



February 6, 2015

SENATE BILL No. 472

DIGEST OF SB 472 (Updated February 3, 2015 12:55 pm - DI 109)

Citations Affected: IC 6-1.1; IC 6-3; IC 10-16; IC 14-19; IC 14-22; IC 21-13; IC 22-4.1; IC 22-9; IC 33-23; IC 35-52.

Synopsis: Various veterans' matters. Creates the servicemembers civil relief act. Provides that protections under Indiana's civil relief act supplement protections for servicemembers under the federal servicemembers civil relief act. Sets forth duties for the Indiana national guard regarding information to be posted on its web site concerning the servicemembers civil relief act. Provides free admission for veterans to state parks, playgrounds, and historical sites held or managed by the department of natural resources (department). Provides for a 25% reduction for veterans of any fees charged for facilities, lodging, and recreational activities held or managed by the department or by a third party under an operating agreement. Authorizes the department to issue a free lifetime license to hunt, fish, or trap to
(Continued next page)

Effective: July 1, 2015.

Merritt, Stoops, Arnold J

January 14, 2015, read first time and referred to Committee on Veterans Affairs & The Military.
February 5, 2015, amended, reported favorably — Do Pass; reassigned to Committee on Appropriations.

SB 472—LS 7443/DI 109



Digest Continued

veterans. Requires, under certain circumstances, the department of workforce development to give a member of the armed forces of the United States, reserves, or National Guard or the spouse of a member of the armed forces of the United States, reserves, or National Guard priority for placement in any federal or state employment or training program administered by the department of workforce development. (Current law provides that this priority be given only to members of the National Guard or their spouses.) Allows members of the Indiana reserve component of the armed forces to receive a scholarship from the National Guard Tuition Supplement Program (program). Makes certain changes to the program. Provides funding for the program. Provides employment protections for veterans. Creates a private right of action for veterans regarding employment law violations. Makes an appropriation.

SB 472—LS 7443/DI 109



February 6, 2015

First Regular Session 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.

SENATE BILL No. 472

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

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

1 SECTION 1. IC 6-1.1-37-7, AS AMENDED BY P.L.80-2014,
2 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2015]: Sec. 7. (a) If a person fails to file a required personal
4 property return on or before the due date, the county auditor shall add
5 a penalty of twenty-five dollars (\$25) to the person's next property tax
6 installment. The county auditor shall also add an additional penalty to
7 the taxes payable by the person if the person fails to file the personal
8 property return within thirty (30) days after the due date. The amount
9 of the additional penalty is twenty percent (20%) of the taxes finally
10 determined to be due with respect to the personal property which
11 should have been reported on the return.

12 (b) For purposes of this section, a personal property return is not due
13 until the expiration of any extension period granted by the township or
14 county assessor under IC 6-1.1-3-7(b).

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1 (c) The penalties prescribed under this section do not apply to an
2 individual or the individual's dependents if the individual:

3 (1) is in the military or naval forces of the United States on the
4 assessment date; and

5 (2) is covered by the federal ~~Soldiers' and Sailors' Civil Relief Act~~
6 **Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.)**.

7 (d) If a person subject to IC 6-1.1-3-7(d) fails to include on a
8 personal property return the information, if any, that the department of
9 local government finance requires under IC 6-1.1-3-9 or IC 6-1.1-5-13,
10 the county auditor shall add a penalty to the property tax installment
11 next due for the return. The amount of the penalty is twenty-five dollars
12 (\$25).

13 (e) If the total assessed value that a person reports on a personal
14 property return is less than the total assessed value that the person is
15 required by law to report and if the amount of the undervaluation
16 exceeds five percent (5%) of the value that should have been reported
17 on the return, then the county auditor shall add a penalty of twenty
18 percent (20%) of the additional taxes finally determined to be due as
19 a result of the undervaluation. The penalty shall be added to the
20 property tax installment next due for the return on which the property
21 was undervalued. If a person has complied with all of the requirements
22 for claiming a deduction, an exemption, or an adjustment for abnormal
23 obsolescence, then the increase in assessed value that results from a
24 denial of the deduction, exemption, or adjustment for abnormal
25 obsolescence is not considered to result from an undervaluation for
26 purposes of this subsection.

