

ENROLLED ACT NO. 39, HOUSE OF REPRESENTATIVES

SIXTY-FIFTH LEGISLATURE OF THE STATE OF WYOMING
2019 GENERAL SESSION

AN ACT relating to education; providing for scholarships to out-of-state students to attend Wyoming institutions of higher education; specifying scholarship amounts, eligibility requirements and other elements of the scholarships; providing for resident tuition for scholarship recipients; creating a selection committee; creating accounts; making the award of scholarships contingent on funding as specified; and providing for an effective date.

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

Section 1. W.S. 21-16-1312 is created to read:

21-16-1312. Hathaway expand Wyoming scholarship; eligibility requirements and conditions; selection.

(a) There is created the Hathaway expand Wyoming scholarship. The scholarship shall be administered by the department in accordance with this section and rules adopted by the department. Hathaway expand Wyoming scholarship recipients shall be selected by a committee comprised of the governor, state superintendent of public instruction, president of the University of Wyoming and executive director of the community college commission, or their designees.

(b) Each year up to two (2) students from each state contiguous to Wyoming may be awarded a Hathaway expand Wyoming scholarship, not to exceed an aggregate of twenty-four (24) active awards at any time. Awards of Hathaway expand Wyoming scholarships shall be contingent on available funds and anticipated revenue to the Hathaway expand Wyoming scholarship expenditure account. Minimum initial qualifications for a Hathaway expand Wyoming scholarship shall be all initial requirements applicable to a Hathaway honor scholarship, other than Wyoming residency and

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graduation from a high school located in Wyoming. In addition to those requirements, recipients shall have:

(i) A minimum cumulative high school GPA of 3.75 and a score equal to or greater than the 2015-2016 national percentile rank of ninety-seven (97) on an examination administered throughout the United States and relied upon by institutions of higher education to determine acceptance of students for attendance;

(ii) At the time of graduation, be a resident of a state contiguous to Wyoming and have successfully completed a curriculum at least as stringent as that imposed under W.S. 21-16-1307 for Hathaway honor scholarships.

(c) A Hathaway expand Wyoming scholarship shall be for the student's cost of attendance at an eligible institution, but not to exceed the maximum dollar amount provided to students receiving a trustee scholarship at the University of Wyoming and subject to reduction in accordance with W.S. 21-16-1309(a). No student shall be eligible for a Hathaway expand Wyoming scholarship for more than the equivalent of eight (8) full-time semesters. Minimum continuing eligibility and reinstatement eligibility requirements for a Hathaway expand Wyoming scholarship shall be the same as requirements for a Hathaway honors scholarship. These minimum requirements may be increased by rule of the department to requirements no more stringent than those imposed by the University of Wyoming for recipients of a trustee scholarship. Hathaway expand Wyoming scholarships may be reduced in the same manner and to lower levels as provided for Hathaway honor scholarships for failure to meet continuing eligibility requirements.

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(d) Hathaway expand Wyoming scholarships shall not be subject to the provisions of W.S. 21-16-1308, but shall be administered by the department in accordance with the provisions of this section and the following:

(i) The department shall, in consultation with University of Wyoming and community college admissions officers and financial aid officers, promulgate rules necessary to implement this section. The consultation shall include development of a means for informing students in contiguous states of the availability of Hathaway expand Wyoming scholarships;

(ii) Eligible institutions shall provide information required by the department as necessary to fulfill its duties under this section;

(iii) Students shall apply for Hathaway expand Wyoming scholarships with the department at the time of applying for admission or at an earlier time as established by rule of the department. The application shall contain information required by rule of the department. The application shall require each applicant to verify under penalty of false swearing under W.S. 6-5-303, that the applicant has not been convicted of a felony in this state or another jurisdiction;

(iv) The department shall determine and certify to the state treasurer the amount of scholarships awarded under this section for attendance at each eligible institution not later than September 1 for the fall semester and not later than January 15 for the spring semester. Upon receipt of the certification the state treasurer shall pay from the scholarship expenditure account the amount certified by the department;

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(v) The same information required to be reported under W.S. 21-16-1308 for Hathaway opportunity, performance and honor scholarships shall be reported for Hathaway expand Wyoming scholarships awarded.

