

LEGISLATIVE BILL 522

Approved by the Governor April 20, 1982

Introduced by V. Johnson, 8; Cullan, 49

AN ACT relating to public welfare; to transfer the administration of welfare programs from the counties to the state; to amend sections 28-710, 28-711, 28-713, 28-723 to 28-727, 43-501, 43-511, 43-512.03, 43-514, 43-515, 43-525, 43-529, 68-103 to 68-105, 68-109, 68-110, 68-115, 68-126, 68-128, 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-716, 68-1001, 68-1007, 68-1014 to 68-1016, 68-1023, and 68-1206, Reissue Revised Statutes of Nebraska, 1943, sections 19-2702, 19-2716, 43-512, 63-703, and 68-1008, Revised Statutes Supplement, 1980, and section 68-1022, Revised Statutes Supplement, 1981; to harmonize provisions; to provide duties for the Department of Public Welfare; to eliminate certain assistance provisions; to provide an operative date; and to repeal the original sections, and also sections 43-505, 43-506, 43-527, 43-528, 43-530, 68-106 to 68-109, 68-111 to 68-114, 68-116, 68-218, 68-310.01, 68-310.02, 68-329, 68-704 to 68-709, 68-711, 68-1009, and 68-1010, Reissue Revised Statutes of Nebraska, 1943.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 19-2702, Revised Statutes Supplement, 1980, be amended to read as follows:

19-2702. No public or private utility company, other than a municipal utility owned and operated by a village, furnishing water, natural gas, or electricity at retail in this state shall discontinue service to any domestic subscriber for nonpayment of any past due account unless the utility company shall first give notice as provided in section 19-2704 by first-class mail or in person to any subscriber whose service is proposed to be terminated. If notice is given by first-class mail, such mail shall be conspicuously marked as to its importance. Service shall not be discontinued for at least seven days after notice is sent or given. Holidays and weekends shall be excluded from the seven days. As to any subscriber who has previously been identified as a welfare recipient to the company by the ~~county--welfare department~~ Department of Public Welfare, such notice shall be by certified mail and notice of such proposed

termination shall be given to the ~~county--welfare~~ department.

Sec. 2. That section 19-2716, Revised Statutes Supplement, 1980, be amended to read as follows:

19-2716. No municipal utility owned and operated by a village furnishing water, natural gas, or electricity at retail in this state shall discontinue service to any domestic subscriber for nonpayment of any due account unless such utility shall first give written notice by mail to any subscriber whose service is proposed to be terminated at least seven days prior to termination. As to any subscriber who has previously been identified as a welfare recipient to the utility by the ~~county--welfare--department~~ Department of Public Welfare, such notice shall be by certified mail and notice of such proposed termination shall be given to the ~~county-welfare~~ department.

Sec. 3. That section 28-710, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-710. As used in sections 28-710 to 28-727, unless the context otherwise requires:

(1) Department shall mean the Department of Public Welfare;

(2) Law enforcement agency shall mean the police department or town marshal in incorporated municipalities and the office of the sheriff in unincorporated areas; and

(3) Abuse or neglect shall mean knowingly, intentionally, or negligently causing or permitting a minor child or an incompetent or disabled person to be: (a) Placed in a situation that endangers his or her life or physical or mental health; (b) cruelly confined or cruelly punished; (c) deprived of necessary food, clothing, shelter, or care; (d) left unattended in a motor vehicle, if such minor child is six years of age or younger; or (e) sexually abused. ~~;-and~~

~~(4) Division shall mean the--county--division--of public-welfare.~~

Sec. 4. That section 28-711, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-711. (1) When any physician, medical institution, nurse, school employee, social worker, or any other person has reasonable cause to believe that a child or an incompetent or disabled person has been subjected to abuse or neglect, or observes such person being subjected to conditions or circumstances which reasonably would result in abuse or neglect, he or she shall report such incident or cause a report to be made to the proper law enforcement agency or to the department on the toll-free number established by subsection (2) of this section. Such report may be made orally by telephone, with the caller giving his or her name and address, and shall be followed by a written report, and to the extent available shall contain the address and age of the abused or neglected person, the address of the person or persons having custody of the abused or neglected person, the nature and extent of the abuse or neglect, or the conditions and circumstances which would reasonably result in such abuse or neglect, any evidence of previous abuse or neglect including the nature and extent, and any other information which in the opinion of the person may be helpful in establishing the cause of such abuse or neglect and the identity of the perpetrator or perpetrators. Law enforcement agencies receiving any reports of abuse or neglect under this subsection shall notify the state central registry on the next working day by phone or mail.

