House Study Bill 134 - 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, criminal justice reporting, and scholarship and
4 loan repayment programs.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 29A.58, subsection 1, Code 2021, 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~~ thirty 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 2021, 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 29B.116B, Code 2021, is amended to read as follows:

29B.116B Adjutant general report.

1. The adjutant general shall report annually, by January

15, to the governor and to the chairpersons and ranking members of the general assembly's standing committees on veterans affairs on the number of offenses described in section 29B.116A, subsection 1, which have been reported to civilian law enforcement authorities in the prior year, if such offenses were committed by a member of the state military forces against another member of the state military forces while both are subject to this code. The report shall provide such numbers by type of offense.

2. The adjutant general may include in the annual report described in subsection 1 the number of sexual abuse cases reported to the United States department of defense that are not otherwise required to be included in the annual report pursuant to subsection 1.

Sec. 4. Section 261.86, subsection 6, Code 2021, 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. 5. 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.

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.

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

1 years.
2 Code section 29B.1, concerning persons subject to the Iowa
3 code of military justice, is amended to provide that a person
4 shall not be punished for an offense under the code unless the
5 person is a member of the military forces of the state and
6 the person is on national guard duty or state active duty,
7 including between consecutive drill periods which are less than
8 24 hours apart, or the person is not on national guard duty or
9 state active duty but a nexus exists between the offense and
10 the military forces of the state. Current law provides that
11 the code applies to all members of the state military forces
12 performing national guard duty or state active duty and to all
13 members of the state military forces who commit an offense
14 during travel to or from the member´s duty location or during
15 intervals between consecutive periods of duty on the same day
16 or on consecutive days in which the victim of the offense is
17 another member of the state military forces. For purposes of
18 applying the code based on a nexus between the offense and the
19 military forces of the state, the bill provides that only a
20 commanding officer holding a position in the grade of 0-6 and
21 above may impose nonjudicial punishment for an offense and the
22 military forces of the state shall have the burden to show the
23 existence of a nexus by a preponderance of the evidence.
24 Code section 29B.116B, concerning an annual adjutant general
25 report on certain offenses, is amended to provide that the
26 adjutant general may also include in the report the number of
27 sexual abuse cases reported to the United States department of
28 defense that are not otherwise required to be reported.
29 Code section 261.86, concerning national guard service
30 scholarship programs, is amended. The bill authorizes the
31 adjutant general to expend appropriated funds which remain
32 unencumbered or unobligated at the close of a fiscal year in
33 the following fiscal year for purposes of Code section 261.86
34 and for purposes of recruitment and retention programs as
35 provided in new Code section 261.86A, created in the bill. The

1 Code section is further amended to require the adjutant general
2 to submit a report to the governor and the general assembly
3 by December 31 of each year listing the science, technology,
4 engineering, and mathematics-related career fields the adjutant
5 general plans to focus on in providing educational incentives
6 using funds available for that fiscal year.
7 New Code section 261.86A establishes two recruitment
8 and incentive programs to recruit or retain individuals
9 who have completed or are pursuing training in science,
10 technology, engineering, and mathematics-related military
11 occupational specialties or air force specialty codes. The
12 bill authorizes the adjutant general to expend unencumbered
13 or unobligated funds as described in Code section 261.86,
14 subsection 6, to recruit or retain individuals by offering
15 either a student loan repayment program or a master's degree
16 scholarship award program that is in compliance with the
17 federal Edith Nourse Rogers STEM scholarship program. The bill
18 establishes a national guard student loan repayment program
19 to be administered by the college student aid commission and
20 establishes requirements for applicants and for loan repayment
21 awards. The bill also establishes requirements for the
22 master's degree scholarship program.