WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1963

ENROLLED

HOUSE BILL No. 190

(By Mr.)

PASSED March 7, 1963

In Effect from Passage

Filed in Office of the Secretary of State
of West Virginia 3-15-63

JOE F. BURDETT
SECRETARY OF STATE
ENROLLED

House Bill No. 190

(By MR. MYLES)

[Passed March 7, 1963; in effect from passage.]

AN ACT to amend and reenact sections three, twenty-four and twenty-six, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, and to repeal sections twenty-one, twenty-two, twenty-five, twenty-seven and twenty-eight of said article, all relating to public assistance to the aged and eliminating the requirement that a recipient of such assistance grant a lien to the state upon real or personal property as a condition to receiving such assistance.

Be it enacted by the Legislature of West Virginia:

That sections twenty-one, twenty-two, twenty-five, twenty-
seven and twenty-eight, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections three, twenty-four and twenty-six of said article be amended and reenacted to read as follows:

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

Section 3. Aged Persons.—An aged person shall be eligible for public assistance who:

1. Has attained the age of sixty-five years.
2. Has resided in the state for at least one year immediately preceding application for public assistance.
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 (except as a patient in a medical institution).
5. Is not a patient in an institution for tuberculosis or mental diseases, nor has been diagnosed as having tuberculosis or psychosis and is a patient in a medical institution as a result thereof.
6. Is actually in need and has not sufficient income
or other resources to provide a subsistence compatible
with decency and health.

Sec. 21. Agreement to Reimburse.—This section is
hereby repealed.

Sec. 22. Lien Against Assets.—This section is hereby
repealed.

Sec. 24. Certificate of Amount of Assistance Paid.—
Under the rules and in the form prescribed by the state
department, the county council shall execute and file
with the clerk of the county court of the county wherein
the recipient resides, or owns property, a certificate show-
ing the amount of public assistance paid to an aged
person.

Sec. 25. Lien Against Real Estate.—This section is
hereby repealed.

Sec. 26. Release of Liens.—All liens and claims held
by the state upon real or personal property of an aged
person by reason of such person having executed an
agreement to reimburse as a condition to receiving public
assistance are hereby released.

Upon the effective date of this section, the council shall
enter an order releasing all liens held by the state in the county and the chairman of the council shall thereupon prepare, execute and acknowledge a release of each such lien and deliver the same to the recipient of public assistance, his heirs or assigns, as the case may be, for recordation.

Sec. 27. Exemptions.—This section is hereby repealed.

Sec. 28. Reimbursement to Federal Government.—This section is hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

A. Ray Parker
Chairman Senate Committee

Ethel L. Brandon
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Howard Thomas
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard E. Corman
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

The within approve this the 14th day of March, 1963.

Governor