February 20, 2009

HOUSE BILL No. 1722

DIGEST OF HB 1722 (Updated February 18, 2009 2:49 pm - DI 107)

Citations Affected: IC 4-13.6; IC 4-15; IC 4-32.2; IC 5-10; IC 5-22; IC 10-17; IC 16-18; IC 16-19; IC 20-26; IC 20-43; IC 21-14; IC 31-26; noncode.

Synopsis: Indiana Soldiers' and Sailor's Children's Home. Establishes the Morton Residential Academy board (board). Changes the name of the Indiana Soldiers' and Sailors' Children's Home to the Morton Residential Academy (children's home). Transfers responsibility for the children's home from the state health commissioner to the board. Makes conforming amendments. Provides that the children's home: (1) must continue to offer services to eligible children in need of residential care; and (2) must not reduce staffing levels and job classifications below those in effect at the home on January 1, 2009. Makes various changes relating to the administration of the children's home. Provides that the school at the children's home shall utilize an age appropriate military structure for grades seven through twelve. Provides that, beginning in 2010, the general assembly may introduce legislation to close the children's home if the children's home does not meet certain population requirements. Requires the school at the children's home to operate on a year-round schedule. Provides that the children's home shall receive state tuition support distributions. Provides that the department of child services may place a child in need of services or who is receiving foster care in the home if the department of child services believes that placement is in the best interest of the child. Repeals provisions relating to the administration of the children's home by the state health commissioner. Makes an appropriation of $2,000,000 to the children's home from a general state assistance grant from the federal American Recovery and Reinvestment Act of 2009 or another federal economic stimulus law enacted in 2009.

Effective: Upon passage; January 1, 2009 (retroactive); July 1, 2009.

Reske, Barnes

January 22, 2009, read first time and referred to Committee on Rules and Legislative Procedures.
January 26, 2009, reassigned to Committee on Family, Children, and Human Affairs.
February 19, 2009, amended, reported — Do Pass.

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February 20, 2009

First Regular Session 116th General Assembly (2009)

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 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1722

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

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

SECTION 1. IC 4-13.6-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as provided by this chapter and ~~IC 16-33-4-10,~~ **IC 10-17-9.5-19,** if the estimated cost of a public works project is at least seventy-five thousand dollars ($75,000), the division shall award a contract for the project based on competitive bids.

(b) If the estimated cost of a public works project is at least seventy-five thousand dollars ($75,000), the division shall develop contract documents for a public works contract and keep the contract documents on file in its offices so that they may be inspected by contractors and members of the public.

(c) The division shall advertise for bids under section 8 of this chapter. The director shall award a contract under IC 4-13.6-6.

(d) A contractor shall submit under oath a financial statement as a part of the bid. The director may waive filing of the financial statement.

(e) After bids are opened but before a contract is awarded, the director may require a contractor to submit a statement of the

contractor's experience, a proposed plan of performing the work, and a listing of the equipment that is available to the contractor for performance of the work.

(f) The statements required by this section shall be submitted on forms approved by the state board of accounts. The forms shall be based, so far as applicable, on standard questionnaires and financial statements for contractors used in investigating the qualifications of contractors on public construction work.

(g) The division shall reject the bid of a contractor if:

(1) the estimated cost of the public works project is one hundred fifty thousand dollars ($150,000) or more and the contractor is not qualified under chapter 4 of this article;

(2) the estimated cost of the public works project is less than one hundred fifty thousand dollars ($150,000) and the director makes a written determination, based upon information provided under subsections (d) and (e), that the contractor is not qualified to perform the public works contract;

(3) the contractor has failed to perform a previous contract with the state satisfactorily and has submitted the bid during a period of suspension imposed by the director (the failure of the contractor to perform a contract satisfactorily must be based upon a written determination by the director);

(4) the contractor has not complied with a rule adopted under this article and the rule specifies that failure to comply with it is a ground for rejection of a bid; or

(5) the contractor has not complied with any requirement under section 2.5 of this chapter.

(h) The division shall keep a record of all bids. The state board of accounts shall approve the form of this record, and the record must include at least the following information:

(1) The name of each contractor.

(2) The amount bid by each contractor.

(3) The name of the contractor making the lowest bid.

(4) The name of the contractor to whom the contract was awarded.

(5) The reason the contract was awarded to a contractor other than the lowest bidder, if applicable.

(6) Purchase order numbers.

SECTION 2. IC 4-15-2-3.8, AS AMENDED BY P.L.1-2007, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of

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the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability and rehabilitative services, division of aging, Fort Wayne State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind and Visually Impaired, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, **and its successor, the Morton Residential Academy,** Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of homeland security (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, Indiana historical bureau, Indiana state library, division of family resources, department of child services, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 3. IC 4-32.2-2-29, AS ADDED BY P.L.91-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 29. "Veterans' home" means any of the following:

(1) The Indiana Veterans' Home.

(2) The VFW National Home for Children.

(3) The ~~Indiana Soldiers' and Sailors' Children's Home.~~ **Morton Residential Academy.**

SECTION 4. IC 5-10-8-8, AS AMENDED BY P.L.43-2007,

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SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. (a) This section applies only to the state and employees who are not covered by a plan established under section 6 of this chapter.

(b) After June 30, 1986, the state shall provide a group health insurance plan to each retired employee:

(1) whose retirement date is:

(A) after June 29, 1986, for a retired employee who was a member of the field examiners' retirement fund;

(B) after May 31, 1986, for a retired employee who was a member of the Indiana state teachers' retirement fund; or

(C) after June 30, 1986, for a retired employee not covered by clause (A) or (B);

(2) who will have reached fifty-five (55) years of age on or before the employee's retirement date but who will not be eligible on that date for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(3) who:

(A) for an employee who retires before January 1, 2007, will have completed:

(i) twenty (20) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement; and

(ii) at least fifteen (15) years of participation in the retirement plan of which the employee is a member on or before the employee's retirement date; or

(B) for an employee who retires after December 31, 2006, will have completed fifteen (15) years of creditable employment with a public employer on or before the employee's retirement date, ten (10) years of which shall have been completed immediately preceding the retirement.

