyoming's tomorrow scholarship program.

Sponsored by: Joint Education Interim Committee

A BILL

for

1 AN ACT relating to higher education; creating the Wyoming's
2 tomorrow scholarship program; providing eligibility
3 requirements; authorizing administration and rulemaking;
4 creating an account and a permanent fund; requiring
5 reports; providing for a continuous appropriation; amending
6 a provision regarding permanent funds of the state; making
7 conforming amendments; providing for a transfer of funds;
8 specifying applicability; and providing for an effective
9 date.

10

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

12

13 **Section 1.** W.S. 21-16-1901 through 21-16-1907 are
14 created to read:

15

16

ARTICLE 19

1 WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

2

3 **21-16-1901. Definitions.**

4

5 (a) As used in this article:

6

7 (i) "Academic term" means the fall semester or
8 term or the spring semester or term. In this article,
9 "semester" and "term" have the same meaning except that
10 recipients may elect to use the scholarship for a summer
11 term or January term or any other term besides the fall
12 semester or spring semester that the eligible institution
13 designates, which counts toward the maximum number of terms
14 for which a student is eligible but does not count toward
15 computation of an academic year;

16

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

21

22 (iii) "Certificate" means a credential other
23 than a degree and indicates satisfactory completion of

1 training in an academic year program of study offered by an
2 eligible institution;

3

4 (iv) "Commission" means the Wyoming community
5 college commission;

6

7 (v) "Cost of attendance" means the sum cost of
8 tuition, mandatory fees, room and board, books and
9 supplies, travel and personal expenses to attend an
10 eligible institution;

11

12 (vi) "Degree" means a baccalaureate or an
13 associate degree other than a certificate;

14

15 (vii) "Eligible institution" means the
16 University of Wyoming or a Wyoming community college;

17

18 (viii) "Equivalent of a full-time semester"
19 means twelve (12) semester hours in a semester;

20

21 (ix) "Semester hour" means each semester hour or
22 clock hour as defined by commission rule attempted for
23 credit toward a degree or certificate;

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1

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

4

5 (xi) "Unmet financial need" means the cost of
6 attendance minus the sum of expected family contribution
7 and all federal, state, local, institutional and privately
8 funded scholarships or grants received by the student as
9 determined by the eligible institution. "Unmet financial
10 need" shall not include any loans a student may be eligible
11 to receive.

12

13 **21-16-1902. Wyoming's tomorrow scholarship**
14 **expenditure account created; use and appropriation of**
15 **funds; calculation of annual average market value.**

16

17 (a) Except as otherwise provided by law, the
18 Wyoming's tomorrow scholarship expenditure account is
19 created to consist of all earnings from the Wyoming's
20 tomorrow scholarship endowment fund created by W.S.
21 9-4-204(u)(ix) and other funds appropriated by the
22 legislature to the expenditure account. Funds within the
23 expenditure account may be invested in the pool A

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1 investment account by the state treasurer pursuant to W.S.
2 9-4-705(p). Interest and other earnings from amounts within
3 the expenditure account shall be credited to the
4 expenditure account. Monies within the expenditure account
5 are continuously appropriated to the state treasurer for
6 distribution to eligible institutions based on scholarships
7 awarded by the commission under this article, subject to
8 limitations provided for under subsection (b) of this
9 section. As soon as possible after the end of each of the
10 fiscal years beginning on and after July 1, 2022, the state
11 treasurer shall transfer monies from the expenditure
12 account to the Wyoming's tomorrow scholarship endowment
13 fund to the extent monies within the expenditure account
14 are in excess of an amount equal to nine percent (9%) of
15 the previous five (5) year average market value of the
16 Wyoming's tomorrow scholarship endowment fund, calculated
17 from the first day of the fiscal year, except as provided
18 for under subsection (c) of this section. The state
19 treasurer shall report not later than November 1, of each
20 year to the joint education interim committee and the
21 select committee on capital financing and investments the
22 amount of funds within the expenditure account at the end

1 of the previous fiscal year and as of July 1, of the
2 current fiscal year.

3

4 (b) Scholarships awarded under W.S. 21-16-1904 and
5 expended from the Wyoming's tomorrow scholarship
6 expenditure account shall be limited in accordance with the
7 following:

8

9 (i) For the first academic year scholarships are
10 awarded, expenditures shall not exceed two and one-half
11 percent (2.5%) of the applicable fiscal year's average
12 market value of the Wyoming's tomorrow scholarship
13 endowment fund calculated in accordance with subsection (c)
14 of this section;

15

16 (ii) For the second academic year and each
17 academic year thereafter scholarships are awarded,
18 expenditures shall not exceed five percent (5%) of the
19 applicable fiscal year's average market value of the
20 Wyoming's tomorrow scholarship endowment fund calculated in
21 accordance with subsection (c) of this section.

