

LEGISLATURE OF NEBRASKA
NINETY-SIXTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 914

Introduced by Hilgert, 7

Read first time January 5, 2000

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to the Welfare Reform Act; to amend sections
2 68-1723 and 68-1724, Reissue Revised Statutes of
3 Nebraska, and section 68-1713, Revised Statutes
4 Supplement, 1998; to change provisions relating to cash
5 assistance; to harmonize provisions; and to repeal the
6 original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1713, Revised Statutes Supplement,
2 1998, is amended to read:

3 68-1713. (1) The Department of Health and Human Services
4 shall submit a waiver request or requests to the United States
5 Department of Health and Human Services and the United States
6 Department of Agriculture as necessary for federal authorization to
7 implement the provisions of the Welfare Reform Act. The Department
8 of Health and Human Services may include the provisions of sections
9 68-1718 to 68-1726 in its waiver requests and shall designate
10 counties for implementation on or after July 1, 1995, of such
11 sections for recipient families in the aid to dependent children
12 program. It is the intent of the Legislature that such designated
13 counties include at least one county with a population of not more
14 than thirty-five thousand inhabitants and one county with a
15 population of at least one hundred fifty thousand inhabitants but
16 not more than three hundred thousand inhabitants.

17 The Department of Health and Human Services shall
18 implement the following policies:

19 (a) Permit Work Experience in Private for Profit
20 Enterprises;

21 (b) Permit Job Search to Extend Beyond Eight Weeks Each
22 Year;

23 (c) Permit Employment to be Considered a JOBS Program
24 Component;

25 (d) Make Sanctions More Stringent to Emphasize
26 Participant Obligations;

27 (e) Alternative Hearing Process;

28 (f) Permit Adults in Two-Parent Households to Participate

1 in JOBS Activities Based on Their Self-Sufficiency Needs;

2 (g) Eliminate Exemptions for Individuals with Children
3 Between the Ages of ~~12 Weeks~~ Twelve Months and Age Six;

4 (h) Providing Poor Working Families with Transitional
5 Child Care to Ease the Transition from Welfare to Self-Sufficiency;

6 (i) Provide Transitional Health Care for 24 Months After
7 Termination of ADC;

8 (j) Cap Family Benefits Based on the Number of Children
9 in the Unit at the Time of Initial Eligibility;

10 (k) Require Adults to Ensure that Children in the Family
11 Unit Attend School;

12 (l) Encourage Minor Parents to Live with Their Parents;

13 (m) Establish a Resource Limit of \$4,000 for a single
14 individual and \$6,000 for two or more individuals for ADC;

15 (n) Exclude the Value of One Vehicle Per Family When
16 Determining ADC Eligibility;

17 (o) Exclude the Cash Value of Life Insurance Policies in
18 Calculating Resources for ADC;

19 (p) Permit the Self-Sufficiency Contract Assessment to
20 Substitute for the Six-Month ADC Redetermination Process;

21 (q) Establish Food Stamps as a Continuous Benefit with
22 Eligibility Reevaluated with Yearly Redeterminations;

23 (r) Establish a Budget the Gap Methodology Whereby
24 Countable Earned Income is Subtracted from the Standard of the Need
25 and Payment is Based on the Difference or Maximum Payment Level,
26 Whichever is Less. That this Gap be Established at a Level that
27 Encourages Work but at Least at a Level that Ensures that Those
28 Currently Eligible for ADC do not Lose Eligibility Because of the

1 Adoption of this Methodology;

2 (s) Adopt the Food Stamp Program's Earned Income
3 Disregard of Twenty Percent of Gross Earnings in the ADC and
4 Related Medical Assistance Program;

5 (t) Disregard Financial Assistance Received Intended for
6 Books, Tuition, or Other Self-Sufficiency Related Use;

7 (u) Culture: Eliminate the 100-Hour Rule, The Quarter of
8 Work Requirement, and The 30-Day Unemployed/Underemployed Period
9 for ADC-UP Eligibility;

10 (v) Make ADC a Time-Limited Program;

11 (w) Eliminate Self-Initiated Training as a JOBS Option;

12 and

13 (x) Other Waivers: Statewide Operation of the
14 Demonstration Project.

