



Certification Page Regular and Emergency Rules

Revised September 2016

Emergency Rules *(After completing all of Sections 1 through 3, proceed to Section 5 below)*

Regular Rules

1. General Information

a. Agency/Board Name Military Department, Wyoming		
b. Agency/Board Address 5800 Central Avenue	c. City Cheyenne	d. Zip Code 82009
e. Name of Agency Liaison Christopher Smith	f. Agency Liaison Telephone Number 307-772-6759	
g. Agency Liaison Email Address christopher.l.smith186.mil@mail.mil	h. Adoption Date January 26, 2018	
i. Program Adjutant General - Educational Assistance		

2. Legislative Enactment

For purposes of this Section 2, "new" only applies to regular rules promulgated in response to a Wyoming legislative enactment not previously addressed in whole or in part by prior rulemaking and does not include rules adopted in response to a federal mandate.

a. Are these rules new as per the above description and the definition of "new" in Chapter 1 of the Rules on Rules?

No. Yes. Please provide the Enrolled Act Numbers and Years Enacted:

3. Rule Type and Information

a. Provide the Chapter Number, Title, and Proposed Action for Each Chapter.
(Please use the Additional Rule Information form for more than 10 chapters and attach it to this certification)

Chapter Number: 1	Chapter Name: Educational Assistance Plan	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number: 4	Chapter Name: Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premiums Assistance Plan	<input type="checkbox"/> New <input type="checkbox"/> Amended <input checked="" type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
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Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed
Chapter Number:	Chapter Name:	<input type="checkbox"/> New <input type="checkbox"/> Amended <input type="checkbox"/> Repealed

3. State Government Notice of Intended Rulemaking

a. Date on which the Proposed Rule Packet (consisting of the Notice of Intent as per W.S. 16-3-103(a), Statement of Principal Reasons, strike and underscore format and a clean copy of each chapter of rules were: **November 26, 2017**

- approved as to form by the **Registrar of Rules**; and
- provided to the **Legislative Service Office and Attorney General**:

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. No. Yes. N/A

b. A public hearing was held on the proposed rules. No. Yes. Please complete the boxes below.

Date:	Time:	City:	Location:

c. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing:

5. Final Filing of Rules

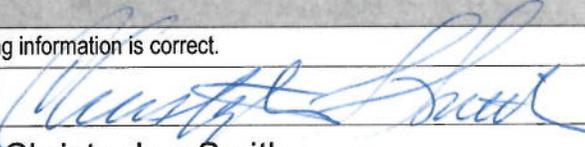
a. Date on which the Certification Page with original signatures and final rules were sent to the **Attorney General's Office for the Governor's signature**: **January 26, 2018**

b. Date on which final rules were approved as to form by the **Secretary of State** and sent to the **Legislative Service Office**: **January 26, 2018**

c. The Statement of Reasons is attached to this certification.

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Christopher Smith
Signatory Title	Staff Judge Advocate
Date of Signature	January 26, 2018

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

**STATEMENT OF PRINCIPAL REASONS
FOR FORMAL ADOPTION OF REGULAR RULES**

The Wyoming Military Department is proposing to repeal two chapters of its rules:

- Chapter 1 – Educational Assistance Plan; and
- Chapter 4 – Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan.

Currently, all of the Department's rules are all listed in separate programs. These chapters are being repealed to reorganize the Wyoming Military Department's rules into one program and to renumber the chapters for clarity.

In order to reorganize its rules, the Wyoming Military Department will also be creating four other rules packets. Three other rules packets will propose to repeal existing chapters, and one packet to amend six chapters of rules and create one chapter of new rules. The other packets will proceed through the rules promulgation process simultaneously with this packet, to ensure that the Wyoming Military Department is not without rules for a period of time. In addition to reorganization, the Wyoming Military Department is proposing to amend all chapters to clarify existing language and streamline its rules in accordance with the Governor's directive. The statement of reasons in that packet the packet amending one chapter and creating five others will detail the proposed amendments.

COMMENTS AND EDITS

The Wyoming Military Department proposed to repeal Chapter 1 – Educational Assistance Plan, and Chapter 4 – Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan. The public comment period was from November 20, 2017 through January 15, 2018. The Wyoming Military Department received no public comment on these proposed rules.

