

1 **CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**  
2 **EMPLOYMENT AND TRAINING**

3  
4 **PROPOSED RULES TO BE PUBLISHED IN THE *TEXAS REGISTER*. THIS**  
5 **DOCUMENT WILL HAVE NO SUBSTANTIVE CHANGES BUT IS SUBJECT TO**  
6 **FORMATTING CHANGES AS REQUIRED BY THE OFFICE OF THE SECRETARY**  
7 **OF STATE.**

8  
9 The Texas Workforce Commission (TWC) proposes amendments to the following sections of  
10 Chapter 813, relating to Supplemental Nutrition Assistance Program Employment and Training  
11 (SNAP E&T):

12  
13 Subchapter A. General Provisions, §813.1, §813.2, §813.5, and §813.32

14  
15 **PART I. PURPOSE, BACKGROUND, AND AUTHORITY**

16 The purpose of the proposed Chapter 813 rule change is to amend rule language to conform with  
17 SNAP provisions of the Fiscal Responsibility Act of 2023, revise references to the case  
18 management system, and update the allowable activities for able-bodied adults without  
19 dependents (ABAWDs).

20  
21 Texas Government Code §2001.039 requires that every four years each state agency review and  
22 consider for readoption, revision, or repeal each rule adopted by that agency. TWC has  
23 conducted a rule review of Chapter 813, Supplemental Nutrition Assistance Program  
24 Employment and Training, and any resulting changes are described in Part II of this preamble.

25  
26 **PART II. EXPLANATION OF INDIVIDUAL PROVISIONS**

27 (Note: Minor editorial changes are made that do not change the meaning of the rules and,  
28 therefore, are not discussed in the Explanation of Individual Provisions.)

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30 **SUBCHAPTER A. GENERAL PROVISIONS**

31 TWC proposes the following amendments to Subchapter A:

32  
33 **§813.1. Purpose**

34 Section 813.1 updates the SNAP purpose to align with the Fiscal Responsibility Act of 2023.

35  
36 **§813.2. Definitions**

37 Section 813.2 extends the age range of ABAWDs to align with the Fiscal Responsibility Act of  
38 2023.

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40 **§813.5. Documentation, Verification, and Supervision of Work Activities**

41 Section 813.5 updates language related to TWC's case management system.

42  
43 **§813.32. SNAP E&T Activities for ABAWDs**

44 Section 813.32 adds work experience as an allowable activity for ABAWDs.  
45

1 **PART III. IMPACT STATEMENTS**

2 Chris Nelson, Chief Financial Officer, has determined that for each year of the first five years the  
3 rules will be in effect, the following statements will apply:

4  
5 There are no additional estimated costs to the state and to local governments expected as a result  
6 of enforcing or administering the rules.

7  
8 There are no estimated cost reductions to the state and to local governments as a result of  
9 enforcing or administering the rules.

10  
11 There are no estimated losses or increases in revenue to the state or to local governments as a  
12 result of enforcing or administering the rules.

13  
14 There are no foreseeable implications relating to costs or revenue of the state or local  
15 governments as a result of enforcing or administering the rules.

16  
17 There are no anticipated economic costs to individuals required to comply with the rules.

18  
19 There is no anticipated adverse economic impact on small businesses, microbusinesses, or rural  
20 communities as a result of enforcing or administering the rules.

21  
22 Based on the analyses required by Texas Government Code §2001.024, TWC has determined  
23 that the requirement to repeal or amend a rule, as required by Texas Government Code  
24 §2001.0045, does not apply to this rulemaking.

