

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

# HOUSE MOTION \_\_\_\_\_

MR. SPEAKER:

I move that House Bill 23 be amended to read as follows:

- 1 Page 21, between lines 13 and 14, begin a new paragraph and
- 2 insert:
- 3 “SECTION 9. IC 22-4-2-40 IS ADDED OT THE INDIANA
- 4 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 5 [EFFECTIVE JULY 1, 2010]: **Sec. 40. As used in this article,**
- 6 **“drug test” means testing of an individual that contains at least**
- 7 **a five (5) drug panel that tests for the following:**
- 8 **(1) Amphetamines.**
- 9 **(2) Cocaine.**
- 10 **(3) Opiates (2000 ng/ml).**
- 11 **(4) PCP.**
- 12 **(5) THC.”.**
- 13 Page 47, between lines 13 and 14, begin a new paragraph and
- 14 insert:
- 15 “SECTION 22. IC 22-4-15-9 IS ADDED TO THE INDIANA
- 16 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2010]: **Sec. 9. (a) Notwithstanding any**
- 18 **other provisions of this article, an individual who is otherwise**
- 19 **eligible for benefits is disqualified for benefits if the individual:**
- 20 **(1) is found to have tested positive for drugs in the system**
- 21 **of the individual after a drug test is given by a prospective**
- 22 **employer; or**
- 23 **(2) refuses to submit to a drug test;**
- 24 **as a prerequisite to an offer of employment by an employer**

- 1           **(b) A prospective employer that:**  
2           **(1) receives a report of a positive drug test that has been**  
3           **given by or on behalf of the prospective employer; or**  
4           **(2) is aware that a prospective employee has refused to**  
5           **submit to a drug test that would be given by or on behalf of**  
6           **the employer;**  
7           **shall immediately report the information in subdivision (1) or (2)**  
8           **to the department.**  
9           **(c) An individual who is disqualified for benefits under**  
10           **subsection (a) may resume eligibility for benefits upon submission**  
11           **of a negative drug test to the department.**  
12           **(d) the department shall adopt rules under IC 4-22-2 to**  
13           **effectuate this section to the extent authorized by federal law.**  
14           **The rules may include, but are not limited to:**  
15           **(1) the period of ineligibility for benefits between the time**  
16           **that the drug test is given and the positive result is reported**  
17           **to the department;**  
18           **(2) the manner in which a subsequent negative drug test**  
19           **may be submitted to the department after a positive drug**  
20           **test has been reported;**  
21           **(3) any penalty against an employer that does not report the**  
22           **information in subsection (b), if other than that provided**  
23           **for in IC 22-4-34-4;**  
24           **(4) the manner by which a report of a false positive drug**  
25           **test may be appealed to the department; and**  
26           **(5) the manner by which improper payments to an**  
27           **individual who has been disqualified under subsection (a)**  
28           **must be repaid to the department, as required by IC 22-4-**  
29           **13-1(b).”.**

30           Page 51, delete line 32, begin a new paragraph and insert:  
31           “SECTION 24. IC 22-4-17-2.5, AS AMENDED BY  
32           P.L.3-2008, SECTION 159, IS AMENDED TO READ AS  
33           FOLLOWS [EFFECTIVE JULY 1, 2010]: Sec. 2.5. (a) When an  
34           individual files an initial claim, the individual shall be advised of the  
35           following:  
36           (1) Unemployment compensation is subject to federal, state,  
37           and local income taxes.  
38           (2) Requirements exist concerning estimated tax payments.  
39           (3) ~~After December 31, 1996,~~ the individual may elect to have  
40           income taxes withheld from the individual's payment of  
41           unemployment compensation. If an election is made, the  
42           department shall withhold federal income tax at the applicable  
43           rate provided in the Internal Revenue Code.  
44           (4) An individual is allowed to change an election made under  
45           this section.  
46           (b) Money withheld from unemployment compensation under  
47           this section shall remain in the unemployment fund until transferred  
48           to the federal taxing authority for payment of income taxes.  
49           (c) The commissioner shall follow all procedures of the United  
50           States Department of Labor and the Internal Revenue Service  
51           concerning the withholding of income taxes.

1 (d) Money shall be deducted and withheld in accordance with the  
2 priorities established in regulations developed by the commissioner.  
3 (e) **In addition to the information contained in subsection (a),**  
4 **the individual filing an initial claim shall be advised that the**  
5 **individual is disqualified for benefits if the individual:**  
6 (1) **is found to have a positive drug test after a drug test is**  
7 **given by a prospective employer; or**  
8 (2) **refuses to submit to a drug test;**  
9 **as a prerequisite to an offer of employment by the employer, as**  
10 **provided in IC 22-4-15-9.”.**  
11 Renumber all SECTIONS consecutively.  
(Reference is to ESB 23 as printed February 19, 2010.)

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Representative GUTWEIN