(2) There shall be established a single, statewide toll-free number within the department to be used by any person any hour of the day or night, any day of the week to make reports of abuse or neglect to the department. Reports of abuse or neglect not previously made to or by a law enforcement agency shall be made immediately to such agency by the department. ~~Reports of abuse or neglect not previously made to or by the division shall be made to such division by the department on the next business day after the department receives the report.~~

Sec. 5. That section 28-713, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-713. (1) The division department shall investigate each case of alleged abuse or neglect ~~referred to it by the department~~ and shall provide such social services as are necessary and appropriate under the circumstances to protect the abused or neglected person and preserve the family.

(2) The division department may make a request for further assistance from the law enforcement agency or

take such legal action as may be appropriate under the circumstances.

(3) The ~~division~~ department shall make a written report or a case summary, ~~as the Department of Public Welfare may require,~~ to the proper law enforcement agency in the county and to the state Abused and Neglected Child, Incompetent and Disabled Person Registry of all reported cases of abuse or neglect and action taken with respect to all such cases on forms provided by the ~~Department of Public Welfare~~ department.

Sec. 6. That section 28-723, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-723. At any time subsequent to the completion of the ~~division's~~ department's investigation, a subject of a report may request the department to amend, expunge identifying information from, or remove the record of the report from the register. If the department refuses to do so or does not act within thirty days, the subject shall have the right to a fair hearing within the department to determine whether the record of the report should be amended, expunged, or removed on the grounds that it is inaccurate or that it is being maintained in a manner inconsistent with this act. Such fair hearing shall be held within a reasonable time after the subject's request and at a reasonable place and hour. ~~The appropriate division shall be given notice of a fair hearing.~~ In such hearings, the burden of proving the accuracy and consistency of the record shall be on the department, ~~and the appropriate division.~~ A juvenile court finding of child abuse or child neglect shall be presumptive evidence that the report was not unfounded. The hearing shall be conducted by the head of the department or his or her designated agent, who is hereby authorized and empowered to order the amendment, expunction, or removal of the record to make it accurate or consistent with the requirements of this act. The decision shall be made in writing, at the close of the hearing, or within thirty days thereof, and shall state the reasons upon which it is based. Decisions of the department may be appealed under the provisions of sections 84-909 to 84-916.

Sec. 7. That section 28-724, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-724. Written notice of any amendment, expunction, or removal of any record made pursuant to this act shall be served upon the subject of such report.

~~and the appropriate division. The division or service unit, upon receipt of such notice, shall take similar action in regard to the local abuse and neglect records and department shall for the same purpose, inform any other individuals or agencies which received such record pursuant to this act or in any other manner to amend, expunge, or remove such record.~~

Sec. 8. That section 28-725, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-725. All records of the department ~~or division~~ concerning reports of noninstitutional child abuse or neglect, including reports made to the department, ~~or~~ central register, ~~division~~, and all records of the department ~~or division~~ generated as a result of such reports, shall be confidential and shall not be disclosed except as specifically authorized by this act or other applicable law. Permitting, assisting, or encouraging the unauthorized release of any information contained in such reports or records shall be a Class V misdemeanor.

