

HOUSE BILL No. 1402

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-1.1-12-47; IC 10-17.

Synopsis: Veterans matters. Defines "veteran" for the purposes of veterans homelessness prevention programs and incentives. Provides a property tax deduction to an owner of real property that uses the owner's real property to provide rental housing to a veteran. Requires the Indiana department of veterans' affairs to perform an electronic query of the records maintained in the case management system developed and operated by the division of state court administration on a weekly basis to obtain arrestee information and cross reference the names obtained with the names of individuals in the: (1) U.S. Department of Defense data base of individuals whose military service qualifies the individual for veterans benefits; and (2) national guard registries. Allows the information to be shared with county prosecutors and veterans courts to benefit veterans in the court system.

Effective: January 1, 2018 (retroactive); July 1, 2018.

Baird, Clere

January 16, 2018, read first time and referred to Committee on Veterans Affairs and Public Safety.



Second Regular Session of the 120th General Assembly (2018)

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 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1402

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 6-1.1-12-47 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE
3 JANUARY 1, 2018 (RETROACTIVE)]: **Sec. 47. (a) As used in this**
4 **section, "veteran" means an individual residing in Indiana who has**
5 **served in any branch of the armed forces of the United States or**
6 **their reserves, in the national guard, or in the Indiana National**
7 **Guard.**
8 **(b) An owner of real property is entitled to a deduction from the**
9 **assessed value of the real property for an assessment date if:**
10 **(1) on the assessment date, the real property is leased by the**
11 **owner to a veteran;**
12 **(2) the term of the lease under which the veteran leases the**
13 **real property is at least one (1) year;**
14 **(3) the owner of the real property collaborates with a veterans**
15 **organization;**
16 **(4) the veteran uses the real property as the veteran's**
17 **principal place of residence; and**



1 **(5) the real property consists of:**

2 **(A) a dwelling and the land, not exceeding one (1) acre,**
 3 **that immediately surrounds the dwelling; or**

4 **(B) a unit in an apartment.**

5 **(b) The amount of the deduction to which a property owner is**
 6 **entitled under this section is equal to one hundred percent (100%)**
 7 **of the assessed value of the real property.**

8 **(c) An applicant that desires to obtain the deduction provided**
 9 **by this section must file a certified deduction application with the**
 10 **auditor of the county in which the real property is located. The**
 11 **application must contain the information and be in the form**
 12 **prescribed by the department of local government finance. The**
 13 **application must be completed and dated in the calendar year for**
 14 **which the person wishes to obtain the deduction and filed with the**
 15 **county auditor on or before January 5 of the immediately**
 16 **succeeding calendar year.**

17 **(d) Section 40.5 of this chapter does not apply to the deduction**
 18 **under this section.**

19 SECTION 2. IC 10-17-1-12 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2018]: **Sec. 12. (a) As used in this section, "veterans' court" has**
 22 **the meaning set forth in IC 33-23-16-10.**

23 **(b) The department, in collaboration with the national guard (as**
 24 **defined in IC 10-16-1-13), shall perform an electronic query of the**
 25 **records maintained in the case management system developed and**
 26 **operated by the division of state court administration on a weekly**
 27 **basis to obtain arrestee information and cross reference the names**
 28 **obtained with the names of individuals in the:**

29 **(1) U.S. Department of Defense data base of individuals whose**
 30 **military service qualifies the individual for veterans benefits;**
 31 **and**

32 **(2) national guard registries.**

33 **(c) Information obtained under subsection (b) may be shared**
 34 **with county prosecutors and a veterans' court to help address the**
 35 **needs of veterans in the court system by:**

36 **(1) bringing together substance abuse rehabilitation**
 37 **professionals, local social programs, and intensive judicial**
 38 **monitoring; and**

39 **(2) linking veterans to programs and services.**

40 **(d) The department shall adopt rules and procedures necessary**
 41 **and appropriate to implement this section.**



1 SECTION 3. IC 10-17-13.5-4, AS ADDED BY P.L.217-2017,
 2 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2018]: **Sec. 4. (a) As used in subsection (b), "veteran"**
 4 **means an individual residing in Indiana who has served in any**
 5 **branch of the armed forces of the United States or their reserves,**
 6 **in the national guard, or in the Indiana National Guard.**

7 ~~(a)~~ **(b)** The department may make grants to qualified entities to be
 8 used for the purpose of providing services to veterans, including the
 9 following:

10 (1) Programs focused on eliminating homelessness, preventing
 11 near term homelessness, and providing safe and secure living
 12 conditions.

13 (2) Assisting veterans in moving from public housing assistance
 14 programs to:

15 (A) home ownership; or

16 (B) stable, long term rental status.

17 A grant under this chapter for the purpose specified in clause (B)
 18 may include up to nine (9) months of rental assistance.

19 (3) Assisting veterans in finding and using available federal and
 20 state resources.

21 (4) Providing therapeutic services.

22 (5) Providing job training and job search assistance.

