GENERAL ASSEMBLY
COMMONWEALTH OF KENTUCKY

2016 REGULAR SESSION

SENATE BILL NO. 179

WEDNESDAY, MARCH 2, 2016

The following bill was reported to the House from the Senate and ordered to be printed.

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ALISON LUNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
BY K. Adler

1 AN ACT relating to persons with disabilities.

2 ***Be it enacted by the General Assembly of the Commonwealth of Kentucky:***

3 ➔Section 1. KRS 205.200 is amended to read as follows:

4 (1) A needy aged person, a needy blind person, a needy child, a needy permanently and
5 totally disabled person, or a person with whom a needy child lives shall be eligible
6 to receive a public assistance grant only if he has made a proper application or an
7 application has been made on his behalf in the manner and form prescribed by
8 administrative regulation. No individual shall be eligible to receive public
9 assistance under more than one (1) category of public assistance for the same period
10 of time.

11 (2) The secretary shall, by administrative regulations, prescribe the conditions of
12 eligibility for public assistance in conformity with the public assistance titles of the
13 Social Security Act, its amendments, and other federal acts and regulations. The
14 secretary shall also promulgate administrative regulations to allow for between a
15 forty percent (40%) and a forty-five percent (45%) ratable reduction in the method
16 of calculating eligibility and benefits for public assistance under Title IV-A of the
17 Federal Social Security Act. In no instance shall grants to families with no income
18 be less than the appropriate grant maximum used for public assistance under Title
19 IV-A of the Federal Social Security Act. As used in this section, "ratable reduction"
20 means the percentage reduction applied to the deficit between the family's countable
21 income and the standard of need for the appropriate family size.

22 (3) The secretary may by administrative regulation prescribe as a condition of eligibility
23 that a needy child regularly attend school, and may further by administrative
24 regulation prescribe the degree of relationship of the person or persons in whose
25 home such needy child must reside.

26 (4) The secretary may by administrative regulation prescribe conditions for bringing
27 paternity proceedings or actions for support in cases of out of wedlock birth or

1 nonsupport by a parent in the public assistance under Title IV-A of the Federal
2 Social Security Act program.
3 (5) Public assistance shall not be payable to or in behalf of any individual who has
4 taken any legal action in his own behalf or in the behalf of others with the intent and
5 purpose of creating eligibility for the assistance.
6 (6) The cabinet shall promptly notify the appropriate law enforcement officials of the
7 furnishing of public assistance under Title IV-A of the Federal Social Security Act
8 in respect to a child who has been deserted or abandoned by a parent.
9 (7) No person shall be eligible for public assistance payments if, after having been
10 determined to be potentially responsible, and afforded notice and opportunity for
11 hearing, he refuses without good cause:
12 (a) To register for employment with the state employment service,
13 (b) To accept suitable training, or
14 (c) To accept suitable employment.
15 The secretary may prescribe by administrative regulation, subject to the provisions
16 of KRS Chapter 13A, standards of suitability for training and employment.
17 (8) To the extent permitted by federal law, scholarships, grants, or other types of
18 financial assistance for education shall not be considered as income for the purpose
19 of determining eligibility for public assistance.
20 (9) To the extent permitted by federal law, any money received because of a settlement
21 or judgment in a lawsuit brought against a manufacturer or distributor of "Agent
22 Orange" for damages resulting from exposure to "Agent Orange" by a member or
23 veteran of the Armed Forces of the United States or any dependent of such person
24 who served in Vietnam shall not be considered as income for the purpose of
25 determining eligibility or continuing eligibility for public assistance and shall not be
26 subject to a lien or be available for repayment to the Commonwealth for public
27 assistance received by the recipient.

1 *(10) (a) Notwithstanding any other provision of Kentucky law, the following shall be*
2 *disregarded for the purposes of determining an individual's eligibility for a*
3 *means-tested public assistance program, and the amount of assistance or*
4 *benefits the individual is eligible to receive under the program:*
5 *1. Any amount in an ABLE account;*
6 *2. Any contributions to an ABLE account; and*
7 *3. Any distribution from an ABLE account for qualified disability*
8 *expenses.*
9 *(b) For purposes of this subsection:*
10 *1. "ABLE account" means an account established within any state*
11 *having a qualified ABLE program as provided in 26 U.S.C. sec. 529A,*
12 *as amended;*
13 *2. "Kentucky law" includes:*
14 *a. All provisions of the Kentucky Revised Statutes:*
15 *b. Any contract to provide Medicaid managed care established*
16 *pursuant to this chapter;*
17 *c. Any agreement to operate a Medicaid program established*
18 *pursuant to this chapter; and*
19 *d. Any administrative regulation promulgated pursuant to this*
20 *chapter; and*
21 *3. "Qualified disability expenses" means expenses described in 26 U.S.C.*
22 *sec. 529A of a person who is the beneficiary of an ABLE account.*
23 ➔Section 2. The State Treasurer, the Secretary of the Finance and Administration
24 Cabinet, the Executive Director of the Commonwealth Council on Developmental
25 Disabilities, and the Executive Director of the Kentucky Higher Education Assistance
26 Authority shall each work cooperatively with one another, and with federal and state
27 government agencies, private industry groups, and other interested parties, as necessary,

1 and shall seek all available sources of funding from these and other groups and determine
2 the best plan of action related to ABLE accounts, and shall submit a report to the
3 Legislative Research Commission on or before December 31, 2016, regarding any
4 funding sources available and all recommendations in anticipation of legislation in the
5 2017 Regular Session of the General Assembly

President of Senate

Speaker/House of Representatives

Attest: Chief Clerk of Senate

Approved Governor

Date 5 APRIL 2016