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FISCAL IMPACT REPORT

SPONSOR: Burpo DATE TYPED: 03/02/01 HB 859
 SHORT TITLE: Public Official Drug Test Act SB _____
 ANALYST: Wilson

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
	\$ 30.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

State Personnel Office (SPO)
 Attorney General's Office (AG)
 Secretary of State (SS)

No Response
 Department of Health (DOH)

SUMMARY

Synopsis of Bill

HB 859 requires the governor, lieutenant governor, secretary of state, attorney general, members of the legislature, and candidates for these offices to submit to drug tests twice each year for the presence of marijuana, cocaine, opiates, phencyclidine and amphetamines, a metabolite of any of these drugs, or any nonprescription substance containing these drugs. The drug test is to be administered by DOH. The test results are a public record. The public official has 30 days from receipt of a positive result to appeal the result to the district court. HB 859 establishes a fine of \$100 if the public official or candidate refuses a test or alters or takes action to defraud or confuse the test results.

Significant Issues

The AG states that the Fourth Amendment of the United States Constitution is a guarantee against unreasonable searches. HB 859 raises Fourth Amendment search and seizure questions because the mandatory drug test is not based upon probable cause.

FISCAL IMPLICATIONS

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HB 859 makes an appropriation of \$30.0 to the DOH from the general fund for fiscal year 2002 to carry out the provisions of the act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2002 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The DOH will be required to administer the provisions of HB 859, but since the DOH did not respond it is not possible to estimate the administrative impact.

DW/njw:ar