15 At the end of the first year of implementation, the
16 department shall identify any adjustments or adaptations that may
17 be needed before the policies of the Welfare Reform Act are
18 implemented in other areas of the state. Such review shall include
19 an evaluation of the impact of such policies. The department shall
20 implement the policies in additional counties as necessary to
21 complete statewide implementation.

22 (2) The Department of Health and Human Services shall (a)
23 apply for a waiver to allow for a sliding-fee schedule for the
24 population served by the caretaker relative program or (b) pursue
25 other public or private mechanisms, to provide for transitional
26 health care benefits to individuals and families who do not qualify
27 for cash assistance. It is the intent of the Legislature that
28 transitional health care coverage be made available on a

1 sliding-scale basis to individuals and families with incomes up to
2 one hundred eighty-five percent of the federal poverty level if
3 other health care coverage is not available.

4 Sec. 2. Section 68-1723, Reissue Revised Statutes of
5 Nebraska, is amended to read:

6 68-1723. (1) Cash assistance shall be provided only
7 while recipients are actively engaged in the specific activities
8 outlined in the self-sufficiency contract developed under section
9 68-1719. If the recipients are not actively engaged in these
10 activities, no cash assistance shall be paid.

11 (2) Recipient families with at least one adult with the
12 capacity to work, as determined by the comprehensive assets
13 assessment, shall participate in the self-sufficiency contract as a
14 condition of receiving cash assistance. If any such adult fails to
15 cooperate in carrying out the terms of the contract, the family
16 shall be ineligible for cash assistance.

17 (a) Adult members of recipient families whose youngest
18 child is ~~between the ages of twelve weeks and six~~ under the age of
19 twelve months shall engage in an individually determined number of
20 part-time hours in activities such as family nurturing,
21 preemployment skills, or education.

22 (b) Participation in activities outlined in the
23 self-sufficiency contract shall not be required for one parent of a
24 recipient family whose youngest child is under the age of twelve
25 ~~weeks~~ months.

26 (c) The two-year time limit on cash assistance under
27 section 68-1724 shall be extended: (i) To cover the ~~twelve-week~~
28 ~~postpartum recovery~~ twelve-month postpartum period for children

1 born to recipient families; and (ii) to recognize special medical
2 conditions of such children requiring the presence of at least one
3 adult member of the recipient family, as determined by the state,
4 which extend past the age of twelve ~~weeks~~ months.

5 (d) Full participation in the activities outlined in the
6 self-sufficiency contract shall be required for adult members of a
7 recipient family whose youngest child is over the age of ~~six~~ twelve
8 months.

9 (e) Full participation in the activities outlined in the
10 self-sufficiency contract and the two-year time limit on cash
11 assistance under section 68-1724 shall begin for a minor parent
12 when: (i) The minor parent graduates from high school; (ii) the
13 minor parent receives his or her General Education Development
14 diploma; or (iii) the minor parent reaches nineteen years of age.

15 (f) In cases in which the only adults in the recipient
16 family do not have parental responsibility which shall mean such
17 adults are not the biological or adoptive parents or stepparents of
18 the children in their care, and assistance is requested for all
19 family members, including the adults, the family shall participate
20 in the activities outlined in the self-sufficiency contract as a
21 condition of receiving cash assistance.

22 (g) Unemployed or underemployed absent and able-to-work
23 parents of children in the recipient family may participate in
24 self-sufficiency contracts, employment, and payment of child
25 support, and such absent parents may be required to pay all or a
26 part of the costs of the self-sufficiency contracts.

27 (3) Individual recipients and recipient families shall
28 have the right to request an administrative hearing (a) for the

1 purpose of reviewing compliance by the state with the terms of the
2 self-sufficiency contract or (b) for the purpose of reviewing a
3 determination by the department that the recipient or recipient
4 family has not complied with the terms of the self-sufficiency
5 contract. It is the intent of the Legislature that an independent
6 mediation appeal process be developed as an option to be
7 considered.

