

Regular Session, 2014

HOUSE BILL NO. 464

BY REPRESENTATIVES BROADWATER AND PUGH

SNAP/FOOD STAMPS: Establishes a pilot initiative for training and education to serve certain recipients of Supplemental Nutrition Assistance Program benefits

1 AN ACT

2 To enact R.S. 46:311 through 318, relative to the Supplemental Nutrition Assistance
3 Program; to create and provide for a pilot initiative for training and education to
4 serve certain nutrition assistance recipients; to provide for duties of participants in
5 the pilot initiative and of the Department of Children and Family Services; to provide
6 for redesignation of laws; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:311 through 318 is hereby enacted to read as follows:

9 §311. Findings

10 The legislature hereby finds and declares the following:

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

14 (2) The Supplemental Nutrition Assistance Program, formerly known as
15 "food stamps" and referred to hereafter as "SNAP", provides crucial support to needy
16 households and to persons making the transition from welfare to work.

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

1 (4) Federal regulations (7 CFR 273.24) limit the duration of receipt of SNAP
2 benefits by nonworking able-bodied adults without dependents who do not qualify
3 for certain exemptions to a total of three months out of any three-year period.
4 However, states may submit to the federal government applications commonly
5 known as "waivers" to have this three-month limit waived. If approved, such
6 waivers allow able-bodied, nonworking, nonexempt adults to receive SNAP benefits
7 for an unlimited duration so long as they meet other eligibility standards of the
8 program. Nationally, waivers of this type have become the standard in SNAP rather
9 than the exception, as forty states and territories, including Louisiana, had a
10 statewide or territory-wide waiver in effect and six other states and territories had a
11 partial-state or partial-territory waiver in effect as of January 1, 2014.

12 (5) When coordinated and delivered in an effective manner, workforce
13 training services for public assistance recipients can be of great value to persons who
14 desire to become self-sufficient and to businesses that strive for greater
15 competitiveness through employing an improved workforce.

16 §312. Definitions

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

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

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

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

25 (4) "Participant" means a recipient of SNAP benefits who participates in the
26 pilot initiative provided for in this Subpart.

27 (5) "Pilot initiative" means the workforce training and education pilot
28 initiative provided for in this Subpart.

1 (6) "SNAP" means the Supplemental Nutrition Assistance Program
2 administered at the federal level by the Food and Nutrition Service of the United
3 States Department of Agriculture and at the state level by the Louisiana Department
4 of Children and Family Services.

5 §313. Goals

6 The goals of the pilot initiative shall include, without limitation, the
7 following:

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

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

12 (3) To provide supports to SNAP recipients who choose to further their
13 education.

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

16 §314. Workforce training and education pilot initiative; creation; functions

17 A. A workforce training and education pilot initiative is hereby created
18 within SNAP for the purpose of improving employment opportunities for
19 nonworking SNAP recipients and enhancing workforce readiness. The department
20 shall administer the pilot initiative in accordance with the provisions of this Subpart.

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

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

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

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

10 (3) Nothing in this Subsection shall be construed to require or prohibit the
11 continuation or cancellation of any waiver granted to the state by FNS in any parish
12 other than the parish in which the pilot initiative is established.

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

17 (1) The participant met one or more of the following criteria relative to
18 educational advancement:

19 (a) The participant was enrolled at any time in the previous six months in an
20 accredited postsecondary educational institution that grants two-year or four-year
21 degrees.

22 (b) The participant was continuously enrolled for a period of at least two
23 months in the previous six months in a program designed to lead to a high school
24 diploma.

25 (c) The participant was continuously enrolled for a period of at least two
26 months in the previous six months in a general education development (GED) test
27 preparation course.

28 (d) The participant earned a high school diploma or a general education
29 development (GED) diploma.

1 (2) The participant met criteria relative to workforce readiness as required
2 by the department in rule. Such criteria may include, but shall not be limited to the
3 following:

4 (a) Participating for a specified minimum number of hours in an approved
5 job training program.

6 (b) Applying for a specified minimum number of jobs.

