

SENATE BILL No. 316

DIGEST OF INTRODUCED BILL

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

Synopsis: Military and veterans matters. Changes the definition of a "qualified service member" for purposes of eligibility under the military relief fund (fund). Requires the Indiana veterans' affairs commission (commission) to: (1) develop and adopt a policy listing the disallowable separation codes of each branch of the armed forces; and (2) review the policy for amendment and adopt any necessary amendments before July 1 of each year. Provides that the department of veterans' affairs (department) may use not more than 15% of the average annual license plate revenue to cover monthly administrative costs. Provides that the department may deny an incomplete application for a grant under the fund if all required documentation is not received within 30 days after the date the applicant filed the application. Provides that, if an applicant appeals a denial of tuition and fee exemption benefits (benefits) not later than 15 days before the start of the semester for which the benefits would apply, the commission shall make reasonable effort to issue a final order before the start of the semester.

Effective: July 1, 2021.

Garten, Tomes, Boots, Baldwin

January 12, 2021, read first time and referred to Committee on Veterans Affairs and The Military.



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.

SENATE BILL No. 316

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 10-17-12-0.7, 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 **"court martial" has the meaning set forth in IC 10-16-1-8.**

12 SECTION 3. IC 10-17-12-7.5, AS AMENDED BY P.L.42-2020,
13 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
14 JULY 1, 2021]: Sec. 7.5. As used in this chapter, "qualified service
15 member" means an individual who is an Indiana resident and who:

16 (†) is:
17 (A) ~~a member of the armed forces of the United States or the~~



- 1 national guard (as defined in IC 5-9-4-4); and
 2 ~~(B) serving on or has served on active duty during a time of~~
 3 ~~national conflict or war; or~~
 4 ~~(2) has:~~
 5 ~~(A) (1) served is serving on active duty during a time of national~~
 6 ~~conflict or war in:~~
 7 ~~(i) (A) the armed forces of the United States; or~~
 8 ~~(ii) (B) the national guard (as defined in IC 5-9-4-4); and or~~
 9 ~~(B) (2) has served in or been discharged from the armed forces~~
 10 ~~of the United States or the national guard under honorable~~
 11 ~~conditions other than the following:~~
 12 ~~(A) Discharge by court martial.~~
 13 ~~(B) Acceptance of a discharge to avoid a court martial.~~
 14 ~~(C) Discharge for having committed any of the following:~~
 15 ~~(i) An offense against the security of the United States,~~
 16 ~~including spying, mutiny, or treason.~~
 17 ~~(ii) An act of willful or persistent misconduct, including~~
 18 ~~desertion.~~
 19 ~~(iii) A sexual or violent offense against another person,~~
 20 ~~including molestation, rape, or assault.~~
 21 ~~(iv) An act described on the list of disallowable~~
 22 ~~separation codes adopted under section 10.5 of this~~
 23 ~~chapter.~~

24 SECTION 4. IC 10-17-12-9, AS AMENDED BY P.L.198-2016,
 25 SECTION 635, IS AMENDED TO READ AS FOLLOWS
 26 [EFFECTIVE JULY 1, 2021]: Sec. 9. (a) The fund consists of the
 27 following:

- 28 (1) Appropriations made by the general assembly.
 29 (2) Donations to the fund.
 30 (3) Interest.
 31 (4) Money transferred to the fund from other funds.
 32 (5) Annual supplemental fees collected under IC 9.
 33 (6) Money from any other source authorized or appropriated for
 34 the fund.
 35 (b) The commission shall transfer the money in the fund not
 36 currently needed to provide assistance or meet the obligations of the
 37 fund to the veterans' affairs trust fund established by IC 10-17-13-3.
 38 (c) Money in the fund at the end of a state fiscal year does not revert
 39 to the state general fund or to any other fund.
 40 (d) There is annually appropriated to the commission for the
 41 purposes of this chapter all money in the fund not otherwise
 42 appropriated to the commission for the purposes of this chapter.



