

Second Regular Session of the 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1373

AN ACT to amend the Indiana Code concerning military and veterans.

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

SECTION 1. IC 10-16-7-23, AS AMENDED BY P.L.156-2015, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 23. (a) As used in this section, "active duty" means:

- (1) training or duty under federal law; ~~or~~
 - (2) state active duty under an order of a governor of another state as provided by law; or**
 - ~~(2)~~ **(3) 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 Servicemembers Civil Relief Act, 50 U.S.C. App. 501 et seq., apply to a member of:

- (1) the Indiana national guard; or**
 - (2) the national guard of another state;**
- ordered to active duty for at least thirty (30) consecutive days.

(c) With respect to a member or reserve member of:

- (1) the Indiana national guard; or**
 - (2) the national guard of another state;**
- 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

HEA 1373 — Concur



seq., unless the member or member's dependent provides documentation to the person that the person is a member or reserve member of the Indiana national guard **or the national guard of another state**, ordered to state active duty for at least thirty (30) consecutive days.

(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:

- (1) the Indiana national guard; **or**
- (2) **the national guard of another state;**

ordered to active duty.

(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:

- (1) the Indiana national guard; **or**
- (2) **the national guard of another state;**

under federal law.

SECTION 2. IC 10-16-20-2, AS ADDED BY P.L.156-2015, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. The following definitions apply throughout this chapter:

- (1) "Military service" means:
 - (A) in the case of a servicemember who is a member or reserve 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 or reserve 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) in the case of a member or reserve member of the national guard of another state, service under an order by the governor of that state to active duty for at least thirty (30) consecutive days; or

(E) 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.

SECTION 3. IC 12-15-2.5-2, AS AMENDED BY P.L.161-2007, SECTION 36, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 2. **(a) Except as provided in subsection (b), a person who is a lawful permanent resident is eligible for Medicaid assistance under this article for a period of one (1) year.**

(b) This subsection applies to the eligibility of an individual or the individual's dependent for Medicaid assistance and Medicaid waiver services. An individual who:

(1) is a legal Indiana resident;

(2) is an active member of the armed forces of the United States (as defined in IC 5-9-4-3) or the national guard;

(3) is assigned to a duty station outside Indiana or deployed; and

(4) except for meeting the state residency requirements, is otherwise eligible for Medicaid assistance or Medicaid waiver services under this article;

or the individual's dependent is eligible for Medicaid assistance or Medicaid waiver services under this article for one (1) year following the individual's discharge from service in the armed forces of the United States or the national guard or postdeployment in the armed forces of the United States or the national guard.

(c) The office shall allow an individual described in subsection (b) or a dependent of the individual to be placed on a Medicaid waiver waiting list if the individual or the individual's dependent does not reside in Indiana due to the individual's military assignment outside Indiana. When residency has been reestablished, the office shall resume:

(1) Medicaid assistance; and

(2) Medicaid waiver services, subject to the availability of a waiver slot under federal regulations;

for the individual or the individual's dependent if the individual or the individual's dependent is otherwise eligible under this section.



Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

HEA 1373 — Concur

