

AMENDMENTS TO LB359

(Amendments to E & R amendments, ER119)

Introduced by Kolowski

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

3           Section 1. In determining eligibility for the Medical  
4 Assistance Act, for the program for aid to dependent children  
5 pursuant to section 43-512, for the Supplemental Nutrition  
6 Assistance Program administered by the State of Nebraska pursuant  
7 to the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011  
8 et seq., and for the child care subsidy program established  
9 pursuant to section 68-1202, the following shall not be included  
10 in determining assets or income:

11           (1) Assets in or income from an educational savings  
12 account, a Coverdell educational savings account described in 26  
13 U.S.C. 530, a qualified tuition program established pursuant to 26  
14 U.S.C. 529, or any similar savings account or plan established to  
15 save for qualified higher education expenses as defined in section  
16 85-1802;

17           (2) Income from scholarships or grants related to  
18 postsecondary education, whether merit-based, need-based, or a  
19 combination thereof; and

20           (3) Income from postsecondary educational work-study  
21 programs, whether federally funded, funded by a postsecondary  
22 educational institution, or funded from any other source.

1           Sec. 2. Section 43-512, Revised Statutes Cumulative  
2 Supplement, 2012, 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  
26 an additional seventy-five dollars per month on behalf of each  
27 additional eligible person. No payments shall be made for amounts

1 totaling less than ten dollars per month except in the recovery of  
2 overpayments.

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

11 (5) (a) For the purpose of preventing dependency, the  
12 department shall adopt and promulgate rules and regulations  
13 providing for services to former and potential recipients of aid to  
14 dependent children and medical assistance benefits. The department  
15 shall adopt and promulgate rules and regulations establishing  
16 programs and cooperating with programs of work incentive, work  
17 experience, job training, and education. The provisions of this  
18 section with regard to determination of need, amount of payment,  
19 maximum payment, and method of payment shall not be applicable  
20 to families or children included in such programs. Income and  
21 assets described in section 1 of this act shall not be included in  
22 determination of need under this section.

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  
26 having participated in any of the programs established pursuant to  
27 subdivision (a) of this subsection, the recipient may be eligible

1 for the following benefits, as provided in rules and regulations of  
2 the department in accordance with sections 402, 417, and 1925 of  
3 the federal Social Security Act, as amended, Public Law 100-485,  
4 in order to help the family during the transition from public  
5 assistance to independence:

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

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

1           (iii) Except as may be provided in accordance with  
2 subsection (2) of section 68-1713 and subdivision (1)(c) of section  
3 68-1724, medical assistance for up to twelve months after the month  
4 the recipient becomes employed and is no longer eligible for aid to  
5 dependent children.

6           (6) For purposes of sections 43-512 to 43-512.18:

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

13           (b) Child support shall be defined as provided in section  
14 43-1705;

15           (c) Medical support shall include all expenses associated  
16 with the birth of a child, cash medical support as defined  
17 in section 42-369, health care coverage as defined in section  
18 44-3,144, and medical and hospital insurance coverage or membership  
19 in a health maintenance organization or preferred provider  
20 organization;

21           (d) Spousal support shall be defined as provided in  
22 section 43-1715;

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

25           (f) Support shall be defined as provided in section  
26 43-3313.

27           Sec. 4. Section 68-1713, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2           68-1713 (1) The Department of Health and Human Services  
3 shall implement the following policies:

4           (a) Permit Work Experience in Private for-Profit  
5 Enterprises;

6           (b) Permit Job Search;

7           (c) Permit Employment to be Considered a Program  
8 Component;

9           (d) Make Sanctions More Stringent to Emphasize  
10 Participant Obligations;

11           (e) Alternative Hearing Process;

12           (f) Permit Adults in Two-Parent Households to Participate  
13 in Activities Based on Their Self-Sufficiency Needs;

14           (g) Eliminate Exemptions for Individuals with Children  
15 Between the Ages of 12 Weeks and Age Six;

16           (h) Providing Poor Working Families with Transitional  
17 Child Care to Ease the Transition from Welfare to Self-Sufficiency;

18           (i) Provide Transitional Health Care for 12 Months After  
19 Termination of ADC if funding for such transitional medical  
20 assistance is available under Title XIX of the federal Social  
21 Security Act, as amended, as described in section 68-906;

22           (j) Require Adults to Ensure that Children in the Family  
23 Unit Attend School;

24           (k) Encourage Minor Parents to Live with Their Parents;

