

2016 Regular Session

SENATE BILL NO. 344

BY SENATOR JOHNS

WELFARE. Provides for work requirements for SNAP beneficiaries. (gov sig)

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AN ACT

To amend and reenact Subpart E-4 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 46:321 through 327, relative to the Supplemental Nutrition Assistance Program; to provide for legislative findings; to provide for definitions; to establish a workforce and training initiative; to provide for reporting; to provide for federal approval; to provide for an effective date and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart E-4 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:321 through 327, is hereby amended and reenacted as follows:

Subpart E-4. SNAP Workforce Training and Education ~~Pilot Initiative~~

§321. Findings

The legislature hereby finds and declares the following:

(1) It is the policy of the state to encourage self-sufficiency so that Louisianians may reduce dependence on public benefits to meet basic needs and become economically self-reliant.

1 (2) The Supplemental Nutrition Assistance Program, formerly known as
2 "food stamps" and referred to hereafter as "SNAP", provides crucial support to needy
3 households and to persons making the transition from welfare to work. **Nearly half**
4 **of all SNAP recipients are children and an additional twenty-five percent of**
5 **SNAP recipients are adults living with children.**

6 (3) Pursuant to the federal Food Security Act of 1985, states are required to
7 provide employment and job training services to SNAP recipients who are not
8 exempt from the mandatory work registration requirements of the program.

9 (4) Federal regulations (7 CFR 273.24) limit the duration of receipt of SNAP
10 benefits by nonworking, able-bodied adults without dependents who do not qualify
11 for certain exemptions to a total of three months in any three-year period. However,
12 states may submit to the federal government applications, commonly known as
13 "waivers", to have this three-month limit waived. If approved, such waivers allow
14 able-bodied, nonworking, nonexempt adults to receive SNAP benefits for an
15 unlimited duration provided that those persons meet other eligibility standards of the
16 program. **For the past nineteen years, Louisiana has requested this particular**
17 **SNAP waiver for which it qualified each year due to high unemployment rates.**
18 **For twelve of those years, Louisiana qualified for a statewide waiver and for**
19 **seven years, most Louisiana parishes qualified for the waiver. However, due to**
20 **the number of exemptions available under the federal program to Louisiana,**
21 **each of the past nineteen years, Louisiana has administered this SNAP waiver**
22 **on a statewide basis.** Nationally, waivers of this type have become the standard in
23 SNAP rather than the exception, as ~~forty~~ **ten** states and territories, including
24 Louisiana, had a statewide or territory-wide waiver in effect and ~~six~~ **twenty-seven**
25 other states and territories had a partial-state or partial-territory waiver in effect as
26 ~~of~~ **for the quarter beginning** January 1, ~~2014~~ **2016**.

27 (5) **These able-bodied but SNAP-eligible adults without dependents**
28 **comprise less than ten percent of those who receive SNAP benefits in Louisiana.**

29 (5) (6) When coordinated and delivered in an effective manner, workforce

1 training services for public assistance recipients can be of great value to persons who
2 desire to become self-sufficient and to businesses that strive for greater
3 competitiveness through employing an improved workforce.

4 §322. Definitions

5 As used in this Subpart, the following terms have the meaning ascribed to
6 them in this Section:

7 (1) "ABAWD" means an able-bodied adult without a dependent who receives
8 SNAP benefits.

9 (2) "Department" means the Department of Children and Family Services.

10 (3) "FNS" means the Food and Nutrition Service of the United States
11 Department of Agriculture, the office of the federal government that administers
12 SNAP.

13 (4) "Participant" means a recipient of SNAP benefits who ~~participates in the~~
14 ~~pilot initiative provided for in this Subpart~~ **receives such benefits as an able-bodied**
15 **adult without dependents pursuant to 7 CFR 273.24.**

16 ~~(5) "Pilot initiative" means the workforce training and education pilot~~
17 ~~initiative provided for in this Subpart.~~

18 ~~(6)~~ **(5)** "SNAP" means the Supplemental Nutrition Assistance Program
19 administered at the federal level by the Food and Nutrition Service of the United
20 States Department of Agriculture and at the state level by the Louisiana Department
21 of Children and Family Services.

22 §323. Goals

23 The goals of the ~~pilot~~ initiative shall include, without limitation, the
24 following:

25 (1) To provide incentives that are demonstrably effective in helping SNAP
26 beneficiaries achieve financial self-sufficiency.

27 (2) To connect employers to job candidates who possess requisite skills such
28 that workforce needs, especially in demand occupations, are readily met.

29 (3) To provide support to SNAP recipients who choose to further their

1 education.

2 (4) To yield a model for incentivizing training and education for public
3 assistance recipients that can be replicated throughout the state.

4 §324. Workforce training and education ~~pilot initiative; creation; functions~~

5 **A. In preparation for any period in which Louisiana does not have in**
6 **place a federally-approved SNAP ABAWD time limit waiver as described in**

7 **R.S. 46:321(4), a** A workforce training and education ~~pilot~~ initiative is hereby
8 created within SNAP for the purpose of improving employment opportunities for
9 nonworking SNAP recipients and enhancing workforce readiness. The department
10 shall administer the pilot initiative in accordance with the provisions of this Subpart.

