

Substitute for Substitute for SENATE BILL No. 95

AN ACT authorizing telephonic signatures for public assistance applications; relating to powers, duties and functions of the Kansas department for children and families.

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

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

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

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

(d) (1) The secretary for children and families shall enter into a memorandum of understanding with any not-for-profit organization that is exempt from federal income taxation pursuant to section 501(c)(3) of the internal revenue code and that is willing and able to collect and store telephonic signatures on behalf of an applicant for any public assistance program that is described in this section, subject to the requirements prescribed by the secretary for children and families and the requirements prescribed by the United States department of agriculture, as such requirements exist on the effective date of this section. The memorandum of understanding shall detail the requirements for collecting and storing a telephonic signature, shall provide for access to such signatures by the Kansas department for children and families and shall provide that, prior to adoption of rules and regulations pursuant to subsection (b), the secretary for children and families shall accept any telephonic signature that is submitted in accordance with any memorandum of understanding executed pursuant to this subsection.

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

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

(4) Any vendor or organization providing services described in this subsection shall indemnify the secretary for children and families and the Kansas department for children and families against any legal actions related thereto and any damages that arise therefrom, including, but not limited to, a breach of software or storage security that allows an

unauthorized person to obtain a telephonic signature, application or other information.

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

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

I hereby certify that the above BILL originated in the SENATE, and passed that body

President of the Senate.

Secretary of the Senate.

Passed the HOUSE _____

Speaker of the House.

Chief Clerk of the House.

APPROVED _____

Governor.