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## FISCAL IMPACT REPORT

SPONSOR Komadina DATE TYPED 1/20/05 HB \_\_\_\_\_

SHORT TITLE Elected Officials Drug Testing Act SB 20

ANALYST Medina

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	\$50.0			Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files  
 Secretary of State  
 Drug Detection Services, Inc., Albuquerque, NM.

Responses Received From  
 Secretary of State

### SUMMARY

#### Synopsis of Bill

Senate Bill 20 appropriates \$50.0 from the general fund to the Secretary of State for the purpose of paying another entity for drug testing of elected officials and for the operating costs associated with the Elected Officials Drug Testing Act. The bill enacts the Elected Officials Drug Testing Act, a voluntary drug-testing program for all elected officials in the state. The Elected Officials Drug Testing Act calls for the Secretary of State to randomly select elected officials for drug testing and requires every elected official in the state to be selected at least once per year. While elected officials will reserve the right to refuse to submit to a drug test, they will have to do so in writing. Furthermore, the names of all elected officials selected for testing will be published on the Secretary of State's website, along with test results or reasons for refusal of test.

#### Significant Issues

The bill does not include provisions for a protocol for random selection of elected officials for

drug testing. The Secretary of State argues that the Attorney General's Office should be responsible for the administration and enforcement of the Act. The cost of a single full profile drug test is approximately twenty-three dollars. According to the Secretary of State Office the total number of elected officials in the state is approximately 1,475 (approximately 600 federal, state and county officials, 430 municipal officials, and 445 school board members). Thus, the estimated cost of administering one drug test per elected official would be approximately \$33.9 thousand. Finally, the bill does not address appointed officials such as judges.

### **FISCAL IMPLICATIONS**

The appropriation of \$50.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2006 shall revert to the general fund.

### **ADMINISTRATIVE IMPLICATIONS**

The Secretary of State contends that the additional responsibility would require an additional division within the agency. LFC staff contends that the additional responsibility could be absorbed without additional FTE.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL?**

The consequences of not enacting this bill will be the status quo.

### **POSSIBLE QUESTIONS**

Is an amendment to include appointed officials the next step?

**DXM/yr**