

AMENDMENTS TO LB590

Introduced by Chambers, 11.

1           1. Strike the original sections and all amendments thereto and  
2 insert the following new sections:

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

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

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

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

6 (2)(a) The department shall develop a state outreach plan to promote  
7 access by eligible persons to benefits of the Supplemental Nutrition  
8 Assistance Program. The plan shall meet the criteria established by the  
9 Food and Nutrition Service of the United States Department of Agriculture  
10 for approval of state outreach plans. The Department of Health and Human  
11 Services may apply for and accept gifts, grants, and donations to develop  
12 and implement the state outreach plan.

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

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

1 (d) The department shall be exempt from implementing or  
2 administering a state outreach plan under this subsection, but not from  
3 developing such a plan, if it does not receive private or federal funds  
4 sufficient to cover the department's costs associated with the  
5 implementation and administration of the plan, including any costs  
6 associated with increased caseload resulting from the implementation of  
7 the plan.

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

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

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

24 (b) For purposes of this subsection:

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

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

29 (4)(a) Within the limits specified in this subsection, the State of  
30 Nebraska opts out of the provision of the federal Personal Responsibility  
31 and Work Opportunity Reconciliation Act of 1996, as such act existed on

1 January 1, 2009, that eliminates eligibility for the Supplemental  
2 Nutrition Assistance Program for any person convicted of a felony  
3 involving the possession, use, or distribution of a controlled substance.

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

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

19 2. On page 1, strike beginning with "child" in line 1 through line 6  
20 and all amendments thereto and insert "public assistance; to amend  
21 section 68-1017.02, Reissue Revised Statutes of Nebraska; to change  
22 provisions relating to eligibility for Supplemental Nutrition Assistance  
23 Program benefits as prescribed; and to repeal the original section."