27 (f) If a person required by IC 6-1.1-3-7.2(k) to file an annual
28 certification with the county assessor fails to timely file the annual
29 certification, the county auditor shall impose a penalty of twenty-five
30 dollars (\$25) that must be paid by the person with the next property tax
31 installment that is collected.

32 (g) A penalty is due with an installment under subsection (a), (d),
33 (e), or (f) whether or not an appeal is filed under IC 6-1.1-15-5 with
34 respect to the tax due on that installment.

35 SECTION 2. IC 6-3-2-4, AS AMENDED BY P.L.6-2012,
36 SECTION 49, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2015]: Sec. 4. (a) Each taxable year, an individual, or the
38 individual's surviving spouse, is entitled to an adjusted gross income
39 tax deduction for the first five thousand dollars (\$5,000) of income,
40 including retirement or survivor's benefits, received during the taxable
41 year by the individual, or the individual's surviving spouse, for the
42 individual's service in an active or reserve component of the armed



1 forces of the United States, including the army, navy, air force, coast
 2 guard, marine corps, merchant marine, Indiana army national guard, or
 3 Indiana air national guard. ~~However, a person who is less than sixty~~
 4 ~~(60) years of age on the last day of the person's taxable year, is not, for~~
 5 ~~that taxable year, entitled to a deduction under this section for~~
 6 ~~retirement or survivor's benefits.~~

7 (b) An individual whose qualified military income is subtracted
 8 from the individual's federal adjusted gross income under
 9 IC 6-3-1-3.5(a)(21) for Indiana individual income tax purposes is not,
 10 for that taxable year, entitled to a deduction under this section for the
 11 individual's qualified military income.

12 SECTION 3. IC 10-16-6-13 IS ADDED TO THE INDIANA CODE
 13 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2015]: **Sec. 13. The Indiana National Guard shall:**

15 **(1) provide a list of individuals on its Internet web site that**
 16 **can be searched or checked to determine whether an**
 17 **individual is a member of the Indiana National Guard**
 18 **ordered to state active duty for at least thirty (30) consecutive**
 19 **days as required by IC 10-16-7-23(c); and**

20 **(2) provide a list of the rights a servicemember or a**
 21 **servicemember's dependent has under the state and federal**
 22 **servicemembers civil relief acts.**

23 SECTION 4. IC 10-16-7-4 IS AMENDED TO READ AS
 24 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 4. An employer who
 25 knowingly or intentionally refuses to allow a member of the ~~Indiana~~
 26 national guard to attend any assembly at which the member has a duty
 27 to perform under this chapter commits a Class B misdemeanor.

28 SECTION 5. IC 10-16-7-23 IS AMENDED TO READ AS
 29 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 23. (a) As used in this
 30 section, "active duty" means:

31 (1) training or duty under federal law; or

32 (2) state active duty under section 7 of this chapter;
 33 performed under an order of the governor.

34 (b) The rights, benefits, and protections of the federal ~~Soldiers' and~~
 35 ~~Sailors' Civil Relief Act~~ **Servicemembers Civil Relief Act**, 50 U.S.C.
 36 App. 501 et seq., ~~as amended and in effect on January 1, 2003,~~ apply
 37 to a member of the Indiana national guard ordered to active duty for at
 38 least thirty (30) consecutive days.

39 **(c) With respect to a member of the Indiana National Guard**
 40 **ordered to state active duty, a person is not subject to remedies and**
 41 **penalties under this section or IC 10-16-20 for failure to comply**
 42 **with the federal Servicemembers Civil Relief Act, 50 U.S.C. App.**



1 **501 et seq., unless:**

- 2 **(1) the member provides documentation to the person that the**
 3 **member is a member of the Indiana National Guard ordered**
 4 **to state active duty for at least thirty (30) consecutive days; or**
 5 **(2) the Indiana National Guard provides a list on its Internet**
 6 **web site that can be searched or checked to determine**
 7 **whether an individual is a member of the Indiana National**
 8 **Guard ordered to state active duty for at least thirty (30)**
 9 **consecutive days.**

10 ~~(c)~~ **(d)** The rights, benefits, and protections of the federal Uniformed
 11 Services Employment and Reemployment Rights Act, 38 U.S.C. 4301
 12 et seq., as amended and in effect on January 1, 2003, apply to a
 13 member of the Indiana national guard ordered to active duty.