23 ~~(b)~~ **(c)** The department may make grants to the provider chosen by
 24 the state department of health under section 6 of this chapter to be used
 25 for the purpose of providing assistance to the provider to provide
 26 diagnostic testing and hyperbaric oxygen treatment to veterans
 27 receiving treatment under the pilot program established under section
 28 6 of this chapter. However, a grant under this chapter may not be
 29 awarded for the purposes specified in this subsection unless the state
 30 department of health has adopted the rules required by section 5 of this
 31 chapter. In addition, a grant may not be awarded for the purposes
 32 specified in this subsection after the expiration of the pilot program
 33 established under section 6 of this chapter.

34 SECTION 4. IC 10-17-13.5-6, AS ADDED BY P.L.217-2017,
 35 SECTION 76, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 36 JULY 1, 2018]: **Sec. 6. (a) As used in this section, "hyperbaric oxygen**
 37 **treatment" means treatment for traumatic brain injury or posttraumatic**
 38 **stress disorder that is ordered by a health care provider and delivered**
 39 **in a hyperbaric chamber.**

40 (b) The department shall establish a pilot program for the purpose
 41 of providing assistance for the provider that has been approved by the
 42 state department of health to provide diagnostic testing and hyperbaric



- 1 oxygen treatment to veterans receiving treatment under section ~~4(b)~~
 2 **4(c)** of this chapter.
- 3 (c) The state department of health shall issue a request for proposals
 4 to select one (1) provider that is eligible to offer the treatment
 5 described in section ~~4(b)~~ **4(c)** of this chapter.
- 6 (d) An individual veteran is eligible to begin treatment if the service
 7 related event that caused the traumatic brain injury or posttraumatic
 8 stress disorder happened within the past twelve (12) months.
- 9 (e) An individual veteran must pay a co-pay equal to ten percent
 10 (10%) of the cost of treatment billed to the department or the state
 11 department of health.
- 12 (f) A grant under the pilot program established under subsection (b)
 13 may be provided only to the provider chosen by the state department of
 14 health to provide diagnostic testing and hyperbaric oxygen treatment
 15 to veterans.
- 16 (g) The state department of health, after consulting with the
 17 department, shall adopt rules under IC 4-22-2 to implement section
 18 ~~4(b)~~ **4(c)** of this chapter, including standards for the following:
- 19 (1) Determination by the provider that an individual is a veteran
 20 eligible for participation in the program.
- 21 (2) Determination by the state department of health that the
 22 provider is eligible to participate in the program, including:
- 23 (A) a requirement that the provider must maintain compliance
 24 with applicable fire codes, treatment protocols, and state
 25 department of health oversight; and
- 26 (B) other facility standards determined by the state department
 27 of health.
- 28 (3) Treatment plan requirements, including the following:
- 29 (A) A provider's submission to the state department of health,
 30 before providing hyperbaric oxygen treatment to a veteran, of
 31 a treatment plan that includes:
- 32 (i) a health care provider's prescription for hyperbaric
 33 oxygen treatment;
- 34 (ii) verification by the provider that the veteran is eligible
 35 for participation in the program and voluntarily accepts
 36 treatment through the program;
- 37 (iii) an estimate of the cost of the veteran's treatment; and
- 38 (iv) any other information required by the state department
 39 of health.
- 40 (B) A reasonable time frame for:
- 41 (i) approval or disapproval by the state department of health
 42 of a treatment plan described in clause (A); and



- 1 (ii) notice to the provider of approval or disapproval of the
 2 treatment plan.
- 3 (C) Contingent on sufficient funding available in the fund,
 4 approval of each treatment plan that meets the requirements
 5 established by the state department of health under this
 6 section.
- 7 (D) The sources of funding for the estimated treatment cost for
 8 each veteran whose treatment plan is approved under this
 9 section.
- 10 (4) Criteria for approval of payment for treatment that has been
 11 verified by the state department of health to have been provided
 12 under a treatment plan approved under subdivision (3), including:
- 13 (A) whether a drug or device used in the treatment plan has
 14 been approved for any purpose by the federal Food and Drug
 15 Administration;
- 16 (B) health improvement of the veteran receiving the treatment,
 17 as demonstrated through:
- 18 (i) standardized, independent pretreatment and
 19 posttreatment neuropsychological testing;
- 20 (ii) nationally accepted survey instruments;
- 21 (iii) neurological imaging; or
- 22 (iv) clinical examination; and
- 23 (C) receipt by the state department of health of pretreatment
 24 and posttreatment evaluation documentation.
- 25 (5) Confidentiality of all individually identifiable patient
 26 information of a veteran. However, subject to the requirements of
 27 the federal Health Insurance Portability and Accountability Act
 28 and any other applicable medical record laws, all data and
 29 information from which the identity of an individual veteran
 30 cannot be reasonably ascertained must be available to the general
 31 assembly, participating institutional review boards, participating
 32 health care providers, medical researchers, and other
 33 governmental agencies.
- 34 (h) This section expires June 30, 2019.
- 35 **SECTION 5. An emergency is declared for this act.**

