

SB 511

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FILED IN SENATE
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 2000



ENROLLED

Committee Substitute for
SENATE BILL NO. 577

(By Senator Walker,)



PASSED March 11, 2000
In Effect ninety days from Passage

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SENATE

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 577

(SENATOR WALKER, *original sponsor*)

[Passed March 11, 2000; in effect ninety days from passage.]

AN ACT to amend and reenact sections two, three, four, five, six, seven, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen and twenty, article nine, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section twenty-one, all relating to the West Virginia works act; amending legislative findings; amending and adding definitions; deleting obsolete provisions; specifically authorizing payment for support services; increasing certain cash assistance to specified at-risk families; providing that certain activities satisfy the article's work requirement; conforming specific requirements to federal law; requiring implementation of a plan to use educational resources of the state for the benefit

of program participants; mandating that support services be provided to assist participants in meeting work requirements; clarifying existing provisions; increasing the allowable amount of diversionary assistance; authorizing public-private partnerships to provide family health insurance to former participants; providing for confidentiality of certain records; and establishing a rainy day fund for the program.

Be it enacted by the Legislature of West Virginia:

That sections two, three, four, five, six, seven, eight, nine, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, nineteen and twenty, article nine, chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further amended by adding thereto a new section, designated section twenty-one, all to read as follows:

ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.

§9-9-2. Legislative findings; purpose.

- 1 (a) The Legislature hereby finds and declares that:
- 2 (1) The entitlement of any person to receive federal-state
- 3 cash assistance is hereby discontinued;
- 4 (2) At-risk families are capable of becoming self-sup-
- 5 porting;
- 6 (3) A reformed assistance program should both expect
- 7 and assist a parent and caretaker-relatives in at-risk
- 8 families to support their dependent children and children
- 9 for which they are caretakers;
- 10 (4) Every parent or caretaker-relative can exhibit
- 11 responsible patterns of behavior so as to be a positive role
- 12 model;
- 13 (5) Every parent or caretaker-relative who receives cash
- 14 assistance has a responsibility to participate in an activity

15 to help them prepare for, obtain and maintain gainful
16 employment;

17 (6) For a parent or caretaker-relative who receives cash
18 assistance and for whom full-time work is not feasible,
19 participation in some activity is expected to further
20 himself or herself, his or her family or his or her commu-
21 nity;

22 (7) The state should promote the value of work and the
23 capabilities of individuals;

24 (8) Job development efforts should enhance the employ-
25 ment opportunities of participants;

26 (9) Education is the key to achieving and maintaining
27 life-long self-sufficiency; and

28 (10) A reformed assistance program should be structured
29 to achieve a clear set of outcomes; deliver services in an
30 expedient, effective and efficient manner; and maximize
31 community support for participants. After five years,
32 there is expected to be a decrease in the following: (i) The
33 number of persons receiving public assistance; and (ii) the
34 amount of time an individual remains on public assistance.

35 (b) The goals of the program are to achieve more effi-
36 cient and effective use of public assistance funds; reduce
37 dependency on public programs by promoting self-suffi-
38 ciency; and structure the assistance programs to emphasize
39 employment and personal responsibility. The program is
40 to be evaluated on the increase in employment rates in the
41 program areas; the completion of educational and training
42 programs; the increased compliance in preventive health
43 activities, including immunizations; and a decrease in the
44 case-load of the department.

§9-9-3. Definitions.

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

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

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

17 (c) "Cash assistance" means temporary assistance for
18 needy families;

19 (d) "Challenge" means any fact, circumstance or situa-
20 tion that prevents a person from becoming self-sufficient
21 or from seeking, obtaining or maintaining employment of
22 any kind, including physical or mental disabilities, lack of
23 education, testing, training, counseling, child care ar-
24 rangements, transportation, medical treatment or sub-
25 stance abuse treatment;

26 (e) "Community or personal development" means
27 activities designed or intended to eliminate challenges to
28 participation in self-sufficiency activities. These activities
29 are to provide community benefit and enhance personal
30 responsibility, including, but not limited to, classes or
31 counseling for learning life skills or parenting, dependent
32 care, job readiness, volunteer work, participation in
33 sheltered workshops or substance abuse treatment;

34 (f) "Department" means the state department of health
35 and human resources;

36 (g) "Education and training" means any hours spent
37 regularly attending and preparing for classes in any
38 approved course of schooling or training, including job
39 training, high school equivalency, literacy, English as a
40 second language or vocational or post-secondary program,
41 including two-year and four-year programs.