Sec. 9. That section 28-726, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-726. Except as provided in this section and section 28-722, no person, official, or agency shall have access to such records unless in furtherance of purposes directly connected with the administration of this act. Such persons, officials, and agencies having access to such records shall include but not be limited to:

~~(1) A division or multicounty service unit in the furtherance of its responsibilities under this act;~~

(2) (1) A law enforcement agency investigating a report of known or suspected abuse or neglect;

(3) (2) A county attorney in preparation of an abuse, neglect, or termination petition;

(4) (3) A physician who has before him or her a person whom he or she reasonably suspects may be abused or neglected;

(5) (4) An agency having the legal responsibility or authorization to care for, treat, or supervise an abused or neglected child, incompetent, or disabled person, or a parent, guardian, or other person responsible for the abused or neglected child,

incompetent, or disabled person's welfare who is the subject of a report; and

(6) (5) Any person engaged in bona fide research or auditing. No information identifying the subjects of the report shall be made available to the researcher or auditor.

Sec. 10. That section 28-727, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

28-727. Upon request, a physician or the person in charge of an institution, school, facility, or agency making a legally mandated report shall receive a summary of the findings of and actions taken by the division department in response to his or her report. The amount of detail such summary contains shall depend on the source of the report and shall be established by regulations of the department.

Sec. 11. That section 43-501, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-501. Sections 43-501 to 43-527 43-526 shall be construed to be new, supplemental, and independent legislation upon the subjects of assistance and services for delinquent, dependent, and crippled children, and all provisions of law in regard thereto shall be and remain in full force and effect.

Sec. 12. That section 43-511, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-511. The Director of Public Welfare ~~and--the county--boards--of--public--welfare~~ shall extend the assistance and services herein provided for to all children in rural districts throughout this state, in order that the same benefits and facilities shall be available to children in such districts as in urban areas.

Sec. 13. That section 43-512, Revised Statutes Supplement, 1980, be amended to read as follows:

43-512. (1) Any dependent child, as defined in section 43-504, or any relative of such dependent child may file with the ~~local-county-board--of--public--welfare~~ Department of Public Welfare a written application for financial assistance for such child on forms furnished by the ~~Department-of-Public-Welfare~~ department.

(2) The county-board-of-public-welfare Department of Public Welfare, through its agents and employees, shall thereupon make such investigation as it deems necessary or as may be required by the Director-of-Public Welfare and county attorney. If the investigation or the application for financial assistance discloses that such child has a parent or stepparent who is able to contribute to the support of such child and has failed to do so, a copy of the finding of such investigation and a copy of the application shall immediately be filed with the county attorney.

(3) The county-board-of-public-welfare Department of Public Welfare shall make a finding as to whether the application referred to in subsection (1) of this section shall be allowed or denied. If it is found that said application should be allowed, the board department shall further find the amount of monthly assistance which should be paid with reference to such dependent child. Except as may be otherwise provided, payments shall be made by state warrant, and the amount of payments shall not exceed two hundred ninety-three dollars per month where there is but one dependent child and one eligible caretaker relative in any home, plus an additional seventy-one dollars per month on behalf of each additional eligible person.

(4) The amount which shall be paid as assistance with respect to a dependent child shall be based in each case upon the conditions disclosed by the investigation made by the county-board-of--public--welfare department. An appeal shall lie from the finding made in each case to the Director of Public Welfare. Such appeal may be taken by any taxpayer or by any relative of such child. Proceedings for and upon appeal shall be conducted in the same manner as provided for in section 68-1016.

(5) For the purpose of preventing dependency, the Director of Public Welfare is authorized to promulgate rules and regulations providing for services to former and potential recipients of aid to dependent children and medical assistance benefits. The director is further authorized to promulgate rules and regulations establishing programs and cooperating with programs of work incentive, work experience, job training, and education. The provisions of this section with regard to determination of need, amount of payment, maximum payment, and method of payment shall not be applicable to families or children included in such programs.