25  
26 Takings Impact Assessment

27 Under Texas Government Code §2007.002(5), "taking" means a governmental action that affects  
28 private real property, in whole or in part or temporarily or permanently, in a manner that requires  
29 the governmental entity to compensate the private real property owner as provided by the Fifth  
30 and Fourteenth Amendments to the US Constitution or the Texas Constitution, §17 or §19,  
31 Article I, or restricts or limits the owner's right to the property that would otherwise exist in the  
32 absence of the governmental action, and is the producing cause of a reduction of at least 25  
33 percent in the market value of the affected private real property, determined by comparing the  
34 market value of the property as if the governmental action is not in effect and the market value of  
35 the property determined as if the governmental action is in effect. TWC completed a Takings  
36 Impact Assessment for the proposed rulemaking action under Texas Government Code  
37 §2007.043. The primary purpose of this proposed rulemaking action, as discussed elsewhere in  
38 this preamble, is to amend the Chapter 813 SNAP E&T rules to conform with the Fiscal  
39 Responsibility Act of 2023, revise references to the case management system, and update the  
40 allowable activities for ABAWDs.

41  
42 The proposed rulemaking action will not create any additional burden on private real property or  
43 affect private real property in a manner that would require compensation to private real property  
44 owners under the US Constitution or the Texas Constitution. The proposal also will not affect  
45 private real property in a manner that restricts or limits an owner's right to the property that

1 would otherwise exist in the absence of the governmental action. Therefore, the proposed  
2 rulemaking will not cause a taking under Texas Government Code Chapter 2007.

3  
4 Government Growth Impact Statement

5 TWC has determined that during the first five years the rules will be in effect, they:

- 6 --will not create or eliminate a government program;
- 7 --will not require the creation or elimination of employee positions;
- 8 --will not require an increase or decrease in future legislative appropriations to TWC;
- 9 --will not require an increase or decrease in fees paid to TWC;
- 10 --will not create a new regulation;
- 11 --will not expand, limit, or eliminate an existing regulation;
- 12 --will not change the number of individuals subject to the rules; and
- 13 --will not positively or adversely affect the state's economy.

14  
15 Economic Impact Statement and Regulatory Flexibility Analysis

16 TWC has determined that the rules will not have an adverse economic impact on small  
17 businesses or rural communities, as the proposed rules place no requirements on small businesses  
18 or rural communities.

19  
20 Mariana Vega, Director, Labor Market Information, has determined that there is not a significant  
21 negative impact upon employment conditions in the state as a result of the rules.

22  
23 Courtney Arbour, Director, Workforce Development Division, has determined that for each year  
24 of the first five years the rules are in effect, the public benefit anticipated as a result of enforcing  
25 the proposed rules will be to align Chapter 813 rules with federal legislation.

26  
27 TWC hereby certifies that the proposal has been reviewed by legal counsel and found to be  
28 within TWC's legal authority to adopt.

29  
30 **PART IV. COORDINATION ACTIVITIES**

31 This rulemaking is in direct response to SNAP provisions added by the Fiscal Responsibility Act  
32 of 2023. The federal action made it necessary for TWC to amend Chapter 813 to conform with  
33 the updated federal rules.

34  
35 **PART V. PUBLIC COMMENTS**

36 Comments on the proposed rules may be submitted to [TWCPolicyComments@twc.texas.gov](mailto:TWCPolicyComments@twc.texas.gov)  
37 and must be received no later than March 18, 2024.

38  
39 **PART VI. STATUTORY AUTHORITY**

40 The rules are proposed under the authority of Texas Labor Code §301.0015 and §302.002(d),  
41 which provide TWC with the authority to adopt, amend, or repeal such rules as it deems  
42 necessary for the effective administration of TWC services and activities.

43  
44 The proposed rules implement provisions of the federal Fiscal Responsibility Act of 2023 by  
45 making conforming changes to TWC rules regarding Supplemental Nutrition Assistance  
46 Program Employment and Training.

1                   **CHAPTER 813. SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**  
2   **EMPLOYMENT AND TRAINING**

3  
4           **SUBCHAPTER A. GENERAL PROVISIONS**

5  
6           **§813.1. Purpose.**

7  
8           The purpose of Supplemental Nutrition Assistance Program Employment and Training  
9           (SNAP E&T) activities and support services is to assist SNAP recipients who are not  
10           receiving Temporary Assistance for Needy Families in entering employment and  
11           increasing their earnings through participation in allowable job search, training,  
12           education, or workfare activities that promote self-sufficiency. These rules may be cited  
13           as the SNAP E&T rules.

