

COMMITTEE REPORT

MADAM PRESIDENT:

The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill No. 248, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1 Delete the title and insert the following:
2 A BILL FOR AN ACT to amend the Indiana Code concerning
3 public safety.
4 Delete everything after the enacting clause and insert the
5 following:
6 SECTION 1. IC 10-16-1-6 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. "Commanding
8 officer" means **the commander of** a company, a troop, a battery, a
9 squadron, a battalion, an air group, a regiment, **a brigade**, a battle
10 group, a wing, ~~or a division, commander: a post, an installation, or a~~
11 **joint forces headquarters.**
12 SECTION 2. IC 10-16-3-1 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. (a) The state armory
14 board is established to provide, manage, and care for armories for the
15 use of the military and naval forces of Indiana.
16 (b) The board consists of the following members:
17 (1) The following ex officio members:
18 (A) The governor.
19 (B) The adjutant general.
20 (2) Five (5) members appointed by the governor. At least three
21 (3) of the members must be or must have been officers of the
22 military or naval forces of the United States or of the state of
23 Indiana.
24 ~~(3) The presidents of the local armory boards as provided under~~
25 ~~IC 10-16-4-3(c).~~
26 SECTION 3. IC 10-16-3-2 IS AMENDED TO READ AS

1 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 2. The state armory
 2 board established by section 1 of this chapter may contribute funds in
 3 support of the following authorized duties and responsibilities of the
 4 adjutant general:

- 5 (1) The military department of the Indiana ceremonial unit.
- 6 (2) The Indiana guard reserve.
- 7 (3) The annual report of the adjutant general's department.
- 8 (4) The medical treatment, pensions, and funeral expenses of
 9 officers and soldiers wounded, disabled, or killed while in the
 10 active service of the state.
- 11 (5) **Expenditures for public relations ~~expenditures of and the~~**
 12 **promotion of morale within** the adjutant general's department
 13 that are not paid by the United States Department of Defense.
- 14 (6) Recruitment and retention expenditures of the adjutant
 15 general's department that are not paid by the United States
 16 Department of Defense.
- 17 (7) The publication of the armed forces law of Indiana in
 18 accordance with IC 10-16-2-9(d).

19 SECTION 4. IC 10-16-3-6 IS AMENDED TO READ AS
 20 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 6. (a) The state armory
 21 board may:

- 22 (1) lease real estate from:
 - 23 (A) the federal, the state, or a local government; or
 - 24 (B) a federal, state, or local agency; or
- 25 (2) purchase real estate throughout the state;

26 where necessary to provide armories **or other military purposes.**

27 (b) The state armory board shall lease or purchase real estate in the
 28 name and for the use of the state. The state armory board ~~shall~~ **may**
 29 erect on the real estate an armory **or another appropriate structure**
 30 to be used for meetings, rendezvous, and drill purposes by the
 31 following organizations:

- 32 (1) A company.
- 33 (2) A battery.
- 34 (3) A troop.
- 35 (4) A battalion.
- 36 (5) A regiment.
- 37 (6) A division organization.
- 38 (7) An air squadron.
- 39 (8) A related group.

40 **(9) An organization authorized by the state board.**

41 The ordnance stores, quartermaster stores, and other property issued to
 42 an organization described in this subsection and occupying the armory
 43 shall be stored in the armory **or other appropriate structure.**

44 (c) The state armory board shall arrange for the occupancy and use
 45 of the armories under the direction and responsibility of the senior
 46 officer in command of an organization described in subsection (b).

47 (d) An armory may not be erected on land that is leased for less
 48 than fifty (50) years.

49 (e) The Indiana wing of the civil air patrol and its subordinate
 50 units may use armory facilities without charge when the officer

1 responsible for the armory determines the use would not interfere with
2 operational training requirements of the military forces concerned.

3 SECTION 5. IC 10-16-3-7 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 7. The state armory
5 board shall constitute a board for the general management, care, and
6 custody of the armories. The state armory board may adopt rules for:

- 7 (1) the management and government of the armories; ~~and~~
8 (2) the guidance of the organizations occupying the armories;
9 **and**
10 **(3) any other purpose consistent with this chapter.**

11 SECTION 6. IC 10-16-3-9 IS AMENDED TO READ AS
12 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 9. (a) The state armory
13 board may receive from any source donations of ~~land~~ **real or personal**
14 **property** or contributions of money to aid in ~~providing or erecting~~
15 ~~armories throughout Indiana for the use~~ **the support and assistance of:**

- 16 (1) the armed forces of Indiana; and
17 (2) the armed forces of Indiana called or inducted into federal
18 service.

19 Property received under this subsection shall be held as other property
20 for the use of the state.

21 (b) Counties, cities, and municipalities may make donations and
22 contributions under subsection (a).

23 (c) This subsection applies to real ~~estate~~ **or personal property:**

- 24 (1) donated under subsection (a); and
25 (2) upon which the state of Indiana has not erected structures.

