WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1999

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ENROLLED

SENATE BILL NO. 455

(By Senator WALKER, ET AL.)

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PASSED March 13, 1999

In Effect NINETY DAYS FROM Passage
ENROLLED

Senate Bill No. 455

(By Senators Walker, Craigo, Jackson, Hunter, Helmick, Bailey, Snyder, Mitchell, McCabe, Plymale, Prezioso, Edgell, Sharpe, Bowman, Kessler, Redd, Unger, Ball, Ross, Oliverio, McKenzie, Schoonover, Love and Dittmar)

[Passed March 13, 1999; in effect ninety days from passage.]

AN ACT to amend and reenact sections three, six and seven, article nine, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the West Virginia works act; excluding certain supplemental security income benefits from the definition of income; excluding adult recipients of supplemental security income from benefit groups for purposes of determining financial eligibility for temporary assistance for needy families; requiring the department of health and human resources and all college and university systems to develop a plan utilizing available college programs for participants of the works program; and requiring the submission of the plan and other recommendations to the legislative oversight commission on health and human resources.

Be it enacted by the Legislature of West Virginia:
That sections three, six and seven, article nine, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, all to read as follows:

ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.


In addition to the rules for the construction of statutes in section ten, article two, chapter two of this code and the words and terms defined in section two, article one of this chapter, unless a different meaning appears from the context:

(a) "At-risk family" means a group of persons living in the same household, living below the federally-designated poverty level, lacking the resources to become self-supporting, and consisting of a dependent minor child or children living with a parent, stepparent or caretaker-relative; an "at-risk family" may include an unmarried minor parent and his or her dependent child or children who live in an adult-supervised setting;

(b) "Beneficiary" or "participant" means any parent or caretaker-relative in an at-risk family who receives cash assistance for himself or herself and family members;

(c) "Cash assistance" means temporary assistance for needy families or diversionary assistance;

(d) "Challenge" means any fact, circumstance or situation that prevents a person from becoming self-sufficient or from seeking, obtaining or maintaining employment of any kind, including physical or mental disabilities, lack of education, testing, training, counseling, child care arrangements, transportation, medical treatment or substance abuse treatment;

(e) "Community or personal development" means activities designed or intended to eliminate challenges to participation in self-sufficiency activities. These activities are to provide community benefit and enhance personal responsibility, including, but not limited to, classes or counseling for learning life skills or parenting, dependent care, job readiness, volunteer work, participation in sheltered workshops or substance abuse treatment;
(f) "Department" means the state department of health and human resources;

(g) "Division" means the division of human services;

(h) "Income" means money received by any member of an at-risk family which can be used at the discretion of the household to meet its basic needs: Provided, That "income" does not include:

(1) Supplemental security income paid to any member or members of the at-risk family;

(2) Earnings of minor children; or

(3) Payments received from earned income tax credit or tax refunds;

(i) "Personal responsibility contract" means a written agreement entered into by the division and a beneficiary which establishes the responsibilities and obligations of the beneficiary;

(j) "Secretary" means the secretary of the state department of health and human resources;

(k) "Subsidized employment" means employment with earnings provided by an employer who receives a subsidy from the division for the creation and maintenance of the employment position;

(l) "Support services" includes, but is not limited to, the following services: Child care; medicaid; transportation assistance; information and referral; resource development services which includes assisting families to receive child support enforcement and supplemental security income; family support services which includes parenting, budgeting and family planning; relocation assistance; and mentoring services;

(m) "Unsubsidized employment" means employment with earnings provided by an employer who does not receive a subsidy from the division for the creation and maintenance of the employment position;
(n) "Work" means unsubsidized employment, subsidized employment, work experience or community or personal development; and

(o) "Work experience" means unpaid structured work activities that are provided in an environment where performance expectations are similar to those existing in unsubsidized employment and which provide training in occupational areas that can realistically be expected to lead to unsubsidized employment.

§9-9-6. Program participation.

(a) Unless otherwise noted in this article, all adult recipients of cash assistance shall be required to participate in the West Virginia works program in accordance with the provisions of this article. The level of participation, services to be delivered and work requirements shall be defined within the terms of the personal responsibility contract and through rules established by the secretary.

(b) To the extent funding permits, any individual exempt under the provisions of section eight of this article may participate in the activities and programs offered through the West Virginia works program.

(c) Support services other than cash assistance through the works program may be provided to at-risk families to eliminate the need for cash assistance.

(d) Cash assistance through the works program may be provided to an at-risk family if the combined family income, as defined in subsection (h), section three of this article, is below the income and asset test levels established by the division: Provided, That any adult member of an at-risk family who receives supplemental security income shall be excluded from the benefit group: Provided, however, That an at-risk family that includes a married man and woman and dependent children of either one or both may receive an additional cash assistance benefit in an amount ten percent greater than the cash assistance benefit provided to the same size household in which there are no married adults: Provided further, That an at-risk family shall receive an additional cash assis-
tance benefit in an amount equal to the amount of child
support collected in a month on behalf of a child or
children of the at-risk family, not to exceed fifty dollars.

§9-9-7. Work requirements.

(a) Unless otherwise exempted by the provisions of
section eight of this article, the West Virginia works
program shall require that anyone who possesses a high
school diploma, or its equivalent, or anyone who is of the
age of twenty years or more, to work or attend an educa-
tional or training program for a minimum of twenty hours
per week to receive any form of cash assistance. In
accordance with federal law or regulation, the work,
education and training requirements of this section are
waived for any qualifying participant with a child under
six years of age if the participant is unable to obtain
appropriate and available child care services. In order for
any participant to receive cash assistance, he or she shall
enter into personal responsibility contracts pursuant to the
provisions of section nine of this article.

(b) The department of health and human resources and
representatives of all college and university systems of
West Virginia shall develop a plan to utilize the programs
available at the colleges and universities to assist benefi-
ciaries or participants who are enrolled in two and four
year programs to meet the work activity requirements of
the federal government or the provisions of this article.

(c) On or before the first day of December, one thousand
nine hundred ninety-nine, the department shall submit the
plan and any findings, conclusions and recommendations,
together with drafts of any legislation necessary to effec-
tuate its recommendations, to the legislative oversight
commission on health and human resources for consider-
ation pursuant to the provisions of section nineteen of this
article.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 25th Day of .............., 1999

Governor
PRESENTED TO THE
GOVERNOR
Date 3/23/99
Time 10:40 am