

LEGISLATURE OF NEBRASKA  
ONE HUNDRED FOURTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 81**

FINAL READING  
(SECOND)

Introduced by Cook, 13; Davis, 43; Kolterman, 24.

Read first time January 08, 2015

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to social services; to amend section 81-3133,
- 2 Reissue Revised Statutes of Nebraska, and section 68-1206, Revised
- 3 Statutes Cumulative Supplement, 2014; to change provisions relating
- 4 to eligibility for assistance; to require reporting regarding
- 5 transitional child care assistance programs; and to repeal the
- 6 original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Revised Statutes Cumulative Supplement,  
2 2014, is amended to read:

3 68-1206 (1) The Department of Health and Human Services shall  
4 administer the program of social services in this state. The department  
5 may contract with other social agencies for the purchase of social  
6 services at rates not to exceed those prevailing in the state or the cost  
7 at which the department could provide those services. The statutory  
8 maximum payments for the separate program of aid to dependent children  
9 shall apply only to public assistance grants and shall not apply to  
10 payments for social services. As part of the provision of social services  
11 authorized by section 68-1202, the department shall participate in the  
12 federal child care assistance program under 42 U.S.C. 618, as such  
13 section existed on January 1, 2013, and provide child care assistance to  
14 families with incomes up to one hundred twenty-five percent of the  
15 federal poverty level for FY2013-14 and one hundred thirty percent of the  
16 federal poverty level for FY2014-15 and each fiscal year thereafter.

17 (2) As part of the provision of social services authorized by this  
18 section and section 68-1202, the department shall participate in the  
19 federal Child Care Subsidy program. In determining ongoing eligibility  
20 for this program, ten percent of a household's gross earned income shall  
21 be disregarded after twelve continuous months on the program and at each  
22 subsequent redetermination. At redetermination of eligibility, if a  
23 family's income exceeds one hundred thirty percent of the federal poverty  
24 level, the family shall continue to receive transitional child care  
25 assistance for up to twenty-four consecutive months or until the family  
26 income exceeds one hundred eighty-five percent of the federal poverty  
27 level. If a family's income falls to one hundred thirty percent of the  
28 federal poverty level or below, the twenty-four-month time limit in this  
29 subsection shall cease to apply until the family becomes eligible for  
30 transitional child care assistance. The amount of such child care  
31 assistance shall be based on a cost-shared plan between the recipient

1 family and the state and shall be based on a sliding-scale methodology. A  
2 recipient family may be required to contribute a percentage of such  
3 family's gross income for child care that is no more than the cost-  
4 sharing rates in the transitional child care assistance program as of  
5 January 1, 2015, for those no longer eligible for cash assistance as  
6 provided in section 68-1724. Initial program eligibility standards shall  
7 not be impacted by the provisions of this subsection.

8 (3) In determining the rate or rates to be paid by the department  
9 for child care as defined in section 43-2605, the department shall adopt  
10 a fixed-rate schedule for the state or a fixed-rate schedule for an area  
11 of the state applicable to each child care program category of provider  
12 as defined in section 71-1910 which may claim reimbursement for services  
13 provided by the federal Child Care Subsidy program, except that the  
14 department shall not pay a rate higher than that charged by an individual  
15 provider to that provider's private clients. The schedule may provide  
16 separate rates for care for infants, for children with special needs,  
17 including disabilities or technological dependence, or for other  
18 individual categories of children. The schedule may also provide tiered  
19 rates based upon a quality scale rating of step three or higher under the  
20 Step Up to Quality Child Care Act. The schedule shall be effective on  
21 October 1 of every year and shall be revised annually by the department.

22 Sec. 2. Section 81-3133, Reissue Revised Statutes of Nebraska, is  
23 amended to read:

24 81-3133 (1)(a) On or before July 30, 2012, the Division of Children  
25 and Family Services of the Department of Health and Human Services shall  
26 report in writing its expenditures between January 1, 2012, and June 30,  
27 2012, and the outcomes relating to such expenditures to the  
28 Appropriations Committee of the Legislature and the Health and Human  
29 Services Committee of the Legislature. Such report shall identify any  
30 changes or movement of funds in excess of two hundred fifty thousand  
31 dollars relating to child welfare between subprograms within Budget

1 Program 347 and Budget Program 354.

2 (b) Beginning with the third calendar quarter of 2012, the division  
3 shall report electronically its expenditures for each quarter and the  
4 outcomes relating to such expenditures within thirty days after the end  
5 of the quarter to the Appropriations Committee of the Legislature and the  
6 Health and Human Services Committee of the Legislature. Such report shall  
7 identify any changes or movement of funds in excess of two hundred fifty  
8 thousand dollars relating to child welfare between subprograms within  
9 Budget Program 347 and Budget Program 354.

10 (2)(a) For the biennium ending June 30, 2015, the biennium ending  
11 June 30, 2017, and the biennium ending June 30, 2019, the Division of  
12 Children and Family Services of the Department of Health and Human  
13 Services shall, as part of the appropriations request process pursuant to  
14 section 81-132, include a strategic plan that identifies the main purpose  
15 or purposes of each program, verifiable and auditable key goals that the  
16 division believes are fair measures of its progress in meeting each  
17 program's main purpose or purposes, and benchmarks for improving  
18 performance on the key goals for the state as a whole and for each  
19 Department of Health and Human Services service area designated pursuant  
20 to section 81-3116. The division shall also report whether the benchmarks  
21 are being met and, if not, the expected timeframes for meeting them. Such  
22 key goals and benchmarks shall be developed by the Division of Children  
23 and Family Services with the assistance of the budget division of the  
24 Department of Administrative Services pursuant to subdivision (2) of  
25 section 81-1113.

26 (b) Not later than September 15, 2013, not later than September 15,  
27 2015, and not later than September 15, 2017, the Division of Children and  
28 Family Services of the Department of Health and Human Services shall  
29 report electronically to the Health and Human Services Committee of the  
30 Legislature and the Appropriations Committee of the Legislature on the  
31 progress towards the key goals identified pursuant to this subsection

1 that occurred in the previous twelve months. The division shall annually  
2 appear at a joint hearing of the two legislative committees and present  
3 the report.

4 (3) On or before December 1, 2016, and each year thereafter, the  
5 Division of Children and Family Services of the Department of Health and  
6 Human Services shall report electronically to the Governor and the  
7 Legislature the number of families in all transitional child care  
8 assistance programs and the number of families no longer eligible for all  
9 transitional child care assistance programs due to failure to meet income  
10 guidelines.

11 Sec. 3. Original section 81-3133, Reissue Revised Statutes of  
12 Nebraska, and section 68-1206, Revised Statutes Cumulative Supplement,  
13 2014, are repealed.