14  
15           **§813.2. Definitions.**

16  
17           The following words and terms, when used in this chapter, shall have the following  
18           meanings unless the context clearly indicates otherwise.

- 19  
20           (1)    ABAWD--a SNAP household member who is determined by the Texas Health  
21           and Human Services Commission to be a mandatory work registrant and is:  
22  
23                   (A)   classified as an able-bodied adult;  
24  
25                   (B)   within the age range specified in 7 USC §2015(o)(3);  
26  
27                   (C)   without dependents; and  
28  
29                   (D)   subject to a limitation on the receipt of SNAP benefits for three months  
30                   out of 36 months if the person does not work at least 20 hours per week  
31                   or participate in employment and training activities as specified in 7  
32                   USC §2015(o)(2)(A) - (B).  
33  
34           (2)    Exempt recipient--an individual who is part of the General Population, is not  
35           required to participate in SNAP E&T services, as set forth in 7 USC  
36           §2015(d)(2), and shall not be sanctioned for failure to cooperate with SNAP  
37           E&T requirements as set forth in §813.12 of this chapter.  
38  
39           (3)    Full-service counties--counties in which Boards ensure that:  
40  
41                   (A)   ABAWDs, who are not working at least 20 hours per week, are  
42                   outreached and receive SNAP E&T services;  
43  
44                   (B)   the SNAP E&T General Population receives SNAP E&T services based  
45                   on available funding;  
46

1 (C) mandatory work registrants shall be sanctioned (that is, SNAP benefits  
2 are denied) for failure to cooperate with SNAP E&T requirements; and  
3

4 (D) exempt recipients who voluntarily participate in SNAP E&T services  
5 shall not be sanctioned for failure to cooperate with SNAP E&T  
6 requirements.  
7

8 (4) General Population--a mandatory or exempt SNAP household member who is:  
9

10 (A) at least 16 but less than 60 years of age; and  
11

12 (B) not classified as an ABAWD.  
13

14 (5) HHSC--the Texas Health and Human Services Commission.  
15

16 (6) Mandatory work registrant--a SNAP household member who is required to  
17 register for SNAP E&T services, and is:  
18

19 (A) classified as General Population; or  
20

21 (B) an ABAWD.  
22

23 (7) Minimum-service counties--counties in which:  
24

25 (A) SNAP recipients (that is, mandatory or exempt) may volunteer to  
26 participate in SNAP E&T services;  
27

28 (B) Boards may provide services to SNAP recipients based on available  
29 funds;  
30

31 (C) outreach is not conducted; and  
32

33 (D) SNAP recipients (that is, mandatory or exempt) who voluntarily  
34 participate in SNAP E&T services shall not be sanctioned for failure to  
35 cooperate with SNAP E&T requirements.  
36

37 (8) Nonprofit organization--any corporation, trust, association, cooperative, or  
38 other organization that is operated primarily for scientific, educational service,  
39 charitable, or similar purpose in the public interest; is not organized primarily  
40 for profit; and uses its net proceeds to maintain, improve, or expand its  
41 operations.  
42

43 (9) SNAP E&T activities--Supplemental Nutrition Assistance Program  
44 Employment and Training activities as specified in §813.31 of this chapter.  
45

- 1 (10) SNAP E&T support services--Supplemental Nutrition Assistance Program  
2 Employment and Training support services as specified in §813.41 of this  
3 chapter.  
4  
5 (11) Volunteer--an individual who is not required to participate, but who  
6 voluntarily participates, in SNAP E&T services, including:  
7  
8 (A) exempt recipients in full-service counties; and  
9  
10 (B) exempt recipients and mandatory work registrants in minimum-service  
11 counties.  
12  
13 (12) Workfare--a work-based activity that consists of placement of an ABAWD  
14 with a public or private nonprofit entity in an unpaid job assignment for the  
15 number of hours per month equal to an ABAWD's monthly household SNAP  
16 allotment amount divided by the federal minimum wage.  
17

