

LEGISLATURE OF NEBRASKA

ONE HUNDRED THIRD LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 430

Introduced by Crawford, 45; Campbell, 25; Cook, 13; Dubas, 34;
Gloor, 35; Haar, 21; Krist, 10; McGill, 26; Nordquist,
7; Wallman, 30.

Read first time January 22, 2013

Committee: Health and Human Services

A BILL

1 FOR AN ACT relating to public assistance; to amend section 68-1726,
2 Reissue Revised Statutes of Nebraska, and sections
3 43-512, 43-512.11, and 68-1202, Revised Statutes
4 Cumulative Supplement, 2012; to change provisions
5 relating to asset limitations; to harmonize provisions;
6 and to repeal the original sections.
7 Be it enacted by the people of the State of Nebraska,

1 Section 1. In determining eligibility for the program for
2 aid to dependent children pursuant to section 43-512, for the child
3 care subsidy program established pursuant to section 68-1202, and the
4 Welfare Reform Act, the total of liquid assets of the applicant,
5 which include cash on hand and funds in personal checking and savings
6 accounts, money market accounts, and share accounts, shall not exceed
7 twenty-five thousand dollars.

8 Sec. 2. Section 43-512, Revised Statutes Cumulative
9 Supplement, 2012, is amended to read:

10 43-512 (1) Any dependent child as defined in section
11 43-504 or any relative or eligible caretaker of such a dependent
12 child may file with the Department of Health and Human Services a
13 written application for financial assistance for such child on forms
14 furnished by the department.

15 (2) The department, through its agents and employees,
16 shall make such investigation pursuant to the application as it deems
17 necessary or as may be required by the county attorney or authorized
18 attorney. If the investigation or the application for financial
19 assistance discloses that such child has a parent or stepparent who
20 is able to contribute to the support of such child and has failed to
21 do so, a copy of the finding of such investigation and a copy of the
22 application shall immediately be filed with the county attorney or
23 authorized attorney.

24 (3) In making a determination of eligibility under this
25 section, only the asset limitation described in section 1 of this act

1 shall apply.

2 ~~(3)~~(4) The department shall make a finding as to whether
3 the application referred to in subsection (1) of this section should
4 be allowed or denied. If the department finds that the application
5 should be allowed, the department shall further find the amount of
6 monthly assistance which should be paid with reference to such
7 dependent child. Except as may be otherwise provided, payments shall
8 be made by state warrant, and the amount of payments shall not exceed
9 three hundred dollars per month when there is but one dependent child
10 and one eligible caretaker in any home, plus an additional seventy-
11 five dollars per month on behalf of each additional eligible person.
12 No payments shall be made for amounts totaling less than ten dollars
13 per month except in the recovery of overpayments.

14 ~~(4)~~(5) The amount which shall be paid as assistance with
15 respect to a dependent child shall be based in each case upon the
16 conditions disclosed by the investigation made by the department. An
17 appeal shall lie from the finding made in each case to the chief
18 executive officer of the department or his or her designated
19 representative. Such appeal may be taken by any taxpayer or by any
20 relative of such child. Proceedings for and upon appeal shall be
21 conducted in the same manner as provided for in section 68-1016.

22 ~~(5)(a)~~(6)(a) For the purpose of preventing dependency,
23 the department shall adopt and promulgate rules and regulations
24 providing for services to former and potential recipients of aid to
25 dependent children and medical assistance benefits. The department

1 shall adopt and promulgate rules and regulations establishing
2 programs and cooperating with programs of work incentive, work
3 experience, job training, and education. The provisions of this
4 section with regard to determination of need, amount of payment,
5 maximum payment, and method of payment shall not be applicable to
6 families or children included in such programs.

7 (b) If a recipient of aid to dependent children becomes
8 ineligible for aid to dependent children as a result of increased
9 hours of employment or increased income from employment after having
10 participated in any of the programs established pursuant to
11 subdivision (a) of this subsection, the recipient may be eligible for
12 the following benefits, as provided in rules and regulations of the
13 department in accordance with sections 402, 417, and 1925 of the
14 federal Social Security Act, as amended, Public Law 100-485, in order
15 to help the family during the transition from public assistance to
16 independence:

17 (i) An ongoing transitional payment that is intended to
18 meet the family's ongoing basic needs which may include food,
19 clothing, shelter, utilities, household goods, personal care items,
20 and general incidental expenses during the five months following the
21 time the family becomes ineligible for assistance under the aid to
22 dependent children program, if the family's earned income is at or
23 below one hundred eighty-five percent of the federal poverty level at
24 the time the family becomes ineligible for the aid to dependent
25 children program. Payments shall be made in five monthly payments,

1 each equal to one-fifth of the aid to dependent children payment
2 standard for the family's size at the time the family becomes
3 ineligible for the aid to dependent children program. If during the
4 five-month period, (A) the family's earnings exceed one hundred
5 eighty-five percent of the federal poverty level, (B) the family
6 members are no longer working, (C) the family ceases to be Nebraska
7 residents, (D) there is no longer a minor child in the family's
8 household, or (E) the family again becomes eligible for the aid to
9 dependent children program, the family shall become ineligible for
10 any remaining transitional benefits under this subdivision;

11 (ii) Child care as provided in subdivision (1)(c) of
12 section 68-1724; and

13 (iii) Except as may be provided in accordance with
14 subsection (2) of section 68-1713 and subdivision (1)(c) of section
15 68-1724, medical assistance for up to twelve months after the month
16 the recipient becomes employed and is no longer eligible for aid to
17 dependent children.

