

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WITHDRAWN	Noes _____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.)

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Representative McMillin