

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SIXTH LEGISLATURE  
SECOND SESSION

**LEGISLATIVE BILL 1038**

Introduced by Hunt, 8; Cavanaugh, 6; Vargas, 7.

Read first time January 16, 2020

Committee:

- 1 A BILL FOR AN ACT relating to public assistance; to amend section
- 2 68-1017.02, Reissue Revised Statutes of Nebraska; to change
- 3 provisions relating to eligibility for Supplemental Nutrition
- 4 Assistance Program benefits as prescribed; and to repeal the
- 5 original section.
- 6 Be it enacted by the people of the State of Nebraska,

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

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

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

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

31           (2)(a) The department shall develop a state outreach plan to promote

1 access by eligible persons to benefits of the Supplemental Nutrition  
2 Assistance Program. The plan shall meet the criteria established by the  
3 Food and Nutrition Service of the United States Department of Agriculture  
4 for approval of state outreach plans. The Department of Health and Human  
5 Services may apply for and accept gifts, grants, and donations to develop  
6 and implement the state outreach plan.

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

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

26 (d) The department shall be exempt from implementing or  
27 administering a state outreach plan under this subsection, but not from  
28 developing such a plan, if it does not receive private or federal funds  
29 sufficient to cover the department's costs associated with the  
30 implementation and administration of the plan, including any costs  
31 associated with increased caseload resulting from the implementation of

1 the plan.

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

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

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

18 (b) For purposes of this subsection:

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

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

23 (4)(a) As authorized in 21 U.S.C. 862a(d), as such section existed  
24 on January 1, 2020 ~~Within the limits specified in this subsection,~~ the  
25 State of Nebraska opts out of the provision of the federal Personal  
26 Responsibility and Work Opportunity Reconciliation Act of 1996, as such  
27 act existed on January 1, 2009, that eliminates eligibility for the  
28 Supplemental Nutrition Assistance Program for any person convicted of a  
29 felony involving the possession, use, or distribution of a controlled  
30 substance.

31 (b) A person convicted of a felony involving the possession, use, or

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

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