

Adopted	Rejected
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COMMITTEE REPORT

YES:	11
NO:	0

MR. SPEAKER:

*Your Committee on Elections and Apportionment, to which was referred Senate Bill 419, 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:*

- 1 Delete the title and insert the following:
- 2 A BILL FOR AN ACT to amend the Indiana Code concerning the
- 3 rights of citizens serving overseas.
- 4 Page 13, between lines 29 and 30, begin a new paragraph and insert:
- 5 "SECTION 17. IC 6-3-2-20 IS ADDED TO THE INDIANA CODE
- 6 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE
- 7 JANUARY 1, 2002 (RETROACTIVE)]: **Sec. 20. (a) This section**
- 8 **applies to an employer that reemploys an employee under**
- 9 **IC 10-16-7.5.**
- 10 **(b) An employer that reemploys an employee who was called to**
- 11 **active duty in the Indiana National Guard is entitled to a one (1)**
- 12 **time deduction from the employer's adjusted gross income equal to**
- 13 **the lesser of:**
- 14 **(1) the employee's compensation actually paid by the**
- 15 **employer for the period of time specified in IC 10-16-7.5-8; or**

1 **(2) five hundred dollars (\$500).**

2 SECTION 18. IC 10-16-7.5 IS ADDED TO THE INDIANA CODE
3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
4 JANUARY 1, 2002 (RETROACTIVE)]:

5 **Chapter 7.5. National Guard Employment Rights**

6 **Sec. 1. This chapter applies to a person called to active duty**
7 **after September 11, 2001.**

8 **Sec. 2. As used in this chapter, "active duty" means full-time**
9 **service in the national guard for a period that exceeds thirty (30)**
10 **consecutive days in a calendar year.**

11 **Sec. 3. As used in this chapter, "employee" means an individual**
12 **employed or permitted to work or perform any service for**
13 **remuneration under a contract for hire, written or oral, by an**
14 **employer in any occupation.**

15 **Sec. 4. As used in this chapter, "employer" means a person who**
16 **employs at least twenty-five (25) employees in Indiana, including**
17 **the state and political subdivisions of the state. The term does not**
18 **include the United States or a corporation wholly owned by the**
19 **United States.**

20 **Sec. 5. As used in this chapter, "national guard" refers only to:**

- 21 **(1) the Indiana army national guard; and**
- 22 **(2) the Indiana air national guard.**

23 **Sec. 6. As used in this chapter, "person" means an individual,**
24 **a partnership, a corporation, a limited liability company, an**
25 **unincorporated association, or a governmental entity.**

26 **Sec. 7. As used in this chapter, "political subdivision" has the**
27 **meaning set forth in IC 6-3.5-2-1.**

28 **Sec. 8. (a) When an employee who was called to active duty is**
29 **discharged or released after the active duty, the employer of the**
30 **employee shall reemploy the employee for:**

- 31 **(1) a period of employment required by the federal Uniform**
32 **Services Employment and Reemployment Rights Act, 38**
33 **U.S.C. 4301 through 38 U.S.C. 4330; and**
- 34 **(2) an additional period equal to the extent to which the time**
35 **the employee was on active duty exceeds the period of time**
36 **determined under subdivision (1).**

37 **(b) Reemployment under subsection (a) shall be covered by the**
38 **provisions of the federal Uniform Services Employment and**

1 **Reemployment Rights Act.**

2 **(c) The period of reemployment under subsection (a) begins on**
 3 **the first day the employee reports to work for the employer after**
 4 **the employee's discharge or release from active duty.**

5 **Sec. 9. An employer who reemploys an employee under section**
 6 **8 of this chapter is entitled to a deduction from the employer's**
 7 **adjusted gross income under IC 6-3-2-20.**

8 **Sec. 10. This chapter may not be construed as a restriction or**
 9 **limitation on any of the rights, benefits, and protections granted to**
 10 **a member of the national guard under federal law.**

11 SECTION 19. IC 20-12-21-5.1 IS AMENDED TO READ AS
 12 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5.1. (a) In addition
 13 to the duties described in section 5(a) of this chapter, the commission
 14 shall do the following:

- 15 (1) Prepare and supervise the issuance of public information
 16 concerning all of the commission's programs.
- 17 (2) Prescribe the form and regulate the submission of applications
 18 for all of the commission's programs.
- 19 (3) Determine the amounts of grants and scholarships.
- 20 (4) Determine eligibility for grants and scholarships.
- 21 (5) Receive federal funds made available to the commission for
 22 awards, grants, and scholarships, and disburse these funds in the
 23 manner prescribed by federal law.

24 (b) In addition to the powers described in section 5(b) of this
 25 chapter, the commission may do the following:

- 26 (1) Accept gifts, grants, devises, or bequests for the purpose of
 27 providing grants, awards, scholarships, loans, or other forms of
 28 financial aid to students attending approved institutions of higher
 29 learning.
- 30 (2) Enter into contracts, subject to IC 4-13-2, that the commission
 31 determines are necessary to carry out the commission's functions.
- 32 (3) Provide administrative or technical assistance to other
 33 governmental or nongovernmental entities if the provision of this
 34 assistance will increase the number and value of grants, awards,
 35 scholarships, or loans available to students attending approved
 36 institutions of higher learning.

