

# House File 535 - Introduced

HOUSE FILE 535  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO HF 182)

## A BILL FOR

1 An Act authorizing the adjutant general of Iowa to waive  
2 certain requirements and limitations of the national guard  
3 educational assistance program under certain conditions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 261.86, subsection 2, Code 2017, is  
2 amended to read as follows:

3 2. ~~Educational~~ Except as provided in subsection 3A,  
4 assistance paid pursuant to this section shall not exceed the  
5 resident tuition rate established for institutions of higher  
6 learning under the control of the state board of regents. ~~If~~  
7 ~~the amount appropriated in a fiscal year for purposes of this~~  
8 ~~section is insufficient to provide educational assistance to~~  
9 ~~all national guard members who apply for the program and who~~  
10 ~~are determined by the adjutant general to be eligible for the~~  
11 ~~program, the adjutant general shall, in coordination with~~  
12 ~~the commission, determine the distribution of educational~~  
13 ~~assistance.~~ However, educational assistance paid pursuant to  
14 this section subsection shall not be less than fifty percent  
15 of the resident tuition rate established for institutions  
16 of higher learning under the control of the state board of  
17 regents or fifty percent of the tuition rate at the institution  
18 attended by the national guard member, whichever is lower.  
19 ~~Neither eligibility nor educational assistance determinations~~  
20 ~~shall be based upon a national guard member's unit, the~~  
21 ~~location at which drills are attended, or whether the eligible~~  
22 ~~individual is a member of the Iowa army or air national guard.~~

23 Sec. 2. Section 261.86, Code 2017, is amended by adding the  
24 following new subsections:

25 NEW SUBSECTION. 3A. a. The adjutant general of Iowa, in  
26 determining the eligibility of a national guard member under  
27 subsection 1, paragraph "f", may waive the limitations of  
28 subsection 1 that require enrollment in an Iowa postsecondary  
29 institution, and the limitations of subsection 3, paragraph  
30 "a", relating to semester hours or the equivalent, and  
31 for national guard members who have met the educational  
32 requirements for a baccalaureate degree, if the postsecondary  
33 institution in which the national guard member is enrolled is  
34 accredited by the higher learning commission and the degree  
35 program in which the national guard member is enrolled is

1 included on the current critical manning list issued by the  
2 national guard.

3     *b.* Educational assistance paid pursuant to this subsection  
4 shall not exceed the resident tuition rate for graduate or  
5 postgraduate studies established for institutions of higher  
6 learning governed by the state board of regents for the  
7 graduate or professional program of enrollment or the resident  
8 tuition rate for the graduate or professional program at the  
9 institution in which the national guard member is enrolled,  
10 whichever amount is lower.

11     *c.* Educational assistance paid under this subsection shall  
12 be subject to recoupment if, following the last payment of  
13 educational assistance received by the national guard member  
14 under this subsection, the national guard member fails to  
15 complete at least six years in military service as defined in  
16 section 29A.90.

17     NEW SUBSECTION. 3B. If the amount appropriated in a fiscal  
18 year for purposes of this section is insufficient to provide  
19 educational assistance to all national guard members who apply  
20 for the program and who are determined by the adjutant general  
21 to be eligible for the program, the adjutant general shall, in  
22 coordination with the commission, determine the distribution  
23 of educational assistance. Neither eligibility determinations  
24 nor educational assistance determinations shall be based upon a  
25 national guard member's unit, the location at which drills are  
26 attended, or whether the eligible individual is a member of the  
27 Iowa army or air national guard.

28     Sec. 3. Section 261.86, subsection 4, Code 2017, is amended  
29 to read as follows:

30     4. The eligibility of applicants and amounts of educational  
31 assistance to be paid shall be certified by the adjutant  
32 general of Iowa to the ~~college-student-aid~~ commission, and  
33 all amounts that are or become due to a community college,  
34 accredited private institution, or institution of higher  
35 learning under the control of the state board of regents under

1 this section, or to a postsecondary institution as provided  
 2 under a waiver issued pursuant to subsection 3A, shall be  
 3 paid to the college or institution by the ~~college-student-aid~~  
 4 commission upon receipt of certification by the president or  
 5 governing board of the educational institution as to accuracy  
 6 of charges made, and as to the attendance and academic progress  
 7 of the individual at the educational institution. The ~~college~~  
 8 ~~student-aid~~ commission shall maintain an annual record of the  
 9 number of participants and the dollar value of the educational  
 10 assistance provided.

## EXPLANATION

12           The inclusion of this explanation does not constitute agreement with  
 13           the explanation's substance by the members of the general assembly.

14       This bill authorizes the adjutant general of Iowa to waive  
 15 certain requirements and limitations of the national guard  
 16 educational assistance program.

17       Currently, to be determined eligible for the program,  
 18 a national guard member must submit an application to the  
 19 adjutant general of Iowa, and be enrolled as an undergraduate  
 20 student in a community college, a regents university, or an  
 21 accredited private institution. An eligible member of the  
 22 national guard shall not receive educational assistance for  
 23 more than 120 semester, or the equivalent, credit hours of  
 24 undergraduate study, and a national guard member who has met  
 25 the educational requirements for a baccalaureate degree is  
 26 ineligible for educational assistance. The adjutant general's  
 27 decision on eligibility is final.

28       The bill authorizes the adjutant general, in determining the  
 29 eligibility of a national guard member, to waive the provision  
 30 requiring enrollment in an Iowa postsecondary institution and  
 31 the limitations relating to semester hours or the equivalent  
 32 and for national guard members who have met the educational  
 33 requirements for a baccalaureate degree if the postsecondary  
 34 institution in which the national guard member is enrolled is  
 35 accredited by the higher learning commission and the degree

1 program in which the national guard member is enrolled is  
2 included on the current critical manning list issued by the  
3 national guard or a branch of the armed forces of the United  
4 States.

5 Educational assistance for graduate or postgraduate studies  
6 shall not exceed the resident tuition rate established for  
7 regents universities for the graduate or professional program  
8 of enrollment or the resident tuition rate for the graduate or  
9 professional program at the institution in which the national  
10 guard member is enrolled, whichever amount is lower. Such  
11 educational assistance is subject to recoupment if, following  
12 the last payment, the national guard member fails to complete  
13 at least six years in military service.

14 The bill makes corresponding changes to direct the  
15 college student aid commission to pay the amounts due to a  
16 postsecondary institution other than a community college,  
17 accredited postsecondary institution in Iowa, or a regents  
18 university if the adjutant general issues a waiver authorizing  
19 a national guard member to enroll in such a postsecondary  
20 institution. The bill reorders but retains language relating  
21 to the adjutant general's authority to determine distribution  
22 and eligibility.