

1 SENATE BILL 36

2 **48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

3 INTRODUCED BY

4 Steve Komadina

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10 AN ACT

11 RELATING TO ELECTED OFFICIALS; ENACTING THE ELECTED OFFICIALS
12 DRUG TESTING ACT; ESTABLISHING A VOLUNTARY DRUG TESTING PROGRAM
13 FOR ALL ELECTED OFFICIALS IN NEW MEXICO; MAKING AN
14 APPROPRIATION.

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16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. SHORT TITLE.--This act may be cited as the
18 "Elected Officials Drug Testing Act".

19 Section 2. VOLUNTARY DRUG TESTING PROGRAM--PROCEDURES.--

20 A. All elected officials of the state, including
21 officers of federal and local governments, shall be randomly
22 selected by the secretary of state to participate in a
23 voluntary drug testing program. Each elected official shall be
24 selected at least once annually.

25 B. Upon being selected for participation, the

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1 elected official shall be notified of the official's selection
2 and shall be provided a list of laboratories that have been
3 designated to perform drug testing. The official may report to
4 a designated testing laboratory within forty-eight hours of
5 notification or decline to participate in the program. The
6 cost of each drug test shall be paid by the secretary of state.

7 C. An elected official who does not report to a
8 testing laboratory or who declines to participate in the
9 program shall be requested to submit a written explanation to
10 the secretary of state within forty-eight hours of
11 notification.

12 D. All test results shall be returned to the
13 secretary of state upon completion. The test results and any
14 written explanations shall be published on the secretary of
15 state's web site. An official who receives a positive test
16 result shall be notified of the result by the secretary of
17 state prior to publication. The official shall be given seven
18 days from the day the notification is mailed to prepare a
19 written explanation of the test result.

20 Section 3. SECRETARY OF STATE--POWERS AND DUTIES.--

21 A. The secretary of state may promulgate rules to
22 carry out the provisions of the Elected Officials Drug Testing
23 Act.

24 B. The secretary of state shall:

25 (1) randomly select elected officials from the

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1 New Mexico congressional delegation, state government, counties
2 and municipalities for testing on an annual basis and mail
3 written notification to those selected;

4 (2) designate laboratories located across the
5 state to perform drug testing; and

6 (3) publish the names of randomly selected
7 officials, a list of designated drug testing laboratories and
8 their locations, all test results and any written explanations
9 by selected officials on the secretary's web site.

10 Section 4. APPROPRIATION.--Fifty thousand dollars
11 (\$50,000) is appropriated from the general fund to the
12 secretary of state for expenditure in fiscal year 2008 to pay
13 for drug testing of elected officials and for the operating
14 expenses associated with the Elected Officials Drug Testing
15 Act. Any unexpended or unencumbered balance remaining at the
16 end of fiscal year 2008 shall revert to the general fund.

17 Section 5. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is January 1, 2008.