

**SENATE BILL No. 372**

By Committee on Public Health and Welfare

1-27

1 AN ACT concerning public assistance; relating to recovery of assistance  
2 debt; verification of identity and income; fraud investigations; child  
3 care subsidies; work requirements; lifetime benefit limits; amending  
4 K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709 and  
5 repealing the existing sections.

6  
7 WHEREAS, The provisions of this act shall be known as the Kansas  
8 hope, opportunity and prosperity for everyone (HOPE) act.

9 Now, therefore:

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

11 Section 1. K.S.A. 2015 Supp. 39-702 is hereby amended to read as  
12 follows: 39-702. The following words and phrases when used in this act  
13 shall, for the purposes of this act, have the meanings respectively ascribed  
14 to them in this section:

15 (a) "Secretary" means the secretary for children and families, unless  
16 otherwise specified.

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

19 (c) "Social welfare service" may include such functions as giving  
20 assistance, the prevention of public dependency, and promoting the  
21 rehabilitation of dependent persons or those who are approaching public  
22 dependency.

23 (d) "Assistance" includes such items or functions as the giving or  
24 providing of money, food assistance, food, clothing, shelter, medicine or  
25 other materials, the giving of any service, including instructive or  
26 scientific. The definitions of social welfare service and assistance in this  
27 section shall be deemed as partially descriptive and not limiting.

28 (e) "Temporary assistance to needy families" means financial  
29 assistance with respect to or on behalf of a dependent child or dependent  
30 children and includes financial assistance for any month to meet the needs  
31 of the relative or qualifying caretaker with whom any dependent child is  
32 living.

33 (f) "Medical assistance" means the payment of all or part of the cost  
34 of necessary: (1) Medical, remedial, rehabilitative or preventive care and  
35 services which are within the scope of services to be provided under a  
36 medical care plan developed by the secretary pursuant to this act and

1 furnished by health care providers who have a current approved provider  
2 agreement with the secretary; and (2) transportation to obtain care and  
3 services which are within the scope of services to be provided under a  
4 medical care plan developed by the secretary pursuant to this act.

5 (g) "Dependent children" means needy children under the age of 18,  
6 or who are under the age of 19 and are full-time students in secondary  
7 schools or the equivalent educational program who are in the care of a  
8 biological or adoptive parent, court appointed guardian, conservator or  
9 legal custodian and who are living with any relative, including first  
10 cousins, uncles, aunts, and persons of preceding generations are denoted  
11 by prefixes of grand, great, or great-great, and including the spouses or  
12 former spouses of any persons named in the above groups, in a place of  
13 residence maintained by one or more of such relatives as their own home.

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

18 (i) "Recipient" means a person who has received assistance under the  
19 terms of this act.

20 (j) "Intake office" means the place where the secretary shall maintain  
21 an office for receiving applications.

22 (k) "Adequate consideration" means consideration equal, or  
23 reasonably proportioned to the value of that for which it is given.

24 (l) "Title IV-D" means part D of title IV of the federal social security  
25 act (42 U.S.C. § 651 et seq.), as in effect on May 1, 1997.

26 (m) "TANF diversion assistance" means a one-time voluntary  
27 payment option in lieu of ongoing TANF assistance. The diversion  
28 payment is available to applicants who have not received TANF assistance  
29 as an adult, and is designed to meet a crisis or emergency hardship that  
30 would endanger such applicants' ability to remain employed or to accept  
31 an offer of employment. Any household that includes such recipient  
32 accepting the diversion payment is ineligible to receive on-going TANF  
33 assistance for 12 months after receipt of the diversion payment. Any  
34 recipient who receives a diversion payment is limited to ~~42~~ 30 months of  
35 TANF cash assistance in a lifetime, unless such recipient shall meet a  
36 hardship criteria as defined by the secretary.

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

40 Sec. 2. K.S.A. 2015 Supp. 39-709 is hereby amended to read as  
41 follows: 39-709. (a) *General eligibility requirements for assistance for*  
42 *which federal moneys are expended.* Subject to the additional requirements  
43 below, assistance in accordance with plans under which federal moneys

1 are expended may be granted to any needy person who:

2 (1) Has insufficient income or resources to provide a reasonable  
3 subsistence compatible with decency and health. Where a husband and  
4 wife or cohabiting partners are living together, the combined income or  
5 resources of both shall be considered in determining the eligibility of  
6 either or both for such assistance unless otherwise prohibited by law. The  
7 secretary, in determining need of any applicant for or recipient of  
8 assistance shall not take into account the financial responsibility of any  
9 individual for any applicant or recipient of assistance unless such applicant  
10 or recipient is such individual's spouse, cohabiting partner or such  
11 individual's minor child or minor stepchild if the stepchild is living with  
12 such individual. The secretary in determining need of an individual may  
13 provide such income and resource exemptions as may be permitted by  
14 federal law. For purposes of eligibility for temporary assistance for needy  
15 families, for food assistance and for any other assistance provided through  
16 the Kansas department for children and families under which federal  
17 moneys are expended, the secretary for children and families shall  
18 consider one motor vehicle owned by the applicant for assistance,  
19 regardless of the value of such vehicle, as exempt personal property and  
20 shall consider any equity in any boat, personal water craft, recreational  
21 vehicle, recreational off-highway vehicle or all-terrain vehicle, as defined  
22 by K.S.A. 8-126, and amendments thereto, or any additional motor vehicle  
23 owned by the applicant for assistance to be a nonexempt resource of the  
24 applicant for the assistance except that any additional motor vehicle used by  
25 the applicant, the applicant's spouse or the applicant's cohabiting partner  
26 for the primary purpose of earning income may be considered as exempt  
27 personal property in the secretary's discretion.

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

30 (b) *Temporary assistance for needy families.* Assistance may be  
31 granted under this act to any dependent child, or relative, subject to the  
32 general eligibility requirements as set out in subsection (a), who resides in  
33 the state of Kansas or whose parent or other relative with whom the child  
34 is living resides in the state of Kansas. Such assistance shall be known as  
35 temporary assistance for needy families. ~~On and after January 1, 2017, the~~  
36 ~~department shall conduct an electronic check for any false information~~  
37 ~~provided on an application for TANF and other benefits programs~~  
38 ~~administered by the department.~~ Where the husband and wife or  
39 cohabiting partners are living together, both shall register for work under  
40 the program requirements for temporary assistance for needy families in  
41 accordance with criteria and guidelines prescribed by rules and regulations  
42 of the secretary.

