

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 338**

4 (By Senator Foster)

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6 [Originating in the Committee on the Judiciary;

7 reported February 8, 2011.]

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11 A BILL to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new section, designated §9-5-21; and to amend  
13 and reenact §9-9-6 of said code, all relating to permitting  
14 the state to opt out of a federal statute that would otherwise  
15 not allow a state resident who has been convicted of a felony  
16 involving a controlled substance from receiving certain  
17 benefits provided by the Social Security Act and the Food  
18 Stamp Act.

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended  
21 by adding thereto a new section, designated §9-5-21; and that §9-9-  
22 6 of said code be amended and reenacted, all to read as follows:

23 **ARTICLE 5. MISCELLANEOUS PROVISIONS.**

24 **§9-5-21. Supplemental Nutritional Assistance Program.**

25 Pursuant to the authorization provided to the states under

1 section 115(d)(1)(A) of the Personal Responsibility and Work  
2 Opportunity Reconciliation Act of 1996 (Public Law 104-193, 21  
3 U.S.C. Section 862a(d)(1)(A)), West Virginia elects to exempt all  
4 persons domiciled in the state from application of section 115(a)  
5 of the Personal Responsibility and Work Opportunity Reconciliation  
6 Act of 1996 (21 U.S.C. Section 862a(a)).

7 **ARTICLE 9. WEST VIRGINIA WORKS ACT.**

8 **§9-9-6. Program participation.**

9 (a) Unless otherwise noted in this article, all adult  
10 beneficiaries of cash assistance and work eligible individuals  
11 shall participate in the West Virginia Works Program in accordance  
12 with the provisions of this article. The level of participation,  
13 services to be delivered and work requirements shall be defined  
14 through legislative rules established by the secretary.

15 (b) Any individual exempt under the provisions of section  
16 eight of this article may participate in the activities and  
17 programs offered through the West Virginia Works Program.

18 (c) Support services other than cash assistance through the  
19 West Virginia Works Program may be provided to at-risk families to  
20 assist in meeting the work requirements or to eliminate the need  
21 for cash assistance.

22 (d) Cash assistance through the West Virginia Works Program  
23 may be provided to an at-risk family if the combined family income,  
24 as defined in section three of this article, is below the income  
25 test levels established by the department, subject to the  
26 following:

1 (1) Any adult member of an at-risk family who receives  
2 supplemental security income shall be excluded from the benefit  
3 group;

4 (2) Within the limits of funds appropriated therefor, an at-  
5 risk family that includes a married man and woman and dependent  
6 children of either one or both may receive an additional cash  
7 assistance benefit in an amount of one hundred dollars or less; and

8 (3) An at-risk family shall receive an additional cash  
9 assistance benefit in the amount of twenty-five dollars regardless  
10 of the amount of child support collected in a month on behalf of a  
11 child or children of the at-risk family, as allowed by federal law.

12 (e) Pursuant to the authorization provided to the states under  
13 section 115(d)(1)(A) of the Personal Responsibility and Work  
14 Opportunity Reconciliation Act of 1996 (Public Law 104-193, 21  
15 U.S.C. Section 862a(d)(1)(A)), West Virginia elects to exempt all  
16 persons domiciled in the state from application of section 115(a)  
17 of the Personal Responsibility and Work Opportunity Reconciliation  
18 Act of 1996 (21 U.S.C. Section 862a(a)).

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(NOTE: The purpose of this bill is to permit the state to opt out of a federal statute that would otherwise not allow an individual living in the state who has previously been convicted of a felony involving a controlled substance from receiving certain benefits provided by the Social Security Act and the Food Stamp Act.

§9-5-21 is new; therefore, strike-throughs and underscoring have been omitted.

Strike-throughs indicate language that would be stricken from

the present law, and underscoring indicates new language that would be added.)