

January 15, 1998

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## SENATE BILL No. 130

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DIGEST OF SB 130 (Updated January 13, 1998 3:32 pm - DI 71)

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

**Synopsis:** Grave markers for members of the armed forces. Requires the cemetery, consumer, and state department of health members of 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.  
January 14, 1998, amended, reported favorably — Do Pass.

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SB 130—LS 6459/DI 69+



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January 15, 1998

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

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,

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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 cemetery,**  
 24 **consumer, and state department of health members of the state**  
 25 **board of funeral and cemetery service under IC 25-15-9-10(4).**

26 SECTION 2. IC 25-15-9-10 IS AMENDED TO READ AS  
 27 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 10. The cemetery,  
 28 consumer, and the state department of health members of the board  
 29 shall do the following:

- 30 (1) Determine compliance with IC 23-14 by cemetery owners.  
 31 (2) Investigate a complaint alleging a violation of IC 23-14.  
 32 (3) For a violation of IC 23-14 by a cemetery owner, if necessary,  
 33 take any combination of the following actions:  
 34 (A) Issue an appropriate order to correct the violation.  
 35 (B) Suspend the seller's certificate of authority issued under  
 36 IC 30-2-13.  
 37 (C) Censure the cemetery owner.  
 38 (D) Issue a letter of reprimand.  
 39 (E) Assess a civil penalty against the cemetery owner in an  
 40 amount not to exceed one thousand dollars (\$1,000) for each  
 41 violation, except for a finding of incompetency due to a  
 42 physical or mental disability. When imposing a civil penalty,



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the board shall consider a cemetery owner's ability to pay the amount assessed.

(F) Refer the matter to the attorney general or prosecuting attorney for enforcement.

**(4) Adopt rules under IC 4-22-2 to establish standards for setting a grave marker provided by the federal government to a member of the armed forces or other qualified person as described in IC 10-5-3-1. The standards must require a person who sets the grave marker to do so in the most economical manner possible.**

SECTION 3. [EFFECTIVE UPON PASSAGE] **(a) The cemetery, consumer, and state department of health members of the state board of funeral and cemetery service shall adopt rules under IC 25-15-9-10(4), as added by this act, before January 1, 1999.**

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

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

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