

LEGISLATIVE BILL 602

Approved by the Governor April 20, 1982

Introduced by Cullan, 49

AN ACT to amend sections 68-104, 68-114, 68-115, and 68-126, Reissue Revised Statutes of Nebraska, 1943, relating to paupers and public assistance; to transfer certain administrative duties of welfare programs from the counties to the state; to require the Department of Public Welfare to provide certain medical services for certain poor persons; to provide duties; to provide for a standard of need; to provide an operative date; and to repeal the original sections.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 68-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-104. ~~The county board of each county shall be the overseers of the poor and are vested with the entire and exclusive superintendence of the poor in such county. Provided, the county board may employ a physician or physicians by the year to furnish such medical service as may be required for the poor of its county.~~ The Department of Public Welfare shall be the overseer of the poor and shall be vested with the entire and exclusive superintendence of the poor in this state, except that the county board of each county shall furnish such medical service as may be required for the poor of the county who are not eligible for other medical assistance programs. In providing medical and hospital care for the poor, the county board shall make use of any existing facilities, including tax supported hospitals and charitable clinics so far as the same may be available and shall use the financial eligibility criteria established for the standard of need developed by the Department of Public Welfare pursuant to section 68-126. ~~The county board shall have authority to arrange or contract for medical, surgical and hospital services at such rates as may be determined and the county shall not be liable for any such services not expressly authorized by the county board.~~

Sec. 2. That section 68-114, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-114. Whenever any nonresident shall fall sick in any county in this state, not having money or property to pay his or her board, ~~nursing--and--medical--aid~~, or whenever any poor person not having a legal settlement in the county is found in distress, without friends or money, so that he or she is likely to suffer, it shall be the duty of the county board to furnish such temporary assistance to such person as it shall deem necessary; and if any such person shall die, the county board shall provide all necessary means for a decent burial of such person. If such poor person, applying for or receiving relief, belongs to another state, the county board may furnish such person, in addition to necessary temporary aid, transportation and the requisite expenses incurred thereby, and may return such poor person to the state in which he or she has legal settlement; Provided, that the claim by the poor person of a legal settlement shall be verified by the county board, and assurance be given the board that such poor person will be received and given care in the place of his or her legal settlement. If any such poor person shall be found applying for relief in any county, and the county board of such county shall be unable to ascertain and establish the last place of legal residence of such person, the county board shall proceed in its discretion to provide for such poor person in the same manner as other poor persons are directed to be provided for.

Sec. 3. That section 68-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-115. (1)--~~The--term--legal--settlement--in--sections--68--101--to--68--116--shall--be--taken--and--considered--to--mean--as--follows:--Every--person;--except--those--hereinafter--mentioned;--who--has--resided--one--year--continuously--in--any--county;--shall--be--deemed--to--have--a--legal--settlement--therein;--Provided;--every--person--who--has--resided--one--year--continuously--within--the--state;--but--not--in--any--one--county;--shall--have--a--legal--settlement--in--the--county--in--which--he--has--resided--six--months--continuously.~~

(2)--~~The--time--during--which--a--person--has--been--an--inmate--of--any--public--or--private--charitable--or--penal--institution;--or--has--received--care--at--public--expense--in--any--type--of--care--home;--nursing--home--or--board--and--room--facility--licensed--as--such--and--caring--for--more--than--one--patient--or--guest;--and--each--month--during--which--he--has--received--relief--from--private--charity--or--the--poor--fund--of--any--county--shall--be--excluded--in--determining--the--time--of--residence--hereunder;--as--referred--to--in--subsection--(1)--of--this--section.~~

~~{3}--Every--minor,--who--is--not--emancipated--and settled-in-his-own-right,--shall--have--the--same--legal settlement-as-the-parent-with-whom-he-has-resided.~~

~~{4}--A--legal--settlement--in--this--state The Department of Public Welfare shall establish the residency or legal settlement requirements for eligibility for public assistance from the state and eligibility for medical services furnished by the county pursuant to section 68-104. The department shall not require a person to reside in a county or this state for more than one year to establish residency or legal settlement in the county or state respectively. Residency in this state shall be terminated and lost by {a} acquiring a new one in another state, or {b} by voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.~~

Sec. 4. That section 68-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-126. The Director of Public Welfare shall immediately adopt and promulgate rules and regulations establishing maximum payments for all health services furnished to recipients of public assistance. The Department of Public Welfare shall establish a standard of need for medical services furnished by the counties which are provided to indigent persons who are not eligible for other medical assistance programs. This standard shall not exceed the Office of Management and Budget income poverty guidelines. Such maximums shall be binding on county boards of public welfare and it shall be unlawful for a county board of public welfare to make any payment whatsoever in excess of such maximums.

Sec. 5. Counties shall maintain at no additional cost to the Department of Public Welfare, office and service facilities used for the administration of the public assistance programs as such facilities existed on April 1, 1982.

Sec. 6. This act shall become operative on July 1, 1983.

Sec. 7. That original sections 68-104, 68-114, 68-115, and 68-126, Reissue Revised Statutes of Nebraska, 1943, are repealed.