

SENATE BILL No. 176

DIGEST OF INTRODUCED BILL

Citations Affected: IC 6-3.6-9-12; IC 10-17.

Synopsis: Service officer matters. Requires notification from the director of the department of veterans' affairs to county and city executives concerning noncompliance with: (1) designation of service officers; and (2) accreditation requirements. Provides that a vacancy may not occur in the office of a designated or employed service officer for more than 60 consecutive days. Requires, after one year of noncompliance, a part of local income taxes to be withheld from cities and counties that fail to enforce: (1) designation and employment requirements; and (2) accreditation and reaccreditation requirements for city and county service officers. Requires county executives to designate county service officers for five year terms. Allows for funding for training and accreditation of service officers to be paid from the military family relief fund.

Effective: July 1, 2018.

Niezgodski

January 8, 2018, read first time and referred to Committee on Veterans Affairs and The Military.



Second Regular Session 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.

SENATE BILL No. 176



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 6-3.6-9-12, AS ADDED BY P.L.243-2015,
2 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2018]: Sec. 12. **(a) Except as provided in subsection (b),**
4 one-twelfth (1/12) of each adopting county's certified distribution for
5 a calendar year shall be distributed from its trust account established
6 under this chapter to the appropriate county treasurer on the first
7 regular business day of each month of that calendar year.
8 **(b) If the Indiana veterans' affairs commission has certified to**
9 **the auditor of state and the budget agency that a county or city has**
10 **not complied with IC 10-17-1 for at least one (1) year, one-fifth**
11 **(1/5) of the part of the certified distribution that would be**
12 **distributed to the county civil taxing unit shall be withheld by the**
13 **auditor of state until the city or county has complied with**
14 **IC 10-17-1.**
15 **(c) If a part of a distribution is withheld under subsection (b)**
16 **and the city or county subsequently complies with IC 10-17-1, the**
17 **auditor of state shall distribute to the county civil taxing unit the**



1 **amount of the distribution that was withheld, without interest for**
 2 **the period during which the distribution was withheld.**

3 **(d) A withholding made under subsection (b) does not affect a**
 4 **distribution to any unit other than the county civil taxing unit.**

5 SECTION 2. IC 10-17-1-6, AS AMENDED BY P.L.136-2014,
 6 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 7 JULY 1, 2018]: Sec. 6. (a) The director of veterans' affairs:

8 (1) is the executive and administrative head of the Indiana
 9 department of veterans' affairs; and

10 (2) shall direct and supervise the administrative and technical
 11 activities of the department;

12 subject to the general supervision of the commission.

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

14 (1) To attend all meetings of the commission and to act as
 15 secretary and keep minutes of the commission's proceedings.

16 (2) To appoint the employees of the department necessary to carry
 17 out this chapter and to fix the compensation of the employees.
 18 Employees of the department must qualify for the job concerned.

19 (3) To carry out the program for veterans' affairs as directed by
 20 the governor and the commission.

21 (4) To carry on field direction, inspection, and coordination of
 22 county and city service officers as provided in this chapter.

23 (5) To prepare and conduct service officer training schools with
 24 the voluntary aid and assistance of the service staffs of the major
 25 veterans' organizations.

26 (6) To maintain an information bulletin service to county and city
 27 service officers for the necessary dissemination of material
 28 pertaining to all phases of veterans' rehabilitation and service
 29 work, including information necessary to inform veterans of the
 30 provisions of IC 22-9-10.

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

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

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

38 **(10) To notify county executives and city executives of any**
 39 **noncompliance with the requirements in sections 9 and 10 of**
 40 **this chapter concerning:**

41 **(A) the designation or employment of a service officer**
 42 **within sixty (60) days after the date of a vacancy in the**



- 1 office of county or city service officer; or
 2 **(B) the accreditation and reaccreditation requirements for**
 3 **county and city service officers.**
 4 **(11) To notify the governor of any noncompliance with**
 5 **requirements in sections 9 and 10 of this chapter concerning:**
 6 **(A) the designation or employment of a service officer**
 7 **within sixty (60) days after the date of a vacancy in the**
 8 **office of county or city service officer; or**
 9 **(B) the accreditation and reaccreditation requirements for**
 10 **county and city service officers.**