7 §315. Duties of participants

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

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

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

14 §316. Duties of the department

15 A. The department shall submit to FNS applications for any waivers,
16 exemptions, or other formal authorizations and any state plan amendments as may
17 be necessary to implement the workforce training and education pilot initiative
18 provided for in this Subpart. Such submissions by the department to FNS shall
19 provide for all of the following:

20 (1) Reinstatement in the parish in which the pilot initiative is established of
21 the limit on receipt of SNAP benefits of three months in a three-year period for
22 ABAWDs.

23 (2) Establishment of benefit extensions in six-month increments for
24 participants who meet workforce training or education requirements of the pilot
25 initiative.

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

1 B. The department shall enter into any cooperative endeavor agreements,
2 contracts, and other arrangements with the Louisiana Workforce Commission, other
3 government agency, and any community partner as may be necessary to ensure
4 adequate availability of workforce training to participants in the parish in which the
5 pilot initiative is established.

6 C. The department shall institute all departmental policies and procedures
7 necessary to ensure that the process for SNAP benefits eligibility redetermination in
8 the parish in which the pilot initiative is established meets all of the following
9 requirements:

10 (1) Eligibility redetermination for each participant occurs no less frequently
11 than once every six months.

12 (2) Eligibility redetermination for each participant includes a procedure for
13 collecting and verifying documentation from the participant of his engagement in a
14 workforce training or education activity as provided in R.S. 46:314.

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

20 (b) On separate days prior to commencement of the pilot initiative, the
21 department may transmit to ABAWDs in the parish in which the pilot initiative is
22 established duplicates of the notice provided for in Subparagraph (a) of this
23 Paragraph, and may take any other actions it deems necessary to provide ABAWDs
24 with adequate notification of the changes in SNAP benefits eligibility to be instituted
25 through the pilot initiative.

26 (2) Within two weeks of commencement of the pilot initiative, the
27 department shall transmit to each participant a form that provides a clear description
28 of requirements for continuation of benefits eligibility to be instituted through the

1 pilot initiative, and a space in which the participant may affirmatively acknowledge
2 that he understands these requirements.

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

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

10 §317. Reporting

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

18 §318. Effectiveness contingent upon federal approval; termination

19 A. Implementation of the pilot initiative shall be contingent upon approval
20 by FNS.

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

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

1 Section 2.(A) The Louisiana State Law Institute is hereby directed to redesignate
2 Subpart E of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950,
3 comprised of R.S. 46:291.1, as Subpart E-1 of Part II of Chapter 3 of Title 46 of the
4 Louisiana Revised Statutes of 1950, comprised of R.S. 46:291.1, and is further directed to
5 retain the heading of such Subpart as "SNAP Fraud and Abuse Detection and Prevention".

6 (B) The Louisiana State Law Institute is hereby directed to redesignate Subpart A-1
7 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of
8 R.S. 46:236.1, as Subpart E-2 of Part II of Chapter 3 of Title 46 of the Louisiana Revised
9 Statutes of 1950, comprised of R.S. 46:301, and is further directed to change the heading of
10 such Subpart to "SNAP Nutrition Education".

11 (C) The Louisiana State Law Institute is hereby directed to designate R.S. 46:311
12 through 318, as enacted by this Act, as Subpart E-3 of Part II of Chapter 3 of Title 46 of the
13 Louisiana Revised Statutes of 1950, and is further directed to apply to such Subpart the
14 heading "SNAP Workforce Training and Education Pilot Initiative".

15 Section 3. The secretary of the Department of Children and Family Services is
16 hereby authorized and directed to submit to the Food and Nutrition Service of the United
17 States Department of Agriculture on or before January 1, 2015, applications for any waivers,
18 exemptions, or other formal authorizations and any state plan amendments as may be
19 necessary to implement the provisions of this Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Broadwater

HB No. 464

Abstract: Establishes a parish-level pilot initiative for workforce training and education to serve certain recipients of Supplemental Nutrition Assistance Program (SNAP) benefits; provides for location and functions of the pilot initiative.

Proposed law creates and provides for a workforce training and education pilot initiative within the Supplemental Nutrition Assistance Program (SNAP, formerly known as food stamps) administered by the Dept. of Children and Family Services (DCFS). Provides that the pilot initiative shall be located in a parish with a population of between 100,000 and 150,000 and in which is located the main campus of a public four-year college or university.

