

HOUSE BILL No. 2381

By Committee on Federal and State Affairs

2-19

Proposed Amendments for HB No. 2381

House Committee on Commerce,
Labor and Economic Development

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Office of Revisor of Statutes

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AN ACT concerning social welfare; Kansas department for children and families; eligibility requirements for assistance; amending K.S.A. 17-2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp. 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c, 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and repealing the existing sections; also repealing K.S.A. 39-7,101, 39-7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122.

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

Section 1. K.S.A. 2014 Supp. 9-1215 is hereby amended to read as follows: 9-1215. Subject to the provisions of this section and K.S.A. 9-1216, and amendments thereto, an individual adult or minor, hereafter referred to as the owner, may enter into a written contract with any bank located in this state providing that the balance of the owner's deposit account, or the balance of the owner's legal share of a deposit account, at the time of death of the owner shall be made payable on the death of the owner to one or more persons or, if the persons predecease the owner, to another person or persons, hereafter referred to as the beneficiary or beneficiaries. If any beneficiary is a minor at the time the account, or any portion of the account, becomes payable to the beneficiary and the balance, or portion of the balance, exceeds the amount specified by K.S.A. 59-3053, and amendments thereto, the moneys shall be payable only to a conservator of the minor beneficiary.

Transfers pursuant to this section shall not be considered testamentary or be invalidated due to nonconformity with the provisions of chapter 59 of the Kansas Statutes Annotated, and amendments thereto.

Every contract authorized by this section shall be considered to contain a right on the part of the owner during the owner's lifetime both to withdraw funds on deposit in the account in the manner provided in the contract, in whole or in part, as though no beneficiary has been named, and to change the designation of beneficiary. The interest of the beneficiary shall be considered not to vest until the death of the owner and, if there is a claim pursuant to ~~subsection (g)~~ of K.S.A. 39-709, and amendments thereto, until such claim is satisfied.

No change in the designation of the beneficiary shall be valid unless

1 as an adult, and is designed to meet a crisis or emergency hardship that
 2 would endanger such applicants' ability to remain employed or to accept
 3 an offer of employment. Any household that includes such recipient
 4 accepting the diversion payment is ineligible to receive on-going TANF
 5 assistance for 12 months after receipt of the diversion payment. Any
 6 recipient who receives a diversion payment is limited to 42 months of
 7 TANF cash assistance in a lifetime, unless such recipient shall meet a
 8 hardship criteria as defined by the secretary.

9 (n) "Non-cooperation" means the failure of the applicant or recipient
 10 to comply with all requirements provided in state and federal law, rules
 11 and regulations and agency policy.

12 Sec. 9. K.S.A. 2014 Supp. 39-709 is hereby amended to read as
 13 follows: 39-709. (a) General eligibility requirements for assistance for
 14 which federal moneys are expended. Subject to the additional requirements
 15 below, assistance in accordance with plans under which federal moneys
 16 are expended may be granted to any needy person who:

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

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

40 (b) Temporary assistance for needy families. Assistance may be
 41 granted under this act to any dependent child, or relative, subject to the
 42 general eligibility requirements as set out in subsection (a), who resides in
 43 the state of Kansas or whose parent or other relative with whom the child

any boat, personal water craft, recreational vehicle, recreational
 off-highway vehicle or all-terrain vehicle, as defined by K.S.A.
 8-126, and amendments thereto, or

except that any additional motor vehicle used by the applicant, the
 applicant's spouse or the applicant's cohabiting partner for the
 primary purpose of earning income may be considered as exempt
 personal property in the secretary's discretion.

1 support services prior to regaining eligibility;

2 (C) for a third penalty, one year and cooperation with child support
3 services prior to regaining eligibility; and

4 (D) for a fourth penalty, 10 years.

5 (11) Individuals that have not cooperated without good cause with
6 child support services shall be ineligible to participate in the food
7 assistance program. The period of disqualification ends once it has been
8 determined that such individual is cooperating with child support services.

9 (12) Any individual who is found to have committed fraud or is found
10 guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014
11 Supp. 21-5801, and amendments thereto, in either the TANF or child care
12 program shall render all adults in the family unit ineligible for TANF
13 assistance. Adults in the household who were determined to have
14 committed fraud or were convicted of the crime of theft pursuant to K.S.A.
15 39-720 and K.S.A. 2014 Supp. 21-5801, and amendments thereto, shall
16 render themselves and all adult household members ineligible for their
17 lifetime for TANF, even if fraud was committed in only one program.
18 Households who have been determined to have committed fraud or were
19 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2014
20 Supp. 21-5801, and amendments thereto, shall be required to name a
21 protective payee as approved by the secretary or the secretary's designee
22 to administer TANF benefits on behalf of the children. No adult in a
23 household may have access to the TANF cash assistance benefit.

