

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.

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/9/09
A Bill

SENATE BILL 268

5 By: Senator G. Baker
6 By: Representatives Stewart, *Pennartz*
7

8
9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE ARKANSAS NATIONAL GUARD
11 TUITION INCENTIVE PROGRAM; AND FOR OTHER
12 PURPOSES.
13

14 **Subtitle**

15 TO AMEND THE ARKANSAS NATIONAL GUARD
16 TUITION INCENTIVE PROGRAM.
17

18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code § 12-62-602 is amended to read as follows:
22 12-62-602. Definitions.

23 As used in this subchapter:

24 (1) "Approved institution" means an Arkansas public or private
25 postsecondary institution that is accredited or has achieved candidacy status
26 from the North Central Association Commission on Institutions of Higher
27 Education or is a technical institute or comprehensive lifelong learning
28 center under the supervision of the Department of Workforce Education;

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

32 (A) The mobilization priority of the unit;

33 (B) The difficulty of attracting, qualifying, and filling
34 the specialty;

35 (C) The ability to maintain acceptable strength levels
36 within the specialty; and



1 (D) Such other factors as the Adjutant General may deem
2 appropriate;

3 (3)(A) “Eligible ~~recruit~~ service member” means both nonprior
4 service persons and prior service persons who are otherwise qualified to
5 enlist in the Arkansas National Guard and who are enlisting in a critical
6 military occupation specialty or Air Force skill code and who have ten (10)
7 years’ service or less; ~~and.~~

8 (B) ~~In-service recruits are not eligible~~ “Eligible service
9 member” does not include an in-service recruit;

10 (4) “Qualified applicant” means an eligible ~~recruit~~ service
11 member who:

12 (A) Has met all requirements for enlistment and has
13 enlisted in a critical military occupation specialty or Air Force skill code;

14 (B) Has a sufficient score to be rated as category IIIA or
15 higher based upon scores on standard military tests (score of 50 or higher on
16 the Armed Services Vocational Aptitude Battery or equivalent);

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

19 (D) Meets the current scholastic criteria of and is
20 currently enrolled as a full-time student in good standing at an approved
21 institution.

22
23 SECTION 2. Arkansas Code § 12-62-603 is amended to read as follows:
24 12-62-603. Established – Eligibility.

25 (a)(1) There is ~~hereby~~ established for qualified applicants an
26 Arkansas National Guard Tuition Incentive Program, which shall consist of a
27 ~~one-time~~ an annual tuition incentive award of up to ~~one thousand dollars~~
28 ~~(\$1,000)~~ five thousand dollars (\$5,000) per eligible ~~recruit~~ service member,
29 payable at ~~five hundred dollars (\$500)~~ two thousand five hundred dollars
30 (\$2,500) per semester for two (2) semesters, with payments made directly to
31 the approved institution.

32 (2) ~~Awards~~ The number of tuition incentive awards shall be
33 limited to ~~a maximum of three hundred (300) recruits per calendar year~~ the
34 fiscal year appropriation for the program.

35 (3) Tuition incentive awards must be used at an approved
36 institution.

1 (4) Tuition incentive awards are available only for payment
2 toward undergraduate studies at an approved institution.

3 (5) Eligible ~~recruits~~ service members ~~must~~ shall complete
4 military training and be awarded a military occupation specialty or Air Force
5 skill code before payment ~~may be~~ of a tuition incentive award is made.

6 (b) In order to be eligible for a second semester or subsequent
7 semester tuition incentive award, an eligible service member shall continue
8 as a student ~~must continue~~ in good standing at an approved institution and
9 ~~must~~ shall continue as a satisfactory participant in the Arkansas National
10 Guard, meeting Good Soldier or Good Airman requirements, as certified by his
11 or her unit commander.

12
13 SECTION 3. Arkansas Code § 12-62-605 is amended to read as follows:

14 12-62-605. ~~Regulations~~ Rules.

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

18 (2) The ~~regulations~~ rules shall include criteria for selection
19 from among applicants in those circumstances in which the number of
20 applicants exceeds ~~three hundred (300) per calendar year~~ the fiscal year
21 appropriation for the program.

22 (b) In establishing ~~regulations~~ rules relating to academic
23 qualification, certification, recertification, and payment, the Adjutant
24 General shall obtain the advice of the Department of Higher Education.

25
26 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
27 General Assembly of the State of Arkansas that since September 11, 2001, the
28 country has an increased need for soldiers to fight against terrorism,
29 domestic and abroad; that National Guard members risk their lives to protect
30 and defend our country; that there is a constant need for recruits; and this
31 act will immediately impact recruiting efforts by offering a tuition
32 incentive that is comparable to other states. Therefore, an emergency is
33 declared to exist and this act being immediately necessary for the
34 preservation of the public peace, health, and safety shall become effective
35 on:

36 (1) The date of its approval by the Governor;

1 (2) If the bill is neither approved nor vetoed by the Governor,
2 the expiration of the period of time during which the Governor may veto the
3 bill; or

4 (3) If the bill is vetoed by the Governor and the veto is
5 overridden, the date the last house overrides the veto.

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/s/ G. Baker