14 ~~(d)~~ **(e)** Nothing in this section shall be construed as a restriction or
 15 limitation on any of the rights, benefits, and protections granted to a
 16 member of the Indiana national guard under federal law.

17 SECTION 6. IC 10-16-20 IS ADDED TO THE INDIANA CODE
 18 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 19 JULY 1, 2015]:

20 **Chapter 20. Servicemembers Civil Relief Act**

21 **Sec. 1. This chapter is intended to supplement rights and**
 22 **protections provided in the federal Servicemembers Civil Relief**
 23 **Act (50 U.S.C. App. 501 et seq.).**

24 **Sec. 2. The following definitions apply throughout this chapter:**

25 **(1) "Military service" means:**

26 **(A) in the case of a servicemember who is a member of the**
 27 **Army, Navy, Air Force, Marine Corps, or Coast Guard,**
 28 **full-time duty in the active military service of the United**
 29 **States, including:**

- 30 **(i) full-time training duty;**
 31 **(ii) annual training duty; and**
 32 **(iii) attendance while at a school designated as a service**
 33 **school by federal law or by the secretary of the military**
 34 **department concerned;**

35 **(B) in the case of a member of the Indiana National Guard,**
 36 **service under a call to active:**

- 37 **(i) service authorized by the President of the United**
 38 **States or the Secretary of Defense for a period of more**
 39 **than thirty (30) days in response to a national emergency**
 40 **declared by the President of the United States; or**
 41 **(ii) duty as defined by IC 10-16-7-23(a) for a period of**
 42 **more than thirty (30) consecutive days;**



1 (C) in the case of a servicemember who is a commissioned
 2 officer of the Public Health Service or the National
 3 Oceanic and Atmospheric Administration, active service;
 4 or

5 (D) any period during which a servicemember is absent
 6 from duty on account of sickness, wounds, leave, or other
 7 lawful cause.

8 (2) "Servicemember" means an individual engaged in military
 9 service.

10 Sec. 3. The dependent of a servicemember has the same rights
 11 and protections provided to a servicemember under Title II of the
 12 federal Servicemembers Civil Relief Act (50 U.S.C. App. 521
 13 through 527).

14 Sec. 4. (a) In addition to the rights and protections regarding
 15 consumer transactions, contracts, and service providers included
 16 in Title III of the federal Servicemembers Civil Relief Act (50
 17 U.S.C. App. 531 through 538), a servicemember may terminate a
 18 contract described in subsection (b) at any time after the date the
 19 servicemember receives military orders to relocate for a period of
 20 service of at least ninety (90) days to a location that does not
 21 support the contract.

22 (b) This section applies to a contract to provide any of the
 23 following:

- 24 (1) Telecommunication services.
- 25 (2) Internet services.
- 26 (3) Television services.
- 27 (4) Athletic club or gym memberships.
- 28 (5) Satellite radio services.

29 (c) Termination of a contract must be made by delivery of a
 30 written or electronic notice of the termination and a copy of the
 31 servicemember's military orders to the service provider. If a
 32 servicemember terminates a contract, the service provider shall
 33 provide the servicemember with a written or electronic notice of
 34 the servicemember's rights posted on the Indiana National Guard's
 35 Internet web site as required by IC 10-16-6-13.

36 (d) For any contract terminated under this section, the service
 37 provider under the contract may not impose an early termination
 38 charge.

39 (e) Any tax or any other obligation or liability of the
 40 servicemember that, in accordance with the terms of the contract,
 41 is due and unpaid at the time of termination of the contract shall
 42 be paid by the servicemember.



1 (f) If the servicemember resubscribes to the service provided
 2 under a contract described in subsection (b) that was terminated
 3 under this chapter during the ninety (90) day period immediately
 4 following when the servicemember has returned from service, the
 5 service provider may not impose any charges or services fees, other
 6 than the usual and customary charges and fees for the installation
 7 or acquisition of customer equipment imposed on any other
 8 subscriber.

9 (g) Not later than sixty (60) days after the effective date of the
 10 termination of a contract described in subsection (b), the service
 11 provider under the contract shall refund to the servicemember all
 12 fees paid for services that extend past the termination date of the
 13 contract.

