

2014 Legislative GOALS

1. Expanding the eligibility to access the Military Family Relief Fund to all Indiana qualified veterans. Current documentation of a qualifying need to be aided by the Fund would remain the same.

Rationale: Existing qualified Veterans are limited to service since 2001 and only if need is requested within three years of deployment. Many veterans serving prior and since 2001 have needs which extend beyond the three year limit. No time period should be required; only documentation of a qualifying need.

2. Increasing funding for the Veterans' Affairs Trust Fund (VATF) by adding:

- a. A check block and space to list an amount on State Income Tax forms to enable taxpayers to donate all or part of tax refunds.
- b. A check block to contribute \$1.00 to the VATF.
- c. A unique Lottery scratch off ticket with proceeds to benefit Indiana Veterans via the Trust Fund.

Rationale: More funds in the fund will enable more eligible military families to be assisted. The funds would be generated by voluntary contributions and purchases by Indiana residents or others.

3. Providing a Veterans and Reserve Component hiring preference for state employment (exemption from this for positions that require registration with job service).

Rationale: Veterans and Reservists have sacrificed by serving in our military and deserve special consideration when state government seeks to fill vacancies. *See Georgia law.*

4. Providing Job Training Priority for all Active Component and Reserve Component Service Members who have served for at least 30 days.

Rationale: IC22-4. 1-4-3 only provides priority for National Guard. This discriminates against the thousands of Reservists who serve in the Army Reserve, Navy Reserve, Marine Reserve, Air Force Reserve, and Coast Guard Reserve. Hoosiers who are on Active Duty and transitioning to civilian or reserve should also be afforded this.

5. Exempting ALL Active Component and Reserve Component Service Members from jury duty if they are on orders.

Rationale: IC10-16-16-1 only exempts National Guard. This discriminates against the thousands of Active Component and Reservists who serve in the Army Reserve, Navy Reserve, Marine Reserve, Air Force Reserve, and Coast Guard Reserve.

6. Free Lifetime Fishing & Hunting License for Veterans

Rationale: Any honorably discharged resident veteran may take fish, live bait, clams, mussels, turtles and frogs without permit (except trout permit or daily tag in areas where prescribed), and may take wildlife with permit (except deer and turkey hunting permits and the Migratory Bird Hunting Permit as prescribed); provided, while hunting or fishing s/he carries a Lifetime Fishing & Hunting License to be issued based upon certified statement of eligibility from the Veterans Administration or Federal DD Form 214.

7. Increased financial remedy and punitive damages for hiring discrimination against those serving in the military (Active or Reserve Component).

Rationale: *There is a strong case to be made that the clear public policy of protecting our military personnel from employment discrimination deserves judicial protection through the creation of a new exception to the at-will employment doctrine. If the courts in Indiana and elsewhere don't do this, then the legislatures should (and vice versa). Every legislator, judge, and citizen would have to agree that leaving the members of our armed services subject to employment discrimination when looking for a new job, without an adequate remedy, is not an acceptable state of affairs.*

8. Military and Veterans College Credit Transfer.

Rationale: *Today those serving in the military take many college courses on-line and at several different places of higher learning. These college credits should be completely transferable and be applied toward the pursuit of a college degree obtained from a state university. Indiana should try to improve veteran reintegration because veterans bring solid financial support via their education benefits. Upon graduation they are more likely to provide positive citizen contributions because they are more mature and more likely to contribute to the state economy.*

9a. Veterans Driver's License issued without charge.

Rationale: *Driver's license issued without charge to: (1) Veterans who were residents of Indiana at the time of enlistment or commissioning and are residents at time of application for the license or who have been resident of Indiana for at least two years immediately preceding the date of application for the license. Individuals must have served on active duty in the armed Forces of the United States or on active duty in a reserve component, including the National Guard, during wartime or any conflict when personnel were committed by the President, except for periodic transfer from reserve status to active duty status for training purposes, and who were discharged or separated under honorable conditions. The individual need not have been assigned to a unit or division which directly participated in such war or conflict. (2) any member or former member of the national Guard or Reserve Forces who has served 20 or more years creditable service.*

9b. Honorary Surviving Spouse of Veterans Driver's License issued without charge.

