



March 25, 2015

**ENGROSSED
HOUSE BILL No. 1159**

DIGEST OF HB 1159 (Updated March 24, 2015 10:39 am - DI 109)

Citations Affected: IC 10-17.

Synopsis: Voluntary veterans' preference employment policy. Provides for a voluntary veterans' preference policy for hiring, promoting, or retaining a veteran in private employment.

Effective: July 1, 2015.

**Judy, Zent, Macer, Klinker, Bosma,
Brown C, Pryor, Richardson,
Behning, Saunders, Cook, Clere**
(SENATE SPONSORS — BANKS A, ARNOLD J, MERRITT, FORD)

January 12, 2015, read first time and referred to Committee on Veterans Affairs and Public Safety.

January 20, 2015, amended, reported — Do Pass.

January 26, 2015, read second time, amended, ordered engrossed.

January 27, 2015, engrossed. Read third time, passed. Yeas 98, nays 0.

SENATE ACTION

February 24, 2015, read first time and referred to Committee on Veterans Affairs & the Military.

March 24, 2015, amended, reported favorably — Do Pass.

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First Regular Session of the 119th General Assembly (2015)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2014 Regular Session and 2014 Second Regular Technical Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1159

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 10-17-15 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]:
4 **Chapter 15. Voluntary Veterans' Preference Employment**
5 **Policy**
6 **Sec. 1. As used in this chapter, "DD 214" means a Department**
7 **of Defense Report of Separation form or its predecessor or**
8 **successor form.**
9 **Sec. 2. As used in this chapter, "private employer" means a sole**
10 **proprietor, corporation, partnership, limited liability company, or**
11 **other entity with one (1) or more employees. The term does not**
12 **include:**
13 (1) the state;
14 (2) a political subdivision (as defined by IC 36-1-2-13); or
15 (3) a state educational institution (as defined by

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1 **IC 21-7-13-32).**

2 **Sec. 3. As used in this chapter, "veteran" means an individual**
3 **who:**

4 **(1) has served in:**

5 **(A) the United States armed forces or their reserves;**

6 **(B) the Indiana Army National Guard; or**

7 **(C) the Indiana Air National Guard; and**

8 **(2) was released from active duty under conditions other than**
9 **dishonorable.**

10 **Sec. 4. As used in this chapter, "veterans' preference**
11 **employment policy" means a private employer's voluntary**
12 **veterans' preference employment policy that gives preference for**
13 **hiring, promoting, or retaining a veteran over another qualified**
14 **applicant or employee.**

15 **Sec. 5. A private employer may have a veterans' preference**
16 **employment policy.**

17 **Sec. 6. A veterans' preference employment policy under this**
18 **chapter must be in writing and applied uniformly to employment**
19 **decisions regarding hiring, promotion, or retention during a**
20 **reduction in force.**

21 **Sec. 7. A private employer with a veterans' preference**
22 **employment policy may require that a veteran submit a DD 214 to**
23 **the private employer to be eligible for the preference.**

24 **Sec. 8. Granting preference under this chapter does not violate**
25 **any local or state equal employment opportunity laws.**

26 **Sec. 9. The Indiana department of veterans' affairs shall assist**
27 **a private employer in determining if an applicant is a veteran in a**
28 **manner that protects personal privacy consistent with applicable**
29 **privacy laws and regulations.**

30 **Sec. 10. Any policy adopted under section 5 of this chapter may**
31 **not:**

32 **(1) apply to or abrogate a collectively bargained agreement in**
33 **effect before the adoption of the policy; or**

34 **(2) interfere with an employer's obligations under the federal**
35 **National Labor Relations Act or the federal Uniformed**
36 **Services Employment and Reemployment Act (38 U.S.C. 4301**
37 **et seq.).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1159, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 14, delete "a subdivision of the state, such as a municipality, county," and insert "**a political subdivision (as defined by IC 36-1-2-13); or**".

Page 1, delete line 15.

Page 2, line 1, delete "a public institution of higher education." and insert "**a state educational institution (as defined by IC 21-7-13-32).**".

Page 2, delete lines 2 through 8, begin a new paragraph and insert: "**Sec. 3. As used in this chapter, "veteran" means an individual who:**

(1) has served in the active:

(A) military service;

(B) naval service; or

(C) air service; and

(2) was discharged or released under conditions other than dishonorable."

Page 2, line 25, delete "and the".

Page 2, line 26, delete "department of workforce development".

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1159 as introduced.)

FRYE R

Committee Vote: yeas 13, nays 0.



HOUSE MOTION

Mr. Speaker: I move that House Bill 1159 be amended to read as follows:

Page 2, after line 29, begin a new paragraph and insert:

"Sec. 10. Any policy adopted under section 5 of this chapter may not:

- (1) apply to or abrogate a collectively bargained agreement in effect before the adoption of the policy; or**
- (2) interfere with an employer's obligations under the federal National Labor Relations Act or the federal Uniformed Services Employment and Reemployment Act (38 U.S.C. 4301 et seq.)."**

(Reference is to HB 1159 as printed January 20, 2015.)

JUDY

 COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and the Military, to which was referred House Bill No. 1159, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 4 through 9, begin a new line block indented and insert:

- "(1) has served in:**
- (A) the United States armed forces or their reserves;**
 - (B) the Indiana Army National Guard; or**
 - (C) the Indiana Air National Guard; and**
- (2) was released from active duty under conditions other than dishonorable."**

and when so amended that said bill do pass.

(Reference is to HB 1159 as reprinted January 27, 2015.)

CRIDER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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