

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2701

FISCAL
NOTE

BY DELEGATES SOBONYA, ROMINE, C., SUMMERS,
MILLER, C., WESTFALL, BUTLER, ATKINSON, HOLLEN,
WHITE, ELLINGTON AND HOUSEHOLDER

[Introduced February 24, 2017; Referred
to the Committee on the Judiciary.]

1 A BILL to amend and reenact §9-3-3 of the Code of West Virginia, 1931, as amended, relating to
 2 prohibiting recipients of public assistance to return items for cash that were purchased
 3 with electronic benefit transfer cards; and establishing a penalty.

Be it enacted by the Legislature of West Virginia:

1 That §9-3-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSISTANCE.

**§9-3-3. Making application, investigation and grant.; electronic benefit transfer cards;
prohibition; penalty.**

1 (a) All persons wishing to make application for any class of welfare assistance shall have
 2 an opportunity to do so. Upon receipt of an application for any class of welfare assistance, the
 3 department shall make such investigation as may be necessary and as the exigency of the case
 4 will permit to determine the eligibility of the applicant for, and the form, amount, extent, and period
 5 of, such assistance.

6 (b) When the department approves an application for any class of welfare assistance, it
 7 shall fix the amount, form, extent and period of such assistance in accordance with applicable
 8 federal and state laws, rules and regulations and within the limits of available funds

9 (c) If the department issues assistance in the form of electronic benefit transfer cards
 10 recipients of those cards may not return goods purchased with those cards for cash.

11 (d) If a recipient is found to have violated subsection (c) of this section, the department
 12 shall issue a warning in writing to the recipient. The recipient shall be subject to disqualification of
 13 benefits for up to three months following the first offense and a permanent termination of benefits
 14 following the second offense, unless expressly prohibited by federal law.

NOTE: The purpose of this bill is to prohibit recipients of public assistance to return items for cash that were purchased with electronic benefit transfer cards. The bill establishes a penalty.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.