



February 10, 2006

**ENGROSSED
HOUSE BILL No. 1249**

DIGEST OF HB 1249 (Updated February 8, 2006 3:54 pm - DI 87)

Citations Affected: IC 5-2.

Synopsis: County drug free community fund. Provides that the criminal justice institute may deobligate funds to a local government entity if the entity fails to comply with the fund requirements. Provides a process to reinstate the funds. Provides that a local coordinating council (council) shall be appointed and approved by the commission for a drug free Indiana (commission). Requires a council to submit a comprehensive drug free communities plan (plan) for the approval of the commission before a county fiscal body appropriates county drug free community funds. Requires a council to determine the amount of funds that a county fiscal body shall appropriate to implement the objectives set forth in the plan. Provides that if a plan is not approved by the commission, the county fiscal body may not appropriate funds as set forth in the plan. Provides that if a county legislative body allocates funds without the approval of the plan by the commission, the commission may: (1) appoint a new council; (2) freeze funds allocated by the county legislative body; or (3) reevaluate the plan.

Effective: July 1, 2006.

Messer, Hinkle, Hoy, Moses

(SENATE SPONSOR — KRUSE)

January 10, 2006, read first time and referred to Committee on Local Government.
January 19, 2006, reported — Do Pass.
January 23, 2006, read second time, ordered engrossed. Engrossed.
January 26, 2006, read third time, passed. Yeas 95, nays 0.

SENATE ACTION

February 1, 2006, read first time and referred to Committee on Governmental Affairs and Interstate Cooperation.
February 9, 2006, reported favorably — Do Pass.

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EH 1249—LS 6912/DI 107+



February 10, 2006

Second Regular Session 114th General Assembly (2006)

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 2005 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1249



A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

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

1 SECTION 1. IC 5-2-6-10 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2006]: Sec. 10. The institute may disburse
3 federal and state funds available for the purposes of this chapter to
4 entitlement jurisdictions or local governmental entities if the
5 jurisdiction or entity:

- 6 (1) makes proper application for the funds; ~~and~~
- 7 (2) agrees to provide the required matching funds; **and**
- 8 **(3) is in compliance with section 10.5 of this chapter.**

9 SECTION 2. IC 5-2-6-10.5 IS ADDED TO THE INDIANA CODE
10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
11 1, 2006]: **Sec. 10.5. (a) If an entitlement jurisdiction or a local
12 government entity:**

- 13 (1) **accepts funds under section 10 of this chapter that the**
- 14 **institute has designated as public funds; and**
- 15 (2) **fails to comply with any requirement of the grant or**
- 16 **funding;**
- 17 **the institute shall deobligate funds to the entitlement jurisdiction**

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or local government entity.

(b) The institute may reinstate funds under subsection (a) if the entitlement jurisdiction or local government entity complies with the requirements of the grant or funding within six (6) months of the deobligation of funds.

(c) If an entitlement jurisdiction or a local government entity does not comply with the requirements of the grant or funding within six (6) months of the deobligation of funds, the institute may reallocate the funds.

SECTION 3. IC 5-2-6-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved **and appointed** by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsections (d) and (e) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

- (1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.
- (2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.
- (3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.
- (4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate

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- 1 community initiatives, design comprehensive, collaborative
- 2 community strategies, and monitor anti-drug activities at the local
- 3 level.
- 4 (5) Establishing roles, responsibilities, and performance standards
- 5 for the local coordinating councils.
- 6 (6) Recommending to the governor and general assembly long
- 7 and short range goals, objectives, and strategies, including
- 8 legislative proposals to be implemented on the state and local
- 9 level to reduce drug abuse.
- 10 (7) Assisting local communities in the development of citizen
- 11 based drug related crime control efforts.
- 12 (d) The commission must be comprised of the following voting
- 13 members:
- 14 (1) The governor or the governor's designee.
- 15 (2) Fifteen (15) members appointed by the governor for a two (2)
- 16 year term, who have experience or expertise in at least one (1) of
- 17 the following areas:
- 18 (A) Family relations.
- 19 (B) Religion.
- 20 (C) Education.
- 21 (D) Civic or private organizations.
- 22 (E) Business.
- 23 (F) Media.
- 24 (G) Drug treatment.
- 25 (H) Medicine.
- 26 (I) Local government.
- 27 (J) Judiciary.
- 28 (K) Law enforcement.
- 29 (L) Self-help organizations.
- 30 (M) Youth.
- 31 (N) A representative of the interagency council against drugs
- 32 established under subsection (c)(1).
- 33 (O) Labor.
- 34 (e) Four (4) members of the general assembly shall serve as
- 35 nonvoting members of the commission. The president pro tempore of
- 36 the senate shall appoint two (2) senators, both of whom may not be
- 37 members of the same political party. The speaker of the house of
- 38 representatives shall appoint two (2) representatives, both of whom
- 39 may not be members of the same political party.
- 40 (f) The governor or the governor's designee shall serve as the
- 41 chairman of the commission.
- 42 (g) The commission shall meet one (1) time per month at the call of

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the chairman.

