

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.

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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 under certain circumstances; authorizing the Division of Welfare and Supportive Services of the Department to grant exemptions from those requirements and to prioritize certain persons for such an exemption; 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; temporarily 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



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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. **Section 2** requires the Department to
23 seek such a waiver whenever this State or a portion thereof is eligible for such a
24 waiver.

25 Additionally, under federal law, the state agency which administers the
26 Program may grant exemptions from the work requirement for up to 15 percent of
27 the Program beneficiaries even if the State has not sought a waiver from the
28 Secretary. (7 U.S.C. § 2015(o)(6)(D)) **Section 2** authorizes the Division of Welfare
29 and Supportive Services of the Department to: (1) grant such an exemption to the
30 extent authorized by federal law; and (2) prioritize certain persons for such an
31 exemption, which would allow those persons to continue to receive benefits under
32 the Program. Additionally, **section 2** requires the Department to establish a
33 voluntary workfare program to assist Program beneficiaries in meeting the work
34 requirement. Finally, **section 2** authorizes the Division to contract with appropriate
35 persons and entities to assist in determining whether a person is exempt from the
36 work requirement. **Section 3** of this bill requires the Department to consult as
37 necessary until October 1, 2019, with persons and entities who provide services to
38 persons who are subject to the work requirement concerning actions by the Federal
39 Government relating to that requirement and the Department's efforts to implement
40 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) whenever*
10 *this State or any portion thereof is eligible for a waiver under the*
11 *provisions of that section to allow a group of persons who are*
12 *otherwise subject to the 3-month limit to receive Supplemental*



1 *Nutrition Assistance Program benefits pursuant to 7 U.S.C. §*
2 *2015(o)(2) to continue to receive such benefits without meeting the*
3 *federal requirements.*

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

11 *2. The Division may:*

12 *(a) To the extent authorized by the provisions of 7 U.S.C. §*
13 *2015(o)(6), grant exemptions to persons from the 3-month limit to*
14 *receive Supplemental Nutrition Assistance Program benefits*
15 *pursuant to 7 U.S.C. § 2015(o)(2); and*

16 *(b) Prioritize a person for such an exemption:*

17 *(1) If the person works more than 20 hours per week for*
18 *part of a year and less than 20 hours per week for the remainder*
19 *of the year;*

20 *(2) For 1 year after the person was discharged from the*
21 *Armed Forces of the United States or the National Guard;*

22 *(3) If the person does not have custody of his or her child*
23 *but is responsible for child support; or*

24 *(4) If the person is an unpaid caregiver for a parent, child*
25 *or sibling who is elderly or disabled.*

26 *3. The Division may contract with appropriate persons or*
27 *entities to assist in determining whether a person is eligible to*
28 *receive benefits under the provisions of any waiver granted*
29 *pursuant to paragraph (b) of subsection 1 or is eligible for any*
30 *available exemption from the 3-month limit for receiving*
31 *Supplemental Nutrition Assistance Program benefits prescribed by*
32 *7 U.S.C. § 2015(o)(2).*

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

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

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



1 3. Section 3 of this act expires by limitation on October 1,
2 2019.

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