18 ~~(6)-(7)~~ For purposes of sections 43-512 to 43-512.18:

19 (a) Authorized attorney shall mean an attorney, employed
20 by the county subject to the approval of the county board, employed
21 by the department, or appointed by the court, who is authorized to
22 investigate and prosecute child, spousal, and medical support cases.
23 An authorized attorney shall represent the state as provided in
24 section 43-512.03;

25 (b) Child support shall be defined as provided in section

1 43-1705;

2 (c) Medical support shall include all expenses associated
3 with the birth of a child, cash medical support as defined in section
4 42-369, health care coverage as defined in section 44-3,144, and
5 medical and hospital insurance coverage or membership in a health
6 maintenance organization or preferred provider organization;

7 (d) Spousal support shall be defined as provided in
8 section 43-1715;

9 (e) State Disbursement Unit shall be defined as provided
10 in section 43-3341; and

11 (f) Support shall be defined as provided in section
12 43-3313.

13 Sec. 3. Section 43-512.11, Revised Statutes Cumulative
14 Supplement, 2012, is amended to read:

15 43-512.11 The Department of Health and Human Services
16 shall submit electronically an annual report, not later than February
17 1 of each year, to the Legislature regarding the effectiveness of
18 programs established pursuant to subdivision ~~(5)(a)~~ (6)(a) of section
19 43-512. The report shall include, but not be limited to:

20 (1) The number of program participants;

21 (2) The number of program participants who become
22 employed, whether such employment is full time or part time or
23 subsidized or unsubsidized, and whether the employment was retained
24 for at least thirty days;

25 (3) Supportive services provided to participants in the

1 program;

2 (4) Grant reductions realized; and

3 (5) A cost and benefit statement for the program.

4 Sec. 4. Section 68-1202, Revised Statutes Cumulative
5 Supplement, 2012, is amended to read:

6 68-1202 Social services may be provided on behalf of
7 recipients with payments for such social services made directly to
8 vendors. Social services shall include those mandatory and optional
9 services to former, present, or potential social services recipients
10 provided for under the federal Social Security Act, as amended, and
11 described by the State of Nebraska in the approved State Plan for
12 Services. Such services may include, but shall not be limited to,
13 foster care for children, child care, family planning, treatment for
14 alcoholism and drug addiction, treatment for persons with mental
15 retardation, health-related services, protective services for
16 children, homemaker services, employment services, foster care for
17 adults, protective services for adults, transportation services, home
18 management and other functional education services, housing
19 improvement services, legal services, adult day services, home
20 delivered or congregate meals, educational services, and secondary
21 prevention services, including, but not limited to, home visitation,
22 child screening and early intervention, and parenting education
23 programs.

24 In determining eligibility for the child care services
25 under this section, only the asset limitation described in section 1

1 of this act shall apply.

2 Sec. 5. Section 68-1726, Reissue Revised Statutes of
3 Nebraska, is amended to read:

4 68-1726 Based on the comprehensive assets assessment,
5 each individual and family receiving assistance under the Welfare
6 Reform Act shall reach for his or her highest level of economic self-
7 sufficiency or the family's highest level of economic self-
8 sufficiency. The following eligibility factors shall apply:

9 ~~(1) Financial resources, excluding the primary home and~~
10 ~~furnishings and the primary automobile, shall not exceed four~~
11 ~~thousand dollars in value for a single individual and six thousand~~
12 ~~dollars in value for two or more individuals;~~

13 ~~(2) Available resources, including, but not limited to,~~
14 ~~savings accounts and real estate, shall be used in determining~~
15 ~~financial resources;~~

16 (1) The asset limitation described in section 1 of this
17 act;

18 ~~(3)-(2)~~ Income received by family members, except income
19 earned by children attending school, shall be considered in
20 determining total family income. Income earned by an individual or a
21 family by working shall be treated differently than unearned income
22 in determining the amount of cash assistance as follows:

23 (a) Earned income shall be counted in determining the
24 level of cash assistance after disregarding an amount of earned
25 income equal to twenty percent of earned income or other incentives

1 to work;

2 (b) Financial assistance provided by other programs that
3 support the transition to economic self-sufficiency shall be
4 considered to the extent the payments are intended to provide for
5 life's necessities; and

6 (c) Financial assistance or those portions of it intended
7 for books, tuition, or other self-sufficiency-related expenses shall
8 not be counted in determining financial resources. Such assistance
9 shall include, but not be limited to, school grants, scholarships,
10 vocational rehabilitation payments, Job Training Partnership Act
11 payments, and education-related loans or other loans that are
12 expected to be repaid; and

13 ~~(4)~~(3) Individuals and families shall pursue potential
14 sources of economic support, including, but not limited to,
15 unemployment compensation and child support.

16 Sec. 6. Original section 68-1726, Reissue Revised
17 Statutes of Nebraska, and sections 43-512, 43-512.11, and 68-1202,
18 Revised Statutes Cumulative Supplement, 2012, are repealed.