

## HOUSE BILL No. 2335

By Representatives Kelley, Boldra, Cassidy, Claeys, DeGraaf, Ewy, Garber, Kahrs, Macheers, Rothlisberg, Ryckman Sr., Seiwert, Sutton, Thimesch and Waymaster

2-13

---

1 AN ACT establishing a program of drug screening for cash assistance  
2 recipients; amending K.S.A. 2012 Supp. 39-709 and repealing the  
3 existing section.  
4

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

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

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

1 general eligibility requirements as set out in subsection (a), who resides in  
2 the state of Kansas or whose parent or other relative with whom the child  
3 is living resides in the state of Kansas. Such assistance shall be known as  
4 aid to families with dependent children. Where husband and wife are  
5 living together both shall register for work under the program  
6 requirements for aid to families with dependent children in accordance  
7 with criteria and guidelines prescribed by rules and regulations of the  
8 secretary.

9 (c) *Aid to families with dependent children; assignment of support*  
10 *rights and limited power of attorney.* By applying for or receiving aid to  
11 families with dependent children such applicant or recipient shall be  
12 deemed to have assigned to the secretary on behalf of the state any  
13 accrued, present or future rights to support from any other person such  
14 applicant may have in such person's own behalf or in behalf of any other  
15 family member for whom the applicant is applying for or receiving aid. In  
16 any case in which an order for child support has been established and the  
17 legal custodian and obligee under the order surrenders physical custody of  
18 the child to a caretaker relative without obtaining a modification of legal  
19 custody and support rights on behalf of the child are assigned pursuant to  
20 this section, the surrender of physical custody and the assignment shall  
21 transfer, by operation of law, the child's support rights under the order to  
22 the secretary on behalf of the state. Such assignment shall be of all  
23 accrued, present or future rights to support of the child surrendered to the  
24 caretaker relative. The assignment of support rights shall automatically  
25 become effective upon the date of approval for or receipt of such aid  
26 without the requirement that any document be signed by the applicant,  
27 recipient or obligee. By applying for or receiving aid to families with  
28 dependent children, or by surrendering physical custody of a child to a  
29 caretaker relative who is an applicant or recipient of such assistance on the  
30 child's behalf, the applicant, recipient or obligee is also deemed to have  
31 appointed the secretary, or the secretary's designee, as an attorney in fact to  
32 perform the specific act of negotiating and endorsing all drafts, checks,  
33 money orders or other negotiable instruments representing support  
34 payments received by the secretary in behalf of any person applying for,  
35 receiving or having received such assistance. This limited power of  
36 attorney shall be effective from the date the secretary approves the  
37 application for aid and shall remain in effect until the assignment of  
38 support rights has been terminated in full.

39 (d) *Eligibility requirements for general assistance, the cost of which*  
40 *is not shared by the federal government.* (1) General assistance may be  
41 granted to eligible persons who do not qualify for financial assistance in a  
42 program in which the federal government participates and who satisfy the  
43 additional requirements prescribed by or under this subsection (d).

1 (A) To qualify for general assistance in any form a needy person must  
2 have insufficient income or resources to provide a reasonable subsistence  
3 compatible with decency and health and, except as provided for  
4 transitional assistance, be a member of a family in which a minor child or  
5 a pregnant woman resides or be unable to engage in employment. The  
6 secretary shall adopt rules and regulations prescribing criteria for  
7 establishing when a minor child may be considered to be living with a  
8 family and whether a person is able to engage in employment, including  
9 such factors as age or physical or mental condition. Eligibility for general  
10 assistance, other than transitional assistance, is limited to families in which  
11 a minor child or a pregnant woman resides or to an adult or family in  
12 which all legally responsible family members are unable to engage in  
13 employment. Where a husband and wife are living together the combined  
14 income or resources of both shall be considered in determining the  
15 eligibility of either or both for such assistance unless otherwise prohibited  
16 by law. The secretary in determining need of any applicant for or recipient  
17 of general assistance shall not take into account the financial responsibility  
18 of any individual for any applicant or recipient of general assistance unless  
19 such applicant or recipient is such individual's spouse or such individual's  
20 minor child or a minor stepchild if the stepchild is living with such  
21 individual. In determining the need of an individual, the secretary may  
22 provide for income and resource exemptions.