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

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

48 (2) Earnings of minor children;

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

51 (4) Earnings deposited in an individual development
52 account approved by the department; or

53 (5) Any moneys specifically excluded from countable
54 income by federal law;

55 (i) "Personal responsibility contract" means a written
56 agreement entered into by the department and a benefi-
57 ciary which establishes the responsibilities and obligations
58 of the beneficiary;

59 (j) "Secretary" means the secretary of the state depart-
60 ment of health and human resources;

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

65 (l) "Support services" includes, but is not limited to, the
66 following services: Child care; medicaid; transportation
67 assistance; information and referral; resource development
68 services which includes assisting families to receive child
69 support enforcement and supplemental security income;
70 family support services which includes parenting, budget-
71 ing and family planning; relocation assistance; and
72 mentoring services;

73 (m) "Unsubsidized employment" means employment
74 with earnings provided by an employer who does not
75 receive a subsidy from the department for the creation and
76 maintenance of the employment position;

77 (n) "Work" means unsubsidized employment, subsidized
78 employment, work experience, community or personal
79 development, and education and training; and

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

§9-9-4. Authorization for program.

1 (a) The secretary shall conduct the West Virginia works
2 program in accordance with this article and any applicable
3 regulations promulgated by the secretary of the federal
4 department of health and human services in accordance
5 with federal block-grant funding or similar federal
6 funding stream. This program shall be implemented to
7 replace welfare assistance programs for at-risk families in
8 accordance with this article and within federal require-
9 ments; to coordinate the transfer of all applicable state
10 programs into the temporary assistance to needy families
11 West Virginia works program; to expend only the funds
12 appropriated by the Legislature to establish and operate

13 the program or any other funds available to the program
14 pursuant to any other provisions of the code or rules; to
15 establish administrative due process procedures for
16 revocation or termination proceedings; and to implement
17 any other procedures necessary to accomplish the purpose
18 of this article.

19 (b) The West Virginia works program authorized pursu-
20 ant to this act does not create an entitlement to that
21 program or any services offered within that program,
22 unless entitlement is created pursuant to a federal law or
23 regulation. The West Virginia works program, and each
24 component of that program established by this act or the
25 expansion of any component established pursuant to
26 federal law or regulation, is subject to the annual appro-
27 priation of funds by the Legislature.

28 (c) Copies of all rules proposed by the secretary shall also
29 be filed with the legislative oversight commission on
30 health and human resources accountability established
31 pursuant to article twenty-nine-e, chapter sixteen of this
32 code.

§9-9-5. West Virginia works program fund.

1 There is hereby continued a special account within the
2 state treasury to be known as the “West Virginia Works
3 Program Fund”. Expenditures from the fund shall be used
4 exclusively to meet the necessary expenditures of the
5 program, including wage reimbursements to participating
6 employers, temporary assistance to needy families, pay-
7 ments for support services, employment-related child care
8 payments, transportation expenses and administrative
9 costs directly associated with the operation of the pro-
10 gram. Moneys paid into the account shall be from specific
11 annual appropriations of funds by the Legislature.

§9-9-6. Program participation.

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

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

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

15 (d) Cash assistance through the works program may be
16 provided to an at-risk family if the combined family
17 income, as defined in subsection (h), section three of this
18 article, is below the income and asset test levels estab-
19 lished by the department: *Provided*, That any adult
20 member of an at-risk family who receives supplemental
21 security income shall be excluded from the benefit group:
22 *Provided, however*, That an at-risk family that includes a
23 married man and woman and dependent children of either
24 one or both may receive an additional cash assistance
25 benefit in the amount of one hundred dollars: *Provided*
26 *further*, That an at-risk family shall receive an additional
27 cash assistance benefit in the amount of fifty dollars
28 regardless of the amount of child support collected in a
29 month on behalf of a child or children of the at-risk
30 family, as allowed by federal law.

§9-9-7. Work requirements.

