**South Carolina General Assembly**

121st Session, 2015-2016

**H. 4066**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Gagnon, H.A. Crawford, Gambrell, Putnam, Thayer, Southard, Daning, Newton, Pitts and Willis

Document Path: l:\council\bills\bh\26267vr15.docx

Companion/Similar bill(s): 4409, 4410, 4411, 4412, 4511

Introduced in the House on April 28, 2015

Currently residing in the House Committee on **Ways and Means**

Summary: DSS to administer the SNAP program

**HISTORY OF LEGISLATIVE ACTIONS**

Date Body Action Description with journal page number

4/28/2015 House Introduced and read first time ([House Journal‑page 8](file:///h:\HJ%20Archive\2015\04-28-15.docx))

4/28/2015 House Referred to Committee on **Ways and Means** ([House Journal‑page 8](file:///h:\HJ%20Archive\2015\04-28-15.docx))

View the latest [legislative information](http://www.scstatehouse.gov/billsearch.php?billnumbers=4066&session=121&summary=B) at the website

**VERSIONS OF THIS BILL**

[4/28/2015](file:///p:\pprever\2015-16\4066_20150428.docx)

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SUBARTICLE 5 TO ARTICLE 9, CHAPTER 5, TITLE 43 SO AS TO REQUIRE THE DEPARTMENT OF SOCIAL SERVICES TO ADMINISTER THE FEDERAL SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) AND TO DETERMINE ELIGIBILITY FOR PROGRAM BENEFITS, TO LIMIT INDIVIDUALS TO RECEIPT OF SNAP BENEFITS TO THREE MONTHS OUT OF EVERY THIRTY‑SIX MONTHS WITH EXCEPTIONS, TO PROVIDE FOR CERTAIN CIRCUMSTANCES UNDER WHICH INDIVIDUALS ARE NOT ELIGIBLE TO RECEIVE SNAP BENEFITS AND ESTABLISH ADDITIONAL PENALTIES, TO PROVIDE A PROCESS THROUGH WHICH INDIVIDUALS MAY REGAIN ELIGIBILITY FOR SNAP BENEFITS, AND TO PROHIBIT THE DEPARTMENT FROM APPLYING FOR WAIVERS FROM WORK REQUIREMENTS TO RECEIVE SNAP BENEFITS; TO AMEND SECTION 43‑5‑1105, RELATING TO STATE WELFARE POLICY, SO AS TO EXPAND THE SCOPE OF THE POLICY; TO AMEND SECTION 43‑5‑1110, RELATING TO DEFINITIONS OF TERMS USED IN ARTICLE 9, SO AS TO ADD DEFINITIONS RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM AND TO CHANGE OR ELIMINATE CERTAIN DEFINITIONS; TO AMEND SECTION 43‑5‑1115, RELATING TO EMPLOYMENT AND TRAINING REQUIREMENTS FOR CERTAIN PUBLIC BENEFITS, SO AS TO REFERENCE TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; TO AMEND SECTION 43‑5‑1150, RELATING TO A FEDERAL PROGRAM WHOSE FUNCTION IS TO INCREASE JOB OPPORTUNITIES, SO AS TO CONFORM THE PROGRAM NAME TO CURRENT LAW; TO DESIGNATE EXISTING SECTIONS OF ARTICLE 9 AS SUBARTICLES; AND TO RENAME ARTICLE 9, CHAPTER 5, TITLE 43 THE “TEMPORARY ASSISTANCE FOR NEEDY FAMILIES AND SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM ACT”.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 9, Chapter 5, Title 43 of the 1976 Code is amended by adding:

“Subarticle 5

Supplemental Nutrition Assistance Program

Section 43‑5‑1300. (A) The Department of Social Services shall administer the Supplemental Nutrition Assistance Program (SNAP) pursuant to the federal Food Stamp Act of 1977, as amended, for eligible households to receive benefits with which to purchase certain food items approved by the program.

(B) An individual shall demonstrate eligibility for SNAP benefits pursuant to department procedure and in accordance with state and federal law by providing information including, but not limited to, financial resources documentation, employment verification, and qualification for exemption from work requirements to assist the department in making the determination of eligibility. Failure to provide information or cooperate with the department makes an individual ineligible for receipt of benefits.