Chapter 1

Educational Assistance Plan

Repealed

Chapter 4

**Wyoming National Guard Servicemembers Group Life Insurance (SGLI)
Premium Assistance Plan**

Repealed

Chapter 1

Educational Assistance Plan

Repealed

~~Section 1. Authority.~~ These rules are promulgated by authority of W.S. 19-9-501 through 19-9-504.

~~Section 2. Purpose.~~ The Wyoming National Guard Educational Assistance Plan (Educational Assistance Plan) provides conditional educational tuition assistance to qualified soldiers and airmen in the Wyoming National Guard. The plan is established to provide higher educational opportunities to qualified guard members while providing an incentive to individuals to initiate or extend their service in the Wyoming National Guard.

~~Section 3. Plan Implementation.~~

~~(a)~~ The Adjutant General of the State of Wyoming shall fully implement the intent of the legislature in enacting the Educational Assistance Plan as contained in W.S. 19-9-501. As the Educational Assistance Plan may be available only as funds are provided by the Wyoming legislature, the plan will be administered to fully utilize the authorized funds. However, if funds are curtailed, a priority shall be established to best advance the goals of the legislature to promote participation and new enlistments in the Wyoming National Guard. The Adjutant General is the final authority in administering the Educational Assistance Plan.

~~(b)~~ The Adjutant General shall appoint an administrator who is responsible for the daily operation of the Educational Assistance Plan. The duties of the administrator shall include, but are not limited to:

~~(i)~~ Processing all requests for payment to educational institutions.

~~(ii)~~ Requesting required funds from the Adjutant General to pay educational institutions.

~~(iii)~~ Providing reports as requested by the Adjutant General.

~~(iv)~~ Determining the amount to be repaid by any plan member in accordance with W.S. 19-9-504(a) and promptly notifying the plan member in writing of the repayment amount due.

~~(c)~~ The Adjutant General shall provide the Wyoming legislature upon request, with an annual report on the Wyoming National Guard Educational Assistance Plan to include:

- ~~(i) — Number of members participating in the plan;~~
- ~~(ii) — total amount of funds utilized for the plan;~~
- ~~(iii) — total amount to be refunded to the plan.~~

Section 4. — Definitions.

~~(a) — “Plan member” means a qualified participant in the Wyoming National Guard Education Assistance Plan.~~

~~(b) — “Member” means an active, in good standing, member of the Wyoming National Guard.~~

~~(c) — “Administrator” means a group, individual, or person designated by the Adjutant General to administer the plan.~~

~~(d) — “Standards for satisfactory participation in the active Wyoming National Guard” means meeting requirements of the Wyoming Army or Air National guard as defined by appropriate regulations.~~

~~(e) — “Tuition” means the amount up to but not exceeding the in-state figure published annually by the institution attended by the member.~~

~~(f) — “Mandatory fees” are those fees as defined by the institution for all students.~~

~~(g) — Completion of “only one (1) degree, certificate or other educational objective” means the plan member can earn one academic degree or one vocational technical certificate/ under the plan. (a Certificate, Associate’s Degree, and Bachelor’s Degree in a closely related field counts as one degree; a Master’s or other Advanced Degree counts as one degree).~~

Section 5. — Application Process.

~~(a) — Any member of the Wyoming National Guard may apply for participation in the Wyoming National Guard Educational Assistance Plan, based upon legislative appropriations, by:~~

~~(i) Submitting to the educational institution a completed application packet containing:~~

~~(A) — Information Sheet signed by the member.~~

~~(B) — Certificate of Eligibility signed by the member's commander or official unit representative.~~

~~(C) — Agreement to Terms and Conditions form signed by the member.~~

~~(D) — Waiver approval by the Adjutant General for use of the program prior to completion of Basic military Training or Officer Training, if applicable.~~

~~(i) — Information Sheet signed by the member.~~

~~(ii) — Certificate of Eligibility signed by the member's commander or official unit representative.~~

~~(iii) — Agreement to Terms and Conditions form signed by the member.~~

~~(iv) — Waiver approval by the Adjutant General for use of the program prior to completion of Basic military Training or Officer Training, if applicable.~~

Section 6. — Approved institutions and Course of Study. Educational assistance may be approved for plans of education and training (degree, certificate, or educational objective) offered by an institution of higher learning in the state of Wyoming approved for receipt of the Montgomery GI Bill.