(c) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired judge;

(2) whose retirement date is after June 30, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least eight (8) years of service credit as a participant in the Indiana judges' retirement fund, with at least eight (8) years of that service credit completed immediately

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preceding the judge's retirement.

(d) The state shall provide a group health insurance program to each retired employee:

(1) who is a retired participant under the prosecuting attorneys retirement fund;

(2) whose retirement date is after January 1, 1990;

(3) who is at least sixty-two (62) years of age;

(4) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(5) who has at least ten (10) years of service credit as a participant in the prosecuting attorneys retirement fund, with at least ten (10) years of that service credit completed immediately preceding the participant's retirement.

(e) The state shall make available a group health insurance program to each former member of the general assembly or surviving spouse of each former member, if the former member:

(1) is no longer a member of the general assembly;

(2) is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. or, in the case of a surviving spouse, the surviving spouse is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(3) has at least ten (10) years of service credit as a member in the general assembly.

A former member or surviving spouse of a former member who obtains insurance under this section is responsible for paying both the employer and the employee share of the cost of the coverage.

(f) The group health insurance program required under subsections (b) through (e) and subsection (k) must be equal to that offered active employees. The retired employee may participate in the group health insurance program if the retired employee pays an amount equal to the employer's and the employee's premium for the group health insurance for an active employee and if the retired employee within ninety (90) days after the employee's retirement date files a written request for insurance coverage with the employer. Except as provided in subsection (l), the employer may elect to pay any part of the retired employee's premium with respect to insurance coverage under this chapter.

(g) Except as provided in subsection (j), a retired employee's eligibility to continue insurance under this section ends when the employee becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq., or when the employer terminates the health insurance program. A retired employee who is eligible for insurance

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coverage under this section may elect to have the employee's spouse covered under the health insurance program at the time the employee retires. If a retired employee's spouse pays the amount the retired employee would have been required to pay for coverage selected by the spouse, the spouse's subsequent eligibility to continue insurance under this section is not affected by the death of the retired employee. The surviving spouse's eligibility ends on the earliest of the following:

(1) When the spouse becomes eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.

(2) When the employer terminates the health insurance program.

(3) Two (2) years after the date of the employee's death.

(4) The date of the spouse's remarriage.

(h) This subsection does not apply to an employee who is entitled to group insurance coverage under IC 20-28-10-2(b). An employee who is on leave without pay is entitled to participate for ninety (90) days in any health insurance program maintained by the employer for active employees if the employee pays an amount equal to the total of the employer's and the employee's premiums for the insurance.

(i) An employer may provide group health insurance for retired employees or their spouses not covered by this section and may provide group health insurance that contains provisions more favorable to retired employees and their spouses than required by this section. A public employer may provide group health insurance to an employee who is on leave without pay for a longer period than required by subsection (h).

(j) An employer may elect to permit former employees and their spouses, including surviving spouses, to continue to participate in a group health insurance program under this chapter after the former employee (who is otherwise qualified under this chapter to participate in a group insurance program) or spouse has become eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq. An employer who makes an election under this section may require a person who continues coverage under this subsection to participate in a retiree health benefit plan developed under section 8.3 of this chapter.

(k) The state shall provide a group health insurance program to each retired employee:

(1) who was employed as a teacher in a state institution under:

(A) IC 10-17-9.5;

~~(A)~~ **(B)** IC 11-10-5;

~~(B)~~ **(C)** IC 12-24-3;

~~(C)~~ **(D)** IC 16-33-3;

~~(D)~~ **(E)** IC 16-33-4 **(before its repeal);**

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~~(E)~~ **(F)** IC 20-21-2-1; or

~~(F)~~ **(G)** IC 20-22-2-1;

(2) who is at least fifty-five (55) years of age on or before the employee's retirement date;

(3) who is not eligible for Medicare coverage as prescribed by 42 U.S.C. 1395 et seq.; and

(4) who:

(A) has at least fifteen (15) years of service credit as a participant in the retirement fund of which the employee is a member on or before the employee's retirement date; or

(B) completes at least ten (10) years of service credit as a participant in the retirement fund of which the employee is a member immediately before the employee's retirement.

(l) The president pro tempore of the senate and the speaker of the house of representatives may not elect to pay any part of the premium for insurance coverage under this chapter for a former member of the general assembly or the spouse of a former member of the general assembly whose last day of service as a member of the general assembly is after July 31, 2007.

SECTION 5. IC 5-22-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies only to the following governmental bodies:

(1) A state institution (as defined in IC 12-7-2-184).

(2) A penal facility operated by the department of correction.

(3) ~~An institution operated by the state department of health~~ **The Morton Residential Academy** under ~~IC 16-19-6.~~ **IC 10-17-9.5.**

(4) A political subdivision.

SECTION 6. IC 10-17-1.1 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]:

Chapter 1.1. Morton Residential Academy Board

Sec. 1. Except as otherwise provided, this chapter applies after June 30, 2009.

Sec. 2. As used in this chapter, "board" refers to the Morton Residential Academy board established by section 3 of this chapter.

Sec. 3. (a) The Morton Residential Academy board is established.

(b) The board consists of nine (9) voting members and two (2) nonvoting members. The voting members consist of the following:

(1) The director of the Indiana department of veterans' affairs established by IC 10-17-1-2 or the director's designee.

(2) The commissioner of the Indiana department of

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administration established by IC 4-13-1-2 or the commissioner's designee.

(3) The state health commissioner of the state department of health established by IC 16-19-1-1 or the state health commissioner's designee.

(4) The state superintendent of public instruction or the state superintendent's designee.

(5) The adjutant general or the adjutant general's designee.

