

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 663**

Introduced by Nordquist, 7; Cook, 13; McGill, 26; Mello, 5.

Read first time January 19, 2011

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public assistance; to amend section  
2 68-1017.02, Reissue Revised Statutes of Nebraska; to  
3 provide for elimination of asset testing relating to the  
4 Supplemental Nutrition Assistance Program; to harmonize  
5 provisions; and to repeal the original section.  
6 Be it enacted by the people of the State of Nebraska,

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

3           68-1017.02 (1)(a) The Department of Health and Human  
4 Services shall apply for and utilize to the maximum extent possible,  
5 within limits established by the Legislature, any and all appropriate  
6 options available to the state under the federal Supplemental  
7 Nutrition Assistance Program and regulations adopted under such  
8 program to maximize the number of Nebraska residents being served  
9 under such program within such limits. The department shall seek to  
10 maximize federal funding for such program and minimize the  
11 utilization of General Funds for such program and shall employ the  
12 personnel necessary to determine the options available to the state  
13 and issue the report to the Legislature required by subdivision (b)  
14 of this subsection.

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

1 costs and expenditures associated with such program.

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

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

14 (ii) Such TANF-funded program or policy shall eliminate  
15 the asset test for eligibility for federal food assistance benefits  
16 pursuant to the Supplemental Nutrition Assistance Program to the  
17 extent authorized pursuant to federal law and under 7 C.F.R. 273.2(j)  
18 (2).

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

22 (b) For purposes of this subsection:

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

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

3            ~~(2)(a)~~—(3)(a) Within the limits specified in this  
4 subsection, the State of Nebraska opts out of the provision of the  
5 federal Personal Responsibility and Work Opportunity Reconciliation  
6 Act of 1996, as such act existed on January 1, 2009, that eliminates  
7 eligibility for the Supplemental Nutrition Assistance Program for any  
8 person convicted of a felony involving the possession, use, or  
9 distribution of a controlled substance.

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

24            Sec. 2. Original section 68-1017.02, Reissue Revised  
25 Statutes of Nebraska, is repealed.