43 (1) As used in this subsection, "family group" or "household" means

1 the applicant or recipient for TANF, child care subsidy or employment  
2 services and all individuals living together in which there is a relationship  
3 of legal responsibility or a qualifying caretaker relationship. This will  
4 include a cohabiting boyfriend or girlfriend living with the person legally  
5 responsible for the child. The family group shall not be eligible for TANF  
6 if the family group contains at least one adult member who has received  
7 TANF, including the federal TANF assistance received in any other state,  
8 for 36 calendar months beginning on and after October 1, 1996, unless the  
9 secretary determines a hardship exists and grants an extension allowing  
10 receipt of TANF until the 48-month limit is reached. No extension beyond  
11 48 months shall be granted. Hardship provisions for a recipient include:

12 (A) Is a caretaker of a disabled family member living in the  
13 household;

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

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

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

20 (E) is determined by the 36<sup>th</sup> month to have an extreme hardship other  
21 than what is designated in criteria listed in subparagraphs (A) through (E).  
22 This determination will be made by the executive review team.

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

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

36 (B) the applicant has a valid offer of employment or is employed a  
37 minimum of 20 hours a week;

38 (C) the applicant is a parenting teen without a GED or high school  
39 diploma;

40 (D) the applicant is enrolled in job corps;

41 (E) the applicant is working with a refugee social services agency; or

42 (F) the applicant has completed the work program assessment within  
43 the last 12 months.

1 (3) The department for children and families shall maintain a  
2 sufficient level of dedicated work program staff to enable the agency to  
3 conduct work program case management services to TANF recipients in a  
4 timely manner and in full accordance with state law and agency policy.

5 (4) TANF mandatory work program applicants and recipients shall  
6 participate in work components that lead to competitive, integrated  
7 employment. Components are defined by the federal government as being  
8 either primary or secondary. In order to meet federal work participation  
9 requirements, households need to meet at least 30 hours of participation  
10 per week, at least 20 hours of which need to be primary and at least 10  
11 hours may be secondary components in one parent households where the  
12 youngest child is six years of age or older. Participation hours shall be 55  
13 hours in two parent households (35 hours per week if child care is not  
14 used). The maximum assignment is 40 hours per week per individual. For  
15 two parent families to meet the federal work participation rate both parents  
16 must participate in a combined total of 55 hours per week, 50 hours of  
17 which must be in primary components, or one or both parents could be  
18 assigned a combined total of 35 hours per week (30 hours of which must  
19 be primary components) if department for children and families paid child  
20 care is not received by the family. Single parent families with a child under  
21 age six meet the federal participation requirement if the parent is engaged  
22 in work or work activities for at least 20 hours per week in a primary work  
23 component. The following components meet federal definitions of primary  
24 hours of participation: Full or part-time employment, apprenticeship, work  
25 study, self-employment, job corps, subsidized employment, work  
26 experience sites, on-the-job training, supervised community service,  
27 vocational education, job search and job readiness. Secondary components  
28 include: Job skills training, education directly related to employment such  
29 as adult basic education and English as a second language, and completion  
30 of a high school diploma or GED.

31 (5) A parent or other adult caretaker personally providing care for a  
32 child under the age of three months in their TANF household is exempt  
33 from work participation activities until the month the child turns three  
34 months of age. Such three-month limitation shall not apply to a parent or  
35 other adult caretaker who is personally providing care for a child born  
36 significantly premature, with serious medical conditions or with a  
37 disability as defined by the secretary, in consultation with the secretary of  
38 health and environment, and adopted in the rules and regulations. The  
39 three-month period is defined as two consecutive months starting with the  
40 month after childbirth. The exemption for caring for a child under three  
41 months cannot be claimed:

42 (A) By either parent when two parents are in the home and the  
43 household meets the two-parent definition for federal reporting purposes;

1 (B) by one parent or caretaker when the other parent or caretaker is in  
2 the home, and available, capable and suitable to provide care and the  
3 household does not meet the two-parent definition for federal reporting  
4 purposes;

5 (C) by a person age 19 or younger when such person is pregnant or a  
6 parent of a child in the home and the person does not possess a high school  
7 diploma or its equivalent. Such person shall become exempt the month  
8 such person turns age 20;

9 (D) by any adult in the TANF assistance plan when at least one adult  
10 has reached the 36 months of TANF cash assistance; or

11 (E) by any person assigned to a work participation activity for  
12 substance use disorders.

13 (6) TANF work experience placements shall be reviewed after 90  
14 days and are limited to six months per 48-month lifetime limit. A client's  
15 progress shall be reviewed prior to each new placement regardless of the  
16 length of time they are at the work experience site.

17 (7) TANF participants with disabilities shall engage in required  
18 employment activities to the maximum extent consistent with their  
19 abilities. TANF participants shall provide current documentation by a  
20 qualified medical practitioner that details the abilities to engage in  
21 employment and any limitations in work activities along with the expected  
22 duration of such limitations. Disability is defined as a physical or mental  
23 impairment constituting or resulting in a substantial impediment to  
24 employment for such individual.

25 (8) Non-cooperation is the failure of the applicant or recipient to  
26 comply with all requirements provided in state and federal law, federal and  
27 state rules and regulations and agency policy. The period of ineligibility  
28 for TANF benefits based on non-cooperation with work programs shall be  
29 as follows:

30 (A) For a first penalty, three months and full cooperation with work  
31 program activities;

32 (B) for a second penalty, six months and full cooperation with work  
33 program activities;

34 (C) for a third penalty, one year and full cooperation with work  
35 program activities; and

36 (D) for a fourth or subsequent penalty, 10 years.

37 (9) Individuals that have not cooperated with TANF work programs  
38 shall be ineligible to participate in the food assistance program. The  
39 comparable penalty shall be applied to only the individual in the food  
40 assistance program who failed to comply with the TANF work  
41 requirement. The agency shall impose the same penalty to the member of  
42 the household who failed to comply with TANF requirements. The penalty  
43 periods are three months, six months, one year, or 10 years.

1 (10) Non-cooperation is the failure of the applicant or recipient to  
2 comply with all requirements provided in state and federal law, federal and  
3 state rules and regulations and agency policy. The period of ineligibility  
4 for child care subsidy or TANF benefits based on parents' non-cooperation  
5 with child support services shall be as follows:

6 (A) For the first penalty, three months and cooperation with child  
7 support services prior to regaining eligibility;

8 (B) for a second penalty, six months and cooperation with child  
9 support services prior to regaining eligibility;

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

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

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

17 (12) Any individual who is found to have committed fraud or is  
18 found guilty of the crime of theft pursuant to K.S.A. 39-720 and K.S.A.  
19 2015 Supp. 21-5801, and amendments thereto, in either the TANF or child  
20 care program shall render all adults in the family unit ineligible for TANF  
21 assistance. Adults in the household who were determined to have  
22 committed fraud or were convicted of the crime of theft pursuant to K.S.A.  
23 39-720 and K.S.A. 2015 Supp. 21-5801, and amendments thereto, shall  
24 render themselves and all adult household members ineligible for their  
25 lifetime for TANF, even if fraud was committed in only one program.  
26 Households who have been determined to have committed fraud or were  
27 convicted of the crime of theft pursuant to K.S.A. 39-720 and K.S.A. 2015  
28 Supp. 21-5801, and amendments thereto, shall be required to name a  
29 protective payee as approved by the secretary or the secretary's designee to  
30 administer TANF benefits or food assistance on behalf of the children. No  
31 adult in a household may have access to the TANF cash assistance benefit.

