

SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 1 be amended to read as follows:

1 Page 44, between lines 13 and 14, begin a new paragraph and insert:
2 "SECTION 33. IC 10-17-1-1.5 IS ADDED TO THE INDIANA
3 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
4 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. As used in this chapter,**
5 **"commission" refers to the Indiana veterans' affairs commission**
6 **established by IC 10-17-13-4.**
7 SECTION 34. IC 10-17-1-2 IS AMENDED TO READ AS
8 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. (a) The Indiana
9 department of veterans' affairs is established. The:
10 (1) department;
11 (2) commission; ~~of veterans' affairs;~~
12 (3) director of veterans' affairs;
13 (4) county and city officers; and
14 (5) assistants and employees of persons described in subdivisions
15 (1) through (4);
16 acting under the supervision of and under the rules of the department
17 may act at the request of any veteran of the armed forces or a veteran's
18 spouse, surviving spouse, or dependent as necessary or reasonably
19 incident to obtaining or attempting to obtain for the person making the
20 request any advantage, benefit, or compensation accruing, due, or
21 believed to be accruing or due to the person under any law of the
22 United States, Indiana, or any other state or government by reason of
23 the service of the veteran in the armed forces of the United States.
24 (b) The:
25 (1) ~~veterans' affairs~~ commission shall supervise and control the
26 department; and
27 (2) director of veterans' affairs shall administer the department
28 under the commission's supervision and control;
29 as provided in this article.
30 (c) The domicile of the department is in Indianapolis. Suitable
31 offices and quarters shall be provided in Indianapolis.

1 SECTION 35. IC 10-17-9-7, AS AMENDED BY P.L.21-2008,
 2 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 3 JULY 1, 2010]: Sec. 7. (a) The following persons who are legal
 4 residents of Indiana for at least three (3) years immediately preceding
 5 application for admission and who have a disability or are destitute are
 6 eligible for admission to the home:

7 (1) An honorably discharged member of the armed forces who has
 8 served with the United States in any of its wars.

9 (2) An honorably discharged member of the armed forces who has
 10 served in an authorized campaign of the United States and who
 11 has a service connected disability; as evidenced by a pension
 12 certificate or the award of compensation.

13 (3) The spouse of an honorably discharged member of the armed
 14 forces described in subdivision (1) or (2).

15 (4) The surviving spouse of an honorably discharged member of
 16 the armed forces described in subdivision (1) or (2).

17 (a) As used in this section, "eligible person" refers to either of
 18 the following:

19 (1) An honorably discharged member of the armed forces.

20 (2) The spouse or surviving spouse of an honorably
 21 discharged member of the armed forces.

22 (b) An eligible person who has a disability or is destitute is
 23 eligible for admission to the home if:

24 (1) the eligible person has been a resident of Indiana for at
 25 least one (1) year immediately preceding application for
 26 admission to the home; or

27 (2) in the case of an eligible person referred to in subsection
 28 (a)(1), the eligible person was a resident of Indiana when the
 29 eligible person enlisted in the armed forces.

30 ~~(b)~~ (c) The Indiana department of veterans' affairs shall adopt rules
 31 concerning admission to the home.

32 ~~(c)~~ (d) In adopting rules governing the admission, maintenance, and
 33 discharge of members of the home, the Indiana department of veterans'
 34 affairs may establish a fund called the veterans' home comfort and
 35 welfare fund. The director shall deposit all money collected from the
 36 members for the cost of their care and maintenance in the fund. The
 37 director shall expend this money in any manner that adds to the comfort
 38 and welfare of the members of the institutions.

39 ~~(d)~~ (e) A part of the veterans' home comfort and welfare fund may
 40 be withdrawn and deposited in a special fund called the veterans' home
 41 building fund. The veterans' home building fund shall be used for the
 42 construction, maintenance, remodeling, or repair of buildings of the
 43 Indiana Veterans' home.

44 ~~(e)~~ (f) Preference under this section may be given to a person who
 45 served in an Indiana military organization. Except in cases where the
 46 surviving spouse of a veteran marries another veteran, the benefits of
 47 this chapter extend only to a surviving spouse and the spouse of a

1 veteran if the contract of marriage was entered into more than five (5)
 2 years before the date of death of the veteran. Except as otherwise
 3 provided by law, upon the death of a person in the home, money paid
 4 to the person or due to the person from a bank, a trust company, a
 5 corporation, or an individual becomes an asset of the person's estate
 6 and shall be distributed in the manner prescribed by the probate law of
 7 the state."