Section 43‑5‑1310. Except as otherwise allowed by state or federal law, an individual is not eligible to participate in SNAP as a member of a household if, during the preceding thirty‑six month period, the individual received SNAP benefits for not less than three months, consecutive or otherwise, during which the individual did not:

(1) work twenty hours or more per week, averaged monthly;

(2) participate in and comply with the requirements of a work program for twenty hours or more per week, as determined by the department;

(3) participate in and comply with the requirements of a workfare program or a comparable program established by the department or a political subdivision approved by the department; or

(4) qualify for an exemption to the work requirement pursuant to state or federal law.

Section 43‑5‑1320. (A) In addition to the limitations of Section 43‑5‑1310 and subject to federal law, an individual over the age of fifteen and under the age of sixty is not eligible to participate in the Supplemental Nutrition Assistance Program if the individual:

(1) refuses, at the time of application and every twelve months thereafter, to register for employment in a manner prescribed by the Director of the Department of Social Services;

(2) refuses without good cause to accept an offer of employment at a wage not less than the applicable federal or state minimum wage;

(3) refuses without good cause to provide the department with sufficient information to allow the department to determine the employment status or the job availability of the individual;

(4) voluntarily and without good cause:

(a) quits a job; or

(b) reduces work effort and, after the reduction, works less than thirty hours per week;

(5) does not comply with the requirements of a work program;

(6) does not comply with the requirements of a workfare program;

(7) refuses without good cause to participate in an employment and training program established pursuant to Sections 43‑5‑1115 and 43‑5‑1120, if the individual is an ABAWD under federal law; or

(8) violates another applicable provision of state or federal law.

(B)(1) For the first occurrence of noncompliance with SNAP work requirements, the individual is disqualified from receiving benefits for one month or until the department determines that the individual is again in compliance with the requirements, whichever is longer.

(2) For the second occurrence of noncompliance with SNAP work requirements, the individual is disqualified from receiving benefits for three months or until the department determines that the individual is again in compliance with the requirements, whichever is longer.

(3) For the third or subsequent occurrence of noncompliance with SNAP work requirements, the individual is disqualified from receiving benefits for six months or until the department determines that the individual is again in compliance with the requirements, whichever is longer.

Section 43‑5‑1330. (A) An individual who loses eligibility for SNAP benefits pursuant to Section 43‑5‑1320 may regain eligibility to participate in the supplemental nutrition assistance program if, during a thirty‑day period, the individual:

(1) works eighty or more hours;

(2) participates in and complies with the requirements of a work program for eighty or more hours; or

(3) participates in and complies with the requirements of a workfare program for eighty or more hours.

(B) An individual who regains eligibility pursuant to subsection (A) remains eligible as long as the individual meets the other requirements of the program.

Section 43‑5‑1340. Unless otherwise required by federal law, the department must not apply for a waiver of the SNAP work requirements provided for in this article.”

SECTION 2. Section 43‑5‑1105 of the 1976 Code is amended to read:

“Section 43‑5‑1105. It is the policy of this State that personal responsibility and parental responsibility must be met if citizens are to attain independence. Further, it is the policy of this State that the ~~welfare~~ public benefits system must be based upon a reciprocal agreement between ~~welfare~~ benefit recipients and taxpayers. There also must exist a common goal and vision between the parties, working together at the community level to make life better for all. It must assist families to become economically independent, provide tools to achieve and maintain self‑sufficiency, and deter abuse of the system through fair and meaningful sanctions.”

SECTION 3. Section 43‑5‑1110 of the 1976 Code is amended to read:

“Section 43‑5‑1110. As used in this article:

~~(1)~~ ~~‘Family Independence’ or ‘Aid to Families with Dependent Children’ or ‘FI’ or ‘AFDC’ means cash payments or stipends paid to individuals who meet established eligibility criteria.~~

~~(2)~~ ~~‘Department’ means the South Carolina State Department of Social Services.~~

~~(3)~~ ~~‘Welfare’ means cash assistance payments through the Family Independence program formerly known as the Aid to Families with Dependent Children program which must be provided as a stipend to assist families to become employed.~~

(1) ‘ABAWD’ means an able-bodied adult without dependents as the term is used in the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, as amended.

