

HOUSE BILL No. 1071

DIGEST OF INTRODUCED BILL

Citations Affected: IC 10-5-26.

Synopsis: Desert Shield and Desert Storm bonus. Provides for a bonus to be paid to a member of the armed forces of the United States if the member: (1) was a resident of Indiana for at least six months immediately before the member's enlistment, induction, or call to active duty in the armed forces of the United States; (2) was on active duty during Operation Desert Shield or Operation Desert Storm; and (3) served after July 31, 1990, and before August 1, 1991. Allows for certain surviving next of kin to receive the bonus if a member of the armed forces of the United States who is eligible to receive the bonus is deceased. Specifies that the amount of the bonus is: (1) \$300 for a member of the armed forces who qualifies; (2) \$600 for a member of
(Continued next page)

Effective: July 1, 1999.

Bailey

January 6, 1999, read first time and referred to Committee on Ways and Means.

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Digest Continued

the armed forces who qualifies and was awarded a Purple Heart decoration or received a disability rating of at least 10% because the person was injured while on active duty; and (3) \$1,000 for the next of kin of a member of the armed forces who qualifies and was killed while on active duty. (The introduced version of this bill was prepared by the military and veterans affairs commission.)

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Introduced

First Regular Session 111th General Assembly (1999)

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 1998 General Assembly.

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HOUSE BILL No. 1071

A BILL FOR AN ACT to amend the Indiana Code concerning state police, civil defense and military affairs and to make an appropriation.

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

- 1 SECTION 1. IC 10-5-26 IS ADDED TO THE INDIANA CODE AS
2 A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 1999]:
4 **Chapter 26. Benefits for Veterans Serving During Operation**
5 **Desert Shield and Operation Desert Storm**
6 **Sec. 1. As used in this chapter, "commission" refers to the**
7 **veterans' affairs commission established by IC 10-5-1-5.**
8 **Sec. 2. As used in this chapter, "department" refers to the**
9 **Indiana department of veterans' affairs established by IC 10-5-1-3.**
10 **Sec. 3. As used in this chapter, "member of the armed forces of**
11 **the United States" means a person who served:**
12 **(1) on active military duty in the land, air, or naval forces of**
13 **the United States; or**
14 **(2) as a member of a reserve component of the land, air, or**
15 **naval forces of the United States called to active duty by the**



- 1 **President of the United States.**
 2 **The term does not include a person who served in the merchant**
 3 **marine.**
 4 **Sec. 4. As used in this chapter, "next of kin" means:**
 5 (1) a surviving spouse of;
 6 (2) a child of;
 7 (3) a parent of; and
 8 (4) any other person standing in loco parentis to;
 9 **a member of the armed forces of the United States.**
 10 **Sec. 5. (a) A bonus in an amount specified in subsection (b) shall**
 11 **be paid to a member of the armed forces of the United States who:**
 12 (1) was a resident of Indiana for at least six (6) months
 13 immediately before the member's enlistment, induction, or
 14 call to active duty in the armed forces of the United States;
 15 (2) was on active duty in the armed forces of the United States
 16 for:
 17 (A) at least ninety (90) days; or
 18 (B) less than ninety (90) days because the member's duty
 19 was terminated for a service related medical reason as
 20 determined by the armed forces of the United States or the
 21 Veterans Administration;
 22 (3) was on active duty during Operation Desert Shield or
 23 Operation Desert Storm;
 24 (4) served after July 31, 1990, and before August 1, 1991; and
 25 (5) served in at least one (1) of the following areas:
 26 (A) The total land area of:
 27 (i) Saudi Arabia;
 28 (ii) Kuwait;
 29 (iii) Iraq;
 30 (iv) Yemen;
 31 (v) Oman;
 32 (vi) Bahrain;
 33 (vii) Qatar; or
 34 (viii) the United Arab Emirates.
 35 (B) The Persian Gulf.
 36 (C) The Red Sea.
 37 (D) The Gulf of Oman.
 38 (E) The Arabian Sea.
 39 (F) The Gulf of Aden.
 40 (G) The airspace above any of the areas described in
 41 clauses (A) through (F).
 42 **(b) A bonus of three hundred dollars (\$300) shall be paid to a**

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1 person who qualifies under this chapter. However, if the:

2 (1) person:

3 (A) was awarded a Purple Heart decoration; or

4 (B) received a disability rating of at least ten percent

5 (10%) from the appropriate branch of the armed forces;

6 because the person was injured while on active duty as
7 described in subsection (a), the person shall be paid a bonus
8 of six hundred dollars (\$600); and

9 (2) person:

10 (A) was killed while on active duty as described in
11 subsection (a); and

12 (B) would otherwise qualify for a bonus under this
13 chapter;

14 the person's next of kin shall be paid a bonus of one thousand
15 dollars (\$1,000) as provided in section 7(b) of this chapter.

