

LEGISLATURE OF NEBRASKA
ONE HUNDRED THIRD LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 508

Introduced by Campbell, 25.

Read first time January 23, 2013

Committee:

A BILL

1 FOR AN ACT relating to public assistance; to amend section 43-513,
2 Reissue Revised Statutes of Nebraska, and section 43-512,
3 Revised Statutes Cumulative Supplement, 2012; to change
4 provisions relating to aid to dependent children; to
5 provide an operative date; 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 43-512, Revised Statutes Cumulative
2 Supplement, 2012, is amended to read:

3 43-512 (1) Any dependent child as defined in section
4 43-504 or any relative or eligible caretaker of such a dependent
5 child may file with the Department of Health and Human Services a
6 written application for financial assistance for such child on forms
7 furnished by the department.

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

17 (3) The department shall make a finding as to whether the
18 application referred to in subsection (1) of this section should be
19 allowed or denied. If the department finds that the application
20 should be allowed, the department shall further find the amount of
21 monthly assistance which should be paid with reference to such
22 dependent child. Except as may be otherwise provided, payments shall
23 be made by ~~state warrant, and the amount of payments shall not exceed~~
24 ~~three hundred dollars per month when there is but one dependent child~~
25 ~~and one eligible caretaker in any home, plus an additional seventy-~~

1 ~~five dollars per month on behalf of each additional eligible person.~~
2 unit size and shall be consistent with subdivision (1)(p) of section
3 68-1713. Payments shall be made as follows:

4 (a) For fiscal years 2013-14 and 2014-15, the maximum
5 payment level for monthly assistance shall be sixty percent of the
6 standard of need described in section 43-513;

7 (b) For fiscal years 2015-16 and 2016-17, the maximum
8 payment level for monthly assistance shall be sixty-five percent of
9 the standard of need described in such section; and

10 (c) For fiscal year 2017-18 and each fiscal year
11 thereafter, the maximum payment level for monthly assistance shall be
12 not less than seventy percent of the standard of need described in
13 such section.

14 No payments shall be made for amounts totaling less than
15 ten dollars per month except in the recovery of overpayments.

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

24 (5)(a) For the purpose of preventing dependency, the
25 department shall adopt and promulgate rules and regulations providing

1 for services to former and potential recipients of aid to dependent
2 children and medical assistance benefits. The department shall adopt
3 and promulgate rules and regulations establishing programs and
4 cooperating with programs of work incentive, work experience, job
5 training, and education. The provisions of this section with regard
6 to determination of need, amount of payment, maximum payment, and
7 method of payment shall not be applicable to families or children
8 included in such programs.

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

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

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

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

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

20 (6) For purposes of sections 43-512 to 43-512.18:

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

1 section 43-512.03;

2 (b) Child support shall be defined as provided in section
3 43-1705;

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

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

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

13 (f) Support shall be defined as provided in section
14 43-3313.

15 Sec. 2. Section 43-513, Reissue Revised Statutes of
16 Nebraska, is amended to read:

17 43-513 (1) The standard of need for aid to dependent
18 children payments shall be adjusted on July 1 of every second year
19 beginning July 1, 1997. The adjustment shall be made on the basis of
20 the rate of growth of the Consumer Price Index as determined by the
21 United States Department of Labor, Bureau of Labor Statistics, for
22 the two previous calendar years.

23 (2)(a) The aid to dependent children payment made shall
24 not be greater than the amount specified by section 43-512.

25 (b) The aid to dependent children payment shall not be

1 lower than the percentage of the standard of need described in
2 subsection (3) of section 43-512 as such section existed on January
3 1, 2013.

4 Sec. 3. Sections 1, 2, 3, and 4 of this act become
5 operative on July 1, 2013. Section 5 of this act becomes operative on
6 its effective date.

7 Sec. 4. Original section 43-513 Reissue Revised Statutes
8 of Nebraska, and section 43-512, Revised Statutes Cumulative
9 Supplement, 2012, are repealed.

10 Sec. 5. Since an emergency exists, this act takes effect
11 when passed and approved according to law.