ENROLLED

HOUSE BILL No. 681

(By Mr. Seibert)

PASSED February 12, 1970

In Effect from Passage
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AN ACT to amend and reenact chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the continuation and organization of the department of welfare, the office of commissioner of welfare; qualifications for holding the office of commissioner of welfare; the responsibilities, duties and powers of the department of welfare and of the commissioner of welfare; the acceptance of certain federal funds by the state; the granting of assistance to those persons qualified therefor; the definition of certain words and terms used in this chapter; the advisory board to the commissioner; the department of welfare services fund and disbursements therefrom; the advisory council to the commissioner of welfare
respecting the department of welfare medical services fund; exempting grants of all classes of welfare assistance from certain taxes and claims; release or reassignment of certain liens and insurance policies; making available certain information for public inspector; and providing penalties for violation of certain provisions.

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

That 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 1. LEGISLATIVE PURPOSE AND DEFINITIONS.**

§9-1-1. Legislative purpose.

1 The Legislature in enacting this chapter intends to continue on a reorganized basis welfare assistance programs heretofore administered by the state department of welfare and county councils to the end that residents of the state who are subject to the recurring misfortunes of life may continue to have such aid and encouragement as the county alone, the state alone or the state in cooperation with the federal government may provide.

§9-1-2. Definitions.

1 The following words and terms when used in this
chapter shall have the meaning hereafter ascribed to them unless the context clearly indicates a different meaning:

(a) The term "department" shall mean the state department of welfare.

(b) The term "commissioner" shall mean the commissioner of welfare.

(c) The term "federal-state assistance" shall mean and include (1) all forms of aid, care, assistance and services to or on behalf of persons, which are authorized by, and who are authorized to receive the same under and by virtue of, subchapters one, four, five, ten, fourteen, sixteen, eighteen and nineteen, chapter seven, title forty-two, United States code, as those subchapters have heretofore been and may hereafter be amended, supplemented and revised by acts of Congress, and as those subchapters so amended, supplemented and revised have heretofore been and may hereafter be supplemented by valid rules and regulations promulgated by authorized federal agents and agencies, and as those subchapters so amended, supplemented and revised have here-
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23 tofore been and may hereafter be supplemented by
24 rules and regulations promulgated by the state depart-
25 ment of welfare, which department rules and regula-
26 tions shall be consistent with federal laws, rules and
27 regulations, but not inconsistent with state law, and
28 (2) all forms of aid, care, assistance and services to
29 persons, which are authorized by, and who are author-
30 ized to receive the same under and by virtue of, any
31 act of Congress, other than the Federal Social Security
32 Act, as amended, for distribution through the state
33 department of welfare to recipients of any form of aid,
34 care, assistance and services to persons designated or
35 referred to in (1) of this definition and to recipients
36 of state assistance, including by way of illustration,
37 surplus food and food stamps, which Congress has
38 authorized the secretary of agriculture of the United
39 States to distribute to needy persons.
40 (d) The term "federal assistance" shall mean and
41 include all forms of aid, care, assistance and services
42 to or on behalf of persons, which are authorized by,
43 and who are authorized to receive the same under and
by virtue of, any act of Congress for distribution through the state department of welfare, the cost of which is paid entirely out of federal appropriations.

(e) The term "state assistance" shall mean and include all forms of aid, care, assistance, services and general relief made possible solely out of state and county appropriations to or on behalf of indigent persons, which are authorized by, and who are authorized to receive the same under and by virtue of, department rules and regulations.

(f) The term "welfare assistance" shall mean the three classes of assistance administered by the department, namely: Federal-state assistance, federal assistance and state assistance.

