



CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE,  
room 423-S, Statehouse, at 1:30 a//p.m. on February 26, 1986

Chairman at this point expressed appreciation on behalf of himself and committee for the statesmanship manner in which they presented their testimony.

Chair asked committee to turn their attention to HB 2710.

HB 2710.

A balloon copy of HB 2710 was given to members, (see Attachment No 2), for details. Chair asked Mr. Furse to explain changes proposed in this amendment. He did so; Sec. 1 deleting everything within brackets in lines 21 through 45. Renumbering sections thereafter. Line 254 add language after the word "employment", "or are not a member of a family in which a minor or a pregnant woman resides.". Line 428 change "and" to "is". There was badkground given from sub-committee members, Rep. Wagnon and Rep. Hassler that Dr. Harder and Mr. Peter Rinn, Attorney for SRS were present at these sub-committee meetings and it was the consensus that it was best not to remove authority to run general transitional assistance before the funding is made, thus the reason for striking the first section of this bill. The second part of the bill speaks to the offering assistance to families in which a minor or pregnant woman resides that is currently being done by SRS, but this would bring statutory authority to do same into compliance. At this point, Rep. Foster made a motion the sub-committee report be adopted, seconded by Rep. Hassler, vote taken, motion carried.

HB 2710 as a whole, Rep. Wagnon moved to report HB 2710 out favorable for passage as amended, seconded by Rep. Runnels, no discussion, motion carried.

Rep. Flottman stated there will be a sub-committee meeting on adjournment of Public Health and Welfare Committee meeting on HB 2756 in this room.

Chairman adjourned the meeting at 2:25 p.m.

GUEST REGISTER

DATE 2-26-86

HOUSE

Date 2-26-86

PUBLIC HEALTH AND WELFARE

NAME	ORGANIZATION	ADDRESS
Steven Curtis	Ks. Resp. Therapy Soc.	KCK
David Lawhorn MD	Ks. Resp. Therapy Society	KCK
Dan Johnson	Kans Resp Ther Soc	Lawrence, Kans
Tom Forman	Kans Resp Ther Society	LAWRENCE, KS
Rebecca Crenshaw	Ks Assoc. of Prof. Psychologists	Topeka
Copelene Abbott	Ks Board of Healing Arts	Topeka
Frances Kastner	Ks Assn Physical Therapy	Topeka
Marilyn Bratt	KINH	Lawrence
Andrea Lebaria	Ks Hosp Assoc	Topeka
Melissa Hungerford	Ks Hosp Assn	Topeka
Homer Rodriguez	Ks. Respiratory Therapy Soc.	K. P. K. R.
David A. Williams	Ks Respiratory Therapy Assn	KCKS
MICHAEL CRESS	KS. RESPIRATORY THERAPY SOCIETY	SHAWNEE, KS.
Cara-Rose Matthews	KS Respiratory Therapy Society	Merriam, ks
Theresa Shively	KANSAS NARAL	Topeka
John Peterson	Ks Assn of Prof Psychologists	
Ruby Jones (Dorothy Zeller)	KDHE - TOPEKA	TOPEKA
Jane H. Kuehlholder	None	Zubler
Charles V. Hamm	KDHE - Forbes Field	Topeka
Cathy Rooney	KDHE	Topeka
BARBARA J. SPOOL	KDHE	TOPEKA

Attachment 1  
2-26-86  
Hs. PHW

# HOUSE BILL No. 2710

By Committee on Public Health and Welfare

1-22

0017 AN ACT concerning social welfare; relating to the definition of,  
0018 and eligibility for, general assistance; amending K.S.A. 1985  
0019 Supp. 39-702 and 39-709 and repealing the existing sections. section

0020 *Be it enacted by the Legislature of the State of Kansas:*

0021 Section 1. K.S.A. 1985 Supp. 39-702 is hereby amended to  
0022 read as follows: 39-702. The following words and phrases when  
0023 used in this act shall, for the purposes of this act, have the  
0024 meanings respectively ascribed to them in this section:

0025 (a) "Secretary" means the secretary of social and rehabilita-  
0026 tion services.

0027 (b) "Applicants" means all persons who, as individuals, or in  
0028 whose behalf requests are made of the secretary for aid or  
0029 assistance.

0030 (c) "Social welfare service" may include such functions as  
0031 giving assistance, the prevention of public dependency, and  
0032 promoting the rehabilitation of dependent persons or those who  
0033 are approaching public dependency.

