WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

HOUSE BILL No. 202

(By Mr. Speaker Mr. Arnold)

PASSED March 1, 1941

In Effect sixty days from Passage
ENROLLED

House Bill No. 202
(By Mr. Speaker, Mr. Arnold)

[Passed March 1, 1941; in effect ninety days from passage.]

AN ACT to repeal sections fourteen and fifteen, article two, and section thirty-four, article five, and to amend and re-enact section five, article one; section twelve, article two; sections six and eight, article three; sections nine, ten and twelve, article four; sections four, five, seventeen, twenty-nine and thirty-one, article five; section five, article ten; and section sixteen, article eleven; all in chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and all relating to public assistance and relief.

Be it enacted by the Legislature of West Virginia:

That sections fourteen and fifteen, article two, and section thirty-four, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section five, article one; section twelve, article two; sections six and eight, article three; sections nine,
ten and twelve, article four; sections four, five, seventeen, twenty-nine and thirty-one, article five; section five, article ten; and section sixteen, article eleven; all in chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

Article 1. State Department of Public Assistance.

Section 5. Definitions.—For the purposes of this chapter:
2 "State department" means the State Department of Public Assistance.
4 "State board" means the State Advisory Board.
5 "Director" means the Director of the State Department of Public Assistance.
7 "County council" means a county public assistance council.
9 "County director" means a director appointed by a county council.
11 "County department of public assistance" means the county director, the county council, and the employees and appointees of the county council.

Article 2. State Advisory Board.

Section 12. Powers and Duties.—The state board shall,
in addition to its functions as an advisory body, have the following powers and duties to:

1. Recommend to the governor persons to be appointed members of the county councils.
2. Perform the functions devolving upon the board under the provisions of article 10 of this chapter.
3. Keep minutes of the transactions of each session, regular or special, which shall be public records and filed with the state department.

Article 3. The Director of Public Assistance.

Section 6. Powers and Duties.—The director shall be the executive and administrative head of the department, and as such shall have the power and duty to:

1. Exercise general supervision of, and make and revise rules and regulations for, the government of the department.
2. Prescribe uniform regulations pertaining to investigations, reinvestigations, and case supervision by county councils and directors.
3. Prescribe uniform methods of recording and accounting to be employed by the county councils and directors.
(4) Sign and execute, in the name of the state, by “The State Department of Public Assistance”, and by and with the consent and approval of the state board, any contract or agreement with the federal government or its agencies, other states, subdivisions of this state, corporations, associations, partnerships or individuals.

(5) Supervise the fiscal affairs and responsibilities of the department.

(6) Organize the department so as to comply with the requirements of this chapter and with the standards required by federal legislation.

(7) Adopt a merit system of personnel management in conformity with federal legislation and promulgate in connection therewith a classification and compensation plan.

(8) Order, with the approval of the state board, two or more counties to employ a single county director and a joint staff of assistants and employees.

(9) Make such reports as will comply with the re-
quirements of federal legislation and with the provisions of this chapter.

(10) Cooperate with federal and state governments for the more effective attainment of the purposes of this chapter.

(11) Keep a complete and accurate record of all proceedings; record and file all bonds or contracts; and assume responsibility for the custody and preservation of all papers and documents pertaining to his office.

(12) Make an annual report to the governor of the condition, operation, and functioning of the department.

(13) Exercise any other powers necessary and proper to standardize state and county work, to expedite business, to assure fair consideration of application for aid and to promote the efficiency of the service.

(14) Invoke any legal, equitable or special remedies for the enforcement of his orders or the enforcement of the provisions of this chapter.

(15) Initiate programs for, or cooperate with other agencies in, developing services for the prevention of
blindness, the conservation of vision, and the vocational
and social adjustment of the blind.

Sec. 8. Assistants and Employees.—The director shall
appoint the heads of the divisions of the department and
shall employ such assistants and employees as may be
necessary to the efficient operation of the department, in
accordance with the provisions of the merit system of
personnel management provided for in sub-section 7,
section 6 of this article.

No such assistant or employee shall be a candidate for
or hold any other public office or trust, nor shall he be a
member of any political committee, nor shall he serve
as an election official.


Section 9. County Director of Public Assistance.—The
county council shall appoint a “County Director of Public
Assistance” from the register of persons certified by
the state department as qualified to perform the duties
of that office. The county council shall fix the compen-
sation of the county director in accordance with the
compensation plan established by the state director.
The county director shall devote his entire time to the duties of his office.

The county director shall be the ex officio secretary of the county council.

Sec. 10. Assistants and Employees.—The county council, upon the recommendation of the county director and with the approval of the state department, shall appoint or employ, from a register of persons certified by the state department as qualified to perform the duties of the position to be filled, such assistants and employees as may be required. In counties having a negro population of ten percent or more of the total county population, as determined by the last federal census, the county council shall appoint an assistant director from the negro race.

The compensation of appointees and employees of the county council shall be fixed by the county council in accordance with the compensation plan established by the state director. In addition to their regular compensation, the county director and his subordinates shall be allowed their necessary traveling expenses. Requisitions
for traveling expenses shall be accompanied by a sworn
and itemized statement which shall be filed with the
county clerk and permanently preserved as a public re-
cord.

Sec. 12. County Director, Powers and Duties.—The
county director shall be the administrative officer in
charge of, and responsible for, the county activities pro-
vided by this chapter and, as such, shall have the follow-
ing powers and duties:

(1) Perform all duties imposed upon him by the pro-
visions of this chapter.