(g) The term "indigent person" shall mean any person who is domiciled in this state and who is actually in need as defined by department rules and regulations and has not sufficient income or other resources to provide for such need as determined by the department.
(h) The term "domiciled in this state" shall mean being physically present in West Virginia accompanied by an intention to remain in West Virginia for an indefinite period of time, and to make West Virginia his or her permanent home. The department may by rules and regulations supplement the foregoing definition of the term "domiciled in this state," but not in such a manner as would be inconsistent with federal laws, rules, and regulations applicable to and governing federal-state assistance.

(i) The term "medical services" means medical, surgical, dental and nursing services, and other remedial services recognized by law, in the home, office, hospital, clinic and any other suitable place, provided or prescribed by persons permitted or authorized by law to give such services; such services to include drugs and medical supplies, appliances, laboratory, diagnostic and therapeutic services, nursing home and convalescent care and such other medical services and supplies as may be prescribed by such persons.

(j) The term "general relief" shall mean cash or
its equivalent in services or commodities expended for
care and assistance to an indigent person other than
for care in a county infirmary, child shelter, or similar
institution.

ARTICLE 2. DEPARTMENT OF WELFARE AND OFFICE OF COM-
MISSIONER OF WELFARE: POWERS, DUTIES AND
RESPONSIBILITIES OF THE DEPARTMENT AND
OF THE COMMISSIONER.

§9-2-1. Continuation of department of welfare.

1 The state department of welfare, first created as the
2 state department of public assistance by chapter one,
3 acts of the Legislature, first extraordinary session, one
4 thousand nine hundred thirty-six, and later reconsti-
5 tuated as the state department of welfare by chapter
6 one hundred ten, acts of the Legislature, regular session,
7 one thousand nine hundred sixty-one, shall be continued
8 and organized as provided and authorized by this chap-
9 ter and shall have those powers and duties respecting
10 the administration of the welfare assistance programs
11 as authorized, granted and imposed by this chapter and
12 elsewhere by law.


1 The chief executive officer and administrative head of
the department shall be the commissioner of welfare, who shall be appointed and compensated, and shall serve, as provided by section two-a, article seven, chapter six of this code.

The commissioner shall be selected with special reference and consideration given to his training, experience, capacity and interest in or relating to the welfare assistance programs administered by the state department of welfare.

Before entering upon the duties of his office, the commissioner shall take and subscribe to the oath of office prescribed by section five, article four of the state constitution and shall execute a corporate surety bond in the sum of fifteen thousand dollars for the faithful performance of his duties. The bond shall be in the form prescribed by the attorney general and approved by the governor, and both the certificate of the oath and the bond shall be filed with the secretary of state. Premiums upon the bond shall be paid out of the funds of the department.

The commissioner shall not be a candidate for, or hold,
any other public office or public employment under the federal government or under the government of this state or any of its political subdivisions, or be a member or officer of any political party committee, or serve as an election official, or engage in any political activity, other than to vote, in behalf of, or in opposition to, any candidate, political party or public issue involved in an election. Any violation by the commissioner of the provisions of this paragraph shall automatically vacate his appointment as commissioner.


The state assents to the purposes of federal-state assistance and federal assistance, accepts federal appropriations and other forms of assistance made under or pursuant thereto, and authorizes the receipt of such appropriations into the state treasury and the receipt of other forms of assistance by the department for expenditure, disbursement, and distribution by the department in accordance with the provisions of this chapter and the conditions imposed by applicable federal laws, rules and regulations.
§9-2-4. Organization of department of welfare.

Within limits of state appropriations and federal grants and subject to provisions of state and federal laws, rules and regulations, the commissioner shall organize the department into such offices, divisions, agencies and other administrative units, and, consistent with the requirements of article six, chapter twenty-nine of this code, shall appoint and employ for the department such deputies, assistants and employees, as may in his judgment be necessary or desirable to carry out fully and in an orderly, efficient and economical manner the powers, duties and responsibilities of the department and of his office.


The department is charged with the responsibility of administering for the state the welfare assistance programs, for which responsibility it shall have (1) all powers, not inconsistent with state law, as may be necessary for this state to obtain maximum federal funds made available for federal-state assistance within whatever limits or restrictions may be imposed by, or may exist by
reason of the amount of state funds appropriated for such
assistance under, the state's budget act and supplementary
appropriation acts, and (2) all powers, not inconsistent
with state law, as may be necessary for the disbursement
and distribution of welfare assistance to those persons
qualified therefor in as prompt, fair, orderly, efficient and
economical manner as possible.


Within limits of state appropriations and federal grants
and subject to provisions of state and federal laws and
regulations, the commissioner, in addition to all other
powers, duties and responsibilities granted and assigned
to that office in this chapter and elsewhere by law, is
authorized and empowered to:

(1) Promulgate, amend, revise, and rescind depart-
ment rules and regulations respecting the organization
and government of the department and the execution and
administration of those powers, duties and responsi-
bilities granted and assigned by this chapter and else-
where by law to the department and the commissioner.

(2) Promulgate, amend, revise and rescind depart-
ment rules and regulations respecting qualifications for receiving the different classes of welfare assistance consistent with or permitted by federal laws, rules and regulations, but not inconsistent with state law.

(3) Obtain by purchase or lease such grounds, buildings, office or other space, equipment, facilities and services, as may be necessary for the execution and administration of those powers, duties and responsibilities granted and assigned by this chapter and elsewhere by law to the department and the commissioner.

(4) Sign and execute in the name of the state by the state department of welfare any contract or agreement with the federal government or its agencies, other states, political subdivisions of this state, corporations, associations, partnerships or individuals.

(5) Establish such special funds as may be required by the Federal Social Security Act, as amended, or by any other act or acts of Congress, in order for this state to take full advantage of the benefits and provisions thereof relating to the federal-state assistance and federal assistance programs administered by the depart-
ment, and to make payments into and disbursements out of any such special fund or funds in accordance with the requirements of the Federal Social Security Act, as amended, or any other act or acts of Congress, and in accordance with applicable state law and the objects and purposes of this chapter. In addition, the state department of welfare, through the commissioner, is hereby authorized to accept any and all gifts or grants, whether in money, land, services, or materials, which gift or gifts, if in the form of moneys, shall be placed in a separate fund and expended solely for the purpose of welfare programs. No part of this special fund shall revert to the general revenue funds of this state. No expenses incurred pursuant to this special fund shall be a charge against the general funds of this state.

(6) Establish, in addition to the state advisory board and advisory council provided for in this chapter, such county advisory boards as may in his judgment be necessary or desirable to advise the department and the commissioner with respect to the total welfare assistance
program administered by the department or any phase thereof, such additional board or boards to consist of such number of persons, professional, lay, or both, and to have such responsibilities of an advisory nature, as the commissioner may determine. However, (1) the members of any such additional board or boards shall not be compensated for their services but shall be entitled to reimbursement for actual expenses incurred in the performance of their duties as a member of any such board; and (2) the members of any such additional board or boards shall serve at the will and pleasure of the commissioner.

(7) Provide at department expense a program of continuing professional, technical, and specialized instruction for the personnel of the department.