Section 7. — Limitation of Benefits.

~~(a) — Payment of benefits under the plan is subject to legislative appropriation. However, the following limitations shall apply regardless of appropriation in accordance with statute:~~

~~(i) — For authorized courses at approved Wyoming public institution of higher education, payment may be made for up to the full cost of resident tuition and mandatory fees.~~

~~(ii) — For authorized courses at a Wyoming private institution of higher education, payment may be made for the lesser of the actual costs of resident tuition and mandatory fees or an amount equal to the average resident tuition and mandatory fee charges of all Wyoming public institutions of higher education for an undergraduate student enrolled for twelve (12) semester hours.~~

~~(b) — If a member is enrolled less than full time, payment will be made on a proportional basis for up to the full cost of resident tuition and mandatory fees;~~

~~(c) — The Educational Assistance Plan may be used to complete only one (1) degree, certificate, or other educational objective (a Certificate, Associates Degree, and Bachelors~~

Degree in a closely related field counts as one degree; a Master's or other Advanced Degree counts as one degree).

Section 8. — Funding Priorities. The Adjutant General will regularly monitor the Educational Assistance Plan to determine the adequacy of funding to make the full amount of educational assistance payments authorized by statute. At any time that it reasonably appears that the legislative appropriation for the Educational Assistance Plan is inadequate for the full amount of payments otherwise authored by statute, the Adjutant General shall determine appropriate reductions in plan payments.

Section 9. — Appeals. The Adjutant General will be responsible for developing and implementing an appeals process and will serve as the final authority.

Section 10. — Repayment

(a) — All plan members are subject to repayment of benefits to the State of Wyoming General Fund in accordance with W.S. § 19-9-504(a).

(b) — The full amount of any repayment shall be immediately due and owing upon the occurrence of any event requiring repayment by the plan member in accordance with W.S. § 19-9-504(a) and notification to the plan member by the administrator.

(c) — The plan member may petition the Adjutant General in writing for a reduction or waiver of repayment and/or for a scheduled repayment of benefits. The Adjutant General, at its discretion, may allow a waiver of benefit repayment due to:

(i) — Death or incapacity of the plan member.

(ii) — Extenuating circumstance of extreme hardship and Good cause.

(d) — Plan repayment shall not exceed a period of four years from the date of notification of repayment by the administrator.

Chapter 4

Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan

Repealed

~~Section 1. Authority.~~ These rules are promulgated by authority of W.S. 19-9-601.

~~Section 2. Purpose.~~ The Wyoming National Guard Servicemembers Group Life Insurance (SGLI) Premium Assistance Plan provides reimbursement to qualified members of the Wyoming National Guard for group life insurance premiums.

~~Section 3. Plan Implementation.~~

~~(a) The Adjutant General of the State of Wyoming shall fully implement the intent of the legislature in enacting the Wyoming National Guard SGLI Premium Assistance Plan as contained in W.S. 19-9-601 through 19-9-603. As the Wyoming National Guard SGLI Premium Assistance Plan may be available only as funds are provided by the Wyoming legislature, the plan will be administered to fully utilize the authorized funds. The Adjutant General is the final authority in administering the Wyoming National Guard SGLI Premium Assistance Plan.~~

~~(b) The Adjutant General, or his designee, is permitted to exercise wide latitude of good faith discretion in administering the rules set forth herein. Moreover, except for "qualified member" requirements as set forth in Section 4 of these rules and W.S. 19-9-603, the Adjutant General, and designee possess discretion to waive the requirements set forth herein.~~

~~(c) The Deputy Director of the Wyoming Military Department is designated as the paying authority for all premium reimbursements and may authorize payment of premiums for qualified members annually no later than May 1 of the following year and shall be responsible to:~~

~~(i) Assess the amount of legislative appropriation available and reimburse the full amount of premium payments for the statutory coverage amount. If the appropriation amount is less than an amount required to reimburse all members, a prorated amount shall be determined and paid.~~

