

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 TUITION
9 INCENTIVE PROGRAM FOR THE PURPOSE OF ASSISTING PRIORITY
10 NATIONAL GUARD UNITS IN ARKANSAS TO INCREASE ACCESSIONS OF
11 NEW MEMBERS INTO CRITICAL MILITARY OCCUPATIONAL
12 SPECIALTIES, TO ENCOURAGE POST-SECONDARY EDUCATION AMONG
13 THOSE 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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SECTION 1. Legislative Findings.

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(a) The Arkansas General Assembly recognizes that:

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(1) Modern warfare requires a higher level of intelligence and
24 skill, and therefore a better educated soldier. Minimum enlistment criteria
25 are increasing with the passage of time and the advent of new technology;

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

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

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(4) Because of Arkansas_ historically high strength, while other
33 states have lost units, Arkansas has been selected to receive high-priority,
34 high-strength units, actually increasing strength requirements for critical,
35 high skill military occupation specialties;

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

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

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

7 (1) In the absence of additional incentives Arkansas_ potential
8 enlistees will be attracted to active duty, reserves, or Guard units in
9 surrounding states;

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

13 (3) Such incentives encourage a better-education population,
14 while rewarding bright and responsible young persons for long-term community
15 service;

16 (4) An incentive which is targeted as a tuition payment has the
17 dual benefit of encouraging and assisting the pursuit of post-secondary
18 education, while making enlistment in the Arkansas National Guard more
19 attractive, and Arkansas_ incentives for enlistment more in parity with her
20 sister states.

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22 SECTION 2. Definitions. As used in this Act, unless the context
23 otherwise requires:

24 (1) "Eligible Recruit" means both non-prior service and prior service
25 persons who are otherwise qualified to enlist and who are enlisting in a
26 critical Military Occupation Specialty (MOS) or Air Force Skill Code (AFSC),
27 and who have ten years (10) service or less. In-service recruits are not
28 eligible.

29 (2) "Critical MOS or AFSC" shall mean a military occupation specialty
30 or skill code which has been designated by the Adjutant General of Arkansas
31 in regulations as "critical", based upon the mobilization priority of the
32 unit, the difficulty of attracting, qualifying and filling the specialty, the
33 ability to maintain acceptable strength levels within the specialty, and such
34 other factors as the Adjutant General may deem appropriate.

35 (3) "Qualified Applicant" shall mean an Eligible Recruit who has met

1 all requirements for enlistment and has enlisted in a critical MOS or AFSC,
2 has a sufficient score to be rated as Category IIIA or higher based upon
3 scores on standard military tests or an equivalent test, meets and continues
4 to meet Good Soldier/Good Airman criteria as set by the Adjutant General, and
5 meets the current scholastic criteria of and is currently enrolled as a full-
6 time student in good standing at a qualified academic institution.

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

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13 SECTION 3. The Arkansas National Guard Tuition Incentive Program.

14 (a) There is established for qualified applicants a tuition incentive
15 program, which shall consist of a one time award of up to one thousand
16 dollars (\$1,000) per eligible recruit, payable at five hundred dollars (\$500)
17 per semester for two semesters, with payments made directly to the
18 institution.

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

21 (2) Tuition incentive awards must be used at an Arkansas public
22 or private college, university, community college, or vocational/technical
23 school;

24 (3) Tuition incentive awards are available only for payment
25 toward undergraduate studies, when used at a college or university;

26 (4) Eligible recruits must complete training and be awarded a
27 Military Occupation Specialty or Air Force Skill Code before payment may be
28 made;

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

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35 SECTION 4. Application Process.

1 (a) Qualified applicants for the Tuition Incentive Program may apply
2 by obtaining an application form, from and signed by his or her unit
3 commander. The application shall include as an attachment a certification by
4 an appropriate officer of the qualified academic institution, verifying that
5 the applicant has been accepted as a full-time student for the school year in
6 which the incentive is sought.

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

13 (c) It shall be the responsibility of the unit to forward complete
14 applications, including recertifications from the qualified academic
15 institution, to the Arkansas National Guard Incentive Officer for processing
16 and payment. Payment shall be made directly to the qualified academic
17 institution, on behalf and for the benefit of the qualified applicant, in a
18 manner as may be established by regulation of the Adjutant General of
19 Arkansas.

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21 SECTION 5. Regulations.

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

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

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31 SECTION 6. Application of Act.

32 (a) All others laws and parts of laws and administrative rules and
33 regulations applying to eligibility for and participation in the Arkansas
34 National Guard Tuition Incentive Program of 1995 not in conflict with this
35 Act shall continue in full force and effect unless amended. All laws, parts

1 of laws and administrative rules and regulations in conflict with this Act
2 are hereby repealed.

3 (b) If any provision of this Act or the application thereof to any
4 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.

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

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13 SECTION 7. EMERGENCY. It is hereby found and determined by the
14 Eightieth General Assembly of the State of Arkansas that additional
15 incentives are needed in order to maintain and increase the personnel
16 strength of the National Guard; that this act provides additional incentives
17 needed to attract potential enlistees; that this act is immediately
18 necessary. Therefore, an emergency is hereby declared to exist and this act
19 being necessary for the immediate preservation of the public peace, health
20 and safety shall be in full force and effect from and after its passage and
21 approval.

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