Sec. 14. That section 43-512.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-512.03. The county attorney shall:

(1) On request by the Department of Public Welfare, ~~or the county division of public welfare,~~ or when the investigation or application filed under section 43-512 justifies, file a petition against an absent parent in the district court praying for an order for child support in aid to dependent children cases when there is no existing child support order and, on request by the child caretaker, file a petition against an absent parent in the district court praying for an order for child support on behalf of children who are not recipients of aid to dependent children. After notice and hearing, the court shall adjudicate child support liability of the absent parent and enter an order accordingly;

(2) Enforce child support orders by citing the defendant for contempt or filing a criminal complaint; and

(3) Establish paternity and collect child support on behalf of children born out of wedlock.

Sec. 15. That section 43-514, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-514. Payments of assistance with respect to any dependent child shall be made to any person or persons in whose home the residence of such child is maintained. ~~For the purpose of determining county financial participation, the county of responsibility and legal settlement shall be determined in accordance with section 68-445.~~

Sec. 16. That section 43-515, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-515. In each case the county board of public welfare Director of Public Welfare shall make such investigation and reinvestigations as may be necessary to determine family circumstances and eligibility for assistance payments, ~~or as may be required by the Director of Public Welfare. Findings of the county board as to eligibility for assistance payments, continuing eligibility for assistance payments, amount of payments, and any change in amount of payments, shall be transmitted to the Director of Public Welfare for his approval, disapproval, or further investigation.~~ Each applicant and recipient shall be notified in writing as to the approval or disapproval of any application, as to

the amount of payments awarded, as to any change in the amount of payments awarded, and as to the discontinuance of payments.

Sec. 17. That section 43-525, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-525. The Department of Public Welfare through the Director of Public Welfare shall expend state assistance funds allocated for child welfare services in establishing, extending, and strengthening, especially in rural areas, child welfare services mentioned in sections 43-501 to 43-527 ~~43-526~~, for which other funds are not specifically or sufficiently made available by said sections or other laws of this state.

Sec. 18. That section 43-529, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

43-529. (1) Payments with respect to any dependent child, including payments to meet the needs of the relative with whom such child is living, such relative's spouse, and the needs of any other individual living in the same home as such child and relative if such needs are taken into account in making the determination for eligibility of such child to receive aid to families with dependent children, may be made on behalf of such child, relative, and other person to either (a) another individual who, in accordance with standards set by the Director of Public Welfare, is interested in or concerned with the welfare of such child or relative, or (b) directly to a person or entity furnishing food, living accommodations, or other goods, services, or items to or for such child, relative, or other person, or (c) both such individual and such person or entity.

(2) No such payments shall be made unless all of the following conditions are met: (a) The ~~county--board of public-welfare-or-the~~ Director of Public Welfare has determined that the relative of such child with respect to whom such payments are made has such inability to manage funds that making payments to him or her would be contrary to the welfare of the child and that it is therefor necessary to provide such aid with respect to such child and relative through payments described above to another interested individual, (b) the ~~county-board-of public-welfare-or-the~~ Director of Public Welfare has made arrangements for undertaking and continuing special efforts to develop greater ability on the part of the relative to manage funds in such a manner as to protect

the welfare of the family, and (c) the ~~county--board--of public-welfare-or-the~~ Director of Public Welfare has approved a plan that provides for a periodic review to ascertain whether conditions justifying such payments still exist, with provision for termination of such payments if such conditions no longer exist and for judicial appointment of a guardian or conservator if it appears that the need for such special payments is continuing or is likely to continue beyond a period specified by the Director of Public Welfare.

Sec. 19. That section 68-103, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-103. When any poor person shall not have relatives who support him or her, then the poor person shall receive such relief as his or her case may require, ~~out-of-the-treasury-of-the-county-in-which-he-or-she-has legal-settlement-at-the-time-of-applying--therefor~~ from the Department of Public Welfare, in the manner provided in section 68-105.

