

## CHAPTER 65

### STATE MILITARY FORCES — ARMORY BOARD LEASES, CODE OF MILITARY JUSTICE, AND RECRUITMENT AND RETENTION INCENTIVES

H.F. 428

**AN ACT** relating to the national guard of the state concerning armory board leases, persons subject to the code of military justice, criminal justice reporting, and scholarship and loan repayment programs.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. [Section 29A.58, subsection 1](#), Code 2021, is amended to read as follows:

1. The armory board as lessee may lease property to be used for armory purposes and other training of the national guard. Leases may be made for any term not to exceed ~~twenty~~ thirty years. Rents under such leases shall be paid from funds appropriated for the support and maintenance of the national guard.

Sec. 2. [Section 29B.1, subsection 1](#), Code 2021, is amended by striking the subsection and inserting in lieu thereof the following:

1. A person shall not be punished for an offense under [this chapter](#) unless the person is a member of the military forces of the state and any of the following applies:

a. The person is on national guard duty or state active duty, including between consecutive drill periods which are less than twenty-four hours apart. For purposes of this paragraph, a member of the state military forces is on national guard duty or state active duty during travel to or from the member's duty location.

b. (1) The person is not on national guard duty or state active duty but a nexus exists between the offense and the military forces of the state. Only a commanding officer holding a position in the grade of 0-6 and above may impose nonjudicial punishment for an offense subject to this paragraph.

(2) For purposes of this paragraph, the military forces of the state shall have the burden to show the existence of a nexus by a preponderance of the evidence and the term nexus shall be liberally construed in favor of finding the existence of a nexus.

Sec. 3. [Section 29B.116B](#), Code 2021, is amended to read as follows:

#### **29B.116B Adjutant general report.**

1. The adjutant general shall report annually, by January 15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in [section 29B.116A, subsection 1](#), which have been reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

2. The adjutant general may include in the annual report described in [subsection 1](#) the number of sexual abuse cases reported to the United States department of defense that are not otherwise required to be included in the annual report pursuant to [subsection 1](#).

Sec. 4. [Section 261.86, subsection 6](#), Code 2021, is amended to read as follows:

6. a. Notwithstanding [section 8.33](#), funds appropriated for purposes of [this section](#) which remain unencumbered or unobligated at the close of the fiscal year for which the funds were appropriated shall not revert but shall be available for expenditure for the following fiscal year upon the authority of the adjutant general for purposes of [this section](#) and [section 261.86A](#).

b. The adjutant general shall submit a report to the governor and the general assembly by December 31 of each year listing the science, technology, engineering, and mathematics-related career fields the adjutant general plans to focus on in providing educational incentives under [this section](#) and [section 261.86A](#) using funds available under [this subsection](#) for that fiscal year.

Sec. 5. **NEW SECTION. 261.86A National guard STEM-related recruitment and retention incentive programs.**

1. *a.* The adjutant general has the authority under [this section](#) to authorize the expenditure of unencumbered or unobligated funds as described in [section 261.86, subsection 6](#), to recruit or retain individuals who have completed or are pursuing training in science, technology, engineering, and mathematics-related military occupational specialties or air force specialty codes by issuing awards through a national guard student loan repayment program in accordance with [subsection 2](#) or by providing a scholarship award to an eligible member of the national guard who is enrolled at an institution defined in [section 261.86, subsection 1](#), paragraph “d”, in a master’s degree program that is in compliance with the federal Edith Nourse Rogers STEM scholarship program established under 38 U.S.C. §3320 in accordance with the requirements of [subsection 3](#).

*b.* The adjutant general can offer a recruitment or retention incentive as authorized by [this section](#) in either the military entrance process or within the final year of the service member’s initial contract obligation pending the service member signing a six-year extension.

2. *a.* A national guard student loan repayment program is established to be administered by the college student aid commission. Funds for loan repayment awards under the program shall be expended upon the authority of the adjutant general.

*b.* An individual is eligible for a loan repayment award under [this subsection](#) if the individual meets all of the following conditions:

(1) Is a resident of the state and a member of an Iowa army or air national guard unit while receiving loan repayment awards issued pursuant to [this subsection](#).

(2) Satisfactorily completed required initial active duty training.

(3) Maintains satisfactory performance of duty upon return from initial active duty training, including attending a minimum ninety percent of scheduled drill dates and attending annual training.

*c.* An applicant for an award under [this subsection](#) shall, in accordance with the rules promulgated by the college student aid commission, do all of the following:

(1) Complete and file an application for national guard student loan repayment. The individual shall be responsible for the prompt submission of any information required by the national guard and the college student aid commission.

(2) File a new application and submit information as required by the national guard and the college student aid commission annually on the basis of which the applicant’s eligibility for the renewed loan repayment will be evaluated and determined.

*d.* The annual amount of an award to an applicant under [this subsection](#) shall not exceed five thousand dollars or one hundred percent of the applicant’s total federally guaranteed Stafford loan amount under the federal family education loan program or the federal direct loan program, the applicant’s federal grad plus loans, or the applicant’s federal Perkins loans, including principal and interest, whichever is less. An applicant shall be eligible for a loan repayment award under [this subsection](#) for not more than six consecutive years.

3. An applicant for a master’s degree scholarship award as described in [subsection 1](#) shall meet the criteria as provided in [section 261.86, subsection 1](#), except that the applicant can be enrolled in a master’s degree program. The provisions of [section 261.86, subsections 2, 4, and 5](#), shall also apply to scholarship awards made under [this subsection](#). A scholarship award provided to a recipient enrolled in a master’s degree program under [this subsection](#) shall be limited to thirty-six, or equivalent, credit hours of graduate study.

Approved April 30, 2021