14 **Sec. 5. A civil action to enforce this chapter or IC 10-16-7-23**
 15 **may be brought in any court with jurisdiction by the attorney**
 16 **general against any person that knowingly or intentionally violates**
 17 **any provision of this chapter. However, a civil action may not**
 18 **proceed if relief from the violation has already been granted under**
 19 **the federal Servicemembers Civil Relief Act.**

20 SECTION 7. IC 14-19-3-6 IS ADDED TO THE INDIANA CODE
 21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 22 1, 2015]: **Sec. 6. (a) The department may not charge a price of**
 23 **admission to a veteran who is a resident of Indiana and:**

- 24 (1) was discharged or released from the armed forces of the
 25 United States under conditions other than dishonorable; or
 26 (2) is an active duty member of the armed forces of the United
 27 States, including a member of the National Guard and
 28 Reserve on active duty orders under 10 U.S.C. 1209 and 10
 29 U.S.C. 1211;

30 for the use of state parks, playgrounds, and historical sites held or
 31 managed by the department or a third party under an operating
 32 agreement.

33 (b) The department may allow a twenty-five percent (25%)
 34 reduction of any fees charged for facilities, lodging, and
 35 recreational activities held or managed by the department under
 36 IC 14-19 and IC 14-20 for an individual described in subsection (a).

37 (c) The department, in collaboration with the Indiana
 38 department of veterans' affairs, may adopt rules under IC 4-22-2
 39 to require that appropriate identification be made of an individual
 40 described in subsection (a) by the issuance of an entitlement card
 41 approved by the department and the Indiana department of
 42 veterans' affairs.



1 SECTION 8. IC 14-22-12-7.3, AS ADDED BY P.L.219-2014,
 2 SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2015]: Sec. 7.3. (a) Subject to the commission adopting fees
 4 under subsection (b), the department may issue to residents of Indiana
 5 lifetime licenses to hunt, fish, or trap.

6 (b) **Subject to subsection (c)**, the commission may adopt rules
 7 under IC 4-22-2 and IC 14-10-2-4 to establish fees for lifetime licenses
 8 to hunt, fish, or trap.

9 (c) **Notwithstanding subsection (b), the department may issue a**
 10 **lifetime license to hunt, fish, or trap, free of charge, to a veteran**
 11 **who:**

12 (1) **is a resident of Indiana; and**

13 (2) **was discharged or released from the armed forces of the**
 14 **United States under conditions other than dishonorable.**

15 (d) **The department may issue to an individual who:**

16 (1) **is a nonresident of Indiana;**

17 (2) **has served in the armed forces of the United States; and**

18 (3) **has a service connected disability as evidenced by:**

19 (A) **records of the United States Department of Veterans**
 20 **Affairs; or**

21 (B) **disability retirement benefits awarded to the individual**
 22 **under laws administered by the United States Department**
 23 **of Defense;**

24 **a lifetime license, at a reduced fee, to hunt, fish, or trap. The**
 25 **department may enter into reciprocal agreements with other states**
 26 **to carry out the intent of this subsection.**

27 SECTION 9. IC 21-13-4-2, AS ADDED BY P.L.2-2007, SECTION
 28 254, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY
 29 1, 2015]: Sec. 2. Money in the National Guard tuition supplement
 30 program fund shall be used to provide annual scholarships to
 31 scholarship applicants in an amount that is equal to one (1) of the
 32 following amounts:

33 (1) If the scholarship applicant does not receive other financial
 34 assistance specifically designated for educational costs, the
 35 amount equal to a full tuition scholarship to attend the state
 36 educational institution.

37 (2) If the scholarship applicant receives other financial assistance
 38 specifically designated for educational costs, the amount:

39 (A) equal to the balance required to attend the state
 40 educational institution; and

41 (B) not to exceed the amount described in subdivision (1).

42 (3) **If the scholarship applicant receives financial assistance**



1 **under the Servicemen's Readjustment Act of 1944, the**
 2 **amount equal to the balance required to attend the state**
 3 **educational institution. The amount may not exceed the**
 4 **amount described in subdivision (1).**

5 SECTION 10. IC 21-13-4-3, AS AMENDED BY P.L.281-2013,
 6 SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 3. **(a) Subject to subsections (b) and (c), each**
 8 scholarship awarded under this chapter:

- 9 (1) may be renewed under this chapter for a total scholarship
 10 award that does not exceed the equivalent of the number of terms
 11 that constitutes four (4) undergraduate academic years; and
 12 (2) is subject to other eligibility criteria as established by the
 13 commission.