(e) Before awarding a Hathaway expand Wyoming scholarship, the department shall obtain an agreement from each student, or the student's guardian, under which the student agrees to:

(i) Actively engage in work in Wyoming for one (1) year or attend graduate school at the University of Wyoming for one (1) year, for every four (4) academic semesters or portions thereof in which a Hathaway expand Wyoming scholarship was received. The department shall establish by rule the commencement of the period for undertaking the requirements of this paragraph, which period shall begin not later than one (1) year after the completion of the last semester in which a Hathaway expand Wyoming scholarship was received; or

(ii) Repay all Hathaway expand Wyoming scholarship amounts, together with interest which shall begin accruing four (4) years after execution of the agreement. However, interest shall begin to accrue immediately upon the department determining that the student has withdrawn from the Wyoming institution of higher education or is otherwise not making satisfactory academic progress toward completion of a degree or program. Money expended under this section shall accrue at an annual interest rate equal to that charged for federal direct student loans at the time interest begins to accrue, which rate shall be adjusted annually to match the federal direct student loan rate. In no event shall the interest rate be greater than eight percent (8%). Any amounts

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repaid by Hathaway expand Wyoming scholarship recipients shall be deposited to the Hathaway expand Wyoming scholarship endowment fund created by W.S. 9-4-204(u)(viii).

(f) The Hathaway expand Wyoming scholarship expenditure account is created to consist of earnings from the Hathaway expand Wyoming scholarship endowment fund created by W.S. 9-4-204(u)(viii) and such other funds appropriated by the legislature to the expenditure account. No state funds shall be appropriated to the expenditure account or used for scholarships under this section. The monies deposited to the expenditure account under this subsection shall be available for scholarships under this section. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded under this section. All unexpended and unencumbered monies within the expenditure account at the end of each fiscal year shall be deposited by the state treasurer to the Hathaway expand Wyoming scholarship endowment fund.

Section 2. W.S. 9-4-204(u) by creating a new paragraph (viii), 9-4-714(a)(v), 21-17-105 by creating a new subsection (h) and 21-18-202(a)(iii) are amended to read:

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

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

(viii) Hathaway expand Wyoming scholarship endowment fund - to consist of funds appropriated or designated by law, or by gift from whatever source. In accordance with Wyoming Constitution Article 15, Section 20,

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monies within the fund shall not be expended and may be invested in the same manner as other permanent funds of the state. Earnings from investment of monies within the fund shall be distributed and expended as provided by law. No state funds shall be appropriated or deposited into the fund.

9-4-714. Definitions.

(a) As used in this act:

(v) "Permanent funds" means the permanent Wyoming mineral trust fund under W.S. 9-4-204(u)(iii), the Wyoming permanent land fund under W.S. 9-4-204(u)(iv), the excellence in higher education endowment fund under W.S. 9-4-204(u)(vi), ~~and~~ the Hathaway student scholarship endowment fund under W.S. 9-4-204(u)(vii) and the Hathaway expand Wyoming scholarship endowment fund under W.S. 9-4-204(u)(viii);

21-17-105. Tuition to be as nearly free as possible; number, qualifications and selection of students for reduced tuition; tuition for veterans, their spouses and children; reciprocal residency.

(h) Trustees shall through regulation provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition at the university each semester the student receives the scholarship.

21-18-202. Powers and duties of the commission.

(a) The commission shall perform the following general functions:

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(iii) Establish residency requirements, which shall include provisions for military veterans, eligible individuals and covered individuals as described in 38 U.S.C. 3679(c)(2) consistent with the requirements of W.S. 21-17-105(e). The commission shall provide that students receiving a Hathaway expand Wyoming scholarship in any amount shall qualify for resident tuition each semester the student receives the scholarship;

Section 3. Notwithstanding W.S. 21-16-1312 as created by this act, no Hathaway expand Wyoming scholarships shall be awarded until the state treasurer certifies to the department of education the balance of the Hathaway expand Wyoming scholarship endowment fund is equal to or greater than ten million dollars (\$10,000,000.00). Once that threshold has been reached Hathaway expand Wyoming scholarships shall be awarded pursuant to W.S. 21-16-1312.

Section 4. Notwithstanding W.S. 21-16-1312(f) as created by this act, earnings from the Hathaway expand Wyoming scholarship endowment fund under W.S. 9-4-204(u)(viii), as created by this act, shall be deposited in the Hathaway expand Wyoming scholarship endowment fund until the state treasurer certifies to the department of education the balance of the Hathaway expand Wyoming scholarship endowment fund is equal to or greater than ten million dollars (\$10,000,000.00).

ORIGINAL HOUSE
BILL NO. HB0133

ENGROSSED

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Section 5. This act is effective July 1, 2019.

(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