

AMENDMENTS TO LB169

(Amendments to Standing Committee amendments, AM710)

Introduced by Hunt, 8.

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

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) As authorized under 21 U.S.C. 862a(d) and within ~~within~~ the  
31 limits specified in this subsection, the State of Nebraska opts out of

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

6 (b) Except as otherwise provided in subdivision (c) of this  
7 subsection, a person convicted of a felony involving the possession or  
8 use of a controlled substance shall only be eligible for Supplemental  
9 Nutrition Assistance Program benefits if such person (i) has completed  
10 her or his sentence for such felony, including any term of parole,  
11 probation, or post-release supervision, or (ii) is serving a term of  
12 parole, probation, or post-release supervision for such felony.

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