37 (c) When the commission receives an offer of a gift, grant, devise,
 38 or bequest under subsection (b)(1), the commission may accept

1 stipulations on the use of the donated funds. In this case, sections 7(d)
 2 and 17 of this chapter do not apply. Before accepting a gift, grant,
 3 devise, or bequest, the commission shall determine that the purposes for
 4 which a donor proposes to provide funds are:

- 5 (1) lawful;
- 6 (2) in the state's best interests; and
- 7 (3) generally consistent with the commission's programs and
 8 purposes.

9 Whenever the commission agrees to stipulations on the use of donated
 10 funds under this subsection, the commission and the donor shall,
 11 subject to approval by the state budget agency and the governor or the
 12 governor's designee, execute an agreement.

13 (d) Whenever the commission agrees to provide administrative or
 14 technical assistance under subsection (b)(3), the commission and the
 15 party to whom the assistance is to be provided shall execute an
 16 agreement specifying:

- 17 (1) the assistance that is to be provided; and
- 18 (2) the charges, if any, that are to be assessed by the commission
 19 for providing this assistance.

20 The commission may waive charges for administrative or technical
 21 assistance under this subsection if the commission determines that a
 22 waiver is in the best interest of the state. Agreements to provide
 23 assistance under this subsection must be approved by the budget agency
 24 and the governor or the governor's designee.

25 (e) The commission shall exercise its functions without regard to an
 26 applicant's race, creed, sex, color, national origin, or ancestry.

27 **(f) This subsection applies to a person called to active duty after**
 28 **September 11, 2001. As used in this subsection, "active duty"**
 29 **means full-time service in the national guard (as defined in**
 30 **IC 10-16-1-13) that exceeds thirty (30) consecutive days in a**
 31 **calendar year. When determining financial eligibility under**
 32 **subsection (a)(4) for a Frank O'Bannon grant, which includes**
 33 **grants formerly designated as the higher education award and the**
 34 **freedom of choice award, the commission may not consider any**
 35 **salary for service on active duty that is received by a member of the**
 36 **national guard who is called to active duty.**

37 SECTION 20. IC 20-12-74-8 IS ADDED TO THE INDIANA
 38 CODE AS A NEW SECTION TO READ AS FOLLOWS

- 1 [EFFECTIVE UPON PASSAGE]: **Sec. 8. (a) This section applies to**
2 **a person called to active duty after September 11, 2001.**
- 3 **(b) As used in this section, "active duty" means full-time service**
4 **in the national guard (as defined in IC 10-16-1-13) that exceeds**
5 **thirty (30) consecutive days in a calendar year.**
- 6 **(c) A person who:**
- 7 **(1) is called to active duty; and**
8 **(2) meets the requirements of subsection (d);**
9 **is entitled to an extension of time under subsection (e) to renew a**
10 **tuition scholarship awarded under section 7(a) of this chapter.**
- 11 **(d) A person must meet the following requirements to receive an**
12 **extension of time under subsection (c):**
- 13 **(1) On the date the person is called to active duty, the person**
14 **must be attending a state educational institution using a**
15 **tuition scholarship awarded under section 7(a) of this chapter.**
16 **(2) The person must provide proof of active duty by providing**
17 **a copy of the person's:**
- 18 **(A) discharge; or**
19 **(B) government movement orders;**
20 **to the commission at the time the person applies for renewal**
21 **of the tuition scholarship awarded under section 7(a) of this**
22 **chapter.**
- 23 **(3) Not later than one hundred eighty (180) days after the**
24 **person's discharge or release from active duty, the person**
25 **must resume the course of study in which the person was**
26 **enrolled when the person was called to active duty.**
- 27 **(e) The extension of time to which a person is entitled under**
28 **subsection (c) is equal in length to the period during which the**
29 **person was on active duty status. However, the number of**
30 **semesters for which a person may receive a tuition scholarship**
31 **awarded under section 7(a) of this chapter, including all renewals**
32 **under this section, may not exceed the number specified in section**
33 **7(b) of this chapter.**
- 34 **(f) A person who, at the time the person was called to active**
35 **duty:**
- 36 **(1) met the eligibility criteria established by:**
- 37 **(A) this chapter; and**
38 **(B) the commission; and**

1 **(2) had received a tuition scholarship under section 7(a) of this**
 2 **chapter;**

3 **may use the extension of time under subsection (c) to renew the**
 4 **tuition scholarship without meeting the requirements set forth in**
 5 **sections 2(1) and 3(4) of this chapter.**

6 **(g) This section may not be construed as a restriction or**
 7 **limitation on any of the rights, benefits, and protections granted to**
 8 **a member of the national guard (as defined in IC 10-16-1-13) under**
 9 **federal law.**

10 SECTION 21. [EFFECTIVE JANUARY 1, 2002
 11 (RETROACTIVE)] **IC 6-3-2-20, as added by this act, applies to**
 12 **taxable years beginning after December 31, 2001."**

13 Renumber all SECTIONS consecutively.

(Reference is to SB 419 as printed February 1, 2005.)

and when so amended that said bill do pass.

Representative Thomas