



Reprinted  
March 1, 2016

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# ENGROSSED SENATE BILL No. 295

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DIGEST OF SB 295 (Updated February 29, 2016 5:45 pm - DI 109)

**Citations Affected:** IC 6-8.1; IC 10-17.

**Synopsis:** Military family relief fund. Requires that state income tax forms be modified to enable a taxpayer to donate all or part of the taxpayer's tax refund to the military family relief fund (fund). Creates the position of district service officer. Requires the veterans' affairs commission to establish certification requirements for district service officers. Requires the director of veterans' affairs to create six geographic districts in Indiana and appoint a district service officer for each district. Specifies the role and responsibilities of district service officers. Amends the definition of "qualified service member" for purposes of the fund. Amends the purpose of the fund to provide only for short term financial assistance to families of qualified service  
(Continued next page)

**Effective:** Upon passage; July 1, 2016.

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**Banks, Hershman, Buck, Arnold J,  
Merritt, Alting, Broden, Charbonneau,  
Randolph Lonnie M, Stoops,  
Miller Patricia, Tomes, Lanane**  
(HOUSE SPONSORS — BAIRD, COX, GIAQUINTA, JUDY)

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January 7, 2016, read first time and referred to Committee on Veterans Affairs & The Military.

January 19, 2016, reported favorably — Do Pass; reassigned to Committee on Appropriations.

January 28, 2016, amended, reported favorably — Do Pass.

February 1, 2016, read second time, ordered engrossed. Engrossed.

February 2, 2016, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 9, 2016, read first time and referred to Committee on Ways and Means.

February 25, 2016, amended, reported favorably — Do Pass.

February 29, 2016, read second time, amended, ordered engrossed.

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ES 295—LS 6802/DI 109



## Digest Continued

members for hardships that result from the qualified service members' military service. Specifies that the assistance from the fund may include an emergency one time grant. Provides that grants for assistance from the fund may be paid to vendors on behalf of a qualified service member or a dependent of the qualified service member. Specifies statutory eligibility provisions concerning grants from the fund, to be supplemented with rules adopted by the Indiana veterans' affairs commission (commission). Provides that the commission shall adopt income eligibility standards, asset limit eligibility standards, and other standards concerning when assistance may be provided from the fund. Provides that the commission's rules must provide for 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. Specifies that the veterans' affairs trust fund is considered a trust fund for purposes of the statute prohibiting the state board of finance from transferring money from a trust fund. Provides that the commission shall annually determine by formula whether there is excess money in the veterans' affairs trust fund and transfer that excess, if any, to the fund. Makes an appropriation.

**ES 295—LS 6802/DI 109**



Reprinted  
March 1, 2016

Second Regular Session 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.

## ENGROSSED SENATE BILL No. 295

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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 6-8.1-9-4, AS AMENDED BY P.L.288-2013,  
2           SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3           JULY 1, 2016]: Sec. 4. (a) Every individual (other than a nonresident)  
4           who files an individual income tax return and who is entitled to a  
5           refund from the department of state revenue because of the  
6           overpayment of income tax for a taxable year may designate on the  
7           individual's annual state income tax return that either a specific amount  
8           or all of the refund to which the individual is entitled shall be paid over  
9           to one (1) or more of the funds described in subsection (c). If the refund  
10          to which the individual is entitled is less than the total amount  
11          designated to be paid over to one (1) or more of the funds described in  
12          subsection (c), all of the refund to which the individual is entitled shall  
13          be paid over to the designated funds, but in an amount or amounts  
14          reduced proportionately for each designated fund. If an individual  
15          designates all of the refund to which the individual is entitled to be paid  
16          over to one (1) or more of the funds described in subsection (c) without  
17          designating specific amounts, the refund to which the individual is

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1 entitled shall be paid over to each fund described in subsection (c) in  
 2 an amount equal to the refund divided by the number of funds  
 3 described in subsection (c), rounded to the lowest cent, with any part  
 4 of the refund remaining due to the effects of rounding to be deposited  
 5 in the nongame fund.

