

Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

## HOUSE ENROLLED ACT No. 1173

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AN ACT to amend the Indiana Code concerning state offices and administration.

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

SECTION 1. IC 10-17-1-4, AS AMENDED BY P.L.108-2016, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. The commission shall do acts necessary or reasonably incident to the fulfillment of the purposes of this chapter, including the following:

- (1) Adopt rules under IC 4-22-2 to administer this chapter.
- (2) Advise the veterans' state service officer in problems concerning the welfare of veterans.
- (3) Determine general administrative policies within the department.
- (4) Establish standards for certification of **state**, county, and city service officers.
- (5) Establish and administer a written examination for renewal of the certification of county and city service officers.
- (6) Submit, not later than December 31 of each year, an annual report to the legislative council in an electronic format under IC 5-14-6 and to the governor concerning the welfare of veterans.

SECTION 2. IC 10-17-1-5, AS AMENDED BY P.L.144-2007, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 5. (a) The position of director of veterans' affairs is established. The governor shall appoint the director for a four (4)

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year term. However, the term of office of the director terminates when the term of office of the governor terminates or when a successor to the director is appointed and qualified. The director must be:

- (1) an honorably discharged veteran who has at least six (6) months active service in the armed forces of the United States; and
- (2) a citizen of Indiana and a resident of Indiana for at least ~~five~~ **(5) two (2) cumulative** years ~~immediately~~ preceding the director's appointment.

(b) The director is entitled to reimbursement for necessary traveling and other expenses.

(c) The governor may remove the director if the governor considers the director guilty of misconduct, incapability, or neglect of duty.

(d) The governor shall appoint an assistant director of veterans' affairs. The assistant director is entitled to receive reimbursement for necessary traveling and other expenses. The assistant director has the same qualifications as the director of veterans' affairs and shall assist the director in carrying out this chapter.

SECTION 3. IC 10-17-1-6, AS AMENDED BY P.L.136-2014, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. (a) The director of veterans' affairs:

- (1) is the executive and administrative head of the Indiana department of veterans' affairs; and
- (2) shall direct and supervise the administrative and technical activities of the department;

subject to the general supervision of the commission.

(b) The duties of the director include the following:

- (1) To attend all meetings of the commission and to act as secretary and keep minutes of the commission's proceedings.
- (2) To appoint the employees of the department necessary to carry out this chapter and to fix the compensation of the employees. Employees of the department must qualify for the job concerned.
- (3) To carry out the program for veterans' affairs as directed by the governor and the commission.
- (4) To carry on field direction, inspection, and coordination of county and city service officers as provided in this chapter.
- (5) To prepare and conduct service officer training schools with the voluntary aid and assistance of the service staffs of the major veterans' organizations.
- (6) To maintain an information bulletin service to county and city service officers for the necessary dissemination of material pertaining to all phases of veterans' rehabilitation and service



work, including information necessary to inform veterans of the provisions of IC 22-9-10.

(7) To perform the duties described in IC 10-17-11 for the Indiana state veterans' cemetery.

(8) To perform the duties described in IC 10-17-12 for the military family relief fund.

(9) To establish a program and set guidelines under which a medal of honor ~~awardee~~ **recipient** may receive compensation when attending and participating in official ceremonies.

SECTION 4. IC 10-17-1-9, AS AMENDED BY P.L.108-2016, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 9. (a) A county executive:

(1) shall designate and may:

(A) appoint a county service officer for a four (4) year term; or

(B) employ a county service officer; and

(2) may employ service officer assistants;

to serve the veterans of the county.

(b) The mayor of a city may employ a service officer and may employ service officer assistants to serve the veterans of the city.

