

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WITHDRAWN	Noes _____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

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1483 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 12-7-2-23, AS AMENDED BY P.L.160-2012,
- 4 SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2013]: Sec. 23. (a) "Body", for purposes of IC 12-8-2.5, has
- 6 the meaning set forth in IC 12-8-2.5-1.
- 7 **(b) "Body", for purposes of IC 12-14-5.6, has the meaning set**
- 8 **forth in IC 12-14-5.6-2.**
- 9 SECTION 2. IC 12-7-2-26.3 IS ADDED TO THE INDIANA CODE
- 10 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
- 11 1, 2013]: **Sec. 26.3. "Chamber", for purposes of IC 12-14-5.6, has**
- 12 **the meaning set forth in IC 12-14-5.6-3."**
- 13 Page 1, between lines 5 and 6, begin a new paragraph and insert:
- 14 "SECTION 4. IC 12-7-2-122.7 IS ADDED TO THE INDIANA
- 15 CODE AS A NEW SECTION TO READ AS FOLLOWS
- 16 [EFFECTIVE JULY 1, 2012]: **Sec. 122.7. "Legislative council", for**
- 17 **purposes of IC 12-14-5.6, has the meaning set forth in IC 2-5-1.1-1.**
- 18 SECTION 5. IC 12-7-2-129, AS AMENDED BY P.L.160-2012,
- 19 SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 20 JULY 1, 2013]: Sec. 129. (a) "Member", for purposes of IC 12-8-2.5,
- 21 has the meaning set forth in IC 12-8-2.5-2.
- 22 **(b) "Member", for the purposes of IC 12-14-5.6, has the**
- 23 **meaning set forth in IC 12-14-5.6-5."**
- 24 Page 6, after line 32, begin a new paragraph and insert:

1 "SECTION 10. IC 12-14-5.6 IS ADDED TO THE INDIANA CODE
2 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]:

4 **Chapter 5.6. Drug Testing for Legislators**

5 **Sec. 1. This chapter applies to a member of the general assembly
6 who:**

- 7 (1) is serving in the general assembly on June 30, 2013; or
8 (2) is elected or appointed to the general assembly after June
9 30, 2013.

10 **Sec. 2. As used in this chapter, "body" refers to either of the
11 following:**

- 12 (1) The house of representatives.
13 (2) The senate.

14 **Sec. 3. As used in this chapter, "chamber" refers to either of the
15 following:**

- 16 (1) The floor of the house of representatives.
17 (2) The floor of the senate.

18 **Sec. 4. As used in this chapter, "legislative council" refers to the
19 legislative council created under IC 2-5-1.1-1.**

20 **Sec. 5. As used in this chapter, "member" refers to either of the
21 following:**

- 22 (1) A member of the house of representatives.
23 (2) A member of the senate.

24 **Sec. 6. (a) The legislative council shall establish and administer
25 a program under this chapter to test for the use of a controlled
26 substance by a member.**

27 **(b) The program established under this section must:**

- 28 (1) allow for a member to consent to random drug testing
29 described in subdivision (2) by signing a consent form
30 described in subsection (d);
31 (2) randomly administer a drug test to fifty percent (50%) of
32 the members who consent as described in subdivision (1)
33 during each regular legislative session of the general
34 assembly; and
35 (3) require drug testing of members who the:
36 (A) speaker of the house of representatives; or
37 (B) president pro tempore of the senate;
38 believes, based on reasonable suspicion, are engaged in the
39 illegal use of a controlled substance.

40 **(c) If a member refuses to consent to random drug testing
41 described in subsection (b)(2), the member may not receive any of
42 the following privileges provided to members:**

- 43 (1) Partisan staff.
44 (2) Franked mail.
45 (3) Reserved parking at the statehouse.
46 (4) Office space at the statehouse.
47 (5) Electronic devices.

1 (d) The consent form referred to in subsection (b)(1) must:

2 (1) allow for a member to consent to random drug testing as
3 described in subsection (b)(2); and

4 (2) provide specific, detailed information concerning the
5 privileges the member will not receive as provided under
6 subsection (c) if the member does not consent to random drug
7 testing.

8 (e) A drug test administered under subsection (b)(2) or (b)(3)
9 must be performed by a SAMHSA (as defined in IC 22-10-15-3)
10 certified laboratory.

11 Sec. 7. (a) The speaker of the house of representatives or
12 president pro tempore of the senate is considered to have
13 reasonable suspicion that a member is engaged in the illegal use of
14 a controlled substance for purposes of section 6(b)(3) of this
15 chapter if the member has been:

16 (1) convicted of a crime; or

17 (2) charged with an offense under IC 35-48 (controlled
18 substances).

19 (b) The speaker of the house of representatives and president
20 pro tempore of the senate may determine that reasonable suspicion
21 exists under section 6(b)(3) of this chapter from factors other than
22 those listed in subsection (a).

23 Sec. 8. A member shall submit to a drug test not later than
24 twelve (12) hours after the member is notified that the member has
25 been:

26 (1) randomly selected for a drug test; or

27 (2) selected for a drug test based on reasonable suspicion.

28 Sec. 9. Each member of the general assembly shall pay the costs
29 of a drug test administered under this chapter.

30 Sec. 10. If a:

31 (1) member who consented to random drug testing under this
32 chapter refuses to take a drug test;

33 (2) member refuses to take a drug test based on reasonable
34 suspicion as described in section 6(b)(3) of this chapter;

35 (3) member fails to take a drug test within the time required
36 under section 8 of this chapter;

37 (4) member refuses to pay for a drug test as required under
38 section 9 of this chapter; or

39 (5) finding is made by the member's chamber that the
40 member has tested positive on a drug test;

41 the member shall be assessed a penalty by the member's body
42 under the Constitution of the State of Indiana or the rules adopted
43 by the member's chamber, and the member loses all the privileges
44 listed in section 6(c) of this chapter provided to members.

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

46 (1) The names of all the members who consent to random
47 drug testing under this chapter.

- 1 **(2) The names of all the members who refused to consent to**
- 2 **random drug testing under this chapter.**
- 3 **(3) The names of each member who is tested under this**
- 4 **chapter based on reasonable suspicion as described in section**
- 5 **6(b)(3) of this chapter.**
- 6 **(4) The names of all the members who:**
- 7 **(A) test positive on a drug test administered under this**
- 8 **chapter; and**
- 9 **(B) test negative on a drug test administered under this**
- 10 **chapter.".**
- 11 Renumber all SECTIONS consecutively.
(Reference is to HB 1483 as printed February 19, 2013.)

Representative Brown C