

AMENDMENTS TO LB212

(Amendments to Standing Committee amendments, AM380)

Introduced by Chambers, 11.

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

3 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
4 is 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

1 program.

2 (c) The Health and Human Services Committee of the Legislature,
3 after receipt and evaluation of the report required in subdivision (b) of
4 this subsection, shall issue recommendations to the department on any
5 further action necessary by the department to meet the requirements of
6 this section.

7 (2)(a) The department shall develop a state outreach plan to promote
8 access by eligible persons to benefits of the Supplemental Nutrition
9 Assistance Program. The plan shall meet the criteria established by the
10 Food and Nutrition Service of the United States Department of Agriculture
11 for approval of state outreach plans. The Department of Health and Human
12 Services may apply for and accept gifts, grants, and donations to develop
13 and implement the state outreach plan.

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

25 (c) The department shall submit the state outreach plan to the Food
26 and Nutrition Service of the United States Department of Agriculture for
27 approval on or before August 1, 2011, and shall request any federal
28 matching funds that may be available upon approval of the state outreach
29 plan. It is the intent of the Legislature that the State of Nebraska and
30 the Department of Health and Human Services use any additional public or
31 private funds to offset costs associated with increased caseload

1 resulting from the implementation of the state outreach plan.

2 (d) The department shall be exempt from implementing or
3 administering a state outreach plan under this subsection, but not from
4 developing such a plan, if it does not receive private or federal funds
5 sufficient to cover the department's costs associated with the
6 implementation and administration of the plan, including any costs
7 associated with increased caseload resulting from the implementation of
8 the plan.

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

15 (ii) Such TANF-funded program or policy shall eliminate all asset
16 limits for eligibility for federal food assistance benefits, except that
17 the total of liquid assets which includes cash on hand and funds in
18 personal checking and savings accounts, money market accounts, and share
19 accounts shall not exceed twenty-five thousand dollars pursuant to the
20 Supplemental Nutrition Assistance Program, as allowed under federal law
21 and under 7 C.F.R. 273.2(j)(2).

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

25 (b) For purposes of this subsection:

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

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

30 (4)(a) Within the limits specified in this subsection, the State of
31 Nebraska opts out of the provision of the federal Personal Responsibility

1 and Work Opportunity Reconciliation Act of 1996, as such act existed on
2 January 1, 2009, that eliminates eligibility for the Supplemental
3 Nutrition Assistance Program for any person convicted of a felony
4 involving the possession, use, or distribution of a controlled substance.

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

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

20 2. Insert the following new amendment:

21 2. On page 1, strike beginning with "the" in line 1 through line 3
22 and insert "public assistance; to amend section 68-1017.02, Reissue
23 Revised Statutes of Nebraska; to change provisions relating to
24 eligibility for Supplemental Nutrition Assistance Program benefits as
25 prescribed;".