



February 16, 2016

**ENGROSSED
SENATE BILL No. 145**

DIGEST OF SB 145 (Updated February 16, 2016 11:05 am - DI 84)

Citations Affected: IC 10-17; IC 23-14; IC 34-30.

Synopsis: Unclaimed remains of veterans. Requires the Indiana department of veterans' affairs to: (1) establish standards for approval of veterans' service organizations; (2) maintain a list of approved
(Continued next page)

Effective: July 1, 2016.

**Banks, Mishler, Houchin, Alting,
Arnold J, Ford, Merritt, Kenley,
Young R Michael, Charbonneau,
Smith J, Tomes, Randolph Lonnie M**
(HOUSE SPONSORS — COX, JUDY, FRYE R)

January 5, 2016, read first time and referred to Committee on Veterans Affairs & The Military.

January 12, 2016, reported favorably — Do Pass.

January 14, 2016, read second time, ordered engrossed. Engrossed.

January 19, 2016, read third time, passed. Yeas 50, nays 0.

HOUSE ACTION

February 8, 2016, read first time and referred to Committee on Veterans Affairs and Public Safety.

February 16, 2016, reported — Do Pass.

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Digest Continued

veterans' service organizations; and (3) publish the list on the department's Internet web site. Allows a licensed funeral director to release: (1) verification information as to whether a veteran or dependent of a veteran is eligible for burial in a state or national cemetery; and (2) cremated remains; to a veterans' service organization if certain conditions apply. Requires a veterans' service organization to: (1) transport cremated remains to a state or national cemetery; (2) inter, entomb, or inurn cremated remains in a state or national cemetery in accordance with applicable state and federal law; and (3) provide written information concerning the location of the cremated remains to a funeral director. Establishes certain immunity from civil liability for veterans' service organizations and funeral directors.

ES 145—LS 6470/DI 110



February 16, 2016

Second Regular Session 119th General Assembly (2016)

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 2015 Regular Session of the General Assembly.

ENGROSSED SENATE BILL No. 145

A BILL FOR AN ACT to amend the Indiana Code concerning business and other associations.

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

- 1 SECTION 1. IC 10-17-1-4.5 IS ADDED TO THE INDIANA CODE
2 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2016]: **Sec. 4.5. (a) The definitions under IC 23-14-54.5-2 through
4 IC 23-14-54.5-6 apply to this section.**
5 **(b) As used in this section, "cremated remains" has the meaning
6 set forth in IC 23-14-31-7.**
7 **(c) A veterans' service organization may apply to the
8 department for approval to receive the following from a licensed
9 funeral director under IC 23-14-54.5:**
10 **(1) Verification information.**
11 **(2) Cremated remains of a veteran or dependent of a veteran.**
12 **(d) The department shall establish standards that a veterans'
13 service organization must meet to receive approval by the
14 department under this section, including:**
15 **(1) an application for approval;**
16 **(2) the information that a veterans' service organization is
17 required to submit to the department; and**

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- 1 **(3) criteria and standards for approval.**
- 2 **(e) If a veterans' service organization meets the standards**
 3 **established by the department under subsection (d), the**
 4 **department shall approve the veterans' service organization for**
 5 **eligibility to receive verification information and cremated remains**
 6 **under IC 23-14-54.5.**
- 7 **(f) The department shall:**
- 8 **(1) maintain a list, with names and contact information, of**
 9 **veterans' service organizations that have been approved**
 10 **under subsection (e); and**
- 11 **(2) publish the list on the department's Internet web site.**
- 12 **(g) The department shall prepare and provide, upon request,**
 13 **sample forms for transfer of cremated remains and release of**
 14 **liability between a funeral director and an approved veterans'**
 15 **service organization.**
- 16 SECTION 2. IC 23-14-54.5 IS ADDED TO THE INDIANA CODE
 17 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
 18 JULY 1, 2016]:
- 19 **Chapter 54.5. Unclaimed Remains of Veterans and Dependents**
 20 **of Veterans**
- 21 **Sec. 1. The definitions in IC 23-14-31-1 through IC 23-14-31-21**
 22 **apply to this chapter.**
- 23 **Sec. 2. As used in this chapter, "dependent of a veteran" means**
 24 **a spouse or a dependent child (as recognized by the United States**
 25 **Department of Veterans Affairs) of a veteran.**
- 26 **Sec. 3. As used in this chapter, "funeral director" means a**
 27 **person who holds a funeral director license issued under IC 25-15.**
- 28 **Sec. 4. As used in this chapter, "verification information" means**
 29 **data required by the United States Department of Veterans Affairs**
 30 **to verify whether a deceased person is a veteran or a dependent of**
 31 **a veteran and is eligible for burial in a national or state cemetery,**
 32 **including:**
- 33 **(1) a copy of the person's or veteran's death certificate; and**
 34 **(2) the person's or veteran's:**
- 35 **(A) name;**
 36 **(B) service number;**
 37 **(C) branch of service;**
 38 **(D) military rank;**
 39 **(E) Social Security number;**
 40 **(F) date and place of birth; and**
 41 **(G) date of death.**
- 42 **Sec. 5. As used in this chapter, "veteran" means a person who:**



1 (1) served:

2 (A) in the active military or naval service of the United
3 States;

4 (B) in active duty in a force of any organized state militia
5 in a full-time status; or

6 (C) in the reserve armed forces of the United States on
7 active duty; and

8 (2) was released from the service described in subdivision (1)
9 other than by dishonorable discharge.

