

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

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ENROLLED

HOUSE BILL No. 681

(By Mr. Seibert)

—●—
PASSED February 12, 1970

In Effect from Passage



FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-18-70

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ENROLLED
House Bill No. 681
(By MR. SEIBERT)

[Passed February 12, 1970; in effect from passage.]

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
2 continue on a reorganized basis welfare assistance pro-
3 grams heretofore administered by the state department
4 of welfare and county councils to the end that residents
5 of the state who are subject to the recurring misfortunes
6 of life may continue to have such aid and encouragement
7 as the county alone, the state alone or the state in
8 cooperation with the federal government may provide.

§9-1-2. Definitions.

1 The following words and terms when used in this

2 chapter shall have the meaning hereafter ascribed to
3 them unless the context clearly indicates a different
4 meaning:

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

7 (b) The term "commissioner" shall mean the com-
8 missioner of welfare.

9 (c) The term "federal-state assistance" shall mean
10 and include (1) all forms of aid, care, assistance and
11 services to or on behalf of persons, which are authorized
12 by, and who are authorized to receive the same under
13 and by virtue of, subchapters one, four, five, ten, four-
14 teen, sixteen, eighteen and nineteen, chapter seven, title
15 forty-two, United States code, as those subchapters have
16 heretofore been and may hereafter be amended, sup-
17 plemented and revised by acts of Congress, and as those
18 subchapters so amended, supplemented and revised
19 have heretofore been and may hereafter be supplemented
20 by valid rules and regulations promulgated by author-
21 ized federal agents and agencies, and as those subchap-
22 ters so amended, supplemented and revised have here-

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

44 by virtue of, any act of Congress for distribution
45 through the state department of welfare, the cost of
46 which is paid entirely out of federal appropria-
47 tions.

48 (e) The term "state assistance" shall mean and in-
49 clude all forms of aid, care, assistance, services and
50 general relief made possible solely out of state and
51 county appropriations to or on behalf of indigent per-
52 sons, which are authorized by, and who are authorized
53 to receive the same under and by virtue of, department
54 rules and regulations.

55 (f) The term "welfare assistance" shall mean the
56 three classes of assistance administered by the depart-
57 ment, namely: Federal-state assistance, federal assistance
58 and state assistance.

59 (g) The term "indigent person" shall mean any per-
60 son who is domiciled in this state and who is actually
61 in need as defined by department rules and regulations
62 and has not sufficient income or other resources to
63 provide for such need as determined by the de-
64 partment.

65 (h) The term "domiciled in this state" shall mean
66 being physically present in West Virginia accompanied
67 by an intention to remain in West Virginia for an in-
68 definite period of time, and to make West Virginia his
69 or her permanent home. The department may by rules
70 and regulations supplement the foregoing definition of
71 the term "domiciled in this state," but not in such a
72 manner as would be inconsistent with federal laws,
73 rules, and regulations applicable to and governing fed-
74 eral-state assistance.

75 (i) The term "medical services" means medical,
76 surgical, dental and nursing services, and other remedial
77 services recognized by law, in the home, office, hospital,
78 clinic and any other suitable place, provided or pre-
79 scribed by persons permitted or authorized by law to
80 give such services; such services to include drugs and
81 medical supplies, appliances, laboratory, diagnostic and
82 therapeutic services, nursing home and convalescent
83 care and such other medical services and supplies as
84 may be prescribed by such persons.

85 (j) The term "general relief" shall mean cash or

86 its equivalent in services or commodities expended for
87 care and assistance to an indigent person other than
88 for care in a county infirmary, child shelter, or similar
89 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 tuted 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.

§9-2-2. Commissioner of welfare.

1 The chief executive officer and administrative head of

2 the department shall be the commissioner of welfare,
3 who shall be appointed and compensated, and shall serve,
4 as provided by section two-a, article seven, chapter six
5 of this code.

6 The commissioner shall be selected with special refer-
7 ence and consideration given to his training, experience,
8 capacity and interest in or relating to the welfare assist-
9 ance programs administered by the state department of
10 welfare.

11 Before entering upon the duties of his office, the com-
12 missioner shall take and subscribe to the oath of office
13 prescribed by section five, article four of the state con-
14 stitution and shall execute a corporate surety bond in the
15 sum of fifteen thousand dollars for the faithful perform-
16 ance of his duties. The bond shall be in the form pre-
17 scribed by the attorney general and approved by the
18 governor, and both the certificate of the oath and the
19 bond shall be filed with the secretary of state. Premiums
20 upon the bond shall be paid out of the funds of the
21 department.