24 (13) Food assistance shall not be provided to any person convicted of
25 a felony offense occurring on or after July 1, 2015, which includes as an
26 element of such offense the manufacture, cultivation, distribution,
27 possession or use of a controlled substance or controlled substance
28 analog. For food assistance, the individual shall be permanently
29 disqualified if they have been convicted of a state or federal felony offense
30 involving possession or use of a controlled substance or controlled
31 substance analog.

32 (14) No TANF cash assistance shall be used to purchase items, such
33 as alcohol, cigarettes, tobacco products, lottery tickets or sexually
34 oriented adult materials. No TANF cash assistance shall be used in any
35 retail liquor store, casino, gaming establishment, sexually oriented
36 business or any retail establishment which provides adult-oriented
37 entertainment in which performers disrobe or perform in an unclothed
38 state for entertainment, or in any business or retail establishment where
39 minors under age 18 are not permitted.

40 (15) The secretary for children and families shall adopt rules and
41 regulations:

42 (A) In determining eligibility for the child care subsidy program,
43 including an income of a cohabiting partner in a child care household;

, concert tickets, professional or collegiate sporting event
tickets or tickets for other entertainment events intended for
the general public

jewelry store, tattoo parlor, massage parlor, body piercing
parlor, spa, nail salon, lingerie shop, tobacco paraphernalia
store, vapor cigarette store, psychic or fortune telling
business, bail bond company, video arcade, movie theater,
swimming pool, cruise ship, theme park, dog or horse racing
facility, pari-mutuel facility, or

(A) The secretary for children and families shall place a photograph of the recipient of
public assistance on any Kansas benefits card issued by the Kansas department for children
and families that the recipient uses in obtaining food, cash or any other services; unless such
recipient requests not to have a photograph on the card. When a recipient of public assistance
is a minor or otherwise incapacitated individual, a parent or legal guardian of such recipient
may have a photograph of such parent or legal guardian placed on the card.

(B) Any Kansas benefits card with a photograph of a recipient shall be valid for voting,
purposes as a public assistance identification card in accordance with the provisions of
K.S.A. 25-2908, and amendments thereto.

(C) As used in this paragraph and its subparagraphs, "Kansas benefits card" means any card
issued to provide food assistance, cash assistance or child care assistance, including, but not
limited to, the vision card, EBT card and Kansas benefits card.

(16)

those individuals who are citizens or who meet qualified non-citizen status as determined by U.S. department of agriculture. Non-citizen individuals who are unable or unwilling to provide qualifying immigrant documentation, as defined by the U.S. department of agriculture, residing within a household shall not be included when determining the household's size for the purposes of assigning a benefit level to the household for food assistance or comparing the household's monthly income with the income eligibility standards. The gross non-exempt earned and unearned income and resources of disqualified individuals shall be counted in its entirety as available to the remaining household members.

~~(b) Assistance to families with dependent children. Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children. Where husband and wife are living together both shall register for work under the program requirements for aid to families with dependent children in accordance with criteria and guidelines prescribed by rules and regulations of the secretary.~~

~~(18) The secretary for children and families shall not enact the state option from the U.S. department of agriculture for broad-based categorical eligibility for households applying for food assistance according to the provisions of 7 C.F.R. § 273.2(i)(2)(ii).~~

~~(19) No federal or state funds shall be used for television, radio or billboard advertisements that are designed to promote food assistance benefits and enrollment. No federal or state funding shall be used for any agreements with foreign governments designed to promote food assistance.~~

~~(c) Aid to families with dependent children. Temporary assistance for needy families; assignment of support rights and limited power of attorney. By applying for or receiving aid to families with dependent children temporary assistance for needy families such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and support rights on behalf of the child are assigned pursuant to this section, the surrender of physical custody and the~~

(20)(A) The secretary for children and families shall not apply gross income standards for food assistance higher than the standards specified in 7 U.S.C. § 2014(c) unless expressly required by federal law. Categorical eligibility exempting households from such gross income standards requirements shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.

(B) The secretary for children and families shall not apply resource limits standards for food assistance that are higher than the standards specified in 7 U.S.C. § 2014(g)(1) unless expressly required by federal law. Categorical eligibility exempting households from such resource limits shall not be granted for any non-cash, in-kind or other benefit unless expressly required by federal law.