23 (B) To qualify for general assistance in any form a needy person must  
24 be a citizen of the United States or an alien lawfully admitted to the United  
25 States and must be residing in the state of Kansas.

26 (2) General assistance in the form of transitional assistance may be  
27 granted to eligible persons who do not qualify for financial assistance in a  
28 program in which the federal government participates and who satisfy the  
29 additional requirements prescribed by or under this subsection (d), but who  
30 do not meet the criteria prescribed by rules and regulations of the secretary  
31 relating to inability to engage in employment or are not a member of a  
32 family in which a minor or a pregnant woman resides.

33 (3) In addition to the other requirements prescribed under this  
34 subsection (d), the secretary shall adopt rules and regulations which  
35 establish community work experience program requirements for eligibility  
36 for the receipt of general assistance in any form and which establish  
37 penalties to be imposed when a work assignment under a community work  
38 experience program requirement is not completed without good cause. The  
39 secretary may adopt rules and regulations establishing exemptions from  
40 any such community work experience program requirements. A first time  
41 failure to complete such a work assignment requirement shall result in  
42 ineligibility to receive general assistance for a period fixed by such rules  
43 and regulations of not more than three calendar months. A subsequent

1 failure to complete such a work assignment requirement shall result in a  
2 period fixed by such rules and regulations of ineligibility of not more than  
3 six calendar months.

4 (4) If any person is found guilty of the crime of theft under the  
5 provisions of K.S.A. 39-720, and amendments thereto, such person shall  
6 thereby become forever ineligible to receive any form of general  
7 assistance under the provisions of this subsection (d) unless the conviction  
8 is the person's first conviction under the provisions of K.S.A. 39-720, and  
9 amendments thereto, or the law of any other state concerning welfare  
10 fraud. First time offenders convicted of a misdemeanor under the  
11 provisions of such statute shall become ineligible to receive any form of  
12 general assistance for a period of 12 calendar months from the date of  
13 conviction. First time offenders convicted of a felony under the provisions  
14 of such statute shall become ineligible to receive any form of general  
15 assistance for a period of 60 calendar months from the date of conviction.  
16 If any person is found guilty by a court of competent jurisdiction of any  
17 state other than the state of Kansas of a crime involving welfare fraud,  
18 such person shall thereby become forever ineligible to receive any form of  
19 general assistance under the provisions of this subsection (d) unless the  
20 conviction is the person's first conviction under the law of any other state  
21 concerning welfare fraud. First time offenders convicted of a misdemeanor  
22 under the law of any other state concerning welfare fraud shall become  
23 ineligible to receive any form of general assistance for a period of 12  
24 calendar months from the date of conviction. First time offenders  
25 convicted of a felony under the law of any other state concerning welfare  
26 fraud shall become ineligible to receive any form of general assistance for  
27 a period of 60 calendar months from the date of conviction.

28 (e) *Requirements for medical assistance for which federal moneys or*  
29 *state moneys or both are expended.* (1) When the secretary has adopted a  
30 medical care plan under which federal moneys or state moneys or both are  
31 expended, medical assistance in accordance with such plan shall be  
32 granted to any person who is a citizen of the United States or who is an  
33 alien lawfully admitted to the United States and who is residing in the state  
34 of Kansas, whose resources and income do not exceed the levels  
35 prescribed by the secretary. In determining the need of an individual, the  
36 secretary may provide for income and resource exemptions and protected  
37 income and resource levels. Resources from inheritance shall be counted.  
38 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and  
39 amendments thereto, shall constitute a transfer of resources. The secretary  
40 shall exempt principal and interest held in irrevocable trust pursuant to  
41 subsection (c) of K.S.A. 16-303, and amendments thereto, from the  
42 eligibility requirements of applicants for and recipients of medical  
43 assistance. Such assistance shall be known as medical assistance.

1 (2) For the purposes of medical assistance eligibility determinations  
2 on or after July 1, 2004, if an applicant or recipient owns property in joint  
3 tenancy with some other party and the applicant or recipient of medical  
4 assistance has restricted or conditioned their interest in such property to a  
5 specific and discrete property interest less than 100%, then such  
6 designation will cause the full value of the property to be considered an  
7 available resource to the applicant or recipient.