22

1 (c) The annual average market value of the Wyoming's
2 tomorrow scholarship endowment fund shall be calculated as
3 follows for the fiscal year (FY) specified:

4

5 (i) FY 2023 shall be equal to the market value
6 of the Wyoming's tomorrow scholarship endowment fund,
7 calculated from the first day of the fiscal year;

8

9 (ii) FY 2024 shall be equal to the previous two
10 (2) year average market value of the Wyoming's tomorrow
11 scholarship endowment fund, calculated from the first day
12 of the fiscal year;

13

14 (iii) FY 2025 shall be equal to the previous
15 three (3) year average market value of the Wyoming's
16 tomorrow scholarship endowment fund, calculated from the
17 first day of the fiscal year;

18

19 (iv) FY 2026 shall be equal to the previous four
20 (4) year average market value of the Wyoming's tomorrow
21 scholarship endowment fund, calculated from the first day
22 of the fiscal year;

23

1 (v) FY 2027 and each fiscal year thereafter,
2 shall be equal to the previous five (5) year average market
3 value of the Wyoming's tomorrow scholarship endowment fund,
4 calculated from the first day of the fiscal year.

5

6 **21-16-1903. 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 W.S. 21-16-1905(b) and availability of funds as
14 determined by the legislature, the commission may award a
15 scholarship pursuant to W.S. 21-16-1904 to any student who
16 has been accepted by and enrolls in an eligible institution
17 to pursue a degree or certificate, and who meets the
18 following qualifications:

19

20 (i) The student has demonstrated Wyoming
21 residency for not less than one (1) year immediately
22 preceding application or not less than a total of three (3)
23 years at any time prior to application;

1

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

4

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

9

10 (iv) The student agrees to register with the
11 department of workforce services for applicable training
12 assistance, as defined by rule of the commission required
13 under W.S. 21-16-1905(b) .

14

15 (c) A student is not eligible for a scholarship under
16 this article if the student:

17

18 (i) Is currently receiving a scholarship under
19 the Hathaway scholarship program established under W.S.
20 21-16-1301 et seq.;

21

22 (ii) Is not a United States citizen or a
23 permanent resident alien who meets the definition of an

1 eligible noncitizen under federal Title IV requirements or
2 requirements of a subsequent similar federal enactment;

3

4 (iii) Owes a refund under a federal Title IV
5 student financial aid program or a subsequently enacted
6 similar federal student financial aid program, or a student
7 financial aid program administered through the state;

8

9 (iv) Is incarcerated; or

10

11 (v) Previously received a scholarship under this
12 article for the maximum of the equivalent of four (4)
13 full-time academic terms or a total of seven thousand two
14 hundred dollars (\$7,200.00) in scholarships for unmet
15 financial need under this article.

16

17 **21-16-1904. Wyoming's tomorrow scholarships.**

18

19 (a) Any student who meets the criteria under W.S.
20 21-16-1903 may be eligible to receive a Wyoming's tomorrow
21 scholarship to pursue a degree or certificate for:

22

1 (i) Not more than one hundred and fifty dollars
2 (\$150.00) per semester hour and not more than one thousand
3 eight hundred dollars (\$1,800.00) per academic term for
4 unmet financial need at an eligible institution if enrolled
5 for twelve (12) or more semester hours in the academic
6 term;

7

8 (ii) The amount provided for the academic term
9 under paragraph (i) of this subsection times a fraction in
10 which the numerator is the number of semester hours in
11 which the student is enrolled in for the academic term and
12 the denominator is twelve (12).

13

14 (b) Scholarships under this section shall be for a
15 maximum of the equivalent of four (4) full-time academic
16 terms. No student shall receive more than a total of seven
17 thousand two hundred dollars (\$7,200.00) in scholarships
18 for unmet financial need under this article.

19

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

22

1 (i) Make satisfactory academic progress toward a
2 degree or certificate by completing at least two-thirds
3 (2/3) of attempted semester hours in any academic term;

4

5 (ii) Maintain a cumulative grade point average
6 of at least 2.0 as evaluated at the end of each spring
7 academic term;

8

9 (iii) Meet other criteria as established by the
10 eligible institution to ensure the student earns a degree
11 or certificate in a timely manner;

12

13 (iv) Maintain continuous enrollment for not less
14 than two (2) academic terms in each successive academic
15 year. The commission may grant waivers to the requirement
16 of this subparagraph for military service, religious
17 service and other good cause shown pursuant to commission
18 rule.

19

20 (d) A student receiving a Wyoming's tomorrow
21 scholarship who fails to meet the requirements of
22 subsection (c) of this section shall be ineligible to
23 receive another scholarship under this article.

