

1 State of Arkansas
2 91st General Assembly
3 Regular Session, 2017
4

A Bill

SENATE BILL 278

5 By: Senator Files
6 By: Representative House
7

For An Act To Be Entitled

9 AN ACT TO PROVIDE TUITION ASSISTANCE FOR SOLDIERS AND
10 AIRMEN OF THE ARKANSAS NATIONAL GUARD; AND FOR OTHER
11 PURPOSES.
12
13

Subtitle

15 TO PROVIDE TUITION ASSISTANCE FOR
16 SOLDIERS AND AIRMEN OF THE ARKANSAS
17 NATIONAL GUARD.
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19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. DO NOT CODIFY. Legislative findings.

23 The General Assembly finds that:

24 (1) The strength and personnel of the Arkansas National Guard have
25 been reduced to the point where its readiness to carry out national missions,
26 state emergency missions, and other assignments has been compromised and the
27 health and well-being of Arkansas's citizens are potentially endangered;

28 (2) During the 2016 fiscal year, the Arkansas National Guard lost a
29 Cavalry Squadron to Pennsylvania, a Transportation Company to Missouri, and,
30 due to its inability to provide sufficient personnel for them, repurposed
31 National Guard facilities located in Berryville, Blytheville, Brinkley,
32 Crossett, Magnolia, Monticello, Rector, Wynne, and Helena-West Helena;

33 (3) The repurposing of the facilities has resulted in a loss of at
34 least \$33.9 million to the local economies and the inability to attract
35 another large unit to the state in the 2016 fiscal year has resulted in a
36 loss of \$37.2 million to the economy of Arkansas;



1 (4) As of the end the 2016 fiscal year, the Arkansas National Guard
 2 was ranked last in strength percentage compared to bordering states and,
 3 since 2005, the Arkansas National Guard has lost the most personnel in the
 4 seven-state area;

5 (5) More educated soldiers and airmen of the Arkansas National Guard
 6 would provide Arkansas an opportunity to attract more business and industry
 7 as a result of a more educated workforce;

8 (6) Federal dollars and incentives each soldier and airman is
 9 currently qualified to receive cover only a portion of the overall expense of
 10 obtaining a college education and fluctuate frequently within any given year;

11 (7) Neighboring states with which the Arkansas National Guard competes
 12 for members have enacted policies that provide their soldiers and airmen
 13 tuition-free college education by paying tuition-related expenses not met
 14 with federal dollars;

15 (8) Currently, education incentives provided by the State of Arkansas
 16 are insufficient to compete with neighboring states or to serve as a tool to
 17 help produce fully staffed units in the Arkansas National Guard; and

18 (9) Legislation is necessary to enable soldiers and airmen of the
 19 Arkansas National Guard to attend state-supported institutions of higher
 20 education tuition free, which will place Arkansas on a level playing field
 21 with neighboring states and the Arkansas National Guard on track to achieving
 22 necessary strength and readiness levels.

23
 24 SECTION 2. Arkansas Code Title 6, Chapter 60, Subchapter 2, is amended
 25 to add an additional section to read as follows:

26 6-60-214. Tuition benefits for soldiers and airmen of the Arkansas
 27 National Guard.

28 (a) A soldier or airman of the Arkansas National Guard may attend a
 29 state-supported institution of higher education tuition-free if the soldier
 30 or airman:

31 (1) Is an Arkansas resident;

32 (2) Has completed initial active duty training and, except as
 33 provided in subsection (f) of this section, is in good standing as an active
 34 soldier or airman of the Arkansas National Guard;

35 (3) Has been accepted to and is enrolled in a state-supported
 36 institution of higher education as a student in good standing;

1 (4) Completed and submitted to the United States Department of
2 Education a Free Application for Federal Student Aid;

3 (5) Submitted applications for:

4 (A) Federal and state grants and scholarships for which
5 the soldier or airman is eligible; and

6 (B) Grants and scholarships awarded by the state-supported
7 institution of higher education in which the soldier or airman is enrolled;

8 (6) Is enrolled in a program of study leading to an
9 undergraduate degree; and

10 (7) Has not received a bachelor's degree.

11 (b) The tuition-free benefit under this section shall not apply to:

12 (1) High school students concurrently enrolled in a state-
13 supported institution of higher education; or

14 (2) Programs of study in which the courses are taken exclusively
15 online.

16 (c)(1) The tuition-free benefit under this section is available for a
17 maximum of one hundred twenty (120) semester credit hours.

18 (2) Semester credit hours taken in remedial courses shall be
19 included in the maximum number of semester hours under subdivision (c)(1) of
20 this section.

21 (d) To remain eligible to receive the tuition-free benefit under this
22 section, a soldier or airman:

23 (1) Shall maintain satisfactory academic progress as determined
24 by the state-supported institution of higher education in which the soldier
25 or airman is enrolled; and

26 (2) Shall not drop more than six (6) semester credit hours
27 during the period in which the soldier or airman receives the tuition-free
28 benefit under this section unless dropping the courses is necessitated by a:

29 (A) Mobilization that interrupts the enrollment of the
30 soldier or airman in the state-supported institution of higher education; or

31 (B) Medical reason approved by the Adjutant General.