Rationale: *Issues without charge to: (1) any Indiana resident who is the surviving spouse of a Veteran who was eligible for a Veteran's License, so long as the surviving spouse does not remarry: or (2) any resident of Indiana who is the spouse of a Veteran who qualify for a Veteran's license were to not for the Veteran's permanent disabilities which preclude the operation of a motor vehicle.*

10. Veteran ID Cards.

Rationale: *Personal identification cards are available to Veterans who do not have a motor vehicle driver's license and who would otherwise, be entitled to issuance of a Veteran's driver's license.*

11. Eliminate Fees for Active Duty, National Guard, Reserve, retired military and veterans.

Rationale: *Currently, military members, Active duty, Guard and Reserve, enjoy a free annual pass to our National Park System. Additionally, our retired military and veterans deserve this also. Our nation owes a debt of gratitude to our servicemen and women who make great sacrifices to serve our country. These Hoosiers currently serving or who served and were discharged under honorable conditions should have similar benefits to visit/use state parks, historical sites, and recreational areas at no charge. A 25% reduced fee for all*

facilities, lodging, and any recreational activities in the State of Indiana will be granted by the park upon presentation of the entitlement card. Eligibility: Active, Guard, Reserve, Retiree, or Veteran who is legal resident of Indiana and has been certified. For the purpose, a veteran is a veteran who has been discharged under honorable conditions from any branch of the armed forces of the United States as confirmed by the Federal Veterans Administration.

12. Remission of fees for dependents of disabled veterans.

***Rationale:** Repeal IC21-14-4-2.5 return to pre-2011 criteria when dependents of all service connected disabled veterans received full remission of fees at any State supported post secondary school or university in the State of Indiana. Present remission is based upon the percentage of disability, thus creating impartial treatment of those who served since July 2011.*

13. Recognition of ALL Military Service Organizations and Veterans Service Organizations in the Indiana Code.

***Rationale:** IC10-18-6-1 several organizations listed in the Indiana Code no longer exists or their name is incorrect. Additionally, several other organizations have been excluded from the lists. This proposed legislation eliminates the need for a list and retains the requirements to be met by military service organizations and veterans' service organizations.*

14. Resolution to validate the "Missing In America Project" that insures respectful and honorable disposition of Veteran cremated remains abandon in Indiana funeral homes.

***Rationale:** Several Indiana Funeral Homes currently do not recognize the "Missing In America Project" and thus refusing to turn over Veteran cremated remains. This Resolution is intended to reinforce the legitimacy of the "missing In America Project" and promote them as the capstone organization to deal with this issue.*

15. Establish Veterans Treatment Courts throughout the state as part of the current Drug Courts.

***Rationale:** A few counties have established these Courts and the results are positive. Further funding and staffing is needed to expand this Court system throughout the state.*

16. Resolution to review and revise the County Veteran Service Offices (CVSO) structure that was established in 1945 and has not changed since then.

***Rationale:** Current veteran population by county varies significantly and the duties and responsibilities of CVSO should be studied and revamped to meet the needs of veterans in the 21st Century.*

17. Resolution to analyze and make recommendations how to implement the VA Claims Process and VA Claims Appeal Process as established at William and Mary College in Virginia and with input from Veteran Service Organization's Veteran Service Offices. Include development of a Memorandum of understanding with Veteran Service Organizations to support the developed appeal process.

***Rationale:** The William & Mary's Puller Veterans Benefits Clinic is being touted by members of Congress as a national model for inexpensively dealing with the Veterans Administration's backlog. Between 2009 and August 2012, the clinic has helped 46 clients with submission of 343 claimed injuries or illnesses. Since 2008, 30 law schools in 18 states have developed clinical programs that specifically assist veterans in some manner. Financial assistance is one of the things that could help schools currently helping veterans take on more clients*

or get other schools' programs off the ground, said Stacey-Rae Simcox, an Army veteran who serves as the managing attorney at William & Mary's Puller Veterans Benefits Clinic.

