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MEMORANDUM

To: Chair and members of the Senate Committee on Public Health and Welfare

From: Nobuko Folmsbee, Senior Assistant Revisor

Charles Reimer, Assistant Revisor

Date: March 5, 2015

Subject: HB 2381: DCF; eligibility requirements for public assistance

Note: The original version of this memorandum was prepared by Senior Assistant Revisor Nobuko Folmsbee for SB 256, a mirror bill to HB 2381.

HB 2381 amends the definitions, scope and eligibility requirements of the social welfare services under the Kansas department for children and families.

The first seven sections of the bill involve amendments that are technical in nature.

TANF (temporary assistance for needy families) replaces the aid for families with dependent children. Sec. 8, pg. 6. The definition of “dependent children” is changed. Pg. 6-7. In determining the TANF benefits including the child care subsidy or employment services, income of a cohabiting partner is included in the income calculation for a “family group” or “household.” Sec. 9, Pg. 8. This bill would establish a 48-month limit for recipients unless a hardship would be found to exist and the time limit would be extended to 60 months. Sec. 9, Pg. 9. Applicants to TANF would be required to complete a work program assessment, unless good cause exemption is found. Sec. 9, Pg. 9. TANF mandatory work program applicants and recipients must participate in the work components that would meet the federal work participation requirements. Any parent or caretaker of a child under the age of 3 months would be exempt from work participation activities until such child would turn 3 months old. Sec. 9(b)(1) through (5); Pgs. 8-10.

Non-cooperation of the applicants and recipients with the state and federal law and regulations, TANF work programs, or child support services would be ineligible to receive TANF benefits, food assistance and child care subsidy for certain period of time depending on the frequency of the non-cooperation. Any individual in the TANF or child care program who is

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found to have committed fraud or theft would render all adults in the family unit ineligible for TANF assistance. Sec. 9(b)(8) through (12). Pgs. 11-12.

Food assistance would not be provided to any person who was convicted of a felony that includes as an element the manufacture, cultivation, distribution, possession or use of a controlled substance on or after July 1, 2015. If the individual has been convicted of a state or federal offense involving possession or use of a controlled substance, then such individual would be permanently disqualified to receive food assistance. Sec. 9(b)(13), Pg. 12.

TANF cash assistance cannot be used to purchase certain items, such as alcohol, cigarettes, lottery tickets or sexually oriented adult materials or used in any liquor store, casino, gambling establishment or sexually oriented business. Sec. 9(b)(14), Pg. 12.

The secretary would adopt rules and regulations in determining eligibility for the child care subsidy program and for non-TANF child care. Child care would be provided if an occupation has at least an average job outlook or if the student provides verification of a specific job offer. If the occupation is less than an average job outlook, the secretary must approve of the educational plans. Child care for post-secondary education would be maximum of 24 months per adult and in a two-parent adult household, there are other requirements that each parent must meet. Sec. 9(b)(15), Pgs. 12-13.

The secretary is prohibited from requesting or implementing a waiver from the U.S. department of agriculture for the time limited assistance provisions for able-bodied adults aged between 18 and 49 in a household without dependents under the food assistance program. Food assistance for these adults are limited to 3 months in a 36-month period and the adults must work for at least 20 hours a week or participate in an approved work program. Sec. 9(b)(16), Pg. 13.

The food assistance program would be available to only citizens or qualified non-citizens. Non-citizens who cannot provide qualifying immigrant documentation would be excluded in determining the household's size for calculating benefits, and the gross non-exempt income and resources of the disqualified individuals would be counted as available to the remaining household members. Sec. 9(b)(17), Pg. 13-14.

The secretary is prohibited from enacting the state option for broad-based categorical eligibility for households applying for food assistance. Sec. 9(b)(18), Pg. 14.

No federal or state money shall be used for television, radio or billboard advertisement to promote food assistance benefits or enrollment or for any agreements with foreign governments to promote food assistance. Sec. 9(b)(19), Pg. 14.

A public list of the general assistance recipients would be eliminated and the secretary may publish aggregate non-identifying statistics on the applicants or recipients of assistance. Sec. 10(b), Pg. 28. The secretary would have additional authority to settle and negotiate a debt or liability to the department. Sec. 12(l), Pg. 30.

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The bill also would change the term “food stamp assistance” to “food assistance” and remove references of “general assistance” and “KanWork” from the statutes.