

House File 655 - Introduced

HOUSE FILE _____
BY MAY

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

A BILL FOR

1 An Act concerning members of out-of-state national guard units
2 who reside in Iowa.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 2655HH 83
5 ec/sc/5

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1 1 Section 1. Section 35.1, subsection 2, paragraph b,
1 2 subparagraph (2), Code 2009, is amended by adding the
1 3 following new unnumbered paragraph:
1 4 NEW UNNUMBERED PARAGRAPH. Residents of this state who are
1 5 former members of the national guard who served at least
1 6 twenty years in the national guard and who were discharged
1 7 under honorable conditions. However, a resident of this state
1 8 who was a member of the national guard and was activated for
1 9 federal duty, other than training, for a minimum aggregate of
1 10 ninety days, and who was discharged under honorable conditions
1 11 or was retired under Title X of the United States Code shall
1 12 be included as a veteran.

1 13 Sec. 2. Section 35.1, subsection 2, paragraph b,
1 14 subparagraph (7), Code 2009, is amended by adding the
1 15 following new unnumbered paragraph:
1 16 NEW UNNUMBERED PARAGRAPH. Residents of this state who are
1 17 members of the national guard who have served at least twenty
1 18 years in the national guard and who continue to serve in the
1 19 national guard.

1 20 Sec. 3. Section 260C.14, subsection 20, unnumbered
1 21 paragraph 1, Code 2009, is amended to read as follows:
1 22 Adopt a policy to offer not less than the following options
1 23 to a student who is a member of the ~~Iowa~~ national guard or
1 24 reserve forces of the United States and who is ordered to
1 25 state military service or federal service or duty:

1 26 Sec. 4. Section 261.9, subsection 1, paragraph g,
1 27 unnumbered paragraph 1, Code 2009, is amended to read as
1 28 follows:

1 29 Adopts a policy to offer not less than the following
1 30 options to a student who is a member of the ~~Iowa~~ national
1 31 guard or reserve forces of the United States and who is
1 32 ordered to state military service or federal service or duty:

1 33 Sec. 5. Section 261.86, subsection 1, unnumbered paragraph
1 34 1, Code 2009, is amended to read as follows:

1 35 A national guard educational assistance program is
2 1 established to be administered by the college student aid
2 2 commission for members of the ~~Iowa~~ national guard who are
2 3 enrolled as undergraduate students in a community college, an
2 4 institution of higher learning under the state board of
2 5 regents, or an accredited private institution. The college
2 6 student aid commission shall adopt rules pursuant to chapter
2 7 17A to administer this section. An individual is eligible for
2 8 the national guard educational assistance program if the
2 9 individual meets all of the following conditions:

2 10 Sec. 6. Section 261.86, subsection 1, paragraph a, Code
2 11 2009, is amended to read as follows:

2 12 a. Is a resident of the state and a member of an ~~Iowa~~ army
2 13 or air national guard unit while receiving educational
2 14 assistance pursuant to this section.

2 15 Sec. 7. Section 262.9, subsection 29, unnumbered paragraph
2 16 1, Code 2009, is amended to read as follows:

2 17 Direct the institutions of higher education under its
2 18 control to adopt a policy to offer not less than the following
2 19 options to a student who is a member of the ~~Iowa~~ national
2 20 guard or reserve forces of the United States and who is

2 21 ordered to state military service or federal service or duty:
2 22 Sec. 8. Section 422.7, subsection 38, Code 2009, is
2 23 amended to read as follows:
2 24 38. Subtract, to the extent not otherwise excluded, the
2 25 amount of withdrawals from qualified retirement plan accounts
2 26 made during the tax year if the taxpayer or taxpayer's spouse
2 27 is a member of the ~~Iowa~~ national guard or reserve forces of
2 28 the United States who is ordered to state military service or
2 29 federal service or duty. In addition, a penalty for such
2 30 withdrawals shall not be assessed by the state.

2 31 Sec. 9. IMPLEMENTATION OF ACT. Section 25B.2, subsection
2 32 3, shall not apply to this Act.

2 33 EXPLANATION

2 34 This bill concerns the requirement in several provisions of
2 35 the Code that a person be a member of the Iowa national guard
3 1 to be eligible for certain benefits. The bill provides that
3 2 eligibility for these benefits applies regardless of where the
3 3 member's national guard unit is located.

3 4 Code section 35.1, concerning the definition of veteran, is
3 5 amended to reflect the expanded definition of a member of the
3 6 national guard so long as the person is a resident of Iowa.
3 7 The definition of veteran in Code section 35.1 applies to
3 8 several provisions of the Code, including provisions
3 9 concerning veterans' preference in employment, membership on
3 10 the county commission of veteran affairs, indigent burial
3 11 expenses and support, grave markers, hepatitis C awareness
3 12 program, and property tax exemptions.

3 13 Code section 260C.14(20), concerning community colleges,
3 14 Code section 261.9(1), concerning private institutions of
3 15 higher learning, and Code section 262.9(29), concerning board
3 16 of regents institutions, are amended to apply the expanded
3 17 definition of a member of the national guard to policies and
3 18 options required to be offered to students called to military
3 19 service.

3 20 Code section 261.86, concerning the national guard
3 21 educational assistance program, is also amended to reflect the
3 22 expanded definition of a member of the national guard.

3 23 Code section 422.7(38), concerning the determination of net
3 24 income for purposes of income taxation, is amended to reflect
3 25 the expanded definition of a member of the national guard
3 26 relative to withdrawals from certain qualified retirement plan
3 27 accounts if the taxpayer or taxpayer's spouse is a member of
3 28 the national guard.

3 29 The bill may include a state mandate as defined in Code
3 30 section 25B.3. The bill makes inapplicable Code section
3 31 25B.2, subsection 3, which would relieve a political
3 32 subdivision from complying with a state mandate if funding for
3 33 the cost of the state mandate is not provided or specified.
3 34 Therefore, political subdivisions are required to comply with
3 35 any state mandate included in the bill.

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