

ACT No. 622

Regular Session, 2014

HOUSE BILL NO. 464

BY REPRESENTATIVES BROADWATER AND PUGH AND SENATOR NEVERS

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.

20 (4) Federal regulations (7 CFR 273.24) limit the duration of receipt of SNAP
21 benefits by nonworking, able-bodied adults without dependents who do not qualify
22 for certain exemptions to a total of three months in any three-year period. However,
23 states may submit to the federal government applications, commonly known as

1 "waivers", to have this three-month limit waived. If approved, such waivers allow
2 able-bodied, nonworking, nonexempt adults to receive SNAP benefits for an
3 unlimited duration provided that those persons meet other eligibility standards of the
4 program. Nationally, waivers of this type have become the standard in SNAP rather
5 than the exception, as forty states and territories, including Louisiana, had a
6 statewide or territory-wide waiver in effect and six other states and territories had a
7 partial-state or partial-territory waiver in effect as of January 1, 2014.

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

12 §312. Definitions

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

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

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

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

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

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

25 (6) "SNAP" means the Supplemental Nutrition Assistance Program
26 administered at the federal level by the Food and Nutrition Service of the United
27 States Department of Agriculture and at the state level by the Louisiana Department
28 of Children and Family Services.

1 §313. Goals

2 The goals of the pilot initiative shall include, without limitation, the
3 following:

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

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

8 (3) To provide support to SNAP recipients who choose to further their
9 education.

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

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

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

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

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

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

29 (2) If nonexempt ABAWDs in the parish in which the pilot initiative is
30 established are not subject to any limitation on duration of eligibility for receipt of

1 SNAP benefits as a result of a waiver granted to the state by FNS, then the
2 department shall cause such waiver to be rescinded, cancelled, or otherwise rendered
3 null and without effect for that parish.

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

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

11 (1) The participant meets one or more of the following criteria relative to
12 educational advancement:

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

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

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

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

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

27 (a) Participating for a specified minimum number of hours in an approved
28 job-training program.

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

1 §315. Duties of participants

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

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

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

8 §316. Duties of the department

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

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

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

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

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

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

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

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

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

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

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

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

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

1 §317. Notification to legislative committees; reporting

2 A. After receiving federal approval as provided in R.S. 46:318 and before
 3 commencement of the pilot initiative, the department shall transmit to the members
 4 of the House Committee on Health and Welfare and to the members of the Senate
 5 Committee on Health and Welfare a written notice that addresses the purpose and
 6 function of the pilot initiative and indicates the commencement date of the initiative.
 7 The department may transmit the notice required by this Subsection via electronic
 8 mail.

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

16 §318. Effectiveness contingent upon federal approval; termination

17 A. Implementation of the pilot initiative shall be contingent upon approval
 18 by FNS.

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

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

28 Section 2.(A) The Louisiana State Law Institute is hereby directed to redesignate
 29 Subpart E of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950,
 30 comprised of R.S. 46:291.1, as Subpart E-1 of Part II of Chapter 3 of Title 46 of the

1 Louisiana Revised Statutes of 1950, comprised of R.S. 46:291.1, and is further directed to
2 retain the heading of such Subpart as "SNAP Fraud and Abuse Detection and Prevention".

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

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

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____