

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **SB 335**, as amended by Senate Committee, on page 9, following line 37, by inserting:

"Sec. 6. K.S.A. 2013 Supp. 75-4362 is hereby amended to read as follows: 75-4362. (a) The director of the division of personnel services of the department of administration shall have the authority to establish and implement a drug screening program for persons taking office as governor, lieutenant governor, attorney general or members of the Kansas senate or house of representatives and for applicants for safety sensitive positions in state government, but no applicant for a safety sensitive position shall be required to submit to a test as a part of this program unless the applicant is first given a conditional offer of employment.

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

- (1) The office of governor, lieutenant governor or attorney general;
- (2) members of the Kansas senate or house of representatives;
- (3) any safety sensitive position;
- (4) any position in an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, that is not a safety sensitive position;
- (5) any position in the Kansas state school for the blind, as established under K.S.A. 76-1101 et seq., and amendments thereto;
- (6) any position in the Kansas state school for the deaf, as established under K.S.A. 76-1001

et seq., and amendments thereto; or

(7) any employee of a state veteran's home operated by the Kansas commission on veteran's affairs as described in K.S.A. 76-1901 et seq. and K.S.A. 76-1951 et seq., and amendments thereto.

(c) Any public announcement or advertisement soliciting applications for employment in a safety sensitive position in state government shall include a statement of the requirements of the drug screening program established under this section for applicants for and employees holding a safety sensitive position.

(d) Except for a person who has access to a secured biological laboratory in the office of laboratory services of the department of health and environment, no person shall be terminated solely due to positive results of a test administered as a part of a program authorized by this section if:

(1) The employee has not previously had a valid positive test result; and

(2) the employee undergoes a drug evaluation and successfully completes any education or treatment program recommended as a result of the evaluation. Nothing herein shall be construed as prohibiting demotions, suspensions or terminations pursuant to K.S.A. 75-2949e or 75-2949f, and amendments thereto.

(e) Except in hearings before the state civil service board regarding disciplinary action taken against the employee, the results of any test administered as a part of a program authorized by this section shall be confidential and shall not be disclosed publicly.

(f) Any member of the Kansas senate or house of representatives who has a valid positive test result shall be required to complete a substance abuse treatment program approved by the division of legislative administrative services. Any member of the Kansas senate or house of representatives who fails to complete or refuses to participate in the substance abuse treatment program as required under this section shall be ineligible to receive public funds for legislative compensation or expenses until completion of such substance abuse treatment program. Upon completion of substance abuse treatment,

such member of the Kansas senate or house of representatives shall be subject to periodic drug screening. Upon a second valid positive test result, the member of the Kansas senate or house of representatives shall be ordered to complete again a substance abuse treatment program approved by the director of legislative administrative services and shall not receive legislative compensation or expenses for a period of 12 months, or until such member of the Kansas senate or house of representatives completes the substance abuse treatment program. Upon a third valid positive test result, such member's compensation and expenses shall be terminated.

~~(f)~~(g) The secretary of administration may adopt such rules and regulations as necessary to carry out the provisions of this section.

~~(g)~~(h) "Safety sensitive positions" means the following:

- (1) All state law enforcement officers who are authorized to carry firearms;
- (2) all state corrections officers;
- (3) all state parole officers;
- (4) heads of state agencies who are appointed by the governor and employees on the governor's staff;
- (5) all employees with access to secure facilities of a correctional institution, as defined in K.S.A. 2013 Supp. 21-5914, and amendments thereto;
- (6) all employees of a juvenile correctional facility, as defined in K.S.A. 2013 Supp. 38-2302, and amendments thereto;
- (7) all employees within an institution of mental health, as defined in K.S.A. 76-12a01, and amendments thereto, who provide clinical, therapeutic or rehabilitative services to the clients and patients of those institutions; and
- (8) all employees who have access to a secured biological laboratory in the office of laboratory services of the department of health and environment.";

Also on page 9, in line 38, by striking "and" and inserting a comma; also in line 38, after "72-1923" by inserting "and 75-4362";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, by striking all after "concerning" by striking all in line 2, in line 3, by striking all before the semicolon and inserting "government officers and employees; relating to drug screening programs and substance abuse treatment programs for teachers and members of the legislature; relating to teacher licensure"; in line 4, by striking the first "and" and inserting a comma; also in line 4, after "72-1923" by inserting "and 75-4362"

Senator _____