1

2 **21-16-1905. Administration; rules and regulations.**

3

4 (a) This article shall be administered by the
5 commission in consultation with the University of Wyoming
6 in accordance with the following:

7

8 (i) Students may apply for scholarships under
9 this article with the eligible institution at the time of
10 applying for admission or in any event before the beginning
11 of the academic term at the eligible institution. The
12 application shall contain information as required by rule
13 of the commission;

14

15 (ii) Each eligible institution receiving an
16 application from a student applying for a Wyoming's
17 tomorrow scholarship shall preliminarily determine the
18 student's eligibility for the scholarship. Each eligible
19 institution shall certify to the commission by dates
20 prescribed by rule, a list of students who qualify for a
21 scholarship under this article;

22

1 (iii) The commission shall establish by rule
2 procedures and criteria for the application, notification
3 of students and the award of scholarships in accordance
4 with this article. The rules adopted by the commission
5 shall ensure students receive notice of a scholarship award
6 in a timely manner to ensure students are able to make
7 informed decisions about the financial obligations
8 associated with attendance at an eligible institution;

9
10 (iv) If the market value of the Wyoming's
11 tomorrow scholarship endowment fund has once exceeded fifty
12 million dollars (\$50,000,000.00) and funds are available
13 within the Wyoming's tomorrow scholarship expenditure
14 account, the state treasurer shall pay from the Wyoming's
15 tomorrow scholarship expenditure account amounts necessary
16 for all awarded scholarships as reported by the commission.
17 For each subsequent semester, the commission shall
18 determine and certify to the state treasurer the amount
19 that is equal to seventy-five percent (75%) of the total
20 amount the eligible institution received during the
21 preceding semester under this subsection. Not later than
22 thirty (30) days after the commission has certified
23 participation and notified the state treasurer, the state

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

1 university and commission and deducted from the next
2 payment made under this paragraph.

3

4 (b) The commission shall promulgate rules necessary
5 to implement this article in consultation with the
6 University of Wyoming, the department of workforce
7 services, the Wyoming business council and other
8 stakeholders. The rules shall provide for a preference to
9 award scholarships which considers workforce shortages and
10 economic development needs of the communities, regions and
11 the state. First preference shall be given to students who
12 received a scholarship under this article in the
13 immediately preceding academic term and remain eligible to
14 receive a scholarship under W.S. 21-16-1904(c). Preference
15 may be given to students based on the length of their
16 Wyoming residency. Preference may be given to students
17 without a degree.

18

19 (c) The commission shall establish annual reporting
20 procedures for purposes of policy analysis and program
21 evaluation and providing accurate data to the legislature
22 and governor relative to the program's impact on the state
23 and on students. The report shall include information about

1 how the commission awarded scholarships, the amount each
2 eligible institution received, the number of applicants at
3 each eligible institution and the number of students that
4 received scholarships under this article at each eligible
5 institution. The report shall also include the number and
6 type of degrees or certificates awarded to scholarship
7 recipients. The commission shall submit the annual report
8 to the governor and the legislature in accordance with W.S.
9 9-2-1014.

10

11 (d) The department of audit may conduct an audit at
12 any time of the commission or any eligible institution
13 participating in the scholarship program under this article
14 to determine compliance with any provision of this article.

15

16 **21-16-1906. Additional funding considerations.**

17

18 The commission shall limit the number and amount of
19 scholarships awarded under this article so that the
20 expected expenditures do not exceed the projected funding
21 available considering the total duration of the awards. To
22 the extent sufficient funds are not available in the
23 Wyoming's tomorrow scholarship expenditure account to fund

1 all scholarships awarded by the commission under this
2 article, the payment to the eligible institutions shall be
3 reduced on a first come first served basis using the
4 student's application date for the scholarship.

5

6 **21-16-1907. Legislative oversight and authority.**

7

8 Nothing in this article shall be construed to constitute an
9 entitlement to a scholarship established and funded by the
10 legislature. Wyoming's tomorrow scholarships shall be
11 subject to legislative appropriation and the legislature
12 reserves the right to modify or terminate the program
13 established under this article at any time.

14

15 **Section 2.** W.S. 9-4-204(u) by creating a new
16 paragraph (ix), 9-4-714(a)(v), 9-4-715(p) by creating a new
17 paragraph (xvi) and 21-16-1303(e)(vi), (vii) and by
18 creating a new paragraph (viii) are amended to read:

19

20 **9-4-204. Funds established; use thereof.**

21

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

4
5 (ix) Wyoming's tomorrow scholarship endowment
6 fund - to consist of funds appropriated or designated to
7 the fund by law, or by gift from whatever source. In
8 accordance with Wyoming Constitution Article 15, Section
9 20, monies within the fund shall not be expended and may be
10 invested in the same manner as other permanent funds of the
11 state. Except as otherwise provided under this paragraph,
12 earnings from investment of monies within the endowment
13 fund shall be credited to the endowment fund. Upon the
14 endowment fund reaching a balance of fifty million dollars
15 (\$50,000,000.00), earnings from the investment of monies
16 within this fund shall be credited to the Wyoming's
17 tomorrow scholarship expenditure account as created by W.S.
18 21-16-1902.

