A BILL FOR

1 An Act relating to the national guard of the state concerning
2 armory board leases, persons subject to the code of military
3 justice, and scholarship and loan repayment programs.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
Section 1. Section 29A.58, subsection 1, Code 2020, 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 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 2020, 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 261.86, subsection 6, Code 2020, 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. 4. 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. A recipient of a recruitment or retention incentive pursuant to this section will need to hold
civilian employment in an eligible service commitment area as defined by the college student aid commission.

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.

(3) Complete and return on a form approved by the national guard and the college student aid commission an affidavit of practice verifying that the applicant holds civilian employment in an eligible service commitment area. Loan repayment awards under this subsection will only be made after annual
verification that the individual meets the criteria of this
subparagraph.

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.

EXPLANATION

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

This bill concerns the national guard of the state.

Code section 29A.58, concerning the leasing of armories, is
amended to provide that property may be leased to be used for
armory purposes for any term not to exceed 30 instead of 20
years.

Code section 29B.1, concerning persons subject to the Iowa
code of military justice, is amended to provide that a person
shall not be punished for an offense under the code unless the
person is a member of the military forces of the state and
the person is on national guard duty or state active duty,
including between consecutive drill periods which are less than
24 hours apart, or the person is not on national guard duty or
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state active duty but a nexus exists between the offense and the military forces of the state. Current law provides that the code applies to all members of the state military forces performing national guard duty or state active duty and to all members of the state military forces who commit an offense during travel to or from the member's duty location or during intervals between consecutive periods of duty on the same day or on consecutive days in which the victim of the offense is another member of the state military forces. For purposes of applying the code based on a nexus between the offense and the military forces of the state, the bill provides that only a commanding officer holding a position in the grade of 0-6 and above may impose nonjudicial punishment for an offense and the military forces of the state shall have the burden to show the existence of a nexus by a preponderance of the evidence.

Code section 261.86, concerning national guard service scholarship programs, is amended. The bill authorizes the adjutant general to expend appropriated funds which remain unencumbered or unobligated at the close of a fiscal year in the following fiscal year for purposes of Code section 261.86 and for purposes of recruitment and retention programs as provided in new Code section 261.86A, created in the bill. The Code section is further amended to require the adjutant general to 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 using funds available for that fiscal year.

New Code section 261.86A establishes two recruitment and incentive programs 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. The bill authorizes the adjutant general to expend unencumbered or unobligated funds as described in Code section 261.86,
subsection 6, to recruit or retain individuals by offering
either a student loan repayment program or a master's degree
scholarship award program that is in compliance with the
federal Edith Nourse Rogers STEM scholarship program. The bill
establishes a national guard student loan repayment program
to be administered by the college student aid commission and
establishes requirements for applicants and for loan repayment
awards. The bill also establishes requirements for the
master's degree scholarship program.