(6) Three (3) members appointed by the governor, of whom:

(A) one (1) must be a licensed physician;

(B) two (2) must have received an honorable discharge from the armed forces of the United States or national guard; and

(C) not more than two (2) may be members of the same political party.

(7) One (1) member who previously was a resident of the Indiana Soldiers' and Sailors' Children's Home or its successor, the Morton Residential Academy, appointed by the governor.

(c) The two (2) nonvoting members serve in an advisory capacity. The nonvoting members consist of the following:

(1) The member of the house of representatives of the general assembly for the house district (as defined in IC 2-1-9-4) in which the Morton Residential Academy is located.

(2) The member of the senate of the general assembly for the senate district (as defined in IC 2-1-9-6) in which the Morton Residential Academy is located.

(d) This subsection applies to a voting member of the board appointed by the governor under subsection (b)(6) or (b)(7). The voting member serves at the pleasure of the governor. A vacancy in the membership of the board shall be filled by the governor within sixty (60) days after the vacancy is created. If a voting member is absent from more than seven (7) regular meetings of the board described in subsection (g) within a calendar year, the governor shall remove that voting member from the board and appoint another individual within sixty (60) days after the date the governor removes the voting member from the board.

(e) The governor shall appoint one (1) of the voting members of the board appointed under subsection (b)(6) and (b)(7) as chair of the board.

(f) The voting board member described in subsection (b)(1) shall act as secretary for the board.

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(g) The board shall hold at least one (1) regular meeting in each month of the calendar year. The board may hold special meetings considered necessary and expedient by the:

(1) chair of the board; or

(2) superintendent of the Morton Residential Academy.

(h) Five (5) voting board members constitute a quorum. The affirmative votes of at least six (6) voting members of the board are necessary for the board to take official action other than to adjourn or to meet to hear reports or testimony.

(i) The board must hold at least two (2) regular meetings described in subsection (g) each calendar year at the Morton Residential Academy.

(j) Each member of the board who is not a state employee is entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). The member is also entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

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

(l) Each member of the board who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to members of the general assembly serving on interim study committees established by the legislative council.

Sec. 4. The board shall do the following:

(1) Administer the Morton Residential Academy.

(2) Develop and continuously update policies for the Morton Residential Academy.

(3) Recommend to the governor legislation that is needed to implement the policies developed by the board.

(4) Adopt rules under IC 4-22-2 to implement this chapter.

(5) Review, revise, adopt, and submit to the budget agency budget proposals for the Morton Residential Academy.

(6) Carry out the responsibilities of the board under IC 10-17-9 and IC 10-17-9.5.

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(7) Do any and all acts necessary, proper, or convenient to carry out this chapter.

Sec. 5. (a) Notwithstanding any provision in this chapter, IC 10-17-9, and IC 10-17-9.5, the board, before December 1, 2009, with input from the state department of health, shall adopt a transition plan for the transfer of the management and oversight of the Morton Residential Academy from the state department of health to the board.

(b) The board shall certify to the governor that the board has adopted a transition plan for the Morton Residential Academy. The board shall submit the adopted transition plan to the governor, the state health commissioner, and the general assembly. The board shall send the adopted transition plan to the general assembly in an electronic format under IC 5-14-6.

(c) For the period beginning July 1, 2009, until the date the board certifies the transition plan to the governor and the state department of health, the state health commissioner shall administer the Morton Residential Academy. The state department of health may exercise any of the powers of the board subject to section 6 in this chapter. Administration of the Morton Residential Academy by the state department of health must be consistent with an orderly transition of administration to the board.

(d) After the governor and the state health commissioner receive the certification required in subsection (b), all the following apply:

(1) The state health commissioner's authority over the Morton Residential Academy ends.

(2) All appropriations made to the Morton Residential Academy are transferred to the board. The auditor of state shall take all necessary action to transfer the balance of appropriations and other funds belonging to the Morton Residential Academy to the board.

(3) All obligations of the state department of health relating to the Morton Residential Academy are transferred to the board.

(4) All rules adopted under IC 4-22-2 relating to the Morton Residential Academy are considered to be the rules of the board until the board amends or repeals the rules.

(e) The board may send copies of the certifications described in subsection (b) to other state agencies the board considers necessary to permit the Morton Residential Academy to operate under this article.

(f) This section expires July 1, 2011.

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Sec. 6. (a) Except as provided in subsection (b) and section 5 of this chapter, the board has complete policy and administrative control and responsibility for the Morton Residential Academy.

(b) Notwithstanding any other statute or policy, the board or the superintendent of the Morton Residential Academy may not do the following unless specifically authorized by a statute enacted by the general assembly:

(1) Terminate, in whole or in part, at either:

(A) the Indiana Soldiers' and Sailors' Children's Home before July 1, 2009; or

(B) the Morton Residential Academy beginning July 1, 2009;

services that were provided on January 1, 2009, by the Indiana Soldiers' and Sailors' Children's Home to Indiana children or other operations that existed at the Indiana Soldiers' and Sailors' Children's Home on January 1, 2009.

(2) Reduce the staffing levels and classifications below those in effect at the Indiana Soldiers' and Sailors' Children's Home on January 1, 2009, at either:

(A) the Indiana Soldiers' and Sailors' Children's Home before July 1, 2009; or

(B) the Morton Residential Academy beginning July 1, 2009.

(3) Terminate the employment of an employee of:

(A) the Indiana Soldier's and Sailors' Children's Home; or

(B) the Morton Residential Academy;

who was an employee of the Indiana Soldier's and Sailors' Children's Home after December 31, 2008, except in accordance with IC 4-15-2.

(c) The board or the superintendent of the Morton Residential Academy shall fill any vacancy created by a termination described in subsection (b)(3) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2009.

Sec. 7. The Indiana department of veterans' affairs shall provide staff and administrative support for the board.