Sec. 20. That section 68-104, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-104. The ~~county--board---of---each---county~~ Department of Public Welfare shall be the overseers ~~overseer~~ of the poor and are shall be vested with the entire and exclusive superintendence of the poor in this state. in such county; ~~Provided, the county-board-may employ-a-physician-or-physicians-by-the-year--to--furnish such-medical-service-as-may-be-required-for-the--poor--of its-county;~~ In providing medical and hospital care for the poor, the county-board department shall make use of any existing facilities, including tax supported hospitals and charitable clinics so far as the same may be available. ~~The-county-board-shall-have--authority--to arrange-or-contract-for-medical,--surgical--and--hospital services-at-such-rates--as--may--be--determined--and--the county-shall-not-be-liable--for--any--such--services--not expressly-authorized-by-the-county-board.~~

Sec. 21. That section 68-105, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-105. It shall be the duty of the ~~county-board in-each-county~~ Department of Public Welfare to provide all poor persons who ~~have-a-legal-settlement-therein, who~~ meet the requirements ~~contained-in-section-68-103~~ of the department, and who are unable to earn a livelihood in

consequence of any unavoidable cause, with the necessities of life, ~~and in its discretion, to confide such poor persons to some moral and discreet householder or householders in the county of sufficient ability to provide for them.~~ Every person to whom the care of any such poor person shall be entrusted shall execute a bond to the ~~county in which such poor person shall reside,~~ department conditioned that he or she will treat such poor person with humanity, and afford to him or her the necessary comforts of life, fitted to his or her condition. Such bond shall set forth the sum to be paid by the county department for keeping such poor person.

Sec. 22. That section 68-109, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-109. The county-board Department of Public Welfare may, ~~at any regular meeting,~~ remove any poor person from the custody of any person or persons to whose care it may have committed the keeping of such poor person, ~~without subjecting such board or the county to any claim for damages.~~

Sec. 23. That section 68-110, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-110. The county-board Department of Public Welfare, in granting relief to any poor person, shall take into consideration the ability of the poor person to labor. If such person is strong and able-bodied, the county-board department may, as a condition precedent to the granting of any relief, require such person to do or perform any county work or labor as will fairly compensate for such county relief furnished.

Sec. 24. That section 68-115, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-115. ~~(1) The term legal settlement in sections 68-404 to 68-416 shall be taken and considered to mean as follows: Every person, except those hereinafter mentioned, who has resided one year continuously in any county, shall be deemed to have a legal settlement therein; Provided, every person who has resided one year continuously within the state, but not in any one county, shall have a legal settlement in the county in which he has resided six months continuously.~~

~~(2) The time during which a person has been an inmate of any public or private charitable or penal~~

institution, or has received care at public expense in any type of care home, nursing home or board and room facility licensed as such and caring for more than one patient or guest, and each month during which he has received relief from private charity or the poor fund of any county shall be excluded in determining the time of residence hereunder, as referred to in subsection (1) of this section:

(3) Every minor, who is not emancipated and settled in his own right, shall have the same legal settlement as the parent with whom he has resided:

(4) A legal settlement in this state The Department of Public Welfare shall establish the residency or legal settlement requirements for eligibility of public assistance, except that such requirement for residing in this state shall not be over a period of one year. Residency shall be terminated and lost by (a) acquiring a new one in another state; or (b) by voluntary and uninterrupted absence from this state for the period of one year with intent to abandon residence in Nebraska.

Sec. 25. That section 68-126, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-126. The Director of Public Welfare shall immediately adopt and promulgate rules and regulations establishing maximum payments for all health services furnished to recipients of public assistance. Such maximums shall be binding on county boards of public welfare and it shall be unlawful for a county board of public welfare to make any payment whatsoever in excess of such maximums.

Sec. 26. That section 68-128, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-128. From such funds as may be appropriated for such purpose, the Department of Public Welfare shall match expenditures of county funds for provide emergency assistance benefits on behalf of families who have children, under sections 68-103 to 68-116. In addition, the Department of Public Welfare shall allocate to counties for such emergency assistance purposes all funds which may be made available for such purpose by the government of the United States.