22 The commissioner shall not be a candidate for, or hold,

23 any other public office or public employment under the
24 federal government or under the government of this
25 state or any of its political subdivisions, or be a member
26 or officer of any political party committee, or serve as
27 an election official, or engage in any political activity,
28 other than to vote, in behalf of, or in opposition to, any
29 candidate, political party or public issue involved in an
30 election. Any violation by the commissioner of the pro-
31 visions of this paragraph shall automatically vacate his
32 appointment as commissioner.

**§9-2-3. Acceptance of federal-state assistance and federal
assistance.**

1 The state assents to the purposes of federal-state assist-
2 ance and federal assistance, accepts federal appropriations
3 and other forms of assistance made under or pursuant
4 thereto, and authorizes the receipt of such appropriations
5 into the state treasury and the receipt of other forms of
6 assistance by the department for expenditure, disburse-
7 ment, and distribution by the department in accordance
8 with the provisions of this chapter and the conditions
9 imposed by applicable federal laws, rules and regulations.

§9-2-4. Organization of department of welfare.

1 Within limits of state appropriations and federal grants
2 and subject to provisions of state and federal laws, rules
3 and regulations, the commissioner shall organize the
4 department into such offices, divisions, agencies and other
5 administrative units, and, consistent with the require-
6 ments of article six, chapter twenty-nine of this code,
7 shall appoint and employ for the department such depu-
8 ties, assistants and employees, as may in his judgment
9 be necessary or desirable to carry out fully and in an
10 orderly, efficient and economical manner the powers,
11 duties and responsibilities of the department and of his
12 office.

§9-2-5. Responsibility of department of welfare.

1 The department is charged with the responsibility of
2 administering for the state the welfare assistance pro-
3 grams, for which responsibility it shall have (1) all
4 powers, not inconsistent with state law, as may be neces-
5 sary for this state to obtain maximum federal funds made
6 available for federal-state assistance within whatever
7 limits or restrictions may be imposed by, or may exist by

8 reason of the amount of state funds appropriated for such
9 assistance under, the state's budget act and supplementary
10 appropriation acts, and (2) all powers, not inconsistent
11 with state law, as may be necessary for the disbursement
12 and distribution of welfare assistance to those persons
13 qualified therefor in as prompt, fair, orderly, efficient and
14 economical manner as possible.

§9-2-6. Powers of commissioner of welfare.

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

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

13 (2) Promulgate, amend, revise and rescind depart-

14 ment rules and regulations respecting qualifications for
15 receiving the different classes of welfare assistance con-
16 sistent with or permitted by federal laws, rules and
17 regulations, but not inconsistent with state law.

18 (3) Obtain by purchase or lease such grounds, build-
19 ings, office or other space, equipment, facilities and
20 services, as may be necessary for the execution and ad-
21 ministration of those powers, duties and responsibilities
22 granted and assigned by this chapter and elsewhere by
23 law to the department and the commissioner.

24 (4) Sign and execute in the name of the state by the
25 state department of welfare any contract or agreement
26 with the federal government or its agencies, other states,
27 political subdivisions of this state, corporations, associa-
28 tions, partnerships or individuals.

29 (5) Establish such special funds as may be required
30 by the Federal Social Security Act, as amended, or by
31 any other act or acts of Congress, in order for this state
32 to take full advantage of the benefits and provisions
33 thereof relating to the federal-state assistance and fed-
34 eral assistance programs administered by the depart-

35 ment, and to make payments into and disbursements
36 out of any such special fund or funds in accordance
37 with the requirements of the Federal Social Security Act,
38 as amended, or any other act or acts of Congress, and in
39 accordance with applicable state law and the objects
40 and purposes of this chapter. In addition, the state
41 department of welfare, through the commissioner, is
42 hereby authorized to accept any and all gifts or grants,
43 whether in money, land, services, or materials, which
44 gift or gifts, if in the form of moneys, shall be placed
45 in a separate fund and expended solely for the purpose
46 of welfare programs. No part of this special fund shall
47 revert to the general revenue funds of this state. No
48 expenses incurred pursuant to this special fund
49 shall be a charge against the general funds of this
50 state.