8 (3) (A) Resources from trusts shall be considered when determining  
9 eligibility of a trust beneficiary for medical assistance. Medical assistance  
10 is to be secondary to all resources, including trusts, that may be available  
11 to an applicant or recipient of medical assistance.

12 (B) If a trust has discretionary language, the trust shall be considered  
13 to be an available resource to the extent, using the full extent of discretion,  
14 the trustee may make any of the income or principal available to the  
15 applicant or recipient of medical assistance. Any such discretionary trust  
16 shall be considered an available resource unless: (i) At the time of creation  
17 or amendment of the trust, the trust states a clear intent that the trust is  
18 supplemental to public assistance; and (ii) the trust: (a) Is funded from  
19 resources of a person who, at the time of such funding, owed no duty of  
20 support to the applicant or recipient of medical assistance; or (b) is funded  
21 not more than nominally from resources of a person while that person  
22 owed a duty of support to the applicant or recipient of medical assistance.

23 (C) For the purposes of this paragraph, "public assistance" includes,  
24 but is not limited to, medicaid, medical assistance or title XIX of the social  
25 security act.

26 (4) (A) When an applicant or recipient of medical assistance is a party  
27 to a contract, agreement or accord for personal services being provided by  
28 a nonlicensed individual or provider and such contract, agreement or  
29 accord involves health and welfare monitoring, pharmacy assistance, case  
30 management, communication with medical, health or other professionals,  
31 or other activities related to home health care, long term care, medical  
32 assistance benefits, or other related issues, any moneys paid under such  
33 contract, agreement or accord shall be considered to be an available  
34 resource unless the following restrictions are met: (i) The contract,  
35 agreement or accord must be in writing and executed prior to any services  
36 being provided; (ii) the moneys paid are in direct relationship with the fair  
37 market value of such services being provided by similarly situated and  
38 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed  
39 individuals or situations can be found, the value of services will be based  
40 on federal hourly minimum wage standards; (iv) such individual providing  
41 the services will report all receipts of moneys as income to the appropriate  
42 state and federal governmental revenue agencies; (v) any amounts due  
43 under such contract, agreement or accord shall be paid after the services

1 are rendered; (vi) the applicant or recipient shall have the power to revoke  
2 the contract, agreement or accord; and (vii) upon the death of the applicant  
3 or recipient, the contract, agreement or accord ceases.

4 (B) When an applicant or recipient of medical assistance is a party to  
5 a written contract for personal services being provided by a licensed health  
6 professional or facility and such contract involves health and welfare  
7 monitoring, pharmacy assistance, case management, communication with  
8 medical, health or other professionals, or other activities related to home  
9 health care, long term care, medical assistance benefits or other related  
10 issues, any moneys paid in advance of receipt of services for such  
11 contracts shall be considered to be an available resource.

12 (5) Any trust may be amended if such amendment is permitted by the  
13 Kansas uniform trust code.

14 (f) *Eligibility for medical assistance of resident receiving medical*  
15 *care outside state.* A person who is receiving medical care including long-  
16 term care outside of Kansas whose health would be endangered by the  
17 postponement of medical care until return to the state or by travel to return  
18 to Kansas, may be determined eligible for medical assistance if such  
19 individual is a resident of Kansas and all other eligibility factors are met.  
20 Persons who are receiving medical care on an ongoing basis in a long-term  
21 medical care facility in a state other than Kansas and who do not return to  
22 a care facility in Kansas when they are able to do so, shall no longer be  
23 eligible to receive assistance in Kansas unless such medical care is not  
24 available in a comparable facility or program providing such medical care  
25 in Kansas. For persons who are minors or who are under guardianship, the  
26 actions of the parent or guardian shall be deemed to be the actions of the  
27 child or ward in determining whether or not the person is remaining  
28 outside the state voluntarily.