32 (e) The State of Arkansas shall reimburse a state-supported
33 institution of higher education for the remainder of tuition expenses that
34 are not covered by funding sources under subsection (a) of this section for
35 each soldier and airman of the Arkansas National Guard who enrolls in the
36 state-supported institution of higher education under subsection (a) of this

1 section.

2 (f)(1) In the event of a nonmedical discharge or a medical discharge
3 that is not caused by an illness or injury related to the performance of
4 duties for the Arkansas National Guard, the soldier or airman is eligible to
5 receive the tuition-free benefit under this section from the date of
6 discharge and for the longer of:

7 (A) One (1) semester; or

8 (B) A period of time equal to the length of a
9 mobilization, if any, that interrupted the enrollment of the soldier or
10 airman in a state-supported institution of higher education while receiving
11 the tuition-free benefit under this section.

12 (2) In the event of medical discharge or medical retirement as a
13 result of illness or injury incurred in the line of duty as the result of a
14 state or federal activation or a terrorist action as determined by the
15 Governor, the soldier or airman is eligible to receive the tuition benefit
16 under this section beginning from the date of discharge or retirement and
17 either until completion of the degree program in which the member of the
18 Arkansas National Guard is enrolled or for five (5) years, whichever occurs
19 first.

20 (g)(1) The Adjutant General, in coordination with the Department of
21 Higher Education, shall promulgate rules for the implementation of this
22 section, including without limitation rules for the eligibility of soldiers
23 and airmen.

24 (2) The State Military Department and the Department of
25 Higher Education shall meet regularly to monitor and measure the success of
26 this section, including without limitation to assess graduation rates of the
27 soldiers and airmen under this section.

28
29 SECTION 3. Arkansas Code Title 12, Chapter 62, Subchapter 6 is
30 repealed.

31 ~~Subchapter 6 — Arkansas National Guard Tuition Incentive Program~~

32
33 ~~12-62-601. Legislative findings.~~

34 ~~(a) The General Assembly recognizes that:~~

35 ~~(1) Modern warfare and the corresponding advancements in weapons~~
36 ~~require a higher level of intelligence and skill and, therefore, a better~~

1 ~~educated soldier. Minimum enlistment criteria are increasing with the~~
2 ~~passage of time and the advent of new technology;~~

3 ~~(2) While enlistment incentives have remained the same for~~
4 ~~reserve forces, they have steadily declined or have been eliminated for the~~
5 ~~National Guard;~~

6 ~~(3) States surrounding Arkansas have increased incentives to~~
7 ~~National Guard members, including tuition exemptions and waivers of out-of-~~
8 ~~state tuition for qualified active National Guard members, in part because~~
9 ~~these states have lost National Guard units;~~

10 ~~(4) Because of Arkansas's historically high strength, the state~~
11 ~~has been selected to receive high priority, high-strength units, with~~
12 ~~strength requirements for critical, high-skill military occupation~~
13 ~~specialties actually increasing;~~

14 ~~(5) The combined effect of these factors has caused assigned~~
15 ~~personnel strength in the Arkansas National Guard to decline steadily since~~
16 ~~early 1994;~~

17 ~~(6) As educational requirements increase, there are fewer~~
18 ~~enlistees who can qualify for critical specialties and as officer~~
19 ~~candidates.~~

20 ~~(b) The General Assembly further recognizes that:~~

21 ~~(1) In the absence of additional incentives, Arkansas's~~
22 ~~potential enlistees will be attracted to active duty, reserve, or National~~
23 ~~Guard units in surrounding states;~~

24 ~~(2) Tuition incentives replace other incentives that have been~~
25 ~~eliminated, while encouraging college-qualified persons to enlist and~~
26 ~~continue their education;~~

27 ~~(3) Such incentives encourage a better educated population,~~
28 ~~while rewarding bright and responsible young persons for long-term community~~
29 ~~service in the National Guard;~~

30 ~~(4) An incentive that is targeted as a tuition payment has the~~
31 ~~dual benefit of encouraging and assisting the pursuit of postsecondary~~
32 ~~education while making enlistment in the Arkansas National Guard more~~
33 ~~attractive. The program also brings Arkansas's incentives for enlistment~~
34 ~~more in parity with surrounding states.~~

35
36 ~~12-62-602. Definitions.~~

1 ~~As used in this subchapter:~~

2 ~~(1) "Approved institution" means an Arkansas public or private~~
3 ~~postsecondary institution that is accredited or has achieved candidacy~~
4 ~~status from an accrediting agency recognized by the federal Department of~~
5 ~~Education or is a technical institute or comprehensive lifelong learning~~
6 ~~center under the supervision of the Department of Career Education;~~

7 ~~(2) "Critical military occupation specialty or Air Force skill~~
8 ~~code" means a military occupation specialty or skill code that has been~~
9 ~~designated as critical by the Adjutant General, based upon:~~

10 ~~(A) The mobilization priority of the unit;~~

11 ~~(B) The difficulty of attracting, qualifying, and filling~~
12 ~~the specialty;~~