(c) If the remuneration and expenses of a county or city service officer are paid from the funds of the county or city employing the service officer, the service officer shall:

(1) ~~have the same qualifications and be subject to the same rules as the director, assistant director, and state service officers of the Indiana department of veterans' affairs; be:~~

**(A) an honorably discharged veteran who has at least six (6) months of active service in the armed forces of the United States; or**

**(B) a service officer assistant with not less than two (2) years of experience;**

**(2) be a resident of Indiana or become a resident of Indiana not more than six (6) months after the service officer's start date; and**

~~(3)~~ **(3) serve under the supervision of the director of veterans' affairs.**

**(d) A service officer assistant must be a resident of Indiana or become a resident of Indiana not later than six (6) months after the service officer assistant's start date and:**

**(1) satisfy the requirements specified in subsection (c)(1); or**

**(2) be the spouse, surviving spouse, parent, or child of a person who satisfies the requirements specified in subsection (c)(1).**



have the same qualifications as an employee described in section 11(b) of this chapter.

(e) A rule contrary to this subsection (c) or (d) is void.

(f) County and city fiscal bodies may appropriate funds necessary for the purposes described in this section.

SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.99-2016, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 10. (a) Within thirty (30) days of their appointment, new county, or city service officers must attend a new service officer orientation presented by the Indiana department of veterans' affairs and, according to the standards established under section 4(4) of this chapter, become certified to assist veterans and their dependents and survivors. The curriculum for the new service officer orientation presented under this subsection shall be determined by the director.

(b) Within one (1) year of appointment, new service officers must attend a course presented by a national organization and become accredited to represent veterans.

(c) An individual employed as a **state**, county, or city service officer under this chapter is required to become accredited by a national veterans service organization through the United States Department of Veterans Affairs Office of General Counsel not later than one (1) year from the date of **the** individual's employment, in order to represent veterans.

(d) Annually, all **state**, county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's county, or city, including a thorough familiarization with laws, rules, and regulations of the federal government and the state that affect benefits to which the veterans and dependents of the veterans are entitled. After a service officer has undergone this sustainment training and successfully passed a written test, the service officer shall be recertified by the director to assist veterans for the following year.

SECTION 6. IC 10-17-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) To provide a special and permanent record of discharges from a branch of the military service of the United States of members of a branch of the service who are residents of Indiana, the county recorder shall **do either of the following:**

- (1) Procure a sufficiently large and well bound book of good material in which the county recorder shall record all discharges.
- (2) **Preserve discharges received by the recorder in an**



**electronic format that may be accessed in the office of the recorder and store paper copies or microfilm of the discharges at a secure offsite location from which the paper copies or microfilm may be retrieved as necessary.**

**(b) The county recorder shall annually test the reliability of hardware and software used to provide electronic access to discharges preserved under subsection (a)(2).**

SECTION 7. IC 10-17-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 2. A book providing for the recording of discharges from the army, navy, or any other branch of the service must consist of printed forms in blank, similar to and in conformity with the wording of the forms of discharge used by the United States government, the size of type being reduced to permit the printing of the form of the discharge on one (1) page of the record. Each book must be provided with an alphabetical index. **The standards imposed by this section apply to the preservation of discharges in an electronic format under section 1(a)(2) of this chapter.**

SECTION 8. IC 10-17-2-4, AS AMENDED BY P.L.103-2016, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 4. (a) As used in this section, "photographic identification" means an identification document that:

- (1) shows the name of the individual to whom the document was issued;
- (2) shows a photograph of the individual to whom the document was issued;
- (3) includes an expiration date indicating that the document has not expired; and
- (4) was issued by the United States or a state or territory of the United States.

(b) A discharge record is not a public record under IC 5-14-3. A county recorder ~~may~~ **shall** provide a certified copy of a discharge record ~~only to~~ **at the request of** the following persons:

- (1) The veteran who is the subject of the discharge record if the veteran provides photographic identification.
- (2) A person who provides photographic identification that identifies the person as a **state**, county, or city service officer.
- (3) A person who provides photographic identification that identifies the person as an employee of the Indiana department of veterans' affairs.
- (4) A person who:
  - (A) is a funeral director licensed under IC 25-15; and



(B) assists with the burial of the veteran who is the subject of the discharge record;

if the person provides photographic identification and the person's funeral director license.