Proposed law provides that the goals of the pilot initiative are:

- (1) To provide incentives that are demonstrably effective in helping SNAP beneficiaries achieve financial self-sufficiency.
- (2) To connect employers to job candidates who possess requisite skills such that workforce needs, especially in demand occupations, are readily met.
- (3) To provide supports to SNAP recipients who choose to further their education.
- (4) To yield a model for incentivizing training and education for public assistance recipients that can be replicated throughout the state.

Proposed law provides that participants in the pilot initiative shall include nonworking able-bodied adults without dependents (ABAWDs), as defined in federal regulation, who reside in the parish in which the initiative is established and who are not exempted by any federal or state policy from the limitation on duration of SNAP benefit recipience established pursuant to 7 CFR 273.24.

As a precondition for implementing the pilot initiative, proposed law requires DCFS to ensure that the limitation on duration of SNAP benefit recipience by nonexempt ABAWDs provided in 7 CFR 273.24 (three months in any three-year period) is in effect in the parish in which the initiative is established, and not lifted through any statewide or parish-level waiver.

Proposed law provides that the essential function of the pilot initiative is to provide to each participant at the time of benefits eligibility redetermination a six-month extension of SNAP benefits conditioned upon the following:

- (1) The participant met one or more of the following criteria relative to educational advancement:
 - (a) The participant was enrolled at any time in the previous six months in an accredited postsecondary educational institution that grants two-year or four-year degrees.
 - (b) The participant was continuously enrolled for a period of at least two months in the previous six months in a program designed to lead to a high school diploma.
 - (c) The participant was continuously enrolled for a period of at least two months in the previous six months in a general education development (GED) test preparation course.
 - (d) The participant earned a high school diploma or a general education development (GED) diploma.
- (2) The participant met criteria relative to workforce readiness as required by DCFS in rule including but not limited to the following:
 - (a) Participating for a specified minimum number of hours in an approved job training program.
 - (b) Applying for a specified minimum number of jobs.

Proposed law requires DCFS to conduct SNAP eligibility redetermination for participants in the pilot initiative no less frequently than once every six months.

Proposed law requires participants in the pilot initiative to provide to DCFS all requested documentation of participation in a workforce training or education program at the time of

SNAP eligibility redetermination, and to comply with all other SNAP eligibility requirements as set forth by DCFS.

Proposed law requires that prior to commencement of the pilot initiative, DCFS shall transmit notice in writing to each prospective participant indicating that continuation of benefits beyond the three-month limit will be conditioned upon engagement by the participant in acceptable workforce training or education activities. Authorizes DCFS to take any other actions it deems necessary to provide ABAWDs with adequate notification of the changes in SNAP benefits eligibility to be instituted through the pilot initiative. Further, requires DCFS to do all of the following relative to participant notification:

- (1) Within two weeks of commencement of the pilot initiative, transmit to each prospective participant a form that provides a clear description of requirements for continuation of benefits eligibility, and a space in which the participant may affirmatively acknowledge that he understands these requirements.
- (2) During the operation of the pilot initiative, promptly notify each participant of any decision concerning his eligibility for SNAP benefits made pursuant to the redetermination process provided for in proposed law.

Proposed law requires DCFS to promulgate all rules and regulations in accordance with the APA as may be necessary to implement the provisions of proposed law.

Proposed law requires that no later than six months after commencement of the pilot initiative, and at least annually thereafter, DCFS shall submit a report on outcomes of the pilot initiative to the legislative committees on health and welfare.

Proposed law provides that implementation of the pilot initiative is contingent upon federal approval.

Proposed law provides that DCFS may terminate the pilot initiative by emergency rule if it determines that workforce participation outcomes or educational attainment have not improved to a satisfactory degree as a result of the initiative. Authorizes and directs the DCFS secretary to collaborate with the executive director of the La. Workforce Commission in workforce participation outcomes evaluation prior to issuing any emergency rule to terminate the pilot initiative.

Proposed law authorizes and directs DCFS to submit to the federal agency that administers SNAP on or before Jan. 1, 2015, applications for any waivers, exemptions, or other formal authorizations and any state plan amendments as may be necessary to implement the provisions of proposed law.

(Adds R.S. 46:311-318)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Health and Welfare to the original bill.

1. Within the SNAP pilot initiative created by proposed law, changed the schedule of eligibility redetermination and corresponding period of benefits extension from three months to six months.