



SF0127

Wyoming learn while you earn program.

Sponsored By: Senator(s) Kinskey, Dockstader, Nethercott and Steinmetz and Representative(s) Greear, Harshman, Kinner and Sommers

AN ACT relating to education; establishing the Wyoming learn while you earn program; providing for students to take career technical education while also working; specifying requirements for approving programs and for student and employer participation in the programs; providing funding of the program as specified; providing for payments to community colleges providing approved programs and for payments to employers providing work experience and training; providing for agreements between colleges, high schools and employers; requiring review by the community college commission; requiring the creation of an account for the program; providing a sunset for the program; providing an appropriation and for a continuous appropriation; and providing for effective dates.

3/1/2021 Bill Number Assigned
3/1/2021 S Received for Introduction
3/2/2021 S Introduced and Referred to S04 - Education
3/17/2021 S04 - Education:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Biteman, Ellis, Rothfuss, Salazar, Scott
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/17/2021 :Rerefer to S02 - Appropriations
3/18/2021 S02 - Appropriations:Recommend Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Gierau, Hicks, Kinskey, Perkins, Steinmetz
Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/18/2021 S Placed on General File

SF0127SS001/ADOPTED

Page 3-line 3 Delete "the fields of instrumentation".
Page 3-line 4 Delete entirely and insert "a skilled trade."
Page 9-line 5 Delete "29 C.F.R. part 570.50" and insert "federal law". SCOTT, CHAIRMAN

SF0127SW001/ADOPTED

Page 6-line 13 After "(iv)" delete balance of line.
Page 6-lines 14 through 16 Delete entirely and insert: "Be eligible for lawful employment within the United States;".
Page 7-line 12 Delete "four (4)" and insert "six (6)".
Page 8-line 9 After "program." delete balance of line.
Page 8-lines 10 through 17 Delete entirely and insert: "The community college in which a student is enrolled in a noncredit program shall include the student full-time equivalent

in calculations pursuant to the funding allocation model as provided by W.S. 21-18-202(c)(i).".

Page 11-line 12 After "paragraph" delete balance of line.

Page 11-line 13 Delete line through "commission" and insert "for each academic term at a date prescribed by rule of the commission". KINSKEY, ELLIS

3/22/2021 S COW:Passed
3/23/2021 S 2nd Reading:Passed
3/24/2021 S 3rd Reading:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Baldwin, Biteman, Boner, Bouchard, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Rothfuss, Salazar, Schuler, Scott, Steinmetz, Wasserburger

Nays: Senator Case

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

3/25/2021 H Received for Introduction
3/26/2021 H Introduced and Referred to H04 - Education
3/31/2021 H04 - Education:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Brown, Connolly, Harshman, Neiman, Newsome, Obermueller, Paxton, Sommers

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

3/31/2021 H Placed on General File

SF0127HS001/ADOPTED (TO ENGROSSED COPY)

Page 1-line 13 Delete "an appropriation and".

Page 7-line 7 Delete "six (6)" and insert "four (4)"; after "and" delete "six".

Page 7-line 8 Delete "(6)" and insert "four (4)".

Page 13-line 6 After "program." insert "Subject to the availability of funds,".

Page 18-lines 18 through 23 Delete entirely.

Page 19-lines 1 and 2 Delete entirely.

Page 19-line 4 Delete "4." and insert "3.".

Page 19-line 8 Delete "5." and insert "4.".

Page 19-line 13 Delete "4 and 5" and insert "3 and 4". PAXTON, CHAIRMAN

4/1/2021 H COW:Passed

SF0127H2001/ADOPTED (TO ENGROSSED COPY)

Page 19-line 6 After "act." insert "The rules promulgated pursuant to this section shall, at a minimum, provide a process or procedure by which funds shall be equitably provided to the colleges in the event the demand on the program is greater than available funding.". SOMMERS

SF0127H2002/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 13 Delete the House standing committee amendment (SF0127HS001/AE) to this line.

Page 13-line 6 Delete the House standing committee amendment (SF0127HS001/AE) to this line.

Page 18-lines 18 through 23 Delete the House standing committee amendment (SF0127HS001/AE) to these lines.