14 **(b) Except as provided in subsection (c), any benefits awarded**
 15 **under this chapter may not be renewed if the eligible individual**
 16 **fails to maintain at least the following cumulative grade point**
 17 **average:**

- 18 (1) For credit hours applicable to the equivalent of the
 19 applicant's freshman academic year, a cumulative grade point
 20 average that the eligible institution determines is satisfactory
 21 academic progress.
 22 (2) For credit hours applicable to the equivalent of the
 23 applicant's sophomore academic year, a cumulative grade
 24 point average of 2.25 on a 4.0 grading scale or its equivalent
 25 as established by the eligible institution.
 26 (3) For credit hours applicable to the equivalent of the
 27 applicant's junior or senior academic year, a cumulative
 28 grade point average of 2.5 on a 4.0 grading scale or its
 29 equivalent as established by the eligible institution.

30 **(c) After the first semester or its equivalent at the eligible**
 31 **institution that a person does not achieve the requisite cumulative**
 32 **grade point average specified in subsection (b), the person is**
 33 **considered to be on probation and must achieve the requisite**
 34 **cumulative grade point average by the next semester or its**
 35 **equivalent at the eligible institution in order to continue to receive**
 36 **benefits under this chapter.**

37 **(d) In establishing eligibility criteria under subsection (a)(2), the**
 38 **commission shall allow individuals who are serving in the Indiana**
 39 **reserve component of the armed forces of the United States to be**
 40 **eligible to receive a scholarship under this chapter.**

41 SECTION 11. IC 21-13-4-4 IS ADDED TO THE INDIANA CODE
 42 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY



1 1, 2015]: **Sec. 4. There is annually appropriated to the National**
 2 **Guard tuition supplement program fund from the general fund an**
 3 **amount necessary to fully fund scholarships provided under this**
 4 **chapter.**

5 SECTION 12. IC 22-4.1-4-3, AS ADDED BY P.L.11-2007,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2015]: Sec. 3. (a) As used in this section, "active duty" means:

- 8 (1) full-time service in the National Guard for more than thirty
 9 (30) consecutive days in a calendar year;
 10 (2) **full-time service in the reserves for more than thirty (30)**
 11 **consecutive days in a calendar year; or**
 12 (3) **active duty in the armed forces of the United States.**

13 (b) **As used in this section, "armed forces of the United States"**
 14 **means:**

- 15 (1) **the United States Air Force;**
 16 (2) **the United States Army;**
 17 (3) **the United States Coast Guard;**
 18 (4) **the United States Marine Corps; or**
 19 (5) **the United States Navy.**

20 (c) As used in this section, "National Guard" means:

- 21 (1) the Indiana Army National Guard; or
 22 (2) the Indiana Air National Guard.

23 (d) **As used in this section, "reserves" means reserve**
 24 **components of the military forces listed in subsection (b).**

25 (e) This section applies to a member of the **armed forces of the**
 26 **United States, reserves, or National Guard** who:

- 27 (1) is a resident of Indiana; and
 28 (2) serves on active duty.

29 (f) Unless otherwise provided by federal law, the department
 30 shall give a member of the **armed forces of the United States,**
 31 **reserves, or National Guard** or the spouse of a member of the **armed**
 32 **forces of the United States, reserves, or National Guard** priority for
 33 placement in any federal or state employment or training program
 34 administered by the department if the member or the member's spouse:

- 35 (1) submits documentation satisfactory to the department
 36 establishing the dates of the member's active service; and
 37 (2) meets the eligibility requirements for the program.

38 (g) The priority status under subsection (f) for a member of
 39 the **armed forces of the United States, reserves, or National Guard**
 40 expires one (1) year after the date the member is discharged or released
 41 from active duty.

42 (h) The priority status under subsection (f) for the spouse of



1 a member of the **armed forces of the United States, reserves, or**
 2 National Guard expires on the date the member is discharged or
 3 released from active duty.

