

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

SENATE BILL NO. 455

(By Senator LUCHT, 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.**

§49-2B-15. Establishment of pilot day care programs.

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

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

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

23 The space provided for day care shall be available
24 without charge for rent, unless such rent shall be required
25 pursuant to bonding covenants. Any alterations necessary
26 to meet state or federal standards shall be provided for by
27 and at the expense of the operator of the day care center.
28 Such space shall be made available with the approval of the
29 department of finance and administration as to space under
30 the control of the executive branch, the board of regents as
31 to space at state institutions of higher education, and by the
32 appropriate official in the legislative or judicial branch as
33 to space under their control.

34 Operators of such day care centers shall charge
35 reasonable fees for child care, and parents using the day
36 care shall pay such fees set at a level that will cover all
37 projected operating costs, less any costs covered by the
38 absence of rent or by donations or fund-raising activities.

39 Fees may be established pursuant to a sliding fee schedule
40 with fees based on the parents' household income.

41 General liability insurance coverage shall be provided by
42 the operators of such day care centers, and such coverage
43 may be provided to nonprofit corporations by the board of
44 risk and insurance management pursuant to subsection (b),
45 section five, article twelve, chapter twenty-nine of this
46 code.

47 Parents shall have the opportunity for involvement in the
48 implementation and operation of the day care centers and
49 shall have access to their children at any time.

50 The department of human services, in consultation with
51 those branches and departments of government wherein
52 day care facilities are located, shall report to the
53 Legislature prior to the first day of January, one thousand
54 nine hundred eighty-nine, its findings relevant to the costs
55 of operation of the pilot program or programs, the benefits
56 to employees and other parents of such day care centers, the
57 problems incident to the operation of the centers, and other
58 matters relevant to the operation of such centers together
59 with recommendations for future operation of such centers
60 at other state owned or leased facilities.

Handwritten signatures and text, including "St. 88" and "Approved" (mirrored).

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

Gene O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Joseph C. Willis
.....
Clerk of the Senate

Donald L. Koop
.....
Clerk of the House of Delegates

Sam Turkheim
.....
President of the Senate

Robert C. ...
.....
Speaker House of Delegates

The within *approved* *28th* this the
March day of 1988.
Arthur A. ...
.....
Governor



PRESENTED TO THE

GOVERNOR

Date 3/22/58

Time 9:05 p.m.

W. B. Thomas

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE