

E AND R AMENDMENTS TO LB 171

Introduced by Enrollment and Review Committee: McGill, 26,  
Chairperson

1           1. Strike the original sections and all amendments  
2 thereto and insert the following new sections:

3           Section 1. Section 68-1017.02, Revised Statutes  
4 Cumulative Supplement, 2006, is amended to read:

5           68-1017.02 ~~(1)~~ (1) (a) The Department of Health and Human  
6 Services shall apply for and utilize to the maximum extent  
7 possible, within limits established by the Legislature, any and  
8 all appropriate options available to the state under the federal  
9 food stamp program and regulations adopted under such program to  
10 maximize the number of Nebraska residents being served under such  
11 program within such limits. The department shall seek to maximize  
12 federal funding for such program and minimize the utilization of  
13 General Funds for such program and shall employ the personnel  
14 necessary to determine the options available to the state and issue  
15 the report to the Legislature required by subdivision (b) of this  
16 subsection.

17           (b) The department shall report annually to the Health  
18 and Human Services Committee of the Legislature by December 1  
19 on efforts by the department to carry out the provisions of  
20 this subsection. Such report shall provide the committee with all  
21 necessary and appropriate information to enable the committee to  
22 conduct a meaningful evaluation of such efforts. Such information  
23 shall include, but not be limited to, a clear description of

1 various options available to the state under the federal food  
2 stamp program, the department's evaluation of and any action taken  
3 by the department with respect to such options, the number of  
4 persons being served under such program, and any and all costs and  
5 expenditures associated with such program.

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

11 (2) (a) Within the limits specified in this section,  
12 subsection, the State of Nebraska opts out of the provision of the  
13 federal Personal Responsibility and Work Opportunity Reconciliation  
14 Act of 1996, Public Law 104-193, section 115, as such act existed  
15 on the effective date of this act, that eliminates eligibility for  
16 food stamps for any person convicted of a felony involving the  
17 possession, use, or distribution of a controlled substance.

18 ~~(2)~~ (b) A person shall be ineligible for food stamp  
19 benefits under this section subsection if he or she (a) (i) has  
20 had three or more felony convictions for the possession or use  
21 of a controlled substance or (b) (ii) has been convicted of a  
22 felony involving the sale or distribution of a controlled substance  
23 or the intent to sell or distribute a controlled substance. A  
24 person with one or two felony convictions for the possession or  
25 use of a controlled substance shall only be eligible to receive  
26 food stamp benefits under this section subsection if he or she is  
27 participating in or has completed a state-licensed or nationally

1 accredited substance abuse treatment program since the date of  
2 conviction. The determination of such participation or completion  
3 shall be made by the treatment provider administering the program.

4           Sec. 2. Original section 68-1017.02, Revised Statutes  
5 Cumulative Supplement, 2006, is repealed.

6           2. On page 1, line 1, after the semicolon insert "to  
7 amend section 68-1017.02, Revised Statutes Cumulative Supplement,  
8 2006;"; and in line 3 after "waivers" insert "; to require  
9 reporting; to provide duties for the Health and Human Services  
10 Committee of the Legislature; to harmonize provisions; and to  
11 repeal the original section".