SECTION 7. IC 10-17-9.5 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 9.5. Morton Residential Academy

Sec. 1. As used in this chapter, "academy" refers to the:

(1) school; and

(2) vocational school established under section 19 of this

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chapter;

operated at the home.

Sec. 2. As used in this chapter, "armed forces of the United States" means the forces and components of the following:

(1) The United States Army.

(2) The United States Navy.

(3) The United States Marine Corps.

(4) The United States Air Force.

(5) The United States Coast Guard.

Sec. 3. As used in this chapter, "board" refers to the Morton Residential Academy board established by IC 10-17-1.1-3.

Sec. 4. As used in this chapter, "home" refers to the Morton Residential Academy established by section 9 of this chapter. The home is composed of the:

(1) academy; and

(2) residence.

Sec. 5. As used in this chapter, "member of the armed forces" means the following:

(1) An individual who is on active duty in the armed forces of the United States or national guard.

(2) An individual who previously has served on active duty in the armed forces of the United States or national guard and has received an honorable or general discharge.

Sec. 6. As used in this chapter, "national guard" means:

(1) the Indiana Army National Guard; or

(2) the Indiana Air National Guard.

Sec. 7. As used in this chapter, "residence" refers to facilities, services, or programs offered by the home not related to academics or services provided by the academy.

Sec. 8. As used in this chapter, "superintendent" refers to the superintendent of the Morton Residential Academy appointed under section 12 of this chapter.

Sec. 9. (a) The Morton Residential Academy is established as a state educational academy and residence for Indiana children. The home shall:

(1) except as provided in section 19 of this chapter, implement not later than January 1, 2010, an age appropriate military structure in the academy for grades 7 through 12; and

(2) offer programs to promote:

(A) physical;

(B) intellectual;

(C) moral;

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(D) character;
(E) team; and
(F) leadership;
development.

(b) The residence must have a structured and nurturing environment.

(c) The academy must operate on a year-round schedule.

(d) In placing children in the home, the board shall give preference to the admission of children of members of the armed forces or national guard and children of families of veterans under section 20 of this chapter who meet the admission criteria.

(e) A child who requires residential placement in a secure facility (as defined in IC 31-9-2-114), a juvenile detention facility, or a detention center for the safety of the child or others may not be placed at the home.

(f) The mission of the home is to provide a residential educational facility with a safe and nurturing environment for children:

(1) of members of the armed forces or national guard who are incapable of caring for the child as a result of a war or large natural or manmade disaster;
(2) at risk of being neglected or abused; or
(3) as an alternative to foster care.

Sec. 10. IC 4-13-2 applies to the home.

Sec. 11. (a) The board must routinely evaluate the home and establish an optimal population of children who may reside at the home. The optimal population must be based on:

(1) federal and state law;
(2) goals established by the board;
(3) the service mission of the home;
(4) efficiency; and
(5) possible contingencies that may cause the population of children at the home to increase as a result of a:
(A) war or national conflict; or
(B) large natural or manmade disaster.

The optimal population may not be less than five hundred (500) children.

(b) The board must establish goals to recruit and maintain the optimal population of children determined under subsection (a). The board must routinely work to increase the optimal population.

(c) Beginning in 2010, the board must submit a report not later than December 1 each year to the legislative council and the

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governor reporting the population of children who reside at the home. The report to the legislative council shall be in an electronic format as provided under IC 5-14-6. If the population of children at the home is less than:

(1) on September 30, 2010, two hundred (200);

(2) on September 30, 2011, three hundred (300);

(3) on September 30, 2012, four hundred (400); and

(4) on September 30, 2013, and thereafter, five hundred (500);

the general assembly may determine that the operation of the home is not feasible and may introduce legislation to close the home.

(d) The goals of the home include the following:

(1) Offering a premier education by utilizing a military style academy.

(2) Providing a caring and nurturing residential environment.

(3) Promoting the availability of the home to children of Indiana residents serving in the armed forces of the United States or national guard and children of Indiana veterans.

(4) Promoting the availability of the home to political subdivisions, court systems, and the general public.

(5) Preserving the home's original building's historic nature while maintaining the original building's functional capacity.

(6) Making the home financially self-sustaining as soon as possible and to remain financially self-sustaining for the long term.

(7) Preparing for possible surges in the population of children residing at the home resulting from a:

(A) war or national conflict; or

(B) large natural or manmade disaster.

Sec. 12. (a) The board shall appoint the superintendent of the home.

(b) This subsection applies to a superintendent appointed after June 30, 2009. The superintendent must meet all the following qualifications:

(1) Have a master's degree or a higher degree from an accredited college or university.

(2) Have experience working with children.

(3) Have other qualifications as required by the board.

(c) When at least two (2) candidates meet the conditions listed in subsection (b), the board shall give preference to individuals who have been honorably discharged after service in the armed forces of the United States or national guard in appointing a candidate to the position of superintendent of the home.

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(d) The superintendent may be removed only by the board.

(e) Except as provided in IC 10-17-1.1-4, the superintendent is responsible to the board.

(f) The board shall determine the superintendent's salary, subject to the approval of the governor and the budget agency.

Sec. 13. (a) The board annually shall review the salary schedules of the largest school corporation of the county in which the home is located to determine the salary schedule of that school corporation.

(b) The board shall, following the annual review required by subsection (a), prescribe, subject to approval by the state personnel department and the budget agency, a salary schedule for the academy, using a daily rate of pay for each teacher that is commensurate with the salary schedules of the school corporation that has the greatest current ADM (as defined in IC 20-43-1-10) in the county in which the home is located.

(c) The board shall prescribe the terms of the annual contract awarded to licensed teachers qualifying for payment under this schedule.

(d) The board shall advise the budget agency and the governor of the board's action under this section. Hours of work for all teachers shall be set in accordance with IC 4-15-2.

Sec. 14. (a) The superintendent shall furnish an individual public bond in an amount determined by the board, payable to the state and conditioned upon the faithful performance of the superintendent's duties.

