

1 **State of Arkansas**
2 **80th General Assembly**
3 **Regular Session, 1995**

A Bill

ACT 186 OF 1995
HOUSE BILL 1095

4 **By: Representatives B. Wood, D. Wood, Cash, Wilkinson, and J. Miller**

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For An Act To Be Entitled

8 "AN ACT TO ESTABLISH THE ARKANSAS NATIONAL GUARD TUITION
9 INCENTIVE PROGRAM FOR THE PURPOSE OF ASSISTING PRIORITY
10 ARKANSAS NATIONAL GUARD UNITS TO INCREASE ACCESSIONS OF
11 NEW MEMBERS INTO CRITICAL MILITARY OCCUPATIONAL
12 SPECIALTIES AND TO ENCOURAGE POST-SECONDARY EDUCATION
13 AMONG THOSE MEMBERS; TO DECLARE AN EMERGENCY; AND FOR
14 OTHER PURPOSES."

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Subtitle

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17 "TO ESTABLISH THE ARKANSAS NATIONAL
18 GUARD TUITION INCENTIVE PROGRAM OF
19 1995."

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

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23 SECTION 1. Legislative Findings.

24 (a) The Arkansas General Assembly hereby recognizes that:

25 (1) Modern warfare and the corresponding advancements in weapons
26 require a higher level of intelligence and skill and, therefore, a better
27 educated soldier. Minimum enlistment criteria are increasing with the passage
28 of time and the advent of new technology;

29 (2) While enlistment incentives have remained the same for
30 Reserve forces, they have steadily declined or have been eliminated for the
31 National Guard;

32 (3) States surrounding Arkansas have increased incentives to
33 National Guard members, including tuition exemptions and waivers of
34 out-of-state tuition for qualified active Guard members, in part because these
35 states have lost National Guard units;

36 (4) Because of Arkansas' historically high strength, the state

1 has been selected to receive high-priority, high-strength units, with strength
2 requirements for critical, high-skill military occupation specialties actually
3 increasing;

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

7 (6) As educational requirements increase, there are fewer
8 enlistees who can qualify for critical specialties and as officer candidates.

9 (b) The Arkansas General Assembly further recognizes that:

10 (1) In the absence of additional incentives, Arkansas' potential
11 enlistees will be attracted to active duty, Reserve or National Guard units in
12 surrounding states;

13 (2) Tuition incentives replace other incentives that have been
14 eliminated, while encouraging college-qualified persons to enlist and continue
15 their education;

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

19 (4) An incentive that is targeted as a tuition payment has the
20 dual benefit of encouraging and assisting the pursuit of post-secondary
21 education while making enlistment in the Arkansas National Guard more
22 attractive. The program also brings Arkansas' incentives for enlistment more
23 in parity with surrounding states.

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25 SECTION 2. Definitions.

26 As used in this act, unless the context otherwise requires:

27 (1) "Eligible recruit" means both non-prior service and prior service
28 persons who are otherwise qualified to enlist in the Arkansas National Guard
29 and who are enlisting in a critical Military Occupation Specialty (MOS) or Air
30 Force Skill Code (AFSC) and who have ten (10) years service or less.
31 In-service recruits are not eligible.

32 (2) "Critical MOS or AFSC" means a military occupation specialty or
33 skill code that has been designated as critical by the Adjutant General of
34 Arkansas, based upon the mobilization priority of the unit, the difficulty of
35 attracting, qualifying, and filling the specialty, the ability to maintain

1 acceptable strength levels within the specialty, and such other factors as the
2 Adjutant General may deem appropriate.

3 (3) "Qualified applicant" means an eligible recruit who has met all
4 requirements for enlistment and has enlisted in a critical MOS or AFSC, has a
5 sufficient score to be rated as Category IIIA or higher based upon scores on
6 standard military tests (score of 50 or higher on the Armed Services
7 Vocational Aptitude Battery or equivalent), meets and continues to meet Good
8 Soldier/Good Airman criteria as set by the Adjutant General, and meets the
9 current scholastic criteria of and is currently enrolled as a full-time
10 student in good standing at an *approved* institution.