Page 19-lines 1 through 13 Delete the House standing committee amendment (SF0127HS001/AE) to these lines. SOMMERS

SF0127H2003/ADOPTED

(TO ENGROSSED COPY)

Page 1-above line 1 In the catch title: Delete "Wyoming" and insert "Wyoming's tomorrow and"; delete "program" and insert "programs".

Page 1-line 2 After "program" insert "and Wyoming's tomorrow scholarship program; providing for administration, oversight and for rulemaking; requiring reviews and reports; creating accounts and funds;".

Page 1-line 5 After "the" insert "learn while you earn".

Page 1-line 6 Delete "funding of the program" and insert "for funding".

Page 1-line 8 Before "programs" insert "learn while you earn".

Page 1-line 10 After "employers;" delete balance of line.

Page 1-line 11 Delete entirely.

Page 1-line 12 Delete the line through "program;"; after "for the" insert "learn while you earn".

Page 1-line 13 Delete "a".

Page 1-line 14 Delete "appropriation" and insert "appropriations".

Page 2-line 3 After "W.S." insert "21-16-1701 through 21-16-1707 and".

Page 2-after line 4 Insert:

"ARTICLE 17
WYOMING'S TOMORROW SCHOLARSHIP PROGRAM

21-16-1701. Definitions.

(a) As used in this article:

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

(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;

(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;

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

(v) "Degree" means a baccalaureate or an associate degree other than a certificate;

(vi) "Eligible institution" means the University of Wyoming or a Wyoming community college;

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

(viii) "Other academic period" means an educational term other than the fall semester or spring semester and includes a summer term or January term;

(ix) "Semester hour" means each nonremedial semester hour attempted for credit toward a postsecondary degree or certificate;

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

(xi) "Unmet financial need" means the cost of attendance minus the sum of expected family contribution and all federal, state, local, institutional and privately funded scholarships or grants received by the student, all as determined by the eligible institution.

21-16-1702. Wyoming tomorrow scholarship expenditure account created; reserve account created; use and appropriation of funds.

(a) The Wyoming's tomorrow scholarship expenditure account is created to consist of all earnings from the Wyoming's tomorrow scholarship endowment fund created by W.S. 9-4-204(u)(ix) and such other funds appropriated by the legislature to the expenditure account. Monies within the expenditure account are continuously appropriated to the state treasurer for distribution to eligible institutions based on scholarships awarded under this article. 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 Wyoming's tomorrow scholarship reserve account.

(b) There is created the Wyoming's tomorrow scholarship reserve account. The reserve account shall consist of those monies deposited to the account pursuant to subsection (a) of this section and such other funds appropriated by the legislature to the reserve account. Interest and other earnings on funds within

the reserve account shall be credited to the reserve account. To the extent funds within the Wyoming's tomorrow scholarship expenditure account are insufficient in any fiscal year to fully fund scholarships awarded under this article, monies within the reserve account shall be deposited by the state treasurer to the expenditure account for distribution to eligible institutions to fund those scholarships. As soon as possible after the end of each fiscal year, the state treasurer shall transfer monies from this reserve account to the Wyoming's tomorrow scholarship endowment fund to the extent monies within the reserve account are in excess of the greater of twelve million dollars (\$12,000,000.00) or an amount equal to nine percent (9%) of the previous five (5) year average market value of the Wyoming's tomorrow scholarship endowment fund, calculated from the first day of the fiscal year. The state treasurer shall report not later than November 1, of each year to the joint education interim committee and the select committee on capital financing and investments the amount of funds within the reserve account at the end of the previous fiscal year and as of July 1, of the current fiscal year.

21-16-1703. Wyoming's tomorrow scholarship program; eligibility requirements.

(a) There is created the Wyoming's tomorrow scholarship program.