- 1 **(e) The department may use not more than an amount equal to:**
 2 **(1) the average annual amount of license plate revenue**
 3 **deposited into the fund as determined using the three (3)**
 4 **previous state fiscal years; multiplied by**
 5 **(2) fifteen percent (15%);**
 6 **to cover monthly administrative costs associated with the operation**
 7 **and maintenance of the fund in a particular state fiscal year.**

8 SECTION 5. IC 10-17-12-10, AS AMENDED BY P.L.42-2020,
 9 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 10 JULY 1, 2021]: Sec. 10. (a) The commission shall adopt rules under
 11 IC 4-22-2 for the provision of grants under this chapter. Subject to
 12 subsection (b), the rules adopted under this section must address the
 13 following:

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

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

- 27 ~~(1) An applicant is not eligible for a grant from the fund if:~~
 28 ~~(A) the qualified service member with respect to whom the~~
 29 ~~application is based has been discharged; and~~
 30 ~~(B) the qualified service member's term of qualifying military~~
 31 ~~service was less than twelve (12) months.~~
 32 ~~(2) (1) The income eligibility standards must be based on the~~
 33 ~~federal gross income of the qualified service member and the~~
 34 ~~qualified service member's spouse.~~
 35 ~~(3) (2) An employee of the department who is otherwise eligible~~
 36 ~~for a grant from the fund must submit the employee's application~~
 37 ~~directly to the commission for review. The department shall have~~
 38 ~~no influence in any part of the employee's application.~~
 39 ~~(4) (3) The maximum amount a qualified service member may~~
 40 ~~receive from the fund is two thousand five hundred dollars~~
 41 ~~(\$2,500), unless a higher amount is approved by the commission.~~
 42 ~~(5) (4) The commission may consider the following in its analysis~~



1 of the applicant's request for assistance in excess of two thousand
2 five hundred dollars (\$2,500):

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

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

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

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

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

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

15 ~~(6)~~ **(5)** The commission shall approve or deny within sixty (60)
16 days an application for a grant filed with the commission after
17 June 30, 2019, by an employee of the department. ~~However, the~~
18 ~~commission may not act on an incomplete application.~~ The
19 commission shall return an incomplete application with a notation
20 as to omissions. The return of an incomplete application shall be
21 without prejudice.

22 SECTION 6. IC 10-17-12-10.5 IS ADDED TO THE INDIANA
23 CODE AS A NEW SECTION TO READ AS FOLLOWS
24 [EFFECTIVE JULY 1, 2021]: **Sec. 10.5. Before January 1, 2022, the**
25 **commission shall develop and adopt a policy listing the**
26 **disallowable separation codes of each branch of the armed forces.**
27 **The commission shall review the policy for amendment and adopt**
28 **any necessary amendments before July 1 of each year.**

29 SECTION 7. IC 10-17-12-15, AS ADDED BY P.L.132-2019,
30 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2021]: Sec. 15. The department may ~~not act on~~ **deny** an
32 incomplete application **if all required documentation is not received**
33 **within thirty (30) days after the date the applicant filed the**
34 **application. If the thirty (30) day deadline falls on a Saturday,**
35 **Sunday, or legal holiday under a state statute, the deadline for**
36 **receiving the documentation shall be the next business day.** The
37 department shall return an incomplete application with a notation as to
38 omissions. The return of an incomplete application shall be without
39 prejudice.

40 SECTION 8. IC 21-14-4-6, AS AMENDED BY P.L.112-2019,
41 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
42 JULY 1, 2021]: Sec. 6. (a) An appeal from an adverse determination



1 under section 5(a) of this chapter must be made in writing to the
2 veterans' affairs commission not more than ~~fifteen (15) working~~
3 **forty-five (45)** days following the applicant's receipt of the
4 determination. A final order must be made by a simple majority of the
5 veterans' affairs commission not more than ~~fifteen (15)~~ **forty-five (45)**
6 days following receipt of the written appeal.

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

13 (c) **If an applicant appeals a denial of tuition and fee exemption**
14 **benefits not later than fifteen (15) days before the start of the**
15 **semester for which the tuition and fee exemption benefits would**
16 **apply, the veterans' affairs commission shall make a reasonable**
17 **effort to issue a final order before the start of the semester.**

