

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

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

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

17 (A) Supplemental Nutrition Assistance Program, or SNAP;

18 (B) Medicaid; and

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

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

22 "Work" or "working" means:

23 (A) Work in exchange for money;

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

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

26 (D) Any combination thereof.

ARTICLE

9.

WV

WORKS

ACT.

§9-9-3.

Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

34 (2) Earnings of minor children;

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

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

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

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

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

40 eighteen years;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§9-9-16. Intergovernmental coordination.

1 (a) The ~~commissioner of the Bureau of Employment Programs~~ secretary of the
2 Department of Human Services and the superintendent of the Department of Education shall
3 assist the ~~secretary~~ executive director in the establishment of the WV works program. Before
4 implementation of this program, each department shall address in its respective plan the method
5 in which its resources will be devoted to facilitate the identification of or delivery of services for
6 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.
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§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

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

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

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

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

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

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

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

30 (11) Exempt up to 200 positions of the offices of WorkForce West Virginia from the
31 classified service of the state, the employees of which positions shall serve at the will and pleasure
32 of the ~~commissioner~~ executive director: *Provided*, That such exempt positions shall be in addition
33 to those positions in classified and classified-exempt service under the classification plan adopted
34 by the Division of Personnel: *Provided, however*, That the classification status of positions and
35 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

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

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

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

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

87 (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.