

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 are 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 in any three-year period. However,  
4           states may submit to the federal government applications, commonly known as  
5           "waivers", to have this three-month limit waived. If approved, such waivers allow  
6           able-bodied, nonworking, nonexempt adults to receive SNAP benefits for an  
7           unlimited duration provided that those persons 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 support 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 meets one or more of the following criteria relative to  
18           educational advancement:

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

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

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

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

1           (2) The participant meets 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 waiver,  
16           exemption, or other formal authorization and any state plan amendment as may be  
17           necessary to implement the pilot initiative provided for in this Subpart. Such  
18           submissions by the department to FNS shall provide for all of the following:

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

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

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

28           B. The department shall enter into any cooperative endeavor agreements,  
29           contracts, and other arrangements with the Louisiana Workforce Commission, other

1 government agency, and any community partner as may be necessary to ensure  
2 adequate availability of workforce training to participants in the parish in which the  
3 pilot initiative is established.

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

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

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

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

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

24 (2) Within two weeks of commencement of the pilot initiative, the  
25 department shall transmit to each participant a form that provides a clear description  
26 of requirements for continuation of benefits eligibility to be instituted through the  
27 pilot initiative, and a space in which the participant may affirmatively acknowledge  
28 that he understands these requirements.

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

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

8           §317. Notification to legislative committees; reporting

9           A. After receiving federal approval as provided in R.S. 46:318 and before  
10           commencement of the pilot initiative, the department shall transmit to the members  
11           of the House Committee on Health and Welfare and to the members of the Senate  
12           Committee on Health and Welfare a written notice that addresses the purpose and  
13           function of the pilot initiative and indicates the commencement date of the initiative.  
14           The department may transmit the notice required by this Subsection via electronic  
15           mail.

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

23           §318. Effectiveness contingent upon federal approval; termination

24           A. Implementation of the pilot initiative shall be contingent upon approval  
25           by FNS.

26           B.(1) Subject to legislative oversight as provided in the Administrative  
27           Procedure Act, R.S. 49:950 et seq., the department may terminate the pilot initiative  
28           by emergency rule if the secretary of the department determines that workforce

1        participation outcomes or educational attainment have not improved to a satisfactory  
2        degree as a result of the initiative.

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

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

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

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

21        Section 3. The secretary of the Department of Children and Family Services is  
22        hereby authorized and directed to submit to the Food and Nutrition Service of the United  
23        States Department of Agriculture on or before January 1, 2015, applications for any waiver,  
24        exemption, or other formal authorization and any state plan amendment as may be necessary  
25        to implement the provisions of this Act.

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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)]

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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 meets one or more of the following criteria relative to educational advancement:
  - (a) In the previous six months, the participant satisfied requirements established by DCFS in rule relative to enrollment in an accredited postsecondary educational institution that grants associate or baccalaureate degrees.
  - (b) In the previous six months, the participant satisfied requirements established by DCFS in rule relative to enrollment in a program designed to lead to a high school diploma.

- (c) In the previous six months, the participant satisfied requirements established by DCFS in rule relative to enrollment in a general education development test preparation course.
  - (d) The participant earned a high school diploma or a general education development diploma.
- (2) The participant meets 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 DCFS, prior to commencement of the pilot initiative, to transmit to the members of the legislative committees on health and welfare a notice addressing the purpose and function of the initiative and its commencement date. Provides that such notice may be transmitted via electronic mail.

Proposed law requires that no later than 12 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 waiver, exemption, or other formal authorization and any state plan amendment 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.

#### House Floor Amendments to the engrossed bill.

1. Modified criteria concerning enrollment in postsecondary education institutions, participation in high school diploma programs, and undertaking GED preparation courses to stipulate that criteria relative to these endeavors shall be established by DCFS in rule.
2. Added provision requiring DCFS, prior to commencement of the pilot initiative, to transmit to the members of the legislative committees on health and welfare a notice addressing the purpose and function of the initiative and its commencement date.
3. Made technical changes.