11 (4) "*Approved*" means an Arkansas public or private postsecondary
12 institution that is accredited or has achieved candidacy status from the North
13 Central Association-Commission on Institutions of Higher Education or is a
14 technical institute or comprehensive lifelong learning center under the
15 supervision of the Vocational and Technical Division of the Arkansas
16 Department of Education.

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18 SECTION 3. Arkansas National Guard Tuition Incentive Program.

19 (a) There is hereby established for qualified applicants an Arkansas
20 National Guard Tuition Incentive Program, which shall consist of a one-time
21 award of up to one thousand dollars (\$1,000) per eligible recruit, payable at
22 five hundred dollars (\$500) per semester for two (2) semesters, with payments
23 made directly to the institution.

24 (1) Awards shall be limited to a maximum of three hundred (300)
25 recruits per calendar year;

26 (2) Tuition incentive awards must be used at an *approved*
27 institution;

28 (3) Tuition incentive awards are available only for payment
29 toward undergraduate studies at a qualified academic institution;

30 (4) Eligible recruits must complete military training and be
31 awarded a Military Occupation Specialty (MOS) or Air Force Skill Code (AFSC)
32 before payment may be made.

33 (b) In order to be eligible for a second semester award, a student must
34 continue in good standing at a *approved* institution and must continue as a
35 satisfactory participant in the Arkansas National Guard, meeting "Good

1 Soldier" or "Good Airman" requirements, as certified by his or her unit
2 commander.

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4 SECTION 4. Application Process.

5 (a) Qualified applicants for the Arkansas National Guard Tuition
6 Incentive Program may apply by obtaining an application form, from and signed
7 by his or her unit commander. The application shall include as an attachment
8 a certification by an appropriate officer of the *approved* institution,
9 verifying that the applicant has been accepted as a full-time student for the
10 school year in which the incentive is sought.

11 (b) Qualified applicants must obtain an additional certification from
12 the *approved* institution, verifying his or her continued enrollment as a full-
13 time student in good standing, in order to receive the second semester award.
14 Such certification shall be presented to the unit commander within thirty
15 (30) days of the beginning of the semester for which an incentive is sought.

16 (c) It shall be the responsibility of the unit to forward complete
17 applications, including re-certifications from *approved* institutions, to the
18 Arkansas National Guard Incentive Officer for processing payment. Payment
19 shall be made directly to the *approved* institution, on behalf and for the
20 benefit of the qualified applicant, in a manner as may be established by
21 regulation of the Adjutant General of Arkansas.

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23 SECTION 5. Regulations.

24 (a) The Adjutant General of Arkansas shall establish, implement, and
25 enforce such administrative rules and regulations as are necessary to
26 implementation of the Arkansas National Guard Tuition Incentive Program. The
27 regulations shall include criteria for selection from among applicants in
28 those circumstances in which the number of applicants exceeds three hundred
29 (300) per calendar year.

30 (b) In establishing regulations relating to academic qualification,
31 certification, re-certification, and payment, the Adjutant shall obtain the
32 advice of the Arkansas Department of Higher Education.

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34 SECTION 6. All provisions of this act of a general and permanent nature
35 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code

1 Revision Commission shall incorporate the same in the Code.

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3 SECTION 7. If any provision of this act or the application thereof to
4 any person or circumstance is held invalid, such invalidity shall not affect
5 other provisions or applications of the act which can be given effect without
6 the invalid provision or application, and to this end the provisions of this
7 act are declared to be severable.

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9 SECTION 8. All laws and parts of laws in conflict with this act are
10 hereby repealed.

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12 SECTION 9. EMERGENCY. *It is hereby found and determined by the*
13 *Eightieth General Assembly that the 39th Brigade of the Arkansas National*
14 *Guard has been designated as an enhanced brigade carrier and will require*
15 *additional personnel and that the immediate passage of this act is necessary*
16 *to ensure the enlistment of qualified individuals. Therefore, an emergency is*
17 *hereby declared to exist and this act being necessary for the immediate*
18 *preservation of the public peace, health and safety shall be in full force and*
19 *effect from and after its passage and approval.*

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/s/B. Wood, et al

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APPROVED: 2-7-95

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