32 *Any individual that has failed to cooperate with a fraud investigation*  
33 *shall be ineligible to participate in the TANF cash assistance program and*  
34 *the child care subsidy program until the department for children and*  
35 *families determines that such individual is cooperating with the fraud*  
36 *investigation. The department for children and families shall maintain a*  
37 *sufficient level of fraud investigative staff to enable the department to*  
38 *conduct fraud investigations in a timely manner and in full accordance*  
39 *with state law and department rules and regulations or policies.*

40 (13) (A) Food assistance shall not be provided to any person  
41 convicted of a felony offense occurring on or after July 1, 2015, which  
42 includes as an element of such offense the manufacture, cultivation,  
43 distribution, possession or use of a controlled substance or controlled

1 substance analog. For food assistance, the individual shall be permanently  
2 disqualified if they have been convicted of a state or federal felony offense  
3 occurring on or after July 1, 2015, involving possession or use of a  
4 controlled substance or controlled substance analog.

5 (B) Notwithstanding the provisions of subparagraph (A), an  
6 individual shall be eligible for food assistance if the individual enrolls in  
7 and participates in a drug treatment program approved by the secretary,  
8 submits to and passes a drug test and agrees to submit to drug testing if  
9 requested by the department pursuant to a drug testing plan.

10 An individual's failure to submit to testing or failure to successfully  
11 pass a drug test shall result in ineligibility for food assistance until a drug  
12 test is successfully passed. Failure to successfully complete a drug  
13 treatment program shall result in ineligibility for food assistance until a  
14 drug treatment plan approved by the secretary is successfully completed,  
15 the individual passes a drug test and agrees to submit to drug testing if  
16 requested by the department pursuant to a drug testing plan.

17 (C) The provisions of subparagraph (B) shall not apply to any  
18 individual who has been convicted for a second or subsequent felony  
19 offense as provided in subparagraph (A).

20 (14) No TANF cash assistance shall be used to purchase alcohol,  
21 cigarettes, tobacco products, lottery tickets, concert tickets, professional or  
22 collegiate sporting event tickets or tickets for other entertainment events  
23 intended for the general public or sexually oriented adult materials. No  
24 TANF cash assistance shall be used in any retail liquor store, casino,  
25 gaming establishment, jewelry store, tattoo parlor, massage parlor, body  
26 piercing parlor, spa, nail salon, lingerie shop, tobacco paraphernalia store,  
27 vapor cigarette store, psychic or fortune telling business, bail bond  
28 company, video arcade, movie theater, swimming pool, cruise ship, theme  
29 park, dog or horse racing facility, parimutuel facility, or sexually oriented  
30 business or any retail establishment which provides adult-oriented  
31 entertainment in which performers disrobe or perform in an unclothed  
32 state for entertainment, or in any business or retail establishment where  
33 minors under age 18 are not permitted. TANF cash assistance transactions  
34 for cash withdrawals from automated teller machines shall be limited to  
35 \$25, per transaction and to one transaction per day. No TANF cash  
36 assistance shall be used for purchases at points of sale outside the state of  
37 Kansas. The secretary for children and families is authorized to raise or  
38 rescind the automated teller machine withdrawal limit established by this  
39 section in order to ensure continued appropriation of the TANF block grant  
40 through compliance with the provisions of the middle class tax relief and  
41 job creation act of 2012 which govern adequate access to cash assistance.

42 (15) (A) The secretary for children and families shall place a  
43 photograph of the recipient, if agreed to by such recipient of public



1 assistance, on any Kansas benefits card issued by the Kansas department  
 2 for children and families that the recipient uses in obtaining food, cash or  
 3 any other services. When a recipient of public assistance is a minor or  
 4 otherwise incapacitated individual, a parent or legal guardian of such  
 5 recipient may have a photograph of such parent or legal guardian placed  
 6 on the card.

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

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

15 (D) *The department for children and families shall monitor all*  
 16 *recipient requests for a Kansas benefits card replacement and, upon the*  
 17 *fourth such request in a 12-month period, send a notice alerting the*  
 18 *recipient that the recipient's account is being monitored for potential*  
 19 *suspicious activity. If a recipient makes an additional request for*  
 20 *replacement subsequent to such notice, the department shall refer the*  
 21 *investigation to the department's fraud investigation unit.*

22 (16) The secretary for children and families shall adopt rules and  
 23 regulations:

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

26 (B) in determining and maintaining eligibility for non-TANF child  
 27 care, requiring that all included adults shall be employed a minimum of 20  
 28 hours per week or more as defined by the secretary or meet the following  
 29 specific qualifying exemptions:

30 (i) Adults who are not capable of meeting the requirement due to a  
 31 documented physical or mental condition;

32 (ii) adults who are former TANF recipients who need child care for  
 33 employment after their TANF case has closed and earned income is a  
 34 factor in the closure in the two months immediately following TANF  
 35 closure;

36 (iii) adult parents included in a case in which the only child receiving  
 37 benefits is the child of a minor parent who is working on completion of  
 38 high school or obtaining a GED; ~~or~~

39 (iv) adults who are participants in a ~~mandatory~~ food assistance  
 40 ~~education~~ employment and training program; *or*

41 (v) *adults who are participants in an early head start child care*  
 42 *partnership program and are working or in school or training.*

43 The department for children and families shall provide child care for

1 the pursuit of any degree or certification if the occupation has at least an  
2 average job outlook listed in the occupational outlook of the U.S.  
3 department of labor, bureau of labor statistics. For occupations with less  
4 than an average job outlook, educational plans shall require approval of  
5 the secretary or secretary's designee. Child care may also be approved if  
6 the student provides verification of a specific job offer that will be  
7 available to such student upon completion of the program. Child care for  
8 post-secondary education shall be allowed for a lifetime maximum of 24  
9 months per adult. The 24 months may not have to be consecutive. Students  
10 shall be engaged in paid employment for a minimum of 15 hours per  
11 week. In a two-parent adult household, child care would not be allowed if  
12 both parents are adults and attending a formal education or training  
13 program at the same time. The household may choose which one of the  
14 parents is participating as a post-secondary student. The other parent shall  
15 meet another approvable criteria for child care subsidy.

16 (17) (A) The secretary for children and families is prohibited from  
17 requesting or implementing a waiver or program from the U.S. department  
18 of agriculture for the time limited assistance provisions for able-bodied  
19 adults aged 18 through 49 without dependents in a household under the  
20 food assistance program. The time on food assistance for able-bodied  
21 adults aged 18 through 49 without dependents in the household shall be  
22 limited to three months in a 36-month period if such adults are not meeting  
23 the requirements imposed by the U.S. department of agriculture that they  
24 must work for at least 20 hours per week or participate in a federally  
25 approved work program or its equivalent.