51 (6) Establish, in addition to the state advisory board
52 and advisory council provided for in this chapter, such
53 county advisory boards as may in his judgment be neces-
54 sary or desirable to advise the department and the com-
55 missioner with respect to the total welfare assistance

56 program administered by the department or any phase
57 thereof, such additional board or boards to consist of
58 such number of persons, professional, lay, or both, and
59 to have such responsibilities of an advisory nature, as
60 the commissioner may determine. However, (1) the
61 members of any such additional board or boards shall
62 not be compensated for their services but shall be en-
63 titled to reimbursement for actual expenses incurred
64 in the performance of their duties as a member of any
65 such board; and (2) the members of any such addi-
66 tional board or boards shall serve at the will and plea-
67 sure of the commissioner.

68 (7) Provide at department expense a program of
69 continuing professional, technical, and specialized in-
70 struction for the personnel of the department.

71 (8) Pay from available funds all or part of the rea-
72 sonable expenses incurred by a person newly employed
73 by the department in moving his household furniture,
74 effects and immediate family from his place of residence
75 in this state to his place of employment in this state;
76 and to pay from available funds all or part of the rea-

77 sonable expenses incurred by a department employee
78 in moving his household furniture, effects and immedi-
79 ate family as a result of a reassignment of the employee
80 which is considered desirable, advantageous to and in
81 the best interests of the state, but no part of the moving
82 expenses of any one such employee shall be paid more
83 frequently than once in twelve months or for any
84 movement other than from one place of employment
85 in this state to another place of employment in this
86 state.

87 (9) Establish and maintain such institutions as are
88 necessary for the temporary care, maintenance, and
89 training of children and other persons.

90 (10) Prepare and submit state plans which will meet
91 the requirements of federal laws, rules and regulations
92 governing federal-state assistance and federal assistance
93 and which are not inconsistent with state law.

94 (11) Organize within the department a board of
95 review, consisting of a chairman appointed by the com-
96 missioner and as many assistants or employees of the
97 department as may be determined by the commissioner
98 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-

120 dures for the various classes of welfare assistance.

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

123 (15) Provide a citizen or group of citizens an op-
124 portunity to file objections and to be heard upon objec-
125 tions to the grant of any class of welfare assistance.

126 (16) Delegate to the personnel of the department all
127 powers and duties vested in the commissioner, except
128 the power and authority to sign contracts and agree-
129 ments, but the commissioner shall remain responsible
130 therefor.

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

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

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

1 The state of West Virginia hereby acknowledges that
2 the Congress of the United States has enacted legislation
3 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,

2 or have made in his or her behalf, an application therefor
3 and who is otherwise in all respects qualified to receive
4 the same, shall be granted federal-state assistance or
5 federal assistance in such form and amount, to such
6 extent, and for such period, as authorized by applicable
7 federal and state laws, rules and regulations and as deter-
8 mined by the department in accordance with such laws,
9 rules and regulations and within limits of available funds.

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

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

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

1 All persons wishing to make application for any class
2 of welfare assistance shall have an opportunity to do so.

3 Upon receipt of an application for any class of welfare
4 assistance, the department shall make such investigation
5 as may be necessary and as the exigency of the case will
6 permit to determine the eligibility of the applicant for,
7 and the form, amount, extent, and period of, such assist-
8 ance.

9 When the department approves an application for any
10 class of welfare assistance, it shall fix the amount, form,
11 extent and period of such assistance in accordance with
12 applicable federal and state laws, rules and regulations
13 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
2 to the commissioner by chapter one, acts of the Legis-
3 lature, first extraordinary session, one thousand nine
4 hundred thirty-six, shall be continued and organized as
5 provided by this section and shall have those advisory
6 powers and duties as are granted and imposed by this
7 section and elsewhere by law.

8 The term of office of those persons serving as members
9 of the state advisory board upon the effective date of
10 this article shall continue until their appointments would
11 have expired under the law applicable thereto in effect
12 at the time of their appointments. As those appointments
13 expire, all new appointments shall be made in accordance
14 with the provisions of this chapter.

15 The state advisory board shall be composed of five mem-
16 bers, who shall be appointed by the commissioner and
17 shall serve at his will and pleasure.

