



COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

Eloy S. Inos
Governor

Jude U. Hofschneider
Lieutenant Governor

Honorable Joseph P. Deleon Guerrero
Speaker, House of Representatives
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

24 APR 2014

Honorable Ralph DLG. Torres
Senate President, The Senate
Eighteenth Northern Marianas
Commonwealth Legislature
Saipan, MP 96950

Dear Mr. Speaker and Mr. President:

This is to inform you that I have signed into law House Bill No. 18-101, entitled, "to enact the 'Law Enforcement Mandatory Drug Testing Act of 2013' and provide for mandatory drug testing of all law enforcement each year," which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature. Unlike House Bill No. 18-152, which I vetoed, this bill supports the conclusion that the Commonwealth government has a "special need" or compelling interest to authorize annual mandatory drug tests for law enforcement officers, as the bill cites to several incidents of illegal drug abuse involving law enforcement as well as the fact that many of these employees carry firearms and hold safety-sensitive functions.

While I approve this measure, the Legislature must be cognizant that this bill amends NMIAC § 10-20.2-424(d) of the Personnel Service System Rules and Regulations, which only applies to civil service employees of the Commonwealth. Therefore, the mandatory drug testing provisions required pursuant to this bill will only apply to law enforcement officers in the civil service, including DPS police officers, DPS firefighters and DOC correction officers, among others.

This bill becomes **Public Law No. 18-47**. Copies bearing my signature are forwarded for your reference.

Sincerely,


ELOY S. INOS

cc: Lt. Governor; Lt. Governor's Legal Counsel; Attorney General's Office; Press Secretary; Office of Personnel; Department of Public Safety; Department of Correction; Special Assistant for Administration; Special Assistant for Programs and Legislative Review

Caller Box 10007 Saipan, MP 96950 Telephone: (670) 237-2200 Facsimile: (670) 664-2211/2311



House of Representatives

18th NORTHERN MARIANAS COMMONWEALTH LEGISLATURE

P.O. BOX 500586
SAIPAN, MP 96950

April 2, 2014

The Honorable Eloy S. Inos
Governor
Commonwealth of the Northern
Mariana Islands
Capitol Hill
Saipan, MP 96950

Dear Governor Inos:

I have the honor of transmitting herewith for your action **H. B. No. 18-101**, entitled: "To enact the "Law Enforcement Mandatory Drug Testing Act of 2013" and provide for mandatory drug testing of all law enforcement each year.", which was passed by the House of Representatives and the Senate of the Eighteenth Northern Marianas Commonwealth Legislature.

Sincerely yours,

A handwritten signature in black ink, appearing to read "L. Muña".

Linda B. Muña
House Clerk

Attachment



*Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands*
IN THE HOUSE OF REPRESENTATIVES

Sixth Special Session

July 19, 2013

Representative Christopher D. Leon Guerrero, of Saipan, Precinct 4 (*for himself*, Representatives Antonio R. Agulto, Roman C. Benavente, Lorenzo I. Deleon Guerrero, and Mariano Taitano) in an open and public meeting with an opportunity for the public to comment, introduced the following Bill:

H. B. No. 18-101

AN ACT

TO ENACT THE "LAW ENFORCEMENT MANDATORY DRUG TESTING ACT OF 2013" AND PROVIDE FOR MANDATORY DRUG TESTING OF ALL LAW ENFORCEMENT EACH YEAR.

The Bill was referred to the House Committee on Judiciary and Governmental Operations, which submitted Standing Committee Report 18-76; adopted November 25, 2013.

**THE BILL WAS PASSED BY THE HOUSE OF REPRESENTATIVES ON
FIRST AND FINAL READING, DECEMBER 19, 2013;
without amendments and transmitted to the
THE SENATE.**

The Bill was not referred to a Senate Committee.
**THE BILL WAS PASSED BY THE SENATE ON FIRST AND FINAL READING, MARCH 21, 2014;
without amendments and returned to
THE HOUSE OF REPRESENTATIVES.**

THE BILL WAS FINALLY PASSED ON DECEMBER 19, 2013.

A handwritten signature in black ink, appearing to be "L. Muña", written over a horizontal line.

Linda B. Muña, House Clerk



Eighteenth Legislature
of the
Commonwealth of the Northern Mariana Islands
IN THE HOUSE OF REPRESENTATIVES

Thirteenth Day, Second Regular Session

December 19, 2013

H. B. 18-101

AN ACT

TO ENACT THE “LAW ENFORCEMENT MANDATORY DRUG TESTING ACT OF 2013” AND PROVIDE FOR MANDATORY DRUG TESTING OF ALL LAW ENFORCEMENT EACH YEAR.