8 Page 44, between lines 33 and 34, begin a new paragraph and insert:

9 "SECTION 37. IC 10-17-11-2 IS AMENDED TO READ AS
 10 FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2. As used in this
 11 chapter, "commission" refers to the **Indiana** veterans' affairs
 12 commission established by ~~IC 10-17-1-3~~ **IC 10-17-13-4**.

13 SECTION 38. IC 10-17-12-3.5 IS ADDED TO THE INDIANA
 14 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 15 [EFFECTIVE JULY 1, 2010]: **Sec. 3.5. As used in this chapter,**
 16 **"commission" refers to the Indiana veterans' affairs commission**
 17 **established by IC 10-17-13-4.**

18 SECTION 39. IC 10-17-12-8, AS AMENDED BY P.L.50-2009,
 19 SECTION 6, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 20 JULY 1, 2010]: Sec. 8. (a) The military family relief fund is established
 21 to provide assistance with food, housing, utilities, medical services,
 22 basic transportation, child care, education, employment or workforce,
 23 and other essential family support expenses that have become difficult
 24 to afford for qualified service members or dependents of qualified
 25 service members.

26 (b) Except as provided in section 9 of this chapter, the ~~board~~
 27 **commission** shall expend the money in the fund exclusively to provide
 28 grants for assistance as described in subsection (a).

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

32 (1) The date the qualified service member's active duty service
 33 ends.

34 (2) The date, as established by presidential proclamation or by
 35 law, of the cessation of the national conflict or war with respect
 36 to which the qualified service member is eligible to receive
 37 assistance under section 7.5(3)(B) of this chapter.

38 (d) The ~~board~~ **commission** shall administer the fund.

39 SECTION 40. IC 10-17-12-9, AS AMENDED BY P.L.50-2009,
 40 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 41 JULY 1, 2010]: Sec. 9. (a) The fund consists of the following:

42 (1) Appropriations made by the general assembly.

43 (2) Donations to the fund.

44 (3) Interest.

45 (4) Money transferred to the fund from other funds.

46 (5) Annual supplemental fees collected under IC 9-29-5-38.5.

47 (6) Money from any other source authorized or appropriated for

1 the fund.

2 (b) The **board commission** shall transfer the money in the fund not
3 currently needed to provide assistance or meet the obligations of the
4 fund to the veterans' affairs trust fund established by IC 10-17-13-3.

5 (c) Money in the fund at the end of a state fiscal year does not revert
6 to the state general fund or to any other fund.

7 (d) There is annually appropriated to the **board commission** for the
8 purposes of this chapter all money in the fund not otherwise
9 appropriated to the **board commission** for the purposes of this chapter.

10 SECTION 41. IC 10-17-12-10, AS AMENDED BY P.L.144-2007,
11 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
12 JULY 1, 2010]: Sec. 10. The **board commission** may adopt rules under
13 IC 4-22-2 for the provision of grants under this chapter. The rules
14 adopted under this section must address the following:

- 15 (1) Uniform need determination procedures.
- 16 (2) Eligibility criteria.
- 17 (3) Application procedures.
- 18 (4) Selection procedures.
- 19 (5) Coordination with other assistance programs.
- 20 (6) Other areas in which the department determines that rules are
21 necessary to ensure the uniform administration of the grant
22 program under this chapter.

23 SECTION 42. IC 10-17-12-11, AS AMENDED BY P.L.144-2007,
24 SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
25 JULY 1, 2010]: Sec. 11. The director or a member of the **board**
26 **commission** may make a request to the general assembly for an
27 appropriation to the fund.

28 SECTION 43. IC 10-17-13-1.5 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2010]: **Sec. 1.5. As used in this chapter,**
31 **"commission" refers to the Indiana veterans' affairs commission**
32 **established under section 4 of this chapter.**

33 SECTION 44. IC 10-17-13-4, AS ADDED BY P.L.144-2007,
34 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
35 JULY 1, 2010]: Sec. 4. The **military and veterans' benefits board**
36 **Indiana veterans' affairs commission** is established.

37 SECTION 45. IC 10-17-13-5, AS ADDED BY P.L.144-2007,
38 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
39 JULY 1, 2010]: Sec. 5. The **board commission** consists of the
40 following members:

- 41 (1) Seven (7) members appointed by the governor. The governor
42 shall consider the following when making appointments under
43 this subdivision:
 - 44 (A) Membership in:
 - 45 (i) a veterans association established under IC 10-18-6; or
 - 46 (ii) a veterans organization listed in IC 10-18-8-1.
 - 47 (B) Service in the armed forces of the United States (as

1 defined in IC 5-9-4-3) or the national guard (as defined in
2 IC 5-9-4-4).