~~(ii) Review documentation submitted by the Wyoming Army National Guard (WY ARNG) and Wyoming Air National Guard (WY ANG) validating that a member is qualified for reimbursement for completeness and maintain for audit purposes.~~

~~(d) Appeal & Waiver Authority. The Adjutant General is the final appeal authority for any request.~~

Section 4. — Qualified Members. ~~Members of the Wyoming National Guard are considered qualified who:~~

~~(a) — Have completed basic military training or officer training unless waived by the adjutant general for good cause shown;~~

~~(b) — Meet the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which premium is reimbursed;~~

~~(c) — Are 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.~~

Section 5. — Application Process.

~~(a) — The respective WY ARNG and WY ANG Finance of Personnel Officer shall certify those members qualified for reimbursement of premiums and submit certified documentation to the Deputy Director of the Wyoming Military Department by February 28 of each year for processing reimbursement of premiums paid by the member the previous calendar year. The following information for each member shall be certified:~~

~~(i) — Name, current address phone number, social security number for each qualified member (information must match WOLFS 109 form);~~

~~(ii) — The total amount of SGLI reimbursement for each member for the previous calendar year. The amount will only be for those SGLI premium payments for insurance on the Guard member and will not include any amount for family members. If the same monthly premium was not paid for the full year, then the amounts actually paid shall be listed with any changes annotated to show the month of any change. The reimbursement amount shall be shown for payments which occurred January 1 through June 30 and those which occurred July 1 through December 31. No amount shall be included that has been or will be reimbursed by the Federal Government;~~

~~(iii) — Completion of basic military training or officer training. A written waiver of training for good cause shown issued by the Adjutant General may be substituted;~~

~~(iv) — Met the standards for satisfactory participation in the active Wyoming National Guard at the beginning of and throughout the entire term for which the premium is being reimbursed; and~~

~~(v) — Is 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. Documentation showing this~~

information may be submitted, but is not required, if the National Guard Certifying official certifies the member listed meets this requirement.

(b) ~~Wyoming State Auditor Form (WOLFS 109) shall be completed and submitted for each member for direct deposit.~~

(c) ~~In the alternative to the National Guard Finance or Personnel Officer certifying the required information as in (a) above, individual members of the Wyoming National Guard may provide the information required in (a) above and must include payment documentation, such as Leave and Earning Statements, to show the SGLI payments the member actually made during the relevant period. The Deputy Director of the Wyoming Military Department may produce a standard, required form, to be signed by individual member and unit commander or designee to make these submissions. Individual WY ARNG members shall submit this documentation through the army national guard military personal office [DEPUTY CHIEF OF STAFF, PERSONNEL, (DSCPER)] and individual WY ANG members shall submit this documentation through the air national guard finance office [FINANCE]. These offices will then submit the documents to the Deputy Director for review and processing.~~

(d) ~~The address for the Deputy Director for all required submissions is: Wyoming Military Department, ATTN: Deputy Director, 5500 Bishop Blvd., Cheyenne, WY 82009-3320.~~

Section 6. — Rejected Payment. ~~If a reimbursement payment is rejected or otherwise cannot be completed due to circumstances outside of agency control, the Wyoming Military Department will research and correct the issue in the most reasonable manner:~~

- ~~(a) — by the agency accounting office if local correction is possible;~~
- ~~(b) — by the agency accounting office in direct cooperation with the member; or~~
- ~~(c) — by submitting a request to the appropriate national guard personnel officer/finance office for assistance.~~

Section 7. — Appeals.

(a) ~~Applicants may appeal reimbursement decisions by requesting an appeal in writing stating the basis for the reconsideration. Send all appeals to: Wyoming Military Department, ATTN: Deputy Director, 5550 Bishop Blvd., Cheyenne, WY 82009-3320, whose office will then research the appeal issues and submit the appeal to the Adjutant General.~~

(b) ~~Final appeal authority is the Adjutant General.~~

Section 8. — Reporting Requirements. ~~The Wyoming Military Department Deputy Director shall compile an annual report to the Adjutant General containing number of members~~

and payment amounts disbursed as well as any other information directed by the Adjutant General.