WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1988

SENATE BILL NO. 455

(By Senator LUCCHI, ET AL.)

PASSED MARCH 12, 1988

In Effect 90 days from Passage
ENROLLED
Senate Bill No. 455

(By Senators Lucht, Tonkovich (Mr. President), Spears, Loehr, Sharpe, Warner, Tucker, Manchin, Boettner, Kaufman, Karras, Chafin, Whitlow, Craigo, Chernenko, Whitacre, Tomblin, Jackson, Parker, Jones, Felton, Brackenrich, Williams, Burdette, Shaw, Holliday and Fanning)

[Passed March 12, 1988; in effect ninety days from passage.]

AN ACT to amend article two-b, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fifteen, relating to pilot day care programs; requiring the department of finance and administration to assist therein; requiring such program in Morgantown and authorizing two additional programs in the next fiscal year; providing for use of state facilities; providing generally for the operation and funding of such programs; and requiring reports to Legislature.

Be it enacted by the Legislature of West Virginia:

That article two-b, chapter forty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fifteen, all to read as follows:
ARTICLE 2B. DUTIES OF COMMISSIONER OF HUMAN SERVICES FOR CHILD WELFARE.


The Legislature finds that state owned or leased facilities are suitable for the provision of child day care and that such day care centers are needed by public employees and other parents in this state. Therefore, the department of human services, in consultation with the department of finance and administration and other appropriate agencies, shall plan and assist in implementing day care services for public employees and other parents. Suitable space for at least one pilot program shall be provided in Morgantown, and two other pilot programs may be initiated during fiscal year nineteen hundred eighty-nine and continued thereafter.

The department of human services shall consider such findings as were made by the legislative interim committee on day care centers and shall conduct such other statewide needs assessments as may facilitate the provision of day care for public employees statewide.

The day care centers shall meet all licensing requirements prescribed by law and shall be under the supervision of the department of human services through profit or nonprofit independent operators in accordance with standards and requirements established by federal law and rules promulgated by the commissioner of human services.

The space provided for day care shall be available without charge for rent, unless such rent shall be required pursuant to bonding covenants. Any alterations necessary to meet state or federal standards shall be provided for by and at the expense of the operator of the day care center.

Such space shall be made available with the approval of the department of finance and administration as to space under the control of the executive branch, the board of regents as to space at state institutions of higher education, and by the appropriate official in the legislative or judicial branch as to space under their control.

Operators of such day care centers shall charge reasonable fees for child care, and parents using the day care shall pay such fees set at a level that will cover all projected operating costs, less any costs covered by the absence of rent or by donations or fund-raising activities.
Fees may be established pursuant to a sliding fee schedule with fees based on the parents' household income. General liability insurance coverage shall be provided by the operators of such day care centers, and such coverage may be provided to nonprofit corporations by the board of risk and insurance management pursuant to subsection (b), section five, article twelve, chapter twenty-nine of this code. Parents shall have the opportunity for involvement in the implementation and operation of the day care centers and shall have access to their children at any time. The department of human services, in consultation with those branches and departments of government wherein day care facilities are located, shall report to the Legislature prior to the first day of January, one thousand nine hundred eighty-nine, its findings relevant to the costs of operation of the pilot program or programs, the benefits to employees and other parents of such day care centers, the problems incident to the operation of the centers, and other matters relevant to the operation of such centers together with recommendations for future operation of such centers at other state owned or leased facilities.
Enr. S. B. No. 455]

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within ..................this the ..............
day of .................... 1988.

[Signature]
Governor