10 Sec. 6. As used in this chapter, "veterans' service organization"
11 means a veterans' organization that:

12 (1) is qualified as tax exempt under Section 501(c)(3) or
13 501(c)(19) of the Internal Revenue Code;

14 (2) is organized for the verification and burial of veterans and
15 dependents of veterans; and

16 (3) meets one (1) or more of the following:

17 (A) Is recognized by the United States Department of
18 Veterans Affairs.

19 (B) Is federally chartered by the Congress of the United
20 States.

21 Sec. 7. (a) This section applies only if all the following apply:

22 (1) A funeral director has had possession of cremated remains
23 for at least one (1) year.

24 (2) The funeral director has complied with any notice or other
25 requirements under law concerning cremated remains that
26 have not been claimed by an authorizing agent.

27 (3) No attempt has been made to claim the cremated remains
28 by a person who has the right to serve as an authorizing
29 agent.

30 (b) A veterans' service organization that is approved by the
31 Indiana department of veterans' affairs under IC 10-17-1-4.5 may
32 request a funeral director to release verification information
33 concerning cremated remains in the possession of the funeral
34 director.

35 (c) A funeral director may release verification information
36 concerning cremated remains to a veterans' service organization
37 described in subsection (b).

38 (d) If:

39 (1) the United States Department of Veterans Affairs or the
40 Indiana department of veterans' affairs verifies that the
41 cremated remains are the remains of a veteran or a dependent
42 of a veteran and are eligible for burial in a state or national



1 cemetery; and

2 (2) a veterans' service organization enters into a signed
3 transfer and release of liability with the funeral director who
4 has possession of the cremated remains;

5 the funeral director may release the cremated remains to the
6 veterans' service organization.

7 Sec. 8. (a) A veterans' service organization that receives
8 cremated remains under section 7 of this chapter shall:

9 (1) transport the cremated remains to a state or national
10 cemetery; and

11 (2) inter, entomb, or inurn the cremated remains in the state
12 or national cemetery in accordance with any applicable state
13 or federal law.

14 (b) A veterans' service organization shall provide, in writing to
15 the funeral director who released the cremated remains, the
16 following information concerning the location of the cremated
17 remains that were interred, entombed, or inurned:

18 (1) The city and state.

19 (2) The cemetery name.

20 (3) The plot.

21 (4) The name of the cemetery owner.

22 (5) The date the cremated remains were interred, entombed,
23 or inurned.

24 (6) The contact information of the veterans' service
25 organization.

26 (c) This section may not be construed to require the funeral
27 director who released the cremated remains under section 7 of this
28 chapter to be present at the interment, entombment, or inurnment
29 of the cremated remains.

30 Sec. 9. A veterans' service organization that in good faith
31 receives and inters, entombs, or inurns cremated remains under
32 this chapter is immune from civil liability for any acts or omissions
33 by the veterans' service organization in receiving or interring,
34 entombing, or inurning the cremated remains.

35 Sec. 10. A funeral director who in good faith releases:

36 (1) verification information as required under this chapter; or

37 (2) the cremated remains of a veteran or a dependent of a
38 veteran as provided under this chapter;

39 is immune from civil liability for any acts or omissions in releasing
40 the verification information or cremated remains.

41 SECTION 3. IC 34-30-2-90.3 IS ADDED TO THE INDIANA
42 CODE AS A NEW SECTION TO READ AS FOLLOWS



1 [EFFECTIVE JULY 1, 2016]: **Sec. 90.3. IC 23-14-54.5-9 (Concerning**
2 **a veterans' service organization receiving and interring,**
3 **entombing, or inurning cremated remains).**

4 SECTION 4. IC 34-30-2-90.4 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2016]: **Sec. 90.4. IC 23-14-54.5-10**
7 **(Concerning funeral directors releasing verification information or**
8 **cremated remains to a veterans' service organization).**



COMMITTEE REPORT

Madam President: The Senate Committee on Veterans Affairs & The Military, to which was referred Senate Bill No. 145, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 145 as introduced.)

BANKS, Chairperson

Committee Vote: Yeas 9, Nays 0

COMMITTEE REPORT

Mr. Speaker: Your Committee on Veterans Affairs and Public Safety, to which was referred Senate Bill 145, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 145 as printed January 13, 2016.)

FRYE R

Committee Vote: Yeas 12, Nays 0

