

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 472**

**FISCAL  
NOTE**

By Senator Rucker and Rose

[Introduced January 19, 2026; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend and reenact §9-8-1, §9-9-3, §9-9-16, and §21A-2-6 of the Code of West Virginia,  
2 1931, as amended; and to amend the code by adding three new sections, designated  
3 §21A-1-9, §21A-1-10, and §21A-1-11, relating to responsibility for Temporary Assistance  
4 for Needy Families (TANF) program and Supplemental Nutrition Assistance Program  
5 (SNAP); transferring responsibility for TANF program to WorkForce West Virginia;  
6 transferring responsibility for SNAP to WorkForce West Virginia; establishing internal  
7 effective date for transfers; establishing state and WorkForce West Virginia consent and  
8 authorization to receive federal appropriations made pursuant to SNAP and TANF  
9 programs; clarifying title of executive and administrative head of WorkForce West Virginia;  
10 and making technical changes throughout.

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

## **CHAPTER 9. HUMAN SERVICES.**

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

#### **§9-8-1.**

#### **Definitions.**

1 As used in this article:

2 "Able bodied adult" means a person between the ages of 18 and 49 years of age without  
3 dependents and who does not meet any of the exemptions set forth in §9-8-2(a) of this code.

4 "Applicant" or "recipient" means a person who is applying for, or currently receiving, public  
5 assistance in the State of West Virginia from the department.

6 "Department" means the Department of Human Services or, with regard to SNAP or TANF  
7 assistance, WorkForce West Virginia.

8 "Electronic benefit transfer" or "EBT" means any electronic system which allows the  
9 department to issue and track benefits via a magnetically encoded payment card.

10 "Good cause" means circumstances beyond the household's control, including, but not  
11 limited to, illness, illness of another household member requiring the presence of the member, a

household emergency, natural disaster, a declared state of emergency due to inclement weather, or the unavailability of transportation.

"Public assistance" means government benefits provided to qualifying individuals on the basis of need to provide basic necessities to individuals and their families. These shall include, but are not limited to, the following:

(A) Supplemental Nutrition Assistance Program, or SNAP;

(B) Medicaid; and

(C) Temporary Assistance to Needy Families, or TANF.

"Secretary" means the Secretary of the Department of Human Services or, with regard to SNAP or TANF assistance, the Executive Director of WorkForce West Virginia.

"Work" or "working" means:

(A) Work in exchange for money;

(B) Work in exchange for goods or services ("in kind" work);

(C) Unpaid work, verified under standards established by the department in rule; or

(D) Any combination thereof.

<b>ARTICLE</b>	<b>9.</b>	<b>WV</b>	<b>WORKS</b>	<b>ACT.</b>
<b>§9-9-3.</b>				<b>Definitions.</b>

In addition to the rules for the construction of statutes in section ten, article two, chapter two of this code and the words and terms defined in ~~section two, article one~~ §9-1-2 of this chapter code, unless a different meaning appears from the context:

(a) "At-risk family" means a group of persons living in the same household, living below the federally designated poverty level, lacking the resources to become self-supporting and consisting of a dependent minor child or children living with a parent, stepparent or caretaker-relative; an "at-risk family" may include an unmarried minor parent and his or her dependent child or children who live in an adult-supervised setting;

(b) "Beneficiary" or "participant" means any parent, work eligible individuals or caretaker-

relative in an at-risk family who receives cash assistance for himself or herself and family members;

(c) "Caretaker-relative" means grandparents or other nonparental caretakers not included in the assistance group or receiving cash assistance directly;

(d) "Cash assistance" means temporary assistance for needy families;

(e) "Challenge" means any fact, circumstance or situation that prevents a person from becoming self-sufficient or from seeking, obtaining or maintaining employment of any kind, including physical or mental disabilities, lack of education, testing, training, counseling, child care arrangements, transportation, medical treatment or substance abuse treatment;

(f) "Community or personal development" means activities designed or intended to eliminate challenges to participation in self-sufficiency activities. These activities are to provide community benefit and enhance personal responsibility, including, but not limited to, classes or counseling for learning life skills or parenting, dependent care, job readiness, volunteer work, participation in sheltered workshops or substance abuse treatment;

