

SB 140

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



## ENROLLED

*COMMITTEE SUBSTITUTE FOR*  
SENATE BILL NO. 140

(By Senator *TOUBLIN, MR. PRESIDENT, ET AL*)



PASSED MARCH 9, 1996  
In Effect NINETY DAYS FROM Passage

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COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 140**

(BY SENATORS TOMBLIN, MR. PRESIDENT, AND BOLEY,  
BY REQUEST OF THE EXECUTIVE)

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[Passed March 9, 1996; in effect ninety days from passage.]

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AN ACT to amend chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article nine, relating to the West Virginia works program for welfare assistance to at-risk families; food stamp recipients and emergency assistance recipients; short title; legislative findings; program goals; definitions; authorization for program, permitting establishment as pilot projects, authorizing the request for federal waivers, making the program implementation subject to appropriation of funds; creating the "West Virginia works program fund"; defining program participation requirements; establishing eligibility for program participation;

requiring participants to work, attend school or a training program; exemptions from work requirements; requiring all participants to sign a personal responsibility contract and defining required provisions; time limits for program participation; sanctions; establishing due process procedures; emergency assistance loans in lieu of monthly cash assistance; employer subsidy for employment; transitional assistance; requiring interagency coordination; requiring intergovernmental coordination and the use of existing state facilities and county transportation systems for program implementation; authorizing community organizations to develop support services; coordinating relationship with other law; and requiring review and evaluation by the legislative oversight commission on health and human resources accountability.

*Be it enacted by the Legislature of West Virginia:*

That chapter nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article nine, to read as follows:

**ARTICLE 9. WEST VIRGINIA WORKS PROGRAM.**

**§9-9-1. Short title.**

1 This article may be cited as the "WV WORKS Act".

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

1 (a) The Legislature hereby finds that:

2 (1) At-risk families are capable of becoming self-  
3 supporting;

4 (2) A reformed assistance program should both expect  
5 and assist a parent and caretaker-relatives in at-risk  
6 families to support their dependent children and chil-  
7 dren for which they are caretakers;

8 (3) Every parent or caretaker-relative can exhibit  
9 responsible patterns of behavior so as to be a positive  
10 role model;

11 (4) Every parent or caretaker-relative who receives  
12 welfare assistance has a responsibility to participate in  
13 an activity to help them prepare for, obtain and maintain  
14 gainful employment;

15 (5) For a parent or caretaker-relative who receives  
16 welfare assistance and for whom full-time work is not  
17 feasible, participation in some activity is expected to  
18 further themselves, their family or their community;

19 (6) The state should promote the value of work and the  
20 capabilities of individuals;

21 (7) Job development efforts should enhance the em-  
22 ployment opportunities of participants;

23 (8) An effective public education system is the key to  
24 long-term self-support; and

25 (9) A reformed assistance program should be struc-  
26 tured to achieve a clear set of outcomes; deliver services  
27 in an expedient, effective and efficient manner; maxi-  
28 mize community support for participants; and demon-  
29 strate budget neutrality over five years. After five years,  
30 there is expected to be a decrease in the following: (i)  
31 The number of persons receiving public assistance; (ii)  
32 the amount of time an individual remains on public  
33 assistance; and (iii) the amount of money spent in the  
34 West Virginia works program.

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

**§9-9-3. Definitions.**

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

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

14 (b) "Barrier" means any fact, circumstance or situation  
15 that prevents a person from becoming self-sufficient or  
16 from seeking, obtaining or maintaining employment of  
17 any kind, including physical or mental disabilities, lack  
18 of education, testing, training, counseling, child care  
19 arrangements, transportation, medical treatment or  
20 substance abuse treatment;

21 (c) "Beneficiary" or "participant" means any person in  
22 an at-risk family who receives welfare assistance for  
23 himself or herself, for family members or for persons for  
24 whom he or she cares;

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

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

36 (f) "Division" means the division of human services;

37 (g) "Income" means money received by any member of  
38 an at-risk family which can be used at the discretion of  
39 the household to meet its basic needs: *Provided*, That  
40 income shall not include earnings of minor children in  
41 school, payments received from earned income tax credit  
42 or tax refunds;

43 (h) "Personal responsibility contract" means a written  
44 agreement entered into by the division and a beneficiary  
45 which establishes the responsibilities and obligations of  
46 the beneficiary;

47 (i) "Secretary" means the secretary of the state depart-  
48 ment of health and human resources;

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

53 (k) "Support services" means, but is not limited to, the  
54 following services: Child care; medicaid; transportation  
55 assistance; information and referral; resource develop-  
56 ment services which is assisting families to receive child  
57 support enforcement and supplemental social security  
58 income; family support services which is parenting,  
59 budgeting and family planning; relocation assistance;  
60 and mentoring services;

61 (l) "Supported employment" means employment with  
62 earnings, after mandatory deductions, that provides a  
63 level of income that does not allow an at-risk family to  
64 exist independent of government support such that  
65 supplemental cash assistance, child care subsidies, food  
66 stamps, subsidized housing or other assistance may be  
67 provided as necessary for a period of time;

68 (m) "Unsubsidized employment" means employment  
69 with earnings, after mandatory deductions, that provides  
70 a level of income that allows a family to become com-  
71 pletely independent of government support;

72 (n) "Welfare assistance" means aid to families with

73 dependent children, food stamps or emergency assis-  
74 tance;

75 (o) "Work" means unsubsidized employment, subsi-  
76 dized employment, employment with support, work  
77 experience or community or personal development; and

