

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 271

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AN ACT to amend the Indiana Code concerning state and local administration.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 4-3-25 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]:

**Chapter 25. Indiana Commission to Combat Drug Abuse**

**Sec. 1. As used in this chapter, "commission" refers to the Indiana commission to combat drug abuse established by section 3 of this chapter.**

**Sec. 2. As used in this chapter, "state agency" means an administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, officer, service, or other similar body of state government created or established under law.**

**Sec. 3. The Indiana commission to combat drug abuse is established.**

**Sec. 4. The commission consists of the following eighteen (18) members:**

- (1) A member of the governor's staff appointed by the governor.**
- (2) An appellate or trial court judge appointed by the chief justice of the supreme court to serve on the commission for a term of four (4) years.**

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- (3) One (1) legislative member appointed by the president pro tempore of the senate.
- (4) One (1) legislative member appointed by the minority leader of the senate.
- (5) One (1) legislative member appointed by the speaker of the house of representatives.
- (6) One (1) legislative member appointed by the minority leader of the house of representatives.
- (7) The superintendent of public instruction.
- (8) The director of the department of child services.
- (9) The executive director of the Indiana prosecuting attorneys council.
- (10) The executive director of the public defender council of Indiana.
- (11) The secretary of family and social services.
- (12) The state health commissioner.
- (13) The commissioner of the department of correction.
- (14) The superintendent of the state police department.
- (15) The director of the office of management and budget or the budget director, as selected by the governor.
- (16) The executive director of the Indiana criminal justice institute.
- (17) The executive director of the professional licensing agency.
- (18) The attorney general, who shall serve as a nonvoting member.

**Sec. 5.** The member of the governor's staff appointed under section 4(1) of this chapter shall serve as the chairperson of the commission. The chairperson shall determine the agenda for the commission.

**Sec. 6. (a)** A legislative member of the commission may be removed at any time by the appointing authority who appointed the legislative member.

**(b)** If a vacancy exists on the commission, the appointing authority who appointed the member whose position has become vacant shall appoint an individual to fill the vacancy.

**Sec. 7. (a)** Each member of the commission who is not a state employee is not entitled to the minimum salary per diem provided under IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and



procedures established by the Indiana department of administration and approved by the budget agency.

(b) Each member of the commission who is a state employee but who is not a member of the general assembly is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(c) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

**Sec. 8.** The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to take action on any measure, including final reports.

**Sec. 9.** The commission shall meet at least four (4) times in a calendar year.

**Sec. 10.** The criminal justice institute shall provide staff support for the commission.

**Sec. 11.** To address specific issues, the commission may establish working groups consisting of individuals appointed by the chairperson. The chairperson may appoint individuals who are not members of the commission, including lay members and subject matter experts, to a working group. Section 7 of this chapter applies to a member of a working group regardless of whether the member is also a member of the commission.

**Sec. 12.** The commission shall do the following:

- (1) Identify ways for state agencies to coordinate with each other on substance abuse prevention, treatment, and enforcement programming and funding.
- (2) Promote information sharing throughout Indiana concerning substance abuse prevention, treatment, and enforcement.
- (3) Promote best practices concerning substance abuse prevention, treatment, and enforcement.
- (4) Cooperate with other commissions, governmental entities, and stakeholders engaged in substance abuse prevention, treatment, and enforcement.



- (5) Study local programs that have been proven to be effective in addressing substance abuse.**
- (6) Seek guidance from local coordinating councils to identify substance abuse issues in local communities and evaluate the resources available to address local needs.**
- (7) Study and evaluate the following concerning substance abuse treatment and prevention services in Indiana:**
  - (A) The availability of and access to the services.**
  - (B) The duplication of services, if any.**
  - (C) Funding of the services.**
  - (D) Barriers to obtaining the services.**
- (8) Coordinate the collection of data concerning substance abuse and the needs, programming, and effectiveness of state supported substance abuse treatment and prevention services.**
- (9) Recommend to the executive director of the Indiana criminal justice institute roles, responsibilities, and performance standards for local coordinating councils.**

