

## SENATE BILL No. 130

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### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 10-5-3-1; IC 25-15-9-8.

**Synopsis:** Grave markers for members of the armed forces. Requires the state board of funeral and cemetery service to establish standards before January 1, 1999, for setting a grave marker provided by the federal government to a member of the armed forces or other qualified person. The standards must require a person who sets the grave marker to do so in the most economical manner possible. (The introduced version of this bill was prepared by the military and veterans affairs commission.)

**Effective:** Upon passage; January 1, 1999.

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**Wyss, Craycraft, Paul, Alexa**

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January 6, 1998, read first time and referred to Committee on Public Policy.

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Introduced

Second Regular Session 110th General Assembly (1998)

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 1997 General Assembly.

## SENATE BILL No. 130

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A BILL FOR AN ACT to amend the Indiana Code concerning military affairs.

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

1 SECTION 1. IC 10-5-3-1 IS AMENDED TO READ AS FOLLOWS  
2 [EFFECTIVE JANUARY 1, 1999]: Sec. 1. (a) Whenever any person,  
3 male or female, who has heretofore served, or who may hereafter serve,  
4 as a member of the armed forces of the United States as a soldier,  
5 sailor, or marine in the army, air force, or navy of the United States, or  
6 as a member of the women's components thereof, resident of any  
7 county of this state, and who, while a member of the armed forces and  
8 before discharge therefrom, or, who after receiving an honorable  
9 discharge therefrom, or the wife or widow, the husband or widower of  
10 any such member of the armed forces of the United States, resident of  
11 any county of this state, has died or shall hereafter die, upon claim  
12 being filed by an interested person with the board of commissioners of  
13 the county of the residence of such deceased person, stating the fact of  
14 such service, death, and discharge, if discharged from such service  
15 prior to death, and that the body has been buried in a decent and  
16 respectable manner, in a cemetery or burial ground, such board of  
17 commissioners shall hear and determine such claim, like other claims,

1998

IN 130—LS 6459/DI 69+



1 filed for allowance by them, and if the facts averred are found to be  
 2 true, as a tribute of respect due such member of the armed forces, shall  
 3 make allowance of such claim in a sum not exceeding one hundred  
 4 dollars (\$100) for service rendered and material furnished in care of  
 5 such body and where necessary an amount not to exceed twenty-five  
 6 dollars (\$25) for a place of burial of such body.

7 (b) Only one (1) claim shall be allowed for any decedent, who  
 8 qualifies under this chapter, and the total sum of the claim filed and for  
 9 which allowances shall be made whether it be for service rendered and  
 10 material furnished or service rendered, material furnished, and place  
 11 for burial furnished shall not exceed one hundred dollars (\$100):  
 12 Provided, That should the federal government provide a marker for the  
 13 grave of any such person, the board of commissioners shall make a  
 14 further allowance of thirty dollars (~~\$30.00~~) (**\$30**) for the setting of such  
 15 marker: Provided further, That any sum of money expended by any  
 16 county under the provisions of this chapter shall be considered as a gift,  
 17 and no persons for and on behalf of the state of Indiana or any of its  
 18 political subdivisions shall be authorized to file a claim for a lump sum  
 19 death benefit, with the federal social security administration claiming  
 20 reimbursement for any sum of money so expended.

21 (c) **A person who sets a grave marker provided by the federal**  
 22 **government as described in subsection (b) shall set the grave**  
 23 **marker in accordance with standards established by the state**  
 24 **board of funeral and cemetery service under IC 25-15-9-8(1)(D).**

25 SECTION 2. IC 25-15-9-8, AS AMENDED BY P.L.241-1995,  
 26 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
 27 UPON PASSAGE]: Sec. 8. The board shall do the following:

- 28 (1) Adopt rules under IC 4-22-2 to do the following:  
 29 (A) Establish standards for the sale and payment of funeral or  
 30 burial services or merchandise in advance of need.  
 31 (B) Establish the terms of contracts authorized under  
 32 IC 30-2-13.  
 33 (C) Implement IC 30-2-13.  
 34 (D) **Establish standards for setting a grave marker**  
 35 **provided by the federal government to a member of the**  
 36 **armed forces or other qualified person as described in**  
 37 **IC 10-5-3-1. The standards must require a person who sets**  
 38 **the grave marker to do so in the most economical manner**  
 39 **possible.**  
 40 (2) Register and issue certificates to sellers of merchandise or  
 41 services under IC 30-2-13.  
 42 (3) Determine compliance with this article by persons engaged in



1 the sale and payment of funeral or burial services or merchandise  
2 in advance of need under IC 30-2-13.

3 (4) Investigate any complaint alleging a violation of IC 30-2-13.

4 (5) Set fees under IC 25-1-8.

5 (6) For a violation of this article or IC 30-2-13 by a person  
6 engaged in the sale and payment of funeral or burial services or  
7 merchandise in advance of need under IC 30-2-13, if necessary,  
8 take any combination of the following actions:

9 (A) Issue an appropriate order to correct the violation.

10 (B) Suspend the seller's certificate of authority.

11 (C) Permanently revoke the seller's certificate of authority.

12 (D) Censure the seller.

13 (E) Issue a letter of reprimand to the seller.

14 (F) Place the seller on probation.

15 (G) Assess a civil penalty against the seller in an amount not  
16 to exceed one thousand dollars (\$1,000) for each violation,  
17 except for a finding of incompetency due to a physical or  
18 mental disability. When imposing a civil penalty, the board  
19 shall consider the seller's ability to pay the amount assessed.  
20 If the seller fails to pay the civil penalty within the time  
21 specified by the board, the board may suspend the seller's  
22 certificate of authority without additional proceedings.

23 However, a suspension may not be imposed if the sole basis  
24 for the suspension is the seller's inability to pay a civil penalty.

25 (H) Refer the matter to the attorney general or prosecuting  
26 attorney for enforcement.

27 (7) In addition to any actions taken under subdivision (6),  
28 permanently revoke a seller's certificate of authority, if the seller  
29 demonstrates a pattern or practice of violating the following  
30 provisions:

31 (A) The requirement under IC 30-2-13-12 that all property  
32 paid or delivered to fund a contract for prepaid services or  
33 merchandise be irrevocably deposited to trust or escrow thirty  
34 (30) days after the contract is signed.

35 (B) The prohibition against knowingly inducing a purchaser to  
36 breach an existing contract under IC 30-2-13-13(e).

37 **SECTION 3. [EFFECTIVE UPON PASSAGE] (a) The state board**  
38 **of funeral and cemetery service shall adopt rules under**  
39 **IC 25-15-9-8(1)(D), as added by this act, before January 1, 1999.**

40 **(b) This SECTION expires January 2, 1999.**

41 **SECTION 4. An emergency is declared for this act.**