0034 (d) "Assistance" includes such items or functions as the giv-  
0035 ing or providing of money, food stamps or coupons, food, cloth-  
0036 ing, shelter, medicine or other materials, the giving of any  
0037 service, including instructive or scientific, and the providing of  
0038 institutional care, which may be necessary or helpful to the  
0039 recipient in providing the necessities of life for the recipient and  
0040 the recipient's dependents. The definitions of social welfare  
0041 service and assistance in this section shall be deemed as partially  
0042 descriptive and not limiting.

0043 (e) "Aid to families with dependent children" means finan-  
0044 cial assistance with respect to or on behalf of a dependent child  
0045 or dependent children and includes financial assistance for any

*Attn. #2  
2-26-86*

*Hs. PHW*

0046 month to meet the needs of the relative with whom any depen-  
0047 dent child is living.

0048 (f) "Medical assistance" means the payment of all or part of  
0049 the cost of necessary: (1) Medical, remedial, rehabilitative or  
0050 preventive care and services which are within the scope of  
0051 services to be provided under a medical care plan developed by  
0052 the secretary pursuant to this act and furnished by health care  
0053 providers who have a current approved provider agreement with  
0054 the secretary, and (2) transportation to obtain care and services  
0055 which are within the scope of services to be provided under a  
0056 medical care plan developed by the secretary pursuant to this  
0057 act.

0058 (g) "Dependent children" means needy children under the  
0059 age of 18, or who are under the age of 19 and are full-time  
0060 students in secondary schools or the equivalent educational  
0061 program or are full-time students in a program of vocational or  
0062 technical training if they may be reasonably expected to com-  
0063 plete the training before attaining age 19, who have been de-  
0064 prived of parental or guardian support or care by reasons of the  
0065 death, continued absence from the home, or physical or mental  
0066 incapacity of a parent or guardian, and who are living with any  
0067 blood relative, including those of the half-blood, and including  
0068 first cousins, uncles, aunts, and persons of preceding generations  
0069 are denoted by prefixes of grand, great, or great-great, and  
0070 including the spouses or former spouses of any persons named in  
0071 the above groups, in a place of residence maintained by one or  
0072 more of such relatives as their own home. The secretary may  
0073 adopt rules and regulations which extend the deprivation re-  
0074 quirement under this definition to include being deprived of  
0075 parental or guardian support or care by reason of the unemploy-  
0076 ment of a parent or guardian. The term "dependent children"  
0077 also includes children who would meet the foregoing require-  
0078 ments except for their removal from the home of a relative as a  
0079 result of judicial determination to the effect that continuation  
0080 therein would be contrary to the welfare of such children, for  
0081 whose placement and care the secretary is responsible, who have  
0082 been placed in a foster family home or child care institution as a

0083 result of such determination and who received aid to dependent  
 0084 children in or for the month in which court proceedings leading  
 0085 to such determination were initiated, or would have received  
 0086 such aid in or for such month if application had been made  
 0087 therefor, or in the case of a child who had been living with a  
 0088 relative specified above within six months prior to the month in  
 0089 which such proceedings were initiated, would have received  
 0090 such aid in or for such month if in such month such child had  
 0091 been living with and removed from the home of such a relative  
 0092 and application had been made therefor.

0093 (h) "The blind" means not only those who are totally and  
 0094 permanently devoid of vision, but also those persons whose  
 0095 vision is so defective as to prevent the performance of ordinary  
 0096 activities for which eyesight is essential.

0097 (i) "General assistance" means financial assistance in which  
 0098 the cost of such financial assistance is not participated in by the  
 0099 federal government. General assistance may be limited to tran-  
 0100 sitional assistance in some instances *or to persons unable to*  
 0101 *engage in employment and to families in which a minor child or*  
 0102 *a pregnant woman resides* as specified by rules and regulations  
 0103 adopted by the secretary.

0104 (j) "Recipient" means a person who has received assistance  
 0105 under the terms of this act.

0106 (k) "Intake office" means the place where the secretary shall  
 0107 maintain an office for receiving applications.

0108 (l) "Adequate consideration" means consideration equal, or  
 0109 reasonably proportioned to the value of that for which it is given.

0110 (m) "Transitional assistance" means a form of general assist-  
 0111 ance in which as little financial assistance as one payment may  
 0112 be made during each period of 12 consecutive calendar months  
 0113 to an eligible and needy person and all other persons for whom  
 0114 such person is legally responsible.]

0115 [Sec. 2.] K.S.A. 1985 Supp. 39-709 is hereby amended to read  
 0116 as follows: 39-709. (a) *General eligibility requirements for as-*  
 0117 *sistance for which federal moneys are expended.* Subject to the  
 0118 additional requirements below, assistance in accordance with  
 0119 plans under which federal moneys are expended may be granted

Section 1.