(b) Under the Wyoming's tomorrow scholarship program, subject to availability of funds as determined by the legislature, the state shall provide a scholarship pursuant to W.S. 21-16-1704 to any student who has been accepted by and enrolls in an eligible institution to pursue a degree or certificate, and who meets the following qualifications:

(i) The student has demonstrated Wyoming residency for not less than three (3) years immediately preceding application, as determined by the eligible institution at which the student is enrolled;

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

(iii) The student has not earned a baccalaureate degree;

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

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

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

(vii) The student agrees to:

(A) Actively engage in work in Wyoming for one (1) year or attend graduate school at the University of Wyoming for one (1) year for each four (4) full-time academic semesters or portions thereof in which a Wyoming's tomorrow scholarship was received. This requirement shall be completed within four (4) years after the completion of the last semester in which a Wyoming's tomorrow scholarship was received; or

(B) Repay all Wyoming's tomorrow scholarship amounts received, together with interest which shall begin accruing four (4) years after execution of the agreement. However, interest shall begin to accrue immediately upon the student

withdrawing from the eligible institution or becoming ineligible for the scholarship under W.S. 21-16-1704(c). Scholarship amounts 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 repaid by Wyoming's tomorrow scholarship recipients shall be deposited to the Wyoming's tomorrow scholarship expenditure account. The University of Wyoming and the community college commission may create exceptions to the requirements of this paragraph for good cause shown.

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

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

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

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

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

(iv) Is incarcerated;

(v) Has been convicted of a felony in this state or another jurisdiction unless the student has had rights restored under W.S. 7-13-105 or 7-13-1502. An eligible institution may grant a student of the eligible institution an exception for good cause shown; or

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

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

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

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

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

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

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

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

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

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

21-16-1705. Administration; rules and regulations.

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

(i) Students shall apply for scholarships under this article with the eligible institution at the time of applying for admission or in any event prior to the beginning of the semester at the eligible institution. The application shall contain information as required by rule of the university and commission. 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 or that the student has had rights restored under W.S. 7-13-105 or 7-13-1502;

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

(iii) Each eligible institution receiving an application from a student applying for a Wyoming's tomorrow scholarship shall preliminarily determine the student's eligibility for the scholarship. Upon final determination of scholarship eligibility, each community college shall certify to the commission not later than thirty (30) days after the semester commences, a list of students enrolled at the institution who qualify for a scholarship under this article, including the amount of each scholarship. The university shall certify within forty-five (45) days after the semester commences a like list for students enrolled at the university. The director of the community college commission shall verify within ten (10) days after receiving all lists from community colleges whether there is any duplication of students on the community college lists, shall provide the lists to the university and then the commission and the university shall certify the amount each college is to receive under this article. Students attending more than one (1) eligible institution shall enter into a consortium agreement with the multiple institutions whereby the student shall designate a home institution to be paid the entire Wyoming's tomorrow scholarship amount for which the student qualifies;

(iv) For the fall 2022 semester, the state treasurer shall pay from the expenditure account amounts necessary for all awarded scholarships. For each subsequent semester, the university and commission shall determine and certify to the state treasurer the amount which is equal to seventy-five percent (75%)

of the total amount the eligible institution received during the preceding semester under this subsection. Not later than September 1 for the fall semester and not later than January 15 for the spring semester, the state treasurer shall pay from the scholarship expenditure account the amount certified. The university and commission shall review the lists provided under paragraph (iii) of this subsection, determine whether there is any duplication of students, and determine and certify to the state treasurer the balance of the amount due under this article to each institution for the semester. For any duplication, the university and commission shall determine whether the student is attending more than one (1) eligible institution. If the student is attending multiple eligible institutions payment of the Wyoming's tomorrow scholarship for which the student qualifies shall be made only to the institution designated as the home institution by the student. The state treasurer shall pay from the scholarship expenditure account the balance of the amount due. Payments of the balance due under this paragraph shall be made not later than seventy-five (75) days after the institution's semester has commenced. Payments to the university shall be made directly to the university. Payments to the community colleges shall be made directly to each college and be reported by the state treasurer to the community college commission. Should a prepayment under this paragraph exceed the amount actually due the institution for any semester, the excess amount shall be calculated by the university and commission and deducted from the next payment made.

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

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

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

21-16-1706. Additional funding considerations.

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

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

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

21-16-1707. Legislative oversight and authority.

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

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

Page 15-line 7 After "W.S." insert "9-4-204(u) by creating a new paragraph (ix), 9-4-714(a)(v),".

Page 15-after line 10 Insert:

"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:

(ix) Wyoming's tomorrow scholarship endowment fund - to consist of funds appropriated or designated to the fund by law, or by gift from whatever source. In accordance with Wyoming Constitution Article 15, Section 20, 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.

