

{As Amended by Senate Committee of the Whole}

SENATE BILL No. 149

By Committee on Commerce

2-6

SB 149 - Balloon Amendment #1
For Committee on Commerce, Labor and Economic
Development
Prepared by: Katherine McBride, Office of Revisor of Statutes

1 AN ACT concerning drug screening; ~~relating to recipients of cash-~~
2 ~~assistance and unemployment benefits; amending K.S.A. 2012 Supp.~~
3 ~~{39-709} 39-709e and {44-706} and 44-706 {and 75-4362} and repealing the~~
4 ~~existing sections.~~
5

6 *Be it enacted by the Legislature of the State of Kansas:*

7 Section 1. K.S.A. 2012 Supp. 39-709 is hereby amended to read as
8 follows: 39-709. (a) *General eligibility requirements for assistance for*
9 *which federal moneys are expended.* Subject to the additional requirements
10 below, assistance in accordance with plans under which federal moneys
11 are expended may be granted to any needy person who:

12 (1) Has insufficient income or resources to provide a reasonable
13 subsistence compatible with decency and health. Where a husband and
14 wife are living together, the combined income or resources of both shall be
15 considered in determining the eligibility of either or both for such
16 assistance unless otherwise prohibited by law. The secretary, in
17 determining need of any applicant for or recipient of assistance shall not
18 take into account the financial responsibility of any individual for any
19 applicant or recipient of assistance unless such applicant or recipient is
20 such individual's spouse or such individual's minor child or minor
21 stepchild if the stepchild is living with such individual. The secretary in
22 determining need of an individual may provide such income and resource
23 exemptions as may be permitted by federal law. For purposes of eligibility
24 for aid for families with dependent children, for food stamp assistance and
25 for any other assistance provided through the department of social and
26 rehabilitation services under which federal moneys are expended, the
27 secretary of social and rehabilitation services shall consider one motor
28 vehicle owned by the applicant for assistance, regardless of the value of
29 such vehicle, as exempt personal property and shall consider any equity in
30 any additional motor vehicle owned by the applicant for assistance to be a
31 nonexempt resource of the applicant for assistance.

32 (2) Is a citizen of the United States or is an alien lawfully admitted to
33 the United States and who is residing in the state of Kansas.

34 (b) *Assistance to families with dependent children.* Assistance may be
35 granted under this act to any dependent child, or relative, subject to the
36 general eligibility requirements as set out in subsection (a), who resides in

1 determine whether such reasonable suspicion exists, including, but not
2 limited to, an applicant's or recipient's demeanor, missed appointments
3 and arrest or other police records, previous employment or application for
4 employment in an occupation or industry that regularly conducts drug
5 screening, termination from previous employment due to ~~unlawful~~ use of
6 a controlled substance or controlled substance analog or prior drug
7 screening records of the applicant or recipient indicating ~~unlawful~~ use
8 of a controlled substance or controlled substance analog.

9 (2) Any applicant for or recipient of cash assistance whose drug
10 screening results in a positive test may request that the drug screening
11 specimen be sent to a different drug testing facility for an additional drug
12 screening. Any applicant for or recipient of cash assistance who requests
13 an additional drug screening at a different drug testing facility shall be
14 required to pay the cost of drug screening. Such applicant or recipient who
15 took the additional drug screening and who tested negative for ~~unlawful~~
16 use of a controlled substance and controlled substance analog shall be
17 reimbursed for the cost of such additional drug screening.

18 (3) Any applicant for or recipient of cash assistance who tests
19 positive for ~~unlawful~~ use of a controlled substance or controlled
20 substance analog shall be required to complete a substance abuse
21 treatment program approved by the secretary for children and families,
22 secretary of labor or secretary of commerce, and a job skills program
23 approved by the secretary for children and families, secretary of labor or
24 secretary of commerce. Subject to applicable federal laws, any applicant
25 for or recipient of cash assistance who fails to complete or refuses to
26 participate in the substance abuse treatment program or job skills
27 program as required under this subsection shall be ineligible to receive
28 cash assistance until completion of such substance abuse treatment and
29 job skills programs. Upon completion of both substance abuse treatment
30 and job skills programs, such applicant for or recipient of cash assistance
31 may be subject to periodic drug screening, as determined by the secretary
32 for children and families. Upon a second positive test for ~~unlawful~~ use
33 of a controlled substance or controlled substance analog, a recipient of
34 cash assistance shall be ordered to complete again a substance abuse
35 treatment program and job skills program, and shall be terminated from
36 cash assistance for a period of 12 months, or until such recipient of cash
37 assistance completes both substance abuse treatment and job skills
38 programs, whichever is later. Upon a third positive test for ~~unlawful~~ use
39 of a controlled substance or controlled substance analog, a recipient of
40 cash assistance shall be terminated from cash assistance, subject to
41 applicable federal law.