(5) If the veteran who is the subject of the discharge record is deceased, the spouse or next of kin of the deceased, if the spouse or next of kin provides photographic identification and a copy of the veteran's death certificate.

(6) The following persons, if the person provides photographic identification:

(A) The attorney in fact of the person who is the subject of the discharge record, if the attorney in fact provides a copy of the power of attorney.

(B) The guardian of the person who is the subject of the discharge record, if the guardian of the person provides a copy of the court order appointing the guardian of the person.

(C) The personal representative of the estate of the deceased, if the person who is the subject of the discharge record is deceased and the personal representative of the estate provides a copy of the court order appointing the personal representative of the estate.

(c) To the extent technologically feasible, a county recorder shall take precautions to prevent the disclosure of a discharge record filed with the county recorder before May 15, 2007. After May 14, 2007, a county recorder shall ensure that a discharge record filed with the county recorder is maintained in a separate, confidential, and secure file.

(d) Disclosure of a discharge record by the county recorder under this section is subject to IC 5-14-3-10.

**(e) A person who:**

**(1) is described in subsection (b)(1) through (b)(6); and**

**(2) uses or discloses:**

**(A) a discharge record; or**

**(B) the information contained in a discharge record;**

**for a purpose that is outside the scope of the person's authorized or official capacity commits a Class A infraction.**

**(f) The department shall develop a process concerning the release of discharge records by county recorders to eligible persons. The process described under this subsection shall be implemented not later than December 30, 2020.**

**(g) The department may adopt rules under IC 4-22-2, including emergency rules under IC 4-22-2-37.1, to implement subsection (f).**



SECTION 9. IC 10-17-5 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Veteran Benefits).

SECTION 10. IC 10-17-7-3, AS AMENDED BY P.L.2-2007, SECTION 149, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 3. (a) A dependent of a prisoner of war or person missing in action, upon the person's acceptance for enrollment in a state educational institution, may obtain a bachelor's degree or certificate of completion without tuition or charge as long as the dependent is eligible.

(b) A dependent is entitled to the benefits of this chapter notwithstanding any circumstance, including the return ~~of the father~~ or the reported death of the ~~father~~: **dependent's parent or guardian who had been declared a prisoner of war or a person missing in action.**

SECTION 11. IC 10-17-8 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Reporting of Veterans Exposed to Chemicals).

SECTION 12. IC 10-17-12-7.5, AS AMENDED BY P.L.99-2016, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 7.5. As used in this chapter, "qualified service member" means an individual who is an Indiana resident and who:

(1) is:

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

(2) has:

- (A) served on active duty during a time of national conflict or war in:
  - (i) the armed forces of the United States; or
  - (ii) the national guard (as defined in IC 5-9-4-4); and
- (B) ~~received an honorable discharge~~: **been discharged from the armed forces of the United States or the national guard under honorable conditions.**

SECTION 13. IC 10-17-12-8, AS AMENDED BY P.L.99-2016, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 8. (a) The military family relief fund is established to provide short term assistance with food, housing, utilities, medical services, basic transportation, child care, education, employment or workforce, and other essential family support expenses that have become difficult to afford for qualified service members or dependents of qualified service members.

(b) Except as provided in section 9 of this chapter, the ~~commission~~ **department** shall expend the money in the fund exclusively to provide

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grants for assistance as described in subsection (a).

(c) The ~~commission~~ **department** shall give priority to applications for grants for assistance from the fund to qualified service members or dependents of qualified service members who have never received a grant under this chapter.

(d) Subject to the approval of the budget agency, the commission shall establish the maximum total dollar amount of grants that may be expended in a state fiscal year. Once the maximum total dollar amount of grants that may be expended in a state fiscal year is reached, no additional grants may be authorized until the start of the following state fiscal year.

