

WEST VIRGINIA LEGISLATURE
EXTRAORDINARY SESSION, 1961

ENROLLED

SENATE BILL NO. 1

(By Mr. Carron, Mr. President)

PASSED June 14 1961

In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia JUN 21 1961
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

2 Children, and Foster Home Care of Dependent Children.

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

5 (1) Has not attained the age of eighteen years.

6 (2) Is deprived of parental support or care by reason
7 of the death, continued absence from home, unemployment,
8 ment, physical or mental incapacity of a parent, or by
9 reason of any other cause as the laws of the federal
10 government governing federal aid to dependent children
11 may from time to time include: *Provided, however, That*
12 such unemployed parent shall not have refused without
13 good cause to accept employment, in which he is able to
14 engage, which (1) is offered through public employment
15 offices, or (2) is otherwise offered by an employer if the
16 offer is determined by the department of employment
17 security after notification by such employer to be a bona

18 fide offer of such employment: *Provided further*, That
19 such determination is not in conflict with Department of
20 Health, Education, and Welfare of the United States
21 regulations.

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

29 (3) Is living with his father, mother, grandfather,
30 grandmother, brother, sister, stepfather, stepmother, step-
31 brother, stepsister, uncle, aunt, first cousin, nephew,
32 niece, or any other relative as the laws of the federal
33 government governing federal aid to dependent children
34 may from time to time include, in a place of residence
35 maintained by one or more of such relatives as his or
36 their own home, or is living in a foster family home in
37 accordance with the provisions of the laws of the fed-
38 eral government governing federal aid to dependent
39 children.

40 (4) Has resided in the state for one year immediately
41 preceding application for public assistance; or, was born
42 within one year immediately preceding the application
43 of a mother who resided within the state for one year
44 immediately preceding such birth; or, was born within
45 one year immediately preceding the application, if the
46 parent or other relative with whom the child is living
47 has resided in the state for one year immediately pre-
48 ceding such birth.

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

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

55 (1) Is the father, mother, grandfather, grandmother,
56 brother, sister, stepfather, stepmother, stepbrother, step-
57 sister, uncle, aunt, first cousin, nephew, niece, or any
58 other relative of a dependent child as the laws of the
59 federal government governing federal aid to dependent
60 children may from time to time include.

61 (2) Maintains himself, or together with any one or
62 more of the other specified relatives, a place of residence
63 as his or their own home, and is the person with whom
64 a dependent child is living in such place of residence.

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

Sec. 6-a. *Commissioner's Rule-making Powers.*—The
2 rule-making powers of the commissioner of welfare shall
3 include authority to establish rules and regulations modi-
4 fying eligibility requirements for public assistance and
5 medical assistance for the aged, and, in addition, shall in-
6 clude authority to provide the necessary procedures for
7 the preparation of plans and for classifying and reporting
8 expenditures made with respect to recipients of public as-
9 sistance and medical assistance for the aged to the extent
10 necessary and in such manner as to permit the state and
11 its citizens to obtain the maximum benefits provided
12 under the Federal Social Security Act and any laws
13 amendatory of or supplementary thereto that may here-
14 after be enacted.

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

Howard Davis, Jr.
Chairman Senate Committee

Mrs. H. H. Withers
Chairman House Committee

Originated in the Senate.

Takes effect from passage.

Howard Myers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Roberson
President of the Senate

Louis W. Singleton Jr.
Speaker House of Delegates

The within appeared this the 21st
day of June, 1961.

Wm. Barron
Governor



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of West Virginia JUN 21 1961
JOE F. BURDETT
SECRETARY OF STATE