

LEGISLATURE OF NEBRASKA  
ONE HUNDREDTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 877**

Introduced by Wightman, 36; Carlson, 38; Hansen, 42; Nantkes, 46;  
Synowiecki, 7; Wallman, 30.

Read first time January 11, 2008

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public assistance; to amend sections  
2 43-512 and 68-1721, Revised Statutes Supplement, 2007;  
3 to change provisions relating to education; to harmonize  
4 provisions; and to repeal the original sections.  
5 Be it enacted by the people of the State of Nebraska,

1           Section 1. Section 43-512, Revised Statutes Supplement,  
2 2007, is amended to read:

3           43-512 (1) Any dependent child as defined in section  
4 43-504 or any relative or eligible caretaker of such a dependent  
5 child may file with the Department of Health and Human Services  
6 a written application for financial assistance for such child on  
7 forms furnished by the department.

8           (2) The department, through its agents and employees,  
9 shall make such investigation pursuant to the application as it  
10 deems necessary or as may be required by the county attorney  
11 or authorized attorney. If the investigation or the application  
12 for financial assistance discloses that such child has a parent  
13 or stepparent who is able to contribute to the support of such  
14 child and has failed to do so, a copy of the finding of such  
15 investigation and a copy of the application shall immediately be  
16 filed with the county attorney or authorized attorney.

17           (3) The department shall make a finding as to whether the  
18 application referred to in subsection (1) of this section should  
19 be allowed or denied. If the department finds that the application  
20 should be allowed, the department shall further find the amount  
21 of monthly assistance which should be paid with reference to such  
22 dependent child. Except as may be otherwise provided, payments  
23 shall be made by state warrant, and the amount of payments shall  
24 not exceed three hundred dollars per month when there is but  
25 one dependent child and one eligible caretaker in any home, plus

1 an additional seventy-five dollars per month on behalf of each  
2 additional eligible person. No payments shall be made for amounts  
3 totaling less than ten dollars per month except in the recovery of  
4 overpayments.

5 (4) The amount which shall be paid as assistance with  
6 respect to a dependent child shall be based in each case upon the  
7 conditions disclosed by the investigation made by the department.  
8 An appeal shall lie from the finding made in each case to the  
9 chief executive officer of the department or his or her designated  
10 representative. Such appeal may be taken by any taxpayer or by any  
11 relative of such child. Proceedings for and upon appeal shall be  
12 conducted in the same manner as provided for in section 68-1016.

13 (5) (a) For the purpose of preventing dependency, the  
14 department shall adopt and promulgate rules and regulations  
15 providing for services to former and potential recipients of aid to  
16 dependent children and medical assistance benefits. The department  
17 shall adopt and promulgate rules and regulations establishing  
18 programs and cooperating with programs of work incentive, work  
19 experience, job training, and education. The provisions of this  
20 section with regard to determination of need, amount of payment,  
21 maximum payment, and method of payment shall not be applicable to  
22 families or children included in such programs.

23 (b) If a recipient of aid to dependent children becomes  
24 ineligible for aid to dependent children as a result of increased  
25 hours of employment or increased income from employment after

1 having participated in any of the programs established pursuant to  
2 subdivision (a) of this subsection, the recipient may be eligible  
3 for the following benefits, as provided in rules and regulations of  
4 the department in accordance with sections 402, 417, and 1925 of  
5 the federal Social Security Act, as ~~amended, Public Law 100-485,~~  
6 such act existed on January 1, 2008, in order to help the family  
7 during the transition from public assistance to independence:

8 (i) An ongoing transitional payment that is intended to  
9 meet the family's ongoing basic needs which may include food,  
10 clothing, shelter, utilities, household goods, personal care items,  
11 and general incidental expenses during the five months following  
12 the time the family becomes ineligible for assistance under the aid  
13 to dependent children program, if the family's earned income is at  
14 or below one hundred eighty-five percent of the federal poverty  
15 level at the time the family becomes ineligible for the aid to  
16 dependent children program. Payments shall be made in five monthly  
17 payments, each equal to one-fifth of the aid to dependent children  
18 payment standard for the family's size at the time the family  
19 becomes ineligible for the aid to dependent children program. If  
20 during the five-month period, (A) the family's earnings exceed one  
21 hundred eighty-five percent of the federal poverty level, (B) the  
22 family members are no longer working, (C) the family ceases to  
23 be Nebraska residents, (D) there is no longer a minor child in  
24 the family's household, or (E) the family again becomes eligible  
25 for the aid to dependent children program, the family shall become

1 ineligible for any remaining transitional benefits under this  
2 subdivision;

3 (ii) Child care as provided in subdivision (1)(c) of  
4 section 68-1724; and

5 (iii) Except as may be provided in accordance with  
6 subsection (2) of section 68-1713 and subdivision (1)(c) of section  
7 68-1724, medical assistance for up to twelve months after the month  
8 the recipient becomes employed and is no longer eligible for aid to  
9 dependent children.

10 (6) For purposes of sections 43-512 to 43-512.10 and  
11 43-512.12 to 43-512.18:

12 (a) Authorized attorney shall mean an attorney, employed  
13 by the county subject to the approval of the county board, employed  
14 by the department, or appointed by the court, who is authorized  
15 to investigate and prosecute child, spousal, and medical support  
16 cases. An authorized attorney shall represent the state as provided  
17 in section 43-512.03;

18 (b) Child support shall be defined as provided in section  
19 43-1705;

20 (c) Medical support shall include all expenses associated  
21 with the birth of a child and, if required pursuant to section  
22 42-369 or 43-290, medical and hospital insurance coverage or  
23 membership in a health maintenance organization or preferred  
24 provider organization;

25 (d) Spousal support shall be defined as provided in

1 section 43-1715;

2 (e) State Disbursement Unit shall be defined as provided  
3 in section 43-3341; and

4 (f) Support shall be defined as provided in section  
5 43-3313.

6 Sec. 2. Section 68-1721, Revised Statutes Supplement,  
7 2007, is amended to read:

8 68-1721 (1) Under the self-sufficiency contract developed  
9 under section 68-1719, the principal wage earner and other  
10 nonexempt members of the applicant family shall be required to  
11 participate in one or more of the following approved activities,  
12 including, but not limited to, education, job skills training, work  
13 experience, job search, or employment.

14 (2) Education shall consist of the general education  
15 development program, high school, Adult Basic Education, English  
16 as a Second Language, postsecondary education leading to a  
17 baccalaureate degree or an associate degree, vocational education,  
18 or other education programs approved in the contract and work  
19 activities directly related to such education.

20 (3) Job skills training shall include vocational  
21 training in technical job skills and equivalent knowledge.  
22 Activities shall consist of formalized, technical job skills  
23 training, apprenticeships, on-the-job training, or training in the  
24 operation of a microbusiness enterprise. The types of training,  
25 apprenticeships, or training positions may include, but need not be

1 limited to, the ability to provide services such as home repairs,  
2 automobile repairs, respite care, foster care, personal care, and  
3 child care. Job skills training shall be prioritized and approved  
4 for occupations that facilitate economic self-sufficiency.

5 (4) The purpose of work experience shall be to improve  
6 the employability of applicants by providing work experience and  
7 training to assist them to move promptly into regular public or  
8 private employment. Work experience shall mean unpaid work in a  
9 public, private, for-profit, or nonprofit business or organization.  
10 Work experience placements shall take into account the individual's  
11 prior training, skills, and experience. A placement shall not  
12 exceed six months.

13 (5) Job search shall assist adult members of recipient  
14 families in finding their own jobs. The emphasis shall be placed on  
15 teaching the individual to take responsibility for his or her own  
16 job development and placement.

17 (6) Employment shall consist of work for pay. The  
18 employment may be full-time or part-time but shall be adequate  
19 to help the recipient family reach economic self-sufficiency.

20 Sec. 3. Original sections 43-512 and 68-1721, Revised  
21 Statutes Supplement, 2007, are repealed.