

HOUSE BILL No. 1264

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-17-12; IC 21-14-4-6.

Synopsis: Veterans' affairs. Provides that funds from the military family relief fund (fund) may be used to provide short term financial assistance, including emergency one time grants, to the families of eligible members of the armed forces. Removes financial hardship as a prerequisite for fund eligibility. Specifies disqualifying behavior for fund eligibility. Removes a provision requiring service during wartime or a national conflict as a prerequisite for fund eligibility. Removes a provision that prohibits service members with less than 12 months of service from receiving grants from the fund. Removes a provision prohibiting the Indiana veterans' affairs commission from acting on an incomplete application. Provides that the department of veterans' affairs (department) may use not more than 15% of the monthly revenue generated by the fund for the purpose of paying administrative costs associated with the operation of the fund. Allows the department to deny certain applications if the required documentation is not received within 30 days of an application's first submission. Increases certain deadlines from 15 days to 45 days. Requires the Indiana veterans' affairs commission to issue a final order concerning the denial of certain tuition and fee exemption benefits in certain instances. Defines certain terms. Makes conforming amendments. Makes a technical correction.

Effective: July 1, 2021.

Bartels

January 14, 2021, read first time and referred to Committee on Veterans Affairs and Public Safety.



First Regular Session of the 122nd General Assembly (2021)

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 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1264

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 10-17-12-0.7, AS AMENDED BY P.L.99-2016,
2 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 0.7. The purpose of the fund established in section
4 8 of this chapter is to provide short term financial assistance, including
5 emergency one (1) time grants, to families of qualified service
6 members. ~~for hardships that result from the qualified service members'~~
7 ~~military service.~~

8 SECTION 2. IC 10-17-12-3.7 IS ADDED TO THE INDIANA
9 CODE AS A **NEW SECTION** TO READ AS FOLLOWS
10 [EFFECTIVE JULY 1, 2021]: **Sec. 3.7. As used in this chapter,**
11 **"conditions other than dishonorable" means a discharge from**
12 **military service without any record of the following:**

- 13 (1) **A court martial.**
- 14 (2) **The acceptance of an undesirable discharge to avoid trial**
15 **by court martial.**
- 16 (3) **Any offense against the security of the United States.**
17 **Offenses under this subdivision include spying, mutiny, and**



1 **treason.**

2 **(4) A history of willful or persistent misconduct during active**
3 **duty.**

4 **(5) Any violent offense against another person. Offenses under**
5 **this subdivision include assault, molestation, rape, and sexual**
6 **perversion.**

7 SECTION 3. IC 10-17-12-4.5 IS ADDED TO THE INDIANA
8 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2021]: **Sec. 4.5. As used in this chapter,**
10 **"dependent" has the meaning set forth in 37 U.S.C. 401, as in effect**
11 **on January 1, 2009.**

12 SECTION 4. IC 10-17-12-5.5 IS REPEALED [EFFECTIVE JULY
13 1, 2021]. ~~Sec. 5.5: As used in this chapter, "dependent" has the~~
14 ~~meaning set forth in 37 U.S.C. 401, as in effect on January 1, 2009.~~

15 SECTION 5. IC 10-17-12-7.5, AS AMENDED BY P.L.42-2020,
16 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2021]: **Sec. 7.5. As used in this chapter, "qualified service**
18 **member" means an individual who is an Indiana resident and who:**

19 (+) is:

- 20 (A) a member of the armed forces of the United States or the
21 national guard (as defined in IC 5-9-4-4); and
22 (B) serving on or has served on active duty during a time of
23 national conflict or war; or

24 (2) (1) has:

- 25 (A) served is serving on active duty during a time of national
26 conflict or war in
27 (i) the armed forces of the United States or
28 (ii) the national guard (as defined in IC 5-9-4-4); and or

29 (B) (2) has served and been discharged from the armed forces of
30 the United States or the national guard under honorable
31 conditions **other than dishonorable.**

32 SECTION 6. IC 10-17-12-9, AS AMENDED BY P.L.198-2016,
33 SECTION 635, IS AMENDED TO READ AS FOLLOWS
34 [EFFECTIVE JULY 1, 2021]: **Sec. 9. (a) The fund consists of the**
35 **following:**

- 36 (1) Appropriations made by the general assembly.
37 (2) Donations to the fund.
38 (3) Interest.
39 (4) Money transferred to the fund from other funds.
40 (5) Annual supplemental fees collected under IC 9.
41 (6) Money from any other source authorized or appropriated for
42 the fund.



1 (b) The commission shall transfer the money in the fund not
 2 currently needed to provide assistance or meet the obligations of the
 3 fund to the veterans' affairs trust fund established by IC 10-17-13-3.

4 (c) Money in the fund at the end of a state fiscal year does not revert
 5 to the state general fund or to any other fund.

