

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

AN ACT relating to defense forces and affairs; extending existing educational assistance benefits for Wyoming national guard members in exchange for additional service commitments; allowing transfer of educational assistance benefits to spouses and dependents; correcting terminology; providing appropriations; authorizing a full-time position; and providing for an effective date.

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

**Section 1.** W.S. 19-9-502(a) by creating a new paragraph (viii), 19-9-503(a)(intro), (ii) through (iv), (b)(intro), (iii) through (v) and by creating a new subsection (c) and 19-9-504(a)(i), (ii)(B), (iii), (iv) and by creating a new subsection (c) are amended to read:

**19-9-502. Definitions.**

(a) As used in this article:

(viii) "Dependent" means a person enrolled as a dependent in the defense enrollment eligibility reporting system.

**19-9-503. Requirements for educational assistance; assistance payments.**

(a) Subject to legislative appropriation and in accordance with the provisions of this article, the adjutant general or his designee, may authorize the payment of higher education tuition and mandatory fees for active members of the Wyoming national guard or for the spouse or dependents of active members of the Wyoming national guard as provided in subsection (c) of this section. To be eligible to participate in the plan members shall:

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(ii) Meet the standards for satisfactory participation in the ~~active~~ Wyoming national guard at the beginning of and throughout the entire academic term for which assistance is received;

(iii) Be committed through an enlistment contract or other written agreement to membership in the ~~active~~ Wyoming national guard for not less than six (6) years, including initial enlistment and any previous contract or contracts;

(iv) Agree in writing to serve in the ~~active~~ Wyoming national guard for two (2) years after the last day of the last academic term for which assistance is received under the plan. This two (2) year period of service may be within the six (6) year commitment period required by paragraph (iii) of this subsection;

(b) Members meeting the requirements of subsection (a) of this section or spouses or dependents under subsection (c) of this section may receive educational assistance benefit payments as follows:

(iii) Eligible members or spouses or dependents under subsection (c) of this section who are not Wyoming residents may receive benefits as provided in paragraphs (i) and (ii) of this subsection, but the benefit payment shall not exceed the amount of tuition and mandatory fees ~~which~~ that would have been charged if the member or the spouse or dependent under subsection (c) of this section were a Wyoming resident;

(iv) Payment shall be made directly to the institution after the institution officially certifies that

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

the member or the spouse or dependent under subsection (c) of this section has registered;

(v) Payments under the plan together with any federal tuition assistance received by the member or the spouse or dependent under subsection (c) of this section shall not exceed one hundred percent (100%) of the tuition and mandatory fees charged.

(c) Members of the Wyoming national guard who meet the standards for satisfactory participation in the Wyoming national guard, upon completion of their initial mandatory service obligation under paragraph (a)(iii) of this section, may transfer any Wyoming national guard educational assistance plan benefits that have not reached the limits under W.S. 19-9-504(a) and (c) to their spouse or dependent to be paid in accordance with subsection (b) of this section. The transfer of benefits by the member requires the member to agree in writing to serve in the Wyoming national guard for not less than four (4) additional years after the date the benefit has been transferred. This four (4) year period of service is in addition to the six (6) year commitment period required by paragraph (a)(iii) of this section. The member's spouse or dependent may subsequently transfer any remaining benefits that have not reached the limits under W.S. 19-9-504(a) and (c) back to the member to use subject to this section. The member and the member's spouse or dependent cannot use the benefits concurrently.

**19-9-504. Restrictions; repayment of benefits.**

(a) Plan participation and benefit payments shall be subject to the following additional restrictions and qualifications:

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(i) The plan may be used to complete only one (1) degree, certificate or other educational objective, except as authorized under subsection (c) of this section;

(ii) Participation shall be limited to the earlier of:

(B) The participant's completion of ~~his~~the participant's one (1) degree, certificate or other educational objective, unless authorized for additional education under subsection (c) of this section.

(iii) Any member receiving educational assistance under the plan, or whose spouse or dependent is receiving educational assistance under the plan, who fails to maintain satisfactory participation in the ~~active~~ Wyoming national guard shall repay all educational assistance granted under the plan for that current academic term. The member, or the member's spouse or dependent if applicable, shall be ineligible for educational assistance under the plan until the adjutant general has determined that the member meets the minimum requirements for satisfactory membership in the Wyoming national guard;

(iv) Any member who has received assistance under the plan and who fails to complete the initial six (6) year commitment required by W.S. 19-9-503(a)(iii) and maintain satisfactory participation in the ~~active~~ Wyoming national guard for the two (2) year period required by W.S. 19-9-503(a)(iv), or who fails to complete any additional commitment under subsection (c) of this section or under W.S. 19-9-503(c), shall repay all educational assistance received under the plan.

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

(c) The plan may be used to complete authorized courses to complete one (1) additional degree, certificate or other educational objective beyond the one (1) degree, certificate or other educational objective authorized in paragraph (a)(i) of this section if the member agrees in writing to serve in the Wyoming national guard for not less than four (4) years in addition to the six (6) year commitment period required by W.S. 19-9-503(a)(iii) and the two (2) year commitment period required by W.S. 19-9-503(a)(iv).

**Section 2.**

(a) There is appropriated seven hundred forty-five thousand five hundred twenty-nine dollars (\$745,529.00) from the general fund to the Wyoming military department for the purposes of paying the extended educational assistance benefits under this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2024. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that this appropriation be included in the military department's standard budget for the immediately succeeding fiscal biennium.

(b) There is authorized one (1) additional full-time position and there is appropriated one hundred thirty thousand six hundred seventy-five dollars (\$130,675.00) from the general fund to the Wyoming military department for personnel expenses under this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2024. This appropriation

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024.

(c) There is appropriated one hundred nine thousand four hundred twelve dollars (\$109,412.00) from the general fund to the Wyoming military department for information technology expenses under this act. This appropriation shall be for the period beginning with the effective date of this act and ending June 30, 2024. This appropriation shall not be transferred or expended for any other purpose and any unexpended, unobligated funds remaining from this appropriation shall revert as provided by law on June 30, 2024. It is the intent of the legislature that one hundred four thousand dollars (\$104,000.00) of this appropriation shall not be included in the military department's standard budget for the immediately succeeding fiscal biennium.

ORIGINAL HOUSE  
BILL NO. HB0059

ENROLLED ACT NO. 63, HOUSE OF REPRESENTATIVES

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

**Section 3.** This act is effective July 1, 2023.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the House.

\_\_\_\_\_  
Chief Clerk