18 Members of the board shall be selected with special
19 consideration given to their interest in the welfare pro-
20 gram administered by the department.

21 Each member of the board shall receive an honorarium
22 of twenty-five dollars for each day actually served in
23 attendance at meetings of the board, and all reasonable
24 and necessary expenses actually incurred in the per-
25 formance of his duties and responsibilities under the pro-
26 visions of this section. Requisitions for all such expenses
27 shall be accompanied by a sworn and itemized statement,
28 which shall be filed with the auditor and preserved as a

29 public record.

30 The offices and meeting place of the board shall be in
31 the offices of the commissioner, and the board shall meet
32 on call of the commissioner.

33 The board shall be an advisory body to the commis-
34 sioner, and as such shall have the following advisory
35 powers and duties, viz., to:

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

38 (2) Advise the commissioner concerning the organi-
39 zation and administration of the department.

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

42 (4) Advise, and make recommendations to, the gover-
43 nor and Legislature relative to the welfare assistance
44 policy of the state.

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

48 (6) Advise the commissioner with respect to the prep-
49 aration and amendment of rules and regulations to give

50 effect to the provisions of this chapter.

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

§9-4-2. Medical services fund.

1 The special fund known as the state of West Virginia
2 public assistance medical services fund established by
3 chapter one hundred forty-three, acts of the Legislature,
4 regular session, one thousand nine hundred fifty-three,
5 as amended by chapter two, acts of the Legislature, first
6 extraordinary session, one thousand nine hundred sixty,
7 and chapter forty-nine, acts of the Legislature, regular
8 session, one thousand nine hundred sixty-six, shall be
9 continued in accordance with the provisions of this sec-
10 tion so long as the same may be required by federal
11 laws, rules and regulations applicable to federal-state
12 assistance and thereafter so long as the commissioner
13 shall deem such fund to be otherwise necessary or de-
14 sirable, and henceforth such special fund shall be known
15 as the department of welfare medical services fund, here-
16 inafter referred to as the fund.

17 The fund shall consist of payments made into the fund
18 out of state appropriations for medical services to recipi-
19 ents of specified classes of welfare assistance and such
20 federal grants-in-aid as are made available for specified
21 classes of welfare assistance. Any balance in the fund at
22 the end of any fiscal year shall remain in the fund and
23 shall not expire or revert. Payments shall be made out
24 of the fund upon requisition of the commissioner by
25 means of a warrant signed by the auditor and treas-
26 urer.

27 Any county determined to be a non-state-aid county
28 by the department and having funds available to render
29 medical services for recipients of assistance shall be per-
30 mitted to contribute such funds into the department of
31 welfare medical services fund. Any such payment shall
32 entitle the recipients of assistance in said county to the
33 services provided by the state medical plan. Said county
34 payment shall be made in the form of a monthly con-
35 tribution at the same rate as determined by the de-
36 partment, said rate being equally applicable on a state-
37 wide basis. Any county making such contributions shall

38 receive the benefit of such federal grants-in-aid as are
39 available for this purpose under the Federal Social Se-
40 curity Act, as amended.

41 Recipients of those classes of welfare assistance as are
42 specified by the department, consistent with applicable
43 federal laws, rules and regulations, shall be entitled to
44 have costs of necessary medical services paid out of the
45 fund, in the manner and amounts, to the extent, and for
46 the period determined from time to time to be feasible by
47 the commissioner pursuant to rules, regulations and stan-
48 dards established by him. Such rules, regulations and
49 standards shall comply with requirements of applicable
50 federal laws, rules and regulations and shall be estab-
51 lished on the basis of money available for the purpose,
52 the number of recipients, the experience with respect to
53 the incidence of illness, disease, accidents, and other
54 causes among such recipients causing them to require
55 medical services and the costs thereof, the amounts which
56 recipients require otherwise in order to maintain a sub-
57 sistence compatible with decency and health, and any

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

19 be made in accordance with the provisions of this sec-
20 tion.

