

LEGISLATURE OF NEBRASKA
ONE HUNDREDTH LEGISLATURE
SECOND SESSION
LEGISLATIVE BILL 171

FINAL READING

Introduced by Kopplin, 3; Howard, 9; Nantkes, 46; Synowiecki, 7.

Read first time January 8, 2007

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to food stamps; to amend section 68-1017.02,
2 Revised Statutes Cumulative Supplement, 2006; to provide
3 duties for the Department of Health and Human Services
4 relating to options and waivers; to require reporting;
5 to provide duties for the Health and Human Services
6 Committee of the Legislature; to harmonize provisions;
7 and to repeal the original section.

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

1 Section 1. Section 68-1017.02, Revised Statutes
2 Cumulative Supplement, 2006, is amended to read:

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

15 (b) The department shall report annually to the Health
16 and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of
18 this 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
22 various options available to the state under the federal food
23 stamp program, the department's evaluation of and any action taken
24 by the department with respect to such options, the number of
25 persons being served under such program, and any and all costs and

1 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) Within the limits specified in this section,
8 subsection, the State of Nebraska opts out of the provision of the
9 federal Personal Responsibility and Work Opportunity Reconciliation
10 Act of 1996, Public Law 104-193, section 115, as such act existed
11 on the effective date of this act, that eliminates eligibility for
12 food stamps for any person convicted of a felony involving the
13 possession, use, or distribution of a controlled substance.

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

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1 shall be made by the treatment provider administering the program.

2 Sec. 2. Original section 68-1017.02, Revised Statutes

3 Cumulative Supplement, 2006, is repealed.