29 (g) *Medical assistance; assignment of rights to medical support and*  
30 *limited power of attorney; recovery from estates of deceased recipients.*(1)  
31 Except as otherwise provided in K.S.A. 39-786 and 39-787, and  
32 amendments thereto, or as otherwise authorized on and after September  
33 30, 1989, under section 303 and amendments thereto of the federal  
34 medicare catastrophic coverage act of 1988, whichever is applicable, by  
35 applying for or receiving medical assistance under a medical care plan in  
36 which federal funds are expended, any accrued, present or future rights to  
37 support and any rights to payment for medical care from a third party of an  
38 applicant or recipient and any other family member for whom the  
39 applicant is applying shall be deemed to have been assigned to the  
40 secretary on behalf of the state. The assignment shall automatically  
41 become effective upon the date of approval for such assistance without the  
42 requirement that any document be signed by the applicant or recipient. By  
43 applying for or receiving medical assistance the applicant or recipient is

1 also deemed to have appointed the secretary, or the secretary's designee, as  
2 an attorney in fact to perform the specific act of negotiating and endorsing  
3 all drafts, checks, money orders or other negotiable instruments,  
4 representing payments received by the secretary in behalf of any person  
5 applying for, receiving or having received such assistance. This limited  
6 power of attorney shall be effective from the date the secretary approves  
7 the application for assistance and shall remain in effect until the  
8 assignment has been terminated in full. The assignment of any rights to  
9 payment for medical care from a third party under this subsection shall not  
10 prohibit a health care provider from directly billing an insurance carrier for  
11 services rendered if the provider has not submitted a claim covering such  
12 services to the secretary for payment. Support amounts collected on behalf  
13 of persons whose rights to support are assigned to the secretary only under  
14 this subsection and no other shall be distributed pursuant to subsection (d)  
15 of K.S.A. 39-756, and amendments thereto, except that any amounts  
16 designated as medical support shall be retained by the secretary for  
17 repayment of the unreimbursed portion of assistance. Amounts collected  
18 pursuant to the assignment of rights to payment for medical care from a  
19 third party shall also be retained by the secretary for repayment of the  
20 unreimbursed portion of assistance.

21 (2) The amount of any medical assistance paid after June 30, 1992,  
22 under the provisions of subsection (e) is: (A) A claim against the property  
23 or any interest therein belonging to and a part of the estate of any deceased  
24 recipient or, if there is no estate, the estate of the surviving spouse, if any,  
25 shall be charged for such medical assistance paid to either or both; and  
26 (B) a claim against any funds of such recipient or spouse in any account  
27 under K.S.A. 9-1215, 9-1216, 17-2263, 17-2264, 17-5828 or 17-5829, and  
28 amendments thereto. There shall be no recovery of medical assistance  
29 correctly paid to or on behalf of an individual under subsection (e) except  
30 after the death of the surviving spouse of the individual, if any, and only at  
31 a time when the individual has no surviving child who is under 21 years of  
32 age or is blind or permanently and totally disabled. Transfers of real or  
33 personal property by recipients of medical assistance without adequate  
34 consideration are voidable and may be set aside. Except where there is a  
35 surviving spouse, or a surviving child who is under 21 years of age or is  
36 blind or permanently and totally disabled, the amount of any medical  
37 assistance paid under subsection (e) is a claim against the estate in any  
38 guardianship or conservatorship proceeding. The monetary value of any  
39 benefits received by the recipient of such medical assistance under long-  
40 term care insurance, as defined by K.S.A. 40-2227, and amendments  
41 thereto, shall be a credit against the amount of the claim provided for such  
42 medical assistance under this subsection (g). The secretary is authorized to  
43 enforce each claim provided for under this subsection (g). The secretary

1 shall not be required to pursue every claim, but is granted discretion to  
2 determine which claims to pursue. All moneys received by the secretary  
3 from claims under this subsection (g) shall be deposited in the social  
4 welfare fund. The secretary may adopt rules and regulations for the  
5 implementation and administration of the medical assistance recovery  
6 program under this subsection (g).

7 (3) By applying for or receiving medical assistance under the  
8 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, *and*  
9 *amendments thereto*, such individual or such individual's agent, fiduciary,  
10 guardian, conservator, representative payee or other person acting on  
11 behalf of the individual consents to the following definitions of estate and  
12 the results therefrom:

13 (A) If an individual receives any medical assistance before July 1,  
14 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
15 *and amendments thereto*, which forms the basis for a claim under  
16 subsection (g)(2), such claim is limited to the individual's probatable estate  
17 as defined by applicable law; and

18 (B) if an individual receives any medical assistance on or after July 1,  
19 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
20 *and amendments thereto*, which forms the basis for a claim under  
21 subsection (g)(2), such claim shall apply to the individual's medical  
22 assistance estate. The medical assistance estate is defined as including all  
23 real and personal property and other assets in which the deceased  
24 individual had any legal title or interest immediately before or at the time  
25 of death to the extent of that interest or title. The medical assistance estate  
26 includes, without limitation assets conveyed to a survivor, heir or assign of  
27 the deceased recipient through joint tenancy, tenancy in common,  
28 survivorship, transfer-on-death deed, payable-on-death contract, life estate,  
29 trust, annuities or similar arrangement.