26 The state armory board may determine that real ~~estate~~ **property**
27 donated under subsection (a) is no longer usable or cannot be used by
28 the military department. The state armory board may certify its
29 determination to the adjutant general. The adjutant general may
30 reconvey the real ~~estate~~ **property** to the donor **or to another entity or**
31 **individual that the adjutant general considers appropriate.**

32 SECTION 7. IC 10-16-3-11 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 11. The state armory
34 board may use ~~the receipts under IC 10-16-9-3(a)(3)~~ **its financial**
35 **resources** to make contributions to organizations that promote the
36 public image of the national guard, the United States armed forces, or
37 veterans of the United States armed forces. These contributions may be
38 made for the following purposes:

- 39 (1) Public events.
40 (2) Activities on Veterans' Day, Memorial Day, the Fourth of
41 July, and other holidays.
42 (3) Monuments, plaques, or inscriptions that memorialize
43 veterans of United States wars or military actions.
44 (4) Other appropriate activities that the state armory board
45 approves.

46 SECTION 8. IC 10-16-3-13 IS AMENDED TO READ AS
47 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 13. (a) The state
48 armory board may sell, lease, convey, or otherwise dispose of any real
49 property belonging to the state and being under the charge and in the
50 custody and possession of the state armory board if, in the judgment of

1 the state armory board:

2 (1) the real property can no longer be used for the purpose for
3 which it was acquired; **and**

4 (2) **the conveyance provides a substantial public or military**
5 **benefit.**

6 (b) The sale shall be made at public or private sale, after
7 appropriate publication, for the highest price to be obtained for the
8 same. If the state armory board takes bids in the sale of real property,
9 the board shall require a bid submitted by a trust (as defined in
10 IC 30-4-1-1(a)) to identify all of the following:

11 (1) Each beneficiary of the trust.

12 (2) Each settlor empowered to revoke or modify the trust.

13 (c) All money derived from the sale, conveyance, or other
14 disposition of any real property shall be paid into the state treasury, but
15 may be used for the purchase of other real property for armory
16 purposes.

17 SECTION 9. IC 10-16-3-14 IS AMENDED TO READ AS
18 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 14. (a) If the state
19 armory board sells ~~conveys, or otherwise disposes of~~ any real property,
20 the value of the property shall be determined by three (3) disinterested
21 appraisers appointed by the state armory board with the approval of the
22 governor.

23 (b) Real property may not be sold ~~conveyed, or otherwise disposed~~
24 ~~of~~ for less than the appraised value of the real property. If the real
25 property cannot be sold at its appraised value, it may be reappraised.

26 (c) Real property may not be sold ~~conveyed, or otherwise disposed~~
27 ~~of~~ unless:

28 (1) the governor approves the sale; ~~conveyance, or disposition;~~
29 and

30 (2) the attorney general states in writing that all the conditions
31 necessary to the legal and valid sale ~~conveyance, or disposition~~
32 of ~~such~~ **the** property have been fully complied with.

33 SECTION 10. IC 10-16-7-25 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2011]: **Sec. 25. For purposes of transfers of**
36 **property forfeited to the United States under the Controlled**
37 **Substance Act (21 U.S.C. 881), the Indiana National Guard is**
38 **designated as a law enforcement agency.**

39 SECTION 11. IC 10-16-9-3 IS AMENDED TO READ AS
40 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 3. (a) Fines may be
41 collected in the following manner:

42 (1) By the retention of any pay or allowances due or to become
43 due from the state.

44 (2) By commitment to a jail designated by the reviewing
45 authority until the fine is paid or until one (1) day is served for
46 each one dollar (\$1) of the fine imposed.

47 (3) By payment to the ~~county treasurer;~~ **local armory board**
48 **assigned to the convicted soldier's unit.** The ~~county treasurer~~
49 **local armory board** shall immediately transmit the payment to
50 the ~~treasurer of state.~~ **The treasurer of state shall quarterly pay**

1 ~~the sums to the armory board, state armory board,~~ and the
 2 sums are appropriated continuously for the purposes of
 3 IC 10-16-3-11. It is sufficient to record upon the payroll opposite
 4 the name of the person fined a notation of the sentence of the
 5 court-martial and the date of approval of the sentence, together
 6 with the name and rank of the reviewing authority.

7 (b) A sentence of imprisonment imposed by a court-martial during
 8 active service or at camps of instruction shall be carried out by
 9 confinement in a guardhouse, tent, or other places designated by the
 10 reviewing authority. A sentence of imprisonment imposed by
 11 court-martial upon persons not in active service or at camps of
 12 instruction shall be carried out by confinement in a jail to be designated
 13 by the reviewing authority.