Sec. 27. That section 68-214, Reissue Revised Statutes of Nebraska, 1943, be amended to read as

follows:

68-214. The ~~county--board--of--public--welfare~~ Department of Public Welfare shall be reimbursed any assistance to the aged, blind, or disabled by the spouse, father, mother, or child of any recipient if they or either of them are of sufficient ability. A proceeding may be instituted in any court of competent jurisdiction in this state against any such relative for reimbursement of assistance payments made to or on behalf of a recipient at any time prior to the expiration of one year after the date of the last assistance payment. Suit shall be instituted in the name of the ~~county--board--of public-welfare-or-of-the~~ Director of Public Welfare.

Sec. 28. That section 68-309, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-309. The Department of Public Welfare shall be the sole agency of the State of Nebraska to administer the State Assistance Fund for assistance to the aged, blind, or disabled, aid to dependent children, medical assistance, ~~for-the-aged,~~ crippled children's services, child welfare services, and such other assistance and services as may be made available to the State of Nebraska by the government of the United States. ~~The department--shall--be--the--sole--agency---charged---with supervision-of-county-divisions-of-public-welfare-in--the administration-of-the-programs-set-forth-in-this-section-~~

Sec. 29. That section 68-312, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-312. The Department of Public Welfare shall have the power to establish and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of the state, ~~and--county--departments-~~ The use of such records, papers, files, and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished.

Sec. 30. That section 68-313, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-313. It shall be unlawful, except as permitted by section 68-313.01 and except for purposes directly connected with the administration of general assistance, ~~old-age-assistance,-aid-to-the-blind~~ crippled

children's services, medical assistance, assistance to the aged, blind, or disabled, or aid to dependent children, and in accordance with the rules and regulations of the Department of Public Welfare, for any person or persons to solicit, disclose, receive, make use of, authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of, any information concerning, or persons applying for or receiving such aid or assistance, directly or indirectly derived from the records, papers, files, or communications of the state, ~~or county,~~ or subdivisions or agencies thereof, or acquired in the course of the performance of official duties.

Sec. 31. That section 68-313.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-313.01. Members of the Nebraska Legislature and all state and county officials of this state shall have free access at all times to all records and information in connection with the aid and assistance referred to in section 68-313. The public shall have free access to all information concerning lists of names and amounts of payments which appear on any financial records, ~~of the county and which may be obtained from the assistance claim, warrant register, or such claim and warrant register filed monthly in the office of the county clerk, except that no lists shall be used for commercial or political purposes.~~

Sec. 32. That section 68-703, Revised Statutes Supplement, 1980, be amended to read as follows:

68-703. The powers and duties of the Director of Public Welfare are as follows:

(1) To administer the Department of Public Welfare as provided by law;

(2) To determine the general principles and outline the operation of public assistance, child welfare, and related activities;

(3) To establish rules and regulations for efficiently administering the department and performing the duties assigned to it;

(4) To organize the department;

(5) To appoint and fix the salaries of all necessary staff for performance of the duties of the department and in compliance with the rules and

regulations of the merit system;

(6) To consult and cooperate with the Department of Public Institutions and the Department of Correctional Services so as to coordinate in an effective manner the welfare activities of the department with those related activities affecting the welfare of persons in state institutions which are the responsibility of the Department of Public Institutions or the Department of Correctional Services;

(7) To consult and, under the general direction and guidance of the Adjutant General and the state Civil Defense Agency, to coordinate programs to meet disaster-related necessary expenses or serious needs of individuals or families adversely affected by a major disaster;

(8) To take the official oath; and

(9) To make an annual report to the Governor and prepare a biennial budget for the department, and make such other studies and reports as may be deemed necessary. and

~~(10) To provide such supervisory services as may be required to determine that county departments of public welfare are fulfilling their administrative duties in compliance with the statutes of Nebraska and state regulation.~~

The director shall be bonded under the blanket surety bond required by section 11-201.

Sec. 33. The Department of Public Welfare shall assume the sole responsibility for all public assistance delegated to county boards and administered by the county boards or divisions of public welfare, including, but not limited to, aid to families with dependent children, emergency assistance, general assistance or direct county relief, medical assistance, assistance to the aged, blind, or disabled, crippled children's services, commodities, and food stamps.