30 (4) The secretary of ~~social and rehabilitation services~~ *health and*  
31 *environment* or the secretary's designee is authorized to file and enforce a  
32 lien against the real property of a recipient of medical assistance in certain  
33 situations, subject to all prior liens of record. The lien must be filed in the  
34 office of the register of deeds of the county where the real property is  
35 located and must contain the legal description of all real property in the  
36 county subject to the lien. This lien is for payments of medical assistance  
37 made by the *Kansas* department of ~~social and rehabilitation services~~ *health*  
38 *and environment* to the recipient who is an inpatient in a nursing home or  
39 other medical institution. Such lien may be filed only after notice and an  
40 opportunity for a hearing has been given. Such lien may be enforced only  
41 upon competent medical testimony that the recipient cannot reasonably be  
42 expected to be discharged and returned home. A six-month period of  
43 compensated inpatient care at a nursing home, nursing homes or other



1 medical institution shall constitute a determination by the *Kansas*  
2 department of ~~social and rehabilitation services~~ *health and environment*  
3 that the recipient cannot reasonably be expected to be discharged and  
4 returned home. To return home means the recipient leaves the nursing or  
5 medical facility and resides in the home on which the lien has been placed  
6 for a period of at least 90 days without being readmitted as an inpatient to  
7 a nursing or medical facility. The amount of the lien shall be for the  
8 amount of assistance paid by the *Kansas* department of ~~social and~~  
9 ~~rehabilitation services~~ *health and environment* after the expiration of six  
10 months from the date the recipient became eligible for compensated  
11 inpatient care at a nursing home, nursing homes or other medical  
12 institution until the time of the filing of the lien and for any amount paid  
13 thereafter for such medical assistance to the recipient.

14 (5) The lien filed by the secretary or the secretary's designee for  
15 medical assistance correctly received may be enforced before or after the  
16 death of the recipient by the filing of an action to foreclose such lien in the  
17 Kansas district court or through an estate probate court action in the  
18 county where the real property of the recipient is located. However, it may  
19 be enforced only:

20 (A) After the death of the surviving spouse of the recipient;

21 (B) when there is no child of the recipient, natural or adopted, who is  
22 20 years of age or less residing in the home;

23 (C) when there is no adult child of the recipient, natural or adopted,  
24 who is blind or disabled residing in the home; or

25 (D) when no brother or sister of the recipient is lawfully residing in  
26 the home, who has resided there for at least one year immediately before  
27 the date of the recipient's admission to the nursing or medical facility, and  
28 has resided there on a continuous basis since that time.

29 (6) The lien remains on the property even after a transfer of the title  
30 by conveyance, sale, succession, inheritance or will unless one of the  
31 following events occur:

32 (A) The lien is satisfied. The recipient, the heirs, personal  
33 representative or assigns of the recipient may discharge such lien at any  
34 time by paying the amount of the lien to the secretary or the secretary's  
35 designee;

36 (B) the lien is terminated by foreclosure of prior lien of record or  
37 settlement action taken in lieu of foreclosure;

38 (C) the value of the real property is consumed by the lien, at which  
39 time the secretary or the secretary's designee may force the sale for the real  
40 property to satisfy the lien; or

41 (D) after a lien is filed against the real property, it will be dissolved if  
42 the recipient leaves the nursing or medical facility and resides in the  
43 property to which the lien is attached for a period of more than 90 days

1 without being readmitted as an inpatient to a nursing or medical facility,  
2 even though there may have been no reasonable expectation that this  
3 would occur. If the recipient is readmitted to a nursing or medical facility  
4 during this period, and does return home after being released, another 90  
5 days must be completed before the lien can be dissolved.