3 (C) Experience in education, including higher education,
4 vocational education, or adult education.

5 (D) Experience in investment banking or finance.

6 The governor shall designate one (1) member appointed under
7 this subdivision to serve as chairperson of the ~~board~~ **commission**.

8 (2) The director of veterans' affairs appointed under IC 10-17-1-5
9 or the director's designee.

10 (3) The adjutant general of the military department of the state
11 appointed under IC 10-16-2-6 or the adjutant general's designee.

12 (4) Four (4) members of the general assembly appointed as
13 follows:

14 (A) Two (2) members of the senate, one (1) from each political
15 party, appointed by the president pro tempore of the senate
16 with advice from the minority leader of the senate.

17 (B) Two (2) members of the house of representatives, one (1)
18 from each political party, appointed by the speaker of the
19 house of representatives with advice from the minority leader
20 of the house of representatives.

21 Members appointed under this subdivision are nonvoting,
22 advisory members and must serve on a standing committee of the
23 senate or house of representatives that has subject matter
24 jurisdiction over military and veterans affairs.

25 SECTION 46. IC 10-17-13-6, AS ADDED BY P.L.144-2007,
26 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2010]: Sec. 6. The ~~board~~ **commission** shall meet at least
28 quarterly at the call of the chairperson of the ~~board~~ **commission**.

29 SECTION 47. IC 10-17-13-7, AS ADDED BY P.L.144-2007,
30 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
31 JULY 1, 2010]: Sec. 7. Five (5) voting members of the ~~board~~
32 **commission** constitute a quorum. The affirmative vote of five (5)
33 members of the ~~board~~ **commission** is necessary for the ~~board~~
34 **commission** to take action.

35 SECTION 48. IC 10-17-13-8, AS ADDED BY P.L.144-2007,
36 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
37 JULY 1, 2010]: Sec. 8. (a) The term of a ~~board~~ **commission** member
38 begins on the later of the following:

39 (1) The day the term of the member whom the individual is
40 appointed to succeed expires.

41 (2) The day the member is appointed.

42 (b) The term of a member expires on the later of the following:

43 (1) The day a successor is appointed.

44 (2) July 1 of the year following the year in which the member is
45 appointed.

46 However, a member serves at the pleasure of the appointing authority.

47 (c) An appointing authority may reappoint a member for a new term.

1 (d) An appointing authority shall appoint an individual to fill a
2 vacancy on the ~~board~~ **commission**.

3 SECTION 49. IC 10-17-13-9, AS ADDED BY P.L.144-2007,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 9. (a) Each member of the ~~board~~ **commission** who
6 is not a state employee is entitled to the minimum salary per diem
7 provided by IC 4-10-11-2.1(b). The member is also entitled to
8 reimbursement for traveling expenses as provided under IC 4-13-1-4
9 and other expenses actually incurred in connection with the member's
10 duties as provided in the state policies and procedures established by
11 the Indiana department of administration and approved by the budget
12 agency.

13 (b) Each member of the ~~board~~ **commission** who is a state employee
14 but who is not a member of the general assembly is entitled to
15 reimbursement for traveling expenses as provided under IC 4-13-1-4
16 and other expenses actually incurred in connection with the member's
17 duties as provided in the state policies and procedures established by
18 the Indiana department of administration and approved by the budget
19 agency.

20 (c) Each member of the ~~board~~ **commission** who is a member of the
21 general assembly is entitled to receive the same per diem, mileage, and
22 travel allowances paid to legislative members of interim study
23 committees established by the legislative council. Per diem, mileage,
24 and travel allowances paid under this subsection shall be paid from
25 appropriations made to the legislative council or the legislative services
26 agency.

27 **(d) The director of veterans' affairs appointed under**
28 **IC 10-17-1-5 shall act as secretary of the commission and carry out**
29 **the duties set forth in IC 10-17-1-6.**

30 SECTION 50. IC 10-17-13-10, AS AMENDED BY P.L.50-2009,
31 SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
32 JULY 1, 2010]: Sec. 10. (a) The ~~board~~ **commission** shall manage and
33 develop the fund and the assets of the fund.

34 (b) The ~~board~~ **commission** shall do the following:

35 **(1) Carry out the duties of the commission set forth in**
36 **IC 10-17-1.**

37 ~~(+)~~ **(2)** Establish a policy for the investment of the assets of the
38 fund. In establishing a policy under this subdivision, the ~~board~~
39 **commission** shall:

40 (A) establish adequate long term financial goals for the fund;
41 and

42 (B) provide adequate funding for the military family relief
43 fund established by IC 10-17-12-8 during a time of war or
44 national conflict.

