

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
Prepared by: Chuck Reimer
Office of Revisor of Statutes
March 10, 2015

1 AN ACT concerning social welfare; Kansas department for children and
2 families; eligibility requirements for assistance; amending K.S.A. 17-
3 2263, 17-5828, 39-709b, 59-1301 and 59-3504 and K.S.A. 2014 Supp.
4 9-1215, 9-1216, 16-311, 17-2264, 17-5829, 39-702, 39-709, 39-709c,
5 39-753, 39-756a, 59-2222, 59-2247, 59-2801 and 59-3086 and
6 repealing the existing sections; also repealing K.S.A. 39-7,101, 39-
7 7,106, 39-7,107, 39-7,110 and 75-5364 and K.S.A. 2014 Supp. 39-
8 7,102, 39-7,103, 39-7,104, 39-7,105, 39-7,108, 39-7,109 and 39-7,122.
9

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

11 Section 1. K.S.A. 2014 Supp. 9-1215 is hereby amended to read as
12 follows: 9-1215. Subject to the provisions of this section and K.S.A. 9-
13 1216, and amendments thereto, an individual adult or minor, hereafter
14 referred to as the owner, may enter into a written contract with any bank
15 located in this state providing that the balance of the owner's deposit
16 account, or the balance of the owner's legal share of a deposit account, at
17 the time of death of the owner shall be made payable on the death of the
18 owner to one or more persons or, if the persons predecease the owner, to
19 another person or persons, hereafter referred to as the beneficiary or
20 beneficiaries. If any beneficiary is a minor at the time the account, or any
21 portion of the account, becomes payable to the beneficiary and the
22 balance, or portion of the balance, exceeds the amount specified by K.S.A.
23 59-3053, and amendments thereto, the moneys shall be payable only to a
24 conservator of the minor beneficiary.

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

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

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

1 is living resides in the state of Kansas. Such assistance shall be known as
2 temporary assistance for needy families. Where the husband and wife or
3 cohabiting partners are living together, both shall register for work under
4 the program requirements for temporary assistance for needy families in
5 accordance with criteria and guidelines prescribed by rules and
6 regulations of the secretary.

7 (1) As used in this subsection, "family group" or "household" means
8 the applicant or recipient for TANF, child care subsidy or employment
9 services and all individuals living together in which there is a relationship
10 of legal responsibility or a qualifying caretaker relationship. This will
11 include a cohabiting boyfriend or girlfriend living with the person legally
12 responsible for the child. The family group contains at least one adult
13 member who has received TANF, including the federal TANF assistance
14 received in any other state, for [24] calendar months beginning on and after
15 October 1, 1996, unless the secretary determines a hardship exists and
16 grants an extension allowing receipt of TANF until the [64-month limit is
17 reached. No extension beyond [64] months shall be granted. Hardship
18 provisions for a recipient include:

19 (A) Is a caretaker of a disabled family member living in the
20 household;

21 (B) has a disability which precludes employment on a long-term
22 basis or requires substantial rehabilitation;

23 (C) needs a time limit extension to overcome the effects of domestic
24 violence/sexual assault;

25 (D) is involved with prevention and protection services (PPS) and
26 has an open social service plan; or

27 (E) is determined by the 48th month to have an extreme hardship
28 other than what is designated in criteria listed in subparagraphs (A)
29 through (E). This determination will be made by the executive review
30 team.

31 (2) All adults applying for TANF shall be required to complete a
32 work program assessment as specified by the Kansas department for
33 children and families, including those who have been disqualified for or
34 denied TANF due to non-cooperation, drug testing requirements or fraud.
35 Adults who are not otherwise eligible for TANF, such as ineligible aliens,
36 relative/non-relative caretakers and adults receiving supplemental security
37 income are not required to complete the assessment process. During the
38 application processing period, applicants must complete at least one
39 module or its equivalent of the work program assessment to be considered
40 eligible for TANF benefits, unless good cause is found to be exempt from
41 the requirements. Good cause exemptions shall only include:

42 (A) The applicant can document an existing certification verifying
43 completion of the work program assessment;

The family group shall not be eligible for TANF if

24

36

support services prior to regaining eligibility;

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

(D) for a fourth penalty, 10 years.

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

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

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

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

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

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

TANF cash assistance transactions for cash withdrawals shall be limited to \$60 per transaction and to one transaction per day. No TANF cash assistance shall be used for purchases at points of sale outside the state of Kansas.