

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 537

Introduced by Hughes, 44.

Read first time January 18, 2017

Committee:

1 A BILL FOR AN ACT relating to the Welfare Reform Act; to amend sections
2 68-1723 and 68-1724, Reissue Revised Statutes of Nebraska, and
3 section 68-1708, Revised Statutes Cumulative Supplement, 2016; to
4 provide for drug-screening of applicants for and recipients of cash
5 assistance benefits; to harmonize provisions; to repeal the original
6 sections; and to declare an emergency.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 68-1708, Revised Statutes Cumulative Supplement,
2 2016, is amended to read:

3 68-1708 Sections 68-1708 to 68-1735.03 and section 4 of this act
4 shall be known and may be cited as the Welfare Reform Act.

5 Sec. 2. Section 68-1723, Reissue Revised Statutes of Nebraska, is
6 amended to read:

7 68-1723 (1) Cash assistance shall be provided only while recipients
8 are actively engaged in the specific activities outlined in the self-
9 sufficiency contract developed under section 68-1719. If the recipients
10 are not actively engaged in these activities, no cash assistance shall be
11 paid.

12 (2) Recipient families with at least one adult with the capacity to
13 work, as determined by the comprehensive assets assessment, shall
14 participate in the self-sufficiency contract as a condition of receiving
15 cash assistance. If any such adult fails to cooperate in carrying out the
16 terms of the contract, the family shall be ineligible for cash
17 assistance.

18 (a) Adult members of recipient families whose youngest child is
19 between the ages of twelve weeks and six months shall engage in an
20 individually determined number of part-time hours in activities such as
21 family nurturing, preemployment skills, or education.

22 (b) Participation in activities outlined in the self-sufficiency
23 contract shall not be required for one parent of a recipient family whose
24 youngest child is under the age of twelve weeks.

25 (c) Cash assistance under section 68-1724 shall be extended: (i) To
26 cover the twelve-week postpartum recovery period for children born to
27 recipient families; and (ii) to recognize special medical conditions of
28 such children requiring the presence of at least one adult member of the
29 recipient family, as determined by the state, which extend past the age
30 of twelve weeks.

31 (d) Full participation in the activities outlined in the self-

1 sufficiency contract shall be required for adult members of a two-parent
2 recipient family whose youngest child is over the age of six months.
3 Part-time participation in activities outlined in the self-sufficiency
4 contract shall be required for an adult member of a single-parent
5 recipient family whose youngest child is under the age of six years.

6 (e) In cases in which the only adults in the recipient family do not
7 have parental responsibility which shall mean such adults are not the
8 biological or adoptive parents or stepparents of the children in their
9 care, and assistance is requested for all family members, including the
10 adults, the family shall participate in the activities outlined in the
11 self-sufficiency contract as a condition of receiving cash assistance.

12 (f) Unemployed or underemployed absent and able-to-work parents of
13 children in the recipient family may participate in self-sufficiency
14 contracts, employment, and payment of child support, and such absent
15 parents may be required to pay all or a part of the costs of the self-
16 sufficiency contracts.

17 (3) Individual recipients and recipient families shall have the
18 right to request an administrative hearing (a) for the purpose of
19 reviewing compliance by the state with the terms of the self-sufficiency
20 contract or (b) for the purpose of reviewing a determination by the
21 Department of Health and Human Services ~~department~~ that the recipient or
22 recipient family has not complied with the terms of the self-sufficiency
23 contract. It is the intent of the Legislature that an independent
24 mediation appeal process be developed as an option to be considered.

25 (4) Applicants and recipients who test positive pursuant to the
26 screening provided in section 4 of this act shall be ineligible for cash
27 assistance as provided in such section and the rules and regulations of
28 the department.

29 Sec. 3. Section 68-1724, Reissue Revised Statutes of Nebraska, is
30 amended to read:

31 68-1724 (1) Cash assistance shall be provided for a period or

1 periods of time not to exceed a total of sixty months for recipient
2 families with children subject to the following:

3 (a) If the state fails to meet the specific terms of the self-
4 sufficiency contract developed under section 68-1719, the sixty-month
5 time limit established in this section shall be extended;

6 (b) The sixty-month time period for cash assistance shall begin
7 within the first month of eligibility;

8 (c) When no longer eligible to receive cash assistance, assistance
9 shall be available to reimburse work-related child care expenses even if
10 the recipient family has not achieved economic self-sufficiency. The
11 amount of such assistance shall be based on a cost-shared plan between
12 the recipient family and the state which shall provide assistance up to
13 one hundred eighty-five percent of the federal poverty level for up to
14 twenty-four months. A recipient family may be required to contribute up
15 to twenty percent of such family's gross income for child care. It is the
16 intent of the Legislature that transitional health care coverage be made
17 available on a sliding-scale basis to individuals and families with
18 incomes up to one hundred eighty-five percent of the federal poverty
19 level if other health care coverage is not available; and

20 (d) The self-sufficiency contract shall be revised and cash
21 assistance extended when there is no job available for adult members of
22 the recipient family. It is the intent of the Legislature that available
23 job shall mean a job which results in an income of at least equal to the
24 amount of cash assistance that would have been available if receiving
25 assistance minus unearned income available to the recipient family.

