

Regular Session, 2014

HOUSE BILL NO. 1213

BY REPRESENTATIVE JEFFERSON

SNAP/FOOD STAMPS: Provides for continuance of nutrition assistance for certain retirees

1 AN ACT

2 To enact R.S. 46:311 through 313, relative to nutrition assistance; to provide for continuance
3 of nutrition assistance for certain retirees; to provide for duties of the Department of
4 Children and Family Services; to authorize sources of funding for special nutrition
5 assistance benefits; to provide for redesignation of laws; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 46:311 through 313 are hereby enacted to read as follows:

9 §311. Legislative findings; purpose

10 A. The legislature hereby finds and declares the following:

11 (1) A phenomenon known as the "cliff" is an unfortunate feature of many
12 assistance programs and occurs when a gain in income results in a loss of assistance
13 in an amount greater than the income gain, and more than offsets the benefit that a
14 person derives from earning a higher income. This perverse incentive whereby
15 earning a higher income has the effect of penalizing the earner is harmful to
16 financially vulnerable individuals and families.

17 (2) A particularly onerous "cliff" occurs in the Supplemental Nutrition
18 Assistance Program (SNAP) of this state when a senior citizen receives a cost-of-
19 living increase in his retirement income that, in turn, causes him to lose SNAP

1 benefits in an amount greater than his cost-of-living increase or to lose eligibility for
2 SNAP benefits entirely.

3 B. The legislature hereby declares that the purpose of this Subpart is to
4 provide for continuance of nutrition assistance for retirees who experience a net loss
5 in support pursuant to a reduction in SNAP benefits caused by a nonelective cost-of-
6 living adjustment from the Social Security Administration, a public pension
7 program, or any other system, plan, or fund from which those persons may receive
8 retirement income.

9 §312. Definitions

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

12 (1) "Department" means the Department of Children and Family Services.

13 (2) "FNS" means the Food and Nutrition Service of the United States
14 Department of Agriculture, the office of the federal government that administers the
15 Supplemental Nutrition Assistance Program.

16 (3) "SNAP" means the Supplemental Nutrition Assistance Program
17 administered at the federal level by the Food and Nutrition Service of the United
18 States Department of Agriculture and at the state level by the Louisiana Department
19 of Children and Family Services.

20 §313. Nutrition assistance for certain retirees; duties of the Department of Children
21 and Family Services

22 A. The department is hereby directed to take all such actions as are
23 necessary, including, without limitation, submission of any SNAP state plan
24 amendments to FNS and promulgation of rules in accordance with the
25 Administrative Procedure Act, to establish a program for maintaining or continuing
26 nutrition assistance to retirees who are seventy-five years of age or older and
27 experience a decrease in SNAP benefits or a termination of SNAP eligibility due to
28 having received a nonelective cost-of-living adjustment from the Social Security

1 Administration's retirement benefits program, a public pension program, or any other
2 system, plan, or fund from which a retiree derives retirement income.

3 B. The source of monies for the program of continuing nutrition assistance
4 to retirees aged seventy-five and older established by this Subpart may include any
5 appropriation of state or federal funds by the legislature, including federal funds
6 from FNS, the Administration for Children and Families of the Department of Health
7 and Human Services, or from any other federal source.

8 Section 2.(A) The Louisiana State Law Institute is hereby directed to redesignate
9 Subpart E of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950,
10 comprised of R.S. 46:291.1, as Subpart E-1 of Part II of Chapter 3 of Title 46 of the
11 Louisiana Revised Statutes of 1950, comprised of R.S. 46:291.1, and is further directed to
12 retain the heading of the Subpart.

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

18 (C) The Louisiana State Law Institute is hereby directed to designate R.S. 46:311
19 through 313, as enacted by this Act, as Subpart E-3 of Part II of Chapter 3 of Title 46 of the
20 Louisiana Revised Statutes of 1950, and is further directed to apply to the Subpart the
21 heading "Special Program for Retiree Nutrition Assistance".

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)]

Jefferson

HB No. 1213

Abstract: Provides for continuance of nutrition assistance for certain retirees whose SNAP benefits are reduced or eliminated due to income gained from a cost-of-living adjustment in retirement income.

Proposed law provides the following legislative findings:

- (1) A phenomenon known as the "cliff" is an unfortunate feature of many assistance programs and occurs when a gain in income results in a loss of assistance in an amount greater than the income gain, and more than offsets the benefit that a person derives from earning a higher income. This perverse incentive whereby earning a higher income has the effect of penalizing the earner is harmful to financially vulnerable individuals and families.
- (2) A particularly onerous "cliff" occurs in the Supplemental Nutrition Assistance Program (SNAP) of this state when a senior citizen receives a cost-of-living increase in his retirement income that, in turn, causes him to lose SNAP benefits in an amount greater than his cost-of-living increase or to lose eligibility for SNAP benefits entirely.

Proposed law requires the Department of Children and Family Services to establish a program for maintaining or continuing nutrition assistance to retirees who are 75 years of age or older and experience a decrease in SNAP benefits or a termination of SNAP eligibility due to having received a nonelective cost-of-living adjustment from the Social Security Administration's retirement benefits program, a public pension program, or any other retirement system, plan, or fund.

Proposed law provides that the source of monies for the program established by proposed law may include any appropriation by the legislature of state funds or federal funds from any source.

(Adds R.S. 46:311-313)