(8) Pay from available funds all or part of the reasonable expenses incurred by a person newly employed by the department in moving his household furniture, effects and immediate family from his place of residence in this state to his place of employment in this state; and to pay from available funds all or part of the rea-
sonable expenses incurred by a department employee
in moving his household furniture, effects and immedi-
ate family as a result of a reassignment of the employee
which is considered desirable, advantageous to and in
the best interests of the state, but no part of the moving
expenses of any one such employee shall be paid more
frequently than once in twelve months or for any
movement other than from one place of employment
in this state to another place of employment in this
state.
(9) Establish and maintain such institutions as are
necessary for the temporary care, maintenance, and
training of children and other persons.
(10) Prepare and submit state plans which will meet
the requirements of federal laws, rules and regulations
governing federal-state assistance and federal assistance
and which are not inconsistent with state law.
(11) Organize within the department a board of
review, consisting of a chairman appointed by the com-
missioner and as many assistants or employees of the
department as may be determined by the commissioner
and as may be required by federal laws, rules and reg-
99 ulations respecting state assistance, federal-state assis-
100 tance and federal assistance, such board of review to
101 have such powers of a review nature and such additional
102 powers as may be granted to it by the commissioner
103 and as may be required by federal laws, rules and reg-
104 ulations respecting federal-state assistance and federal
105 assistance.
106 (12) Provide by rules and regulations such review
107 and appeal procedures within the department of wel-
108 fare as may be required by applicable federal laws,
109 rules and regulations respecting state assistance, federal-
110 state assistance and federal assistance and as will pro-
111 vide applicants for, and recipients of all, classes of wel-
112 fare assistance an opportunity to be heard by the board
113 of review, a member thereof, or individuals designated
114 by said board, upon claims involving denial, reduction,
115 closure, delay, or other action or inaction pertaining to
116 welfare assistance.
117 (13) Provide by rules and regulations, consistent
118 with requirements of applicable federal laws, rules and
119 regulations, application forms and application proce-
dures for the various classes of welfare assistance.

(14) Provide locations for making applications for the various classes of welfare assistance.

(15) Provide a citizen or group of citizens an opportunity to file objections and to be heard upon objections to the grant of any class of welfare assistance.

(16) Delegate to the personnel of the department all powers and duties vested in the commissioner, except the power and authority to sign contracts and agreements, but the commissioner shall remain responsible therefor.

(17) Make such reports, in such form and containing such information, as may be required by applicable federal laws, rules and regulations respecting federal-state assistance and federal assistance.

(18) Invoke any legal, equitable or special remedies for the enforcement of the provisions of this chapter.

§9-2-7. State's participation in federal work incentive program.

The state of West Virginia hereby acknowledges that the Congress of the United States has enacted legislation amending the Social Security Act to permit states to
4 establish work incentive programs. The commissioner
5 is hereby authorized to transfer moneys from any ap-
6 propriate public assistance grant account under his con-
7 trol to the special fund, administered by the United
8 States secretary of labor, created by such amendments.
9 Any moneys transferred by the commissioner to the
10 aforesaid special fund shall be considered as money ex-
11 pended for welfare grants. The commissioner is further
12 empowered to promulgate rules, establish plans and
13 perform any other acts necessary to implement this state's
14 participation in the aforesaid work incentive program.
15 The commissioner is directed and authorized to cooper-
16 ate and coordinate his activities in regard to such program
17 with the commissioner of the West Virginia department
18 of employment security as contemplated by section six-
19 teen-a, article two, chapter twenty-one-a of the code of
20 West Virginia.

ARTICLE 3. APPLICATION FOR AND GRANTING OF ASSIS-
TANCE.

§9-3-1. Application for and granting of federal-state or fed-
eral assistance.

1 Any person domiciled in this state, who shall make,
or have made in his or her behalf, an application therefor and who is otherwise in all respects qualified
to receive the same, shall be granted federal-state assistance or federal assistance in such form and amount, to such extent, and for such period, as authorized by applicable federal and state laws, rules and regulations and as determined by the department in accordance with such laws, rules and regulations and within limits of available funds.

§9-3-2. Application for and granting of state assistance.

Any indigent person domiciled in this state, who shall make, or have made in his or her behalf, an application therefor and who is otherwise in all respects qualified to receive the same, shall be granted state assistance in such form and amount, to such extent, and for such period, as authorized by applicable state laws, rules and regulations of the department and as determined by the department in accordance with such laws, rules and regulations and within limits of available funds.

§9-3-3. Making application, investigation and grant.