6 (d) There is annually appropriated to the commission for the
 7 purposes of this chapter all money in the fund not otherwise
 8 appropriated to the commission for the purposes of this chapter.

9 **(e) The department may use not more than fifteen percent**
 10 **(15%) of the monthly revenue generated by the fund for the**
 11 **purpose of paying administrative costs associated with the**
 12 **operation and maintenance of the fund.**

13 SECTION 7. IC 10-17-12-10, AS AMENDED BY P.L.42-2020,
 14 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 15 JULY 1, 2021]: Sec. 10. (a) The commission shall adopt rules under
 16 IC 4-22-2 for the provision of grants under this chapter. Subject to
 17 subsection (b), the rules adopted under this section must address the
 18 following:

- 19 (1) Uniform need determination procedures.
 20 (2) Eligibility criteria, including income eligibility standards,
 21 asset limit eligibility standards, and other standards concerning
 22 when assistance may be provided.
 23 (3) Application procedures.
 24 (4) Selection procedures.
 25 (5) A consideration of the extent to which an individual has used
 26 assistance available from other assistance programs before
 27 assistance may be provided to the individual from the fund.
 28 (6) Other areas in which the commission determines that rules are
 29 necessary to ensure the uniform administration of the grant
 30 program under this chapter.

31 (b) The following apply to grants awarded under this chapter:

- 32 ~~(1) An applicant is not eligible for a grant from the fund if:~~
 33 ~~(A) the qualified service member with respect to whom the~~
 34 ~~application is based has been discharged; and~~
 35 ~~(B) the qualified service member's term of qualifying military~~
 36 ~~service was less than twelve (12) months.~~
 37 ~~(2) (1) The income eligibility standards must be based on the~~
 38 ~~federal gross income of the qualified service member and the~~
 39 ~~qualified service member's spouse.~~
 40 ~~(3) (2) An employee of the department who is otherwise eligible~~
 41 ~~for a grant from the fund must submit the employee's application~~
 42 ~~directly to the commission for review. The department shall have~~



1 no influence in any part of the employee's application.

2 ~~(4)~~ (3) The maximum amount a qualified service member may
3 receive from the fund is two thousand five hundred dollars
4 (\$2,500), unless a higher amount is approved by the commission.

5 ~~(5)~~ (4) The commission may consider the following in its analysis
6 of the applicant's request for assistance in excess of two thousand
7 five hundred dollars (\$2,500):

8 (A) The department's eligibility determination of the applicant.

9 (B) Facts considered in the department's need determination
10 review and award under 915 IAC 3-6-3 and 915 IAC 3-6-5.

11 (C) The circumstances surrounding the applicant's hardship,
12 **if applicable.**

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

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

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

20 ~~(6)~~ (5) The commission shall approve or deny within sixty (60)
21 days an application for a grant filed with the commission after
22 June 30, 2019, by an employee of the department. ~~However, the~~
23 ~~commission may not act on an incomplete application.~~ The
24 commission shall return an incomplete application with a notation
25 as to omissions. The return of an incomplete application shall be
26 without prejudice.

27 SECTION 8. IC 10-17-12-15, AS ADDED BY P.L.132-2019,
28 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 JULY 1, 2021]: Sec. 15. (a) The department may ~~not act on an~~
30 ~~incomplete application.~~ **deny an incomplete application if all**
31 **required documentation is not received within thirty (30) days of**
32 **the application's first submission. If the thirty (30) day deadline**
33 **falls on a weekend or holiday, the deadline for receiving required**
34 **documentation shall be the next business day.** The department shall
35 return an incomplete application with a notation as to omissions. The
36 return of an incomplete application shall be without prejudice.

37 (b) **If an applicant appeals the denial of tuition and fee**
38 **exemption benefits at least fifteen (15) days before the start of the**
39 **semester during which the tuition and fee exemption benefits**
40 **would have been used in the event of a successful appeal, the**
41 **commission shall issue a final order prior to the start of the**
42 **semester.**



1 SECTION 9. IC 21-14-4-6, AS AMENDED BY P.L.112-2019,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 6. (a) An appeal from an adverse determination
4 under section 5(a) of this chapter must be made in writing to the
5 veterans' affairs commission not more than ~~fifteen (15)~~ **forty-five (45)**
6 ~~working~~ days following the applicant's receipt of the determination. A
7 final order must be made by a simple majority of the veterans' affairs
8 commission not more than ~~fifteen (15)~~ **forty-five (45)** days following
9 receipt of the written appeal.

10 (b) An appeal from an adverse determination under section 5(b) of
11 this chapter must be made in writing to the military department
12 established by IC 10-16-2-1 not more than fifteen (15) working days
13 following the applicant's receipt of the determination. A final order
14 must be made not more than fifteen (15) days following receipt of the
15 written appeal.

