

LEGISLATURE OF NEBRASKA  
ONE HUNDRED SEVENTH LEGISLATURE  
FIRST SESSION

**LEGISLATIVE BILL 108**

FINAL READING  
(SECOND)

Introduced by McCollister, 20; Blood, 3; Cavanaugh, M., 6; Hunt, 8;  
Morfeld, 46; Pansing Brooks, 28; Vargas, 7; Walz, 15;  
Wayne, 13; Wishart, 27; Hansen, M., 26; DeBoer, 10;  
McKinney, 11; Day, 49; Cavanaugh, J., 9; Bostar, 29;  
Kolterman, 24; Lathrop, 12.

Read first time January 07, 2021

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public assistance; to amend section
- 2 68-1017.02, Reissue Revised Statutes of Nebraska; to state intent
- 3 and change provisions relating to federal Supplemental Nutrition
- 4 Assistance Program benefits; to repeal the original section; and to
- 5 declare an emergency.
- 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) It is the intent of the Legislature that:

3 (i) Hard work be rewarded and no disincentives to work exist for  
4 Supplemental Nutrition Assistance Program participants;

5 (ii) Supplemental Nutrition Assistance Program participants be  
6 enabled to advance in employment, through greater earnings or new,  
7 better-paying employment;

8 (iii) Participants in employment and training pilot programs be able  
9 to maintain Supplemental Nutrition Assistance Program benefits while  
10 seeking employment with higher wages that allow them to reduce or  
11 terminate such program benefits; and

12 (iv) Nebraska better utilize options under the Supplemental  
13 Nutrition Assistance Program that other states have implemented to  
14 encourage work and employment.

15 (b)(i) The ~~(3)(a)(i) On or before October 1, 2011,~~ the department  
16 shall create a TANF-funded program or policy that, in compliance with  
17 federal law, establishes categorical eligibility for federal food  
18 assistance benefits pursuant to the Supplemental Nutrition Assistance  
19 Program to maximize the number of Nebraska residents being served under  
20 such program in a manner that does not increase the current gross income  
21 eligibility limit except as otherwise provided in subdivision (3)(b)(ii)  
22 of this section.

23 (ii) Except as otherwise provided in this subdivision, such TANF-  
24 funded program or policy shall increase the gross income eligibility  
25 limit to one hundred sixty-five percent of the federal Office of  
26 Management and Budget income poverty guidelines as allowed under federal  
27 law and under 7 C.F.R. 273.2(j)(2), as such law and regulation existed on  
28 April 1, 2021, but shall not increase the net income eligibility limit.  
29 It is the intent of the Legislature to fund the administrative costs  
30 associated with the benefits under this subdivision beginning on the  
31 effective date of this act, with federal funds as allowed under the

1 federal American Rescue Plan Act of 2021, Public Law 117-2, as such act  
2 existed on April 1, 2021, and continue to fund such administrative costs  
3 with such federal funds through September 30, 2023. Such administrative  
4 costs shall not be paid for with General Funds. Beginning October 1,  
5 2023, the gross income eligibility limit shall return to the amount used  
6 prior to the increase required by this subdivision. The department shall  
7 evaluate the TANF-funded program or policy created pursuant to this  
8 subsection and provide a report electronically to the Health and Human  
9 Services Committee of the Legislature and the Legislative Fiscal Analyst  
10 on or before December 31, 2022, regarding the gross income eligibility  
11 limit and whether it maximizes the number of Nebraska residents being  
12 served under the program or policy. The evaluation shall include an  
13 identification and determination of additional administrative costs  
14 resulting from the increase to the gross income eligibility limit, a  
15 recommendation regarding the gross income eligibility limit, and a  
16 determination of the availability of federal funds for the program or  
17 policy.

18 (iii) To the extent federal funds are available to the Department of  
19 Labor for the SNAP Next Step Program, until September 30, 2023, any  
20 recipient of Supplemental Nutrition Assistance Program benefits whose  
21 household income is between one hundred thirty-one and one hundred sixty-  
22 five percent of the federal Office of Management and Budget income  
23 poverty guidelines and who is not exempt from work participation  
24 requirements shall be encouraged to participate in the SNAP Next Step  
25 Program administered by the Department of Labor if the recipient is  
26 eligible to participate in the program and the program's services are  
27 available in the county in which such household is located. It is the  
28 intent of the Legislature that no General Funds be utilized by the  
29 Department of Labor for the processes outlined in this subdivision (iii).  
30 For purposes of this section, SNAP Next Step Program means a partnership  
31 program between the Department of Health and Human Services and the

1 Department of Labor to assist under-employed and unemployed recipients of  
2 Supplemental Nutrition Assistance Program benefits in finding self-  
3 sufficient employment.

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

11       (v) ~~(iii)~~ This subsection becomes effective only if the department  
12 receives funds pursuant to federal participation that may be used to  
13 implement this subsection.

14       (c) ~~(b)~~ For purposes of this subsection:

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

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

19       (4)(a) Within the limits specified in this subsection, the State of  
20 Nebraska opts out of the provision of the federal Personal Responsibility  
21 and Work Opportunity Reconciliation Act of 1996, as such act existed on  
22 January 1, 2009, that eliminates eligibility for the Supplemental  
23 Nutrition Assistance Program for any person convicted of a felony  
24 involving the possession, use, or distribution of a controlled substance.

25       (b) A person shall be ineligible for Supplemental Nutrition  
26 Assistance Program benefits under this subsection if he or she (i) has  
27 had three or more felony convictions for the possession or use of a  
28 controlled substance or (ii) has been convicted of a felony involving the  
29 sale or distribution of a controlled substance or the intent to sell or  
30 distribute a controlled substance. A person with one or two felony  
31 convictions for the possession or use of a controlled substance shall

1 only be eligible to receive Supplemental Nutrition Assistance Program  
2 benefits under this subsection if he or she is participating in or has  
3 completed a state-licensed or nationally accredited substance abuse  
4 treatment program since the date of conviction. The determination of such  
5 participation or completion shall be made by the treatment provider  
6 administering the program.

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

9       Sec. 3. Since an emergency exists, this act takes effect when  
10 passed and approved according to law.