6 (b) Every husband and wife (other than nonresidents) who file a  
 7 joint income tax return and who are entitled to a refund from the  
 8 department of state revenue because of the overpayment of income tax  
 9 for a taxable year may designate on their annual state income tax return  
 10 that either a specific amount or all of the refund to which they are  
 11 entitled shall be paid over to one (1) or more of the funds described in  
 12 subsection (c). If the refund to which a husband and wife are entitled  
 13 is less than the total amount designated to be paid over to one (1) or  
 14 more of the funds described in subsection (c), all of the refund to which  
 15 the husband and wife are entitled shall be paid over to the designated  
 16 funds, but in an amount or amounts reduced proportionately for each  
 17 designated fund. If a husband and wife designate all of the refund to  
 18 which the husband and wife are entitled to be paid over to one (1) or  
 19 more of the funds described in subsection (c) without designating  
 20 specific amounts, the refund to which the husband and wife are entitled  
 21 shall be paid over to each fund described in subsection (c) in an  
 22 amount equal to the refund divided by the number of funds described  
 23 in subsection (c), rounded to the lowest cent, with any part of the  
 24 refund remaining due to the effects of rounding to be deposited in the  
 25 nongame fund.

26 (c) Designations under subsection (a) or (b) may be directed only to  
 27 the following funds:

28 (1) The nongame fund.

29 (2) The state general fund for exclusive use in funding public  
 30 education for kindergarten through grade 12.

31 **(3) The military family relief fund.**

32 (d) The instructions for the preparation of individual income tax  
 33 returns shall contain a description of the purposes of the following:

34 (1) The nongame and endangered species program. The  
 35 description of this program shall be written in cooperation with  
 36 the department of natural resources.

37 (2) The funding of public education for kindergarten through  
 38 grade 12. The description of this purpose shall be written in  
 39 cooperation with the state superintendent of public instruction.

40 **(3) The funding for financial assistance to families of members**  
 41 **on active duty in the armed forces of the United States and**  
 42 **training for county and city veterans' service officers. The**



1           **description of this purpose shall be written in cooperation**  
 2           **with the Indiana department of veterans' affairs.**

3           (e) The department shall interpret a designation on a return under  
 4 subsection (a) or (b) that is illegible or otherwise not reasonably  
 5 discernible to the department as if the designation had not been made.

6           SECTION 2. IC 10-17-1-4, AS AMENDED BY P.L.169-2013,  
 7 SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 8 JULY 1, 2016]: Sec. 4. The commission shall do acts necessary or  
 9 reasonably incident to the fulfillment of the purposes of this chapter,  
 10 including the following:

- 11           (1) Adopt rules under IC 4-22-2 to administer this chapter.
- 12           (2) Advise the veterans' state service officer in problems  
 13 concerning the welfare of veterans.
- 14           (3) Determine general administrative policies within the  
 15 department.
- 16           (4) Establish standards for certification of **district**, county, and  
 17 city service officers.
- 18           (5) Establish and administer a written examination for renewal of  
 19 the certification of **district**, county, and city service officers.

20           SECTION 3. IC 10-17-1-6, AS AMENDED BY P.L.136-2014,  
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2016]: Sec. 6. (a) The director of veterans' affairs:

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

27 subject to the general supervision of the commission.

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

- 29           (1) To attend all meetings of the commission and to act as  
 30 secretary and keep minutes of the commission's proceedings.
- 31           (2) To appoint the employees of the department necessary to carry  
 32 out this chapter and to fix the compensation of the employees.  
 33 Employees of the department must qualify for the job concerned.
- 34           (3) To carry out the program for veterans' affairs as directed by  
 35 the governor and the commission.
- 36           (4) To carry on field direction, inspection, and coordination of  
 37 **district**, county, and city service officers as provided in this  
 38 chapter.
- 39           (5) To prepare and conduct service officer training schools with  
 40 the voluntary aid and assistance of the service staffs of the major  
 41 veterans' organizations.
- 42           (6) To maintain an information bulletin service to **district**,



1 county, and city service officers for the necessary dissemination  
 2 of material pertaining to all phases of veterans' rehabilitation and  
 3 service work, including information necessary to inform veterans  
 4 of the provisions of IC 22-9-10.