(2) ‘Department’ means the South Carolina Department of Social Services.

(3) ‘Employment and Training Program’ means the program establishing employment and training requirements provided for in Sections 43‑5‑1115 and 43‑5‑1120 with which an ABAWD must comply to be eligible for TANF and SNAP benefits.

(4) ‘SNAP’ means the Supplemental Nutrition Assistance Program.

(5) ‘Work program’ means:

(a) a program under the Workforce Innovation and Opportunity Act of 2014, Public Law 113‑128;

(b) a program under the Section 2296 of the United States Trade Act of 1974; and

(c) a program of employment and training operated or supervised by the department, or a political subdivision that meets the standards approved by the Governor, other than a program or service offered pursuant to Sections 43-5-1115 and 43-5-1120.

(6) ‘Workfare program’ means a program offered by the department to enable SNAP recipients to maintain eligibility for benefits by working for a department‑approved private or public nonprofit agency for compensation in the form of their household’s monthly benefit allotment.”

SECTION 4. Section 43‑5‑1115 of the 1976 Code is amended to read:

“Section 43‑5‑1115. It is the mandate of the General Assembly that the ~~welfare~~ public benefits system in South Carolina be ~~restructured~~ structured to assist families in poverty to become socially and economically independent. ~~It is the purpose and goal of this legislation to establish the reform of the welfare system as a critical priority for the State and all of its agencies.~~ Cooperation and innovation within and among all state agencies is necessary ~~for the achievement of this goal~~ to achieve this mandate. The ~~office of the governor~~ Office of the Governor shall designate the lead agency for purposes of coordination and the avoidance, where practical, of duplication of services. The State Department of Social Services is mandated to ~~fundamentally change its~~ deliver economic services ~~operation~~ to emphasize employment and training with a minor ~~welfare~~ financial assistance component. To that end, the department shall ~~expand its~~ operate a statewide employment and training program ~~statewide~~ and ~~shall~~, to the extent possible, shall coordinate with the existing resources of other state agencies when they are available and it is cost efficient to do so. The agency shall assist ~~welfare~~ recipients to maximize their strengths and abilities to become gainfully employed. ~~Welfare assistance must be provided as a stipend to a family unit~~ Temporary Assistance for Needy Families stipends and Supplemental Nutrition Assistance Program benefits must be provided as long as ~~there is satisfactory participation in~~ an individual satisfactorily participates in required employment and training activities and complies with all applicable state and federal laws.”

SECTION 5. Section 43‑5‑1150 of the 1976 Code is amended to read:

“Section 43‑5‑1150. To expand available job training activities for ~~AFDC~~ TANF and SNAP recipients, the Governor may target future incentive funds ~~under Title II‑A of the Job Training and Partnership Act in such a way so as~~ available pursuant to the federal Workforce Investment and Opportunity Act of 2014 to encourage the service delivery areas and local private industry councils to increase service levels and improve performance outcomes related to services to ~~AFDC~~ TANF and SNAP recipients.”

SECTION 6. Article 9, Chapter 5, Title 43 of the 1976 Code is renamed the “Temporary Assistance for Needy Families and Supplemental Nutrition Assistance Act”.

SECTION 7. Sections 43‑5‑1105 through 43‑5‑1115 are designated as Subarticle 1, General Provisions.

SECTION 8. Sections 43‑5‑1120 through 43‑5‑1285 are designated as Subarticle 3, Temporary Assistance for Needy Families.

SECTION 9. The Code Commissioner is directed to change all references in the South Carolina Code of Laws to “Aid to Families with Dependent Children” or “Family Independence” to “Temporary Assistance for Needy Families” and all references to “AFDC” or “FI” to “TANF”. The Code Commissioner further is directed to change all references in Article 9, Chapter 5, Title 43 to “welfare” to “temporary assistance” as appropriate.

SECTION 10. This act takes effect upon approval by the Governor.

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