0120 to any needy person who:

0121 (1) Has insufficient income or resources to provide a reason-  
0122 able subsistence compatible with decency and health. Where a  
0123 husband and wife are living together the combined income or  
0124 resources of both shall be considered in determining the eligi-  
0125 bility of either or both for such assistance unless otherwise  
0126 prohibited by law. The secretary, in determining need of any  
0127 applicant for or recipient of assistance shall not take into account  
0128 the financial responsibility of any individual for any applicant or  
0129 recipient of assistance unless such applicant or recipient is such  
0130 individual's spouse or such individual's minor child or minor  
0131 stepchild if the stepchild is living with such individual. The  
0132 secretary in determining need of an individual may provide such  
0133 income and resource exemptions as may be permitted by federal  
0134 legislation.

0135 (2) Is a citizen of the United States or is an alien lawfully  
0136 admitted to the United States and who is residing in the state of  
0137 Kansas. If any person transfers or assigns property without ade-  
0138 quate consideration or for the purpose of becoming eligible for  
0139 assistance (A) within the two-year period immediately preceding  
0140 the application if the value of the property so transferred or  
0141 assigned is \$12,000 or less or (B) within a period of time in excess  
0142 of two years, as established by rules and regulations of the  
0143 secretary, if the value of the property so transferred or assigned is  
0144 in excess of \$12,000, such person shall thereby become ineligi-  
0145 ble to receive assistance for such period of time as the value of  
0146 the property assigned or transferred would have reasonably  
0147 maintained such person at a standard compatible with decency  
0148 and health. If any person without the consent of the secretary  
0149 assigns or transfers property without adequate consideration  
0150 while on the assistance rolls, after making application for assist-  
0151 ance or while receiving assistance, such person shall thereby  
0152 become ineligible to receive assistance for such period of time as  
0153 the value of the property assigned or transferred would have  
0154 reasonably maintained such person at a standard compatible  
0155 with decency and health.

0156 (b) *Assistance to families with dependent children.* Assist-

0157 assistance may be granted under this act to any dependent child, or  
0158 relative, subject to the general eligibility requirements as set out  
0159 in subsection (a), who resides in the state of Kansas or whose  
0160 parent or other relative with whom the child is living resides in  
0161 the state of Kansas. Such assistance shall be known as aid to  
0162 families with dependent children.

0163 (c) *Aid to families with dependent children; assignment of*  
0164 *support rights and limited power of attorney.* By applying for or  
0165 receiving aid to families with dependent children such applicant  
0166 or recipient shall be deemed to have assigned to the secretary on  
0167 behalf of the state any accrued, present or future rights to support  
0168 from any other person such applicant may have in such person's  
0169 own behalf or in behalf of any other family member for whom the  
0170 applicant is applying for or receiving aid. In any case in which an  
0171 order for child support has been established and the legal custo-  
0172 dian and obligee under the order surrenders physical custody of  
0173 the child to a caretaker relative without obtaining a modification  
0174 of legal custody and the caretaker relative's support rights are  
0175 assigned pursuant to this section, the surrender of physical  
0176 custody and the assignment shall transfer, by operation of law,  
0177 the child support obligation under the order to the secretary on  
0178 behalf of the state. Such assignment shall be of all accrued,  
0179 present or future rights to support of the child surrendered to the  
0180 caretaker relative. The assignment of support rights shall auto-  
0181 matically become effective upon the date of approval for or  
0182 receipt of such aid without the requirement that any document  
0183 be signed by the applicant, recipient or obligee. The assignment  
0184 shall remain in full force and effect so long as such person is an  
0185 applicant for or recipient of such aid or a caretaker relative no  
0186 longer has physical custody of the child and aid to dependent  
0187 children is discontinued. Upon the discontinuance of such aid,  
0188 the assignment shall remain in effect as to unpaid support obli-  
0189 gations due and owing at the time of the discontinuance of such  
0190 aid until the claim of the secretary of social and rehabilitation  
0191 services for repayment of the unreimbursed portion of such aid is  
0192 satisfied. By applying for or receiving aid to dependent children  
0193 assistance, or by surrendering physical custody of a child to a



0194 caretaker relative whose support rights are assigned, the appli-  
0195 cant, recipient or obligee is also deemed to have appointed the  
0196 secretary, or the secretary's designee, as an attorney in fact to  
0197 perform the specific act of negotiating and endorsing all drafts,  
0198 checks, money orders or other negotiable instruments repre-  
0199 senting support payments received by the secretary in behalf of  
0200 any person applying for, receiving or having received such  
0201 assistance or in behalf of an obligee whose child receives or has  
0202 received aid to dependent children because of the child's place-  
0203 ment with a caretaker relative. This limited power of attorney  
0204 shall be effective from the date the secretary approves the  
0205 application for aid and shall remain in full force and effect as to  
0206 the respective support rights assigned to the secretary under this  
0207 subsection (c). The secretary retains the power to endorse all  
0208 drafts, checks, money orders or other negotiable instruments  
0209 representing support to which the secretary retains a partial  
0210 claim pursuant to subsection (c) of K.S.A. 39-754 and amend-  
0211 ments thereto.