21 The advisory council shall consist of nine members,
22 eight of whom shall be appointed by the commissioner
23 and shall serve at his will and pleasure, and the ninth
24 member shall be the state director of health, ex officio.
25 Of the eight members of the advisory council appointed
26 by the commissioner, one shall be a person of recognized
27 ability in the field of medicine and surgery with respect
28 to whose appointment the state medical association shall
29 be afforded the opportunity of making nomination of
30 three qualified persons, one shall be a person of recog-
31 nized ability in the field of dentistry with respect to
32 whose appointment the state dental association shall be
33 afforded the opportunity of making nomination of three
34 qualified persons, and the remaining six shall be chosen
35 from persons of recognized ability in the fields of hos-
36 pital organization and administration, nursing, welfare,
37 public health, or allied professions in the field of health,
38 or consumers of medical services.

39 The council shall meet on call of the commissioner.

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

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

§9-4-4. General relief fund.

1 The special fund known as the "General Relief Fund of
2 County", hereinafter county fund,
3 established by chapter one, acts of the Legislature, first
4 extraordinary session, one thousand nine hundred thirty-
5 six, shall be continued and governed as provided by this

6 section and rules and regulations promulgated by the
7 commissioner.

8 General relief shall remain the fiscal responsibility of
9 the county as declared in chapter one, acts of the Legis-
10 lature, first extraordinary session, one thousand nine
11 hundred thirty-six. To the extent that a county is unable
12 because of constitutional restrictions to meet reasonable
13 costs of general relief as required by this article, the
14 responsibility of the state is hereby recognized.

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

21 The county court shall include as a separate item
22 within its levy estimate and shall provide each year to
23 the county fund not less than six percent of the total
24 which the county is legally authorized to levy for current
25 purposes by section ten, article eight, chapter eleven of
26 the code of West Virginia, one thousand nine hundred

27 thirty-one, as amended: *Provided, however,* That the
28 said six percent of such total shall not be required to be
29 provided by the county court if it shall be determined,
30 prior to the laying of the county's levies, that an amount
31 less than such percent will be sufficient to meet the rea-
32 sonably anticipated general needs of the county. Such
33 a determination shall require the agreement of at least
34 two of the following persons: The commissioner of wel-
35 fare, the tax commissioner and the president of the county
36 court at the time such determination is made. Such a
37 determination shall be in writing; shall state the specific
38 amount determined upon as sufficient to meet the reason-
39 ably anticipated general relief needs of the county; shall
40 be signed by the three persons designated or by at least
41 two of them; and shall be filed of record in the office of
42 the tax commissioner. Complete duplicates shall be filed
43 in the office of the commissioner of welfare and with the
44 county court, respectively.

45 The county court shall levy for general relief not less
46 than the amount so determined and agreed: *Provided,*
47 *further,* That if a county court finds that expenditures

48 mandatory under other provisions of law aggregate in
49 excess of ninety-four percent of the total amount which
50 the county court is authorized by law to levy for current
51 purposes, the court may petition the tax commissioner
52 for authority to provide an amount less than that re-
53 quired by the fourth paragraph of this section. If the
54 tax commissioner finds that other mandatory expendi-
55 tures for the county will exceed ninety-four percent
56 of the authorized total levy for current purposes, he
57 may authorize the county court to provide a lesser amount
58 than that required by said fourth paragraph, but he shall
59 require the maximum possible under the circumstances.

60 Such part or all of a county general relief fund as can
61 be matched by federal grants may be requisitioned from
62 the county court by the commissioner of welfare and
63 placed in a special fund in the department of welfare to
64 be known as "Special County General Relief Fund",
65 from which the commissioner of welfare shall pay for
66 office space in the county and the services in a county
67 not inconsistent with those for which the county general
68 relief fund was established; but only to the extent of

69 the amount requisitioned from that county and matched
70 by grants from the federal government.

71 A transfer from the county fund to any other fund
72 shall not be made without the prior approval of the
73 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
2 under the provisions of this chapter shall be exempted
3 from the collection of taxes except sales taxes, from levy
4 of execution, garnishment, suggestion, and any other
5 legal process.

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

1 All liens and claims upon real and personal property
2 and all assignments of insurance policies, imposed, exist-
3 ing or made under the provisions of chapter one, acts
4 of the Legislature, first extraordinary session, one thou-
5 sand nine hundred thirty-six, chapter one hundred five,
6 acts of the Legislature, regular session, one thousand nine
7 hundred thirty-nine, chapter seventy-four, acts of the
8 Legislature, regular session, one thousand nine hundred

9 forty-one, chapter one hundred twenty-four, acts of the
10 Legislature, regular session, one thousand nine hundred
11 forty-seven, and chapter one hundred forty-three, acts
12 of the Legislature, regular session, one thousand nine
13 hundred fifty-three, which have not been released or
14 reassigned, shall be released or reassigned by the com-
15 missioner by the preparation, execution and acknowledg-
16 ment of a release of each lien or claim and by the delivery
17 of such release to the person or persons entitled thereto
18 for recordation and by a reassignment of each such in-
19 surance policy to the person or persons entitled thereto.

