

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 338

(By Senator Foster)

[Originating in the Committee on the Judiciary;
reported February 8, 2011.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 5. MISCELLANEOUS PROVISIONS.

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

1 Pursuant to the authorization provided to the states under
2 section 115(d)(1)(A) of the Personal Responsibility and Work
3 Opportunity Reconciliation Act of 1996 (Public Law 104-193,
4 21 U.S.C. Section 862a(d)(1)(A)), West Virginia elects to
5 exempt all persons domiciled in the state from application of
6 section 115(a) of the Personal Responsibility and Work
7 Opportunity Reconciliation Act of 1996 (21 U.S.C. Section
8 862a(a)).

ARTICLE 9. WEST VIRGINIA WORKS ACT.

§9-9-6. Program participation.

1 (a) Unless otherwise noted in this article, all adult benefi-
2 ciaries of cash assistance and work eligible individuals shall
3 participate in the West Virginia Works Program in accor-
4 dance with the provisions of this article. The level of partici-
5 pation, services to be delivered and work requirements shall
6 be defined through legislative rules established by the
7 secretary.

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

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

15 (d) Cash assistance through the West Virginia Works
16 Program may be provided to an at-risk family if the com-
17 bined family income, as defined in section three of this
18 article, is below the income test levels established by the
19 department, subject to the following:

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

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

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

33 (e) Pursuant to the authorization provided to the states
34 under section 115(d)(1)(A) of the Personal Responsibility and
35 Work Opportunity Reconciliation Act of 1996 (Public Law
36 104-193, 21 U.S.C. Section 862a(d)(1)(A)), West Virginia
37 elects to exempt all persons domiciled in the state from
38 application of section 115(a) of the Personal Responsibility
39 and Work Opportunity Reconciliation Act of 1996 (21 U.S.C.
40 Section 862a(a)).

(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.)