16 Sec. 6. A bonus may not be paid under this chapter to a person
17 who:

18 (1) performed only civilian work and was compensated by a
19 civilian employer; or

20 (2) received a similar bonus or compensation from another
21 state.

22 Sec. 7. (a) To receive a bonus under this chapter, a person who
23 qualifies under section 5 of this chapter must:

24 (1) file a claim for the bonus with the department:

25 (A) on a form approved by the department; and

26 (B) before July 1, 2002; and

27 (2) provide any information requested by the department to
28 support the person's claim.

29 (b) If a person who is otherwise eligible to receive a bonus under
30 this chapter is deceased, the person's next of kin may file a claim
31 under subsection (a) and receive the bonus as follows:

32 (1) The surviving spouse of the person may file the claim and
33 receive the bonus if the surviving spouse has not remarried.

34 (2) If there is no individual who may file the claim under
35 subdivision (1), the person's oldest surviving child may file the
36 claim and receive the bonus.

37 (3) If there are no individuals who may file the claim under
38 subdivisions (1) and (2), a surviving parent of the person may
39 file the claim and receive the bonus.

40 (4) If there are no individuals who may file the claim under
41 subdivisions (1), (2), and (3), any other surviving individual
42 standing in loco parentis to the person may file the claim and

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- 1 receive the bonus.
 2 **Only one (1) claim for a bonus may be filed under this subsection**
 3 **for each deceased person who is otherwise eligible to receive a**
 4 **bonus under this chapter.**
 5 **Sec. 8. (a) The department shall approve or reject a claim filed**
 6 **with the department under section 7 of this chapter.**
 7 **(b) If the department rejects a person's claim, the department**
 8 **shall provide the person with written notice of the rejection either:**
 9 **(1) personally; or**
 10 **(2) by first class mail addressed to the person's last known**
 11 **address.**
 12 **Sec. 9. (a) If a person's claim for a bonus under this chapter is**
 13 **rejected by the department, the person may appeal the rejection to**
 14 **the commission.**
 15 **(b) A person must file an appeal with the commission not more**
 16 **than four (4) months after the date the person receives notice of a**
 17 **rejection.**
 18 **(c) The commission or a reviewing officer appointed by the**
 19 **commission shall:**
 20 **(1) review an appeal the commission receives under this**
 21 **section; and**
 22 **(2) determine if the department's rejection of the claim for a**
 23 **bonus was appropriate.**
 24 **Sec. 10. If:**
 25 **(1) the department approves a claim for a bonus under this**
 26 **chapter; or**
 27 **(2) the commission or a reviewing officer appointed by the**
 28 **commission:**
 29 **(A) reverses the department's decision to reject a claim**
 30 **under section 9 of this chapter; and**
 31 **(B) approves the claim;**
 32 **the claim shall be forwarded to the auditor of state for payment.**
 33 **Sec. 11. If a bonus is awarded under this chapter to a person**
 34 **who is less than eighteen (18) years of age or who is mentally**
 35 **incompetent, the bonus shall be paid:**
 36 **(1) to the person's legal guardian; or**
 37 **(2) if the person does not have a legal guardian and is placed**
 38 **in a state or federal hospital or other institution, to the chief**
 39 **administrative officer of the hospital or other institution on**
 40 **behalf of the person.**
 41 **Sec. 12. A person who makes a false or fraudulent statement of**
 42 **material fact in:**



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- 1 (1) a claim filed under section 7 of this chapter;
- 2 (2) a document used to support a claim filed under section 7
- 3 of this chapter;
- 4 (3) an appeal filed under section 9 of this chapter; or
- 5 (4) a document used to support an appeal filed under section
- 6 9 of this chapter;
- 7 commits a Class D felony.
- 8 **Sec. 13.** A person who charges or collects a fee or other form of
- 9 compensation to assist a member of the armed forces or the
- 10 member's next of kin to obtain a bonus under this chapter commits
- 11 a Class B misdemeanor.
- 12 **Sec. 14.** The department shall adopt rules under IC 4-22-2 to
- 13 implement this chapter.
- 14 **Sec. 15.** There is annually appropriated from the state general
- 15 fund a sufficient amount to pay all approved claims for bonuses
- 16 under this chapter.
- 17 **Sec. 16.** This chapter expires July 1, 2003.

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