

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 242

BY SENATOR PALUMBO

[Introduced January 9, 2020; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend and reenact §9-8-2 of the Code of West Virginia, 1931, as amended, relating to
 2 work requirements for Supplemental Nutrition Assistance Program benefits; and removing
 3 a provision making all counties ineligible for a federal waiver effective October 1, 2022.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.

§9-8-2. Work requirements.

1 (a) All able bodied adults may receive Supplemental Nutrition Assistance Program (SNAP)
 2 benefits for only three months in each 36-month period. Recipients are exempt from the time limit
 3 if they are employed or are participating and complying with the requirements of a work,
 4 education, or volunteer program for at least 20 hours per week: *Provided*, That further exemptions
 5 may apply and shall be determined in accordance with federal law: *Provided, however*, That any
 6 such exemptions shall not exceed those granted by federal law.

7 ~~(b) Beginning October 1, 2018~~ The department shall ~~discontinue and shall~~ may not seek
 8 federal waivers granted pursuant to 7 U.S.C. §2015(o) for Able Bodied Adults Without
 9 Dependents (ABAWD) for any county that cannot be demonstrated to have, through data in
 10 conformance with U.S. Bureau of Labor Statistics methodology set forth under federal law, a
 11 recent 12-month average unemployment rate above 10 percent; a recent 24-month average
 12 unemployment rate 20 percent above the national average for the same 24-month period;
 13 qualification for extended unemployment benefits; or designation as a “labor surplus area” by the
 14 U.S. Department of Labor. These waivers exempt able bodied adults with no children from work
 15 requirements for receipt of SNAP benefits. ~~Notwithstanding any provision in this code to the~~
 16 ~~contrary, all counties shall be ineligible for any such waiver effective October 1, 2022~~

17 (c) The department shall submit a report to the Legislative Oversight Committee on Health
 18 and Human Resources Accountability, no later than October 1, 2020, on the employment impact
 19 of ABAWD requirements in those counties where they were implemented as of October 1, 2018.
 20 The report shall include, on a county-by-county basis, information on the number of SNAP

21 recipients subject to work requirements; the number exempted from work requirements and the
22 reasons for exemption; the number of applicants denied benefits due to noncompliance with work
23 requirements; the dollar amount of benefits withheld due to noncompliance; the estimated fiscal
24 impact on SNAP retailers of withholding those benefits; the number of recipients who engaged in
25 work, education, or volunteerism in order to maintain benefits; the efforts made to assist recipients
26 with meeting work requirements in order to maintain benefits; and any such recommendations
27 pertaining to work requirements as the department deems advisable.

28 (d) If a recipient resides in a county subject to the provisions of this article, an applicant
29 shall be deemed as complying with the requirements of a work, education, or volunteer program
30 if any of the following requirements are satisfied:

31 (1) Working at least 20 hours per week, averaged monthly, or 80 hours a month;

32 (2) Participating in, and complying with, the requirements of a work force training program
33 of 20 hours per week, as determined by the department in rule;

34 (3) Volunteering 20 hours a week, as determined by the department in rule;

35 (4) Any combination of working, volunteering, and/or participating in a work program for a
36 total of 20 hours per week, as determined by the department in legislative rule; or

37 (5) Participating in, and complying with, a workfare program as set out in 7 C.F.R.
38 273.24(a)(3).

39 (e) As determined by the department, if a recipient would have worked an average of 20
40 hours per week but missed some work for good cause, the recipient shall be considered to have
41 met the work requirement if the absence from work is temporary and the recipient retains his or
42 her job. Good cause includes circumstances beyond the household's control, such as, but not
43 limited to, illness, illness of another household member requiring the presence of the member, a
44 household emergency, natural disaster, a declared state of emergency due to inclement weather,
45 or the unavailability of transportation.

46 (f) If the department determines that a waiver, or an amendment to a waiver, is necessary

47 to implement a policy that complies with 7 C.F.R. 273.24, it shall request the waiver or the
48 amendment to the waiver from the United States Department of Agriculture.

49 (g) The department shall propose legislative rules in accordance with the provisions of this
50 code for a plan for implementation of the requirements set forth in this section in counties that are
51 subject to the requirements set forth in subsection (d) of this section.

NOTE: The purpose of this bill is to remove a provision making all counties ineligible for a federal waiver pursuant to 7 U.S.C. § 2015(o) for Able Bodied Adults Without Dependents.

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