

LEGISLATURE OF NEBRASKA
ONE HUNDRED SECOND LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 543
Final Reading

Introduced by Cook, 13.

Read first time January 18, 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 a state outreach plan relating to the
4 Supplemental Nutrition Assistance Program; to provide for
5 elimination of asset limits relating to the program as
6 prescribed; to harmonize provisions; to repeal the
7 original section; and to declare an emergency.
8 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) The department shall develop a state outreach plan
8 to promote access by eligible persons to benefits of the Supplemental
9 Nutrition Assistance Program. The plan shall meet the criteria
10 established by the Food and Nutrition Service of the United States
11 Department of Agriculture for approval of state outreach plans. The
12 Department of Health and Human Services may apply for and accept
13 gifts, grants, and donations to develop and implement the state
14 outreach plan.

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

1 development and implementation of the state outreach plan.

2 (c) The department shall submit the state outreach plan
3 to the Food and Nutrition Service of the United States Department of
4 Agriculture for approval on or before August 1, 2011, and shall
5 request any federal matching funds that may be available upon
6 approval of the state outreach plan. It is the intent of the
7 Legislature that the State of Nebraska and the Department of Health
8 and Human Services use any additional public or private funds to
9 offset costs associated with increased caseload resulting from the
10 implementation of the state outreach plan.

11 (d) The department shall be exempt from implementing or
12 administering a state outreach plan under this subsection, but not
13 from developing such a plan, if it does not receive private or
14 federal funds sufficient to cover the department's costs associated
15 with the implementation and administration of the plan, including any
16 costs associated with increased caseload resulting from the
17 implementation of the plan.

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

25 (ii) Such TANF-funded program or policy shall eliminate

1 all asset limits for eligibility for federal food assistance
2 benefits, except that the total of liquid assets which includes cash
3 on hand and funds in personal checking and savings accounts, money
4 market accounts, and share accounts shall not exceed twenty-five
5 thousand dollars pursuant to the Supplemental Nutrition Assistance
6 Program, as allowed under federal law and under 7 C.F.R. 273.2(j)(2).

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

10 (b) For purposes of this subsection:

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

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

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

23 (b) A person shall be ineligible for Supplemental
24 Nutrition Assistance Program benefits under this subsection if he or
25 she (i) has had three or more felony convictions for the possession

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

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

14 Sec. 3. Since an emergency exists, this act takes effect
15 when passed and approved according to law.