

House Study Bill 626 - Introduced

SENATE/HOUSE FILE _____
BY (PROPOSED DEPARTMENT OF
PUBLIC DEFENSE BILL)

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:

1 Section 1. Section 29A.58, subsection 1, Code 2020, is
2 amended to read as follows:

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

9 Sec. 2. Section 29B.1, subsection 1, Code 2020, is amended
10 by striking the subsection and inserting in lieu thereof the
11 following:

12 1. A person shall not be punished for an offense under this
13 chapter unless the person is a member of the military forces of
14 the state and any of the following applies:

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

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

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

32 Sec. 3. Section 261.86, subsection 6, Code 2020, is amended
33 to read as follows:

34 6. a. Notwithstanding [section 8.33](#), funds appropriated
35 for purposes of [this section](#) which remain unencumbered or

1 unobligated at the close of the fiscal year for which the funds
2 were appropriated shall not revert but shall be available for
3 expenditure for the following fiscal year upon the authority of
4 the adjutant general for purposes of this section and section
5 261.86A.

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

13 **Sec. 4. NEW SECTION. 261.86A National guard STEM-related**
14 **recruitment and retention incentive programs.**

15 1. *a.* The adjutant general has the authority under this
16 section to authorize the expenditure of unencumbered or
17 unobligated funds as described in section 261.86, subsection
18 6, to recruit or retain individuals who have completed or are
19 pursuing training in science, technology, engineering, and
20 mathematics-related military occupational specialties or air
21 force specialty codes by issuing awards through a national
22 guard student loan repayment program in accordance with
23 subsection 2 or by providing a scholarship award to an eligible
24 member of the national guard who is enrolled at an institution
25 defined in section 261.86, subsection 1, paragraph "d", in a
26 master's degree program that is in compliance with the federal
27 Edith Nourse Rogers STEM scholarship program established
28 under 38 U.S.C. §3320 in accordance with the requirements of
29 subsection 3.

30 *b.* The adjutant general can offer a recruitment or retention
31 incentive as authorized by this section in either the military
32 entrance process or within the final year of the service
33 member's initial contract obligation pending the service member
34 signing a six-year extension. A recipient of a recruitment or
35 retention incentive pursuant to this section will need to hold

1 civilian employment in an eligible service commitment area as
2 defined by the college student aid commission.

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

7 b. An individual is eligible for a loan repayment award
8 under this subsection if the individual meets all of the
9 following conditions:

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

13 (2) Satisfactorily completed required initial active duty
14 training.

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

19 c. An applicant for an award under this subsection shall, in
20 accordance with the rules promulgated by the college student
21 aid commission, do all of the following:

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

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

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

1 verification that the individual meets the criteria of this
2 subparagraph.

3 d. The annual amount of an award to an applicant under
4 this subsection shall not exceed five thousand dollars or one
5 hundred percent of the applicant's total federally guaranteed
6 Stafford loan amount under the federal family education loan
7 program or the federal direct loan program, the applicant's
8 federal grad plus loans, or the applicant's federal Perkins
9 loans, including principal and interest, whichever is less. An
10 applicant shall be eligible for a loan repayment award under
11 this subsection for not more than six consecutive years.

12 3. An applicant for a master's degree scholarship award as
13 described in subsection 1 shall meet the criteria as provided
14 in section 261.86, subsection 1, except that the applicant can
15 be enrolled in a master's degree program. The provisions of
16 section 261.86, subsections 2, 4, and 5, shall also apply to
17 scholarship awards made under this subsection. A scholarship
18 award provided to a recipient enrolled in a master's degree
19 program under this subsection shall be limited to thirty-six,
20 or equivalent, credit hours of graduate study.

21

EXPLANATION

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

24 This bill concerns the national guard of the state.

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

29 Code section 29B.1, concerning persons subject to the Iowa
30 code of military justice, is amended to provide that a person
31 shall not be punished for an offense under the code unless the
32 person is a member of the military forces of the state and
33 the person is on national guard duty or state active duty,
34 including between consecutive drill periods which are less than
35 24 hours apart, or the person is not on national guard duty or

1 state active duty but a nexus exists between the offense and
2 the military forces of the state. Current law provides that
3 the code applies to all members of the state military forces
4 performing national guard duty or state active duty and to all
5 members of the state military forces who commit an offense
6 during travel to or from the member's duty location or during
7 intervals between consecutive periods of duty on the same day
8 or on consecutive days in which the victim of the offense is
9 another member of the state military forces. For purposes of
10 applying the code based on a nexus between the offense and the
11 military forces of the state, the bill provides that only a
12 commanding officer holding a position in the grade of 0-6 and
13 above may impose nonjudicial punishment for an offense and the
14 military forces of the state shall have the burden to show the
15 existence of a nexus by a preponderance of the evidence.

16 Code section 261.86, concerning national guard service
17 scholarship programs, is amended. The bill authorizes the
18 adjutant general to expend appropriated funds which remain
19 unencumbered or unobligated at the close of a fiscal year in
20 the following fiscal year for purposes of Code section 261.86
21 and for purposes of recruitment and retention programs as
22 provided in new Code section 261.86A, created in the bill. The
23 Code section is further amended to require the adjutant general
24 to submit a report to the governor and the general assembly
25 by December 31 of each year listing the science, technology,
26 engineering, and mathematics-related career fields the adjutant
27 general plans to focus on in providing educational incentives
28 using funds available for that fiscal year.

29 New Code section 261.86A establishes two recruitment
30 and incentive programs to recruit or retain individuals
31 who have completed or are pursuing training in science,
32 technology, engineering, and mathematics-related military
33 occupational specialties or air force specialty codes. The
34 bill authorizes the adjutant general to expend unencumbered
35 or unobligated funds as described in Code section 261.86,

1 subsection 6, to recruit or retain individuals by offering
2 either a student loan repayment program or a master's degree
3 scholarship award program that is in compliance with the
4 federal Edith Nourse Rogers STEM scholarship program. The bill
5 establishes a national guard student loan repayment program
6 to be administered by the college student aid commission and
7 establishes requirements for applicants and for loan repayment
8 awards. The bill also establishes requirements for the
9 master's degree scholarship program.