

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 128

Introduced by Groene, 42.

Read first time January 06, 2017

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public assistance; to amend section
- 2 68-1017.02, Revised Statutes Cumulative Supplement, 2016; to change
- 3 provisions relating to ineligibility for Supplemental Nutrition
- 4 Assistance Program benefits as prescribed; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1017.02, Revised Statutes Cumulative
2 Supplement, 2016, is amended to read:

3 68-1017.02 (1)(a) The Department of Health and Human Services shall
4 apply for and utilize to the maximum extent possible, within limits
5 established by the Legislature, any and all appropriate options available
6 to the state under the federal Supplemental Nutrition Assistance Program
7 and regulations adopted under such program to maximize the number of
8 Nebraska residents being served under such program within such limits.
9 The department shall seek to maximize federal funding for such program
10 and minimize the utilization of General Funds for such program and shall
11 employ the personnel necessary to determine the options available to the
12 state and issue the report to the Legislature required by subdivision (b)
13 of this subsection.

14 (b) The department shall submit electronically an annual report to
15 the Health and Human Services Committee of the Legislature by December 1
16 on efforts by the department to carry out the provisions of this
17 subsection. Such report shall provide the committee with all necessary
18 and appropriate information to enable the committee to conduct a
19 meaningful evaluation of such efforts. Such information shall include,
20 but not be limited to, a clear description of various options available
21 to the state under the federal Supplemental Nutrition Assistance Program,
22 the department's evaluation of and any action taken by the department
23 with respect to such options, the number of persons being served under
24 such program, and any and all costs and expenditures associated with such
25 program.

26 (c) The Health and Human Services Committee of the Legislature,
27 after receipt and evaluation of the report required in subdivision (b) of
28 this subsection, shall issue recommendations to the department on any
29 further action necessary by the department to meet the requirements of
30 this section.

31 (2)(a) The department shall develop a state outreach plan to promote

1 access by eligible persons to benefits of the Supplemental Nutrition
2 Assistance Program. The plan shall meet the criteria established by the
3 Food and Nutrition Service of the United States Department of Agriculture
4 for approval of state outreach plans. The Department of Health and Human
5 Services may apply for and accept gifts, grants, and donations to develop
6 and implement the state outreach plan.

7 (b) For purposes of developing and implementing the state outreach
8 plan, the department shall partner with one or more counties or nonprofit
9 organizations. If the department enters into a contract with a nonprofit
10 organization relating to the state outreach plan, the contract may
11 specify that the nonprofit organization is responsible for seeking
12 sufficient gifts, grants, or donations necessary for the development and
13 implementation of the state outreach plan and may additionally specify
14 that any costs to the department associated with the award and management
15 of the contract or the implementation or administration of the state
16 outreach plan shall be paid out of private or federal funds received for
17 development and implementation of the state outreach plan.

18 (c) The department shall submit the state outreach plan to the Food
19 and Nutrition Service of the United States Department of Agriculture for
20 approval on or before August 1, 2011, and shall request any federal
21 matching funds that may be available upon approval of the state outreach
22 plan. It is the intent of the Legislature that the State of Nebraska and
23 the Department of Health and Human Services use any additional public or
24 private funds to offset costs associated with increased caseload
25 resulting from the implementation of the state outreach plan.

26 (d) The department shall be exempt from implementing or
27 administering a state outreach plan under this subsection, but not from
28 developing such a plan, if it does not receive private or federal funds
29 sufficient to cover the department's costs associated with the
30 implementation and administration of the plan, including any costs
31 associated with increased caseload resulting from the implementation of

1 the plan.

2 (3)(a)(i) On or before October 1, 2011, the department shall create
3 a TANF-funded program or policy that, in compliance with federal law,
4 establishes categorical eligibility for federal food assistance benefits
5 pursuant to the Supplemental Nutrition Assistance Program to maximize the
6 number of Nebraska residents being served under such program in a manner
7 that does not increase the current gross income eligibility limit.

8 (ii) Such TANF-funded program or policy shall eliminate all asset
9 limits for eligibility for federal food assistance benefits, except that
10 the total of liquid assets which includes cash on hand and funds in
11 personal checking and savings accounts, money market accounts, and share
12 accounts shall not exceed twenty-five thousand dollars pursuant to the
13 Supplemental Nutrition Assistance Program, as allowed under federal law
14 and under 7 C.F.R. 273.2(j)(2).

15 (iii) This subsection becomes effective only if the department
16 receives funds pursuant to federal participation that may be used to
17 implement this subsection.

18 (b) For purposes of this subsection:

19 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
20 U.S.C. 2011 et seq., and regulations adopted under the act; and

21 (ii) TANF means the federal Temporary Assistance for Needy Families
22 program established in 42 U.S.C. 601 et seq.

23 (4)(a) Within the limits specified in this subsection, the State of
24 Nebraska opts out of the provision of the federal Personal Responsibility
25 and Work Opportunity Reconciliation Act of 1996, as such act existed on
26 January 1, 2009, that eliminates eligibility for the Supplemental
27 Nutrition Assistance Program for any person convicted of a felony
28 involving the possession, use, or distribution of a controlled substance.

29 (b) A person with one or more felony convictions for the possession
30 or use of a controlled substance or a person with one or two felony
31 convictions involving the sale or distribution of a controlled substance

1 shall only be eligible to receive Supplemental Nutrition Assistance
2 Program benefits under this subsection if he or she (i) is participating
3 in or has completed a state-licensed or nationally accredited substance
4 abuse treatment program since the date of his or her most recent
5 conviction or (ii) voluntarily submits to a drug test, verified by a
6 laboratory approved by the Department of Health and Human Services, the
7 results of which test are negative with respect to any illegal substances
8 prior to receiving Supplemental Nutrition Assistance Program benefits and
9 continues to agree to drug tests at random intervals thereafter, no less
10 than every six months. The determination of participation or completion
11 of such a substance abuse treatment program or negative drug test results
12 shall be certified by the treatment provider administering the program or
13 the laboratory verifying the drug test to the department A person shall
14 ~~be ineligible for Supplemental Nutrition Assistance Program benefits~~
15 ~~under this subsection if he or she (i) has had three or more felony~~
16 ~~convictions for the possession or use of a controlled substance or (ii)~~
17 ~~has been convicted of a felony involving the sale or distribution of a~~
18 ~~controlled substance or the intent to sell or distribute a controlled~~
19 ~~substance. A person with one or two felony convictions for the possession~~
20 ~~or use of a controlled substance shall only be eligible to receive~~
21 ~~Supplemental Nutrition Assistance Program benefits under this subsection~~
22 ~~if he or she is participating in or has completed a state-licensed or~~
23 ~~nationally accredited substance abuse treatment program since the date of~~
24 ~~conviction. The determination of such participation or completion shall~~
25 ~~be made by the treatment provider administering the program.~~

26 (c) A person shall be ineligible for Supplemental Nutrition
27 Assistance Program benefits under this subsection if he or she has been
28 convicted of three or more felonies involving the sale or distribution of
29 a controlled substance.

30 Sec. 2. Original section 68-1017.02, Revised Statutes Cumulative
31 Supplement, 2016, is repealed.