

E AND R AMENDMENTS TO LB 121

Introduced by McKinney, 11, Chairman Enrollment and Review

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

3           Section 1. Section 68-1017.02, Revised Statutes Supplement, 2021, is  
4 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) It is the intent of the Legislature that:

9 (i) Hard work be rewarded and no disincentives to work exist for  
10 Supplemental Nutrition Assistance Program participants;

11 (ii) Supplemental Nutrition Assistance Program participants be  
12 enabled to advance in employment, through greater earnings or new,  
13 better-paying employment;

14 (iii) Participants in employment and training pilot programs be able  
15 to maintain Supplemental Nutrition Assistance Program benefits while  
16 seeking employment with higher wages that allow them to reduce or  
17 terminate such program benefits; and

18 (iv) Nebraska better utilize options under the Supplemental  
19 Nutrition Assistance Program that other states have implemented to  
20 encourage work and employment.

21 (b)(i) The department shall create a TANF-funded program or policy  
22 that, in compliance with federal law, establishes categorical eligibility  
23 for federal food assistance benefits pursuant to the Supplemental  
24 Nutrition Assistance Program to maximize the number of Nebraska residents  
25 being served under such program in a manner that does not increase the  
26 current gross income eligibility limit except as otherwise provided in  
27 subdivision (3)(b)(ii) of this section.

28 (ii) Except as otherwise provided in this subdivision, such TANF-  
29 funded program or policy shall increase the gross income eligibility  
30 limit to one hundred sixty-five percent of the federal Office of  
31 Management and Budget income poverty guidelines as allowed under federal

1 law and under 7 C.F.R. 273.2(j)(2), as such law and regulation existed on  
2 April 1, 2021, but shall not increase the net income eligibility limit.  
3 It is the intent of the Legislature to fund the administrative costs  
4 associated with the benefits under this subdivision beginning on May 27,  
5 2021, with federal funds as allowed under the federal American Rescue  
6 Plan Act of 2021, Public Law 117-2, as such act existed on April 1, 2021,  
7 and continue to fund such administrative costs with such federal funds  
8 through September 30, 2023. Such administrative costs shall not be paid  
9 for with General Funds. Beginning October 1, 2023, the gross income  
10 eligibility limit shall return to the amount used prior to the increase  
11 required by this subdivision. The department shall evaluate the TANF-  
12 funded program or policy created pursuant to this subsection and provide  
13 a report electronically to the Health and Human Services Committee of the  
14 Legislature and the Legislative Fiscal Analyst on or before December 31,  
15 2022, regarding the gross income eligibility limit and whether it  
16 maximizes the number of Nebraska residents being served under the program  
17 or policy. The evaluation shall include an identification and  
18 determination of additional administrative costs resulting from the  
19 increase to the gross income eligibility limit, a recommendation  
20 regarding the gross income eligibility limit, and a determination of the  
21 availability of federal funds for the program or policy.

22 (iii) To the extent federal funds are available to the Department of  
23 Labor for the SNAP Next Step Program, until September 30, 2023, any  
24 recipient of Supplemental Nutrition Assistance Program benefits whose  
25 household income is between one hundred thirty-one and one hundred sixty-  
26 five percent of the federal Office of Management and Budget income  
27 poverty guidelines and who is not exempt from work participation  
28 requirements shall be encouraged to participate in the SNAP Next Step  
29 Program administered by the Department of Labor if the recipient is  
30 eligible to participate in the program and the program's services are  
31 available in the county in which such household is located. It is the

1 intent of the Legislature that no General Funds be utilized by the  
2 Department of Labor for the processes outlined in this subdivision (iii).  
3 For purposes of this section, SNAP Next Step Program means a partnership  
4 program between the Department of Health and Human Services and the  
5 Department of Labor to assist under-employed and unemployed recipients of  
6 Supplemental Nutrition Assistance Program benefits in finding self-  
7 sufficient employment.

8 (iv) 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 (v) 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 (c) 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) As authorized in 21 U.S.C. 862a(d), as such section existed  
24 on January 1, 2021 ~~Within the limits specified in this subsection,~~ the  
25 State of Nebraska opts out of the provision of the federal Personal  
26 Responsibility and Work Opportunity Reconciliation Act of 1996, as such  
27 act existed on January 1, 2009, that eliminates eligibility for the  
28 Supplemental Nutrition Assistance Program for any person convicted of a  
29 felony involving the possession, use, or distribution of a controlled  
30 substance.

31 (b) A person convicted of a felony involving the possession, use, or

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

18       Sec. 2. Original section 68-1017.02, Revised Statutes Supplement,  
19 2021, is repealed.

20       2. On page 1, line 2, strike "Reissue Revised Statutes of Nebraska"  
21 and insert "Revised Statutes Supplement, 2021".