26 (B) *Each food assistance household member who is not otherwise*  
27 *exempt from the following work requirements shall: Register for work;*  
28 *participate in an employment and training program, if assigned to such a*  
29 *program by the department; accept a suitable employment offer; and not*  
30 *voluntarily quit a job of at least 30 hours per week.*

31 *Any recipient who has not complied with the work requirements under*  
32 *this subparagraph shall be ineligible to participate in the food assistance*  
33 *program for the following time period and until the recipient complies*  
34 *with such work requirements:*

35 (i) *For a first penalty, three months;*

36 (ii) *for a second penalty, six months; and*

37 (iii) *for a third penalty and any subsequent penalty, one year.*

38 (18) Eligibility for the food assistance program shall be limited to  
39 those individuals who are citizens or who meet qualified non-citizen status  
40 as determined by U.S. department of agriculture. Non-citizen individuals  
41 who are unable or unwilling to provide qualifying immigrant  
42 documentation, as defined by the U.S. department of agriculture, residing  
43 within a household shall not be included when determining the household's

1 size for the purposes of assigning a benefit level to the household for food  
2 assistance or comparing the household's monthly income with the income  
3 eligibility standards. The gross non-exempt earned and unearned income  
4 and resources of disqualified individuals shall be counted in its entirety as  
5 available to the remaining household members.

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

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

15 (21) (A) The secretary for children and families shall not apply gross  
16 income standards for food assistance higher than the standards specified in  
17 7 U.S.C. § 2015(c) unless expressly required by federal law. Categorical  
18 eligibility exempting households from such gross income standards  
19 requirements shall not be granted for any non-cash, in-kind or other  
20 benefit unless expressly required by federal law.

21 (B) The secretary for children and families shall not apply resource  
22 limits standards for food assistance that are higher than the standards  
23 specified in 7 U.S.C. § 2015(g)(1) unless expressly required by federal  
24 law. Categorical eligibility exempting households from such resource  
25 limits shall not be granted for any non-cash, in-kind or other benefit unless  
26 expressly required by federal law.

27 (c) (1) *On and after January 1, 2017, the department for children and*  
28 *families shall conduct an electronic check for any false information*  
29 *provided on an application for TANF and other benefits programs*  
30 *administered by the department. For TANF cash assistance, food*  
31 *assistance and the child care subsidy program, the department shall verify*  
32 *the identity of all adults in the assistance household.*

33 (2) *The Kansas lottery commission shall provide monthly to the*  
34 *department the name, address and social security number of all Kansas*  
35 *residents that have winnings over \$10,000 for the reported month. The*  
36 *department shall verify if individuals with such winnings are receiving*  
37 *TANF cash assistance, food assistance or assistance under the child care*  
38 *subsidy program and take appropriate action. The department shall use*  
39 *data received under this subsection solely, and for no other purpose, to*  
40 *determine if any recipient's eligibility for benefits has been affected by*  
41 *lottery prize winnings. The department shall not publicly disclose the*  
42 *identity of any lottery prize winner, including recipients who are*  
43 *determined to have illegally received benefits.*

1       (d) *Temporary assistance for needy families; assignment of support*  
2 *rights and limited power of attorney.* By applying for or receiving  
3 temporary assistance for needy families such applicant or recipient shall be  
4 deemed to have assigned to the secretary on behalf of the state any  
5 accrued, present or future rights to support from any other person such  
6 applicant may have in such person's own behalf or in behalf of any other  
7 family member for whom the applicant is applying for or receiving aid. In  
8 any case in which an order for child support has been established and the  
9 legal custodian and obligee under the order surrenders physical custody of  
10 the child to a caretaker relative without obtaining a modification of legal  
11 custody and support rights on behalf of the child are assigned pursuant to  
12 this section, the surrender of physical custody and the assignment shall  
13 transfer, by operation of law, the child's support rights under the order to  
14 the secretary on behalf of the state. Such assignment shall be of all  
15 accrued, present or future rights to support of the child surrendered to the  
16 caretaker relative. The assignment of support rights shall automatically  
17 become effective upon the date of approval for or receipt of such aid  
18 without the requirement that any document be signed by the applicant,  
19 recipient or obligee. By applying for or receiving temporary assistance for  
20 needy families, or by surrendering physical custody of a child to a  
21 caretaker relative who is an applicant or recipient of such assistance on the  
22 child's behalf, the applicant, recipient or obligee is also deemed to have  
23 appointed the secretary, or the secretary's designee, as an attorney-in-fact  
24 to perform the specific act of negotiating and endorsing all drafts, checks,  
25 money orders or other negotiable instruments representing support  
26 payments received by the secretary in behalf of any person applying for,  
27 receiving or having received such assistance. This limited power of  
28 attorney shall be effective from the date the secretary approves the  
29 application for aid and shall remain in effect until the assignment of  
30 support rights has been terminated in full.

31       (⊕) (e) *Requirements for medical assistance for which federal moneys*  
32 *or state moneys or both are expended.* (1) When the secretary has adopted  
33 a medical care plan under which federal moneys or state moneys or both  
34 are expended, medical assistance in accordance with such plan shall be  
35 granted to any person who is a citizen of the United States or who is an  
36 alien lawfully admitted to the United States and who is residing in the state  
37 of Kansas, whose resources and income do not exceed the levels  
38 prescribed by the secretary. In determining the need of an individual, the  
39 secretary may provide for income and resource exemptions and protected  
40 income and resource levels. Resources from inheritance shall be counted.  
41 A disclaimer of an inheritance pursuant to K.S.A. 59-2291, and  
42 amendments thereto, shall constitute a transfer of resources. The secretary  
43 shall exempt principal and interest held in irrevocable trust pursuant to

1 K.S.A. 16-303(c), and amendments thereto, from the eligibility  
2 requirements of applicants for and recipients of medical assistance. Such  
3 assistance shall be known as medical assistance.

4 (2) For the purposes of medical assistance eligibility determinations  
5 on or after July 1, 2004, if an applicant or recipient owns property in joint  
6 tenancy with some other party and the applicant or recipient of medical  
7 assistance has restricted or conditioned their interest in such property to a  
8 specific and discrete property interest less than 100%, then such  
9 designation will cause the full value of the property to be considered an  
10 available resource to the applicant or recipient. Medical assistance  
11 eligibility for receipt of benefits under the title XIX of the social security  
12 act, commonly known as medicaid, shall not be expanded, as provided for  
13 in the patient protection and affordable care act, public law 111-148, 124  
14 stat. 119, and the health care and education reconciliation act of 2010,  
15 public law 111-152, 124 stat. 1029, unless the legislature expressly  
16 consents to, and approves of, the expansion of medicaid services by an act  
17 of the legislature.

18 (3) (A) Resources from trusts shall be considered when determining  
19 eligibility of a trust beneficiary for medical assistance. Medical assistance  
20 is to be secondary to all resources, including trusts, that may be available  
21 to an applicant or recipient of medical assistance.

