

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1963



ENROLLED

HOUSE BILL No. 190

(By Mr. Myles)



PASSED March 7, 1963

In Effect June Passage



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

JOE F. BURDETT
SECRETARY OF STATE

091 #

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article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed, and that sections three, twenty-four and twenty-six of said article be amended and reenacted to read as follows: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

2 eligible for public assistance who:

3 (1) Has attained the age of sixty-five years.

4 (2) Has resided in the state for at least one year
5 immediately preceding application for public assistance.

6 (3) Has not made an assignment or transfer of prop-
7 erty for the purpose of qualifying for assistance.

8 (4) Is not an inmate of a public institution (except as
9 a patient in a medical institution).

10 (5) Is not a patient in an institution for tuberculosis
11 or mental diseases, nor has been diagnosed as having
12 tuberculosis or psychosis and is a patient in a medical
13 institution as a result thereof.

14 (6) Is actually in need and has not sufficient income

15 or other resources to provide a subsistence compatible
16 with decency and health.

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2 hereby repealed.

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2 repealed.

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

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2 hereby repealed.

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

6 Upon the effective date of this section, the council shall

7 enter an order releasing all liens held by the state in
8 the county and the chairman of the council shall there-
9 upon prepare, execute and acknowledge a release of each
10 such lien and deliver the same to the recipient of public
11 assistance, his heirs or assigns, as the case may be, for
12 recordation.

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

Sec. 28. Reimbursement to Federal Government.—

2 This section is hereby repealed.

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

O. Ray Parker
Chairman Senate Committee

Edith L. Randall
Chairman House Committee

Originated in the House.

Takes effect from _____ passage.

Howard Thayer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard Roberson
President of the Senate

Julius W. Singleton Jr.
Speaker House of Delegates

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

W. M. Barron
Governor

