

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3484**

By Delegates Householder, Jeffries, Gearheart and

Espinosa

[Originating in the Committee on Government

Organization; Reported on February 20, 2023]



1 A BILL to amend the Code of West Virginia 1931, as amended, by adding thereto a new section,  
2 designated §9-8-2a, relating to expanding the employment and training requirements  
3 necessary to receive SNAP benefits; defining and developing exemptions; clarifying the  
4 Secretary's duties when there is a lack of funding or inability to provide employment and  
5 training; and identifying when assignments to the employment and training program may  
6 not be suspended.

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

**ARTICLE 8. ELIGIBILITY AND FRAUD REQUIREMENTS FOR PUBLIC ASSISTANCE.**

**§9-8-2a. SNAP Employment and Training.**

1 (a) Under the authority given to a state agency to operate the general work requirement  
2 pursuant to 7 U.S.C. § 2015(d), the Department of Health & Human Resources shall assign all  
3 individuals who are over the age of 17 and under the age of 60 to an employment and training  
4 program as defined in 7 U.S.C. § 2015(d)(4) unless the individual is:

5 (1) Currently subject to and complying with a work registration requirement under title IV of  
6 the Social Security Act [42 USCS §§ 601 et seq.], as amended (42 U.S.C. 602) or the Federal-  
7 State unemployment compensation system, in which case, failure by such person to comply with  
8 any work requirement to which such person is subject shall be the same as failure to comply with  
9 the general work requirement;

10 (2) A parent or other member of a household with responsibility for the care of a dependent  
11 child under age six or of an incapacitated person;

12 (3) A bona fide student enrolled at least half time in any recognized school, training  
13 program, or institution of higher education (except any such person enrolled in an institution of  
14 higher education who are ineligible to participate under 7 U.S.C. § 2015(d);

15 (4) A regular participant in a drug addiction or alcoholic treatment and rehabilitation  
16 program;

17 (5) Employed a minimum of 30 hours per week or receiving weekly earnings which equal  
18 the minimum hourly rate under the Fair Labor Standards Act of 1938, as amended (29 U.S.C.  
19 206(a)(1)), multiplied by 30 hours; or

20 (6) A person between the ages of 16 and 18 who is not a head of a household or who is  
21 attending school, or enrolled in an employment training program, on at least a half-time basis.

22 (b) The Department of Health & Human Resources may develop a list of additional, non-  
23 federal exemptions from participation such as, but not necessarily including exemptions for lack of  
24 public/private transportation or pregnancy, but may not, in any fiscal year, provide exemptions to a  
25 number of individuals equal to or greater than 20 percent of the total number of work registrants  
26 enrolled the previous fiscal year without first receiving explicit authorization from the Legislature to  
27 do so.

28 (c) In the event that the Secretary of the Department of Health & Human Resources finds  
29 that employment and training assignments cannot be funded or provided to all individuals subject  
30 to such assignment under this section, the secretary shall:

31 (1) Submit a report within 14 days of failing to make a required assignment to all members  
32 of the Legislature containing:

33 (A) An attestation that the department has expended the state's biennial employment and  
34 training grant from the federal government;

35 (B) An attestation that the department has received and expended its ABAWD pledge  
36 funding from the federal government;

37 (C) A detailed explanation of the cost-saving measures considered and taken to increase  
38 the number of assignments, including online training, work experience components, or work  
39 partnership, and why further assignments cannot be made within existing funding streams despite  
40 those measures;

41 (D) Recommendations for additional funding streams related to workforce training that  
42 would be more effectively used to increase workforce participation by directing funds toward

43 employment and training assignments or an explanation for why such redirection from other  
44 funding streams would not be more effective to that end;

45 (E) The percentage of work registrants assigned to an employment and training program in  
46 the previous month, to be updated and resubmitted monthly to all members of the Legislature; and

47 (F) A plan for how the department plans to restart assignments for all individuals subject to  
48 assignment within six months without additional funding using more scalable and affordable  
49 employment and training assignments such as participation in online training, work experience  
50 components, or work partnerships.

51 (2) Continue to assign as many individuals subject to the requirement as possible,  
52 prioritizing adults without dependents who have been enrolled for more than two years.

53 (d) The Department of Health & Human Resources may not stop making assignments or  
54 decline to assign any individual to an employment and training program because the work  
55 requirement for able-bodied adults without dependents under 7 U.S.C. §2015(o) has been  
56 suspended partially or wholly by the department, state, or federal government.