22 (B) If a trust has discretionary language, the trust shall be considered  
23 to be an available resource to the extent, using the full extent of discretion,  
24 the trustee may make any of the income or principal available to the  
25 applicant or recipient of medical assistance. Any such discretionary trust  
26 shall be considered an available resource unless: (i) At the time of creation  
27 or amendment of the trust, the trust states a clear intent that the trust is  
28 supplemental to public assistance; and (ii) the trust: (a) Is funded from  
29 resources of a person who, at the time of such funding, owed no duty of  
30 support to the applicant or recipient of medical assistance; or (b) is funded  
31 not more than nominally from resources of a person while that person  
32 owed a duty of support to the applicant or recipient of medical assistance.

33 (C) For the purposes of this paragraph, "public assistance" includes,  
34 but is not limited to, medicaid, medical assistance or title XIX of the social  
35 security act.

36 (4) (A) When an applicant or recipient of medical assistance is a party  
37 to a contract, agreement or accord for personal services being provided by  
38 a nonlicensed individual or provider and such contract, agreement or  
39 accord involves health and welfare monitoring, pharmacy assistance, case  
40 management, communication with medical, health or other professionals,  
41 or other activities related to home health care, long term care, medical  
42 assistance benefits, or other related issues, any moneys paid under such  
43 contract, agreement or accord shall be considered to be an available

1 resource unless the following restrictions are met: (i) The contract,  
2 agreement or accord must be in writing and executed prior to any services  
3 being provided; (ii) the moneys paid are in direct relationship with the fair  
4 market value of such services being provided by similarly situated and  
5 trained nonlicensed individuals; (iii) if no similarly situated nonlicensed  
6 individuals or situations can be found, the value of services will be based  
7 on federal hourly minimum wage standards; (iv) such individual providing  
8 the services will report all receipts of moneys as income to the appropriate  
9 state and federal governmental revenue agencies; (v) any amounts due  
10 under such contract, agreement or accord shall be paid after the services  
11 are rendered; (vi) the applicant or recipient shall have the power to revoke  
12 the contract, agreement or accord; and (vii) upon the death of the applicant  
13 or recipient, the contract, agreement or accord ceases.

14 (B) When an applicant or recipient of medical assistance is a party to  
15 a written contract for personal services being provided by a licensed health  
16 professional or facility and such contract involves health and welfare  
17 monitoring, pharmacy assistance, case management, communication with  
18 medical, health or other professionals, or other activities related to home  
19 health care, long term care, medical assistance benefits or other related  
20 issues, any moneys paid in advance of receipt of services for such  
21 contracts shall be considered to be an available resource.

22 (5) Any trust may be amended if such amendment is permitted by the  
23 Kansas uniform trust code.

24 ~~(e)~~ (f) *Eligibility for medical assistance of resident receiving medical*  
25 *care outside state.* A person who is receiving medical care including long-  
26 term care outside of Kansas whose health would be endangered by the  
27 postponement of medical care until return to the state or by travel to return  
28 to Kansas, may be determined eligible for medical assistance if such  
29 individual is a resident of Kansas and all other eligibility factors are met.  
30 Persons who are receiving medical care on an ongoing basis in a long-term  
31 medical care facility in a state other than Kansas and who do not return to  
32 a care facility in Kansas when they are able to do so, shall no longer be  
33 eligible to receive assistance in Kansas unless such medical care is not  
34 available in a comparable facility or program providing such medical care  
35 in Kansas. For persons who are minors or who are under guardianship, the  
36 actions of the parent or guardian shall be deemed to be the actions of the  
37 child or ward in determining whether or not the person is remaining  
38 outside the state voluntarily.

39 ~~(f)~~ (g) *Medical assistance; assignment of rights to medical support*  
40 *and limited power of attorney; recovery from estates of deceased*  
41 *recipients.* (1) (A) Except as otherwise provided in K.S.A. 39-786 and 39-  
42 787, and amendments thereto, or as otherwise authorized on and after  
43 September 30, 1989, under section 303 of the federal medicare

1 catastrophic coverage act of 1988, whichever is applicable, by applying for  
2 or receiving medical assistance under a medical care plan in which federal  
3 funds are expended, any accrued, present or future rights to support and  
4 any rights to payment for medical care from a third party of an applicant or  
5 recipient and any other family member for whom the applicant is applying  
6 shall be deemed to have been assigned to the secretary on behalf of the  
7 state. The assignment shall automatically become effective upon the date  
8 of approval for such assistance without the requirement that any document  
9 be signed by the applicant or recipient. By applying for or receiving  
10 medical assistance the applicant or recipient is also deemed to have  
11 appointed the secretary, or the secretary's designee, as an attorney in fact to  
12 perform the specific act of negotiating and endorsing all drafts, checks,  
13 money orders or other negotiable instruments, representing payments  
14 received by the secretary in on behalf of any person applying for, receiving  
15 or having received such assistance. This limited power of attorney shall be  
16 effective from the date the secretary approves the application for assistance  
17 and shall remain in effect until the assignment has been terminated in full.  
18 The assignment of any rights to payment for medical care from a third  
19 party under this subsection shall not prohibit a health care provider from  
20 directly billing an insurance carrier for services rendered if the provider  
21 has not submitted a claim covering such services to the secretary for  
22 payment. Support amounts collected on behalf of persons whose rights to  
23 support are assigned to the secretary only under this subsection and no  
24 other shall be distributed pursuant to K.S.A. 39-756(d), and amendments  
25 thereto, except that any amounts designated as medical support shall be  
26 retained by the secretary for repayment of the unreimbursed portion of  
27 assistance. Amounts collected pursuant to the assignment of rights to  
28 payment for medical care from a third party shall also be retained by the  
29 secretary for repayment of the unreimbursed portion of assistance.

30 (B) Notwithstanding the provisions of subparagraph (A), the  
31 secretary of health and environment, or the secretary's designee, is hereby  
32 authorized to and shall exercise any of the powers specified in  
33 subparagraph (A) in relation to performance of such secretary's duties  
34 pertaining to medical subrogation, estate recovery or any other duties  
35 assigned to such secretary in article 74 of chapter 75 of the Kansas Statutes  
36 Annotated, and amendments thereto.

