

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 1280

Introduced by McDonnell, 5.

Read first time January 16, 2024

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public assistance; to amend section
- 2 68-1206, Revised Statutes Supplement, 2023; to provide for
- 3 eligibility for child care assistance to qualified apprentices and
- 4 semiconductor workers; to harmonize provisions; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1206, Revised Statutes Supplement, 2023, is
2 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.

11 (2)(a) As part of the provision of social services authorized by
12 section 68-1202, the department shall participate in the federal child
13 care assistance program under 42 U.S.C. 9857 et seq., as such sections
14 existed on January 1, 2023, and provide child care assistance to families
15 with incomes up to (i) one hundred eighty-five percent of the federal
16 poverty level prior to October 1, 2026, or (ii) one hundred thirty
17 percent of the federal poverty level on and after October 1, 2026.

18 (b) The department shall also provide child care assistance to
19 qualified apprentices and semiconductor workers.

20 (c) For purposes of subdivision (b) of this subsection:

21 (i) Qualified apprentice means an individual who (A) is represented
22 by an organization described in section 501(c)(5) of the Internal Revenue
23 Code of 1986, as amended, and (B) is employed by a redeveloper,
24 contractor, or subcontractor participating in a registered apprenticeship
25 program, as defined in 26 U.S.C. 3131(e)(3)(B), where the training
26 facility of such program is located in Nebraska; and

27 (ii) Semiconductor worker means an individual in the semiconductor
28 industry that (A) is enrolled in a microcredential program at a four-year
29 university that has curricula developed to meet the demand for microchip
30 fabrication and microelectronics manufacturing in Nebraska in conjunction
31 with the Creating Helpful Incentives to Produce Semiconductors for

1 America Act, Public Law 117-167, or (B) upon completion of the
2 microcredential program for microchip fabrication and microelectronics
3 manufacturing, (I) is employed at a Nebraska-based covered entity, as
4 defined in 15 U.S.C. 4651, (II) qualifies under the Creating Helpful
5 Incentives to Produce Semiconductors for America Act, and (III) has
6 income below two hundred percent of the federal poverty level.

7 (d) ~~(b)~~ As part of the provision of social services authorized by
8 this section and section 68-1202, the department shall participate in the
9 federal Child Care Subsidy program. A child care provider seeking to
10 participate in the federal Child Care Subsidy program shall comply with
11 the criminal history record information check requirements of the Child
12 Care Licensing Act. In determining ongoing eligibility for this program,
13 ten percent of a household's gross earned income shall be disregarded
14 after twelve continuous months on the program and at each subsequent
15 redetermination. In determining ongoing eligibility, if a family's income
16 exceeds one hundred eighty-five percent of the federal poverty level
17 prior to October 1, 2026, or one hundred thirty percent of the federal
18 poverty level on and after October 1, 2026, the family shall receive
19 transitional child care assistance through the remainder of the family's
20 eligibility period or until the family's income exceeds eighty-five
21 percent of the state median income for a family of the same size as
22 reported by the United States Bureau of the Census, whichever occurs
23 first. When the family's eligibility period ends, the family shall
24 continue to be eligible for transitional child care assistance if the
25 family's income is below two hundred percent of the federal poverty level
26 prior to October 1, 2026, or one hundred eighty-five percent of the
27 federal poverty level on and after October 1, 2026. The family shall
28 receive transitional child care assistance through the remainder of the
29 transitional eligibility period or until the family's income exceeds
30 eighty-five percent of the state median income for a family of the same
31 size as reported by the United States Bureau of the Census, whichever

1 occurs first. The amount of such child care assistance shall be based on
2 a cost-shared plan between the recipient family and the state and shall
3 be based on a sliding-scale methodology. A recipient family may be
4 required to contribute a percentage of such family's gross income for
5 child care that is no more than the cost-sharing rates in the
6 transitional child care assistance program as of January 1, 2015, for
7 those no longer eligible for cash assistance as provided in section
8 68-1724.

9 (e) ~~(c)~~ For the period beginning July 1, 2021, through September 30,
10 2026, funds provided to the State of Nebraska pursuant to the Child Care
11 and Development Block Grant Act of 1990, 42 U.S.C. 9857 et seq., as such
12 act and sections existed on January 1, 2023, shall be used to pay the
13 costs to the state resulting from the income eligibility changes made in
14 subdivisions ~~(2)(a) and (b)~~ of this section by Laws 2021, LB485. If the
15 available amount of such funds is insufficient to pay such costs, then
16 funds provided to the state for the Temporary Assistance for Needy
17 Families program established in 42 U.S.C. 601 et seq. may also be used.
18 No General Funds shall be used to pay the costs to the state, other than
19 administration costs, resulting from the income eligibility changes made
20 in subdivisions ~~(2)(a) and (b)~~ of this section by Laws 2021, LB485, for
21 the period beginning July 1, 2021, through September 30, 2026.

22 (f) ~~(d)~~ The Department of Health and Human Services shall
23 collaborate with a private nonprofit organization with expertise in early
24 childhood care and education for an independent evaluation of the income
25 eligibility changes made in subdivisions ~~(2)(a) and (b)~~ of this section
26 by Laws 2021, LB485, if private funding is made available for such
27 purpose. The evaluation shall be completed by July 1, 2024, and shall be
28 submitted electronically to the department and to the Health and Human
29 Services Committee of the Legislature.

30 (3) In determining the rate or rates to be paid by the department
31 for child care as defined in section 43-2605, the department shall adopt

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

13 Sec. 2. Original section 68-1206, Revised Statutes Supplement,
14 2023, is repealed.