11 ~~B. The department shall establish the pilot initiative in a parish with a~~
12 ~~population of more than one hundred thousand and less than one hundred fifty~~
13 ~~thousand according to the latest federal decennial census and in which is located the~~
14 ~~main campus of a public four-year college or university.~~

15 ~~C. Participants to be served by the pilot initiative shall include, exclusively,~~
16 ~~all ABAWDs residing in the parish who are not exempted by any federal or state~~
17 ~~policy, other than through a waiver of such a policy, from the limitation on SNAP~~
18 ~~benefits established pursuant to 7 CFR 273.24.~~

19 ~~D.(1) As a necessary precondition for implementing the pilot initiative, the~~
20 ~~department shall ensure that the limitation on duration of SNAP benefit recipience~~
21 ~~by nonexempt ABAWDs provided in 7 CFR 273.24 is effective in the parish in~~
22 ~~which the pilot initiative is established.~~

23 ~~(2) If nonexempt ABAWDs in the parish in which the pilot initiative is~~
24 ~~established are not subject to any limitation on duration of eligibility for receipt of~~
25 ~~SNAP benefits as a result of a waiver granted to the state by FNS, then the~~
26 ~~department shall cause such waiver to be rescinded, cancelled, or otherwise rendered~~
27 ~~null and without effect for that parish.~~

28 ~~(3) Nothing in this Subsection shall be construed to require or prohibit the~~
29 ~~continuation or cancellation of any waiver granted to the state by FNS in any parish~~

1 other than the parish in which the pilot initiative is established.

2 E. ~~As its essential function, the pilot initiative shall provide to each~~
3 ~~participant, at the time of benefits eligibility redetermination, a six-month extension~~
4 ~~of SNAP benefits conditioned upon submission of sufficient documentation, as~~
5 ~~determined by the department, of one or more of the following:~~

6 (1) ~~The participant meets one or more of the following criteria relative to~~
7 ~~educational advancement:~~

8 (a) ~~In the previous six months, the participant satisfied requirements~~
9 ~~established by the department in rule relative to enrollment in an accredited~~
10 ~~postsecondary educational institution that grants associate or baccalaureate degrees.~~

11 (b) ~~In the previous six months, the participant satisfied requirements~~
12 ~~established by the department in rule relative to enrollment in a program designed~~
13 ~~to lead to a high school diploma.~~

14 (c) ~~In the previous six months, the participant satisfied requirements~~
15 ~~established by the department in rule relative to enrollment in a general education~~
16 ~~development test preparation course.~~

17 (d) ~~The participant earned a high school diploma or a general education~~
18 ~~development certificate.~~

19 (2) ~~The participant meets criteria relative to workforce readiness as required~~
20 ~~by the department in rule. Such criteria may include but shall not be limited to the~~
21 ~~following:~~

22 (a) ~~Participating for a specified minimum number of hours in an approved~~
23 ~~job-training program.~~

24 (b) ~~Applying for a specified minimum number of jobs.~~ **The department and**
25 **the Louisiana Workforce Commission shall jointly develop and implement such**
26 **additional workforce training and education requirements for ABAWD**
27 **recipients as may be permissible under federal regulations governing SNAP.**

28 §325. Duties of participants

29 Each participant in the pilot initiative shall do all of the following:

1 (1) ~~At the time of redetermination of eligibility for SNAP benefits, provide~~
2 ~~to the department all requested documentation of participation in a workforce~~
3 ~~training or education program.~~

4 (2) ~~Comply with all other requirements for receipt of SNAP benefits as set~~
5 ~~forth by the department.~~

6 ~~§326.~~ **§325.** Duties of the department

7 A. The department shall submit to FNS applications for any waiver,
8 exemption, or other formal authorization and any state plan amendment as may be
9 necessary to implement the pilot initiative provided for in this Subpart. ~~Such~~
10 ~~submissions by the department to FNS shall provide for all of the following:~~

11 (1) ~~Reinstatement in the parish in which the pilot initiative is established of~~
12 ~~the limit on receipt of SNAP benefits of three months in a three-year period for~~
13 ~~ABAWDs.~~

14 (2) ~~Establishment of benefit extensions in six-month increments for~~
15 ~~participants who meet workforce training or education requirements of the pilot~~
16 ~~initiative.~~

17 (3) ~~Any other functions as may be necessary for the department to establish~~
18 ~~and operate the pilot initiative in a manner which conforms with applicable federal~~
19 ~~and state laws and regulations.~~

20 B. The department shall enter into any cooperative endeavor agreements,
21 contracts, and other arrangements with the Louisiana Workforce Commission, other
22 government agency, and any community partner as may be necessary to ensure
23 adequate availability of workforce training to participants in the parish **or parishes**
24 in which the ~~pilot~~ initiative is established.