(b) A bond required under this section is subject to the approval of the insurance commissioner and shall be filed in the office of the secretary of state.

Sec. 15. (a) The superintendent, subject to the approval of the board, has the following responsibilities:

(1) Charge and management of the home.

(2) Direction of the care, safety, education, and well-being of the children of the home.

(3) Evaluation and improvement of the home staff and support services.

(4) Implementation and administration of the policies, mission, and goals of the home as established by the board.

(5) Implementation of budgetary matters as recommended by the board.

(6) Advocating on behalf of the home under guidelines established by the board.

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(7) Executing contracts on behalf of the home.
(8) Seeking federal grants or assistance.
(9) Promoting the home to political subdivisions, court systems, and the general public.
(10) Causing to be provided the proper educational materials and facilities in the home.

(b) The superintendent is the chief appointing authority for all teachers and other employees necessary to properly conduct and operate the home.

(c) The superintendent, with approval of the board, may enter into contracts or agreements with other state agencies, school corporations, or other entities to use the:
(1) facilities or services of the home; and
(2) home for summer camps, seminars, programs, or other educational events.

Sec. 16. (a) The superintendent, with the approval of the board, shall appoint a commandant to act as principal and the chief administrative officer for the academy.

(b) The commandant must meet all the following qualifications:
(1) Be a teacher licensed by the state.
(2) Have experience working with children.
(3) Have other qualifications as required by the board.

(c) When at least two (2) candidates meet the conditions listed in subsection (b), the superintendent shall give preference to individuals who have been honorably discharged after service in the armed forces of the United States or national guard in appointing a candidate to the position of commandant of the home.

(d) The board shall determine the commandant's salary subject to the approval of the governor and the budget agency.

Sec. 17. (a) The superintendent, with the approval of the board, shall appoint a residence director to act as the chief administrative officer for the residence. The residence director is responsible for the children's:
(1) care;
(2) physical fitness;
(3) home upkeep and chores;
(4) character development;
(5) emotional support and counseling;
(6) medical support;
(7) living and dining facilities; and
(8) activities and schedules;
that are not related to academics. The residence director must

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coordinate the children's activities with the schedule and activities established by the commandant of the academy.

(b) The residence director of the home must meet all the following qualifications:

(1) Must be:

(A) a teacher licensed by the state or have at least a baccalaureate degree from an accredited college or university in a field related to education or child growth and development;

(B) an individual that has at least a master's degree from an accredited college or university in a field related to social work; or

(C) a licensed psychologist under IC 25-33-1.

(2) Have other qualifications as required by the board.

(c) When at least two (2) candidates meet the conditions listed in subsection (a), the superintendent shall give preference to individuals who have been honorably discharged after service in the armed forces of the United States or national guard in appointing a candidate to the position of residence director of the home.

(d) The board shall determine the residence director's salary subject to the approval of the governor and the budget agency.

Sec. 18. (a) The academy located at the home must be accredited as a public school. The superintendent may arrange in a special situation, as approved by the board, for the education of a child in a school in a county school corporation reorganized under IC 20-23 near the home.

(b) A person who teaches in a department of the academy must be qualified and properly licensed by the Indiana state board of education.

(c) The academy must apply to the proper military department as provided in 10 U.S.C. 2031 to offer:

(1) an Army; and

(2) a Navy with a Marine Corps component;

junior reserve officers' training corp unit.

Sec. 19. (a) The superintendent shall establish and maintain a vocational school on the grounds of the home and maintain suitable facilities in which vocational trades and arts are taught.

(b) The vocational school may not use a military structure.

(c) The superintendent may enter into contracts, in a manner prescribed by the board, with other school corporations or entities for the use of the vocational school.

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(d) The superintendent may use donated money or state money without limitation to finance vocational construction projects that are:

(1) authorized by the budget agency; and

(2) in accordance with designs approved by the public works division of the Indiana department of administration.

Sec. 20. (a) After an adequate investigation, as determined by the superintendent or the superintendent's designee, including consideration of appropriateness of placement, the superintendent shall receive a child as a resident in the home if the child meets the requirements in subsection (b).

(b) Before a child may be accepted for residence in the home under the section, the child must meet the following requirements:

(1) The parent or parents of the child must be Indiana residents immediately before application, or the child must be physically present in Indiana immediately before application.

(2) The child must be at least three (3) years of age but less than eighteen (18) years of age.

(3) The child must be in need of residential care and education.

(c) Preference for acceptance for residence in the home to a child of a member of the armed forces of the United States or national guard shall be given in the following order:

(1) At least one (1) parent is currently deployed.

(2) At least one (1) parent has been killed in the line of duty while serving in the armed forces of the United States or national guard.

(3) At least one (1) parent is physically or mentally incapable of caring for the child because of the parent's service or direct participation in an authorized campaign or national emergency while serving in the armed forces of the United States or national guard.

(4) At least one (1) parent is physically or mentally incapable of caring for the child because of the parent's service in the armed forces of the United States or national guard.

(5) At least one (1) parent is deceased.

(6) At least one (1) parent is physically or mentally incapable of caring for the child.

(7) At least one (1) parent is absent.

(8) The child is considered at risk for:

(A) being abused or neglected;

(B) becoming homeless; or

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(C) becoming a child in need of services or a delinquent child.

(9) The child is a child of a member of the armed forces of the United States or national guard.

(d) If the applications of all children eligible for residence under subsection (c) have been considered and if space is still available, the superintendent may accept for residence children referred:

(1) by the department of child services established by IC 31-25-1-1;

(2) by the division of special education established by IC 20-35-2-1;

(3) by the courts; or

(4) by any other agency of a political subdivision;

subject to an adequate investigation as determined by the superintendent or the superintendent's designee, including a consideration of appropriateness of placement, and the approval of the board.

(e) If the applications of all children listed in subsections (c) through (d) have been considered and space is still available, the superintendent may accept for residence in the home any other children who are in need of residential care and education and meet the requirements in subsection (b).

