

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

## ENROLLED

*Comm. Sub. for*  
SENATE BILL NO. 337

(By Mr. *Mc Court original sponsor*)

PASSED March 10, 1967

In Effect *Jan* Passage



FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE

THIS DATE 3-21-67

# 337

**ENROLLED**  
JUDICIARY  
COMMITTEE SUBSTITUTE  
FOR  
**Senate Bill No. 337**  
(Mr. McCourt original sponsor)

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[Passed March 10, 1967; in effect from passage.]

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AN ACT to amend and reenact sections three and five, article five, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to aged persons, dependent children and relatives of dependent children who shall be eligible for public assistance.

*Be it enacted by the Legislature of West Virginia:*

That sections three and five, article five, 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 5. PUBLIC ASSISTANCE AND MEDICAL  
ASSISTANCE FOR THE AGED.**

**§9-5-3. Aged persons.**

An aged person shall be eligible for public assistance  
2 who:

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

4 (2) Has resided in the state for at least one year im-  
5 mediately 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 actually in need and has not sufficient income  
9 or other resources to provide a subsistence compatible  
10 with decency and health.

**§9-5-5. Dependent children, relatives of dependent children,  
and foster home care of dependent children.**

(a) A dependent child shall be eligible for public as-  
2 sistance who:

3 (1) Is under the age of eighteen years; or is under  
4 the age of twenty-one years and is a student regularly at-  
5 tending a school, college or university or regularly at-  
6 tending a course of vocational or technical training de-

7 signed to equip such person for gainful employment.

8 (2) Is deprived of parental support or care by  
9 reason of the death, continued absence from home, unem-  
10 ployment, physical or mental incapacity of a parent, or  
11 by reason of any other cause as the laws of the federal  
12 government governing federal aid to dependent children  
13 may from time to time include: *Provided, however, That*  
14 such unemployed parent shall not have refused without  
15 good cause to accept employment, in which he is able to  
16 engage, which (1) is offered through public employment  
17 offices, or (2) is otherwise offered by an employer if the  
18 offer is determined by the department of employment  
19 security after notification by such employer to be a bona  
20 fide offer of such employment: *Provided further, That*  
21 such determination is not in conflict with "Department of  
22 Health, Education and Welfare of the United States"  
23 regulations.

24 It is further provided that any aid under this plan to  
25 which any child or relative might otherwise be entitled,  
26 shall be denied for any month in which the parent of  
27 such child receives unemployment compensation under

28 an unemployment compensation law of any state, includ-  
29 ing West Virginia, or of the United States for any week  
30 any part of which is included in such month.

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

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

50 (5) Is actually in need and has not sufficient in-  
51 come or other resources to provide a subsistence com-  
52 patible with decency and health.

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

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

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

67 (3) Is actually in need and has not sufficient in-  
68 come or other resources to provide a subsistence com-  
69 patible with decency and health.

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

William Tompa  
Chairman Senate Committee

Clayton C. Davidson  
Chairman House Committee

Originated in the Senate.

To take effect from passage.

Howard Myers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard E. Carson  
President of the Senate

H. Leban White  
Speaker House of Delegates

The within approved this the 17  
day of March, 1967.

Hullett C. Smith  
Governor

PRESENTED TO THE  
GOVERNOR

Date 3/17/67

Time 2:50pm