

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 663

Introduced by Nordquist, 7; Cook, 13; McGill, 26; Mello, 5.

Read first time January 19, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public assistance; to amend section
2 68-1017.02, Reissue Revised Statutes of Nebraska; to
3 provide for elimination of asset testing relating to the
4 Supplemental Nutrition Assistance Program; to harmonize
5 provisions; and to repeal the original section.
6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1017.02, Reissue Revised Statutes
2 of Nebraska, is amended to read:

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

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

1 costs and expenditures associated with such program.

2 (c) The Health and Human Services Committee of the
3 Legislature, after receipt and evaluation of the report required in
4 subdivision (b) of this subsection, shall issue recommendations to
5 the department on any further action necessary by the department to
6 meet the requirements of this section.

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

14 (ii) Such TANF-funded program or policy shall eliminate
15 the asset test for eligibility for federal food assistance benefits
16 pursuant to the Supplemental Nutrition Assistance Program to the
17 extent authorized pursuant to federal law and under 7 C.F.R. 273.2(j)
18 (2).

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

22 (b) For purposes of this subsection:

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

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

3 ~~(2)(a)~~—(3)(a) Within the limits specified in this
4 subsection, the State of Nebraska opts out of the provision of the
5 federal Personal Responsibility and Work Opportunity Reconciliation
6 Act of 1996, as such act existed on January 1, 2009, that eliminates
7 eligibility for the Supplemental Nutrition Assistance Program for any
8 person convicted of a felony involving the possession, use, or
9 distribution of a controlled substance.

10 (b) A person shall be ineligible for Supplemental
11 Nutrition Assistance Program benefits under this subsection if he or
12 she (i) has had three or more felony convictions for the possession
13 or use of a controlled substance or (ii) has been convicted of a
14 felony involving the sale or distribution of a controlled substance
15 or the intent to sell or distribute a controlled substance. A person
16 with one or two felony convictions for the possession or use of a
17 controlled substance shall only be eligible to receive Supplemental
18 Nutrition Assistance Program benefits under this subsection if he or
19 she is participating in or has completed a state-licensed or
20 nationally accredited substance abuse treatment program since the
21 date of conviction. The determination of such participation or
22 completion shall be made by the treatment provider administering the
23 program.

24 Sec. 2. Original section 68-1017.02, Reissue Revised
25 Statutes of Nebraska, is repealed.