(2) Execute in accordance with the provisions of this
chapter the instructions of the state director and the
county council.

(3) Supervise and direct the work of his subordinates
and assistants.

(4) Prepare and submit such reports and information
as may be required by the state board, the state director,
or the county council.

(5) Observe standard administrative procedure and
methods required by the state director.
(6) Cooperate with charitable organizations, agencies and institutions within the county.

Article 5. Public Assistance.

Section 4. Blind Persons.—A blind person shall be eligible for public assistance who:

(1) Has vision in the better eye, with correcting glasses, of twenty-two-hundredths or less or a disqualifying field defect sufficient to incapacitate him for self-support.
(2) Has resided in the state for at least one year immediately preceding the application.
(3) Has not made an assignment or transfer of property for the purpose of qualifying for assistance.
(4) Is not an inmate of a public institution. An inmate may apply for assistance to begin after his discharge from such institution.
(5) Is actually in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health.

Sec. 5. Dependent Children.—A dependent child shall be eligible for public assistance who:

(1) Has not attained the age of eighteen years.
4 (2) Is deprived of parental support or care by reason
5 of the death, continued absence from home, or physical
6 or mental incapacity of a parent.
7 (3) Is living with his father, mother, grandfather,
8 grandmother, brother, sister, stepfather, stepmother,
9 stepbrother, stepsister, uncle or aunt in a place of resi-
10 dence maintained by such relative as his own home.
11 (4) Has resided in the state for one year immediately
12 preceding application for assistance, or was born, within
13 one year immediately preceding application, of a mother
14 who resided within the state for one year immediately
15 preceding such birth.
16 (5) Is living in a suitable family home conforming
17 to the standards of care and health fixed by this chapter
18 and the regulations of the state department.
19 (6) Is needy because the person caring for him is
20 unable to support him, and, unless public assistance is
21 granted, will become a public charge.

Sec. 17. Limitation of Amount.—The amount of public
2 assistance granted from state funds to an aged person,
3 a blind person, or a dependent child, shall not in any
case exceed the amount which may be received for
matching from the federal government. Thus, the total
amount of public assistance from all sources shall not
in any case exceed twice the amount received for match-
ing from federal funds.

Sec. 29. Agreement to Reimburse.—As a condition of
receiving public assistance, an aged person shall submit
to the county council a properly acknowledged agreement
granting to the state a lien upon all or any part of his
real or personal property including that subsequently ac-
quired, as may be required by the rules of the state de-
partment. The lien shall attach upon the signing of the
agreement and shall be for the total amount of public
assistance paid to such person.

Sec. 31. Insurance Policies.—As a condition of receiving
public assistance, an aged person shall assign to the state
department any life insurance policy owned by him and
payable to him or to his estate, as security for the amount
of public assistance granted to him, subject, however, to
the personal property exemption provided for in section
thirty-six of this article.

Section 5. County Funds. The amount of the county fund provided each year by a county court shall not be less than fifteen per cent of the total which the county is legally authorized to levy for current purposes by section ten, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred thirty-one, as amended: Provided, however, That the said fifteen per cent of such total shall not be required to be provided by the county court if it shall be determined, prior to the laying of the county's levies, that an amount less than such per cent will be sufficient to meet the reasonably anticipated general needs of the county. Such a determination shall require the agreement of at least two of the following persons: The tax commissioner, the state director, and the member of the county court who is ex officio member of the county council at the time such determination is made. Such a determination shall be in writing; shall state the specific amount determined upon as sufficient to meet the reasonably anticipated general relief needs of the county; shall be signed by the three persons designated or by at
least two of them; and shall be filed of record in the office
of the tax commissioner. Complete duplicates shall be
filed in the office of the state director and with the county
court, respectively. The county court shall levy for gen-
eral relief not less than the amount so determined and
agreed: Provided, further, That if a county court finds
that expenditures mandatory under other provisions of
law aggregate in excess of eighty-five per cent of the total
amount which the county court is authorized by law to
levy for current purposes, the court may petition the tax
commissioner for authority to provide an amount less
than that required by the first paragraph of this section.
If the tax commissioner finds that other mandatory ex-
penditures for the county will exceed eighty-five per cent
of the authorized total levy for current purposes, he may
authorize the county court to provide a lesser amount
than that required by said first paragraph, but he shall
require the maximum amount possible under the circum-
stances.


Section 16. Confidential Character of Public-Assistance
Records; Misuse of Public-Assistance Lists and Records.—
The regulatory power of the state director shall include the power to establish and enforce reasonable rules and regulations governing the custody, use, and preservation of the records, papers, files, and communications of the state department and county councils. Wherever, under provisions of law, names and addresses of recipients of public assistance are furnished to or held by any other agency or department of government, such agency or department of government shall be required to adopt regulations necessary to prevent the publication of lists thereof or their use for purposes not directly connected with the administration of old age assistance, aid to the blind, or aid to dependent children.

It shall be unlawful, except for purposes directly connected with the administration of old-age assistance, aid to the blind, or aid to dependent children, and in accordance with the rules and regulations of the state director, for any person or persons to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any list of or names of persons applying for or receiving such assist-
ance, directly or indirectly derived from the records,
papers filed, or communications of the state or county or
subdivisions or agencies thereof, or acquired in the course
of the performance of official duties.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signatures]

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates.

Takes effect ninety days from passage.

[Signatures]

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 13th day of March, 1941.

[Signature]

Governor.

Filed in the office of the Secretary of State of West Virginia

MAR 13 1941

Wm. S. O'Brien,
Secretary of State