All persons wishing to make application for any class of welfare assistance shall have an opportunity to do so.
3 Upon receipt of an application for any class of welfare assistance, the department shall make such investigation as may be necessary and as the exigency of the case will permit to determine the eligibility of the applicant for, and the form, amount, extent, and period of, such assistance.

9 When the department approves an application for any class of welfare assistance, it shall fix the amount, form, extent and period of such assistance in accordance with applicable federal and state laws, rules and regulations and within the limits of available funds.

ARTICLE 4. STATE ADVISORY BOARD, MEDICAL SERVICES FUND, ADVISORY COUNCIL, GENERAL RELIEF FUND.

§9-4-1. State advisory board.

1 The state advisory board, created as an advisory body to the commissioner by chapter one, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-six, shall be continued and organized as provided by this section and shall have those advisory powers and duties as are granted and imposed by this section and elsewhere by law.
The term of office of those persons serving as members of the state advisory board upon the effective date of this article shall continue until their appointments would have expired under the law applicable thereto in effect at the time of their appointments. As those appointments expire, all new appointments shall be made in accordance with the provisions of this chapter.

The state advisory board shall be composed of five members, who shall be appointed by the commissioner and shall serve at his will and pleasure.

Members of the board shall be selected with special consideration given to their interest in the welfare program administered by the department.

Each member of the board shall receive an honorarium of twenty-five dollars for each day actually served in attendance at meetings of the board, and all reasonable and necessary expenses actually incurred in the performance of his duties and responsibilities under the provisions of this section. Requisitions for all such expenses shall be accompanied by a sworn and itemized statement, which shall be filed with the auditor and preserved as a
The offices and meeting place of the board shall be in the offices of the commissioner, and the board shall meet on call of the commissioner.

The board shall be an advisory body to the commissioner, and as such shall have the following advisory powers and duties, viz., to:

(1) Study and reconsider the entire field of legislation and administration relating to welfare assistance.

(2) Advise the commissioner concerning the organization and administration of the department.

(3) Recommend to the commissioner policies and practices relative to his duties.

(4) Advise, and make recommendations to, the governor and Legislature relative to the welfare assistance policy of the state.

(5) Advise the commissioner with respect to special problems of different regions of the state and different economic groups.

(6) Advise the commissioner with respect to the preparation and amendment of rules and regulations to give
effect to the provisions of this chapter.

(7) Exercise any other advisory powers necessary or reasonably implied within the provisions and purposes of this chapter.

§9-4-2. Medical services fund.

The special fund known as the state of West Virginia public assistance medical services fund established by chapter one hundred forty-three, acts of the Legislature, regular session, one thousand nine hundred fifty-three, as amended by chapter two, acts of the Legislature, first extraordinary session, one thousand nine hundred sixty, and chapter forty-nine, acts of the Legislature, regular session, one thousand nine hundred sixty-six, shall be continued in accordance with the provisions of this section so long as the same may be required by federal laws, rules and regulations applicable to federal-state assistance and thereafter so long as the commissioner shall deem such fund to be otherwise necessary or desirable, and henceforth such special fund shall be known as the department of welfare medical services fund, hereinafter referred to as the fund.
The fund shall consist of payments made into the fund out of state appropriations for medical services to recipients of specified classes of welfare assistance and such federal grants-in-aid as are made available for specified classes of welfare assistance. Any balance in the fund at the end of any fiscal year shall remain in the fund and shall not expire or revert. Payments shall be made out of the fund upon requisition of the commissioner by means of a warrant signed by the auditor and treasurer.

Any county determined to be a non-state-aid county by the department and having funds available to render medical services for recipients of assistance shall be permitted to contribute such funds into the department of welfare medical services fund. Any such payment shall entitle the recipients of assistance in said county to the services provided by the state medical plan. Said county payment shall be made in the form of a monthly contribution at the same rate as determined by the department, said rate being equally applicable on a statewide basis. Any county making such contributions shall
receive the benefit of such federal grants-in-aid as are available for this purpose under the Federal Social Security Act, as amended.