25 ~~C. The department shall institute all departmental policies and procedures~~
26 ~~necessary to ensure that the process for SNAP benefits eligibility redetermination in~~
27 ~~the parish in which the pilot initiative is established meets all of the following~~
28 ~~requirements:~~

29 (1) Eligibility redetermination for each participant occurs no less frequently

1 ~~than once every six months.~~

2 ~~(2) Eligibility redetermination for each participant includes a procedure for~~
3 ~~collecting and verifying documentation from the participant of his engagement in a~~
4 ~~workforce training or education activity as provided in R.S. 46:324.~~

5 ~~D.(1)(a) Prior to commencement of the pilot initiative, the department shall~~
6 ~~transmit notice in writing to all ABAWDs in the parish in which the pilot initiative~~
7 ~~is established indicating that continuation of benefits beyond the three-month limit~~
8 ~~that is to be reinstated will be conditioned upon engagement by participants in~~
9 ~~acceptable workforce training or education activities.~~

10 ~~(b) On separate days prior to commencement of the pilot initiative, the~~
11 ~~department may transmit to ABAWDs in the parish in which the pilot initiative is~~
12 ~~established duplicates of the notice provided for in Subparagraph (a) of this~~
13 ~~Paragraph, and may take any other actions it deems necessary to provide ABAWDs~~
14 ~~with adequate notification of the changes in SNAP benefits eligibility to be instituted~~
15 ~~through the pilot initiative.~~

16 ~~(2) Within two weeks of commencement of the pilot initiative, the~~
17 ~~department shall transmit to each participant a form that provides a clear description~~
18 ~~of requirements for continuation of benefits eligibility to be instituted through the~~
19 ~~pilot initiative, and a space in which the participant may affirmatively acknowledge~~
20 ~~that he understands these requirements.~~

21 ~~(3) During the operation of the pilot initiative, the department shall promptly~~
22 ~~notify each participant of any decision concerning his eligibility for SNAP benefits~~
23 ~~made pursuant to the redetermination process provided for in Subsection C of this~~
24 ~~Section.~~

25 ~~E. The secretary of the department shall promulgate all rules and regulations~~
26 ~~in accordance with the Administrative Procedure Act as may be necessary to~~
27 ~~implement the provisions of this Subpart.~~

28 ~~§327. §326.~~ Notification to legislative committees; reporting

29 ~~A. After receiving federal approval as provided in R.S. 46:328 and before~~

1 commencement of the pilot initiative, the department shall transmit to the members
2 of the House Committee on Health and Welfare and to the members of the Senate
3 Committee on Health and Welfare a written notice that addresses the purpose and
4 function of the pilot initiative and indicates the commencement date of the initiative.
5 The department may transmit the notice required by this Subsection via electronic
6 mail.

7 B: No later than twelve months after commencement of the pilot initiative,
8 and at least annually thereafter, the department shall submit a written report
9 providing a summary and evaluation of outcomes of the pilot initiative to the House
10 Committee on Health and Welfare and the Senate Committee on Health and Welfare.
11 The department may include the report with its submission of any other report
12 pertaining to SNAP, including without limitation any report required by Subpart E-2
13 of this Part.

14 ~~§328.~~ **§327.** Effectiveness contingent upon federal approval; termination

15 A. Implementation of the pilot initiative shall be contingent upon approval
16 by FNS.

17 B.(1) Subject to legislative oversight as provided in the Administrative
18 Procedure Act, R.S. 49:950 et seq., the department may terminate the pilot initiative
19 by emergency rule if the secretary of the department determines that workforce
20 participation outcomes or educational attainment have not improved to a satisfactory
21 degree as a result of the initiative.

22 (2) The secretary of the department is hereby authorized and directed to
23 collaborate with the executive director of the Louisiana Workforce Commission in
24 workforce participation outcomes evaluation prior to issuing any emergency rule to
25 terminate the pilot initiative.

26 Section 2. This Act shall become effective upon signature by the governor or, if not
27 signed by the governor, upon expiration of the time for bills to become law without signature
28 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
29 vetoed by the governor and subsequently approved by the legislature, this Act shall become

1 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Christine Arbo Peck.

DIGEST

SB 344 Original 2016 Regular Session Johns

Present law established a pilot program for a workforce training and education initiative in a limited geographical area. Proposed law repeals the pilot program and implements a workforce training program statewide.

Present law provides for legislative findings. Proposed law adds additional information to the findings:

- (1) Nearly half of all SNAP recipients are children and an additional 25 percent of SNAP recipients are adults living with children.
- (2) For the past 19 years, Louisiana has requested this particular SNAP waiver for which it qualified each year due to high unemployment rates. For 12 of those years, Louisiana qualified for a statewide waiver and for seven years, most Louisiana parishes qualified for the waiver. However, due to the number of exemptions available under the federal program to Louisiana, each of the past 19 years, Louisiana has administered this SNAP waiver on a statewide basis.
- (3) Able-bodied but SNAP-eligible adults without dependents comprise less than ten percent of those who receive SNAP benefits in Louisiana.

Present law includes instructions and deadlines that have lapsed for the pilot program. Proposed law repeals present law.

Proposed law is contingent upon approval of the Food and Nutrition Service of the United States Department of Agriculture. Proposed law retains present law approval requirements.

Effective upon signature of the governor or upon lapse of gubernatorial action.

(Amends R.S. 46:321-327)