LEGISLATURE OF THE STATE OF IDAHO  
Sixty-seventh Legislature First Regular Session - 2023

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 161

BY HEALTH AND WELFARE COMMITTEE

AN ACT
RELATING TO THE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM; AMENDING SECTION 56-205, IDAHO CODE, TO ESTABLISH PROVISIONS REGARDING WORK REQUIREMENTS; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 56-205, Idaho Code, be, and the same is hereby amended to read as follows:

56-205. ISSUANCE OF SNAP BENEFITS. (1) In each month that the state department or its authorized agent issues benefits under the supplemental nutrition assistance program (SNAP) to eligible persons, such benefits shall be issued over the course of not less than ten (10) consecutive days within the month.

(2) To reduce the burden on state general funds, any implementation costs incurred by the department under subsection (1) of this section shall be paid using SNAP performance bonus money if such money is received from the United States department of agriculture. If the department does not receive sufficient SNAP performance bonus money, state general funds shall be requested to implement the provisions of this act. This act is dependent upon ongoing operating and personnel appropriations.

(3) Unless expressly required by federal law, the department of health and welfare shall obtain specific authorization from the legislature before seeking, applying for, accepting, or renewing any waiver of work requirements established by the supplemental nutrition assistance program under 7 U.S.C. 2015(o).

(4) The department of health and welfare may not exercise the state's option to provide any exemptions from the work requirement under 7 U.S.C. 2015(o) (6)(E).

(5) (a) Under the authority given to a state agency to operate the general work requirement pursuant to 7 U.S.C. 2015(d), the department of health and welfare shall assign all individuals who are over the age of seventeen (17) years and under the age of sixty (60) years to an employment and training program as defined in 7 U.S.C. 2015(d)(4), unless the individual is:

(i) Currently subject to and complying with a work registration requirement under title IV of the social security act, as amended, or the federal-state unemployment insurance system, in which case, failure by such person to comply with any work requirement to which such person is subject shall be the same as failure to comply with the general work requirement;

(ii) A parent or other member of a household with responsibility for the care of a dependent child under the age of six (6) years or of an incapacitated person;
(iii) A bona fide student enrolled at least half-time in any recognized school, training program, or institution of higher education, except any such person enrolled in an institution of higher education who is ineligible to participate under 7 U.S.C. 2015 (d);
(iv) A regular participant in a drug addiction or alcoholic treatment and rehabilitation program;
(v) Employed a minimum of thirty (30) hours per week or receiving weekly earnings that equal the minimum hourly rate under the fair labor standards act of 1938, as amended, multiplied by thirty (30) hours; or
(vi) A person between the ages of sixteen (16) and eighteen (18) years who is not a head of a household or who is attending school, or enrolled in an employment training program, on at least a half-time basis.

(b) The department of health and welfare may develop a list of additional state-specific exemptions from participation, such as but not necessarily including exemptions for lack of transportation or pregnancy, but may not, in any fiscal year, provide exemptions to a number of individuals equal to or greater than twenty percent (20%) of the total number of work registrants enrolled the previous fiscal year without first obtaining specific authorization from the legislature to do so.

(c) In the event that the director of the department of health and welfare finds that employment and training assignments cannot be funded or provided to all individuals subject to such assignment under this section, the director shall:

(i) Submit a report within fourteen (14) days of first failing to make a required assignment to all members of the legislature and the governor containing:
1. An attestation that the department has expended the state's biennial employment and training grant from the federal government;
2. An attestation that the department has received and expended its able-bodied adults without dependents pledge funding from the federal government;
3. A detailed explanation of the cost-saving measures considered and taken to increase the number of assignments, including online training, work experience components, or work partnerships, and why additional assignments cannot be made within existing funding streams despite those measures;
4. Recommendations for additional funding sources related to workforce training that would be more effectively used to increase workforce participation by directing funds toward employment and training assignments or an explanation for why such redirection from other funding sources would not be more effective to that end;
5. The percentage of work registrants assigned to an employment and training program in the previous month, to be up-
dated and resubmitted monthly to all members of the legislature and the governor; and

6. A plan for how the department plans to restart assignments for all individuals subject to assignment within six (6) months without additional funding using more scalable and affordable employment and training assignments, such as participation in online training, work experience components, or work partnerships;

(ii) Provide updates to all members of the legislature and the governor every thirty (30) days as to the metrics and plans submitted in the first report for as long as the department is failing to make all such required assignments; and

(iii) Continue to assign as many individuals subject to the requirement as possible, prioritizing adults without dependents who have been enrolled for more than one (1) year.

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

SECTION 2. An emergency existing therefor, which emergency is hereby declared to exist, this act shall be in full force and effect on and after January 1, 2024.