

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

A Bill

ACT 187 OF 1995
HOUSE BILL 1096

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 STUDENT
9 LOAN REPAYMENT PROGRAM FOR THE PURPOSE OF ASSISTING
10 ARKANSAS NATIONAL GUARD UNITS WITH ENLISTMENTS AND
11 ACCESSIONS OF NEW MEMBERS INTO HIGH PERSONNEL READINESS
12 UNITS AND TO ENCOURAGE POST-SECONDARY EDUCATION AMONG
13 GUARD MEMBERS; TO DECLARE AN EMERGENCY; AND FOR OTHER
14 PURPOSES."

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Subtitle

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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:

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

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

(3) States surrounding Arkansas have increased incentives to National Guard members, including tuition exemptions and waivers of out-of-state tuition for qualified active Guard members;

(4) Other states have lost National Guard units but, because of Arkansas' historically high strength, the state has been selected to receive

1 high-priority, high-strength units, actually increasing strength requirements
2 for certain high-readiness units;

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

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

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

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

12 (2) While tuition incentives may replace other incentives that
13 have been eliminated and may encourage college-qualified persons to enlist and
14 continue their education, a loan repayment program encourages personal
15 responsibility and long-term commitment to pursuit of educational goals;

16 (3) Utilizing a combined program of education loans and tuition
17 incentives for new recruits, and education loans for eligible existing
18 members, encourages a better-educated population, while rewarding bright and
19 responsible young persons for long-term community service in the National
20 Guard;

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

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27 SECTION 2. Definitions.

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

29 (1) "Eligible member" means both non-prior service and prior service
30 persons who are otherwise qualified, whether or not currently serving, who are
31 enlisting or extending their enlistment in the Arkansas National Guard for a
32 period of at least six (6) years.

33 (2) "High personnel readiness units" means those units with special
34 manpower needs as designated by the Adjutant General of Arkansas pursuant to
35 regulation, based upon the mobilization priority of the unit, the difficulty

1 of attracting, qualifying, and enlisting new members, the ability to maintain
2 acceptable strength levels within the unit, and such other factors as the
3 Adjutant General may deem appropriate.

4 (3) "Qualified applicant" means an eligible member who has met all
5 requirements for enlistment or reenlistment and has enlisted in a position
6 vacancy in a unit designated as a high personnel readiness unit; has a
7 sufficient score to be rated as Category IIIA or higher based upon scores on
8 standard military tests (score of 50 or higher on the Armed Services
9 Vocational Aptitude Battery or equivalent); meets and continues to meet Good
10 Soldier/Good Airman criteria as set by the Adjutant General; is a secondary
11 school graduate or is expected to graduate from secondary school within two
12 (2) years; is not currently pursuing a postgraduate degree; is not a permanent
13 civilian technician or member of the active National Guard or Reserve, or
14 extending or enlisting for the purpose of becoming either; and meets the
15 current scholastic criteria of and is currently approved to receive a student
16 loan under any State or federal program approved by the Arkansas Department of
17 Higher Education, and is, or will be upon approval of such loan, enrolled as a
18 full-time student in good standing at a qualified academic institution.

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

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26 SECTION 3. The Arkansas National Guard Student Loan Repayment Program.

27 (a) There is hereby established the Arkansas National Guard Student
28 Loan Repayment Program, which shall provide for the repayment of loans secured
29 by qualified applicants who are eligible members of the Arkansas National
30 Guard, in amounts of up to one thousand dollars (\$1,000) in principal per
31 annum (five hundred dollars (\$500) per semester), plus all related accrued
32 interest, up to a maximum total loan principal of *five thousand dollars*
33 *(\$5,000)*.

34 (1) No payment may be made for any loan that is in default at the
35 time of application or award;

1 (2) Student loan repayment awards must be used at an *approved*
2 institution;

3 (3) Student loan repayment awards are available only for payment
4 toward undergraduate studies, when used at a college or university;

5 (4) Eligible members must enlist for at least six (6) years in a
6 unit identified as a "high readiness unit" by the Adjutant General of Arkansas
7 and have completed training and be awarded a Military Occupation Specialty
8 (MOS) or Air Force Skill Code (AFSC) before payment may be made.

9 (b) In order to be eligible for a second or any subsequent semester
10 award, a student must continue in good standing at an *approved* institution and
11 must continue as a satisfactory participant in a high personnel readiness unit
12 in the Arkansas National Guard, meeting "Good Soldier" or "Good Airman"
13 requirements, as certified by his or her unit commander.

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15 SECTION 4. Application Process.

16 (a) Qualified applicants for the Arkansas National Guard Student Loan
17 Repayment Program may apply by obtaining an application form, from and signed
18 by his or her unit commander. The application shall include as an attachment
19 a certification by an appropriate officer of the *approved* institution,
20 verifying that the applicant has been accepted or remains in good standing as
21 a full-time student for the school year in which the loan repayment is sought,
22 and must include certification from a qualified lending institution that a
23 loan has been approved and is not in default.

24 (b) Qualified applicants must obtain an additional certification from
25 the *approved* institution, verifying his or her continued enrollment as a
26 full-time student in good standing, in order to receive the second or any
27 subsequent semester award. Such certification shall be presented to the unit
28 commander within thirty (30) days of the beginning of the semester for which a
29 loan repayment is sought. Verification from a qualified lending institution
30 that an approved loan is in place and not in default must accompany each
31 subsequent certification.

32 (c) It shall be the responsibility of the unit to forward complete
33 applications, including re-certifications from qualified academic
34 institutions and verifications from the lender , to the Arkansas National
35 Guard Incentive Officer for processing and payment. Payment shall be made

1 directly to the *approved* institution, on behalf and for the benefit of the
2 qualified applicant, in a manner as may be established by regulation of the
3 Adjutant General of Arkansas.

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5 SECTION 5. Regulations.

6 (a) The Adjutant General of Arkansas shall establish, implement, and
7 enforce such administrative rules and regulations as are necessary to
8 implementation of the Arkansas National Guard Student Loan Repayment Program.
9 The regulations shall include criteria for selection from among applicants in
10 those circumstances in which the number of applicants exceeds appropriated
11 funding for the calendar year.

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

15 (c) To the extent possible, the Arkansas Department of Higher Education
16 shall include the Arkansas National Guard Student Loan Repayment Program among
17 other existing *financial aid* programs and shall monitor the program and
18 enforce policies as necessary to conform with Department of Higher Education
19 regulations.

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21 SECTION 6. All provisions of this act of a general and permanent nature
22 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
23 Revision Commission shall incorporate the same in the Code.

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

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

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34 SECTION 9. *EMERGENCY. It is hereby found and determined by the*
35 *Eightieth General Assembly that the 39th Brigade of the Arkansas National*

1 Guard has been designated as an enhanced brigade carrier and will require
2 additional personnel and that the immediate passage of this act is necessary
3 to ensure the enlistment of qualified individuals. Therefore, an emergency is
4 hereby declared to exist and this act being necessary for the immediate
5 preservation of the public peace, health and safety shall be in full force and
6 effect from and after its passage and approval.

7 /s/B. Wood, et al

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9 APPROVED: 2-7-95

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As Engrossed: 1/12/95 1/13/95 1/17/95

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