Recipients of those classes of welfare assistance as are specified by the department, consistent with applicable federal laws, rules and regulations, shall be entitled to have costs of necessary medical services paid out of the fund, in the manner and amounts, to the extent, and for the period determined from time to time to be feasible by the commissioner pursuant to rules, regulations and standards established by him. Such rules, regulations and standards shall comply with requirements of applicable federal laws, rules and regulations and shall be established on the basis of money available for the purpose, the number of recipients, the experience with respect to the incidence of illness, disease, accidents, and other causes among such recipients causing them to require medical services and the costs thereof, the amounts which recipients require otherwise in order to maintain a subsistence compatible with decency and health, and any
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58  other factor considered relevant and proper by the com-
59  missioner.

§9-4-3. Advisory council.

1  The advisory council, created by chapter one hundred
2  forty-three, acts of the Legislature, regular session, one
3  thousand nine hundred fifty-three, as an advisory body
4  to the commissioner with respect to the medical services
5  fund and disbursements therefrom, shall be continued
6  so long as the medical services fund remains in existence,
7  and thereafter so long as the commissioner shall deem
8  such advisory council to be otherwise necessary or de-
9  sirable, and it shall be organized as provided by
10  this section and shall have those advisory powers and
11  duties as are granted and imposed by this section and
12  elsewhere by law.

13  The term of office of those five persons serving as
14  members of the advisory council upon the effective
15  date of this article shall continue until their appoint-
16  ments would have expired under the law applicable
17  thereto in effect at the time of their appointments. As
18  those appointments expire, all new appointments shall
be made in accordance with the provisions of this section.

The advisory council shall consist of nine members, eight of whom shall be appointed by the commissioner and shall serve at his will and pleasure, and the ninth member shall be the state director of health, ex officio. Of the eight members of the advisory council appointed by the commissioner, one shall be a person of recognized ability in the field of medicine and surgery with respect to whose appointment the state medical association shall be afforded the opportunity of making nomination of three qualified persons, one shall be a person of recognized ability in the field of dentistry with respect to whose appointment the state dental association shall be afforded the opportunity of making nomination of three qualified persons, and the remaining six shall be chosen from persons of recognized ability in the fields of hospital organization and administration, nursing, welfare, public health, or allied professions in the field of health, or consumers of medical services.

The council shall meet on call of the commissioner.
Each member of the advisory council shall receive an honorarium of twenty-five dollars for each day actually served in attendance at meetings of the council, and all reasonable and necessary expenses actually incurred in the performance of his duties and responsibilities under the provisions of this section. Requisitions for all such expenses shall be accompanied by a sworn and itemized statement, which shall be filed with the auditor and preserved as a public record.

The advisory council shall assist the commissioner in the establishment of rules, regulations and standards necessary to carry out the provisions of this section and shall serve as consultants to the commissioner in carrying out the provisions of this section.

§9-4-4. General relief fund.

The special fund known as the “General Relief Fund of County”, hereinafter county fund, established by chapter one, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-six, shall be continued and governed as provided by this
General relief shall remain the fiscal responsibility of the county as declared in chapter one, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-six. To the extent that a county is unable because of constitutional restrictions to meet reasonable costs of general relief as required by this article, the responsibility of the state is hereby recognized.

The state general relief fund, established by chapter one, acts of the Legislature, first extraordinary session, one thousand nine hundred thirty-six, shall be continued and administered by the commissioner for the purpose of supplementing the county fund for the support of general relief.