1 (a) Unless otherwise exempted by the provisions of
2 section eight of this article, the West Virginia works
3 program shall require that anyone who possesses a high

4 school diploma, or its equivalent, or anyone who is of the
5 age of twenty years or more, to work or attend an educa-
6 tional or training program for at least the minimum
7 number of hours per week required by federal law under
8 the work participation rate requirements for all families in
9 order to receive any form of cash assistance. Participation
10 in any education or training activity, as defined in section
11 three of this article, shall be counted toward satisfaction
12 of the work requirement imposed by this section to the
13 extent permissible under federal law and regulation:
14 *Provided*, That the participant demonstrates adequate
15 progress toward completion of the program: *Provided*,
16 *however*, That participants who are enrolled in post-
17 secondary courses leading to a two or four year degree may
18 be required to engage in no more than ten hours per week
19 of federally defined work activities, unless the department
20 certifies that allowing education to count toward required
21 work activities would affect the state's ability to meet
22 federal work participation rates. In accordance with
23 federal law or regulation, the work, education and training
24 requirements of this section are waived for any qualifying
25 participant with a child under six years of age if the
26 participant is unable to obtain appropriate and available
27 child care services. In order for any participant to receive
28 cash assistance, he or she shall enter into a personal
29 responsibility contract pursuant to the provisions of
30 section nine of this article.

31 (b) The department and representatives of all college and
32 university systems of West Virginia shall develop and
33 implement a plan to utilize and expand the programs
34 available at the state's community and technical colleges,
35 colleges and universities to assist beneficiaries or partici-
36 pants who are enrolled or wish to become enrolled in two
37 and four-year degree programs of post-secondary educa-
38 tion to meet the work requirements of this section.

39 (c) The secretary shall ensure that all necessary support
40 services are made available to participants in order to
41 assist them in meeting the work requirement imposed by
42 this section, including participation in education and
43 training programs.

§9-9-8. Exemptions.

1 Participants exempt from the work requirements of the
2 works program pursuant to the provisions of this section
3 nevertheless are required to enter into a personal responsi-
4 bility contract. The secretary shall establish by rule
5 categories of persons exempt, but only from the work
6 requirements of the program. The categories shall include,
7 but are not limited to, the following:

8 (a) A parent caring for a dependent child with a
9 life-threatening illness;

10 (b) Individuals over the age of sixty years;

11 (c) Full-time students who are less than twenty years of
12 age and are pursuing a high school diploma or its equiva-
13 lent;

14 (d) Persons with a physical or mental incapacity or
15 persons suffering from a temporary debilitating injury
16 lasting more than thirty days, as defined by the secretary;

17 (e) Relatives providing in-home care for an individual
18 who would otherwise be institutionalized; and

19 (f) Any female beneficiary who is eighteen years of age
20 or older, for a period of twelve months upon the birth of
21 her first child while receiving cash assistance and for a
22 period of six months upon the birth of any additional
23 child: *Provided*, That any period of exemption from the
24 work requirement may include the last trimester of her
25 pregnancy.

§9-9-9. Personal responsibility contract.

1 (a) Every eligible adult beneficiary shall participate in a
2 program orientation and the development, and subsequent
3 revisions, of a personal responsibility contract. The
4 contract shall be defined based on the assessed goals and
5 challenges of the participant:

6 (1) If the participant has a recent attachment to the work
7 force, the contract shall include provisions regarding
8 required job search activities, identified support services,
9 level of benefits requested and time limitation.

10 (2) If the participant does not have a recent attachment
11 to the work force, the contract shall identify the evalua-
12 tion or testing activities, or job training activities neces-
13 sary prior to job search activities, identified support
14 services, benefits requested and time limitation.

15 (3) If it is determined that the participant is not able to
16 obtain or maintain gainful employment, the contract shall
17 contain appropriate provisions defining the activities that
18 benefit the participant, his or her family or his or her
19 community.

20 (4) The participant's contract shall include the following
21 requirements: That the participant develop and maintain,
22 with the appropriate health care provider, a schedule of
23 preventive care for his or her dependent child or children,
24 including routine examinations and immunizations;
25 assurance of school attendance for school-age children
26 under his or her care; assurance of properly supervised
27 child care, including after-school care; and establishment
28 of paternity or active pursuit of child support, or both, if
29 applicable and if considered necessary; and nutrition or
30 other counseling, parenting or family-planning classes.

31 (5) If the participant must overcome challenges prior to
32 employment, the contract shall include a list of the

33 identified challenges and an individualized plan for
34 overcoming them.

35 (6) If the participant is a teenage parent, he or she may
36 work, but the contract shall include the requirements that
37 the participant:

38 (A) Remain in an educational activity to complete high
39 school, obtain a general equivalency diploma or obtain
40 vocational training and make satisfactory scholastic
41 progress;

42 (B) Attend parenting classes or participate in a
43 mentorship program, or both, if appropriate; and

44 (C) Live at home with his or her parent or guardian or in
45 some other adult-supervised arrangements if he or she is
46 an unemancipated minor.