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

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

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

12 **(10) To establish six (6) geographic districts in Indiana to be**  
 13 **staffed by a district service officer in each of the districts.**

14 **(11) To appoint a district service officer to each of the six (6)**  
 15 **districts established under subdivision (10).**

16 SECTION 4. IC 10-17-1-9.5 IS ADDED TO THE INDIANA CODE  
 17 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
 18 1, 2016]: **Sec. 9.5. (a) A district service officer shall do the**  
 19 **following:**

20 **(1) Serve in one (1) of the six (6) geographic districts**  
 21 **established by the director of veterans' affairs under section**  
 22 **6(b)(10) of this chapter.**

23 **(2) Provide training and assistance to all city and county**  
 24 **service officers located in the district service officer's district.**

25 **(3) Provide accreditation and reaccreditation opportunities**  
 26 **for city and county service officers located in the district**  
 27 **service officer's district.**

28 **(4) Perform community outreach services for veterans and**  
 29 **veterans' families.**

30 **(5) Perform any other service considered necessary by the**  
 31 **commission.**

32 **(b) A district service officer must live in the district served by**  
 33 **the officer.**

34 **(c) District service officers shall report to the director of**  
 35 **veterans' affairs.**

36 SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.169-2013,  
 37 SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 38 JULY 1, 2016]: **Sec. 10. (a) Within thirty (30) days of their**  
 39 **appointment, new district, county, or city service officers must attend**  
 40 **a new service officer orientation presented by the Indiana department**  
 41 **of veterans' affairs and, according to the standards established under**  
 42 **section 4(4) of this chapter, become certified to assist veterans and**



1 their dependents and survivors. The curriculum for the new service  
 2 officer orientation presented under this subsection shall be determined  
 3 by the director.

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

7 (c) An individual employed as a **district**, county, or city service  
 8 officer under this chapter on July 1, 2013, is required to become  
 9 accredited not later than July 1, ~~2015~~, **2016**, to represent veterans.

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

19 SECTION 6. IC 10-17-12-0.7, AS AMENDED BY P.L.169-2013,  
 20 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 21 JULY 1, 2016]: Sec. 0.7. (a) The purpose of the fund established in  
 22 section 8 of this chapter is to provide:

23 (1) short term financial assistance, **including emergency one (1)**  
 24 **time grants**, to families of qualified service members for  
 25 hardships that result from the qualified service members' **active**  
 26 **duty military** service; and

27 (2) funding for:

28 (A) grants for reimbursement for training; and

29 (B) the purchase of computer equipment and software;

30 for county and city veterans' service officers.

31 (b) Funding for the purposes described in subsection (a)(2) must be  
 32 provided from the amount transferred to the fund under section 13 of  
 33 this chapter.

34 SECTION 7. IC 10-17-12-1 IS REPEALED [EFFECTIVE JULY 1,  
 35 2016]. Sec. 1: As used in this chapter, "active duty" means full-time  
 36 service in the:

37 (1) armed forces; or

38 (2) National Guard;

39 for a period that exceeds thirty (30) consecutive days.

40 SECTION 8. IC 10-17-12-7.5, AS ADDED BY P.L.50-2009,  
 41 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 42 JULY 1, 2016]: Sec. 7.5. As used in this chapter, "qualified service



1 member" means an individual who is **an Indiana resident and who:**

2 ~~(1) an Indiana resident;~~

3 ~~(2) a member of:~~

4 ~~(A) the armed forces; or~~

5 ~~(B) the National Guard; and~~

6 ~~(3) serving on active duty:~~

7 ~~(A) after September 11, 2001; and~~

8 ~~(B) during a time of national conflict or war.~~

9 **(1) is:**

10 **(A) a member of the armed forces of the United States or**  
 11 **the national guard (as defined in IC 5-9-4-4); and**

12 **(B) serving on or has served on active duty during a time**  
 13 **of national conflict or war; or**

14 **(2) has:**

15 **(A) served on active duty during a time of national conflict**  
 16 **or war in:**

17 **(i) the armed forces of the United States; or**

18 **(ii) the national guard (as defined in IC 5-9-4-4); and**

19 **(B) received an honorable discharge.**

20 SECTION 9. IC 10-17-12-8, AS AMENDED BY P.L.7-2014,  
 21 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 22 JULY 1, 2016]: Sec. 8. (a) The military family relief fund is established  
 23 to provide **short term** assistance with food, housing, utilities, medical  
 24 services, basic transportation, child care, education, employment or  
 25 workforce, and other essential family support expenses that have  
 26 become difficult to afford for qualified service members or dependents  
 27 of qualified service members. The fund may also be used to provide for  
 28 grants for reimbursement for training and for computer equipment and  
 29 software for county and city veterans' service officers.

