

AMENDMENTS TO LB169

Introduced by Health and Human Services.

1 1. Strike original section 1 and insert the following new section:

2 Section 1. Section 68-1017.02, Reissue Revised Statutes of Nebraska,
3 is amended to read:

4 68-1017.02 (1)(a) The Department of Health and Human Services shall
5 apply for and utilize to the maximum extent possible, within limits
6 established by the Legislature, any and all appropriate options available
7 to the state under the federal Supplemental Nutrition Assistance Program
8 and regulations adopted under such program to maximize the number of
9 Nebraska residents being served under such program within such limits.
10 The department shall seek to maximize federal funding for such program
11 and minimize the utilization of General Funds for such program and shall
12 employ the personnel necessary to determine the options available to the
13 state and issue the report to the Legislature required by subdivision (b)
14 of this subsection.

15 (b) The department shall submit electronically an annual report to
16 the Health and Human Services Committee of the Legislature by December 1
17 on efforts by the department to carry out the provisions of this
18 subsection. Such report shall provide the committee with all necessary
19 and appropriate information to enable the committee to conduct a
20 meaningful evaluation of such efforts. Such information shall include,
21 but not be limited to, a clear description of various options available
22 to the state under the federal Supplemental Nutrition Assistance Program,
23 the department's evaluation of and any action taken by the department
24 with respect to such options, the number of persons being served under
25 such program, and any and all costs and expenditures associated with such
26 program.

27 (c) The Health and Human Services Committee of the Legislature,

1 after receipt and evaluation of the report required in subdivision (b) of
2 this subsection, shall issue recommendations to the department on any
3 further action necessary by the department to meet the requirements of
4 this section.

5 (2)(a) The department shall develop a state outreach plan to promote
6 access by eligible persons to benefits of the Supplemental Nutrition
7 Assistance Program. The plan shall meet the criteria established by the
8 Food and Nutrition Service of the United States Department of Agriculture
9 for approval of state outreach plans. The Department of Health and Human
10 Services may apply for and accept gifts, grants, and donations to develop
11 and implement the state outreach plan.

12 (b) For purposes of developing and implementing the state outreach
13 plan, the department shall partner with one or more counties or nonprofit
14 organizations. If the department enters into a contract with a nonprofit
15 organization relating to the state outreach plan, the contract may
16 specify that the nonprofit organization is responsible for seeking
17 sufficient gifts, grants, or donations necessary for the development and
18 implementation of the state outreach plan and may additionally specify
19 that any costs to the department associated with the award and management
20 of the contract or the implementation or administration of the state
21 outreach plan shall be paid out of private or federal funds received for
22 development and implementation of the state outreach plan.

23 (c) The department shall submit the state outreach plan to the Food
24 and Nutrition Service of the United States Department of Agriculture for
25 approval on or before August 1, 2011, and shall request any federal
26 matching funds that may be available upon approval of the state outreach
27 plan. It is the intent of the Legislature that the State of Nebraska and
28 the Department of Health and Human Services use any additional public or
29 private funds to offset costs associated with increased caseload
30 resulting from the implementation of the state outreach plan.

31 (d) The department shall be exempt from implementing or

1 administering a state outreach plan under this subsection, but not from
2 developing such a plan, if it does not receive private or federal funds
3 sufficient to cover the department's costs associated with the
4 implementation and administration of the plan, including any costs
5 associated with increased caseload resulting from the implementation of
6 the plan.

7 (3)(a)(i) On or before October 1, 2011, the department shall create
8 a TANF-funded program or policy that, in compliance with federal law,
9 establishes categorical eligibility for federal food assistance benefits
10 pursuant to the Supplemental Nutrition Assistance Program to maximize the
11 number of Nebraska residents being served under such program in a manner
12 that does not increase the current gross income eligibility limit.

13 (ii) Such TANF-funded program or policy shall eliminate all asset
14 limits for eligibility for federal food assistance benefits, except that
15 the total of liquid assets which includes cash on hand and funds in
16 personal checking and savings accounts, money market accounts, and share
17 accounts shall not exceed twenty-five thousand dollars pursuant to the
18 Supplemental Nutrition Assistance Program, as allowed under federal law
19 and under 7 C.F.R. 273.2(j)(2).

20 (iii) This subsection becomes effective only if the department
21 receives funds pursuant to federal participation that may be used to
22 implement this subsection.

23 (b) For purposes of this subsection:

24 (i) Federal law means the federal Food and Nutrition Act of 2008, 7
25 U.S.C. 2011 et seq., and regulations adopted under the act; and

26 (ii) TANF means the federal Temporary Assistance for Needy Families
27 program established in 42 U.S.C. 601 et seq.

28 (4)(a) ~~As authorized under 21 U.S.C. 862a(d) within the limits~~
29 ~~specified in this subsection~~, the State of Nebraska opts out of the
30 provision of the federal Personal Responsibility and Work Opportunity
31 Reconciliation Act of 1996, as such act existed on January 1, 2009, that

1 eliminates eligibility for the Supplemental Nutrition Assistance Program
2 for any person convicted of a felony involving the possession, use, or
3 distribution of a controlled substance.

4 (b) A person convicted of a felony involving the possession, use, or
5 distribution of a controlled substance shall only be eligible for
6 Supplemental Nutrition Assistance Program benefits if such person (i) has
7 completed her or his sentence for such felony, including any term of
8 parole, probation, or post-release supervision, or (ii) is serving a term
9 of parole, probation, or post-release supervision for such felony A
10 person shall be ineligible for Supplemental Nutrition Assistance Program
11 benefits under this subsection if he or she (i) has had three or more
12 felony convictions for the possession or use of a controlled substance or
13 (ii) has been convicted of a felony involving the sale or distribution of
14 a controlled substance or the intent to sell or distribute a controlled
15 substance. A person with one or two felony convictions for the possession
16 or use of a controlled substance shall only be eligible to receive
17 Supplemental Nutrition Assistance Program benefits under this subsection
18 if he or she is participating in or has completed a state-licensed or
19 nationally accredited substance abuse treatment program since the date of
20 conviction. The determination of such participation or completion shall
21 be made by the treatment provider administering the program.