The county court shall include as a separate item within its levy estimate and shall provide each year to the county fund not less than six percent of the total which the county is legally authorized to levy for current purposes by section ten, article eight, chapter eleven of the code of West Virginia, one thousand nine hundred
thirty-one, as amended: Provided, however, That the said six percent of such total shall not be required to be provided by the county court if it shall be determined, prior to the laying of the county's levies, that an amount less than such percent will be sufficient to meet the reasonably anticipated general needs of the county. Such a determination shall require the agreement of at least two of the following persons: The commissioner of welfare, the tax commissioner and the president of the county court at the time such determination is made. Such a determination shall be in writing; shall state the specific amount determined upon as sufficient to meet the reasonably anticipated general relief needs of the county; shall be signed by the three persons designated or by at least two of them; and shall be filed of record in the office of the tax commissioner. Complete duplicates shall be filed in the office of the commissioner of welfare and with the county court, respectively.

The county court shall levy for general relief not less than the amount so determined and agreed: Provided, further, That if a county court finds that expenditures
mandatory under other provisions of law aggregate in excess of ninety-four percent of the total amount which the county court is authorized by law to levy for current purposes, the court may petition the tax commissioner for authority to provide an amount less than that required by the fourth paragraph of this section. If the tax commissioner finds that other mandatory expenditures for the county will exceed ninety-four percent of the authorized total levy for current purposes, he may authorize the county court to provide a lesser amount than that required by said fourth paragraph, but he shall require the maximum possible under the circumstances.

Such part or all of a county general relief fund as can be matched by federal grants may be requisitioned from the county court by the commissioner of welfare and placed in a special fund in the department of welfare to be known as “Special County General Relief Fund”, from which the commissioner of welfare shall pay for office space in the county and the services in a county not inconsistent with those for which the county general relief fund was established; but only to the extent of
the amount requisitioned from that county and matched
by grants from the federal government.

A transfer from the county fund to any other fund
shall not be made without the prior approval of the
commissioner.

ARTICLE 5. MISCELLANEOUS PROVISIONS.

§9-5-1. Exemption of grants from certain taxes and claims.

1 Grants of all classes of welfare assistance received
under the provisions of this chapter shall be exempted
from the collection of taxes except sales taxes, from levy
of execution, garnishment, suggestion, and any other
legal process.

§9-5-2. Release of liens and reassignment of insurance policies.

1 All liens and claims upon real and personal property
and all assignments of insurance policies, imposed, exist-
ing or made under the provisions of chapter one, acts
of the Legislature, first extraordinary session, one thou-
sand nine hundred thirty-six, chapter one hundred five,
acts of the Legislature, regular session, one thousand nine
hundred thirty-nine, chapter seventy-four, acts of the
Legislature, regular session, one thousand nine hundred
fifty-one, chapter one hundred twenty-four, acts of the
Legislature, regular session, one thousand nine hundred
forty-seven, and chapter one hundred forty-three, acts
of the Legislature, regular session, one thousand nine
hundred fifty-three, which have not been released or
reassigned, shall be released or reassigned by the com-
missioner by the preparation, execution and acknowledg-
ment of a release of each lien or claim and by the delivery
of such release to the person or persons entitled thereto
for recordation and by a reassignment of each such in-
surance policy to the person or persons entitled thereto.

§9-5-3. Recipient of assistance not a pauper.

A recipient of any class of welfare assistance shall not
be deemed a pauper by reason of the receipt of such
assistance.

§9-5-4. Penalties for false statements, etc.

It shall be a misdemeanor to obtain or attempt to ob-
tain, or aid or abet an applicant or recipient in obtaining
or attempting to obtain, by means of a wilfully false
statement or misrepresentation or by impersonation or
any other fraudulent device:
(1) Any class of welfare assistance to which the applicant or recipient is not entitled.

(2) Any class of welfare assistance in excess of that to which the applicant or recipient is justly entitled.

Any person who violates this section shall, upon conviction, be fined not more than ten thousand dollars, or confined in jail not more than one year, or both; or in the discretion of the court be fined not exceeding five hundred dollars and confined in jail not more than one year. Notwithstanding the provisions of any other law, prosecutions for violations of this section shall be commenced within three years from the date of any such violation.

§9-5-5. Recipients of cash grants.