47 (7) If the participant is under the age of twenty years and
48 does not have a high school diploma or its equivalent, the
49 contract shall include requirements to participate in
50 mandatory education or training which, if the participant
51 is unemployed, may include a return to high school, with
52 satisfactory scholastic progress required.

53 (b) In order to receive cash assistance, the participant
54 shall enter into a personal responsibility contract. If the
55 participant refuses to sign the personal responsibility
56 contract, the participant and family members are ineligi-
57 ble to receive cash assistance: *Provided*, That a partici-
58 pant who alleges that the terms of a personal responsibil-
59 ity contract are inappropriate based on his or her individ-
60 ual circumstances may request and shall be provided a fair
61 and impartial hearing in accordance with administrative
62 procedures established by the department and due process
63 of law. A participant who signs a personal responsibility
64 contract, or complies with a personal responsibility

65 contract, does not waive his or her right to request and
66 receive a hearing under this subsection.

67 (c) Personal responsibility contracts shall be drafted by
68 the department on a case-by-case basis; take into consid-
69 eration the individual circumstances of each beneficiary;
70 reviewed and reevaluated periodically, but not less than on
71 an annual basis; and, in the discretion of the department,
72 amended or extended on a periodic basis.

§9-9-11. Breach of contract; notice; sanctions.

1 (a) The department may refuse to extend or renew a
2 personal responsibility contract and the benefits received
3 by the beneficiary, or may terminate an existing contract
4 and benefits, if it finds any of the following:

5 (1) Fraud or deception by the beneficiary in applying for
6 or receiving program benefits;

7 (2) A substantial breach by the beneficiary of the
8 requirements and obligations set forth in the personal
9 responsibility contract; or

10 (3) A violation by the beneficiary of any provision of the
11 personal responsibility contract, this article, or any rule
12 promulgated by the secretary pursuant to this article.

13 (b) In the event the department determines that a
14 personal responsibility contract or the benefits received by
15 the beneficiary are subject to revocation or termination,
16 written notice of the revocation or termination, and the
17 reason for the revocation or termination, shall be depos-
18 ited in the United States mail, postage prepaid and
19 addressed to the beneficiary at his or her last known
20 address at least thirteen days prior to the termination or
21 revocation. The notice shall state the action being taken
22 by the department and grant to the beneficiary a reason-
23 able opportunity to be heard at a fair and impartial

24 hearing before the department in accordance with admin-
25 istrative procedures established by the department and
26 due process of law.

27 (c) In any hearing conducted pursuant to the provisions
28 of this section, the beneficiary has the burden of proving
29 that his or her benefits were improperly terminated and
30 shall bear his or her own costs, including attorneys fees.

31 (d) The secretary shall determine by rule what consti-
32 tutes de minimis violations and those violations subject to
33 sanctions and maximum penalties. In the event the
34 department finds that a beneficiary has violated any
35 provision of this article, of his or her personal responsibil-
36 ity contract or any applicable department rule, the depart-
37 ment shall impose sanctions against the beneficiary as
38 follows:

39 (1) For the first violation, a one-third reduction of
40 benefits for three months;

41 (2) For the second violation, a two-thirds reduction of
42 benefits for three months; and

43 (3) For the third violation, a total termination of benefits
44 for a minimum period of six months.

45 (e) For any sanction imposed pursuant to subsection (d)
46 of this section, if the beneficiary corrects the violation or
47 otherwise comes into compliance within thirteen days of
48 the date of the notice of the sanction, the reduction in
49 benefits shall not be imposed, but the violation shall count
50 in determining the level of sanction to be imposed for any
51 future violation. Once a reduction in benefits is in effect,
52 it shall remain in effect for the designated time period:
53 *Provided*, That if a participant incurs a subsequent
54 sanction before the sanction for a previous violation has
55 expired, the sanctions shall run concurrently: *Provided*,
56 *however*, That if a third violation occurs before the period

57 for a previous sanction has expired, benefits shall be
58 terminated and may not be reinstated until the six-month
59 termination period has expired and the violation which
60 resulted in the third sanction has been either corrected or
61 excused.

§9-9-12. Diversionary assistance allowance in lieu of monthly cash assistance.

1 (a) In order to encourage at-risk families not to apply for
2 ongoing monthly cash assistance from the state, the
3 secretary may issue one-time diversionary assistance
4 allowances to families in an amount not to exceed the
5 equivalent of four months of cash assistance in order to
6 enable the families to become immediately self-support-
7 ing.