Sec. 34. All furniture, equipment, books, files, records, and personnel utilized by the county divisions or boards of public welfare for the administration of public assistance programs shall be transferred and delivered to the Department of Public Welfare. The transferred employees shall not lose any accrued benefits or status due to the transfer and shall receive the same benefits as other state employees, including participation in the State Employees Retirement

Fund.

Sec. 35. That section 68-716, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-716. An application for medical assistance benefits shall give a right of subrogation to the ~~county division of public welfare and the~~ Department of Public Welfare. ~~Subrogation rights may be exercised separately or jointly by the involved county division of public welfare and the~~ Department of Public Welfare. Subrogation shall include every claim or right which the applicant may have against a third party when such right or claim involves money for medical care. The third party shall be liable to make payments directly to the ~~county division of public welfare or the~~ Department of Public Welfare as soon as he or she is notified in writing of the valid claim for subrogation under this section.

Sec. 36. That section 68-1001, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1001. There is hereby established in and for the State of Nebraska a program to be known as assistance to the aged, blind, or disabled, which assistance shall be administered by ~~county divisions of public welfare under the supervision of~~ the Department of Public Welfare. Such assistance shall consist of money payments to, medical care in behalf of, or any type of remedial care in behalf of needy individuals.

Sec. 37. That section 68-1007, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1007. In determining need for assistance to the aged, blind, or disabled, ~~the county board of public welfare and~~ the Director of Public Welfare shall take into consideration all other income and resources of the individual claiming such assistance, as well as any expenses reasonably attributable to the earning of any such income; except that, in making such determination with respect to any individual who is blind, there shall be disregarded the first eighty-five dollars per month of earned income plus one half of earned income in excess of eighty-five dollars per month, and for a period not in excess of twelve months, such additional amounts of other income and resources, in the case of an individual who has an approved plan for achieving self-support, as may be necessary for the fulfillment of such plan, and in

making such determination with respect to an individual who has attained age sixty-five, or who is permanently and totally disabled, and is claiming aid to the aged, blind, or disabled, of the first eighty dollars per month of earned income ~~the county board of public welfare--and~~ the Director of Public Welfare shall disregard not more than the first twenty dollars thereof plus one half of the remainder, and in addition they shall also disregard the first seven dollars and fifty cents per month of any additional income which any recipient might have.

Sec. 38. That section 68-1008, Revised Statutes Supplement, 1980, be amended to read as follows:

68-1008. Upon the filing of an application for assistance to the aged, blind, or disabled, the ~~county board of public welfare~~ Department of Public Welfare shall make such investigation as it deems necessary to determine the circumstances existing in each case. ~~The board shall make a written finding rejecting or approving the application. Such finding shall be mailed to the Director of Public Welfare, who may make or order such additional investigation or investigations as he deems necessary.~~ Each applicant and recipient shall be notified in writing as to (1) the approval or disapproval of any application, (2) the amount of payments awarded, (3) any change in the amount of payments awarded, and (4) the discontinuance of payments.

Sec. 39. That section 68-1014, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1014. If any guardian or conservator shall have been appointed to take charge of the property of any recipient of assistance to the aged, blind, or disabled, aid to dependent children, or medical assistance, ~~for the aged,~~ such assistance payments shall be made to the guardian or conservator upon his or her filing with the ~~county board of public welfare~~ Director of Public Welfare a certified copy of his or her letters of guardianship or conservatorship.

Sec. 40. That section 68-1015, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1015. For the purpose of any investigation or hearing, ~~the county board of public welfare or~~ the Director of Public Welfare, through their his or her authorized agents, shall have the power to compel, by subpoena, the attendance and testimony of witnesses and the production of books and papers. Witnesses may be

examined on oath or affirmation.

