

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 717 of the Regular Session

1 State of Arkansas  
2 86th General Assembly  
3 Regular Session, 2007  
4

As Engrossed: H3/22/07

**A Bill**

SENATE BILL 838

5 By: Senators Argue, Baker  
6 By: Representative Kenney  
7  
8

**For An Act To Be Entitled**

10 AN ACT TO PROVIDE FREE TUITION AT STATE-SUPPORTED  
11 INSTITUTIONS OF HIGHER EDUCATION FOR CHILDREN OF  
12 DISABLED VETERANS; AND FOR OTHER PURPOSES.  
13

**Subtitle**

14 AN ACT TO PROVIDE FREE TUITION AT STATE-  
15 SUPPORTED INSTITUTIONS OF HIGHER  
16 EDUCATION FOR CHILDREN OF DISABLED  
17 VETERANS.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 6-82-601 is amended to read as follows:  
24 6-82-601. Children of prisoners of war, etc., after January 1, 1960.

25 (a) As used in this section:

26 (1) "Dependent" means a spouse or any child born or conceived,  
27 been legally adopted, or under the legal guardianship of a prisoner of war or  
28 person declared to be missing in action or killed in action or killed on  
29 ordnance delivery, or disabled veteran. ~~any child born before or during the~~  
30 ~~period of time his or her parent served as a prisoner of war or was declared~~  
31 ~~a person missing in action or killed in action on ordnance delivery, or any~~  
32 ~~child adopted or in the legal custody of the parent prior to and during the~~  
33 ~~time the parent served as a prisoner of war or was declared to be a person~~  
34 ~~missing in action or a person killed in action or a person killed on ordnance~~  
35 ~~delivery;~~ The dependent child or spouse of a prisoner of war, veteran



1 missing in action, or killed in action or killed on ordnance delivery, or  
2 disabled veteran must be a current resident of Arkansas. Stepchildren of the  
3 veteran are not eligible unless they have been legally adopted by the veteran  
4 or the veteran has been appointed as the legal guardian of the stepchild. A  
5 dependent child must meet the definition of dependent child as established by  
6 the U.S. Federal Department of Education;

7 (2) "Disabled veteran" means a person who has been awarded  
8 special monthly compensation by the federal Department of Veterans Affairs  
9 for service-connected, one hundred percent (100%) total and permanent  
10 disability;

11 (3) "Ordnance delivery" means the piloting of or flying in an  
12 experimental or test aircraft while determining its fitness or ability to  
13 perform its military function or mission; and

14 (4) "Prisoner of war", "person missing in action", "person  
15 killed in action", and "person killed on ordnance delivery" and "disabled  
16 veteran" means any person who was a resident of the State of Arkansas at the  
17 time that person entered the service of the United States armed forces or  
18 whose official residence is within the State of Arkansas and who, while  
19 serving in the armed forces, has been declared to be a prisoner of war, a  
20 person missing in action, or a person killed in action as established by the  
21 Secretary of Defense of the United States after January 1, 1960, or a person  
22 killed on ordnance delivery, or has been declared by the federal Department  
23 of Veterans Affairs to be 100% totally and permanently disabled as a result  
24 of service-connected injuries or service-connected medical conditions. It is  
25 not necessary for the purposes of these definitions that capture or death  
26 occur during a declared war or as a result of hostile actions. A death as  
27 result of injuries received while serving in the armed forces is only covered  
28 by this statute if the death occurred while on active duty;

29 (b) Each applicant must apply for the Dependents' Educational  
30 Assistance Program (DEA) Chapter 35 of Title 38 of the U.S. Code with the  
31 U.S. Department of Veterans' Affairs. The applicant must provide the  
32 Arkansas Department of Higher Education with proof of acceptance of DEA or  
33 non-eligibility into DEA upon application to this program.

34 ~~(b)~~(c) The Arkansas Higher Education Coordinating Board and the State  
35 Board of Education are directed, authorized, and empowered to promulgate and  
36 adopt such rules and regulations as are necessary to implement the provisions

1 of this section.

2 ~~(e)~~(d) Any Except as provided under subdivision (d)(2) of this  
3 section, a dependent of a disabled veteran, a prisoner of war, or a person  
4 declared to be missing in action or killed in action or a person killed on  
5 ordnance delivery as defined by the provisions of this section, upon his or  
6 her being accepted for enrollment into any state-supported institution of  
7 higher education ~~or state-supported technical or vocational school~~ in the  
8 State of Arkansas, shall be allowed to obtain a bachelor's degree ~~or~~  
9 ~~certificate of completion or, if he or she did not receive any undergraduate~~  
10 ~~education in the State of Arkansas, a graduate or professional degree, for so~~  
11 long as he or she is eligible, with state assistance for tuition, fees, or  
12 other charges as provided under this subsection (d).

13 (2)(A) The state assistance under this section is limited to the  
14 tuition, fees, or other charges that exceed the amount of monetary benefits  
15 that the dependent receives from the Dependents' Educational Assistance  
16 Program during the months included in each semester in which the dependent is  
17 enrolled.

18 (B) If the dependent is not eligible for monetary benefits  
19 from the Dependents' Educational Assistance Program but is eligible for the  
20 benefits under this section, the dependent shall be allowed to obtain a  
21 bachelor's degree free of tuition, ~~fee~~ fees, or other ~~charge~~ charges from  
22 ~~such~~ the state-supported institution ~~or school~~ of higher education.

23 ~~(d)~~(e) Once a person qualifies as a dependent under the terms and  
24 provisions of this section, there shall be no situation such as the return of  
25 the parent or the reported death of the parent that will remove the dependent  
26 from the provisions or benefits of this section.

27 (f) An eligible recipient shall receive a scholarship for one (1)  
28 academic year, renewable for up to three (3) additional academic years if the  
29 recipient meets continuing eligibility criteria established by the Department  
30 of Higher Education.

31 (g) Any person receiving this scholarship as of June 30, 2007 will be  
32 grandfathered into the program under the law as stated prior to July 1, 2007.

33 (h) In compliance with the Arkansas Department of Higher Education's  
34 scholarship stacking policy, no student's total financial aid package, which  
35 can include multiple scholarships, can exceed the recognized cost of  
36 attendance at a higher education institution.

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SECTION 2. Arkansas Code § 6-82-602 is repealed.

~~Children of certain veterans having served between September 16, 1940, and December 31, 1946.~~

~~(a) For purposes of this section, "disabled veteran" means a person who has been awarded special monthly compensation by the federal Department of Veterans Affairs for service connected, one hundred percent (100%) total and permanent disability.~~

~~(b) Any child of a parent or parents who are disabled veterans, were killed in action, or otherwise died while serving in the military or naval forces of the United States between September 16, 1940, and December 31, 1946, or who were honorably and medically discharged while serving in either branch of the service between those dates and having died before December 31, 1946, if that child is not otherwise eligible for educational assistance from the federal government, may make application to the Director of the Department of Higher Education for funds necessary for tuition and matriculation fees, board and room, books, and supplies while attending any institution of higher learning of the State of Arkansas.~~

~~(c) The director is authorized to prescribe necessary forms, rules, and regulations for the administration of this subchapter.~~

*/s/ Argue*

**APPROVED: 3/30/2007**