

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

SECOND SESSION

**LEGISLATIVE BILL 1010**

Introduced by Nordquist, 7; Cook, 13; Mello, 5.

Read first time January 17, 2012

Committee:

A BILL

1 FOR AN ACT relating to public health and welfare; to amend section  
2 68-1017.02, Revised Statutes Supplement, 2011; to change  
3 provisions relating to the Supplemental Nutrition  
4 Assistance Program; to harmonize provisions; and to  
5 repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

1                   Section 1. Section 68-1017.02, Revised Statutes  
2 Supplement, 2011, 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, 2012,~~ the  
19 department shall create a TANF-funded program or policy that, in  
20 compliance with federal law, establishes categorical eligibility for  
21 federal food assistance benefits pursuant to the Supplemental  
22 Nutrition Assistance Program to maximize the number of Nebraska  
23 residents being served under such program. ~~in a manner that does not~~  
24 ~~increase the current 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) Such TANF-funded program or policy shall increase  
8 the gross income eligibility limit to one hundred eighty-five percent  
9 of the federal Office of Management and Budget income poverty  
10 guideline as allowed under federal law and under 7 C.F.R. 273.2(j)(2)  
11 but shall not increase the net income eligibility limit.

12 ~~(iii)~~-(iv) This subsection becomes effective only if the  
13 department receives funds pursuant to federal participation that may  
14 be used to implement this subsection.

15 (b) For purposes of this subsection:

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

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

21 (4)(a) Within the limits specified in this subsection,  
22 the State of Nebraska opts out of the provision of the federal  
23 Personal Responsibility and Work Opportunity Reconciliation Act of  
24 1996, as such act existed on January 1, 2009, that eliminates  
25 eligibility for the Supplemental Nutrition Assistance Program for any

1 person convicted of a felony involving the possession, use, or  
2 distribution of a controlled substance.

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

17 Sec. 2. Original section 68-1017.02, Revised Statutes  
18 Supplement, 2011, is repealed.