11 **(c) The notification required under subsection (b)(10) must**
 12 **include a statement regarding the potential tax consequences of**
 13 **failing to comply with sections 9 and 10 of this chapter.**

14 SECTION 3. IC 10-17-1-9, AS AMENDED BY P.L.108-2016,
 15 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 16 JULY 1, 2018]: Sec. 9. (a) A county executive:

- 17 (1) shall designate ~~and may~~:
 18 ~~(A) appoint~~ a county service officer for a ~~four (4)~~ **five (5)** year
 19 term; ~~or~~
 20 ~~(B) employ a county service officer~~; and
 21 (2) may employ service officer assistants;
 22 to serve the veterans of the county.

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

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

- 28 (1) have the same qualifications and be subject to the same rules
 29 as the director, assistant director, and state service officers of the
 30 Indiana department of veterans' affairs; and
 31 (2) serve under the supervision of the director of veterans' affairs.

32 A service officer assistant must have the same qualifications as an
 33 employee described in section 11(b) of this chapter. A rule contrary to
 34 this subsection is void.

35 **(d) A vacancy may not occur in the office of a designated or**
 36 **employed service officer for more than sixty (60) consecutive days.**

37 ~~(d)~~ **(e)** County and city fiscal bodies may appropriate funds
 38 necessary for the purposes described in this section.

39 SECTION 4. IC 10-17-1-10, AS AMENDED BY P.L.99-2016,
 40 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2018]: Sec. 10. (a) Within thirty (30) days of their
 42 ~~appointment~~; **designation**, new county, or city service officers must



1 attend a new service officer orientation presented by the Indiana
 2 department of veterans' affairs and, according to the standards
 3 established under section 4(4) of this chapter, become certified to assist
 4 veterans and their dependents and survivors. The curriculum for the
 5 new service officer orientation presented under this subsection shall be
 6 determined by the director.

7 (b) Within one (1) year of ~~appointment~~, **designation**, new service
 8 officers must attend a course ~~presented~~ **offered** by a ~~national~~
 9 ~~organization~~ **the National Association of County Veteran Service**
 10 **Officers (NACVSO)** and become accredited to represent veterans.

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

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

26 SECTION 5. IC 10-17-12-0.7, AS AMENDED BY P.L.99-2016,
 27 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 28 JULY 1, 2018]: Sec. 0.7. The purpose of the fund established in section
 29 8 of this chapter is to provide:

30 (1) short term financial assistance, including emergency one (1)
 31 time grants, to families of qualified service members for
 32 hardships that result from the qualified service members' military
 33 service; **and**

34 (2) **funding for training for accreditation required under**
 35 **IC 10-17-1-10 for county and city service officers.**

36 SECTION 6. IC 10-17-12-8, AS AMENDED BY P.L.99-2016,
 37 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2018]: Sec. 8. (a) The military family relief fund is established
 39 to provide:

40 (1) short term assistance with food, housing, utilities, medical
 41 services, basic transportation, child care, education, employment
 42 or workforce, and other essential family support expenses that



- 1 have become difficult to afford for qualified service members or
2 dependents of qualified service members; **and**
3 **(2) funding for training for accreditation required under**
4 **IC 10-17-1-10 for county and city service officers.**
5 (b) Except as provided in section 9 of this chapter, the commission
6 shall expend the money in the fund exclusively to provide:
7 **(1) grants for assistance; and**
8 **(2) funding for training for accreditation;**
9 as described in subsection (a).
10 (c) The commission shall give priority to applications for grants for
11 assistance from the fund to qualified service members or dependents
12 of qualified service members who have never received a grant under
13 this chapter.
14 (d) Subject to the approval of the budget agency, the commission
15 shall establish the maximum total dollar amount of grants that may be
16 expended in a state fiscal year. Once the maximum total dollar amount
17 of grants that may be expended in a state fiscal year is reached, no
18 additional grants may be authorized until the start of the following state
19 fiscal year.
20 (e) The director shall each year provide a report to the budget
21 committee concerning the grant program under this chapter.
22 (f) A qualified service member or the qualified service member's
23 dependent may be eligible to receive assistance from the fund.
24 (g) The commission shall administer the fund.