(h) Eight (8) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member.

(i) All appointments of the commission's members are renewable.

(j) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses 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.

(k) A member of the commission who is a state employee is entitled to reimbursement for traveling expenses 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.

SECTION 4. IC 5-2-11-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 0.5. As used in this chapter, "criminal justice services and activities" means programs that assist:**

- (1) law enforcement agencies;**
- (2) courts;**
- (3) correctional facilities;**
- (4) programs that offer probation services; and**
- (5) community corrections programs;**

with individuals who have alcohol or drug addictions and who are suspected of having committed a felony or misdemeanor, have been charged with a felony or misdemeanor, or have been convicted of a felony or misdemeanor.

SECTION 5. IC 5-2-11-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.6. As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.**

SECTION 6. IC 5-2-11-1.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2006]: **Sec. 1.8. As used in this chapter, "prevention" means the**

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1 **anticipatory process that prepares and supports an individual and**
2 **programs with the creation and reinforcement of healthy behaviors**
3 **and lifestyles.**

4 SECTION 7. IC 5-2-11-1.9 IS ADDED TO THE INDIANA CODE
5 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
6 1, 2006]: **Sec. 1.9. As used in this chapter, "prevention initiative"**
7 **means a program that is designed to decrease alcohol or drug use.**

8 SECTION 8. IC 5-2-11-5 IS AMENDED TO READ AS FOLLOWS
9 [EFFECTIVE JULY 1, 2006]: **Sec. 5. (a) As used in this section,**
10 **"commission" means the commission for a drug free Indiana**
11 **established by IC 5-2-6-16.**

12 **(b) Subject to subsections (c) and (d), a county fiscal body shall**
13 **annually appropriate from the fund amounts allocated by the county**
14 **legislative body for the use of persons, organizations, agencies, and**
15 **political subdivisions to carry out recommended actions contained in**
16 **a comprehensive drug free communities plan submitted by the local**
17 **coordinating council and approved by the commission for a drug free**
18 **Indiana established by IC 5-2-6-16 as follows:**

- 19 (1) For persons, organizations, agencies, and political
- 20 subdivisions to provide prevention and education services, at least
- 21 twenty-five percent (25%) of the money in the fund.
- 22 (2) For persons, organizations, agencies, and political
- 23 subdivisions to provide intervention and treatment services, at
- 24 least twenty-five percent (25%) of the money in the fund.
- 25 (3) For persons, organizations, agencies, and political
- 26 subdivisions to provide criminal justice services and activities, at
- 27 least twenty-five percent (25%) of the money in the fund.
- 28 (4) A county fiscal body shall annually appropriate the remaining
- 29 money in the fund allocated by the county legislative body to be
- 30 used by persons, organizations, agencies, and political
- 31 subdivisions to provide services and activities under subdivisions
- 32 (1) through (3).

33 **(c) In the comprehensive drug free communities plan, the local**
34 **coordinating council shall determine the amount of funds the**
35 **county fiscal body shall appropriate to implement the objectives**
36 **approved in the comprehensive drug free communities plan.**

37 **(d) If the comprehensive drug free communities plan is not**
38 **approved by the commission, the county fiscal body may not**
39 **appropriate any funds at the request of the local coordinating**
40 **council or any other local entity.**

41 **(e) If funds are allocated by a county legislative body under**
42 **subsection (b) and the commission has not approved the**

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- 1 **comprehensive drug free communities plan for the county, the**
- 2 **commission may:**
- 3 **(1) approve and appoint a new local coordinating council for**
- 4 **the county;**
- 5 **(2) freeze funds allocated by the county legislative body; or**
- 6 **(3) reevaluate the comprehensive drug free communities plan.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1249, 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.

HINKLE, Chair

Committee Vote: yeas 9, nays 0.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred House Bill No. 1249, 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 made to House Bill 1249 as printed January 20, 2006.)

RIEGSECKER, Chairperson

Committee Vote: Yeas 9, Nays 0.

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