Within such limitations as may be imposed by applicable federal laws, rules and regulations, the department of welfare shall make available for public inspection by the thirtieth day of each month a separate alphabetical list of the names and addresses of all persons receiving any class of welfare assistance in the form of cash grants during the preceding month, together with
the amounts of such cash grants. This information shall be delivered to the clerk of each county court in the state who shall immediately file the same in his office with respect to persons receiving such cash grants as residents of that county. Such information shall be retained in the files of said clerks of the county courts for a period of two years from the date of receipt thereof. All information other than names, addresses and amounts of such cash grants shall be considered as confidential.

It shall be unlawful, for commercial or political purposes of any nature, for any person or persons, body, association, firm, corporation or other agency to solicit, disclose, receive, make use of, or to authorize, knowingly permit, participate in, or acquiesce in the use of, any lists of names of, or any information concerning, persons applying for or receiving any class of welfare assistance, directly or indirectly derived from the records, papers, files, or communications of the department of welfare or acquired in the course of performance of official duties. The violation of this provision is a misdemeanor, punishable upon conviction, by a fine of not more than one
thousand dollars or imprisonment of not more than six
months, or both.

For the protection of applicants and recipients of wel-
fare assistance, the department shall be required to
establish reasonable rules and regulations governing the
custody, use and preservation of the records, papers, files
and communications of the department.

§9-5-6. Attorney general and prosecuting attorneys to render
legal services to commissioner.

The attorney general of the state and his assistants,
and the prosecuting attorneys of the various counties
shall render to the commissioner, without additional
compensation, such legal services as he shall require of
them in the discharge of his duties. This section shall
not be construed to prohibit the department from de-
veloping plans for cooperation with courts, prosecuting
attorneys, and other law-enforcement officials in such a
manner as to permit the state and its citizens to obtain
maximum fiscal benefits under federal laws, rules and
regulations.

§9-5-7. Visitation by county employees.

Health officers, physicians, and nurses employed by the
county shall, at the request of the commissioner, make home visits to indigent persons.

§9-5-8. Authority to examine witnesses, administer oaths and take affidavits.

The commissioner and employees of the department of welfare shall have the power and authority to administer oaths, examine witnesses and take and certify affidavits in any matter or thing pertaining to the business of the department of welfare.

§9-5-9. Liability of relatives for support.

The relatives of an indigent person, who are of sufficient ability, shall be liable to support such person in the manner required by the department of welfare and to pay the expenses of burial when he dies, in the following order:

(1) The children.
(2) The father.
(3) The brothers and sisters.
(4) The mother.

The commissioner may proceed by motion in the circuit court of the county in which the indigent person may be,
against one or more of the relatives liable.

If a relative so liable does not reside in this state and has no estate or debts due him within the state by means of which the liability can be enforced against him, the other relatives shall be liable as provided by this section, but a relative shall not be compelled to receive the indigent person in his own home.

If it appears that a relative liable for the support of an indigent person is unable wholly to support him, but is able to contribute toward his support, the court may assess upon the relative the proportion which he shall be required to contribute either to the past expense incurred by the department of welfare or to the future support. The court may assess the residue upon the relatives in the order of their liability.

Payment with interest and costs may be enforced by execution.

§9-5-10. Continuation of present aid.

Except as otherwise provided in this chapter, aid or assistance rendered under existing law shall not be deemed to be discontinued.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempos
Chairman Senate Committee

Clayton E. Davidson
Chairman House Committee

Originated in the House.

Takes Effect from passage.

J.S. Sisson
Clerk of the Senate

Clerk of the House of Delegates

J. J. Jackson
President of the Senate

Jim F. Brasing
Speaker House of Delegates

The within ______ approved ______ this the ______ day of ______, 1970.

Michael Sessoms
Governor
PRESENTED TO THE GOVERNOR

Date  2/16/70
Time  2:40 p.m.