(e) The director shall each year provide a report to the budget committee concerning the grant program under this chapter.

(f) A qualified service member or the qualified service member's dependent may be eligible to receive assistance from the fund.

(g) The commission shall administer the fund.

SECTION 14. IC 10-17-12-10, AS AMENDED BY THE TECHNICAL CORRECTIONS BILL OF THE 2020 GENERAL ASSEMBLY, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: 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~~ **commission** 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 a **higher amount** is 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 15. IC 10-17-12.5 IS REPEALED [EFFECTIVE JULY 1, 2020]. (Veterans Disability Clinic Fund).

SECTION 16. IC 25-25-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 1. (a) This section applies to:

(1) any veteran described in IC 10-17-5-2 or IC 10-17-5-1 (**before their repeal**); or

(2) any other veteran to whom this chapter applies because of the provisions of any other statute;

who holds an honorable discharge from such service issued by the proper authorities. Such a person shall be entitled to a license to vend,

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hawk, and peddle goods, wares, fruits, and merchandise in any county, city, or town in Indiana without the payment of any fee for the license. Upon the presentation of the person's certificate and papers of discharge, properly executed, to the auditor of any county and proving the person's identity as the person named in the person's certificate of honorable discharge, the auditor shall issue to the former soldier or sailor a free license to vend, hawk, and peddle goods, wares, fruits, and merchandise in the county and in all cities and towns in the county. A fee may not be charged to the holder of the license by the auditor, by the authorities of any city or town in the county, or by any other officer. The license shall be full and complete authority to vend, hawk, and peddle without the payment of any sum of money.

(b) A person who acquires a license under this section is subject to all county, city, or town regulations and ordinances concerning vendors, hawkers, or peddlers, except for those provisions requiring payment of money for obtaining a license.

SECTION 17. IC 27-8-3-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 6. Any incorporation, association or society organized to insure lives, which provides for the payment of policy claims, or the accumulation of reserve or emergency funds, and the expenses of the management and prosecution of the business by payments to be made either at periods named in the contract or upon assessments as required, by persons holding similar contracts, and wherein the insured's liability to contribute to the payment of policy claims accrued or to accrue is not limited to a fixed sum, shall be deemed to be engaged in the business of life insurance upon the assessment plan, and shall be subject only to the provisions of this chapter. However, nothing contained in this chapter shall be construed as applicable to any association of religious or secret societies, or to any class of mechanics, express, telegraph or railroad employees, or veterans described in IC 10-17-5-2 or IC 10-17-5-1 **(before their repeal)** formed for the mutual benefit of the members thereof and their families exclusively, or to any secret or fraternal societies, lodges or councils that may be organized, or that are now organized and doing business in this state, which conduct their business and secure members on the lodge system exclusively, having ritualistic work and ceremonies in their societies, lodges or councils, and which are under the supervision of the grand or supreme body, nor to any association organized solely for benevolent purposes and not for profit.

SECTION 18. IC 27-8-3-26 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2020]: Sec. 26. Nothing contained

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in sections ~~one 1~~ through ~~twenty-five 25~~ of this chapter shall be construed to apply to secret or fraternal societies, lodges or councils that are now organized, or that may hereafter be organized, which conduct their business and secure members on the lodge system, exclusively, having ritualistic work and ceremonies in their societies, lodges or councils, and which are under the supervision of a grand or supreme body, nor to any association organized solely for benevolent purposes and not for profit; nor to any association of religious or secret societies, nor to any class of mechanics, express, telegraph or railroad employees or veterans described in IC 10-17-5-2 or IC 10-17-5-1 **(before their repeal)** or any existing societies now doing business and formed for the mutual benefit of the members thereof and their families exclusively.



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Speaker of the House of Representatives

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President of the Senate

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President Pro Tempore

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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