

HOUSE BILL No. 1191

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-18-1-39; IC 10-19-10.5.

Synopsis: War memorials of last resort. Defines an "eligible honoree" as an individual who is killed in action or dies of wounds received in action while serving in the armed forces of the United States or the national guard of Indiana or another state. Requires the Indiana war memorials commission (commission) to establish a program to provide a suitable location in Indiana to which a memorial to an eligible honoree may be relocated from inside or outside Indiana as a memorial of last resort. Requires the commission to prescribe eligibility standards for the program that must specify that a memorial is not eligible for relocation under the program unless it is the only memorial to the eligible honoree located in the United States. Authorizes the family, descendants, or other interested parties to apply to the commission for permission to relocate a memorial to an eligible honoree under the program if the removal or destruction of the memorial to the eligible honoree is ordered for any reason by a court, government official, or governing body exercising lawful jurisdiction over the memorial. Provides for the administration of the program. Makes an appropriation.

Effective: July 1, 2019.

Stutzman

January 8, 2019, read first time and referred to Committee on Veterans Affairs and Public Safety.



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 BILL No. 1191

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 10-18-1-39 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2019]: **Sec. 39. The commission shall carry out IC 10-19-10.5.**
4 SECTION 2. IC 10-19-10.5 IS ADDED TO THE INDIANA CODE
5 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
6 JULY 1, 2019]:
7 **Chapter 10.5. War Memorials of Last Resort**
8 **Sec. 1. As used in this chapter, "armed forces of the United**
9 **States" means:**
10 **(1) the Army;**
11 **(2) the Navy;**
12 **(3) the Air Force;**
13 **(4) the Coast Guard; and**
14 **(5) the Marine Corps.**
15 **Sec. 2. As used in this chapter, "commission" refers to the**
16 **Indiana war memorials commission established by IC 10-18-1-2.**
17 **Sec. 3. As used in this chapter, "died of wounds received in**



1 action" means an individual who, after reaching a medical
2 treatment facility, dies of wounds or other injuries received in
3 action while serving in the armed forces of the United States or the
4 national guard of Indiana or another state.

5 Sec. 4. As used in this chapter, "eligible honoree" means an
6 individual who:

- 7 (1) is killed in action; or
8 (2) dies of wounds received in action;

9 while serving in the armed forces of the United States or the
10 national guard of Indiana or another state.

11 Sec. 5. As used in this chapter, "killed in action" means an
12 individual who:

- 13 (1) is killed outright in action; or
14 (2) before reaching a medical treatment facility dies as a
15 result of wounds or other injuries received in action;

16 while serving in the armed forces of the United States or the
17 national guard of Indiana or another state.

18 Sec. 6. The commission shall establish a program to provide a
19 suitable location in Indiana to which a memorial to an eligible
20 honoree may be relocated from inside or outside Indiana as a
21 memorial of last resort. The commission shall prescribe eligibility
22 standards for the program that must specify that a memorial is not
23 eligible for relocation under the program unless it is the only
24 memorial to the eligible honoree located in the United States.

25 Sec. 7. The family, descendants, or other interested parties may
26 apply to the commission for permission to relocate a memorial to
27 an eligible honoree under the program if the removal or
28 destruction of the memorial to the eligible honoree is ordered for
29 any reason by a court, government official, or governing body
30 exercising lawful jurisdiction over the memorial.

31 Sec. 8. The commission shall ensure that locations selected for
32 installing the relocated memorial to an eligible honoree is keeping
33 with the dignity required to honor the memory of the eligible
34 honoree.

35 Sec. 9. The commission may:

- 36 (1) acquire real property, burial plots, or other property
37 interests;
38 (2) enter into contracts; and
39 (3) employ personnel;

40 necessary to carry out this chapter.

41 Sec. 10. (a) Subject to subsection (b), the commission shall pay
42 all expenses incurred in relocating a memorial to an eligible



- 1 honoree under this chapter, including expenses incurred to:
2 (1) remove the memorial from its original location;
3 (2) transport the memorial to the location selected under this
4 chapter; and
5 (3) install and maintain the memorial at the location selected
6 under this chapter.
7 (b) The commission may not pay any expenses incurred by an
8 applicant in the proceedings leading to an order for the removal or
9 destruction of a memorial to an eligible honoree.
10 Sec. 11. The commission shall pay expenses incurred to carry
11 out this program from amounts appropriated to the commission
12 under section 12 of this chapter.
13 Sec. 12. There is continuously appropriated to the commission
14 from the state general fund an amount sufficient to carry out this
15 chapter.