School officials said it's difficult to pinpoint the exact cost of the clinic because it uses existing space and faculty, but Simcox said William & Mary's program runs on a 'shoestring' budget.

The current Veteran Service Organization's Veteran Service Offices support Hoosiers today from start to conclusion, including appeals which occur in Washington DC. CVSOs need a process should appeals be required to adequately support Hoosiers appealing claims decisions.

18. Amendment to Fix the National Guard Tuition Supplement Program.

Rationale: *IC21-13-4. The State of Indiana has a generous Tuition Supplement Program for our Indiana National Guard members, but that system is subject to abuse. Currently there are no requirements for course completion or minimum acceptable standards for payment of the supplement or continuation in the program. We propose a fix to the State Program to mirror Federal requirements for qualification/reimbursement of State dollars in support of the State program.*

19. Exemption from ad valorem taxation (property tax) of part of the market value of the residence homestead of a partially disabled veteran by a charitable organization.

Rationale: *To receive a residence homestead by a charitable organization (i.e. Habit For Humanity) a partially disabled veteran will be financially challenged. The State or any other Municipality should not undertake actions that will further create a hardship for this veteran and their family. Taxation is such a burden.*

20. 100% Property Tax Exemption for Surviving Spouse of Service Member killed in Action or Dies While On Active Duty.

Rationale: *Surviving spouses could have financial hardships and should be granted this exemption as a measure of gratitude from the State Of Indiana for their loss.*

21. Establish and operate a Hyperbaric Therapy Facility at the Indiana Veterans Home (Lafayette, IN) to provide Hyperbaric Oxygen Treatment for a Hoosier Service Member or Veteran diagnosed with Traumatic Brain Injury / Post Traumatic Stress Disorder. Initial implementation in 2014 would use Family Relief Funds only. Follow on funding in 2015 to come from General Fund. Additionally, in 2015 expand to other locations throughout the state using contracts with existing facilities.

Rationale: *One of the most important missions facing all of us at this time in history is caring for our combat wounded returning home from their deployments, and fighting another battle, the battle to regain their quality of life sacrificed in service to our country. This battle is the support and resources to treat the Iraq and Afghan Signature Wound—Traumatic Brain Injury / Post Traumatic Stress Disorder, also known as the silent wound of the War on Terror. The Oklahoma model for providing Hyperbaric Oxygen Treatment (focusing on TBI), and reimbursing for the costs for treatment is calculated to save ONE BILLION DOLLARS a year! Indiana can, and will benefit from the OK's trail blazing efforts by adopting the mission, and see it through. The resources and patriotic commitment exist to see it through to completion. The most important outcome will be our Guardians of Freedom will get their lives back, and their families will get them back.*

Due to the upcoming legislative session being the non-budget year the following Goals will be held for the 2015 session.

1. Securing full State Income tax exempt status for all military income.

Rationale: *IC6-3-2-4. Military service members are a major economic force bringing to the State over one billion dollars per year in disposable income. Every effort should be made and incentives developed to attract military personnel to Indiana. Indiana continues to lose qualified veterans because of the greatly enhanced benefits available in adjacent and other states. Indiana ranks in the bottom 20% is support of military service members. One needs to recognize that several Indiana residents leave our great state each year because their income is reduced by Indiana State Income taxes.*

*States are generally free from federal control in deciding how to tax pensions, but some limits apply. State tax policy cannot discriminate against federal civil service pensions, according to the U.S. Supreme Court decision in *Davis v. Michigan* (1989), which ended the once common practice of more favorable state tax treatment for state pensions than for federal civil service pensions. In 1992 the U.S. Supreme Court further ruled, in *Barker v. Kansas*, that states cannot tax U.S. military pensions if they exempt state pensions from taxation. Over time these rulings have produced substantial conformity in the way each state taxes the three kinds of pensions, although differential treatment persists in **Indiana** and New Jersey.*