8 (b) The secretary shall establish by rule the standards to
9 be considered in making diversionary assistance allow-
10 ances.

11 (c) Nothing in this section may be construed to require
12 that the department or any assistance issued pursuant to
13 this section be subject to any of the provisions of chapter
14 thirty-one or chapter forty-six-a of this code.

§9-9-13. Subsidized employment.

1 (a) To the extent that resources are available, an em-
2 ployer may be paid a subsidy by the department to employ
3 a parent or caretaker-relative of an at-risk family if the
4 employer agrees to hire the works program participant at
5 the end of the subsidized period. If the employer does not
6 hire the participant at the end of the subsidized period, the
7 program shall not use that employer for subsidized
8 employment for the next twelve months.

9 (b) If the department determines that an employer has
10 demonstrated a pattern of discharging employees hired

11 pursuant to the provisions of this section subsequent to the
12 expiration of the subsidized period without good cause,
13 the employer shall no longer be eligible for participation
14 in the subsidized employment program for a period to be
15 determined by the department.

§9-9-14. Transitional assistance.

1 The West Virginia works program may provide transi-
2 tional assistance in the form of supportive services and
3 allow at-risk families to retain a portion of their cash
4 assistance when their earnings are below the federal
5 poverty guideline, if considered appropriate by the
6 secretary.

§9-9-15. Interagency coordination.

1 The Legislature encourages the development of a system
2 of coordinated services, shared information and stream-
3 lined application procedures between the program and the
4 other agencies within the department to implement the
5 provisions of this article. The secretary shall require the
6 coordination of activities between the program and the
7 following agencies:

8 (a) The child support enforcement division for the
9 purpose of establishing paternity, promoting cooperation
10 in the pursuit of child support, encouraging noncustodial
11 parents to get job search assistance and determining
12 eligibility for cash assistance and support services;

13 (b) The bureau of public health for the purpose of
14 determining appropriate immunization schedules, delivery
15 systems and verification procedures; and

16 (c) The bureau of medical services for the purpose of
17 reporting eligibility for medical assistance and transitional
18 benefits.

19 The secretary may require the coordination of proce-
20 dures and services with any other agency he or she consid-
21 ers necessary to implement this program: *Provided*, That
22 all agencies coordinating services with the department
23 shall, when provided with access to department records or
24 information, abide by state and federal confidentiality
25 requirements including the provisions of section twenty of
26 this article.

27 The secretary shall propose any rules, including emer-
28 gency rules, necessary for the coordination of various
29 agency activities in the implementation of this section.

§9-9-16. Intergovernmental coordination.

1 The commissioner of the bureau of employment pro-
2 grams and the superintendent of the department of
3 education shall assist the secretary in the establishment of
4 the West Virginia works program. Prior to implementa-
5 tion of this program, each department shall address in its
6 respective plan the method in which its resources will be
7 devoted to facilitate the identification of or delivery of
8 services for participants and shall coordinate its respective
9 programs with the department in the provision of services
10 to participants and their families. Each county board of
11 education shall designate a person to coordinate with the
12 local department of health and human resources office the
13 board's services to participant families and that person
14 shall work to achieve coordination at the local level.

15 The secretary and the superintendent shall develop a
16 plan for program implementation to occur with the use of
17 existing state facilities and county transportation systems
18 within the project areas whenever practicable. This
19 agreement shall include, but not be limited to, the use of
20 buildings, grounds and buses. Whenever possible, the
21 supportive services, education and training programs
22 should be offered at the existing school facilities.

23 The commissioner shall give priority to participants of
24 the works program within the various programs of the
25 bureau of employment programs. The secretary and the
26 commissioner shall develop reporting and monitoring
27 mechanisms between their respective agencies.

§9-9-17. Public-private partnerships.

1 The secretary may enter into agreements with any
2 private, nonprofit, charitable or religious organizations to
3 promote the development of the community support
4 services necessary for the effective implementation of this
5 program, including cooperative arrangements with private
6 employers of former program participants for the purpose
7 of obtaining and maintaining employer-based family
8 health insurance coverage for former participants and
9 their spouses and dependent children through direct
10 payments to the employers out of funds appropriated for
11 the cooperative agreements.

§9-9-19. Legislative oversight.

1 The legislative oversight commission on health and
2 human resources accountability is charged with immediate
3 and ongoing oversight of the program created by this
4 article. This commission shall study, review and examine
5 the work of the program, the department and its staff;
6 study, review and examine all rules proposed by the
7 department; and monitor the development and implemen-
8 tation of the West Virginia works program. The commis-
9 sion shall review and make recommendations to the
10 Legislature and the legislative rule-making review com-
11 mittee regarding any plan, policy or rule proposed by the
12 secretary, the department or the program.