26 The Department of Health and Human Services ~~department~~ shall develop
27 policy guidelines to allow for cash assistance to persons who have
28 received the maximum cash assistance provided by this section and who
29 face extreme hardship without additional assistance. For purposes of this
30 section, extreme hardship means a recipient family does not have adequate
31 cash resources to meet the costs of the basic needs of food, clothing,

1 and housing without continuing assistance or the child or children are at
2 risk of losing care by and residence with their parent or parents.

3 (2) Cash assistance conditions under the Welfare Reform Act shall be
4 as follows:

5 (a) Adults in recipient families shall mean individuals at least
6 nineteen years of age living with and related to a child eighteen years
7 of age or younger and shall include parents, siblings, uncles, aunts,
8 cousins, or grandparents, whether the relationship is biological,
9 adoptive, or step;

10 (b) The payment standard shall be based upon family size;

11 (c) The adults in the recipient family shall ensure that the minor
12 children regularly attend school. Education is a valuable personal
13 resource. The cash assistance provided to the recipient family may be
14 reduced when the parent or parents have failed to take reasonable action
15 to encourage the minor children of the recipient family ages sixteen and
16 under to regularly attend school. No reduction of assistance shall be
17 such as may result in extreme hardship. It is the intent of the
18 Legislature that a process be developed to insure communication between
19 the case manager, the parent or parents, and the school to address issues
20 relating to school attendance;

21 (d) Two-parent families which would otherwise be eligible under
22 section 43-504 or a federally approved waiver shall receive cash
23 assistance under this section;

24 (e) For minor parents, the assistance payment shall be based on the
25 minor parent's income. If the minor parent lives with at least one
26 parent, the family's income shall be considered in determining
27 eligibility and cash assistance payment levels for the minor parent. If
28 the minor parent lives independently, support shall be pursued from the
29 parents of the minor parent. If the absent parent of the minor's child is
30 a minor, support from his or her parents shall be pursued. Support from
31 parents as allowed under this subdivision shall not be pursued when the

1 family income is less than three hundred percent of the federal poverty
2 guidelines; ~~and~~

3 (f) For adults who are not biological or adoptive parents or
4 stepparents of the child or children in the family, if assistance is
5 requested for the entire family, including the adults, a self-sufficiency
6 contract shall be entered into as provided in section 68-1719. If
7 assistance is requested for only the child or children in such a family,
8 such children shall be eligible after consideration of the family's
9 income and if (i) the family cooperates in pursuing child support and
10 (ii) the minor children of the family regularly attend school; ~~and -~~

11 (g) Applicants and recipients who test positive pursuant to the
12 screening provided in section 4 of this act shall be ineligible for cash
13 assistance as provided in such section and the rules and regulations of
14 the department.

15 Sec. 4. (1) The Department of Health and Human Services shall
16 develop a program to screen any applicant for or recipient of cash
17 assistance under the Welfare Reform Act for the use of a controlled
18 substance not prescribed for him or her by a licensed health care
19 provider if the department has reasonable cause to believe such applicant
20 or recipient is using such a controlled substance. If the applicant or
21 recipient tests positive pursuant to such screening program, he or she
22 may request an additional test at a different drug testing facility at
23 his or her own expense. If the second test results are negative, the
24 department shall reimburse him or her for the costs of the test.

25 (2) If the results of a screening test pursuant to subsection (1) of
26 this section are positive, the applicant or recipient shall complete a
27 substance abuse treatment program and a job skills program. An applicant
28 or a recipient who fails or refuses to complete either program pursuant
29 to this subdivision is ineligible for cash assistance for twelve months
30 or until he or she has completed both the substance abuse treatment
31 program and the job skills program.

1 (3) If an ineligible applicant or recipient under this section is a
2 parent or guardian of a minor child, the department may approve a
3 protective payee, recommended by the parent or guardian, to receive
4 payments for the child's benefit. If the department determines that there
5 is a reasonable likelihood the designated protective payee is using a
6 controlled substance not prescribed for him or her by a licensed health
7 care provider, the designated protective payee shall submit to a
8 screening test. If the screening test is positive, the department shall
9 select another protective payee.

10 (4) The department shall refer an applicant or a recipient declared
11 ineligible for cash assistance benefits under this section to the
12 Division of Behavioral Health of the department for referral to a
13 substance abuse treatment program.

14 Sec. 5. Original sections 68-1723 and 68-1724, Reissue Revised
15 Statutes of Nebraska, and section 68-1708, Revised Statutes Cumulative
16 Supplement, 2016, are repealed.

17 Sec. 6. Since an emergency exists, this act takes effect when
18 passed and approved according to law.