**Sec. 13. The commission may do the following:**

- (1) Request information or presentations from state agencies.**
- (2) Request and review outcome data from a state agency involved in the prevention and treatment of substance abuse.**
- (3) Request information from experts concerning substance abuse.**

**Sec. 14. The commission shall submit a report not later than August 31 each year regarding the commission's work during the previous year. The report shall be submitted to the legislative council, the governor, and the chief justice of Indiana. The report to the legislative council must be in an electronic format under IC 5-14-6.**

**Sec. 15. The executive director of the Indiana criminal justice institute is responsible for the following:**

- (1) Implementing the commission's recommendations concerning local coordinating councils.**
- (2) Maintaining a system to provide technical assistance, guidance, and funding support to local coordinating councils.**
- (3) Assisting in the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor local antidrug activities.**
- (4) Approving comprehensive drug free community plans and funding requests submitted by local coordinating councils.**
- (5) Providing quarterly reports to the commission on the**



**comprehensive drug free community plans.**

SECTION 2. IC 5-2-6-16 IS REPEALED [EFFECTIVE JULY 1, 2016]. Sec. 16. (a) As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the commission for a drug free Indiana to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

(b) The commission for a drug free Indiana is established (referred to in this section as "commission"). The criminal justice institute may adopt rules under IC 4-22-2 to administer the commission. The commission must consist of twenty (20) members described under subsection (d) who have distinguished themselves in their respective fields and who have experience or an interest in attempting to eliminate alcohol and other drug abuse in Indiana.

(c) The commission's purpose is to improve the coordination of alcohol and other drug abuse efforts at both the state and local levels in an effort to eliminate duplication of efforts while ensuring that comprehensive alcohol and other drug programs are available throughout Indiana. The commission's responsibilities include the following:

- (1) Establishing an interagency council on drugs to coordinate the alcohol and other drug education, prevention, treatment, and justice programming and funding responsibilities of state agencies, commissions, and boards, including the approval of alcohol and other drug plans and funding applications by state agencies, commissions, and boards.
- (2) Coordinating the collection of data concerning alcohol and other drug abuse and the needs, programming, and effectiveness of state supported programs and services.
- (3) Maintaining a system of support to assist local coordinating councils with technical assistance, guidance, or direct funding resources.
- (4) Continuing to assist the development of local coordinating councils to identify community drug programs, coordinate community initiatives, design comprehensive, collaborative community strategies, and monitor anti-drug activities at the local level.
- (5) Establishing roles, responsibilities, and performance standards for the local coordinating councils.
- (6) Recommending to the governor and general assembly long and short range goals, objectives, and strategies, including legislative proposals to be implemented on the state and local level to reduce drug abuse.



(7) Assisting local communities in the development of citizen based drug related crime control efforts:

(d) The commission must be comprised of the following voting members:

(1) The governor or the governor's designee:

(2) Fifteen (15) members, appointed by the governor for a two (2) year term, who have experience or expertise in at least one (1) of the following areas:

(A) Family relations:

(B) Religion:

(C) Education:

(D) Civic or private organizations:

(E) Business:

(F) Media:

(G) Drug treatment:

(H) Medicine:

(I) Local government:

(J) Judiciary:

(K) Law enforcement:

(L) Self-help organizations:

(M) Youth:

(N) A representative of the interagency council against drugs established under subsection (c)(1):

(O) Labor:

(3) Four (4) members of the general assembly, appointed as follows:

(A) The president pro tempore of the senate shall appoint two (2) senators, who may not be members of the same political party:

(B) The speaker of the house of representatives shall appoint two (2) representatives, who may not be members of the same political party:

(e) The governor or the governor's designee shall serve as the chairman of the commission:

(f) The commission shall meet quarterly or at the call of the chairman:

(g) Eleven (11) voting members of the commission constitute a quorum. The commission is not prohibited from conducting business as a result of a vacancy in the commission. In the case of a vacancy, a new appointee shall serve for the remainder of the unexpired term. A vacancy shall be filled from the same group that was represented by the outgoing member:

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(h) All appointments of the commission's members are renewable.