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

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

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

1 It shall be a misdemeanor to obtain or attempt to ob-
2 tain, or aid or abet an applicant or recipient in obtaining
3 or attempting to obtain, by means of a wilfully false
4 statement or misrepresentation or by impersonation or
5 any other fraudulent device:

6 (1) Any class of welfare assistance to which the ap-
7 plicant or recipient is not entitled.

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

10 Any person who violates this section shall, upon con-
11 viction, be fined not more than ten thousand dollars,
12 or confined in jail not more than one year, or both; or in
13 the discretion of the court be fined not exceeding five
14 hundred dollars and confined in jail not more than one
15 year. Notwithstanding the provisions of any other law,
16 prosecutions for violations of this section shall be com-
17 menced within three years from the date of any such
18 violation.

§9-5-5. Recipients of cash grants.

1 Within such limitations as may be imposed by appli-
2 cable federal laws, rules and regulations, the depart-
3 ment of welfare shall make available for public inspec-
4 tion by the thirtieth day of each month a separate
5 alphabetical list of the names and addresses of all persons
6 receiving any class of welfare assistance in the form of
7 cash grants during the preceding month, together with

8 the amounts of such cash grants. This information shall
9 be delivered to the clerk of each county court in the
10 state who shall immediately file the same in his office
11 with respect to persons receiving such cash grants as
12 residents of that county. Such information shall be
13 retained in the files of said clerks of the county courts
14 for a period of two years from the date of receipt thereof.
15 All information other than names, addresses and
16 amounts of such cash grants shall be considered as con-
17 fidential.

18 It shall be unlawful, for commercial or political pur-
19 poses of any nature, for any person or persons, body,
20 association, firm, corporation or other agency to solicit,
21 disclose, receive, make use of, or to authorize, knowingly
22 permit, participate in, or acquiesce in the use of, any
23 lists of names of, or any information concerning, persons
24 applying for or receiving any class of welfare assistance,
25 directly or indirectly derived from the records, papers,
26 files, or communications of the department of welfare
27 or acquired in the course of performance of official duties.
28 The violation of this provision is a misdemeanor, punish-
29 able upon conviction, by a fine of not more than one

30 thousand dollars or imprisonment of not more than six
31 months, or both.

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

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

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

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

1 Health officers, physicians, and nurses employed by the

2 county shall, at the request of the commissioner, make
3 home visits to indigent persons.

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

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

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

1 The relatives of an indigent person, who are of suffi-
2 cient ability, shall be liable to support such person in the
3 manner required by the department of welfare and to pay
4 the expenses of burial when he dies, in the following
5 order:

- 6 (1) The children.
- 7 (2) The father.
- 8 (3) The brothers and sisters.
- 9 (4) The mother.

10 The commissioner may proceed by motion in the circuit
11 court of the county in which the indigent person may be,

12 against one or more of the relatives liable.

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

19 If it appears that a relative liable for the support of
20 an indigent person is unable wholly to support him, but
21 is able to contribute toward his support, the court may
22 assess upon the relative the proportion which he shall
23 be required to contribute either to the past expense in-
24 curred by the department of welfare or to the future
25 support. The court may assess the residue upon the rela-
26 tives in the order of their liability.

27 Payment with interest and costs may be enforced by
28 execution.

§9-5-10. Continuation of present aid.

1 Except as otherwise provided in this chapter, aid or
2 assistance rendered under existing law shall not be
3 deemed to be discontinued.

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

William Tompat
Chairman Senate Committee

Clayton L. Davidson
Chairman House Committee

Originated in the House.

Takes Effect from passage.

J. Thomas Myers
Clerk of the Senate

C. Blankenship
Clerk of the House of Delegates

Clayton B. Jackson
President of the Senate

Sam F. Boushey
Speaker House of Delegates

The within approved this the 17th
day of February, 1970.

Arch. A. Hume, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 2/16/70

Time 2:40 p.m.