

1 State of Arkansas

2 80th General Assembly

3 Regular Session, 1995

4 By: Representative 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 NATIONAL GUARD UNITS IN ARKANSAS WITH ENLISTMENTS AND  
11 ACCESSIONS OF NEW MEMBERS INTO HIGH PERSONNEL READINESS  
12 UNITS; TO ENCOURAGE POST-SECONDARY EDUCATION AMONG GUARD  
13 MEMBERS; AND FOR OTHER PURPOSES."

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### Subtitle

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

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21 SECTION 1. Legislative Findings.

22 (a) The Arkansas General Assembly recognizes that:

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

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

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

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37 (4) While other states have lost units, because of Arkansas\_  
38 historically high strength, it has been selected to receive high-priority,  
39 high-strength units, actually increasing strength requirements for certain

1 high-readiness units;

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

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

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

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

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

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

20 (4) An incentive which is targeted as a educational loan  
21 repayment has the dual benefit of encouraging and assisting the pursuit of  
22 post-secondary education, while making enlistment in the Arkansas National  
23 Guard more attractive. The program also brings Arkansas\_ incentives for  
24 enlistment more in parity with her sister states.

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26 SECTION 2. Definitions. As used in this act, unless the context  
27 otherwise requires:

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

32 (2) "High Personnel Readiness Units" are those units with special  
33 manpower needs as designated by the Adjutant General of Arkansas pursuant to  
34 regulations, based upon the mobilization priority of the unit, the difficulty  
35 of attracting, qualifying and enlisting new members, the ability to maintain

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

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

18       (4) "Qualified Academic Institution" means an Arkansas accredited  
19 institution, licensed and approved by the Arkansas Department of Higher  
20 Education as a community college, college, university or vocational/technical  
21 school and offering full-time, post-secondary undergraduate or vocational  
22 courses to students enrolled therein.

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

25       (a) There is established for the Arkansas National Guard a student  
26 loan repayment program, which shall provide for the repayment of loans  
27 secured by qualified applicants who are eligible members of the Arkansas  
28 National Guard, in amounts of up to one thousand dollars (\$1,000) in  
29 principal per annum but not more than five hundred dollars (\$500) per  
30 semester, plus all related accrued interest not paid by the Department of  
31 Higher Education or the member, up to a maximum total loan principal of five  
32 thousand dollars (\$5,000).

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

35               (2) Student Loan Repayment awards must be used at an Arkansas

1 public or private college, university, community college, or  
2 vocational/technical school;

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  
7 Arkansas, and have completed training and be awarded a Military Occupation  
8 Specialty or Air Force Skill Code before payment may be made;

9           (5) In order to be eligible for a second or any subsequent  
10 semester award, student must continue in good standing at a college,  
11 university or vocational/technical school, and must continue as a  
12 satisfactory participant in the National Guard meeting "Good Soldier" or  
13 "Good Airman" requirements, as certified by his or her unit commander.

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15           SECTION 4. Application Process.

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

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

33           (c) It shall be the responsibility of the unit to forward complete  
34 applications, including recertifications from the qualified academic  
35 institution and verifications from the lender or Department, as appropriate,

1 to the Arkansas National Guard Incentive Officer for processing and payment.  
2 Payment shall be made directly to the qualified lending institution, on  
3 behalf and for the benefit of the qualified applicant, in a manner as may be  
4 established by regulation of the Adjutant General of Arkansas or the Arkansas  
5 Department of Higher Education.

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7 SECTION 5. Regulations.

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

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

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17 SECTION 6. Application of Act.

18 (a) All other laws and parts of laws and administrative rules and  
19 regulations applying to eligibility for and participation in the Arkansas  
20 National Guard Student Loan Repayment Program of 1995 not in conflict with  
21 this Act shall continue in full force and effect unless amended. All laws,  
22 parts of laws and administrative rules and regulations in conflict with this  
23 Act are hereby repealed.

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

29 (c) All provisions of this Act of a general and permanent nature are  
30 amendatory to Title 12, Chapter 62 of the Arkansas Code of 1987 Annotated,  
31 and the Arkansas Code Revision Commission shall incorporate the same in the  
32 Code.

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34 SECTION 7. Emergency. It is hereby found and determined by the  
35 Eightieth General Assembly of the State of Arkansas that additional

1 incentives are needed in order to maintain and increase the personnel  
2 strength of the National Guard; that this act provides additional incentives  
3 needed to attract potential enlistees; and that this act is immediately  
4 necessary. Therefore, an emergency is hereby declared to exist and this act  
5 being necessary for the immediate preservation of the public peace, health  
6 and safety shall be in full force and effect from and after its passage and  
7 approval.

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