

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

A Bill

SENATE BILL 162

4 By: Senators Bookout, Keet, Beebe, and Cassady

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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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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, in part because these states have lost National Guard units;

1 (4) Because of Arkansas' historically high strength, the state
2 has been selected to receive high-priority, high-strength units, with
3 strength requirements for critical, high-skill military occupation
4 specialties actually increasing;

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

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

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

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

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

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

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

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26 SECTION 2. Definitions.

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

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

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

1 attracting, qualifying, and filling the specialty, the ability to maintain
2 acceptable strength levels within the specialty, and such other factors as
3 the Adjutant General may deem appropriate.

4 (3) "Qualified applicant" means an eligible recruit who has met all
5 requirements for enlistment and has enlisted in a critical MOS or AFSC, has a
6 sufficient score to be rated as Category IIIA or higher based upon scores on
7 standard military tests (score of 50 or higher on the 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, and meets the
10 current scholastic criteria of and is currently enrolled as a full-time
11 student in good standing at *an approved institution*.

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

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19 SECTION 3. Arkansas National Guard Tuition Incentive Program.

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

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

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

29 (3) Tuition incentive awards are available only for payment
30 toward undergraduate studies at *an approved institution*;

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

34 (b) In order to be eligible for a second semester award, a student
35 must continue in good standing at *an approved institution* and must continue

1 as a satisfactory participant in the Arkansas National Guard, meeting "Good
2 Soldier" or "Good Airman" requirements, as certified by his or her unit
3 commander.

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5 SECTION 4. Application Process.

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

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

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

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25 SECTION 5. Regulations.

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

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

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

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

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

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

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/s/Bookout

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