8 Sec. 3. Section 68-1724, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 68-1724. (1) Cash assistance shall be provided for a
11 period or periods of time not to exceed a total of two years for
12 recipient families with children subject to the following:

13 (a) If the state fails to meet the specific terms of the
14 self-sufficiency contract developed under section 68-1719, the
15 two-year time limit established in this section shall be extended
16 for an additional period of not more than two years;

17 (b) The two-year time period for cash assistance shall
18 begin when the self-sufficiency contract is signed or when any
19 children born into the recipient family prior to the initial ten
20 months of assistance reach the age of ~~six~~ twelve months, whichever
21 is later;

22 (c) When no longer eligible to receive cash assistance,
23 assistance shall be available to reimburse work-related child care
24 expenses even if the recipient family has not achieved economic
25 self-sufficiency. The amount of such assistance shall be based on
26 a cost-shared plan between the recipient family and the state which
27 shall provide assistance up to one hundred eighty-five percent of
28 the federal poverty level for up to twenty-four months. A

1 recipient family may be required to contribute up to twenty percent
2 of such family's gross income for child care. It is the intent of
3 the Legislature that transitional health care coverage be made
4 available on a sliding-scale basis to individuals and families with
5 incomes up to one hundred eighty-five percent of the federal
6 poverty level if other health care coverage is not available;

7 (d) After receiving cash assistance under this section
8 for two years at a monthly payment level not exceeding that
9 provided in section 43-512, families shall receive no further cash
10 assistance pursuant to this section for at least two years after
11 the assistance period ends; and

12 (e) The self-sufficiency contract shall be revised and
13 the two-year time period for cash assistance extended when there is
14 no job available for adult members of the recipient family. It is
15 the intent of the Legislature that available job shall mean a job
16 which results in an income of at least equal to the amount of cash
17 assistance that would have been available if receiving assistance
18 minus unearned income available to the recipient family.

19 The department shall develop policy guidelines to allow
20 for cash assistance to persons who have received the maximum cash
21 assistance provided by this section and who face extreme hardship
22 without additional assistance. For purposes of this section,
23 extreme hardship means a recipient family does not have adequate
24 cash resources to meet the costs of the basic needs of food,
25 clothing, and housing without continuing assistance or the child or
26 children are at risk of losing care by and residence with their
27 parent or parents.

28 (2) Cash assistance conditions under the Welfare Reform

1 Act shall be as follows:

2 (a) Adults in recipient families shall mean individuals
3 at least nineteen years of age living with and related to a child
4 eighteen years of age or younger and shall include parents,
5 siblings, uncles, aunts, cousins, or grandparents, whether the
6 relationship is biological, adoptive, or step;

7 (b) The payment standard shall be based upon family size.
8 Any child born into the recipient family after the initial ten
9 months of participation in the program shall not increase the cash
10 assistance payment, except that child support or other income
11 received on behalf of such child or children shall not be
12 considered as countable income to the recipient family in
13 determining the amount of their cash assistance payment;

14 (c) The adults in the recipient family shall ensure that
15 the minor children regularly attend school. Education is a
16 valuable personal resource. The cash assistance provided to the
17 recipient family may be reduced when the parent or parents have
18 failed to take reasonable action to encourage the minor children of
19 the recipient family ages sixteen and under to regularly attend
20 school. No reduction of assistance shall be such as may result in
21 extreme hardship. It is the intent of the Legislature that a
22 process be developed to insure communication between the case
23 manager, the parent or parents, and the school to address issues
24 relating to school attendance;

25 (d) Two-parent families which would otherwise be eligible
26 under section 43-504 or a federally approved waiver shall receive
27 cash assistance under this section;

28 (e) For minor parents, the assistance payment shall be

1 based on the minor parent's income. If the minor parent lives with
2 at least one parent, the family's income shall be considered in
3 determining eligibility and cash assistance payment levels for the
4 minor parent. If the minor parent lives independently, support
5 shall be pursued from the parents of the minor parent. If the
6 absent parent of the minor's child is a minor, support from his or
7 her parents shall be pursued. Support from parents as allowed
8 under this subdivision shall not be pursued when the family income
9 is less than three hundred percent of the federal poverty
10 guidelines; and

11 (f) For adults who are not biological or adoptive parents
12 or stepparents of the child or children in the family, if
13 assistance is requested for the entire family, including the
14 adults, a self-sufficiency contract shall be entered into as
15 provided in section 68-1719. If assistance is requested for only
16 the child or children in such a family, such children shall be
17 eligible after consideration of the family's income and if (i) the
18 family cooperates in pursuing child support and (ii) the minor
19 children of the family regularly attend school.

20 Sec. 4. Original sections 68-1723 and 68-1724, Reissue
21 Revised Statutes of Nebraska, and section 68-1713, Revised Statutes
22 Supplement, 1998, are repealed.