25           (l) Establish a Resource Limit of \$4,000 for a single  
26 individual and \$6,000 for two or more individuals for ADC;

27           (m) Exclude the Value of One Vehicle Per Family When

1 Determining ADC Eligibility;

2 (n) Exclude the Cash Value of Life Insurance Policies in  
3 Calculating Resources for ADC;

4 (o) Establish the Supplemental Nutrition Assistance  
5 Program as a Continuous Benefit with Eligibility Reevaluated with  
6 Yearly Redeterminations;

7 (p) Establish a Budget the Gap Methodology Whereby  
8 Countable Earned Income is Subtracted from the Standard of the  
9 Need and Payment is Based on the Difference or Maximum Payment  
10 Level, Whichever is Less. That this Gap be Established at a Level  
11 that Encourages Work but at Least at a Level that Ensures that  
12 Those Currently Eligible for ADC do not Lose Eligibility Because of  
13 the Adoption of this Methodology;

14 (q) Adopt an Earned Income Disregard of Twenty Percent of  
15 Gross Earnings in the ADC Program, and One Hundred Dollars in the  
16 Related Medical Assistance Program, and Income and Assets Described  
17 in section 1 of this act;

18 (r) Disregard Financial Assistance Received Described in  
19 section 1 of this act and Other Financial Assistance Intended for  
20 Books, Tuition, or Other Self-Sufficiency Related Use;

21 (s) Culture: Eliminate the 100-Hour Rule, The Quarter of  
22 Work Requirement, and The 30-Day Unemployed/Underemployed Period  
23 for ADC-UP Eligibility; and

24 (t) Make ADC a Time-Limited Program.

25 (2) The Department of Health and Human Services shall (a)  
26 apply for a waiver to allow for a sliding-fee schedule for the  
27 population served by the caretaker relative program or (b) pursue

1 other public or private mechanisms, to provide for transitional  
2 health care benefits to individuals and families who do not  
3 qualify for cash assistance. It is the intent of the Legislature  
4 that transitional health care coverage be made available on a  
5 sliding-scale basis to individuals and families with incomes up to  
6 one hundred eighty-five percent of the federal poverty level if  
7 other health care coverage is not available.

8 Sec. 5. Section 68-1726, Reissue Revised Statutes of  
9 Nebraska, is amended to read:

10 68-1726 Based on the comprehensive assets assessment,  
11 each individual and family receiving assistance under the Welfare  
12 Reform Act shall reach for his or her highest level of economic  
13 self-sufficiency or the family's highest level of economic  
14 self-sufficiency. The following eligibility factors shall apply:

15 (1) Financial resources, excluding the primary home and  
16 furnishings and the primary automobile, shall not exceed four  
17 thousand dollars in value for a single individual and six thousand  
18 dollars in value for two or more individuals;

19 (2) Available resources, including, but not limited to,  
20 savings accounts and real estate, shall be used in determining  
21 financial resources, except that income and assets described in  
22 section 1 of this act shall not be included in determination of  
23 available resources under this section;

24 (3) Income received by family members, except income  
25 earned by children attending school and except as provided in  
26 section 1 of this act, shall be considered in determining total  
27 family income. Income earned by an individual or a family by



1 working shall be treated differently than unearned income in  
2 determining the amount of cash assistance as follows:

3 (a) Earned income shall be counted in determining the  
4 level of cash assistance after disregarding an amount of earned  
5 income equal to twenty percent of earned income or other incentives  
6 to work;

7 (b) Financial assistance provided by other programs that  
8 support the transition to economic self-sufficiency shall be  
9 considered to the extent the payments are intended to provide  
10 for life's necessities; and

11 (c) Financial assistance or those portions of it intended  
12 for books, tuition, or other self-sufficiency-related expenses  
13 shall not be counted in determining financial resources. Such  
14 assistance shall include, but not be limited to, school grants,  
15 scholarships, vocational rehabilitation payments, Job Training  
16 Partnership Act payments, income or assets described in section  
17 1 of this act, and education-related loans or other loans that are  
18 expected to be repaid; and

19 (4) Individuals and families shall pursue potential  
20 sources of economic support, including, but not limited to,  
21 unemployment compensation and child support.

22 Sec. 6. Original sections 68-1713 and 68-1726, Reissue  
23 Revised Statutes of Nebraska, section 43-512, Revised Statutes  
24 Cumulative Supplement, 2012, and section 68-1206, Revised Statutes  
25 Supplement, 2013, are repealed.

26 2. Renumber the remaining section accordingly.