6 (7) If the ~~secretary of social and rehabilitation~~ *secretary for aging and*  
7 *disability* services or the *secretary for health and environment or both, or*  
8 *such* secretary's designee has not filed an action to foreclose the lien in the  
9 Kansas district court in the county where the real property is located  
10 within 10 years from the date of the filing of the lien, then the lien shall  
11 become dormant, and shall cease to operate as a lien on the real estate of  
12 the recipient. Such dormant lien may be revived in the same manner as a  
13 dormant judgment lien is revived under K.S.A. 60-2403 et seq., and  
14 amendments thereto.

15 (h) *Placement under the revised Kansas code for care of children or*  
16 *revised Kansas juvenile justice code; assignment of support rights and*  
17 *limited power of attorney.* In any case in which the ~~secretary of social and~~  
18 ~~rehabilitation services for children and families~~ pays for the expenses of  
19 care and custody of a child pursuant to K.S.A. 2012 Supp. 38-2201 et seq.  
20 or 38-2301 et seq., and amendments thereto, including the expenses of any  
21 foster care placement, an assignment of all past, present and future support  
22 rights of the child in custody possessed by either parent or other person  
23 entitled to receive support payments for the child is, by operation of law,  
24 conveyed to the secretary. Such assignment shall become effective upon  
25 placement of a child in the custody of the secretary or upon payment of the  
26 expenses of care and custody of a child by the secretary without the  
27 requirement that any document be signed by the parent or other person  
28 entitled to receive support payments for the child. When the secretary pays  
29 for the expenses of care and custody of a child or a child is placed in the  
30 custody of the secretary, the parent or other person entitled to receive  
31 support payments for the child is also deemed to have appointed the  
32 secretary, or the secretary's designee, as attorney in fact to perform the  
33 specific act of negotiating and endorsing all drafts, checks, money orders  
34 or other negotiable instruments representing support payments received by  
35 the secretary on behalf of the child. This limited power of attorney shall be  
36 effective from the date the assignment to support rights becomes effective  
37 and shall remain in effect until the assignment of support rights has been  
38 terminated in full.

39 (i) No person who voluntarily quits employment or who is fired from  
40 employment due to gross misconduct as defined by rules and regulations  
41 of the secretary or who is a fugitive from justice by reason of a felony  
42 conviction or charge shall be eligible to receive public assistance benefits  
43 in this state. Any recipient of public assistance who fails to timely comply

1 with monthly reporting requirements under criteria and guidelines  
2 prescribed by rules and regulations of the secretary shall be subject to a  
3 penalty established by the secretary by rules and regulations.

4 (j) If the applicant or recipient of aid to families with dependent  
5 children is a mother of the dependent child, as a condition of the mother's  
6 eligibility for aid to families with dependent children the mother shall  
7 identify by name and, if known, by current address the father of the  
8 dependent child except that the secretary may adopt by rules and  
9 regulations exceptions to this requirement in cases of undue hardship. Any  
10 recipient of aid to families with dependent children who fails to cooperate  
11 with requirements relating to child support enforcement under criteria and  
12 guidelines prescribed by rules and regulations of the secretary shall be  
13 subject to a penalty established by the secretary by rules and regulations  
14 which penalty shall progress to ineligibility for the family after three  
15 months of noncooperation.

16 (k) By applying for or receiving child care benefits or food stamps,  
17 the applicant or recipient shall be deemed to have assigned, pursuant to  
18 K.S.A. 39-756 and amendments thereto, to the secretary on behalf of the  
19 state only accrued, present or future rights to support from any other  
20 person such applicant may have in such person's own behalf or in behalf of  
21 any other family member for whom the applicant is applying for or  
22 receiving aid. The assignment of support rights shall automatically become  
23 effective upon the date of approval for or receipt of such aid without the  
24 requirement that any document be signed by the applicant or recipient. By  
25 applying for or receiving child care benefits or food stamps, the applicant  
26 or recipient is also deemed to have appointed the secretary, or the  
27 secretary's designee, as an attorney in fact to perform the specific act of  
28 negotiating and endorsing all drafts, checks, money orders or other  
29 negotiable instruments representing support payments received by the  
30 secretary in behalf of any person applying for, receiving or having  
31 received such assistance. This limited power of attorney shall be effective  
32 from the date the secretary approves the application for aid and shall  
33 remain in effect until the assignment of support rights has been terminated  
34 in full. An applicant or recipient who has assigned support rights to the  
35 secretary pursuant to this subsection shall cooperate in establishing and  
36 enforcing support obligations to the same extent required of applicants for  
37 or recipients of aid to families with dependent children.