Sec. 21. (a) An application for admission to the home may be made by a responsible parent, a guardian, a representative of the court, or the department of child services.

(b) If an application is submitted by a person other than a responsible parent or guardian, the superintendent shall cooperate with the department of child services to ensure that an appropriate case study is made upon application and continued throughout the period the child resides at the home.

Sec. 22. (a) The superintendent is responsible for the care, control, and training of children admitted to and living in the home from the day a child is admitted to the home until the child:

(1) is eighteen (18) years of age;

(2) graduates from the academy if the student is at least eighteen (18) years of age but less than twenty (20) years of age; or

(3) is discharged from the home.

(b) The superintendent shall make certain in the case of every child in the home that:

(1) there is a responsible parent or court appointed guardian;

(2) there is a responsible relative; or

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(3) if a responsible parent, guardian, or relative is not available, the child is a ward of the department of child services from which there is a representative;

who is regularly and frequently concerned with the welfare of the child.

(c) If:

(1) the parent or parents of a child admitted to the home have been deprived of the custody and control of a child by order of the court; and

(2) custody has been given by the court to the department of child services;

the wardship shall be retained by the department of child services.

Sec. 23. (a) A parent, a guardian, a relative, or the department of child services applying for the admission of a child to the home shall, in securing admittance of the child, place the child in the home for the length of time determined to be in the best interests of the child.

(b) A child shall be returned at any time to the:

(1) parent or parents;

(2) guardian;

(3) relative; or

(4) department of child services;

that placed the child in the home if removal of the child from the home is applied for by written application. The superintendent of the home may require not more than thirty (30) days notice when a discharge is requested.

(c) If the superintendent finds that a child does not adjust to institutional living or is not educable, the superintendent:

(1) may:

(A) with the approval of the board; and

(B) upon proper notification;

discharge the child to the applicant placing the child in the home; and

(2) shall cooperate with the department of child services for further disposition of the case as necessary.

Sec. 24. A child admitted to the home may not be permanently removed from the home and placed elsewhere without the express approval of the:

(1) parent or parents who;

(2) guardian who;

(3) relative who; or

(4) department of child services that;

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applied for admission of the child to the home.

Sec. 25. A parent, a guardian, a relative, a representative of the department of child services, or other person approved by the superintendent may visit a child residing in the home at times or places the superintendent prescribes.

Sec. 26. (a) This section does not apply to children admitted under section 20(c) of this chapter. Except as otherwise provided, each child, the estate of the child, the parent or parents of the child, or the guardian of the child, individually or collectively, are liable for the payment of the residence costs of the child in the home of up to one hundred percent (100%) of the student daily rate. The residence cost shall be referred to as residence charges.

(b) The costs under subsection (a) shall be computed annually by dividing the total annual cost of operation of the residence by the total student days each year. The cost of operation shall exclude the following:

(1) Costs associated with the academy and educational programs.

(2) Costs for construction and equipment.

(c) A residence charge may not be levied under this subsection against any of the following:

(1) A county or any person or office, to be derived from county tax sources.

(2) A child orphaned by the death of the child's natural parents.

(d) The superintendent may enter into an agreement with the department of child services or any other agency of a political subdivision for the payment of all or a part of a residence charge by the department of child services or other agency for a child admitted into the home at the request of the department of child services or other agency.

(e) The billing and collection of the residence charges as provided for in subsection (a) shall be made by the superintendent based on the per student daily rate for the preceding fiscal year. All money collected shall be deposited in a fund to be known as the Morton Residential Academy residence fund. The fund shall be used by the board:

(1) for the preventive maintenance, repair, and rehabilitation of buildings of the home that are used for housing, food service, or education of the children of the home; and

(2) to meet the goals established by the board under section 11 of this chapter.

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(f) The superintendent may, with the approval of the board, agree to accept payment at a lesser rate than that prescribed under subsection (a). The superintendent, in determining whether to accept the lesser amount, shall take into consideration the amount of money that is necessary to maintain or support any member of the family of the child. All agreements to accept a lesser amount are subject to cancellation or modification at any time by the superintendent with the approval of the board.

(g) A person who has been issued a statement of amounts due as residence charges under this section may petition the superintendent for a release from or modification of the statement, and the superintendent shall provide for hearings to be held on the petition. The superintendent, with the approval of the board and after the hearing, may cancel or modify the former statement and at any time for due cause may increase the amounts due for residence charges to an amount not to exceed the maximum cost as determined under subsection (a).

(h) The superintendent may arrange for the establishment of a graduation or discharge trust account for a child by arranging to accept a lesser rate of residence charge. The trust fund must be of sufficient size to provide for immediate expenses upon the child's graduation or discharge.

(i) The superintendent may make agreements with instrumentalities of the federal government for the application of any monetary awards to be applied toward the residence charges in a manner that provides a sufficient amount of the periodic award to be deposited in the child's trust account to meet the immediate personal needs of the child and to provide a suitable graduation or discharge allowance. The amount applied toward the settlement of residence charges may not exceed the amount specified under subsection (a).

(j) The superintendent may do the following:

(1) Investigate, either with the superintendent's own staff or on a contractual or other basis, the financial condition of each person liable for the payment of the residence costs under this chapter.

(2) Make determinations of the ability of:

(A) the estate of a child;

(B) the legal guardian of a child; or

(C) each of the responsible parents of a child;

to pay residence charges.

(3) Adopt a standard as a basis of judgment of ability to pay

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that shall be recomputed periodically to do the following:

(A) Reflect changes in the cost of living and other pertinent factors.

(B) Provide for unusual and exceptional circumstances in the application of the standard.

(4) Issue to any person liable under this chapter statements of amounts due as residence charges, requiring the person to pay monthly, quarterly, or otherwise as may be arranged an amount not exceeding the maximum cost as determined under this chapter.