0212 (d) *Eligibility requirements for general assistance, the cost*  
0213 *of which is not shared by the federal government.* (1) General  
0214 assistance may be granted to eligible persons who do not qualify  
0215 for financial assistance in a program in which the federal gov-  
0216 ernment participates and who satisfy the additional require-  
0217 ments prescribed by or under this subsection (d).

0218 (A) To qualify for general assistance in any form a needy  
0219 person must have insufficient income or resources to provide a  
0220 reasonable subsistence compatible with decency and health and,  
0221 except as provided for transitional assistance, be *a member of a*  
0222 *family in which a minor child or a pregnant woman resides or be*  
0223 *unable to engage in employment.* The secretary shall adopt rules  
0224 and regulations prescribing criteria for establishing *when a*  
0225 *minor child may be considered to be living with a family and*  
0226 *whether a person is able to engage in employment, including*  
0227 *such factors as age or physical or mental condition.* Eligibility for  
0228 general assistance, other than transitional assistance, is limited to  
0229 *families in which a minor child or a pregnant woman resides or*  
0230 *to an adult or family in which all legally responsible family*

0231 members meet the criteria established by such rules and regula-  
0232 tions of the secretary are unable to engage in employment.

0233 Where a husband and wife are living together the combined  
0234 income or resources of both shall be considered in determining  
0235 the eligibility of either or both for such assistance unless other-  
0236 wise prohibited by law. The secretary in determining need of  
0237 any applicant for or recipient of general assistance shall not take  
0238 into account the financial responsibility of any individual for any  
0239 applicant or recipient of general assistance unless such applicant  
0240 or recipient is such individual's spouse or such individual's  
0241 minor child or a minor stepchild if the stepchild is living with  
0242 such individual. In determining the need of an individual, the  
0243 secretary may provide for income and resource exemptions.

0244 (B) To qualify for general assistance in any form a needy  
0245 person must be a citizen of the United States or an alien lawfully  
0246 admitted to the United States and must be residing in the state of  
0247 Kansas.

0248 (2) General assistance in the form of transitional assistance  
0249 may be granted to eligible persons who do not qualify for  
0250 financial assistance in a program in which the federal govern-  
0251 ment participates and who satisfy the additional requirements  
0252 prescribed by or under this subsection (d), but who do not meet  
0253 the criteria prescribed by rules and regulations of the secretary  
0254 relating to inability to engage in employment.

0255 (3) In addition to the other requirements prescribed under  
0256 this subsection (d), the secretary shall adopt rules and regula-  
0257 tions which establish community work experience program re-  
0258 quirements for eligibility for the receipt of general assistance in  
0259 any form and which establish penalties to be imposed when a  
0260 work assignment under a community work experience program  
0261 requirement is not completed without good cause. The secretary  
0262 may adopt rules and regulations establishing exemptions from  
0263 any such community work experience program requirements. A  
0264 first-time failure to complete such a work assignment require-  
0265 ment shall result in ineligibility to receive general assistance for  
0266 a period fixed by such rules and regulations of not more than  
0267 three calendar months. A subsequent failure to complete such a

or are not a member of a family in which a  
minor or a pregnant woman resides

0416 tiating and endorsing all drafts, checks, money orders or other  
0417 negotiable instruments representing support payments received  
0418 by the secretary on behalf of any parent or other person other-  
0419 wise entitled to receive support payments pursuant to the as-  
0420 signment of support rights. This limited power of attorney shall  
0421 be effective from the date the assignment to support rights  
0422 becomes effective and shall remain in full force and effect as to  
0423 the respective support rights assigned to the secretary under this  
0424 subsection. The secretary retains the power to endorse all drafts,  
0425 checks, money orders or other negotiable instruments repre-  
0426 senting support to which the secretary retains a partial claim  
0427 pursuant to K.S.A. 39-754 and amendments thereto.

0428 Sec. [3.] K.S.A. 1985 Supp. [39-702 and] 39-709 [are] hereby  
0429 repealed.

0430 Sec. [4.] This act shall take effect and be in force from and  
0431 after its publication in the statute book.

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