14 SECTION 12. IC 10-16-12-1 IS AMENDED TO READ AS
 15 FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 1. The following
 16 awards and decorations are established to be bestowed upon the
 17 officers and enlisted persons of the armed forces of Indiana under the
 18 conditions and in the manner provided in this article:

19 (1) An Indiana Distinguished Service Cross shall be awarded to
 20 any commissioned officer or enlisted person of the militia, who:

21 (A) performs, at great personal danger and risk of life or
 22 limb in peace or war, any act of heroism designed to protect
 23 life or property; or

24 (B) in the face of a military or armed enemy of the United
 25 States government or of the state of Indiana, performs an act
 26 over and beyond the call of duty, which act, danger, or risk
 27 the officer or enlisted person could have failed to perform
 28 or incur without being subject to censure for neglect of
 29 duty.

30 (2) An Indiana Distinguished Service Medal shall be awarded to
 31 a commissioned officer or an enlisted person of the militia and
 32 other officers, enlisted persons, and civilians, who perform
 33 unusually distinguished or meritorious service, that:

34 (A) to a marked degree is reflected in the increased
 35 efficiency of the militia; or

36 (B) brings exceptional and great honor or credit to the
 37 Indiana armed forces and commands the attention and
 38 respect of the citizens of Indiana and of the military
 39 establishment throughout the United States.

40 (3) Long Service Medals shall be awarded to officers and
 41 enlisted persons for honest and faithful service in the federally
 42 recognized Indiana national guard for periods of:

43 (A) ten (10) years;

44 (B) fifteen (15) years;

45 (C) twenty (20) years;

46 (D) twenty-five (25) years; and

47 (E) for longer periods.

48 A symbol shall be worn on the ribbon of each medal, one (1) for
 49 each year in addition to the period for which the medal was
 50 issued, until the officer or enlisted person is entitled to a medal

1 for the next period for which a different long service medal is
2 issued.

3 (4) An Indiana national guard commendation medal shall be
4 awarded to any commissioned officer or enlisted person of the
5 militia and other officers, enlisted persons, and civilians, who
6 have distinguished themselves by meritorious achievement or
7 meritorious service. The required meritorious achievement or
8 meritorious service while of lesser degree than that required for
9 the award of the Indiana distinguished service medal must have
10 been accomplished with distinction. The award may be made for
11 acts of outstanding courage that do not meet the requirements for
12 award of the Indiana distinguished service medal. It is
13 particularly desirable that emphasis be placed on the award of
14 this decoration to outstanding company grade officers, warrant
15 officers, and enlisted personnel whose achievements and service
16 meet the prescribed standards.

17 (5) An Indiana Emergency Service Ribbon shall be awarded to
18 all currently assigned officers, warrant officers, and enlisted
19 members of the Indiana national guard who have served on state
20 active duty during a state emergency. For purposes of this
21 subdivision, "state emergency" means any emergency for any
22 period declared by the governor or the adjutant general. The
23 Indiana emergency service ribbon shall be awarded to denote
24 honorable state active military duty by members of the Indiana
25 army and air national guard during state emergencies.

26 (6) Other medals for any war or campaign or mobilization for
27 which a medal has not been awarded by the federal government
28 may be:

- 29 (A) established by executive order of the governor; and
30 (B) awarded to members of any federally recognized
31 military force of the state who participated in the military
32 force.

33 **(7) An Air National Guard First Sergeant Ribbon is**
34 **authorized for a currently assigned member who serves or**
35 **has previously served as a first sergeant in the Indiana Air**
36 **National Guard, if the member meets the criteria set forth in**
37 **clause (A). A request for an award, including a retroactive**
38 **award, must be submitted in the manner set forth in clause**
39 **(B), and meet any other criteria established by the adjutant**
40 **general. The ribbon shall consist of a plain blue field with a**
41 **silver diamond device in the center, and no medal shall**
42 **accompany the award of the ribbon. The ribbon shall be**
43 **awarded as follows:**

44 (A) In recognition of meritorious service by a member
45 of the Indiana Air National Guard who has served in the
46 first sergeant career field, Special Duty Identifier 8F000,
47 and who meets the following criteria:

- 48 (i) Has been assigned to a valid first sergeant
49 position for at least three (3) years.
50 (ii) Graduated from either the United States Air

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Force Academy or the Army National Guard First Sergeant Academy.

(B) The individual unit commander of a member of the Indiana Air National Guard who meets the criteria set forth in clause (A) shall submit a letter to the wing commander, recommending the member for the award based upon the member's contributions, conduct, and demonstrated leadership as a first sergeant. If the wing commander approves, the wing commander shall forward the letter of recommendation to the military personnel flight commanding officer for action. If the wing commander disapproves, the wing commander shall return the letter of recommendation to the unit commander.

(C) The adjutant general shall establish procedures for the award presentation ceremony following accepted practice and military tradition.

For the purposes of this article, officers and enlisted persons of the regular army assigned to the armed forces of Indiana as instructors and assistant instructors shall be considered as officers and enlisted persons of the Indiana armed forces.

(Reference is to SB 248 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Homeland Security, Transportation, and Veterans Affairs.

LONG, Chairperson