42 ~~The secretary for children and families shall fund such substance~~
43 ~~abuse treatment program and job skills program with the funding~~

Strike lines 42 and 43

1 ~~available from TANF provided that the federal law and regulations~~
 2 ~~allow such expenditure and the applicant or the recipient are not~~
 3 ~~otherwise eligible for medical assistance under subsection (c). If the~~
 4 ~~federal law and regulations do not allow such expenditure, the secretary~~
 5 ~~for children and families shall expend money appropriated from the~~
 6 ~~state general fund to administer and operate such programs. When the~~
 7 ~~federal or any other funding is not available to fund such expenditures,~~
 8 ~~the secretary for children and families shall expend money from the~~
 9 ~~state general fund to administer and operate such programs.~~



Strike lines 1 through 9

10 (4) If an applicant for or recipient of cash assistance is ineligible for
 11 or terminated from cash assistance as a result of a positive test for
 12 ~~unlawful~~ use of a controlled substance or controlled substance analog,
 13 and such applicant for or recipient of cash assistance is the parent or
 14 legal guardian of a minor child ~~eligible for cash assistance~~, an
 15 appropriate protective payee shall be designated to receive cash
 16 assistance on behalf of such child. Such parent or legal guardian of the
 17 minor child may choose to designate an individual to receive cash
 18 assistance for such parent's or legal guardian's minor child, as approved
 19 by the secretary for children and families. Prior to the designated
 20 individual receiving any cash assistance, the secretary for children and
 21 families shall ~~order a drug screening of the designated individual~~ review
 22 whether reasonable suspicion exists that such designated individual is
 23 ~~unlawful~~ using a controlled substance or controlled substance analog.

24 (A) In addition, any individual designated to receive cash assistance
 25 on behalf of an eligible minor child shall be subject to drug screening at
 26 any time when reasonable suspicion exists that such designated individual
 27 is ~~unlawful~~ using a controlled substance or controlled substance
 28 analog. The secretary for children and families may use any information
 29 obtained by the secretary for children and families to determine whether
 30 such reasonable suspicion exists, including, but not limited to, the
 31 designated individual's demeanor, missed appointments and arrest or
 32 other police records, previous employment or application for employment
 33 in an occupation or industry that regularly conducts drug screening,
 34 termination from previous employment due to ~~unlawful~~ use of a
 35 controlled substance or controlled substance analog or prior drug
 36 screening records of the designated individual indicating ~~unlawful~~ use
 37 of a controlled substance or controlled substance analog.

38 (B) Any designated individual whose drug screening results in a
 39 positive test may request that the drug screening specimen be sent to a
 40 different drug testing facility for an additional drug screening. Any
 41 designated individual who requests an additional drug screening at a
 42 different drug testing facility shall be required to pay the cost of drug
 43 screening. Such designated individual who took the additional drug

1 federal law.

2 ~~The secretary for children and families shall find such substance~~
3 ~~abuse treatment program and job skills program with the funding~~
4 ~~available from TANF provided that the federal law and regulations~~
5 ~~allow such expenditure and the applicant or the recipient are not~~
6 ~~otherwise eligible for medical assistance under subsection (e). If the~~
7 ~~federal law and regulations do not allow such expenditure, the secretary~~
8 ~~for children and families shall expend money appropriated from the~~
9 ~~state general fund to administer and operate such programs. When the~~
10 ~~federal or any other funding is not available to fund such expenditures,~~
11 ~~the secretary for children and families shall expend money from the~~
12 ~~state general fund to administer and operate such programs.~~

13 (2) Any individual who has been discharged or refused employment
14 for failing a preemployment drug screen required by an employer may
15 request that the drug screening specimen be sent to a different drug testing
16 facility for an additional drug screening. Any such individual who requests
17 an additional drug screening at a different drug testing facility shall be
18 required to pay the cost of drug screening.

19 (u) If the individual was found not to have a disqualifying
20 adjudication or conviction under K.S.A. 39-970, and amendments thereto,
21 or K.S.A. 65-5117, and amendments thereto, was hired and then was
22 subsequently convicted of a disqualifying felony under K.S.A. 39-970, and
23 amendments thereto, or K.S.A. 65-5117, and amendments thereto, and
24 discharged pursuant to K.S.A. 39-970, and amendments thereto, or K.S.A.
25 65-5117, and amendments thereto. The disqualification shall begin the day
26 following the separation and shall continue until after the individual
27 becomes reemployed and has had earnings from insured work of at least
28 three times the individual's determined weekly benefit amount.

29 ~~§Sec. 5. K.S.A. 2012 Supp. 75-4362 is hereby amended to read as~~
30 ~~follows: 75-4362. (a) The director of the division of personnel services of~~
31 ~~the department of administration shall have the authority to establish~~
32 ~~and implement a drug screening program for persons taking office as~~
33 ~~governor, lieutenant governor or attorney general or members of the~~
34 ~~Kansas senate or house of representatives and for applicants for safety~~
35 ~~sensitive positions in state government, but no applicant for a safety~~
36 ~~sensitive position shall be required to submit to a test as a part of this~~
37 ~~program unless the applicant is first given a conditional offer of~~
38 ~~employment.~~

39 (b) The director also shall have the authority to establish and
40 implement a drug screening program based upon a reasonable suspicion
41 of illegal drug use by any person currently holding one of the following
42 positions or offices:

43 (1) The office of governor, lieutenant governor or attorney general;



Strike lines 2 through 12