Sec. 27. (a) In the case of a child who is:

(1) adjudicated to be a delinquent child or child in need of services by a juvenile court; and

(2) placed by or with the consent of the department of child services in the home;

the department of child services shall reimburse the cost of services provided to the child, including related transportation costs, and any cost incurred by a county where the home is located to transport or detain the child before the child is adjudicated to be a delinquent child or child in need of services.

(b) The department of child services may require the parent or guardian of the child, other than a parent, guardian, or custodian associated with the home, to reimburse the department of child services for an amount paid under this section.

(c) A child who is admitted to the home does not become a resident of the county where the home is located.

(d) When an unemancipated child is released from the home, the department of child services is responsible for transporting the child to the parent or guardian of the child. If an unemancipated child released from the home does not have a parent or guardian, the department of child services shall obtain custody of the child.

Sec. 28. (a) The attorney general shall, upon notification by the superintendent through the board, bring suit in the name of the state of Indiana on behalf of the superintendent against the estate of a person failing to make payments as required by this chapter.

(b) If a judgment is obtained under this section, the judgment constitutes a lien against that part of the estate of a person as described in the complaint.

(c) The attorney general may bring suit against the parent or parents or legal guardian of a child for failure to comply with the residence agreement established or for failure to make an agreement under this chapter. Suit may be brought for the amount

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due the state for the residence charges of the child. The court may order the payment of amounts due for residence charges for a period as the circumstances require. The order may be entered against any or all of the defendants and may be based upon the proportionate ability of each defendant to contribute to the payment of amounts representing residence charges. Orders for the payment of money may be enforced by attachment as in contempt proceedings against the persons of the defendants, and in addition as other judgments at law, and costs may be adjudged against and apportioned among the defendants.

Sec. 29. (a) The superintendent shall do the following:

(1) Cause the grounds of the home to be:

(A) kept in proper order; and

(B) ornamented with trees, shrubs, and flowers.

(2) Provide and maintain conservatories or greenhouses.

(b) The superintendent:

(1) may have any suitable land connected with the home cultivated for the use and benefit of the home; and

(2) shall have the children in the home assist in the work.

Sec. 30. The superintendent shall have the children in the home assist in the following:

(1) Housekeeping services of the home.

(2) Manufacture and repair of the clothing of children.

(3) The provision of services necessary for the home.

Sec. 31. In prescribing labor, service, and study for the children of the home, the superintendent shall consider the proper education and training of the children.

Sec. 32. The superintendent may, subject to IC 4-24-3-2, receive for the use of the home:

(1) gifts;

(2) legacies;

(3) devises; and

(4) conveyances of real and personal property;

that are made, given, or granted to or for the home or in the name of the home.

Sec. 33. (a) The home shall post a notice that a resident, the legal representative of a resident, or another individual designated by a resident may request from the individual in charge of each shift information that designates the names of personnel or direct care staff on duty by job classification for the:

(1) wing of;

(2) unit of; or

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(3) other area as routinely designated by;
the home.

(b) The notice required under subsection (a) must meet the following conditions:

(1) Be posted in a conspicuous place that is readily accessible to residents and the public.

(2) Be written in at least 24 point type on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.

(3) Contain:

(A) the business telephone number of the superintendent; and

(B) a designated telephone number for filing complaints with the board.

(4) State that if a resident, the legal representative of a resident, or another individual designated by a resident is unable to obtain the information described in subsection (a) from the individual in charge of each shift, the resident, the legal representative of the resident, or another individual designated by the resident may do any of the following:

(A) Contact the superintendent.

(B) File a complaint with the board by using the board's telephone number.

(c) The board may adopt rules under IC 4-22-2 to carry out this section.

Sec. 34. (a) The board shall produce a statistical report semiannually for the home. The statistical report must set forth the following information:

(1) The total number of hours worked in the home by each classification of personnel for which the superintendent maintains data.

(2) The resident census of the home for which the superintendent maintains data.

(b) The home shall:

(1) make available in a place that is readily accessible to residents and the public a copy of the compilation of statistical reports provided under this section; and

(2) post a notice that a copy of the compilation of statistical reports may be requested from the individual in charge of each shift.

(c) The notice required under subsection (b)(2) must meet the following conditions:

(1) Be posted in a conspicuous place that is readily accessible

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to residents and the public.

(2) Be written in at least 24 point type on a poster that is at least eleven (11) inches wide and seventeen (17) inches long.

(3) Contain:

(A) the business telephone number of the superintendent; and

(B) a telephone number for filing complaints with the board.

(4) State that if a resident, the legal representative of a resident, or another individual designated by a resident is unable to obtain the compilation of statistical reports from the individual in charge of each shift, the resident, the legal representative of the resident, or other individual designated by the resident may do any of the following:

(A) Contact the superintendent.

(B) File a complaint with the board by using the board's designated telephone number.

(d) The board may adopt rules under IC 4-22-2 to carry out this section.

SECTION 8. IC 16-18-2-62 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 62. ~~(a) "Commission", for purposes of IC 16-19-6, refers to the commission for special institutions.~~

~~(b)~~ **(a)** "Commission", for purposes of IC 16-31, refers to the Indiana emergency medical services commission.

~~(c)~~ **(b)** "Commission", for purposes of IC 16-46-11.1, has the meaning set forth in IC 16-46-11.1-1.

SECTION 9. IC 16-19-6-5, AS AMENDED BY P.L.21-2008, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JANUARY 1, 2009 (RETROACTIVE)]: Sec. 5. **(a) Except as provided in subsection (b),** the state health commissioner has complete administrative control and responsibility for the Indiana Soldiers' and Sailors' Children's Home.

(b) Notwithstanding any other statute or policy, the state health commissioner or the superintendent of the home may not do the following after December 31, 2008, unless specifically authorized by a statute enacted by the general assembly:

(1) Terminate, in whole or in part, services provided on January 1, 2009, by the home to Indiana children or other operations that existed at the home on January 1, 2009.