30 (b) Except as provided in section 9 of this chapter, the commission  
 31 shall expend the money in the fund exclusively to provide grants for  
 32 assistance as described in subsection (a).

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

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



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

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

5 (g) The commission shall administer the fund.

6 **(h) Any grants for assistance provided under subsection (a) may  
7 be paid to vendors on behalf of the qualified service members or  
8 dependents of the qualified service members.**

9 SECTION 10. IC 10-17-12-10, AS AMENDED BY P.L.113-2010,  
10 SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
11 JULY 1, 2016]: Sec. 10. **(a)** The commission ~~may~~ **shall** adopt rules  
12 under IC 4-22-2 for the provision of grants under this chapter. **Subject**  
13 **to subsection (b)**, the rules adopted under this section must address the  
14 following:

15 (1) Uniform need determination procedures.

16 (2) Eligibility criteria, **including income eligibility standards,  
17 asset limit eligibility standards, and other standards  
18 concerning when assistance may be provided.**

19 (3) Application procedures.

20 (4) Selection procedures.

21 ~~Coordination with~~ **(5) A consideration of the extent to which an  
22 individual has used assistance available from other assistance  
23 programs before assistance may be provided to the individual  
24 from the fund.**

25 (6) Other areas in which the department determines that rules are  
26 necessary to ensure the uniform administration of the grant  
27 program under this chapter.

28 **(b) The following apply to grants awarded under this chapter:**

29 **(1) An applicant is not eligible for a grant from the fund if:**

30 **(A) the qualified service member with respect to whom the  
31 application is based has been discharged; and**

32 **(B) the qualified service member's term of qualifying  
33 military service was less than twelve (12) months.**

34 **(2) The income eligibility standards must be based on the  
35 federal gross income of the qualified service member and the  
36 qualified service member's spouse.**

37 SECTION 11. IC 10-17-12-13, AS ADDED BY P.L.169-2013,  
38 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
39 UPON PASSAGE]: Sec. 13. (a) The commission shall transfer ~~one  
40 hundred eighty thousand dollars (\$180,000)~~ from the veterans' affairs  
41 trust fund established by IC 10-17-13-3 to the fund:

42 **(1) one hundred eighty thousand dollars (\$180,000) during the**



1           **state fiscal year beginning July 1, 2015; and**  
 2           **(2) one hundred eighty thousand dollars (\$180,000) during the**  
 3           **state fiscal year beginning July 1, 2016.**

4           (b) There is appropriated to the commission **from the fund** one  
 5 hundred eighty thousand dollars (\$180,000) ~~from the fund~~ **in the state**  
 6 **fiscal year beginning July 1, 2015, and one hundred eighty**  
 7 **thousand dollars (\$180,000) in the state fiscal year beginning July**  
 8 **1, 2016**, for:

9           (1) grants for training county and city veterans' service officers  
 10 under IC 10-17-1-10; and

11           (2) the purchase of computer equipment and software to be used  
 12 by the city and county veterans' service officers.

13           (c) A county or city veterans' service officer may receive a grant for  
 14 reimbursement for training expenses associated with service officer  
 15 training, including travel and incidental expenses of eligible county and  
 16 city veterans' service officers seeking initial or renewal service officer  
 17 accreditation. A county or city veterans' service officer may receive a  
 18 grant under this subsection in an amount not to exceed five hundred  
 19 dollars (\$500) for reimbursement. The commission shall set standards  
 20 for the reimbursement grants. A county or city veterans' service officer  
 21 may apply to the commission for a reimbursement grant, and the  
 22 commission may make a grant based on the commission's review of an  
 23 application.

24           (d) A county or city that employs a veterans' service officer may  
 25 receive a grant, in an amount not to exceed one thousand two hundred  
 26 dollars (\$1,200), for reimbursement for computer equipment and  
 27 software to enable the veterans' service officer to access national data  
 28 bases for benefits for veterans. The commission shall set standards for  
 29 the review of grants for the purchase of computer equipment and  
 30 software under this subsection. A county or city may apply to the  
 31 commission for a grant for reimbursement for the purchase of computer  
 32 equipment and software, and the commission may make a grant based  
 33 on the commission's review of an application.

