

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1007 be amended to read as follows:

- 1 Delete the amendment made on motion of Representative Dvorak
- 2 adopted January 27, 2012.
- 3 Page 1, between the enacting clause and line 1, begin a new
- 4 paragraph and insert:
- 5 "SECTION 1. IC 12-7-2-23 IS AMENDED TO READ AS
- 6 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 23. (a) "Body", for
- 7 purposes of IC 12-8-2, has the meaning set forth in IC 12-8-2-1.
- 8 (b) "Body", for purposes of IC 12-14.5-7, has the meaning set
- 9 forth in IC 12-14.5-7-2.
- 10 SECTION 2. IC 12-7-2-26.3 IS ADDED TO THE INDIANA CODE
- 11 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 12 1, 2012]: Sec. 26.3. "Chamber", for purposes of IC 12-14.5-7, has
- 13 the meaning set forth in IC 12-14.5-7-3."
- 14 Page 1, between lines 4 and 5, begin a new paragraph and insert:
- 15 "SECTION 4. IC 12-7-2-122.7 IS ADDED TO THE INDIANA
- 16 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 17 [EFFECTIVE JULY 1, 2012]: Sec. 122.7. "Legislative council", for
- 18 purposes of IC 12-14.5-7, has the meaning set forth in
- 19 IC 12-14.5-7-4.
- 20 SECTION 5. IC 12-7-2-129 IS AMENDED TO READ AS
- 21 FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 129. (a) "Member", for
- 22 purposes of IC 12-8-2, has the meaning set forth in IC 12-8-2-2.
- 23 (b) "Member", for the purposes of IC 12-14.5-7, has the
- 24 meaning set forth in IC 12-14.5-7-5."

- 1 Page 2, line 29, delete "UNDER THE TEMPORARY".
 2 Page 2, delete line 30.
 3 Page 3, line 36, delete "." and insert ";".
 4 Page 5, line 21, delete "other".
 5 Page 5, line 21, delete "in addition to" and insert "**other than**".
 6 Page 9, line 15, delete ", the individual:" and insert ":".
 7 Page 9, line 16, after "(1)" insert "**the individual**".
 8 Page 9, between lines 34 and 35, begin a new paragraph and insert:
 9 "**Chapter 7. Drug Testing for Legislators**
 10 **Sec. 1. This chapter applies to a member of the general assembly**
 11 **who:**
 12 (1) is serving in the general assembly on June 30, 2012; or
 13 (2) is elected or appointed to the general assembly after June
 14 30, 2012.
 15 **Sec. 2. As used in this chapter, "body" refers to either of the**
 16 **following:**
 17 (1) The house of representatives.
 18 (2) The senate.
 19 **Sec. 3. As used in this chapter, "chamber" refers to either of the**
 20 **following:**
 21 (1) The floor of the house of representatives.
 22 (2) The floor of the senate.
 23 **Sec. 4. As used in this chapter, "legislative council" refers to the**
 24 **legislative council created under IC 2-5-1.1-1.**
 25 **Sec. 5. As used in this chapter, "member" refers to either of the**
 26 **following:**
 27 (1) A member of the house of representatives.
 28 (2) A member of the senate.
 29 **Sec. 6. (a) The legislative council shall establish and administer**
 30 **a program under this chapter to test for the use of a controlled**
 31 **substance by a member.**
 32 **(b) The program established under this section must:**
 33 (1) allow for a member to consent to random drug testing
 34 described in subdivision (2) by signing a consent form
 35 described in subsection (c);
 36 (2) randomly administer a drug test to fifty percent (50%) of
 37 the members who consent as described in subdivision (1)
 38 during each regular legislative session of the general
 39 assembly; and
 40 (3) require drug testing of members who the:
 41 (A) speaker of the house of representatives; or
 42 (B) president pro tempore of the senate;
 43 believes, based on reasonable suspicion, are engaged in the
 44 illegal use of a controlled substance.
 45 **(c) If a member refuses to consent to random drug testing**
 46 **described in subsection (b)(2), the member may not receive any of**
 47 **the following privileges provided to members:**

- 1 (1) Partisan staff.
 2 (2) Franked mail.
 3 (3) Reserved parking at the statehouse.
 4 (4) Office space at the statehouse.
 5 (5) Electronic devices.
- 6 (d) The consent form described in subsection (b)(1) must:
 7 (1) allow for a member to consent to random drug testing as
 8 described in subsection (b)(2); and
 9 (2) provide specific, detailed information concerning the
 10 privileges the member will not receive as provided under
 11 subsection (c) if the member does not consent to random drug
 12 testing.
- 13 (e) A drug test administered under subsection (b)(2) or (b)(3)
 14 must be performed by a SAMHSA (as defined in IC 22-10-15-3)
 15 certified laboratory.
- 16 Sec. 7. (a) The speaker of the house of representatives or
 17 president pro tempore of the senate is considered to have
 18 reasonable suspicion that a member is engaged in the illegal use of
 19 a controlled substance for purposes of section 6(b)(3) of this
 20 chapter if the member has been:
 21 (1) convicted of a crime; or
 22 (2) charged with an offense under IC 35-48 (controlled
 23 substances).
- 24 (b) The speaker of the house of representatives and president
 25 pro tempore of the senate may determine that reasonable suspicion
 26 exists under section 6(b)(3) of this chapter from factors other than
 27 those listed in subsection (a).
- 28 Sec. 8. A member shall submit to a drug test not later than
 29 twelve (12) hours after the member is notified that the member has
 30 been:
 31 (1) randomly selected for a drug test; or
 32 (2) selected for a drug test based on reasonable suspicion.
- 33 Sec. 9. Each member of the general assembly shall pay the costs
 34 of a drug test administered under this chapter.
- 35 Sec. 10. If a:
 36 (1) member who consented to random drug testing under this
 37 chapter refuses to take a drug test;
 38 (2) member refuses to take a drug test based on reasonable
 39 suspicion as described in section 6(b)(3) of this chapter;
 40 (3) member fails to take a drug test within the time required
 41 under section 8 of this chapter;
 42 (4) member refuses to pay for a drug test as required under
 43 section 9 of this chapter; or
 44 (5) finding is made by the member's chamber that the
 45 member has tested positive on a drug test;
 46 the member shall be assessed a penalty by the member's body
 47 under the Constitution of the State of Indiana or the rules adopted

1 by the member's chamber, and the member loses all the privileges
2 listed in section 6(c) of this chapter provided to members.

3 **Sec. 11. The following lists shall be made available to the public:**

4 **(1) The names of all the members who consent to random**
5 **drug testing under this chapter.**

6 **(2) The names of all of the members who refused to consent to**
7 **random drug testing under this chapter.**

8 **(3) The names of each member who is tested under this**
9 **chapter based on reasonable suspicion as described in section**
10 **6(b)(3) of this chapter.**

11 **(4) The names of all the members who:**

12 **(A) test positive on a drug test administered under this**
13 **chapter; and**

14 **(B) test negative on a drug test administered under this**
15 **chapter."**

16 Renumber all SECTIONS consecutively.

(Reference is to HB 1007 as printed January 25, 2012, and as amended on motion of Representative Dvorak adopted January 27, 2012.)

Representative McMillin