*Of the 50 states, seven – Alaska, Florida, Nevada, South Dakota, Texas, Washington and Wyoming – do not levy a personal income tax. New Hampshire and Tennessee collect income tax only on interest and dividend income. The District of Columbia and 41 states levy a broad-based personal income tax. Among the 41 states with a broad-based income tax, 36 offer exclusions for some amount of specifically identified type of state or federal pension income or both, a broad income exclusion or a tax credit targeted at the elderly. The District of Columbia provides a public pension exclusion. The five states that do not do so are California, **Indiana**, Nebraska, Rhode Island and Vermont. Some of those five states partially or fully exclude Social Security income from state taxation, and **no state collects income taxes on Railroad Retirement income.** (Source: NCSL Ronald Snell and Bert Waisanen article Jul 07)*

Looking at the economics surrounding this proposed amendment also support this change. The loss in income tax revenue is less than the gain from other taxes like sales, gasoline, car plates, property, and other taxes and fees the state would collect off the revenue spent that would have gone to income taxes. When you add the “saved” Indiana citizens and their families who will return to living in Indiana the tax revenue grows substantially. We believe that between 500 and 1000 people would be added to the tax rolls annually.

Additionally, this will help the brain drain in Indiana and will stimulate growth in business, services, and industry as these new residents and current residents will spend the Indiana income tax savings in Indiana. This is a win – win opportunity!

Lastly, and certainly most importantly, Indiana residents enjoy the many blessings being part of this great republic thanks to Hoosiers who will serve, are serving, and have served in the military. For this, state representatives of your districts in Indiana should support the wishes of your citizens as amended by this proposal.

2. Securing legislative approval for an Indiana State Resettlement/Service Bonus and/or Combat duty pay of up to \$1,000 for military members who are residents of Indiana and have served in a combat zone during the Gulf Wars.

Rationale: *Indiana service members deserve recognition and compensation for their personal sacrifice and economic hardships caused by unit activation and family separation. This would be a continuation of the recognition granted by the State for previous wars. Similar recognition was provided to combat veterans of the Vietnam conflict, Korea, and WWII. See Ohio Law.*

3. Instituting a \$2000 Private Enterprise Indiana Tax Credit for each documented veteran hired as a fulltime employee during their tax year. Business must comply with Federal Tax Credit Guidelines to qualify.

Rationale: *To encourage Indiana businesses to hire Veterans, this credit will be an incentive to put veterans to work in the State. The Federal Government currently offers a \$2000 Federal Tax Credit for this action. Indiana veteran and Reserve Forces unemployment is much higher than the national unemployment rate.*

4. Removing the excise tax credit limit of \$70.00 for a disabled veteran or qualified surviving spouse, and WWI veterans.

Rationale: *IN 6-1.1-12-13(3)(c)(2). Allows veterans with qualifying disabilities who do not own certain types of taxable property to claim credits against the motor vehicle excise tax. Allows the surviving spouses of qualified veterans and World War I veterans who do not own those types of taxable property to claim the credits. Specifies that the amount of the credit is the lesser of the claimant's excise tax liability or \$70. Provides that the maximum number of vehicles for which credits may be claimed is two. (Current law allows such veterans to apply any excess property tax deduction amount to the motor vehicle excise tax as a credit, but owning property is a requirement for claiming the property tax deduction and applying its excess to the excise tax.) This amount continues to diminish in value with time as inflation and other economic pressures increase the value of real property. This change would eliminate revisiting this law and insure deserving disabled veterans would remain whole as was the case prior to 2012.*

5. Removing the property value limitation for a disabled vet to receive a property tax reduction.

Rationale: *IN 6-1.1-12-14(c). Provides disabled veterans relief from property tax based having 90 days of service and being totally disabled or being 62 yrs of age and being at least 10% disabled. The current amount is limited to \$143,160. This amount continues to diminish in value with time as inflation and other economic pressures increase the value of real property. This change would eliminate revisiting this law and insure deserving disabled veterans would remain whole as we believe the General Assembly intended that this tax relief apply.*