

FILED

2015 MAR 31 A 11:28

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE

OFFICE WEST VIRGINIA
SECRETARY OF STATE

REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 274

**(SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)**

[PASSED MARCH 14, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

SB274

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Senate Bill No. 274

**(BY SENATORS COLE (MR. PRESIDENT) AND KESSLER,
BY REQUEST OF THE EXECUTIVE)**

[Passed March 14, 2015; in effect ninety days from passage.]

AN ACT to amend and reenact §9-9-11 of the Code of West Virginia, 1931, as amended, relating to Temporary Assistance for Needy Families program; directing Secretary of Department of Health and Human Resources promulgate emergency and legislative rules setting forth schedule of sanctions; identifying certain factors and goals that secretary is to consider when setting schedule of sanctions; directing secretary promulgate legislative rules governing what constitutes de minimis violations and those violations subject to sanctions and maximum penalties; setting forth reporting requirement to Legislative Oversight Commission on Health and Human Resources Accountability regarding sanctions; and providing copies of reports be provided to President of the Senate and Speaker of the House.

Be it enacted by the Legislature of West Virginia:

MB
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That §9-9-11 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.

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

1 (a) The department may terminate cash assistance
2 benefits to an at-risk family if it finds any of the following:

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

5 (2) A substantial breach by the beneficiary of the
6 requirements and obligations set forth in the personal
7 responsibility contract and any amendments or addenda to the
8 contract; or

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

13 (b) In the event the department determines that benefits
14 received by the beneficiary are subject to reduction or
15 termination, written notice of the reduction or termination
16 and the reason for the reduction or termination shall be
17 deposited in the United States mail, postage prepaid and
18 addressed to the beneficiary at his or her last-known address
19 at least thirteen days prior to the termination or reduction.
20 The notice shall state the action being taken by the
21 department and grant to the beneficiary a reasonable
22 opportunity to be heard at a fair and impartial hearing before
23 the department in accordance with administrative procedures
24 established by the department and due process of law.

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

29 (d) The secretary shall promulgate emergency rules and
30 propose for legislative promulgation legislative rules,
31 pursuant to article three, chapter twenty-nine-a of this code,
32 setting forth the schedule of sanctions to be imposed when a
33 beneficiary has violated any provision of this article, of his or
34 her personal responsibility contract or any amendment or
35 addendum to the contract, or any applicable department rule.
36 In developing these rules, the secretary is directed to make
37 those sanctions graduated and sufficiently stringent, when
38 compared to those of contiguous states, so as to discourage
39 persons from moving from such states to this state to take
40 advantage of lesser sanctions being imposed for the same or
41 similar violations by the secretary. The secretary shall also
42 promulgate legislative rules setting forth what constitutes de
43 minimis violations and those violations subject to sanctions
44 and maximum penalties.

45 (e) The department shall provide an annual report
46 regarding the sanctions relating to the Temporary Assistance
47 to Needy Families program, including their relative
48 stringency when compared to those of contiguous states,
49 frequency of imposition and the overall success of those
50 sanctions at deterring individuals from taking advantage of
51 the Temporary Assistance to Needy Families program and
52 accomplishing the overall purposes of the program, to the
53 Legislative Oversight Commission on Health and Human
54 Resources Accountability on January 1 of each year. Copies
55 of that report shall also be furnished to the President of the
56 Senate and Speaker of the House.

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

Mark R. Chapman
.....
Chairman Senate Committee

John B. McL...
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clark A. Bunker
.....
Clerk of the Senate

Stephen D. Harris
.....
Clerk of the House of Delegates

William P. Dale
.....
President of the Senate

[Signature]
.....
Speaker of the House of Delegates

The within *was approved* this the *30th*
Day of *May*, 2015.

Earl Ray Tomblin
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 27 2015

Time 3:11 pm