

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 267

Introduced by Howard, 9.

Read first time January 11, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public assistance; to amend section
2 68-1017.02, Reissue Revised Statutes of Nebraska; to
3 change provisions relating to Supplemental Nutrition
4 Assistance Benefits; and to repeal the original section.
5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1017.02, Reissue Revised Statutes
2 of Nebraska, 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 a
10 waiver from the United States Secretary of Agriculture pursuant to
11 the federal Food and Nutrition Act of 2008, 7 U.S.C. 2011 et seq., to
12 limit the beverages that may be purchased with Supplemental Nutrition
13 Assistance Program benefits to milk, one-hundred-percent juice, and
14 plain water but shall not establish such limit until such waiver has
15 been granted by the secretary. The department shall seek to maximize
16 federal funding for such program and minimize the utilization of
17 General Funds for such program and shall employ the personnel
18 necessary to determine the options available to the state and issue
19 the report to the Legislature required by subdivision (b) of this
20 subsection.

21 (b) The department shall report annually to the Health
22 and Human Services Committee of the Legislature by December 1 on
23 efforts by the department to carry out the provisions of this
24 subsection. Such report shall provide the committee with all
25 necessary and appropriate information to enable the committee to

1 conduct a meaningful evaluation of such efforts. Such information
2 shall include, but not be limited to, a clear description of various
3 options available to the state under the federal Supplemental
4 Nutrition Assistance Program, the department's evaluation of and any
5 action taken by the department with respect to such options, the
6 number of persons being served under such program, and any and all
7 costs and expenditures associated with such program.

8 (c) The Health and Human Services Committee of the
9 Legislature, after receipt and evaluation of the report required in
10 subdivision (b) of this subsection, shall issue recommendations to
11 the department on any further action necessary by the department to
12 meet the requirements of this section.

13 (2)(a) Within the limits specified in this subsection,
14 the State of Nebraska opts out of the provision of the federal
15 Personal Responsibility and Work Opportunity Reconciliation Act of
16 1996, as such act existed on January 1, 2009, that eliminates
17 eligibility for the Supplemental Nutrition Assistance Program for any
18 person convicted of a felony involving the possession, use, or
19 distribution of a controlled substance.

20 (b) A person shall be ineligible for Supplemental
21 Nutrition Assistance Program benefits under this subsection if he or
22 she (i) has had three or more felony convictions for the possession
23 or use of a controlled substance or (ii) has been convicted of a
24 felony involving the sale or distribution of a controlled substance
25 or the intent to sell or distribute a controlled substance. A person

1 with one or two felony convictions for the possession or use of a
2 controlled substance shall only be eligible to receive Supplemental
3 Nutrition Assistance Program benefits under this subsection if he or
4 she is participating in or has completed a state-licensed or
5 nationally accredited substance abuse treatment program since the
6 date of conviction. The determination of such participation or
7 completion shall be made by the treatment provider administering the
8 program.

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