13 ~~(C) The ability to maintain acceptable strength levels~~
14 ~~within the specialty; and~~

15 ~~(D) Such other factors as the Adjutant General may deem~~
16 ~~appropriate;~~

17 ~~(3)(A) "Eligible service member" means both nonprior service~~
18 ~~persons and prior service persons who are otherwise qualified to enlist in~~
19 ~~the Arkansas National Guard and who are enlisting in a critical military~~
20 ~~occupation specialty or Air Force skill code and who have fifteen (15)~~
21 ~~years' service or less.~~

22 ~~(B) "Eligible service member" does not include an in-~~
23 ~~service recruit; and~~

24 ~~(4) "Qualified applicant" means an eligible service member who:~~

25 ~~(A) Has met all requirements for enlistment;~~

26 ~~(B) Has a sufficient score to be rated as Category IIIA or~~
27 ~~higher based upon scores on standard military tests (score of 50 or higher~~
28 ~~on the Armed Services Vocational Aptitude Battery or equivalent);~~

29 ~~(C) Meets and continues to meet Good Soldier or Good~~
30 ~~Airman criteria as set by the Adjutant General; and~~

31 ~~(D) Meets the current scholastic criteria of and is~~
32 ~~currently enrolled as a full-time student in good standing at an approved~~
33 ~~institution.~~

34
35 ~~12-62-603. Established — Eligibility.~~

36 ~~(a)(1) There is established for qualified applicants an Arkansas~~

1 ~~National Guard Tuition Incentive Program, which shall consist of an annual~~
 2 ~~tuition incentive award of up to five thousand dollars (\$5,000) per eligible~~
 3 ~~service member, payable at two thousand five hundred dollars (\$2,500) per~~
 4 ~~semester for two (2) semesters with payments made directly to the approved~~
 5 ~~institution.~~

6 ~~(2) The number of tuition incentive awards shall be limited to~~
 7 ~~the fiscal year appropriation for the program.~~

8 ~~(3) Tuition incentive awards must be used at an approved~~
 9 ~~institution.~~

10 ~~(4) Tuition incentive awards are available only for payment~~
 11 ~~toward undergraduate studies at an approved institution.~~

12 ~~(5) Eligible service members shall complete military training~~
 13 ~~and be awarded a military occupation specialty or Air Force skill code~~
 14 ~~before payment of a tuition incentive award is made.~~

15 ~~(b) In order to be eligible for a second semester or subsequent~~
 16 ~~semester tuition incentive award, an eligible service member shall continue~~
 17 ~~as a student in good standing at an approved institution and shall continue~~
 18 ~~as a satisfactory participant in the Arkansas National Guard, meeting Good~~
 19 ~~Soldier or Good Airman requirements as certified by his or her unit~~
 20 ~~commander.~~

21
 22 ~~12-62-604. Application process.~~

23 ~~(a)(1) A qualified applicant for the Arkansas National Guard Tuition~~
 24 ~~Incentive Program may apply by obtaining an application form from, and~~
 25 ~~signed by, his or her unit commander.~~

26 ~~(2) The application shall include as an attachment a~~
 27 ~~certification by an appropriate officer of the approved institution,~~
 28 ~~verifying that the applicant has been accepted as a full-time student for~~
 29 ~~the school year in which the incentive is sought.~~

30 ~~(b)(1) A qualified applicant must obtain an additional certification~~
 31 ~~from the approved institution, verifying his or her continued enrollment as~~
 32 ~~a full-time student in good standing, in order to receive the second~~
 33 ~~semester award.~~

34 ~~(2) Such certification shall be presented to the unit commander~~
 35 ~~within thirty (30) days of the beginning of the semester for which an~~
 36 ~~incentive is sought.~~

1 ~~(c)(1) It shall be the responsibility of the unit to forward complete~~
2 ~~applications, including recertifications from the approved institutions, to~~
3 ~~the Arkansas National Guard Incentive Officer for processing payment.~~

4 ~~(2) Payment shall be made directly to the approved institution,~~
5 ~~on behalf of and for the benefit of the qualified applicant, in a manner as~~
6 ~~may be established by regulation of the Adjutant General.~~

7
8 ~~12-62-605. Rules.~~

9 ~~(a)(1) The Adjutant General shall establish, implement, and enforce~~
10 ~~such administrative rules as are necessary for implementation of the~~
11 ~~Arkansas National Guard Tuition Incentive Program.~~

12 ~~(2) The rules shall include criteria for selection from among~~
13 ~~applicants in those circumstances in which the number of applicants exceeds~~
14 ~~the fiscal year appropriation for the program.~~

15 ~~(b) In establishing rules relating to academic qualification,~~
16 ~~certification, recertification, and payment, the Adjutant General shall~~
17 ~~obtain the advice of the Department of Higher Education.~~

18
19 SECTION 4. DO NOT CODIFY. An eligible service member who is receiving
20 a tuition incentive under the Arkansas National Guard Tuition Incentive
21 Program as of the effective date of this act shall continue to receive the
22 tuition incentive under § 12-62-601 et seq., as it existed on January 1,
23 2017.