

SENATE BILL NO. 323—SENATORS CANCELA, SEGERBLOM,
SPEARMAN, WOODHOUSE, PARKS; CANNIZZARO, DENIS
AND FARLEY

MARCH 20, 2017

Referred to Committee on Health and Human Services

SUMMARY—Revises provisions governing the Supplemental
Nutrition Assistance Program. (BDR 38-627)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Supplemental Nutrition Assistance Program; prescribing the manner in which the Department of Health and Human Services must calculate the 36-month time period for determining a person's eligibility for benefits under the Program; requiring the Department to seek a waiver from certain federal requirements concerning eligibility for benefits under the Program; authorizing the Division of Welfare and Supportive Services of the Department to prioritize certain persons for the continued receipt of benefits under the Program if the Department obtains such a waiver; requiring the Department to create a voluntary workfare program; authorizing the Division to contract with appropriate persons and entities for certain purposes relating to the Supplemental Nutrition Assistance Program; requiring the Department to consult with certain persons concerning actions of the Federal Government and the Department relating to the Program; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Federal law establishes the Supplemental Nutrition Assistance Program. (7
- 2 U.S.C. §§ 2011 et seq.) The Program in this State is administered by the
- 3 Department of Health and Human Services. (NRS 422A.338) Under federal law,
- 4 certain Program beneficiaries who have received benefits for at least 3 months
- 5 during the preceding 36-month period are required to: (1) work for at least 20 hours



* S B 3 2 3 R 1 *

6 per week; or (2) participate for at least 20 hours per week in a work program
7 approved by the state agency which administers the Program. (7 U.S.C. §§
8 2015(o)(2)(A) and (B), 2015(o)(3)) Alternatively, federal law allows a beneficiary
9 to meet the work requirement by serving in a federally approved workfare or
10 volunteer work program operated by the State. (7 U.S.C. § 2015(o)(2)(C)) **Section**
11 **2** of this bill requires the Department to calculate the 36-month period such that the
12 period begins and ends on fixed, definite dates that are the same for each
13 beneficiary in this State and runs continuously.

14 Federal law authorizes the state agency which administers the Program to
15 request that the Secretary of Health and Human Services waive the work
16 requirement for certain groups of beneficiaries. Such a waiver may be granted if the
17 Secretary determines that: (1) the beneficiaries the waiver seeks to exempt reside in
18 a geographic area where the unemployment rate exceeds 10 percent; or (2) the
19 geographic area in which the waiver will apply does not have a sufficient number
20 of jobs to provide adequate employment for the affected group of beneficiaries. (7
21 U.S.C. § 2015(o)(4)(A)) This State currently operates under such a waiver granted
22 by the Secretary that expires on July 1, 2017. Additionally, under federal law, the
23 state agency which administers the Program may grant exemptions from the work
24 requirement for up to 15 percent of the Program beneficiaries even if the State has
25 not sought a waiver from the Secretary. (7 U.S.C. § 2015(o)(6)(D)) **Section 2** of
26 this bill requires the Department of Health and Human Services to seek a waiver to
27 replace the existing waiver, which expires on July 1, 2017. If the Department
28 obtains such a waiver, **section 2** authorizes the Division of Welfare and Supportive
29 Services of the Department to prioritize certain persons for the continued receipt of
30 benefits under the Program. Additionally, **section 2** requires the Department to
31 establish a voluntary workfare program to assist Program beneficiaries in meeting
32 the work requirement. Finally, **section 2** authorizes the Division to contract with
33 appropriate persons and entities to assist in determining whether a person is exempt
34 from the work requirement. **Section 3** of this bill requires the Department to consult
35 as necessary until October 1, 2019, with persons and entities who provide services
36 to persons who are subject to the work requirement concerning actions by the
37 Federal Government relating to that requirement and the Department's efforts to
38 implement the provisions of **section 2**.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 422A of NRS is hereby amended by
2 adding thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. The Department shall:**

4 *(a) Calculate the 36-month period prescribed by 7 U.S.C. §*
5 *2015(o)(2) such that the period begins and ends on fixed, definite*
6 *dates that are the same for each recipient of benefits under the*
7 *Supplemental Nutrition Assistance Program in this State and runs*
8 *continuously.*

9 *(b) Seek a waiver pursuant to 7 U.S.C. § 2015(o)(4) to allow a*
10 *person otherwise subject to the 3-month limit to receive*
11 *Supplemental Nutrition Assistance Program benefits pursuant to 7*
12 *U.S.C. § 2015(o)(2) to continue to receive such benefits without*
13 *meeting the federal requirements.*



* S B 3 2 3 R 1 *

1 (c) *Adopt regulations to establish a voluntary workfare*
2 *program in accordance with the requirements set forth in 7 C.F.R.*
3 *§ 273.7(m)(8) to allow a person to meet the eligibility requirements*
4 *set forth in 7 U.S.C. § 2015(o)(2) by participating in such a*
5 *program. The voluntary workfare program must provide that*
6 *participants will receive benefits at a rate equivalent to the state*
7 *minimum wage.*

8 2. *If the Department obtains a waiver pursuant to paragraph*
9 *(b) of subsection 1, the Division may prioritize a person described*
10 *in that paragraph for the continued receipt of benefits:*

11 (a) *If the person is the subject of a pending case to determine*
12 *his or her eligibility for disability benefits from the federal social*
13 *security system or pursuant to chapters 616A to 616D, inclusive, of*
14 *NRS;*

15 (b) *For 1 year after the person was discharged from the Armed*
16 *Forces of the United States or the National Guard;*

17 (c) *If the person does not have custody of his or her child but*
18 *is responsible for child support; or*

19 (d) *If the person resides in a county whose unemployment rate*
20 *is at least 10 percent or is 20 percent above the national average.*

21 3. *The Division may contract with appropriate persons or*
22 *entities to assist in determining whether a person is eligible to*
23 *receive benefits under the provisions of any waiver granted*
24 *pursuant to paragraph (b) of subsection 1 or is otherwise exempt*
25 *from the 3-month limit for receiving Supplemental Nutrition*
26 *Assistance Program benefits prescribed by 7 U.S.C. § 2015(o)(2).*

27 **Sec. 3.** *The Department shall consult whenever necessary*
28 *with persons and entities who provide services to persons subject*
29 *to the 3-month limit for receiving Supplemental Nutrition*
30 *Assistance Program benefits prescribed by 7 U.S.C. § 2015(o)(2)*
31 *concerning actions of the Federal Government relating to that 3-*
32 *month limit and the efforts of the Department to comply with the*
33 *requirements of section 2 of this act.*

34 **Sec. 4.** 1. This section and sections 1 and 3 of this act
35 become effective upon passage and approval.

36 2. Section 2 of this act becomes effective upon passage and
37 approval for the purposes of adopting regulations and performing
38 any other administrative tasks that are necessary to carry out the
39 provisions of this act and on July 1, 2017, for all other purposes.

40 3. Section 3 of this act expires by limitation on October 1,
41 2019.