34           SECTION 12. IC 10-17-13-3, AS AMENDED BY P.L.50-2009,  
 35 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 36 JULY 1, 2016]: Sec. 3. (a) The veterans' affairs trust fund is established  
 37 **as a trust fund** to provide a self-sustaining funding source for the  
 38 military family relief fund established by IC 10-17-12-8.

39           (b) The fund consists of the following:

40           (1) Appropriations by the general assembly.

41           (2) Donations, gifts, grants, and bequests to the fund.

42           (3) Interest and dividends on assets of the funds.



1 (4) Money transferred to the fund from other funds.

2 (5) Money from any other source deposited in the fund.

3 **(c) The fund is considered a trust fund for purposes of**  
 4 **IC 4-9.1-1-7.**

5 SECTION 13. IC 10-17-13-15 IS ADDED TO THE INDIANA  
 6 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 7 [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) Each year after July 1 and**  
 8 **before August 1, the commission shall determine:**

9 **(1) the amount of money in the fund on July 1; and**

10 **(2) the amount of the expenditures from the military family**  
 11 **relief fund during the immediately preceding state fiscal year.**

12 **(b) After making the determinations under subsection (a), if the**  
 13 **amount determined under subsection (a)(1) exceeds three hundred**  
 14 **percent (300%) of the amount determined under subsection (a)(2),**  
 15 **the commission shall transfer from the fund to the military family**  
 16 **relief fund an amount equal to:**

17 **(1) fifty percent (50%); multiplied by**

18 **(2) the difference of:**

19 **(A) the amount determined under subsection (a)(1); minus**

20 **(B) three hundred percent (300%) of the amount**  
 21 **determined under subsection (a)(2).**

22 **SECTION 14. An emergency is declared for this act.**



## COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs & The Military, to which was referred Senate Bill No. 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS and be reassigned to the Senate Committee on Appropriations.

(Reference is to SB 295 as introduced.)

BANKS, Chairperson

Committee Vote: Yeas 7, Nays 0

## COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill No. 295, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 5, after "assistance" insert ", **including emergency one (1) time grants,**".

Page 2, line 29, after "provide" insert "**short term**".

Page 3, between lines 11 and 12, begin a new paragraph and insert: "SECTION 5. IC 10-17-12-10, AS AMENDED BY P.L.113-2010, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. The commission ~~may~~ **shall** adopt rules under IC 4-22-2 for the provision of grants under this chapter. 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) ~~Coordination with~~ **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 determines that rules are necessary to ensure the uniform administration of the grant program under this chapter."

Page 3, after line 42, begin a new paragraph and insert:

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"SECTION 7. IC 10-17-13-3, AS AMENDED BY P.L.50-2009, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 3. (a) The veterans' affairs trust fund is established **as a trust fund** to provide a self-sustaining funding source for the military family relief fund established by IC 10-17-12-8.

(b) The fund consists of the following:

- (1) Appropriations by the general assembly.
- (2) Donations, gifts, grants, and bequests to the fund.
- (3) Interest and dividends on assets of the funds.
- (4) Money transferred to the fund from other funds.
- (5) Money from any other source deposited in the fund.

**(c) The fund is considered a trust fund for purposes of IC 4-9.1-1-7.**

SECTION 8. IC 10-17-13-12, AS ADDED BY P.L.144-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 12. Money in the fund at the end of a state fiscal year does not revert to the state general fund or any other fund. **However, if the balance in the fund at the end of a state fiscal year is greater than ten million dollars (\$10,000,000), the amount of earnings in that state fiscal year from money in the fund shall be transferred on July 1 of the following state fiscal year to the military family relief fund established by IC 10-17-12-8."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 295 as printed January 20, 2016.)

KENLEY, Chairperson

Committee Vote: Yeas 13, Nays 0.

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#### COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred Senate Bill 295, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans and to make an appropriation.