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), 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) and the Wyoming's tomorrow scholarship endowment fund under W.S. 9-4-204(u)(ix);

Page 19-line 6 After "act" insert "for the Wyoming learn while you earn program. Neither the University of Wyoming nor any Wyoming community college shall award a Wyoming's tomorrow scholarship in the 2021-2022 academic year. Subject to the availability of funds, the university and the community colleges shall award Wyoming's tomorrow scholarships beginning with the 2022-2023 academic year."." HARSHMAN

4/2/2021 H 2nd Reading:Passed

4/2/2021 H 3rd Reading:Pursuant to HR 7-7 Accelerated to 3rd Reading 58-1-1-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Banks, Barlow, Bear, Blackburn, Brown, Burkhart, Burt, Clausen, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Fortner, Greear, Hallinan, Haroldson, Harshman, Heiner, Henderson, Hunt, Jennings, Kinner, Knapp, Larsen, L, Laursen, D, Macguire, Martinez, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Simpson, Sommers, Stith, Styvar, Sweeney, Walters, Washut, Western, Wharff, Williams, Wilson, Winter, Yin, Zwonitzer

Nays: Representative Gray

Excused: Representative Neiman

Ayes 58 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

SF0127H3001/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 13

After "appropriation" delete balance of line.

Page 1-line 14

Delete "appropriation"; delete the Harshman second reading amendment (SF0127H2003/AE) to this line.

Page 2-after line 4

In the Harshman second reading amendment (SF0127H2003/AE) to this line:

In the title to W.S. 21-16-1702 created by that amendment, after "**created; use**" delete "**and appropriation**"; in subsection (a) of W.S. 21-16-1702 created by that amendment delete "are continuously appropriated" and insert "shall be available for appropriation by the legislature".

Page 12-line 4

Delete "**funds continuously**".

Page 12-line 5

Delete "**appropriated**".

Page 12-line 11

Delete "are continuously appropriated" and insert "shall be available for appropriation by the legislature".

Page 12-line 18

Delete "Appropriated".

Page 18-line 19

Delete "general fund" and insert "legislative stabilization reserve account".

Page 18-line 21

After "act" insert "which may be distributed by the community college commission for the Wyoming learn and earn program as provided in this act". HARSHMAN

4/2/2021 H 3rd Reading:Passed 41-18-1-0-0

ROLL CALL

Ayes: Representative(s) Andrew, Baker, Banks, Barlow, Brown, Burkhart, Clifford, Connolly, Crago, Duncan, Eklund, Eyre, Flitner, Greear, Harshman, Henderson, Hunt, Kinner, Larsen, L, Macguire, Martinez, Newsome, Nicholas, Oakley, Obermueller, O'hearn, Olsen, Ottman, Paxton, Provenza, Roscoe, Schwartz, Sherwood, Sommers, Stith, Sweeney, Walters, Washut, Western, Wilson, Zwonitzer

Nays: Representative(s) Bear, Blackburn, Burt, Clausen, Fortner, Gray, Hallinan, Haroldson, Heiner, Jennings, Knapp, Laursen, D, Simpson, Styvar, Wharff, Williams, Winter, Yin

Excused: Representative Neiman

Ayes 41 **Nays** 18 **Excused** 1 **Absent** 0 **Conflicts** 0

4/6/2021 S Received for Concurrence

4/6/2021 S Concur:Failed 0-28-2-0-0

ROLL CALL

Nays: Senator(s) Anderson, Baldwin, Biteman, Bouchard, Case, Cooper, Dockstader, Driskill, Ellis, French, Furphy, Gierau, Hicks, Hutchings, James, Kinskey, Kolb, Kost, Landen, Mckeown, Nethercott, Pappas, Perkins, Rothfuss, Salazar, Schuler, Scott, Steinmetz

Excused: Senator(s) Boner, Wasserburger

Ayes 0 **Nays** 28 **Excused** 2 **Absent** 0 **Conflicts** 0

4/6/2021 S Appointed JCC01 Members
Senator(s) Kinskey, Biteman, Case

4/6/2021 H Appointed JCC01 Members
Representative(s) Harshman, Connolly, O'Hearn

4/7/2021 S Appointed JCC01 Members
Senator(s) Kinskey, Biteman, Case

4/7/2021 S postponed indefinitely