



February 10, 2009

HOUSE BILL No. 1135

DIGEST OF HB 1135 (Updated February 5, 2009 11:48 am - DI 116)

Citations Affected: IC 10-17.

Synopsis: Veterans' benefits. Provides that the purpose of the military family relief fund is to provide short term financial assistance to families of certain service members for hardships resulting from the service members' active duty service. Adds a definition for a "dependent". Allows the families of certain service members serving in active components of the armed forces to apply for grants from the military family relief fund. (Current law provides that assistance from the fund is available only to families of members of the armed forces reserves or the National Guard who are called to active duty.) Provides that a member of the armed forces or National Guard must serve on active duty during a period of national conflict or war to be eligible for a grant from the military family relief fund. Provides that the family of a qualified service member is eligible to receive assistance from the military family relief fund for up to one year after the earlier of: (1) the end of the qualified service member's active duty; or (2) the cessation of the national conflict or war with respect to which the qualified service member is eligible for assistance. Requires the transfer of money in the military family relief fund that is not being used to provide assistance or meet other obligations to the veterans' affairs trust fund. Provides that the purpose of the veterans' affairs trust fund is to create a self-sustaining funding source for the military family relief fund. (Under current law, the purpose is to provide assistance to veterans and their families.) Makes related changes.

Effective: Upon passage.

Reske, Soliday, Tincher, Ruppel

January 12, 2009, read first time and referred to Committee on Veterans Affairs and Public Safety.
February 9, 2009, reported — Do Pass.

HB 1135—LS 7020/DI 116+



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February 10, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1135

A BILL FOR AN ACT to amend the Indiana Code concerning public safety.

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

1 SECTION 1. IC 10-17-12-0.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE UPON PASSAGE]: **Sec. 0.7. The purpose of the fund**
4 **established in section 8 of this chapter is to provide short term**
5 **financial assistance to families of qualified service members for**
6 **hardships that result from the qualified service members' active**
7 **duty service.**

8 SECTION 2. IC 10-17-12-1, AS ADDED BY P.L.58-2006,
9 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
10 UPON PASSAGE]: Sec. 1. As used in this chapter, "active duty"
11 means full-time service in **the:**

- 12 (1) ~~a reserve component of the~~ armed forces; or
13 (2) ~~the~~ National Guard;
14 for a period that exceeds thirty (30) consecutive days. ~~in a calendar~~
15 ~~year.~~

16 SECTION 3. IC 10-17-12-2, AS ADDED BY P.L.58-2006,
17 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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1 UPON PASSAGE]: Sec. 2. As used in this chapter, "armed forces"
2 includes the **active or** reserve components of the following:

- 3 (1) The United States Army.
- 4 (2) The United States Navy.
- 5 (3) The United States Marine Corps.
- 6 (4) The United States Air Force.
- 7 (5) The United States Coast Guard.

8 SECTION 4. IC 10-17-12-5.5 IS ADDED TO THE INDIANA
9 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
10 [EFFECTIVE UPON PASSAGE]: **Sec. 5.5. As used in this chapter,**
11 **"dependent" has the meaning set forth in 37 U.S.C. 401, as in effect**
12 **on January 1, 2009.**

13 SECTION 5. IC 10-17-12-7.5 IS ADDED TO THE INDIANA
14 CODE AS A **NEW SECTION TO READ AS FOLLOWS**
15 [EFFECTIVE UPON PASSAGE]: **Sec. 7.5. As used in this chapter,**
16 **"qualified service member" means an individual who is:**

- 17 (1) **an Indiana resident;**
- 18 (2) **a member of:**
 - 19 (A) **the armed forces; or**
 - 20 (B) **the National Guard; and**
- 21 (3) **-serving on active duty:**
 - 22 (A) **after September 11, 2001; and**
 - 23 (B) **during a time of national conflict or war.**

24 SECTION 6. IC 10-17-12-8, AS AMENDED BY P.L.3-2008,
25 SECTION 86, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
26 UPON PASSAGE]: Sec. 8. (a) The military family relief fund is
27 established to provide assistance with food, housing, utilities, medical
28 services, basic transportation, child care, and other essential family
29 support expenses that have become difficult to afford for **families**
30 **dependents** of Indiana residents who are:

- 31 ~~(1) members of:~~
 - 32 ~~(A) a reserve component of the armed forces; or~~
 - 33 ~~(B) the national guard; and~~
- 34 ~~(2) called to active duty after September 11, 2001:~~

35 **qualified service members.**

36 (b) **Except as provided in section 9 of this chapter,** the board shall
37 expend the money in the fund exclusively to provide grants for
38 assistance as described in subsection (a).

