

First Regular Session of the 121st General Assembly (2019)

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 2018 Regular and Special Session of the General Assembly.

HOUSE ENROLLED ACT No. 1257

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

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

SECTION 1. IC 4-21.5-2-4, AS AMENDED BY P.L.219-2007, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 4. (a) This article does not apply to any of the following agencies:

- (1) The governor.
- (2) The state board of accounts.
- (3) The state educational institutions.
- (4) The department of workforce development.
- (5) The unemployment insurance review board of the department of workforce development.
- (6) The worker's compensation board of Indiana.
- (7) The military officers or boards.
- (8) The Indiana utility regulatory commission.
- (9) The department of state revenue (excluding an agency action related to the licensure of private employment agencies).
- (10) The department of local government finance.
- (11) The Indiana board of tax review.
- (12) The Indiana department of veterans' affairs.**
- (13) The Indiana veterans' affairs commission.**

(b) This article does not apply to action related to railroad rate and tariff regulation by the Indiana department of transportation.

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SECTION 2. IC 10-17-12-10, AS AMENDED BY P.L.99-2016, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: Sec. 10. (a) The commission shall adopt rules under IC 4-22-2 for the provision of grants under this chapter. Subject to subsection (b), the rules adopted under this section must address the following:

- (1) Uniform need determination procedures.
 - (2) Eligibility criteria, including income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided.
 - (3) Application procedures.
 - (4) Selection procedures.
 - (5) A consideration of the extent to which an individual has used assistance available from other assistance programs before assistance may be provided to the individual from the fund.
 - (6) Other areas in which the department determines that rules are necessary to ensure the uniform administration of the grant program under this chapter.
- (b) The following apply to grants awarded under this chapter:
- (1) An applicant is not eligible for a grant from the fund if:
 - (A) the qualified service member with respect to whom the application is based has been discharged; and
 - (B) the qualified service member's term of qualifying military service was less than twelve (12) months.
 - (2) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.
 - (3) An employee of the department who is otherwise eligible for a grant from the fund must submit the employee's application directly to the commission for review. The department shall have no influence in any part of the employee's application.**
 - (4) The maximum amount a qualified service member may receive from the fund is two thousand five hundred dollars (\$2,500), unless approved by the commission.**
 - (5) The commission may consider the following in its analysis of the applicant's request for assistance in excess of two thousand five hundred dollars (\$2,500):**
 - (A) The department's eligibility determination of the applicant.**
 - (B) Facts considered in the department's need determination review and award under 915 IAC 3-6-3 and**



915 IAC 3-6-5.

(C) The circumstances surrounding the applicant's hardship.

(D) Any substantive changes in the applicant's financial situation after the original application was submitted.

(E) Facts that may have been unknown or unavailable at the time of the applicant's original application for assistance.

(F) Other compelling circumstances that may justify assistance in excess of the two thousand five hundred dollar (\$2,500) threshold.

(6) The commission shall approve or deny within sixty (60) days an application for a grant filed with the commission after June 30, 2019, by an employee of the department. However, the commission may not act on an incomplete application. The commission shall return an incomplete application with a notation as to omissions. The return of an incomplete application shall be without prejudice.

SECTION 3. IC 10-17-12-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 14. Except as provided in section 15 of this chapter, the department shall approve or deny an application for a grant filed with the department after June 30, 2019, within sixty (60) days.**

SECTION 4. IC 10-17-12-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2019]: **Sec. 15. The department may not act on an incomplete application. The department shall return an incomplete application with a notation as to omissions. The return of an incomplete application shall be without prejudice.**

SECTION 5. [EFFECTIVE JULY 1, 2019] **(a) The Indiana veterans' affairs commission shall amend 915 IAC 3-7-1 to eliminate the requirement that the notice provided to an applicant of the denial of the applicant's request for short term financial assistance be provided to the applicant in a manner consistent with IC 4-21.5.**

(b) 915 IAC 3-7-2(b) is void. The publisher of the Indiana Administrative Code and Indiana Register shall remove this subsection from the Indiana Administrative Code.

(c) This SECTION expires July 1, 2020.

SECTION 6. **An emergency is declared for this act.**



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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