Be it enacted by the Eighteenth Northern Marianas Commonwealth Legislature:

1 Section 1. Short Title. This act shall be known as the “The Law Enforcement
2 Mandatory Drug Testing Act of 2013.”

3 Section 2. Findings. The Legislature finds that there has been several incidents
4 involving police officers, firefighters, corrections officers, customs officers and other law
5 enforcement or employees of regulatory agencies who have either been convicted or charged
6 with committing illegal drug use or trafficking related offenses in the CNMI. Moreover,
7 several of these convicted law enforcement officers were directly assigned to the CNMI
8 Interagency Financial Crimes and Drug Enforcement Task Force or the CNMI Narcotics
9 Activity Resolution Coalition; the very task forces entrusted to focus on the enforcement of
10 financial crimes and the enforcement of anti-drug laws of the Commonwealth.

HOUSE BILL 18-101

1 Furthermore, a significant amount of law enforcement officers in the Commonwealth
2 are authorized to carry firearms which makes it even more increasingly dangerous for an
3 armed law enforcement officer to be under the influence of a controlled substance or be
4 engaged in drug trafficking related activities. The Commissioner of the CNMI Department of
5 Public Safety, who represents the largest law enforcement agency in the Commonwealth, has
6 publicly supported a “zero tolerance” mandatory drug testing policy for all police officers
7 and firefighters with the consequence of dismissal from employment upon the discovery of a
8 positive testing of a law enforcement officer on the use of a controlled substance.

9 Therefore, the Legislature finds it necessary to amend the existing drug testing laws
10 of the Commonwealth.

11 **Section 3. Amendment.** Title 10, Chapter 10-20, Subchapter 10-20.2, Part 400,
12 Subpart C, Section 10-20.2-424 (d) is hereby amended as follows:

13 “(d) Random Testing. During each calendar year randomly selected
14 employees performing safety-sensitive functions will be required to submit to breath
15 tests for alcohol and urine tests for cocaine, marijuana, opiates, amphetamines, and
16 phencyclidine. The testing will be done during on-duty time. Except as otherwise
17 provided, the government shall pay for the testing.

18 (1) Method of selection. Employees will be selected by a statistically
19 valid method such as a random number table or computer-based random number
20 generator that is matched with employee Social Security numbers, payroll
21 identification numbers, or other comparable identifying numbers.

22 (2) Number to be tested. No more than twenty-five percent of all
23 employees performing safety-sensitive functions in each department or agency
24 each year shall be required to submit to breath alcohol testing and no more than
25 fifty percent shall be required to submit to urine testing. Except, subject to

HOUSE BILL 18-101

1 funding, each year one hundred percent of law enforcement officers, as defined
2 in 1 CMC §8282, shall be required to submit to urine testing. The actual
3 percentage will be determined at the beginning of each fiscal year for each
4 department or agency by the Office of Personnel Managements Alcohol and
5 Drug Free Workplace Coordinator, in consultation with the appointing authority
6 and the MRO after reviewing the departments or agency's prior positive testing
7 rates, reasonable suspicion and post accident events, and referrals for service."

8 **Section 4. Severability.** If any provisions of this Act or the application of any such
9 provision to any person or circumstance should be held invalid by a court of competent
10 jurisdiction, the remainder of this Act or the application of its provisions to persons or
11 circumstances other than those to which it is held invalid shall not be affected thereby.

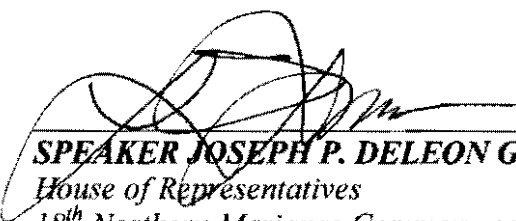
12 **Section 5. Savings Clause.** This Act and any repealer contained herein shall not be
13 construed as affecting any existing right acquired under contract or acquired under statutes
14 repealed or under any rule, regulation, or order adopted under the statutes. Repealers
15 contained in this Act shall not affect any proceeding instituted under or pursuant to prior law.
16 The enactment of the Act shall not have the effect of terminating, or in any way modifying,
17 any liability, civil or criminal, which shall already be in existence on the date this Act
18 becomes effective.

HOUSE BILL 18-101

1 **Section 6. Effective Date.** This Act shall take effect upon its approval by the
2 Governor, or its becoming law without such approval.


Attested to by: 

Linda B. Muña, House Clerk

Certified by: 

SPEAKER JOSEPH P. DELEON GUERRERO
House of Representatives
18th Northern Marianas Commonwealth Legislature

Approved this 24TH day of APRIL, 2014



ELOY S. INOS
Governor
Commonwealth of the Northern Mariana Islands