

Senate File 2289 - Introduced

SENATE FILE _____
BY COMMITTEE ON VETERANS
AFFAIRS

(SUCCESSOR TO SSB 3032)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act concerning state educational assistance to children of
2 deceased veterans and the war orphans educational assistance
3 fund, and including an effective date and retroactive
4 applicability provision.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
6 TLSB 5384SV 82
7 ec/rj/5

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1 1 Section 1. Section 35.8, Code 2007, is amended to read as
1 2 follows:
1 3 35.8 WAR ORPHANS EDUCATIONAL ASSISTANCE FUND.
1 4 A war orphans educational assistance fund is created as a
1 5 separate fund in the state treasury under the control of the
1 6 department of veterans affairs. Any money appropriated for
1 7 the purpose of assisting in the education of orphaned children
1 8 of veterans, as defined in section 35.1, or the education of a
1 9 child as provided in section 35.9, subsection 2, shall be
1 10 deposited in the war orphans educational assistance fund.
1 11 Notwithstanding section 8.33, any unexpended or unencumbered
1 12 moneys remaining in the fund at the end of the fiscal year
1 13 shall not revert, but shall remain available for expenditure
1 14 for purposes of this section in succeeding fiscal years.

1 15 Sec. 2. Section 35.9, subsection 2, Code 2007, is amended
1 16 to read as follows:

1 17 2. a. Upon application by a child who has lived in the
~~1 18 state of Iowa for two years preceding application for state~~
~~1 19 educational assistance, and who is the child of a person who~~
1 20 died on or after September 11, 2001, during active federal
1 21 military service while serving in the armed forces or during
1 22 active federal military service in the Iowa national guard or
1 23 other military component of the United States, and who at the
1 24 time of entering into active military service had maintained
1 25 the person's residence in the state for a period of at least
1 26 six months immediately before entering into active military
1 27 service, the department shall provide state educational
1 28 assistance in the an amount of five thousand five hundred
~~1 29 dollars per year no more than the highest resident~~
1 30 undergraduate tuition rate established per year for an
1 31 institution of higher learning under the control of the state
1 32 board of regents less the amount of any state and federal
1 33 education benefits, grants, or scholarships received by the
1 34 child, or the amount of the child's established financial
1 35 need, whichever is less, to defray the expenses of tuition,
~~2 1 matriculation, laboratory and similar fees, books and~~
~~2 2 supplies, board, lodging, and any other reasonably necessary~~
~~2 3 expense for the child or children incident to attendance in~~
~~2 4 this state at a community college established under chapter~~
~~2 5 260C or at an institution of higher education governed by the~~
~~2 6 state board of regents any postsecondary educational~~
2 7 institution in this state.

2 8 b. A child eligible to receive state educational
2 9 assistance under this subsection shall begin postsecondary
2 10 education prior to reaching age twenty-six and shall not
2 11 receive more than twenty-seven thousand five hundred dollars
~~2 12 under this subsection an amount equal to five times the~~
2 13 highest resident undergraduate tuition rate established per
2 14 year for an institution of higher learning under the control
2 15 of the state board of regents during the child's lifetime.

2 16 Payments for state educational assistance for a child under
2 17 this subsection shall be made to the applicable postsecondary
2 18 educational institution. The college student aid commission
2 19 may, if requested, assist the department in administering this
2 20 subsection.

2 21 Sec. 3. EFFECTIVE DATE AND RETROACTIVE APPLICABILITY.
2 22 This Act, being deemed of immediate importance, takes effect
2 23 upon enactment and is retroactively applicable to July 1,
2 24 2007, and is applicable on and after that date.

2 25 EXPLANATION

2 26 This bill concerns state educational assistance provided to
2 27 children of persons who died in active military service on or
2 28 after September 11, 2001, and the war orphans educational
2 29 assistance fund.

2 30 Code section 35.8, concerning the war orphans educational
2 31 assistance fund, is amended to provide that moneys remaining
2 32 in the fund at the close of a fiscal year shall not revert but
2 33 shall remain available for the purposes of the fund.

2 34 Code section 35.9, concerning educational assistance to
2 35 children of persons who died on active duty on or after
3 1 September 11, 2001, is also amended.

3 2 The bill eliminates the requirement that the child seeking
3 3 assistance lived in this state for two years preceding the
3 4 application for assistance but adds a requirement that the
3 5 deceased veteran resided in the state for a period of at least
3 6 six months immediately before entering into active military
3 7 service.

3 8 The bill also provides that the state educational
3 9 assistance can be used at any postsecondary institutions in
3 10 the state and not just community colleges and board of regents
3 11 institutions. In addition, the child seeking assistance must
3 12 begin postsecondary education prior to reaching age 26 and
3 13 payments of educational assistance shall be made to the
3 14 institution, not the child.

3 15 The bill also provides that the maximum educational
3 16 assistance to be awarded per year is an amount equal to the
3 17 highest annual resident undergraduate tuition rate at a board
3 18 of regents institution less any state and federal aid received
3 19 by the child. In addition, the bill caps the maximum amount
3 20 to be awarded during a child's lifetime at five times the
3 21 highest annual undergraduate tuition rate at a board of
3 22 regents institution. Current law limits the annual award to
3 23 \$5,500 and the amount awarded over a lifetime to a child to
3 24 \$27,500.

3 25 The bill takes effect upon enactment and applies
3 26 retroactively to July 1, 2007.

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