45 ~~(=)~~ **(3)** Acquire money for the fund through the solicitation of
46 private or public donations and other revenue producing
47 activities.

1 (3) **(4)** Perform other tasks consistent with prudent management
2 and development of the fund.

3 SECTION 51. IC 10-17-13-11, AS ADDED BY P.L.144-2007,
4 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
5 JULY 1, 2010]: Sec. 11. (a) Subject to the investment policy of the
6 ~~board~~ **commission** established under section 10 of this chapter, the
7 treasurer of state shall administer the fund and invest the money in the
8 fund.

9 (b) The expenses of administering the fund and this chapter shall be
10 paid from the fund.

11 (c) The treasurer of state shall invest the money in the fund not
12 currently needed to meet the obligations of the fund in the same
13 manner as other public trust funds are invested. Interest that accrues
14 from these investments shall be deposited in the fund.

15 SECTION 52. IC 10-17-13-13, AS ADDED BY P.L.144-2007,
16 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2010]: Sec. 13. Before October 1 of each year, the ~~board~~
18 **commission** shall report in an electronic format under IC 5-14-6 to the
19 general assembly concerning the fund.

20 SECTION 53. IC 10-17-13-14, AS AMENDED BY P.L.50-2009,
21 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
22 JULY 1, 2010]: Sec. 14. The ~~board~~ **commission** shall adopt rules under
23 IC 4-22-2 to implement this chapter."

24 Page 50, between lines 7 and 8, begin a new paragraph and insert:

25 "SECTION 61. IC 14-8-2-67, AS AMENDED BY P.L.120-2008,
26 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
27 JULY 1, 2010]: Sec. 67. (a) "Department", except for purposes of
28 **IC 14-20-7 and IC 14-32**, refers to the department of natural resources.

29 **(b) "Department", for purposes of IC 14-20-7, refers to the**
30 **Indiana department of veterans' affairs established by**
31 **IC 10-17-1-2.**

32 ~~(b)~~ **(c)** "Department", for purposes of IC 14-32, refers to the Indiana
33 state department of agriculture established by IC 15-11-2-1."

34 Page 62, line 6, after "IC 9-27-2-12;" insert "IC 10-17-1-3;
35 IC 10-17-12-3; IC 10-17-13-1;"

36 Page 62, after line 26, begin a new paragraph and insert:

37 "SECTION 82. [EFFECTIVE JULY 1, 2010] **(a) As used in this**
38 **SECTION, "buildings and grounds" has the meaning set forth in**
39 **IC 14-20-7-1.**

40 **(b) On July 1, 2010, all powers, duties, rights, obligations,**
41 **liabilities, funds, and revenues for the buildings and grounds are**
42 **transferred from the department of natural resources to the**
43 **Indiana department of veterans' affairs established by**
44 **IC 10-17-1-2.**

45 **(c) Any memorandum of understanding between the**
46 **department of natural resources and the Indiana department of**
47 **veterans' affairs concerning the administration of the buildings**

1 **and grounds by the Indiana department of veterans' affairs expires**
 2 **July 1, 2010.**

3 **(d) This SECTION expires July 2, 2010.**

4 SECTION 83. [EFFECTIVE JULY 1, 2010] **(a) After June 30,**
 5 **2010, a reference in any law, rule, contract, or other document or**
 6 **record to the military and veterans' benefits board or to the**
 7 **commission of veterans' affairs or the veterans' affairs commission**
 8 **established by IC 10-17-1-3 shall be treated as a reference to the**
 9 **Indiana veterans' affairs commission established by IC 10-17-13-4,**
 10 **as amended by this act.**

11 **(b) The rules adopted by the commission of veterans' affairs or**
 12 **the veterans' affairs commission established by IC 10-17-1-3**
 13 **before July 1, 2010, and in effect on June 30, 2010, shall be treated**
 14 **after June 30, 2010, as the rules of the Indiana veterans' affairs**
 15 **commission established by IC 10-17-13-4, as amended by this act.**

16 **(c) The terms of members of the veterans' affairs commission**
 17 **established by IC 10-17-1-3 who are serving on June 30, 2010,**
 18 **expire on June 30, 2010.**

19 **(d) The members of the military and veterans' benefits board**
 20 **servng on June 30, 2010, become the members of the veterans'**
 21 **affairs commission established by IC 10-17-13-4, as amended by**
 22 **this act, on July 1, 2010.**

23 **(e) This SECTION expires July 2, 2010."**

24 Renumder all SECTIONS consecutively.

(Reference is to SB 1 as printed January 26, 2010.)

Senator ALTING