4 SECTION 13. IC 22-9-10-9, AS ADDED BY P.L.136-2014,
 5 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 6 JULY 1, 2015]: Sec. 9. **(a)** It is an unlawful employment practice for
 7 an employer to discriminate against a prospective employee on the
 8 basis of status as a veteran by:

9 (1) refusing to employ an applicant for employment on the basis
 10 that the applicant is a veteran of the armed forces of the United
 11 States; ~~or~~

12 (2) refusing to employ an applicant for employment on the basis
 13 that the applicant is a member of the Indiana National Guard or
 14 a member of a reserve component; **or**

15 **(3) asking an applicant for employment whether the applicant**
 16 **is a member of a reserve component.**

17 **(b) A person injured by a violation of this section may bring a**
 18 **civil action for:**

19 **(1) actual damages caused by the violation;**

20 **(2) treble damages; and**

21 **(3) costs and reasonable attorney's fees.**

22 SECTION 14. IC 33-23-9-1 IS AMENDED TO READ AS
 23 FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An Indiana state
 24 court may grant the rights, benefits, and protections described in
 25 Section 513 of the federal **Soldiers' and Sailors' Civil Relief Act**
 26 **Servicemembers Civil Relief Act**, 50 U.S.C. App. ~~513~~ **501 et seq.**, ~~as~~
 27 ~~amended and in effect on January 1, 2003~~, to a person primarily or
 28 secondarily liable on an obligation or a liability of an Indiana national
 29 guard member to whom IC 10-16-7-23 applies.

30 (b) All rights, benefits, and protections granted to a person under
 31 subsection (a) are in addition to the rights, benefits, and protections
 32 granted the person under the federal **Soldiers' and Sailors' Civil Relief**
 33 **Act Servicemembers Civil Relief Act**, 50 U.S.C. App. 501 et seq. ~~as~~
 34 ~~amended and in effect on January 1, 2003~~.

35 SECTION 15. IC 35-52-10-6, AS ADDED BY P.L.169-2014,
 36 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 37 JULY 1, 2015]: Sec. 6. IC 10-16-7-4 defines a crime concerning
 38 ~~Indiana military code.~~ **the military.**



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs and the Military, to which was referred Senate Bill No. 472, 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 3, between lines 11 and 12, begin a new paragraph and insert:

"SECTION 3. IC 10-16-6-13 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 13. The Indiana National Guard shall:**

- (1) provide a list of individuals on its Internet web site that can be searched or checked to determine whether an individual is a member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days as required by IC 10-16-7-23(c); and**
- (2) provide a list of the rights a servicemember or a servicemember's dependent has under the state and federal servicemembers civil relief acts."**

Page 3, delete lines 17 through 42, begin a new paragraph and insert:

"SECTION 5. IC 10-16-7-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: **Sec. 23. (a) As used in this section, "active duty" means:**

- (1) training or duty under federal law; or**
- (2) state active duty under section 7 of this chapter; performed under an order of the governor.**

(b) The rights, benefits, and protections of the federal Soldiers' and Sailors' Civil Relief Act Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., as amended and in effect on January 1, 2003; apply to a member of the Indiana national guard ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member of the Indiana National Guard ordered to state active duty, a person is not subject to remedies and penalties under this section or IC 10-16-20 for failure to comply with the federal Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., unless:

- (1) the member provides documentation to the person that the member is a member of the Indiana National Guard ordered to state active duty for at least thirty (30) consecutive days; or**
- (2) the Indiana National Guard provides a list on its Internet web site that can be searched or checked to determine whether an individual is a member of the Indiana National**



Guard ordered to state active duty for at least thirty (30) consecutive days.

~~(c)~~ **(d)** The rights, benefits, and protections of the federal Uniformed Services Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., as amended and in effect on January 1, 2003, apply to a member of the Indiana national guard ordered to active duty.

~~(d)~~ **(e)** Nothing in this section shall be construed as a restriction or limitation on any of the rights, benefits, and protections granted to a member of the Indiana national guard under federal law.

SECTION 6. IC 10-16-20 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]:

Chapter 20. Servicemembers Civil Relief Act

Sec. 1. This chapter is intended to supplement rights and protections provided in the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.).

Sec. 2. The following definitions apply throughout this chapter:

(1) "Military service" means:

(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard, full-time duty in the active military service of the United States, including:

(i) full-time training duty;

(ii) annual training duty; and

(iii) attendance while at a school designated as a service school by federal law or by the secretary of the military department concerned;

(B) in the case of a member of the Indiana National Guard, service under a call to active:

(i) service authorized by the President of the United States or the Secretary of Defense for a period of more than thirty (30) days in response to a national emergency declared by the President of the United States; or

(ii) duty as defined by IC 10-16-7-23(a) for a period of more than thirty (30) consecutive days;

(C) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service; or

(D) any period during which a servicemember is absent from duty on account of sickness, wounds, leave, or other lawful cause.