(g) "Department" means ~~the state Department of Human Services~~ WorkForce West Virginia;

(h) "Education and training" means hours spent regularly attending and preparing for classes in any approved course of schooling or training;

(i) "Family assessments" means evaluation of the following: Work skills, prior work experience, employability, education and challenges to becoming self-sufficient such as mental health and physical health issues along with lack of transportation and child care;

(j) "Income" means money received by any member of an at-risk family which can be used at the discretion of the household to meet its basic needs: *Provided*, That income does not include:

(1) Supplemental security income paid to any member or members of the at-risk family;

(2) Earnings of minor children;

(3) Payments received from earned income tax credit or tax refunds;

(4) Earnings deposited in an individual development account approved by the department;

(5) Any educational grant or scholarship income regardless of source; or

(6) Any moneys specifically excluded from countable income by federal law;

(k) "Minor child head of household" means an emancipated minor under the age of eighteen years;

(l) "Nonrecipient parent" means an adult or adults excluded or disqualified by federal or state law from receiving cash assistance;

(m) "Personal responsibility contract" means a written agreement entered into by the department and a beneficiary for purposes of participation in the West Virginia Works Program;

(n) "Secretary" means the ~~Secretary of the Department of Human Services~~ Executive Director of WorkForce West Virginia;

(o) "Subsidized employment" means employment with earnings provided by an employer who receives a subsidy from the department for the creation and maintenance of the employment position;

(p) "Support services" includes, but is not limited to, the following services: Child care; Medicaid; transportation assistance; information and referral; resource development services which includes assisting families to receive child support and supplemental security income; family support services which includes parenting, budgeting and family planning; relocation assistance; and mentoring services;

(q) "Temporary assistance to needy families" or "TANF" is the federal program funded under Part A, Title IV of the Social Security Act, codified at 42 U.S.C. §601, *et. seq.*;

(r) "Transitional assistance" may include medical assistance, food stamp assistance, child care and supportive services as defined by the secretary and as funding permits;

(s) "Two-parent family" means two parents with a common child residing in the same household and included in a common West Virginia Works grant payment or, two parents with a common child residing in the same home and one or both of the parents are "work eligible

individuals", as that term is defined in this section, but are excluded from the West Virginia Works payments unless the exclusion is due to an exemption as provided in section eight of this article.

(t) "Unsubsidized employment" means employment with earnings provided by an employer who does not receive a subsidy from the department for the creation and maintenance of the employment position;

(u) "Vocational educational training" means organized educational programs, not to exceed twelve months for any individual, that are directly related to the preparation of individuals for employment in current or emerging occupations requiring training other than a baccalaureate or advance degree;

(v) "Work" means unsubsidized employment, subsidized employment, work experience, community or personal development and education and training;

(w) "Work eligible individual" means an adult or minor child head-of-household receiving assistance under the West Virginia Works Program or a nonrecipient parent living with a child receiving the assistance; and

(x) "Work experience" means a publicly assisted work activity, including work associated with the refurbishing of publicly assisted housing, performed in return for program benefits that provide general skills, training, knowledge and work habits necessary to obtain employment. This activity must be supervised daily and on an ongoing basis by an employer, work site sponsor or other responsible party.

**§9-9-16. Intergovernmental coordination.**

(a) ~~The commissioner of the Bureau of Employment Programs~~ secretary of the Department of Human Services and the superintendent of the Department of Education shall assist the ~~secretary~~ executive director in the establishment of the WV works program. Before implementation of this program, each department shall address in its respective plan the method in which its resources will be devoted to facilitate the identification of or delivery of services for participants and shall coordinate its respective programs with ~~the department~~ WorkForce West

7 Virginia in the provision of services to participants and their families. Each county board of  
8 education shall designate a person to coordinate with the local Department of Human Services  
9 office the board's services to participant families and that person shall work to achieve  
10 coordination at the local level.

11 (b) The executive director, secretary of the Department of Human Services, and the  
12 superintendent shall develop a plan for program implementation to occur with the use of existing  
13 state facilities and county transportation systems within the project areas whenever practicable.  
14 This agreement shall include, but not be limited to, the use of buildings, grounds and buses.  
15 Whenever possible, the supportive services, education and training programs should be offered at  
16 the existing school facilities.