Page 1, delete lines 1 through 15, begin a new paragraph and insert:  
"SECTION 1. IC 6-8.1-9-4, AS AMENDED BY P.L.288-2013,

ES 295—LS 6802/DI 109



SECTION 69, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 4. (a) Every individual (other than a nonresident) who files an individual income tax return and who is entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on the individual's annual state income tax return that either a specific amount or all of the refund to which the individual is entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which the individual is entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the individual is entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If an individual designates all of the refund to which the individual is entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the individual is entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(b) Every husband and wife (other than nonresidents) who file a joint income tax return and who are entitled to a refund from the department of state revenue because of the overpayment of income tax for a taxable year may designate on their annual state income tax return that either a specific amount or all of the refund to which they are entitled shall be paid over to one (1) or more of the funds described in subsection (c). If the refund to which a husband and wife are entitled is less than the total amount designated to be paid over to one (1) or more of the funds described in subsection (c), all of the refund to which the husband and wife are entitled shall be paid over to the designated funds, but in an amount or amounts reduced proportionately for each designated fund. If a husband and wife designate all of the refund to which the husband and wife are entitled to be paid over to one (1) or more of the funds described in subsection (c) without designating specific amounts, the refund to which the husband and wife are entitled shall be paid over to each fund described in subsection (c) in an amount equal to the refund divided by the number of funds described in subsection (c), rounded to the lowest cent, with any part of the refund remaining due to the effects of rounding to be deposited in the nongame fund.

(c) Designations under subsection (a) or (b) may be directed only to



the following funds:

- (1) The nongame fund.
- (2) The state general fund for exclusive use in funding public education for kindergarten through grade 12.

**(3) The military family relief fund.**

(d) The instructions for the preparation of individual income tax returns shall contain a description of the purposes of the following:

(1) The nongame and endangered species program. The description of this program shall be written in cooperation with the department of natural resources.

(2) The funding of public education for kindergarten through grade 12. The description of this purpose shall be written in cooperation with the state superintendent of public instruction.

**(3) The funding for financial assistance to families of members on active duty in the armed forces of the United States and training for county and city veterans' service officers. The description of this purpose shall be written in cooperation with the Indiana department of veterans' affairs.**

(e) The department shall interpret a designation on a return under subsection (a) or (b) that is illegible or otherwise not reasonably discernible to the department as if the designation had not been made.

SECTION 2. IC 10-17-1-4, AS AMENDED BY P.L.169-2013, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: 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 **district**, county, and city service officers.
- (5) Establish and administer a written examination for renewal of the certification of **district**, county, and city service officers.

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, 2016]: 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 **district**, 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 **district**, 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 may receive compensation when attending and participating in official ceremonies.
- (10) To establish six (6) geographic districts in Indiana to be staffed by a district service officer in each of the districts.**
- (11) To appoint a district service officer to each of the six (6) districts established under subdivision (10).**

SECTION 4. IC 10-17-1-9.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 9.5. (a) A district service officer shall do the following:**

- (1) Serve in one (1) of the six (6) geographic districts established by the director of veterans' affairs under section 6(b)(10) of this chapter.**
- (2) Provide training and assistance to all city and county service officers located in the district service officer's district.**
- (3) Provide accreditation and reaccreditation opportunities for city and county service officers located in the district**



**service officer's district.**

**(4) Perform community outreach services for veterans and veterans' families.**

**(5) Perform any other service considered necessary by the commission.**

**(b) A district service officer must live in the district served by the officer.**

**(c) District service officers shall report to the director of veterans' affairs.**

SECTION 5. IC 10-17-1-10, AS AMENDED BY P.L.169-2013, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) Within thirty (30) days of their appointment, new **district**, 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 **district**, county, or city service officer under this chapter on July 1, 2013, is required to become accredited not later than July 1, ~~2015~~, **2016**, to represent veterans.

(d) Annually, all **district**, county, or city service officers shall undergo a course of training to adequately address problems of discharged veterans in the service officer's **district**, 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 10-17-12-0.7, AS AMENDED BY P.L.169-2013, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 0.7. (a) The purpose of the fund established in section 8 of this chapter is to provide:

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



(2) funding for:

(A) grants for reimbursement for training; and

(B) the purchase of computer equipment and software;

for county and city veterans' service officers.

(b) Funding for the purposes described in subsection (a)(2) must be provided from the amount transferred to the fund under section 13 of this chapter."

