

LEGISLATIVE BILL 171

Approved by the Governor April 11, 2008

Introduced by Kopplin, 3; Howard, 9; Nantkes, 46; Synowiecki, 7.

FOR AN ACT relating to food stamps; to amend section 68-1017.02, Revised Statutes Cumulative Supplement, 2006; to provide duties for the Department of Health and Human Services relating to options and waivers; to require reporting; to provide duties for the Health and Human Services Committee of the Legislature; to harmonize provisions; and to repeal the original section.

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

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

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

(b) The department shall report annually to the Health and Human Services Committee of the Legislature by December 1 on efforts by the department to carry out the provisions of this subsection. Such report shall provide the committee with all necessary and appropriate information to enable the committee to conduct a meaningful evaluation of such efforts. Such information shall include, but not be limited to, a clear description of various options available to the state under the federal food stamp program, the department's evaluation of and any action taken by the department with respect to such options, the number of persons being served under such program, and any and all costs and expenditures associated with such program.

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

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

~~(2)~~ (b) A person shall be ineligible for food stamp benefits under this section subsection if he or she ~~(a)~~ (i) has had three or more felony convictions for the possession or use of a controlled substance or ~~(b)~~ (ii) has been convicted of a felony involving the sale or distribution of a controlled substance or the intent to sell or distribute a controlled substance. A person with one or two felony convictions for the possession or use of a controlled substance shall only be eligible to receive food stamp benefits under this section subsection if he or she is participating in or has completed a state-licensed or nationally accredited substance abuse treatment program since the date of conviction. The determination of such participation or completion shall be made by the treatment provider administering the program.

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