17 (c) The ~~commissioner~~ executive director shall give priority to participants of the WV works  
18 program within the various programs of ~~the Bureau of Employment Programs~~ WorkForce West  
19 Virginia. The secretary of the Department of Human Services and the ~~commissioner~~ executive  
20 director shall develop reporting and monitoring mechanisms between their respective agencies.

## CHAPTER 21A. UNEMPLOYMENT COMPENSATION.

### ARTICLE 1. UNEMPLOYMENT COMPENSATION.

#### **§21A-1-9. Transfer of Temporary Assistance for Needy Families program to WorkForce West Virginia.**

1 Effective July 1, 2027, the power, duties, and responsibilities related to the Temporary  
2 Assistance for Needy Families (TANF) program, including employment and training programs, are  
3 transferred to WorkForce West Virginia to be exercised, performed, and administered by the  
4 executive director, in accordance with the provisions of §9-9-1 et seq., and other applicable  
5 sections of this code.

#### **§21A-1-10. Transfer of Supplemental Nutrition Assistance Program to WorkForce West Virginia.**

1 Effective July 1, 2027, the power, duties, and responsibilities related to the Supplemental  
2 Nutrition Assistance Program, including eligibility and satisfaction of employment requirements,  
3 are transferred to WorkForce West Virginia to be exercised, performed, and administered by the  
4 executive director, in accordance with the provisions of §9-8-1 et seq., and other applicable  
5 sections of this code.

**§21A-1-11. Acceptance of federal-state assistance and federal assistance.**

1 The state assents to the purposes of federal-state assistance and federal assistance made  
2 under or pursuant to the TANF and SNAP programs, accepts federal appropriations and other  
3 forms of assistance made under or pursuant thereto, and authorizes the receipt of such  
4 appropriations into the state Treasury and the receipt of other forms of assistance by WorkForce  
5 West Virginia for expenditure, disbursement, and distribution by WorkForce West Virginia in  
6 accordance with the provisions of this chapter, Chapter 21A of this code, and the conditions  
7 imposed by applicable federal laws, rules, and regulations.

**ARTICLE 2. THE COMMISSIONER OF WORKFORCE WEST VIRGINIA THE**  
**EXECUTIVE DIRECTOR OF WORKFORCE WEST VIRGINIA.**

**§21A-2-6. Powers and duties generally.**

1 The ~~commissioner~~ executive director is the executive and administrative head of  
2 Workforce West Virginia and has the power and duty to:

3 (1) Exercise general supervision for the governance of Workforce West Virginia and  
4 propose rules for promulgation in accordance with the provisions of §29A-3-1 *et seq.* of this code  
5 to implement the requirements of this chapter;

6 (2) Prescribe uniform rules pertaining to investigations and departmental hearings, and  
7 propose rules for promulgation;

8 (3) Supervise fiscal affairs and responsibilities of Workforce West Virginia;

9 (4) Prescribe the qualifications of, appoint, remove, and fix the compensation of, the



officers and employees of Workforce West Virginia, subject to the provisions of §21A-4-10 of this code, relating to the board of review;

(5) Organize and administer Workforce West Virginia so as to comply with the requirements of this chapter and to satisfy any conditions established in applicable federal law or regulation;

(6) Make reports in the form and containing information required by the United States Department of Labor and comply with any requirements that the United States Department of Labor finds necessary to assure the correctness and verification of the reports;

(7) Make available to any agency of the United States charged with the administration of public works or assistance through public employment, upon its request, the name, address, ordinary occupation, and employment status of each recipient of unemployment compensation and a statement of the recipient's rights to further compensation under this chapter;

(8) Keep an accurate and complete record of all Workforce West Virginia proceedings, record and file all bonds and contracts, and assume responsibility for the custody and preservation of all papers and documents of Workforce West Virginia;

(9) Sign and execute in the name of the state, by Workforce West Virginia, any contract or agreement with the federal government, its agencies, other states, their subdivisions, or private persons;

(10) Prescribe a salary scale to govern compensation of appointees and employees of Workforce West Virginia;