18 **§813.5. Documentation, Verification, and Supervision of Work Activities.**  
19

- 20 (a) A Board shall ensure that all required information related to the documentation and  
21 verification of participation in SNAP E&T work activities, as described in this  
22 section, is documented in the case management system.  
23  
24 (b) A Board shall ensure that all participation in SNAP E&T is verified and documented  
25 and that self-attestation is not allowed.  
26  
27 (c) For the activity described in §813.31(5) of this chapter, Boards shall ensure that all  
28 participation is verified and documented in the case management system at least  
29 monthly.  
30  
31 (d) For the activities described in §813.31(1) and (4) and §813.32(a)(4) of this chapter,  
32 Boards shall ensure that all participation is:  
33  
34 (1) supervised daily; and  
35  
36 (2) verified and documented in the case management system at least monthly.  
37  
38 (e) For the activities described in §813.31(2) and (3) of this chapter, Boards shall ensure  
39 that:  
40  
41 (1) no more than one hour of unsupervised study or homework time per each hour  
42 of class time is counted toward participation in SNAP E&T;  
43  
44 (2) all study and homework time in excess of one hour per hour of class time is  
45 directly monitored, supervised, verified, and documented;  
46

- 1 (3) study or homework time is only counted toward participation in SNAP E&T if:  
2  
3 (A) the study or homework time is directly correlated to the demands of the  
4 coursework for out-of-class preparation as described by the educational  
5 institution; and  
6  
7 (B) the educational institution's policy requires a certain number of out-of-  
8 class preparation hours for the class;  
9  
10 (4) good or satisfactory progress, as determined by the educational institution, is  
11 verified and documented in the case management system at least monthly;  
12  
13 (5) all participation in SNAP E&T is supervised daily; and  
14  
15 (6) all participation in SNAP E&T is verified and documented in the case  
16 management system at least monthly.  
17

18 **§813.32. SNAP E&T Activities for ABAWDs.**  
19

- 20 (a) Boards shall ensure that SNAP E&T activities for ABAWDs are limited to  
21 participating in the following:  
22  
23 (1) Services or activities under the Trade Act of 1974, as amended by the Trade  
24 Act of 2002  
25  
26 (2) Activities under Workforce Innovation and Opportunity Act (29 USC §3111 et  
27 seq.)  
28  
29 (3) Education and training, which may include:  
30  
31 (A) vocational training as described in §813.31(2) of this subchapter; or  
32  
33 (B) nonvocational education as described in §813.31(3) of this subchapter;  
34 and  
35  
36 (4) Workfare activities that shall:  
37  
38 (A) be designed to improve the employability of ABAWDs through actual  
39 employment experience or training, or both;  
40  
41 (B) be unpaid job assignments based in the public or private nonprofit  
42 sectors;  
43  
44 (C) have hourly requirements based on the ABAWD's monthly household  
45 SNAP allotment divided by the number of ABAWDs in the SNAP

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household, as provided by HHSC and then divided by the federal minimum wage; and

(D) include a four-week job search period before placement in a workfare activity.

(5) Work experience as described in §813.31(4) of this subchapter.

(b) Boards shall ensure that ABAWDs who are referred to a Workforce Solutions Office and subsequently become engaged in unsubsidized employment for at least 20 hours per week are not required to continue participation in SNAP E&T services because they have fulfilled their work requirement, as described in 7 USC §2015(o)(2)(A). Additionally, Boards shall ensure that HHSC is notified when ABAWDs obtain employment.

(c) An employment and training program for veterans operated by the US Department of Labor or the US Department of Veterans Affairs, as tracked by HHSC, is an allowable SNAP E&T activity for ABAWDs.