37 (2) The amount of any medical assistance paid after June 30, 1992,  
38 under the provisions of subsection ~~(d)~~ (e) is: (A) A claim against the  
39 property or any interest therein belonging to and a part of the estate of any  
40 deceased recipient or, if there is no estate, the estate of the surviving  
41 spouse, if any, shall be charged for such medical assistance paid to either  
42 or both; and (B) a claim against any funds of such recipient or spouse in  
43 any account under K.S.A. 9-1215, 17-2263, 17-2264, 17-5828 or 17-5829,

1 and amendments thereto. There shall be no recovery of medical assistance  
2 correctly paid to or on behalf of an individual under subsection ~~(d)~~ (e)  
3 except after the death of the surviving spouse of the individual, if any, and  
4 only at a time when the individual has no surviving child who is under 21  
5 years of age or is blind or permanently and totally disabled. Transfers of  
6 real or personal property by recipients of medical assistance without  
7 adequate consideration are voidable and may be set aside. Except where  
8 there is a surviving spouse, or a surviving child who is under 21 years of  
9 age or is blind or permanently and totally disabled, the amount of any  
10 medical assistance paid under subsection ~~(d)~~ (e) is a claim against the  
11 estate in any guardianship or conservatorship proceeding. The monetary  
12 value of any benefits received by the recipient of such medical assistance  
13 under long-term care insurance, as defined by K.S.A. 40-2227, and  
14 amendments thereto, shall be a credit against the amount of the claim  
15 provided for such medical assistance under this subsection. The secretary  
16 of health and environment is authorized to enforce each claim provided for  
17 under this subsection. The secretary of health and environment shall not be  
18 required to pursue every claim, but is granted discretion to determine  
19 which claims to pursue. All moneys received by the secretary of health and  
20 environment from claims under this subsection shall be deposited in the  
21 social welfare fund. The secretary of health and environment may adopt  
22 rules and regulations for the implementation and administration of the  
23 medical assistance recovery program under this subsection.

24 (3) By applying for or receiving medical assistance under the  
25 provisions of article 7 of chapter 39 of the Kansas Statutes Annotated, and  
26 amendments thereto, such individual or such individual's agent, fiduciary,  
27 guardian, conservator, representative payee or other person acting on  
28 behalf of the individual consents to the following definitions of estate and  
29 the results therefrom:

30 (A) If an individual receives any medical assistance before July 1,  
31 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
32 and amendments thereto, which forms the basis for a claim under  
33 paragraph (2), such claim is limited to the individual's probatable estate as  
34 defined by applicable law; and

35 (B) if an individual receives any medical assistance on or after July 1,  
36 2004, pursuant to article 7 of chapter 39 of the Kansas Statutes Annotated,  
37 and amendments thereto, which forms the basis for a claim under  
38 paragraph (2), such claim shall apply to the individual's medical assistance  
39 estate. The medical assistance estate is defined as including all real and  
40 personal property and other assets in which the deceased individual had  
41 any legal title or interest immediately before or at the time of death to the  
42 extent of that interest or title. The medical assistance estate includes,  
43 without limitation assets conveyed to a survivor, heir or assign of the



1 deceased recipient through joint tenancy, tenancy in common,  
2 survivorship, transfer-on-death deed, payable-on-death contract, life estate,  
3 trust, annuities or similar arrangement.

4 (4) The secretary of health and environment or the secretary's  
5 designee is authorized to file and enforce a lien against the real property of  
6 a recipient of medical assistance in certain situations, subject to all prior  
7 liens of record and transfers for value to a bona fide purchaser of record.  
8 The lien must be filed in the office of the register of deeds of the county  
9 where the real property is located within one year from the date of death of  
10 the recipient and must contain the legal description of all real property in  
11 the county subject to the lien.

12 (A) After the death of a recipient of medical assistance, the secretary  
13 of health and environment or the secretary's designee may place a lien on  
14 any interest in real property owned by such recipient.

15 (B) The secretary of health and environment or the secretary's  
16 designee may place a lien on any interest in real property owned by a  
17 recipient of medical assistance during the lifetime of such recipient. Such  
18 lien may be filed only after notice and an opportunity for a hearing has  
19 been given. Such lien may be enforced only upon competent medical  
20 testimony that the recipient cannot reasonably be expected to be  
21 discharged and returned home. A six-month period of compensated  
22 inpatient care at a nursing home or other medical institution shall  
23 constitute a determination by the department of health and environment  
24 that the recipient cannot reasonably be expected to be discharged and  
25 returned home. To return home means the recipient leaves the nursing or  
26 medical facility and resides in the home on which the lien has been placed  
27 for a continuous period of at least 90 days without being readmitted as an  
28 inpatient to a nursing or medical facility. The amount of the lien shall be  
29 for the amount of assistance paid by the department of health and  
30 environment until the time of the filing of the lien and for any amount paid  
31 thereafter for such medical assistance to the recipient. After the lien is filed  
32 against any real property owned by the recipient, such lien will be  
33 dissolved if the recipient is discharged, returns home and resides upon the  
34 real property to which the lien is attached for a continuous period of at  
35 least 90 days without being readmitted as an inpatient to a nursing or  
36 medical facility. If the recipient is readmitted as an inpatient to a nursing or  
37 medical facility for a continuous period of less than 90 days, another  
38 continuous period of at least 90 days shall be completed prior to  
39 dissolution of the lien.

40 (5) The lien filed by the secretary of health and environment or the  
41 secretary's designee for medical assistance correctly received may be  
42 enforced before or after the death of the recipient by the filing of an action  
43 to foreclose such lien in the Kansas district court or through an estate

1 probate court action in the county where the real property of the recipient  
2 is located. However, it may be enforced only:

3 (A) After the death of the surviving spouse of the recipient;

4 (B) when there is no child of the recipient, natural or adopted, who is  
5 20 years of age or less residing in the home;

6 (C) when there is no adult child of the recipient, natural or adopted,  
7 who is blind or disabled residing in the home; or

8 (D) when no brother or sister of the recipient is lawfully residing in  
9 the home, who has resided there for at least one year immediately before  
10 the date of the recipient's admission to the nursing or medical facility, and  
11 has resided there on a continuous basis since that time.

12 (6) The lien remains on the property even after a transfer of the title  
13 by conveyance, sale, succession, inheritance or will unless one of the  
14 following events occur:

15 (A) The lien is satisfied. The recipient, the heirs, personal  
16 representative or assigns of the recipient may discharge such lien at any  
17 time by paying the amount of the lien to the secretary of health and  
18 environment or the secretary's designee;

19 (B) the lien is terminated by foreclosure of prior lien of record or  
20 settlement action taken in lieu of foreclosure; or

21 (C) the value of the real property is consumed by the lien, at which  
22 time the secretary of health and environment or the secretary's designee  
23 may force the sale for the real property to satisfy the lien.

24 (7) If the secretary for aging and disability services or the secretary of  
25 health and environment, or both, or such secretary's designee has not filed  
26 an action to foreclose the lien in the Kansas district court in the county  
27 where the real property is located within 10 years from the date of the  
28 filing of the lien, then the lien shall become dormant, and shall cease to  
29 operate as a lien on the real estate of the recipient. Such dormant lien may  
30 be revived in the same manner as a dormant judgment lien is revived under  
31 K.S.A. 60-2403 et seq., and amendments thereto.

32 (8) Within seven days of receipt of notice by the secretary for  
33 children and families or the secretary's designee of the death of a recipient  
34 of medical assistance under this subsection, the secretary for children and  
35 families or the secretary's designee shall give notice of such recipient's  
36 death to the secretary of health and environment or the secretary's  
37 designee.