(2) Reduce the staffing levels and classifications below those in effect at the home on January 1, 2009.

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(3) Terminate the employment of an employee of the Indiana Soldiers' and Sailors' Children's Home who was an employee after December 31, 2008, except in accordance with IC 4-15-2. The state department or the superintendent of the home shall fill any vacancy created by a termination described in subdivision (3) so that the staffing levels at the facility are not reduced below the staffing levels in effect on January 1, 2009.

SECTION 10. IC 20-26-11-10, AS AMENDED BY P.L.2-2007, SECTION 212, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) A student who is the child of a state employee who resides on state owned property, resides on state owned property, or is the child of a full-time employee of a state educational institution, who resides on property owned or operated by the state educational institution and used for educational, research, or public service programs is considered a transferred student if:

(1) the student attends a public school in the school corporation located nearest to the student's residence within the county in which all or a part of either the state owned property, or the property owned or operated by the state supported postsecondary institution, is located; or

(2) the state owned property is the ~~Soldiers' and Sailors' Children's Home~~ **Morton Residential Academy** and the student attends a public school in the county in which the home is located or in an adjacent county.

Transfer tuition for a student transferred under this subsection shall be paid by the state. However, this subsection does not apply to children of state employees residing in student housing on property owned by any state educational institution.

(b) A foreign student visiting in Indiana under any student exchange program approved by the state board is considered a resident student with legal settlement in the school corporation where the foreign exchange student resides. The student may attend a school in the school corporation in which the family with whom the student is living resides. A school corporation that receives a foreign student may not be paid any transfer tuition. The school corporation shall include the foreign student in computations to determine the amount of state aid that it is entitled to receive.

SECTION 11. IC 20-43-1-23, AS ADDED BY P.L.2-2006, SECTION 166, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 23. "School corporation" means the following:

(1) Any local public school corporation established under Indiana

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law.

(2) Except as otherwise indicated in this article, a charter school.

(3) Morton Residential Academy.

SECTION 12. IC 21-14-4-1, AS ADDED BY P.L.2-2007, SECTION 255, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. This chapter applies to the following persons:

(1) A person who:

(A) is a pupil at the ~~Soldiers' and Sailors' Children's Home~~; **Morton Residential Academy;**

(B) was admitted to the ~~Soldiers' and Sailors' Children's Home~~ **Morton Residential Academy** because the person was related to a member of the armed forces of the United States;

(C) is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and

(D) possesses the requisite academic qualifications.

(2) A person:

(A) whose mother or father:

(i) served in the armed forces of the United States;

(ii) received the Purple Heart decoration or was wounded as a result of enemy action; and

(iii) received a discharge or separation from the armed forces other than a dishonorable discharge;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend as determined by the institution; and

(C) who possesses the requisite academic qualifications.

(3) A person:

(A) whose mother or father:

(i) served in the armed forces of the United States during a war or performed duty equally hazardous that was recognized by the award of a service or campaign medal of the United States;

(ii) suffered a service connected death or disability as determined by the United States Department of Veterans Affairs; and

(iii) received any discharge or separation from the armed forces other than a dishonorable discharge;

(B) who is eligible to pay the resident tuition rate at the state educational institution the person will attend, as determined by the institution; and

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(C) who possesses the requisite academic qualifications.

SECTION 13. IC 31-26-7 IS ADDED TO THE INDIANA CODE AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 7. Placement of a Child in the Morton Residential Academy

Sec. 1. The department may place a child in need of services or who is in foster care in the Morton Residential Academy established under IC 10-17-9.5-9, subject to the superintendent of the Morton Residential Academy's approval under IC 10-17-9.5-19(d), if the department believes that placement in the Morton Residential Academy is in the best interests of the child.

Sec. 2. Except as provided in any other federal or state law, if the department places a child in the Morton Residential Academy, the department must provide the superintendent of the Morton Residential Academy all records pertaining to the child.

SECTION 14. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 16-18-2-4; IC 16-18-2-24; IC 16-18-2-88; IC 16-18-2-172; IC 16-18-2-225; IC 16-19-6; IC 16-33-4.

SECTION 15. [EFFECTIVE UPON PASSAGE] **(a) The definitions in IC 10-17-1.1, as added by this act, apply throughout this SECTION.**

(b) Notwithstanding IC 10-17-1.1-1, before July 1, 2009, the governor shall appoint the voting members of the board established by IC 10-17-1.1-3, as added by this act.

(c) The board shall hold its first meeting in July 2009 and conduct business the board considers necessary.

(d) This SECTION expires July 1, 2011.

SECTION 16. [EFFECTIVE UPON PASSAGE] **(a) There is appropriated to the Indiana Soldiers' and Sailors' Children's Home (after June 30, 2009, the Indiana Soldiers' and Sailors' Children's Home is referred to as the Morton Residential Academy) two million dollars ($2,000,000) from Indiana's apportionment of general state assistance grants provided to the states under the federal American Recovery and Reinvestment Act of 2009 or another federal economic stimulus law enacted in 2009. The appropriation shall be used for modernizing, renovating, and repairing the Indiana Soldiers' and Sailors' Children's Home. The appropriation is for a state fiscal year beginning July 1, 2009, and ending June 30, 2010. The appropriation is in addition to other money that may be available for this purpose.**

(b) This SECTION expires July 1, 2010.

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SECTION 17. [EFFECTIVE JULY 1, 2009] **(a) On July 1, 2009, the Morton Residential Academy becomes the owner of all personal and real property of the Indiana Soldiers' and Sailors' Children's Home.**

(b) This SECTION expires December 31, 2010.

SECTION 18. **An emergency is declared for this act.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1722, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning health and to make an appropriation.

Delete everything after the enacting clause and insert the following:

(SEE TEXT OF BILL)

and when so amended that said bill do pass.

(Reference is to HB 1722 as introduced.)

SUMMERS, Chair

Committee Vote: yeas 9, nays 2.

Copy