

## Substitute for Substitute for SENATE BILL No. 95

By Committee on Public Health and Welfare

3-7

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1 AN ACT authorizing telephonic signatures for public assistance  
2 applications; relating to powers, duties and functions of the Kansas  
3 department for children and families.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. (a) For purposes of any public assistance program  
7 described in K.S.A. 39-709, and amendments thereto, that is administered  
8 by the secretary for children and families, the secretary shall accept a  
9 telephonic signature by an applicant, or the applicant's authorized  
10 representative, to fulfill any signature requirement prescribed for any  
11 application for such public assistance program. Nothing in this section  
12 shall be construed to require an applicant to submit a telephonic signature  
13 with any application for public assistance.

14 (b) The secretary for children and families shall adopt rules and  
15 regulations prior to January 1, 2018, to establish requirements and  
16 procedures for any applicant choosing to submit a telephonic signature  
17 pursuant to subsection (a), including measures to verify the identity of any  
18 applicant choosing or purporting to submit a telephonic signature, to  
19 protect an applicant for public assistance against potential impersonation,  
20 identity theft or invasion of privacy and to provide accurate linkage  
21 between a telephonic signature and the associated application or case file.

22 (c) A telephonic signature submitted pursuant to this section shall  
23 constitute a valid and legal signature and may not be denied legal effect or  
24 enforceability solely because the signature is telephonic.

25 (d) (1) The secretary for children and families shall enter into a  
26 memorandum of understanding with any not-for-profit organization that is  
27 exempt from federal income taxation pursuant to section 501(c)(3) of the  
28 internal revenue code and that is willing and able to collect and store  
29 telephonic signatures on behalf of an applicant for any public assistance  
30 program that is described in this section, subject to the requirements  
31 prescribed by the secretary for children and families and the requirements  
32 prescribed by the United States department of agriculture, as such  
33 requirements exist on the effective date of this section. The memorandum  
34 of understanding shall detail the requirements for collecting and storing a  
35 telephonic signature, shall provide for access to such signatures by the  
36 Kansas department for children and families and shall provide that, prior

1 to adoption of rules and regulations pursuant to subsection (b), the  
2 secretary for children and families shall accept any telephonic signature  
3 that is submitted in accordance with any memorandum of understanding  
4 executed pursuant to this subsection.

5 (2) On or before July 1, 2018, the Kansas department for children and  
6 families shall develop the capability to accept, record and produce  
7 telephonic signatures in electronic audio file formats that are submitted  
8 with an online application for public assistance or shall enter into an  
9 agreement with a vendor to acquire the software necessary to accept,  
10 record and produce such an electronic audio file. Such agreement shall  
11 detail the requirements for accepting, recording, producing and securing  
12 telephonic signatures and shall require the vendor to secure the recorded  
13 electronic audio files in such a manner that no person has access to the  
14 telephonic signatures or applications other than the Kansas department for  
15 children and families and the vendor for the limited purposes of  
16 performing the vendor's performance obligations under the agreement.

17 (3) On or before July 1, 2018, the Kansas department for children and  
18 families shall develop the capability or shall enter into an agreement with a  
19 vendor to securely store telephonic signatures in electronic audio file  
20 formats together with public assistance applications stored within the  
21 department. If the department enters into an agreement with a vendor to  
22 provide the services described in this paragraph, the agreement shall  
23 require the vendor to provide full access to such electronic audio files to  
24 the Kansas department for children and families and limited access to the  
25 vendor for the purpose of fulfilling performance obligations under the  
26 agreement. The agreement shall detail the requirements for securing such  
27 electronic audio files, ensuring that such files are maintained to prevent  
28 access by any person other than the Kansas department for children and  
29 families and the vendor as provided in this paragraph.

30 (4) Any vendor or organization providing services described in this  
31 subsection shall indemnify the secretary for children and families and the  
32 Kansas department for children and families against any legal actions  
33 related thereto and any damages that arise therefrom, including, but not  
34 limited to, a breach of software or storage security that allows an  
35 unauthorized person to obtain a telephonic signature, application or other  
36 information.

37 (e) As used in this section, "telephonic signature" means a recording  
38 of the verbal assent of an individual to submit an application for public  
39 assistance to the secretary for children and families over a telephone  
40 system and the information to which assent has been given.

41 Sec. 2. This act shall take effect and be in force from and after its  
42 publication in the statute book.