§9-9-20. Confidentiality, fines and penalties.

1 (a) Except as otherwise provided in this code or rules, all
2 records and information of the department regarding any

3 beneficiary or beneficiary's family members, including
4 food stamps, child support and medicaid records, are
5 confidential and shall not be released, except under the
6 following circumstances:

7 (1) If permissible under state or federal rules or regula-
8 tions;

9 (2) Upon the express written consent of the beneficiary
10 or his or her legally authorized representative;

11 (3) Pursuant to an order of any court of record of this
12 state or the United States based upon a finding that the
13 information is sufficiently relevant to a proceeding before
14 the court to outweigh the importance of maintaining the
15 confidentiality established by this section: *Provided*, That
16 all confidential records and information presented to the
17 court shall after review be sealed by the clerk and shall not
18 be open to any person except upon order of the court upon
19 good cause being shown for the confidential records and
20 information to be opened; or

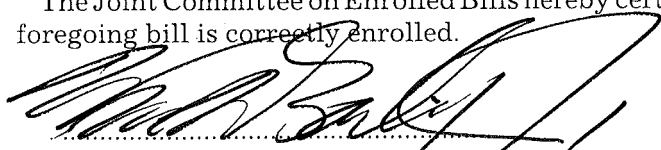
21 (4) To a department or division of the state or other
22 entity, pursuant to the terms of an interagency or other
23 agreement: *Provided*, That any agreement specifically
24 references this section and extends its requirements for
25 confidentiality to the other entity receiving the records or
26 information, its agents and employees.

27 (b) Any person who knowingly and willfully releases or
28 causes to be released the confidential records and informa-
29 tion described in this section, except under the specific
30 circumstances enumerated in this section, is guilty of a
31 misdemeanor and, upon conviction thereof, shall be fined
32 not more than five hundred dollars or confined in the
33 county or regional jail for not more than six months, or
34 both.

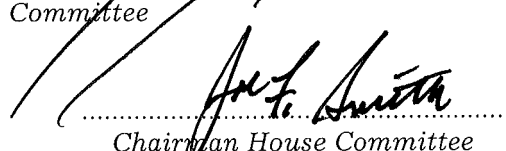
§9-9-21. Temporary assistance for needy families rainy day fund.

1 There is hereby established in the state treasury a special
2 fund designated as the “temporary assistance for needy
3 families rainy day fund” into which the secretary shall
4 cause to be initially deposited the amount of thirty-six
5 million dollars in federal block grant moneys. The purpose
6 of this fund is to serve as a safety net for the program
7 established in this article and it shall be used for contin-
8 ued support of the program in the event of reduced federal
9 funding, economic downturn, natural disaster or other
10 event which depletes the program’s funds or makes them
11 otherwise unavailable, if determined by the secretary to be
12 necessary and appropriate under the circumstances.

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



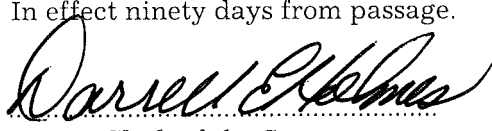
Chairman Senate Committee



Chairman House Committee

Originated in the Senate.

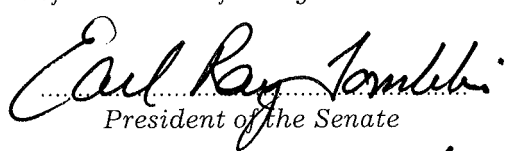
In effect ninety days from passage.



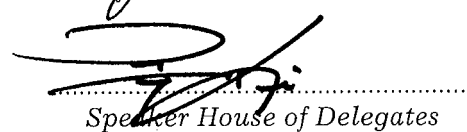
Clerk of the Senate



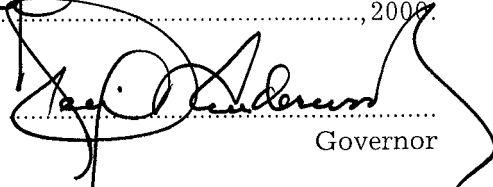
Clerk of the House of Delegates



President of the Senate



Speaker House of Delegates

The within approved this the 7th
Day of April, 2006.

Governor

PRESENTED TO THE

GOVERNOR

Date 3/3/00

Time 4:12 p