

COMMITTEE REPORT

MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred House Bill No. 1524, 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 Page 1, line 3, delete ", unless the receiver is" and insert "**and may**
- 2 **be**".
- 3 Page 1, line 12, delete "." and insert ";".
- 4 Page 1, line 14, after "facility" insert ", **which**".
- 5 Page 1, line 15, reset in roman "may include providing for the
- 6 orderly".
- 7 Page 2, line 1, reset in roman "relocation of patients from the health
- 8 facility".
- 9 Page 2, line 1, reset in roman "the refusal".
- 10 Page 2, line 1, delete "to refuse".
- 11 Page 2, delete lines 5 through 26, begin a new paragraph and insert:
- 12 "SECTION 2. IC 16-28-8-6 IS ADDED TO THE INDIANA CODE
- 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 14 1, 1999]: **Sec. 6. (a) Before beginning duties as a receiver, the**
- 15 **receiver must execute a bond, with one (1) or more sureties**
- 16 **approved by the court, to the effect that the receiver will:**
- 17 **(1) faithfully discharge the duties of the receiver while**
- 18 **operating the health facility; and**
- 19 **(2) obey the orders of the court.**
- 20 **(b) The department shall:**

- 1 **(1) pay the cost of the bond required of the receiver; or**
- 2 **(2) in lieu of a bond, stipulate to the court that the state will**
- 3 **assume liability for the actions or omissions of the receiver**
- 4 **while operating the health facility.**

5 **(c) Upon:**

- 6 **(1) the court's approval of the receiver's final report that the**
- 7 **conditions that presented a major threat to the patients in the**
- 8 **health facility have been corrected or that the health facility**
- 9 **has closed; and**

- 10 **(2) the receiver's compliance with the court's order made on**
- 11 **the final report;**

12 **the receiver and the surety on the receiver's bond are fully**

13 **discharged for all matters related to the final report.**

14 SECTION 3. IC 16-28-8-7 IS ADDED TO THE INDIANA CODE

15 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY

16 1, 1999]: **Sec. 7. The costs of placing a receiver in a health facility,**

17 **excluding the cost of the receiver's bond, shall be paid by:**

- 18 **(1) the health facility, if the receiver is not a state employee;**
- 19 **or**
- 20 **(2) the state, if the receiver is a state employee."**

(Reference is to HB 1524 as printed February 25, 1999.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

Meeks R

Chairperson