

ORIGINAL HOUSE  
BILL NO. 0112

ENROLLED ACT NO. 58, HOUSE OF REPRESENTATIVES

FIFTY-NINTH LEGISLATURE OF THE STATE OF WYOMING  
2007 GENERAL SESSION

AN ACT relating to education; providing free tuition and fees for survivors of peace officers, firefighters, emergency medical technicians and combat veterans and surviving spouses and orphans of combat veterans; providing for consistent benefits and eligibility criteria for all eligible persons; repealing duplicative provisions; and providing for an effective date.

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

**Section 1.** W.S. 21-16-1501 is created to read:

ARTICLE 15

TUITION AND FEES FOR SURVIVORS OF EMERGENCY RESPONDERS

**21-16-1501. Free tuition and fees for education of survivors of deceased peace officers, firefighters and emergency medical technicians.**

(a) The University of Wyoming or any Wyoming community college for up to ten (10) semesters shall provide free tuition and fees for any person who is a surviving dependent of any person described in subsection (g) of this section. If the surviving dependent first enrolls in a community college and then transfers to another community college or the University of Wyoming, the free tuition and fees shall continue until the dependent has completed a cumulative total of ten (10) semesters at the community college level and the university.

(b) In order to qualify for the benefit under this section, a person claiming eligibility for free tuition and fees under this section shall be under twenty-two (22) years of age at the time of the death of the parent or legal guardian described in subsection (g) of this section

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and at the time of first enrollment claiming eligibility for benefits under this section. No person shall be eligible for the benefits provided under this section for any semester commencing more than eight (8) academic years after the semester in which the person initially receives benefits under this section. The institution in which the student enrolls shall grant exceptions to the requirements of this subsection for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(b)(iii)(B) and (d).

(c) Upon application by a person claiming eligibility for free tuition and fees under this section because of the death of a parent or legal guardian, the University of Wyoming or the Wyoming community college where the person applied for enrollment shall:

(i) Determine whether the decedent was an individual specified in subsection (g) of this section;

(ii) Determine whether the decedent died while acting within the scope of his duties; and

(iii) Certify whether the person claiming eligibility for free tuition and fees under this section is qualified to receive free tuition and fees under this section.

(d) A person who had qualified for free tuition and fees under subsection (b) of this section, shall be deemed eligible for the free tuition and fees at any Wyoming community college or the University of Wyoming up to the maximum number of semesters of study allowed under subsection (a) of this section, if the person transfers to

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another institution specified in subsection (a) of this section.

(e) For purposes of paragraph (c)(ii) of this section, it shall be conclusively presumed that the decedent died while acting within the scope of duties if death benefits were paid as a result of the death to any person pursuant to the Wyoming Worker's Compensation Act.

(f) To remain eligible for benefits under this section, by the end of the spring semester completing the student's third or fourth semester of attendance, the student shall have a cumulative grade point average of at least two point zero (2.0) and shall maintain a cumulative grade point average of at least two point zero (2.0) at the end of each subsequent spring semester to continue to receive the free tuition and fees.

(g) The benefits provided in subsections (a) through (f) of this section shall be provided to the surviving dependents of the following:

(i) A peace officer who has qualified pursuant to W.S. 9-1-701 through 9-1-709 and who died while acting within the scope of his duties in the service of a law enforcement agency in the state;

(ii) A paid or volunteer fire fighter who died while acting within the scope of his duties in the service of a paid or volunteer fire department or district in the state;

(iii) A paid or volunteer emergency medical technician who died while acting within the scope of his duties in the service of a paid or volunteer ambulance service in the state, when responding at the request of a

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public agency to assist in a civil or military emergency, or natural or human caused disaster.

**Section 2.** W.S. 19-14-106(a)(i)(intro), (iv), (d) and by creating new subsections (f) through (k) are amended to read:

**19-14-106. Free tuition and fees for education of war orphans and veterans; definitions.**

(a) As used in this section:

(i) "Eligible person" includes the surviving spouse and ~~child-dependent~~ of any person who was a resident of Wyoming at the time of entering into active state service or active service with the military forces of the United States; and

(iv) "Combat veteran surviving spouse or ~~orphan dependent~~" means a person who is a surviving spouse or ~~orphan-dependent~~ of any overseas combat veteran ~~or Vietnam veteran~~ when the overseas combat veteran ~~or Vietnam veteran~~ was a resident of Wyoming for at least one (1) year prior to entering active service and the overseas combat veteran ~~or Vietnam veteran~~ died during active service. For purposes of this paragraph, a child is a combat ~~orphan dependent~~ only if he was under ~~twenty-one (21)~~ ~~twenty-two (22)~~ years of age at the time his parent ~~or legal guardian~~ died in overseas combat during active service;

(d) The community college commission shall reimburse the University of Wyoming and each community college for the costs of tuition ~~and fees~~ provided under this section. If insufficient funds are appropriated, the reimbursement shall be proportionally reduced based on tuition ~~and fee~~ expenses. The commission shall promulgate rules for the

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implementation of the free tuition and fees pursuant to ~~subsection (c)~~ subsections (f) through (k) of this section, including the reimbursement to the university and community colleges.

(f) Any person who is a Vietnam veteran, not presently receiving education benefits under the Servicemen's Readjustment Act of 1944, as amended, an overseas combat veteran, a combat veteran surviving spouse or a combat veteran dependent shall receive free tuition and fees for up to a total of ten (10) semesters of study at the University of Wyoming or any Wyoming community college. The University of Wyoming and all Wyoming community colleges shall cooperate to ensure that a total of not more than ten (10) semesters is provided under this section to any recipient. No person shall be eligible for the benefits provided under this section for any semester commencing more than eight (8) academic years after the semester in which the person initially receives benefits under this section. The institution in which the student enrolls shall grant exceptions to the requirements of this subsection for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(d).

(g) In order to qualify for the benefit under this section, a person claiming eligibility as:

(i) An overseas combat veteran for free tuition and fees under this section shall enroll at the University of Wyoming or a Wyoming community college not later than ten (10) years following completion of military service;

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(ii) A combat veteran surviving spouse shall enroll at the University of Wyoming or a Wyoming community college not later than ten (10) years following the death of the combat veteran;

(iii) A combat veteran dependent shall be under twenty-two (22) years of age at the time of enrollment at the University of Wyoming or a Wyoming community college.

(h) The institution in which the student enrolls shall grant exceptions to the requirements of this subsection for military service, religious service or other good cause shown, which exceptions shall be consistent with rules promulgated by the Wyoming department of education for the Hathaway scholarship program under W.S. 21-16-1303(b)(iii)(B). There is no limitation as to when a Vietnam veteran not presently receiving education benefits under the Servicemen's Readjustment Act of 1944, as amended, may enroll and begin receiving benefits under this section.

(j) A person who had qualified for free tuition and fees under subsection (f) or (g) of this section, shall be deemed eligible for the free tuition and fees at any Wyoming community college or the University of Wyoming up to the maximum number of semesters of study allowed under subsection (a) of this section, if the person transfers to another institution specified in subsection (a) of this section.

(k) To remain eligible for benefits under this section, by the end of the spring semester completing the student's third or fourth semester of attendance, the student shall have a cumulative grade point average of at least two point zero (2.0) and shall maintain a cumulative grade point average of at least two point zero (2.0) at the

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end of each subsequent spring semester to continue to receive the free tuition and fees.

**Section 3.** W.S. 7-2-108, 19-14-106(c), 33-36-114 and 35-9-161 are repealed.

**Section 4.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(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