

SB 455

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STATE OF WEST VIRGINIA

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999



ENROLLED

SENATE BILL NO. 455

(By Senator WALKER, ET AL)



PASSED MARCH 13, 1999

In Effect NINETY DAYS FROM Passage

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OFFICE OF THE CLERK
LEGISLATIVE DEPARTMENT

ENROLLED

Senate Bill No. 455

(BY SENATORS WALKER, CRAIGO, JACKSON, HUNTER, HELMICK,
BAILEY, SNYDER, MITCHELL, MCCABE, PLYMALE, PREZIOSO,
EDGELL, SHARPE, BOWMAN, KESSLER, REDD, UNGER, BALL,
ROSS, OLIVERIO, MCKENZIE, SCHOONOVER, LOVE AND DITTMAR)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, six and seven, article nine, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the West Virginia works act; excluding certain supplemental security income benefits from the definition of income; excluding adult recipients of supplemental security income from benefit groups for purposes of determining financial eligibility for temporary assistance for needy families; requiring the department of health and human resources and all college and university systems to develop a plan utilizing available college programs for participants of the works program; and requiring the submission of the plan and other recommendations to the legislative oversight commission on health and human resources.

Be it enacted by the Legislature of West Virginia:

That sections three, six and seven, article nine, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.

§9-9-3. Definitions.

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

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

14 (b) "Beneficiary" or "participant" means any parent or
15 caretaker-relative in an at-risk family who receives cash
16 assistance for himself or herself and family members;

17 (c) "Cash assistance" means temporary assistance for
18 needy families or diversionary assistance;

19 (d) "Challenge" means any fact, circumstance or situa-
20 tion that prevents a person from becoming self-sufficient
21 or from seeking, obtaining or maintaining employment of
22 any kind, including physical or mental disabilities, lack of
23 education, testing, training, counseling, child care ar-
24 rangements, transportation, medical treatment or sub-
25 stance abuse treatment;

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

34 (f) "Department" means the state department of health
35 and human resources;

36 (g) "Division" means the division of human services;

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

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

43 (2) Earnings of minor children; or

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

46 (i) "Personal responsibility contract" means a written
47 agreement entered into by the division and a beneficiary
48 which establishes the responsibilities and obligations of
49 the beneficiary;

50 (j) "Secretary" means the secretary of the state depart-
51 ment of health and human resources;

52 (k) "Subsidized employment" means employment with
53 earnings provided by an employer who receives a subsidy
54 from the division for the creation and maintenance of the
55 employment position;

56 (l) "Support services" includes, but is not limited to, the
57 following services: Child care; medicaid; transportation
58 assistance; information and referral; resource development
59 services which includes assisting families to receive child
60 support enforcement and supplemental security income;
61 family support services which includes parenting, budget-
62 ing and family planning; relocation assistance; and
63 mentoring services;

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

68 (n) "Work" means unsubsidized employment, subsidized
69 employment, work experience or community or personal
70 development; and

71 (o) "Work experience" means unpaid structured work
72 activities that are provided in an environment where
73 performance expectations are similar to those existing in
74 unsubsidized employment and which provide training in
75 occupational areas that can realistically be expected to
76 lead to unsubsidized employment.

§9-9-6. Program participation.

1 (a) Unless otherwise noted in this article, all adult
2 recipients of cash assistance shall be required to partici-
3 pate in the West Virginia works program in accordance
4 with the provisions of this article. The level of participa-
5 tion, services to be delivered and work requirements shall
6 be defined within the terms of the personal responsibility
7 contract and through rules established by the secretary.

8 (b) To the extent funding permits, any individual exempt
9 under the provisions of section eight of this article may
10 participate in the activities and programs offered through
11 the West Virginia works program.

12 (c) Support services other than cash assistance through
13 the works program may be provided to at-risk families to
14 eliminate the need for cash assistance.

15 (d) Cash assistance through the works program may be
16 provided to an at-risk family if the combined family
17 income, as defined in subsection (h), section three of this
18 article, is below the income and asset test levels estab-
19 lished by the division: *Provided*, That any adult member
20 of an at-risk family who receives supplemental security
21 income shall be excluded from the benefit group: *Pro-*
22 *vided, however*, That an at-risk family that includes a
23 married man and woman and dependent children of either
24 one or both may receive an additional cash assistance
25 benefit in an amount ten percent greater than the cash
26 assistance benefit provided to the same size household in
27 which there are no married adults: *Provided further*, That
28 an at-risk family shall receive an additional cash assis-

29 tance benefit in an amount equal to the amount of child
30 support collected in a month on behalf of a child or
31 children of the at-risk family, not to exceed fifty dollars.

§9-9-7. Work requirements.

1 (a) Unless otherwise exempted by the provisions of
2 section eight of this article, the West Virginia works
3 program shall require that anyone who possesses a high
4 school diploma, or its equivalent, or anyone who is of the
5 age of twenty years or more, to work or attend an educa-
6 tional or training program for a minimum of twenty hours
7 per week to receive any form of cash assistance. In
8 accordance with federal law or regulation, the work,
9 education and training requirements of this section are
10 waived for any qualifying participant with a child under
11 six years of age if the participant is unable to obtain
12 appropriate and available child care services. In order for
13 any participant to receive cash assistance, he or she shall
14 enter into personal responsibility contracts pursuant to the
15 provisions of section nine of this article.

16 (b) The department of health and human resources and
17 representatives of all college and university systems of
18 West Virginia shall develop a plan to utilize the programs
19 available at the colleges and universities to assist benefi-
20 ciaries or participants who are enrolled in two and four
21 year programs to meet the work activity requirements of
22 the federal government or the provisions of this article.

23 (c) On or before the first day of December, one thousand
24 nine hundred ninety-nine, the department shall submit the
25 plan and any findings, conclusions and recommendations,
26 together with drafts of any legislation necessary to effec-
27 tuate its recommendations, to the legislative oversight
28 commission on health and human resources for consider-
29 ation pursuant to the provisions of section nineteen of this
30 article.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Paul Schover
.....
Chairman Senate Committee

Jeff Smith
.....
Chairman House Committee

Originating in the Senate.
In effect ninety days from passage.

Harold Cleburne
.....
Clerk of the Senate

Gregory B. Burt
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

John
.....
Speaker House of Delegates

The within *approved* this the *25th*
Day of *March*, 1999

Jeff Anderson
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/23/99

Time 10:40am