Page 2, line 34, reset in roman "The fund may also be used to provide for".

Page 2, reset in roman lines 35 through 36.

Page 3, between lines 12 and 13, begin a new paragraph and insert:

**"(h) Any grants for assistance provided under subsection (a) must be paid to vendors on behalf of the qualified service members or dependents of the qualified service members."**

Page 3, delete lines 13 through 42, begin a new paragraph and insert:

"SECTION 10. IC 10-17-12-10, AS AMENDED BY P.L.113-2010, SECTION 79, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 10. (a) The commission ~~may~~ **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) ~~Coordination with~~ **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 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 qualified service member with respect to whom the**



**application is based must have a dependent.**

**(3) The income eligibility standards must be based on the federal gross income of the qualified service member and the qualified service member's spouse.**

SECTION 11. IC 10-17-12-13, AS ADDED BY P.L.169-2013, SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 13. (a) The commission shall transfer ~~one hundred eighty thousand dollars (\$180,000)~~ from the veterans' affairs trust fund established by IC 10-17-13-3 to the fund:

**(1) one hundred eighty thousand dollars (\$180,000) during the state fiscal year beginning July 1, 2015; and**

**(2) one hundred eighty thousand dollars (\$180,000) during the state fiscal year beginning July 1, 2016.**

(b) There is appropriated to the commission **from the fund** one hundred eighty thousand dollars (\$180,000) ~~from the fund~~ **in the state fiscal year beginning July 1, 2015, and one hundred eighty thousand dollars (\$180,000) in the state fiscal year beginning July 1, 2016**, for:

(1) grants for training county and city veterans' service officers under IC 10-17-1-10; and

(2) the purchase of computer equipment and software to be used by the city and county veterans' service officers.

(c) A county or city veterans' service officer may receive a grant for reimbursement for training expenses associated with service officer training, including travel and incidental expenses of eligible county and city veterans' service officers seeking initial or renewal service officer accreditation. A county or city veterans' service officer may receive a grant under this subsection in an amount not to exceed five hundred dollars (\$500) for reimbursement. The commission shall set standards for the reimbursement grants. A county or city veterans' service officer may apply to the commission for a reimbursement grant, and the commission may make a grant based on the commission's review of an application.

(d) A county or city that employs a veterans' service officer may receive a grant, in an amount not to exceed one thousand two hundred dollars (\$1,200), for reimbursement for computer equipment and software to enable the veterans' service officer to access national data bases for benefits for veterans. The commission shall set standards for the review of grants for the purchase of computer equipment and software under this subsection. A county or city may apply to the commission for a grant for reimbursement for the purchase of computer equipment and software, and the commission may make a grant based



on the commission's review of an application."

Page 4, delete lines 1 through 19.

Page 4, delete lines 33 through 41, begin a new paragraph and insert:

"SECTION 13. IC 10-17-13-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: **Sec. 15. (a) Each year after July 1 and before August 1, the commission shall determine:**

**(1) the amount of money in the fund on July 1; and**

**(2) the amount of the expenditures from the military family relief fund during the immediately preceding state fiscal year.**

**(b) After making the determinations under subsection (a), if the amount determined under subsection (a)(1) exceeds three hundred percent (300%) of the amount determined under subsection (a)(2), the commission shall transfer from the fund to the military family relief fund an amount equal to:**

**(1) fifty percent (50%); multiplied by**

**(2) the difference of:**

**(A) the amount determined under subsection (a)(1); minus**

**(B) three hundred percent (300%) of the amount determined under subsection (a)(2).**

SECTION 14. **An emergency is declared for this act."**

Renumber all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to SB 295 as printed January 29, 2016.)

BROWN T

Committee Vote: yeas 23, nays 0.

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HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 295 be amended to read as follows:

Page 7, line 7, delete "must" and insert "may".

(Reference is to ESB 295 as printed February 26, 2016.)

BAIRD



HOUSE MOTION

Mr. Speaker: I move that Engrossed Senate Bill 295 be amended to read as follows:

Page 7, delete lines 34 through 35.

Page 7, line 36, delete "(3)" and insert "(2)".

(Reference is to ESB 295 as printed February 26, 2016.)

BAIRD

