WEST VIRGINIA LEGISLATURE
EXTRAORDINARY SESSION, 1961

ENROLLED
SENATE BILL NO. 1

(By Mr. , Mr. President)

PASSED

In Effect

Filed in Office of the Secretary of State of West Virginia

JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

Senate Bill No. 1
(By Mr. Carson, Mr. President)

[Passed June 16, 1961; in effect from passage.]

AN ACT to amend and reenact section five, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to further amend said article five, by adding thereto a new section designated section six-a, all relating to public assistance and medical assistance for the aged; and more particularly to the eligibility of a dependent child and the relative of a dependent child for public assistance; and the commissioner of welfare's rule-making powers.

Be it enacted by the Legislature of West Virginia:

That section five, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, and that said article five
be further amended by adding thereto a new section designated section six-a, all to read as follows:

Article 5. Public Assistance and Medical Assistance for the Aged.

Section 5. Dependent Children, Relatives of Dependent Children, and Foster Home Care of Dependent Children.

—(a) A dependent child shall be eligible for public assistance who:

1. Has not attained the age of eighteen years.
2. Is deprived of parental support or care by reason of the death, continued absence from home, unemployment, physical or mental incapacity of a parent, or by reason of any other cause as the laws of the federal government governing federal aid to dependent children may from time to time include: Provided, however, That such unemployed parent shall not have refused without good cause to accept employment, in which he is able to engage, which (1) is offered through public employment offices, or (2) is otherwise offered by an employer if the offer is determined by the department of employment security after notification by such employer to be a bona
fide offer of such employment: Provided further, That such determination is not in conflict with Department of Health, Education, and Welfare of the United States regulations.

It is further provided that any aid under this plan to which any child or relative might otherwise be entitled, shall be denied for any month in which the parent of such child receives unemployment compensation under an unemployment compensation law of any state, including West Virginia, or of the United States for any week any part of which is included in such month.

(3) Is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, or any other relative as the laws of the federal government governing federal aid to dependent children may from time to time include in a place of residence maintained by one or more of such relatives as his or their own home, or is living in a foster family home in accordance with the provisions of the laws of the federal government governing federal aid to dependent children.
(4) Has resided in the state for one year immediately preceding application for public assistance; or, was born within one year immediately preceding the application of a mother who resided within the state for one year immediately preceding such birth; or, was born within one year immediately preceding the application, if the parent or other relative with whom the child is living has resided in the state for one year immediately preceding such birth.

(5) Is actually in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health.

(b) The relative of a dependent child shall be eligible for public assistance for any month in which public assistance is paid with respect to such child, who:

(1) Is the father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, uncle, aunt, first cousin, nephew, niece, or any other relative of a dependent child as the laws of the federal government governing federal aid to dependent children may from time to time include.
(2) Maintains himself, or together with any one or more of the other specified relatives, a place of residence as his or their own home, and is the person with whom a dependent child is living in such place of residence.

(3) Is actually in need and has not sufficient income or other resources to provide a subsistence compatible with decency and health.

Sec. 6-a. Commissioner's Rule-making Powers.—The rule-making powers of the commissioner of welfare shall include authority to establish rules and regulations modifying eligibility requirements for public assistance and medical assistance for the aged, and, in addition, shall include authority to provide the necessary procedures for the preparation of plans and for classifying and reporting expenditures made with respect to recipients of public assistance and medical assistance for the aged to the extent necessary and in such manner as to permit the state and its citizens to obtain the maximum benefits provided under the Federal Social Security Act and any laws amendatory of or supplementary thereto that may hereafter be enacted.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within assemble this the 21st

day of June, 1961.

Governor

Filed in Office of the Secretary of State of West Virginia JUN 2 1 1961
JOE F. BURDETT SECRETARY OF STATE