38 (9) All rules and regulations adopted on and after July 1, 2013, and  
39 prior to July 1, 2014, to implement this subsection shall continue to be  
40 effective and shall be deemed to be duly adopted rules and regulations of  
41 the secretary of health and environment until revised, amended, revoked or  
42 nullified pursuant to law.

43 (~~g~~) (h) *Placement under the revised Kansas code for care of children*

1 *or revised Kansas juvenile justice code; assignment of support rights and*  
2 *limited power of attorney.* In any case in which the secretary for children  
3 and families pays for the expenses of care and custody of a child pursuant  
4 to K.S.A. 2015 Supp. 38-2201 et seq. or 38-2301 et seq., and amendments  
5 thereto, including the expenses of any foster care placement, an  
6 assignment of all past, present and future support rights of the child in  
7 custody possessed by either parent or other person entitled to receive  
8 support payments for the child is, by operation of law, conveyed to the  
9 secretary. Such assignment shall become effective upon placement of a  
10 child in the custody of the secretary or upon payment of the expenses of  
11 care and custody of a child by the secretary without the requirement that  
12 any document be signed by the parent or other person entitled to receive  
13 support payments for the child. When the secretary pays for the expenses  
14 of care and custody of a child or a child is placed in the custody of the  
15 secretary, the parent or other person entitled to receive support payments  
16 for the child is also deemed to have appointed the secretary, or the  
17 secretary's designee, as attorney in fact to perform the specific act of  
18 negotiating and endorsing all drafts, checks, money orders or other  
19 negotiable instruments representing support payments received by the  
20 secretary on behalf of the child. This limited power of attorney shall be  
21 effective from the date the assignment to support rights becomes effective  
22 and shall remain in effect until the assignment of support rights has been  
23 terminated in full.

24 ~~(h)~~ (i) No person who voluntarily quits employment or who is fired  
25 from employment due to gross misconduct as defined by rules and  
26 regulations of the secretary or who is a fugitive from justice by reason of a  
27 felony conviction or charge or violation of a condition of probation or  
28 parole imposed under federal or state law shall be eligible to receive public  
29 assistance benefits in this state. Any recipient of public assistance who  
30 fails to timely comply with monthly reporting requirements under criteria  
31 and guidelines prescribed by rules and regulations of the secretary shall be  
32 subject to a penalty established by the secretary by rules and regulations.

33 ~~(i)~~ (j) If the applicant or recipient of temporary assistance for needy  
34 families is a mother of the dependent child, as a condition of the mother's  
35 eligibility for temporary assistance for needy families the mother shall  
36 identify by name and, if known, by current address the father of the  
37 dependent child except that the secretary may adopt by rules and  
38 regulations exceptions to this requirement in cases of undue hardship. Any  
39 recipient of temporary assistance for needy families who fails to cooperate  
40 with requirements relating to child support services under criteria and  
41 guidelines prescribed by rules and regulations of the secretary shall be  
42 subject to a penalty established by the secretary.

43 ~~(j)~~ (k) By applying for or receiving child care benefits or food

1 assistance, the applicant or recipient shall be deemed to have assigned,  
2 pursuant to K.S.A. 39-756, and amendments thereto, to the secretary on  
3 behalf of the state only accrued, present or future rights to support from  
4 any other person such applicant may have in such person's own behalf or  
5 in behalf of any other family member for whom the applicant is applying  
6 for or receiving aid. The assignment of support rights shall automatically  
7 become effective upon the date of approval for or receipt of such aid  
8 without the requirement that any document be signed by the applicant or  
9 recipient. By applying for or receiving child care benefits or food  
10 assistance, the applicant or recipient is also deemed to have appointed the  
11 secretary, or the secretary's designee, as an attorney in fact to perform the  
12 specific act of negotiating and endorsing all drafts, checks, money orders  
13 or other negotiable instruments representing support payments received by  
14 the secretary in behalf of any person applying for, receiving or having  
15 received such assistance. This limited power of attorney shall be effective  
16 from the date the secretary approves the application for aid and shall  
17 remain in effect until the assignment of support rights has been terminated  
18 in full. An applicant or recipient who has assigned support rights to the  
19 secretary pursuant to this subsection shall cooperate in establishing and  
20 enforcing support obligations to the same extent required of applicants for  
21 or recipients of temporary assistance for needy families.

22 ~~(k)~~ (l) (1) A program of drug screening for applicants for cash  
23 assistance as a condition of eligibility for cash assistance and persons  
24 receiving cash assistance as a condition of continued receipt of cash  
25 assistance shall be established, subject to applicable federal law, by the  
26 secretary for children and families on and before January 1, 2014. Under  
27 such program of drug screening, the secretary for children and families  
28 shall order a drug screening of an applicant for or a recipient of cash  
29 assistance at any time when reasonable suspicion exists that such applicant  
30 for or recipient of cash assistance is unlawfully using a controlled  
31 substance or controlled substance analog. The secretary for children and  
32 families may use any information obtained by the secretary for children  
33 and families to determine whether such reasonable suspicion exists,  
34 including, but not limited to, an applicant's or recipient's demeanor, missed  
35 appointments and arrest or other police records, previous employment or  
36 application for employment in an occupation or industry that regularly  
37 conducts drug screening, termination from previous employment due to  
38 unlawful use of a controlled substance or controlled substance analog or  
39 prior drug screening records of the applicant or recipient indicating  
40 unlawful use of a controlled substance or controlled substance analog.

41 (2) Any applicant for or recipient of cash assistance whose drug  
42 screening results in a positive test may request that the drug screening  
43 specimen be sent to a different drug testing facility for an additional drug

1 screening. Any applicant for or recipient of cash assistance who requests  
2 an additional drug screening at a different drug testing facility shall be  
3 required to pay the cost of drug screening. Such applicant or recipient who  
4 took the additional drug screening and who tested negative for unlawful  
5 use of a controlled substance and controlled substance analog shall be  
6 reimbursed for the cost of such additional drug screening.

7 (3) Any applicant for or recipient of cash assistance who tests  
8 positive for unlawful use of a controlled substance or controlled substance  
9 analog shall be required to complete a substance abuse treatment program  
10 approved by the secretary for children and families, secretary of labor or  
11 secretary of commerce, and a job skills program approved by the secretary  
12 for children and families, secretary of labor or secretary of commerce.  
13 Subject to applicable federal laws, any applicant for or recipient of cash  
14 assistance who fails to complete or refuses to participate in the substance  
15 abuse treatment program or job skills program as required under this  
16 subsection shall be ineligible to receive cash assistance until completion of  
17 such substance abuse treatment and job skills programs. Upon completion  
18 of both substance abuse treatment and job skills programs, such applicant  
19 for or recipient of cash assistance may be subject to periodic drug  
20 screening, as determined by the secretary for children and families. Upon a  
21 second positive test for unlawful use of a controlled substance or  
22 controlled substance analog, a recipient of cash assistance shall be ordered  
23 to complete again a substance abuse treatment program and job skills  
24 program, and shall be terminated from cash assistance for a period of 12  
25 months, or until such recipient of cash assistance completes both substance  
26 abuse treatment and job skills programs, whichever is later. Upon a third  
27 positive test for unlawful use of a controlled substance or controlled  
28 substance analog, a recipient of cash assistance shall be terminated from  
29 cash assistance, subject to applicable federal law.