19

20 **9-4-714. Definitions.**

21

22 (a) As used in this act:

23

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

11 **9-4-715. Permissible investments.**
12

13 (p) There is created the pool A investment account.
14 The state treasurer, or his designee, which shall be
15 registered under the Investment Advisor's Act of 1940 as
16 amended if required to be registered by the terms of that
17 act as amended, pursuant to subsections (c) and (d) of this
18 section and after consultation with the state agency or
19 agencies receiving or administering investment earnings
20 from the monies invested in the pool A investment account,
21 may invest monies comprising the pool A investment account
22 in equities including stocks of corporations in accordance
23 with subsections (a) and (c) through (e) of this section

1 and W.S. 9-4-716. The state loan and investment board, in
2 consultation with the state agency or agencies receiving or
3 administering investment earnings from the monies invested
4 in the pool A investment account, shall annually review the
5 state investment policy statements for the investment pool
6 created by this subsection as required under W.S. 9-4-716.
7 Monies in the following funds shall be invested in the pool
8 A investment account:

9

10 (xvi) Subject to W.S. 21-16-1902(a), the
11 Wyoming's tomorrow scholarship expenditure account.

12

13 **21-16-1303. Hathaway scholarship program; eligibility**
14 **requirements.**

15

16 (e) A student is not eligible for a scholarship under
17 this article if he:

18

19 (vi) Has been convicted of a felony in this
20 state or another jurisdiction and has not been granted an
21 exception by the department of education as provided for in
22 W.S. 21-16-1308(b)(v); ~~or~~

23

1 (vii) Does not otherwise qualify under this
2 article for a scholarship; ~~or~~ or

3

4 (viii) Is currently receiving a scholarship
5 under the Wyoming's tomorrow scholarship program
6 established under W.S. 21-16-1901 et seq.

7

8 **Section 3.** On July 1, 2022, the state auditor shall
9 transfer one thousand dollars (\$1,000.00) from the general
10 fund to the Wyoming's tomorrow scholarship endowment fund,
11 as created by this act.

12

13 **Section 4.** No scholarship shall be awarded under the
14 Wyoming's tomorrow scholarship program until the market
15 value of the Wyoming's tomorrow scholarship endowment fund,
16 as created by this act, reaches a minimum of fifty million
17 dollars (\$50,000,000.00).

18

19 **Section 5.** This act is effective July 1, 2022.

20

21

(END)

Addendum B

Wyoming's tomorrow scholarship program.

22LSO-0107, 1.0

FISCAL NOTE

This bill contains a transfer of \$1,000 from the GENERAL FUND to the WYOMING'S TOMORROW SCHOLARSHIP ENDOWMENT FUND created by this bill.

Source of revenue and expenditure increase:

This bill creates a new endowment fund, the Wyoming's Tomorrow Scholarship Endowment Fund (Endowment Fund) and transfers \$1,000 from the General Fund to the Endowment Fund. The annual investment earnings are deposited within the Endowment Fund until the market value of the Endowment Fund reaches \$50 million. Once the market value of the Endowment Fund reaches \$50 million, annual investment earnings are deposited within the Wyoming's Tomorrow Scholarship Expenditure Account (Expenditure Account), created by this bill. Funds within the Expenditure Account will be used to pay for Wyoming's tomorrow scholarships. The maximum balance of the Expenditure Account is limited to 9 percent of the previous five-year average market value of the Endowment Fund.

Assumptions:

The State Treasurer's Office assumes the Endowment Fund would be invested similarly to other permanent funds and projects yields in FY 2023 to be 2.45 percent, FY 2024 to be 2.57 percent, and FY 2025 to be 2.64 percent for permanent funds. Yield is defined as the interest and dividend income from the investment.

This bill provides for Wyoming's tomorrow scholarships, totaling a maximum of \$7,200 for four full-time academic terms, to be awarded once the market value of the Endowment Fund has once exceeded \$50 million. The number of scholarships awarded under this program and the associated fiscal impacts to the University of Wyoming and community colleges are indeterminable. The first academic year scholarships are awarded, expenditures from the Expenditure Account are limited to 2.5 percent of the applicable fiscal year's average market value of the Endowment Fund. Each fiscal year thereafter, expenditures from the Expenditure Account are limited to 5 percent of the applicable fiscal year's average market value of the Endowment Fund.

Prepared by: Matthew Willmarth, LSO Phone: 777-7881
(Information provided by Dawn Williams and Matthew Sackett, State Treasurer's Office, 777-7408; Larry Buchholz, Community College Commission, 777-7068; Neil Theobald, University of Wyoming, 766-5768)

HB0031

PASSED 24-0