

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; requiring the Department to create a workfare program; requiring the Department 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
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



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volunteer work program operated by the State. (7 U.S.C. § 2015(o)(2)(C)) **Section 2** of this bill requires the Department to calculate the 36-month period such that the period begins and ends on fixed, definite dates and runs continuously.

Federal law authorizes the state agency which administers the Program to request that the Secretary of Health and Human Services waive the work requirement for certain groups of beneficiaries. Such a waiver may be granted if the Secretary determines that: (1) the beneficiaries the waiver seeks to exempt reside in a geographic area where the unemployment rate exceeds 10 percent; or (2) the geographic area in which the waiver will apply does not have a sufficient number of jobs to provide adequate employment for the affected group of beneficiaries. (7 U.S.C. § 2015(o)(4)(A)) This State currently operates under such a waiver granted by the Secretary that expires on July 1, 2017. Additionally, under federal law, the state agency which administers the Program may grant exemptions from the work requirement for up to 15 percent of the Program beneficiaries even if the State has not sought a waiver from the Secretary. (7 U.S.C. § 2015(o)(6)(D)) **Section 2** of this bill requires the Department of Health and Human Services to seek a waiver to exempt certain persons from the requirement to work or participate in a work program. Additionally, **section 2** requires the Department to establish a workfare program to assist Program beneficiaries in meeting the work requirement. Finally, **section 2** requires the Department to contract with appropriate persons and entities to assist in determining whether a person is exempt from the work requirement. **Section 3** of this bill requires the Department to consult monthly until October 1, 2019, with persons and entities who provide services to persons who are subject to the work requirement concerning actions by the Federal Government relating to that requirement and the Department's efforts to implement the provisions of **section 2**.

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

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

Sec. 2. *The Department shall:*

1. Calculate the 36-month period prescribed by 7 U.S.C. § 2015(o)(2) such that the period begins and ends on fixed, definite dates and runs continuously.

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

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

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

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



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

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

9 4. *Contract with appropriate persons or entities to assist in*
10 *determining whether a person is eligible to receive benefits under*
11 *the provisions of any waiver granted pursuant to subsection 2 or is*
12 *otherwise exempt from the 3-month limit for receiving*
13 *Supplemental Nutrition Assistance Program benefits prescribed by*
14 *7 U.S.C. § 2015(o)(2).*

15 **Sec. 3.** *The Department shall consult monthly with persons*
16 *and entities who provide services to persons subject to the 3-month*
17 *limit for receiving Supplemental Nutrition Assistance Program*
18 *benefits prescribed by 7 U.S.C. § 2015(o)(2) concerning actions of*
19 *the Federal Government relating to that 3-month limit and the*
20 *efforts of the Department to comply with the requirements of*
21 *section 2 of this act.*

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

24 2. Section 2 of this act becomes effective upon passage and
25 approval for the purposes of adopting regulations and performing
26 any other administrative tasks that are necessary to carry out the
27 provisions of this act and on October 1, 2017, for all other purposes.

28 3. Section 3 of this act expires by limitation on October 1,
29 2019.