Sec. 41. That section 68-1016, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

68-1016. The Director of Public Welfare shall provide for granting an opportunity for a fair hearing before the Department of Public Welfare to any individual whose claim for assistance to the aged, blind, or disabled, aid to dependent children, medical assistance, commodities, or food stamps, is denied, not granted in full, or is not acted upon with reasonable promptness, ~~by the county board of public welfare.~~ An appeal shall be taken by filing with ~~the county board of public welfare or~~ the director a written notice of appeal setting forth the facts on which the appeal is based. ~~If filed with the county board of public welfare, it shall forthwith notify the director thereof, and shall deliver to him such records and papers as may be requested by the director.~~ The director shall thereupon, in writing, notify the appellant ~~and the county board of public welfare~~ of the time and place for hearing, which shall be not less than one week nor more than six weeks from the date of such notice. Hearings shall be before the director or his or her duly authorized agent. On the basis of evidence adduced, the director shall enter a final order on such appeal, which order shall be transmitted to the appellant, ~~and to the county board of public welfare.~~ ~~Such proceedings shall be taken by the county board of public welfare as will carry into effect the final order of the director.~~

Sec. 42. That section 68-1022, Revised Statutes Supplement, 1981, be amended to read as follows:

68-1022. Except for care in a state institution and care on behalf of persons who have a right of residence on any reservation under the jurisdiction of the government of the United States, the cost of medical assistance paid by the county in which the recipient may have a legal settlement shall be eighteen per cent commencing July 1, 1979. Commencing July 1, 1980, the county shall pay sixteen per cent of the cost of such medical assistance. Commencing July 1, 1981, and ~~thereafter,~~ the county shall pay fourteen per cent of the cost of such medical assistance. Commencing July 1, 1983, and thereafter, ~~if a recipient has no county legal settlement,~~ medical assistance shall be paid from state funds and such funds as may be allocated by the government of the United States.

Sec. 43. That section 68-1023, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~68-1023. Except-for-payments-to-vendors, medical assistance shall be administered by the local county divisions of public welfare subject to supervision by the Department of Public Welfare.~~ The Department of Public Welfare may contract with the agencies administering in the State of Nebraska, Health Insurance for the Aged, identified as Public Law 89-97, 89th Congress, or with any other domestic agency or corporation licensed by the State Department of Insurance to engage in the insurance business in the State of Nebraska, to act as fiscal agents for the Department of Public Welfare and to make payments to vendors providing medical assistance authorized under sections 68-1018 to 68-1025.

Sec. 44. That section 68-1206, Peissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

~~68-1206. Except-for-payments-to-vendors, or services provided by state staff, social services shall be administered by county divisions of public welfare subject to supervision by the Department of Public Welfare.~~ The Director of Public Welfare shall administer the program of social services in this state. ~~may assign state service workers in addition to county workers to meet appropriate federal requirements if the director determines that by so doing the administration of such services may be more economically and efficiently provided.~~ The Department of Public Welfare department may contract with other social agencies for the purchase of social services at rates not to exceed those prevailing in the state or the cost at which the department could provide those services. The statutory maximum payments for the separate program of aid to dependent children shall apply only to public assistance grants and shall not apply to payments for social services.

Sec. 45. The provisions of this act shall become operative on July 1, 1983.

Sec. 46. That original sections 28-710, 28-711, 28-713, 28-723 to 28-727, 43-501, 43-511, 43-512.03, 43-514, 43-515, 43-525, 43-529, 68-103 to 68-105, 68-109, 68-110, 68-115, 68-126, 68-128, 68-214, 68-309, 68-312, 68-313, 68-313.01, 68-716, 68-1001, 68-1007, 68-1014 to 68-1016, 68-1023, and 68-1206, Reissue Revised Statutes of Nebraska, 1943, sections 19-2702, 19-2716, 43-512, 68-703, and 68-1008, Revised Statutes Supplement, 1980,

and section 68-1022, Revised Statutes Supplement, 1981, and also sections 43-505, 43-506, 43-527, 43-528, 43-530, 68-106 to 68-109, 68-111 to 68-114, 68-116, 68-218, 68-310.01, 68-310.02, 68-329, 68-704 to 68-709, 68-711, 68-1009, and 68-1010, Reissue Revised Statutes of Nebraska, 1943, are repealed.