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| 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| WITHDRAWN | Noes _____ |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 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 5-28-36 IS ADDED TO THE INDIANA CODE
- 4 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2012]:
- 6 **Chapter 36. Drug Testing of Recipients of Economic**
- 7 **Development Grants, Loans, or Tax Credits**
- 8 **Sec. 1. This chapter applies to a recipient of a loan, grant, or tax**
- 9 **credit from the state after June 30, 2012.**
- 10 **Sec. 2. As used in this chapter, "controlled substance" has the**
- 11 **meaning set forth in IC 35-48-1-9.**
- 12 **Sec. 3. As used in this chapter, "grant" refers to a grant given**
- 13 **by the corporation.**
- 14 **Sec. 4. As used in this chapter, "loan":**
- 15 **(1) refers to a loan made by the corporation, regardless of**
- 16 **whether the loan is forgivable; and**
- 17 **(2) includes a loan guarantee made by the corporation.**
- 18 **Sec. 5. As used in this chapter, "responsible officer" means:**
- 19 **(1) An individual, if the recipient is an individual.**
- 20 **(2) The managing partner, if the recipient is a partnership.**
- 21 **(3) The chief executive officer, if the recipient is a corporation.**
- 22 **(4) The individual who serves as the chief administrative**
- 23 **officer in the management, control, and operation of the**

1 business and affairs of the entity, if the recipient is any other
2 entity.

3 **Sec. 6. As used in this chapter, "tax credit" means a state tax**
4 **liability credit under any of the following:**

- 5 (1) IC 6-3.1-4 (research expense credit).
6 (2) IC 6-3.1-7 (enterprise zone loan interest credit).
7 (3) IC 6-3.1-10 (enterprise zone investment tax credit).
8 (4) IC 6-3.1-11 (industrial recovery tax credit).
9 (5) IC 6-3.1-13 (economic development for a growing economy
10 tax credit).
11 (6) IC 6-3.1-13.5 (capital investment tax credit).
12 (7) IC 6-3.1-17 (Indiana riverboat building credit).
13 (8) IC 6-3.1-19 (community revitalization enhancement
14 district tax credit).
15 (9) IC 6-3.1-23 (voluntary remediation tax credit).
16 (10) IC 6-3.1-24 (venture capital investment tax credit).
17 (11) IC 6-3.1-25.2 (coal combustion product tax credit).
18 (12) IC 6-3.1-26 (Hoosier business investment tax credit).
19 (13) IC 6-3.1-27 (blended biodiesel tax credit).
20 (14) IC 6-3.1-28 (ethanol production tax credit).
21 (15) IC 6-3.1-29 (coal gasification technology investment tax
22 credit).
23 (16) IC 6-3.1-30 (headquarters relocation tax credit).
24 (17) IC 6-3.1-31.9 (Hoosier alternative fuel vehicle
25 manufacturer tax credit).
26 (18) IC 6-3.1-32 (media production expenditure tax credit).
27 (19) IC 6-3.1-33 (new employer tax credit).

28 **Sec. 7. As used in this chapter, "tests positive" means an**
29 **individual:**

- 30 (1) tests positive for the presence of a controlled substance;
31 and
32 (2) does not possess:
33 (A) a valid prescription; or
34 (B) an order of a practitioner acting in the course of the
35 practitioner's professional practice;
36 for the controlled substance.

37 **Sec. 8. (a) As a condition of receiving a loan, grant, or tax credit**
38 **from the state, the responsible officer of a recipient of a loan,**
39 **grant, or tax credit shall consent to a drug test to determine the**
40 **presence of a controlled substance.**

41 (b) The drug test administered under subsection (a) must be
42 performed by a SAMHSA (as defined in IC 22-10-15-3) certified
43 laboratory.

44 (c) A recipient must comply with this section each year that the
45 recipient receives a loan, grant, or tax credit from the state.

46 **Sec. 9. (a) The corporation shall establish and administer the**
47 **testing program required under section 8 of this chapter.**

1 **(b) The corporation may adopt rules under IC 4-22-2 necessary**
2 **to implement this chapter.**
3 **Sec. 10. (a) The recipient shall reimburse the corporation for the**
4 **costs of a drug test administered under this chapter.**
5 **(b) If the recipient fails to reimburse the corporation under this**
6 **subsection, the recipient is not eligible to receive a loan, grant, or**
7 **tax credit from the state until the recipient reimburses the**
8 **corporation for the drug test.**
9 **Sec. 11. If:**
10 **(1) a responsible officer of a recipient refuses to consent to a**
11 **drug test under section 8(a) of this chapter; or**
12 **(2) after an administrative hearing under IC 4-21.5, a finding**
13 **is made that the responsible officer of a recipient tests positive**
14 **on a drug test;**
15 **the recipient is not eligible to receive a loan, grant, or tax credit for**
16 **two (2) years after the date of the refusal or finding.**
17 **Sec. 12. The corporation's records concerning the results of a**
18 **drug test under this chapter may not be admitted against a**
19 **defendant in a criminal proceeding."**
20 Renumber all SECTIONS consecutively.
 (Reference is to HB 1007 as printed January 25, 2012.)

Representative Brown C