39 (c) **A qualified service member or the qualified service**
40 **member's dependent may be eligible to receive assistance from the**
41 **fund for up to one (1) year after the earlier of the following:**

- 42 (1) **The date the qualified service member's active duty**

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1 **service ends.**
2 **(2) The date of the cessation of the national conflict or war**
3 **with respect to which the qualified service member is eligible**
4 **to receive assistance under section 7.5(3)(B) of this chapter.**
5 ~~(c)~~ **(d)** The board shall administer the fund.
6 SECTION 7. IC 10-17-12-9, AS AMENDED BY P.L.144-2007,
7 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
8 UPON PASSAGE]: Sec. 9. (a) The fund consists of the following:
9 (1) Appropriations made by the general assembly.
10 (2) Donations to the fund.
11 (3) Interest. ~~as provided in subsection (b):~~
12 (4) Money transferred to the fund from other funds.
13 (5) Annual supplemental fees collected under IC 9-29-5-38.5.
14 (6) Money from any other source authorized or appropriated for
15 the fund.
16 (b) The ~~treasurer of state board~~ shall ~~invest transfer~~ the money in
17 the fund not currently needed to **provide assistance or** meet the
18 obligations of the fund ~~in the same manner as other public money may~~
19 ~~be invested. Interest that accrues from these investments shall be~~
20 ~~deposited in the fund: to the veterans' affairs trust fund established~~
21 ~~by IC 10-17-13-3.~~
22 (c) Money in the fund at the end of a state fiscal year does not revert
23 to the state general fund or to any other fund.
24 (d) There is annually appropriated to the board for the purposes of
25 this chapter all money in the fund not otherwise appropriated to the
26 board for the purposes of this chapter.
27 SECTION 8. IC 10-17-13-3, AS ADDED BY P.L.144-2007,
28 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
29 UPON PASSAGE]: Sec. 3. (a) The veterans' affairs trust fund is
30 established to provide ~~assistance to veterans and their families: a~~
31 **self-sustaining funding source for the military family relief fund**
32 **established by IC 10-17-12-8.**
33 (b) The fund consists of the following:
34 (1) Appropriations by the general assembly.
35 (2) Donations, gifts, grants, and bequests to the fund.
36 (3) Interest and dividends on assets of the funds.
37 (4) Money transferred to the fund from other funds.
38 (5) Money from any other source deposited in the fund.
39 SECTION 9. IC 10-17-13-10, AS ADDED BY P.L.144-2007,
40 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
41 UPON PASSAGE]: Sec. 10. (a) The board shall manage and develop
42 the fund and the assets of the fund.

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- (b) The board shall do the following:
 - (1) Establish a policy for the investment of the assets of the fund. In establishing a policy under this subdivision, the board shall:
 - ~~(A) consider the immediate needs of veterans and their families to the extent those needs are not addressed by the military family relief fund established by IC 10-17-12-8; and~~
 - ~~(B) have as its long term goal creating a self sustaining fund that is not dependent on legislative sources of funding.~~
 - (A) establish adequate long term financial goals for the fund; and**
 - (B) provide adequate funding for the military family relief fund established by IC 10-17-12-8 during a time of war or national conflict.**
 - (2) Acquire money for the fund through the solicitation of private or public donations and other revenue producing activities.
 - (3) Perform other tasks consistent with prudent management and development of the fund.

SECTION 10. IC 10-17-13-14, AS ADDED BY P.L.144-2007, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 14. The board shall adopt rules under IC 4-22-2 to ~~do the following:~~

- ~~(1) Establish or designate programs, including existing programs administered by state agencies for the benefit of active duty military personnel, veterans, and their families, to be funded by the fund. The board shall consider the following needs of veterans and their families in establishing programs under this subdivision:~~
 - ~~(A) Education:~~
 - ~~(B) Economic assistance, including grants and loans:~~
 - ~~(C) Health and medical care:~~
 - ~~(D) Housing and transportation needs:~~
 - ~~(E) Employment and workforce issues:~~
 - ~~(F) Any other issue the board determines is appropriate:~~
- ~~(2) Determine eligibility and application procedures for programs described in subdivision (1):~~
- ~~(3) Otherwise implement this chapter:~~

implement this chapter.

SECTION 11. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred House Bill 1135, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

TINCHER, Chair

Committee Vote: yeas 7, nays 0.

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