(i) A member of the commission who is not a state employee is not entitled to a minimum salary per diem provided by IC 4-10-11-2.1(b). The member is, however, entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties; as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

(j) A member of the commission who is a state employee is entitled to reimbursement for traveling expenses and other expenses actually incurred in connection with the member's duties; as provided in the state travel policies and procedures established by the Indiana department of administration and approved by the budget agency.

SECTION 3. IC 5-2-10-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 6. A person, an organization, an entity, a political subdivision, or an agency may receive a grant from the fund for services or activities included in a comprehensive drug free communities plan ~~approved by the commission established under IC 5-2-6-16~~ **approved by the criminal justice institute** by applying to the criminal justice institute.

SECTION 4. IC 5-2-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 8. If the ~~commission established under IC 5-2-6-16~~ **criminal justice institute** approves an application submitted to the criminal justice institute under section 6 of this chapter, the treasurer of state shall disburse from the fund to the applicant the amount of the grant: ~~specified by the commission~~

(1) **approved; and**

(2) certified to the treasurer of state;

by the criminal justice institute.

SECTION 5. IC 5-2-11-1.6, AS ADDED BY P.L.44-2006, SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 1.6. As used in this chapter, "local coordinating council" means a countywide citizen body approved and appointed by the ~~commission for a drug free Indiana~~ **commission to combat drug abuse established by IC 4-3-25-3** to plan, monitor, and evaluate comprehensive local alcohol and drug abuse plans.

SECTION 6. IC 5-2-11-5, AS AMENDED BY P.L.26-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2016]: Sec. 5. (a) ~~As used in this section, "commission"~~ **means the commission for a drug free Indiana established by IC 5-2-6-16.**

(b) (a) Subject to subsections (c) (b) and (d); (c), a county fiscal

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body shall annually appropriate from the fund amounts allocated by the county legislative body for the use of persons, organizations, agencies, and political subdivisions to carry out recommended actions contained in a comprehensive drug free communities plan submitted by the local coordinating council and approved by the ~~commission~~ **criminal justice institute** as follows:

- (1) For persons, organizations, agencies, and political subdivisions to provide prevention and education services, at least twenty-five percent (25%) of the money in the fund.
- (2) For persons, organizations, agencies, and political subdivisions to provide intervention and treatment services, at least twenty-five percent (25%) of the money in the fund.
- (3) For persons, organizations, agencies, and political subdivisions to provide criminal justice services and activities, at least twenty-five percent (25%) of the money in the fund.
- (4) A county fiscal body shall allocate the remaining twenty-five percent (25%) of the money in the fund to persons, organizations, agencies, and political subdivisions to provide services and activities under subdivisions (1) through (3) based on the comprehensive drug free communities plan submitted by the local coordinating council and approved by the ~~commission~~ **criminal justice institute**.

~~(c)~~ **(b)** In the comprehensive drug free communities plan, the local coordinating council shall determine the amount of funds the county fiscal body shall appropriate to implement the objectives approved in the comprehensive drug free communities plan.

~~(d)~~ **(c)** If the comprehensive drug free communities plan is not approved by the ~~commission~~ **criminal justice institute**, the county fiscal body may not appropriate any funds at the request of the local coordinating council or any other local entity.

~~(e)~~ **(d)** If funds are allocated by a county legislative body under subsection ~~(b)~~ **(a)** and the ~~commission~~ **criminal justice institute** has not approved the comprehensive drug free communities plan for the county, the ~~commission~~ **criminal justice institute** may:

- (1) approve and appoint a new local coordinating council for the county;
- (2) freeze funds allocated by the county legislative body; or
- (3) reevaluate the comprehensive drug free communities plan.





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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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