(11) Exempt up to 200 positions of the offices of WorkForce West Virginia from the classified service of the state, the employees of which positions shall serve at the will and pleasure of the ~~commissioner~~ executive director: *Provided*, That such exempt positions shall be in addition to those positions in classified and classified-exempt service under the classification plan adopted by the Division of Personnel: *Provided, however, That the classification status of positions and employees of WorkForce West Virginia shall be determined pursuant to the provisions of §5B-1-2*

36 of this code. The ~~Commissioner~~ Executive Director of Workforce West Virginia shall report all  
37 exemptions made under this section to the Director of the Division of Personnel as the  
38 ~~commissioner~~ executive director determines necessary;

39 (12) Make the original determination of right in claims for benefits;

40 (13) Make recommendations and an annual report to the Governor concerning the  
41 condition, operation, and functioning of Workforce West Virginia;

42 (14) Invoke any legal or special remedy for the enforcement of orders or the provisions of  
43 this chapter;

44 (15) Exercise any other power necessary to standardize administration, expedite  
45 Workforce West Virginia business, assure the establishment of fair rules, and promote the  
46 efficiency of the service;

47 (16) Keep an accurate and complete record and prepare a monthly report of the number of  
48 persons employed and unemployed in the state. The report shall be made available upon request  
49 to members of the public and press;

50 (17) Provide, at Workforce West Virginia expense, a program of continuing professional,  
51 technical, and specialized instruction for the personnel of Workforce West Virginia;

52 (18) (A) Propose rules for legislative approval in accordance with the provisions of §29A-3-  
53 1 *et seq.* of this code, under which agencies of this state shall revoke or not grant, issue, or renew  
54 any contract, license, permit, certificate, or other authority to conduct a trade, profession, or  
55 business to or with any employing unit whose account is in default with the ~~commissioner~~  
56 executive director with regard to the administration of this chapter. The term "agency" includes any  
57 unit of state government such as officers, agencies, divisions, departments, boards, commissions,  
58 authorities, or public corporations. An employing unit is not in default if it has entered into a  
59 repayment agreement with the Unemployment Compensation Division of Workforce West Virginia  
60 and remains in compliance with its obligations under the repayment agreement;

61 (B) The rules shall provide that, before revoking, granting, issuing, or renewing any

contract, license, permit, certificate, or other authority to conduct a trade, profession, or business to or with any employing unit, the designated agencies shall review a list or lists provided by Workforce West Virginia that are in default. If the employing unit's name is not on the list, the agency, unless it has actual knowledge that the employing unit is in default with Workforce West Virginia, may grant, issue, or renew the contract, license, permit, certificate, or other authority to conduct a trade, profession, or business. The list may be provided to the agency in the form of a computerized database or databases that the agency can access. Any objections to the revocation or refusal to issue or renew shall be reviewed under the appropriate provisions of this chapter;

(C) The rules may be promulgated or implemented in phases so that specific agencies or specific types of contracts, licenses, permits, certificates, or other authority to conduct trades, professions, or businesses will be subject to the rules beginning on different dates. The presumptions of ownership or control contained in the Department of Environmental Protection's surface mining reclamation regulations promulgated under the provisions of §22-3-1 *et seq.* of this code are not applicable or controlling in determining the identity of employing units who are in default for the purposes of this subdivision. The rules shall also provide a procedure allowing any agency or interested person, after being covered under the rules for at least one year, to petition Workforce West Virginia to be exempt from the provisions of the rules;

(19) Deposit to the credit of the appropriate special revenue account or fund, notwithstanding any other provision of this code and to the extent allowed by federal law, all amounts of delinquent payments or overpayments, interest, and penalties thereon and attorney's fees and costs collected under the provisions of this chapter. The amounts collected shall not be treated by the Auditor or Treasurer as part of the general revenue of the state; and

(20) Enter into interagency agreements to assist in exchanging information and fulfilling the provisions of this article; and

(21) Administer, exercise, and perform all duties required by, and responsibilities incident

88 to, the TANF and SNAP programs, in accordance with the provisions of Chapter 9 and other  
89 applicable sections of this code and all federal laws, regulations, and rules pertaining to those  
90 programs.

NOTE: The purpose of this bill is to transfer the SNAP and TANF programs from the Department of Human Services to WorkForce West Virginia.

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