30 (4) If an applicant for or recipient of cash assistance is ineligible for  
31 or terminated from cash assistance as a result of a positive test for  
32 unlawful use of a controlled substance or controlled substance analog, and  
33 such applicant for or recipient of cash assistance is the parent or legal  
34 guardian of a minor child, an appropriate protective payee shall be  
35 designated to receive cash assistance on behalf of such child. Such parent  
36 or legal guardian of the minor child may choose to designate an individual  
37 to receive cash assistance for such parent's or legal guardian's minor child,  
38 as approved by the secretary for children and families. Prior to the  
39 designated individual receiving any cash assistance, the secretary for  
40 children and families shall review whether reasonable suspicion exists that  
41 such designated individual is unlawfully using a controlled substance or  
42 controlled substance analog.

43 (A) In addition, any individual designated to receive cash assistance

1 on behalf of an eligible minor child shall be subject to drug screening at  
2 any time when reasonable suspicion exists that such designated individual  
3 is unlawfully using a controlled substance or controlled substance analog.  
4 The secretary for children and families may use any information obtained  
5 by the secretary for children and families to determine whether such  
6 reasonable suspicion exists, including, but not limited to, the designated  
7 individual's demeanor, missed appointments and arrest or other police  
8 records, previous employment or application for employment in an  
9 occupation or industry that regularly conducts drug screening, termination  
10 from previous employment due to unlawful use of a controlled substance  
11 or controlled substance analog or prior drug screening records of the  
12 designated individual indicating unlawful use of a controlled substance or  
13 controlled substance analog.

14 (B) Any designated individual whose drug screening results in a  
15 positive test may request that the drug screening specimen be sent to a  
16 different drug testing facility for an additional drug screening. Any  
17 designated individual who requests an additional drug screening at a  
18 different drug testing facility shall be required to pay the cost of drug  
19 screening. Such designated individual who took the additional drug  
20 screening and who tested negative for unlawful use of a controlled  
21 substance and controlled substance analog shall be reimbursed for the cost  
22 of such additional drug screening.

23 (C) Upon any positive test for unlawful use of a controlled substance  
24 or controlled substance analog, the designated individual shall not receive  
25 cash assistance on behalf of the parent's or legal guardian's minor child,  
26 and another designated individual shall be selected by the secretary for  
27 children and families to receive cash assistance on behalf of such parent's  
28 or legal guardian's minor child.

29 (5) If a person has been convicted under federal or state law of any  
30 offense which is classified as a felony by the law of the jurisdiction and  
31 which has as an element of such offense the manufacture, cultivation,  
32 distribution, possession or use of a controlled substance or controlled  
33 substance analog, and the date of conviction is on or after July 1, 2013,  
34 such person shall thereby become forever ineligible to receive any cash  
35 assistance under this subsection unless such conviction is the person's first  
36 conviction. First-time offenders convicted under federal or state law of any  
37 offense which is classified as a felony by the law of the jurisdiction and  
38 which has as an element of such offense the manufacture, cultivation,  
39 distribution, possession or use of a controlled substance or controlled  
40 substance analog, and the date of conviction is on or after July 1, 2013,  
41 such person shall become ineligible to receive cash assistance for five  
42 years from the date of conviction.

43 (6) Except for hearings before the Kansas department for children

1 and families or, the results of any drug screening administered as part of  
2 the drug screening program authorized by this subsection shall be  
3 confidential and shall not be disclosed publicly.

4 (7) The secretary for children and families may adopt such rules and  
5 regulations as are necessary to carry out the provisions of this subsection.

6 (8) Any authority granted to the secretary for children and families  
7 under this subsection shall be in addition to any other penalties prescribed  
8 by law.

9 (9) As used in this subsection:

10 (A) "Cash assistance" means cash assistance provided to individuals  
11 under the provisions of article 7 of chapter 39 of the Kansas Statutes  
12 Annotated, and amendments thereto, and any rules and regulations adopted  
13 pursuant to such statutes.

14 (B) "Controlled substance" means the same as in K.S.A. 2015 Supp.  
15 21-5701, and amendments thereto, and 21 U.S.C. § 802.

16 (C) "Controlled substance analog" means the same as in K.S.A. 2015  
17 Supp. 21-5701, and amendments thereto.

18 Sec. 3. K.S.A. 39-719b is hereby amended to read as follows: 39-  
19 719b. (a) If at any time during the continuance of assistance to any person,  
20 the recipient thereof becomes possessed of any property or income in  
21 excess of the amount ascertained at the time of granting assistance, or if  
22 any of the recipient's circumstances which affect eligibility to receive  
23 assistance change from the time of determination of eligibility, it shall be  
24 the duty of the recipient to notify the secretary immediately of the receipt  
25 or possession of such property, income, or of such change in circumstances  
26 affecting eligibility and ~~said~~ the secretary may, after investigation, cancel  
27 or modify the assistance payment in accordance with the circumstances.

28 (b) Any assistance paid shall be recoverable by the secretary as a debt  
29 due to the state. If during the life or on the death of any person receiving  
30 assistance, it is found that the recipient was possessed of income or  
31 property in excess of the amount reported or ascertained at the time of  
32 granting assistance, and if it be shown that such assistance was obtained by  
33 an ineligible recipient, the total amount of the assistance may be recovered  
34 by the secretary as a fourth class claim from the estate of the recipient or in  
35 an action brought against the recipient while living.

36 (c) *The total amount of any assistance that is sold, transferred or*  
37 *otherwise disposed of to others by a recipient or any other person, or the*  
38 *total amount of any assistance that is knowingly purchased, acquired or*  
39 *possessed by any person, except as authorized in state and federal law,*  
40 *rules and regulations and agency policy of the department for children*  
41 *and families or the department of health and environment, is a debt due to*  
42 *the state and the total amount of such assistance that was improperly sold,*  
43 *transferred, disposed, purchased, acquired or possessed shall be*

1 *recoverable by the secretary for children and families or the secretary of*  
2 *health and environment. Such debt may be recovered during the life or*  
3 *upon the death of any recipient or person who sold, transferred, disposed,*  
4 *purchased, acquired or possessed such assistance and may be recovered*  
5 *as a fourth class claim from the estate of the person or in an action*  
6 *brought against the recipient or person while living.*

7       Sec. 4. K.S.A. 39-719b and K.S.A. 2015 Supp. 39-702 and 39-709  
8 are hereby repealed.

9       Sec. 5. This act shall take effect and be in force from and after its  
10 publication in the statute book.