38 *(l) (1) Applicants for cash assistance as a condition of eligibility for*  
39 *cash assistance and persons receiving cash assistance as a condition of*  
40 *continued receipt of cash assistance shall agree to participate in a*  
41 *program of drug screening. Within the limits of appropriations therefor,*  
42 *the program of drug screening for cash assistance recipients shall be*  
43 *established, subject to applicable federal law, by the secretary for children*

1 and families on or before January 1, 2014. Subject to appropriations  
2 therefor, such program shall provide for random drug screening of  
3 approximately  $\frac{1}{3}$  of cash assistance recipients each year. If any recipient  
4 opts out from such drug screening, the secretary for children and families  
5 may order a drug screening of such recipient at any time when reasonable  
6 suspicion arises from the information obtained by the secretary for  
7 children and families indicating possible drug use by the recipient,  
8 including, but not limited to, an individual's demeanor; missed  
9 appointments and arrest or other police records. A cash assistance  
10 recipient who tests positive for use of an illegal substance shall undergo a  
11 drug evaluation and if indicated by the evaluation be required to complete  
12 an educational or treatment program recommended as a result of the  
13 evaluation.

14 (2) Subject to applicable federal laws, any cash assistance recipient  
15 who fails to complete or refuses to participate in the educational or  
16 treatment program required under this subsection for the first time shall be  
17 terminated from cash assistance for 12 months. After completion of such  
18 educational or treatment program, the cash assistance recipient shall be  
19 subject to periodic drug screening. Upon a second positive test for use of  
20 an illegal substance, the cash assistance recipient shall be ordered to  
21 complete again an educational or treatment program for substance abuse  
22 and shall be terminated from cash assistance for 12 months. Upon a third  
23 positive test for use of an illegal substance, the cash assistance recipient,  
24 subject to applicable federal law, if any, shall be terminated from cash  
25 assistance.

26 (3) Applicants and recipients of cash assistance shall be required to  
27 pay the cost of drug screening. Such applicants and recipients who took  
28 the drug screening test and who test negative for use of an illegal  
29 substance shall be reimbursed in timely manners for the cost of the drug  
30 screening.

31 (4) A household which includes a recipient who has been terminated  
32 from cash assistance shall be required to receive cash assistance as  
33 protective or vendor payments to a third-party payee designated or  
34 approved by the secretary for children and families for the benefit of the  
35 other eligible members of the household.

36 (5) If a person is found guilty of a crime that has as an element of the  
37 offense the possession, use or distribution of a controlled substance, and  
38 the date of the crime is on or after July 1, 2000, such person shall thereby  
39 become forever ineligible to receive any cash assistance under this  
40 subsection unless the conviction is the person's first conviction. First time  
41 offenders convicted of a misdemeanor drug offense shall become ineligible  
42 to receive benefits for 24 months from the date of conviction. First time  
43 offenders convicted of a felony drug offense shall become ineligible to

1 receive benefits for five years from the date of conviction.

2 (6) Except for hearings before the Kansas department for children  
3 and families or criminal prosecutions, the results of any test administered  
4 as part of the drug screening program authorized by this subsection shall  
5 be confidential and shall not be disclosed publicly.

6 (7) The secretary for children and families may adopt such rules and  
7 regulations as necessary to carry out the provisions of this subsection.

8 (8) The secretary for children and families shall report on or before  
9 January 31, 2015, and annually thereafter on or before January 31 to the  
10 chairperson of the house committee on appropriations, the chairperson of  
11 the house committee on health and human services, the chairperson of the  
12 senate committee on ways and means and the chairperson of the senate  
13 committee on public health and welfare concerning the operation and  
14 administration of the drug screening program established under the  
15 subsection.

16 (9) As used in this subsection, "cash assistance" means cash  
17 assistance provided to individuals under the provisions of article 7 of  
18 chapter 39 of the Kansas Statutes Annotated, and amendments thereto,  
19 and any rules and regulations adopted pursuant to such statutes.

20 Sec. 2. K.S.A. 2012 Supp. 39-709 is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its  
22 publication in the statute book.