(2) "Servicemember" means an individual engaged in military service.

Sec. 3. The dependent of a servicemember has the same rights and protections provided to a servicemember under Title II of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 521 through 527).

Sec. 4. (a) In addition to the rights and protections regarding consumer transactions, contracts, and service providers included in Title III of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 531 through 538), a servicemember may terminate a contract described in subsection (b) at any time after the date the servicemember receives military orders to relocate for a period of service of at least ninety (90) days to a location that does not support the contract.

(b) This section applies to a contract to provide any of the following:

- (1) Telecommunication services.
- (2) Internet services.
- (3) Television services.
- (4) Athletic club or gym memberships.
- (5) Satellite radio services.

(c) Termination of a contract must be made by delivery of a written or electronic notice of the termination and a copy of the servicemember's military orders to the service provider. If a servicemember terminates a contract, the service provider shall provide the servicemember with a written or electronic notice of the servicemember's rights posted on the Indiana National Guard's Internet web site as required by IC 10-16-6-13.

(d) For any contract terminated under this section, the service provider under the contract may not impose an early termination charge.

(e) Any tax or any other obligation or liability of the servicemember that, in accordance with the terms of the contract, is due and unpaid at the time of termination of the contract shall be paid by the servicemember.

(f) If the servicemember resubscribes to the service provided under a contract described in subsection (b) that was terminated under this chapter during the ninety (90) day period immediately following when the servicemember has returned from service, the service provider may not impose any charges or services fees, other than the usual and customary charges and fees for the installation or acquisition of customer equipment imposed on any other



subscriber.

(g) Not later than sixty (60) days after the effective date of the termination of a contract described in subsection (b), the service provider under the contract shall refund to the servicemember all fees paid for services that extend past the termination date of the contract.

Sec. 5. A civil action to enforce this chapter or IC 10-16-7-23 may be brought in any court with jurisdiction by the attorney general against any person that knowingly or intentionally violates any provision of this chapter. However, a civil action may not proceed if relief from the violation has already been granted under the federal Servicemembers Civil Relief Act."

Delete pages 4 through 6.

Page 7, delete lines 1 through 10.

Page 7, line 15, delete "uniformed services" and insert "**armed forces of the United States**".

Page 7, line 17, delete "uniformed services," and insert "**armed forces of the United States,**".

Page 7, line 21, delete "department." and insert "**department or a third party under an operating agreement.**".

Page 8, line 2, delete "uniformed services" and insert "**armed forces of the United States**".

Page 9, line 3, delete "Any" and insert "**Except as provided in subsection (c), any**".

Page 10, line 36, after "9." insert "**(a)**".

Page 11, delete lines 5 through 42, begin a new paragraph and insert:

"(b) A person injured by a violation of this section may bring a civil action for:

- (1) actual damages caused by the violation;**
- (2) treble damages; and**
- (3) costs and reasonable attorney's fees.**

SECTION 14. IC 33-23-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 1. (a) An Indiana state court may grant the rights, benefits, and protections described in Section 513 of the federal ~~Soldiers' and Sailors' Civil Relief Act~~ **Servicemembers Civil Relief Act**, 50 U.S.C. App. ~~513~~ **501 et seq.**, as ~~amended and in effect on January 1, 2003~~, to a person primarily or secondarily liable on an obligation or a liability of an Indiana national guard member to whom IC 10-16-7-23 applies.

(b) All rights, benefits, and protections granted to a person under subsection (a) are in addition to the rights, benefits, and protections



granted the person under the federal ~~Soldiers' and Sailors' Civil Relief Act~~ **Servicemembers Civil Relief Act**, 50 U.S.C. App. 501 et seq. ~~as amended and in effect on January 1, 2003.~~

SECTION 15. IC 35-52-10-6, AS ADDED BY P.L.169-2014, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2015]: Sec. 6. IC 10-16-7-4 defines a crime concerning ~~Indiana military code.~~ **the military.**".

Delete page 12.

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 472 as introduced.)

CRIDER, Chairperson

Committee Vote: Yeas 10, Nays 0.