78 (p) "Work experience" means unpaid structured work  
79 activities that are provided in an environment where  
80 performance expectations are similar to those existing in  
81 unsubsidized employment and which provide training in  
82 occupational areas that can realistically be expected to  
83 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 applica-  
3 ble waivers from the secretary of the federal department  
4 of health and human services and the secretary of the  
5 federal department of agriculture or in accordance with  
6 federal block-grant funding or similar federal funding  
7 stream. This program shall be implemented to replace  
8 welfare assistance programs for at-risk families in  
9 accordance with this article and within federal require-  
10 ments; to coordinate the transfer of all applicable state  
11 programs into the West Virginia works program; to  
12 expend only the funds appropriated by the Legislature  
13 to establish and operate the program; to establish  
14 administrative due process procedures for revocation or  
15 termination proceedings; and implement such other  
16 procedures as may be necessary to accomplish the  
17 purpose of this article.

18 (b) Notwithstanding any provision of the law to the  
19 contrary, the secretary shall implement the West Vir-  
20 ginia works program as soon as possible, but no later  
21 than three months after receiving federal waiver ap-  
22 proval and sufficient funds.

23 (c) The secretary shall submit federal waiver proposals  
24 to permit this state to limit the duration of assistance to  
25 adults, increase the asset test to five thousand dollars, to

26 disregard the restriction that limits the primary wage  
27 earner to working less than one hundred hours per  
28 month and to eliminate the requirement of recent  
29 attachment to the work force.

30 (d) The secretary may establish the program as one or  
31 more pilot projects to test the policy being evaluated.  
32 Any pilot project so established is to be consistent with  
33 the principles and goals set forth in this act. The secre-  
34 tary shall determine the counties in which to implement  
35 the provisions of this program, considering a fair repre-  
36 sentation of both rural and urban areas, and may vary  
37 the program components to test the effectiveness,  
38 efficiency and fiscal impact of each prior to statewide  
39 implementation. The secretary shall structure the initial  
40 pilot program, or programs to include a minimum of  
41 fifteen percent of the state population that qualifies for  
42 aid to families with dependent children, or any successor  
43 program. The pilot program shall eventually include a  
44 minimum of fifteen percent of the participants eligible in  
45 other categories, as funds are available.

46 (e) The West Virginia works program authorized  
47 pursuant to this act does not create an entitlement to  
48 that program or any services offered within that pro-  
49 gram, unless entitlement is created pursuant to a federal  
50 law or regulation. The West Virginia works program,  
51 and each component of that program established by this  
52 act or the expansion of any component established  
53 pursuant to federal law or regulation, is subject to the  
54 annual appropriation of funds by the Legislature and the  
55 corresponding federal financial participation moneys.

56 (f) On or before the first day of October, one thousand  
57 nine hundred ninety-six, the secretary shall propose  
58 emergency rules in accordance with the provisions of  
59 section fifteen, article three, chapter twenty-nine-a of  
60 this code regarding the implementation of the pilot  
61 program, including, but not limited to, rules establishing  
62 requirements for participation in the program, and rules  
63 regarding the development, fulfillment and cancellation

64 of personal responsibility contracts.

65 (g) The secretary shall propose rules in accordance  
66 with the provisions of chapter twenty-nine-a of this code  
67 necessary to accomplish all other purposes of this article,  
68 including, but not limited to, rules for the regulation of  
69 the West Virginia works program when expanded; rules  
70 establishing requirements for participation in the  
71 program; and rules regarding the development, fulfill-  
72 ment and cancellation of personal responsibility con-  
73 tracts: *Provided*, That such rules shall not be filed as  
74 emergency rules pursuant to section fifteen, article three  
75 of said chapter.

76 (h) Copies of all rules proposed by the secretary shall  
77 also be filed with the legislative oversight commission on  
78 health and human resources accountability established  
79 pursuant to article twenty-nine-e, chapter sixteen of this  
80 code.

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

1 There is hereby created 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  
4 used exclusively to meet the necessary expenditures of  
5 the program, including wage reimbursements to partici-  
6 pating employers, aid to dependent children cash grants,  
7 employment-related day care payments, transportation  
8 expenses and administrative costs directly associated  
9 with the operation of the program. Moneys paid into the  
10 account shall be from specific appropriations by the  
11 Legislature and the corresponding federal financial  
12 participation moneys.

**§9-9-6. Program participation.**

1 (a) Unless otherwise noted in this article, all adult  
2 recipients of welfare assistance shall be required to  
3 participate in the West Virginia works program, or pilot  
4 program, in accordance with the provisions of this  
5 article. The level of participation, services to be deliv-  
6 ered and work requirements shall be defined within the

7 terms of the personal responsibility contract and through  
8 rules established by the secretary.

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

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

16 (d) Cash assistance through the works program may be  
17 provided to an at-risk family if the combined family  
18 income is below the income and asset test levels estab-  
19 lished by the division: *Provided*, That an at-risk family  
20 that includes a married man and woman and dependent  
21 children of either one or both may receive an additional  
22 cash assistance benefit in an amount ten percent greater  
23 than the cash assistance benefit provided to the same  
24 size household in which there are no married adults.

25 (e) The secretary shall promulgate legislative rules in  
26 accordance with article three, chapter twenty-nine-a of  
27 this code and administer the West Virginia works  
28 program to insure that no duplication of benefits occurs  
29 to the participants in the program. Participants may not  
30 receive benefits under the works program and at the  
31 same time and for the same time period also receive aid  
32 to families with dependent children or other forms of  
33 governmental assistance that are the same or similar to  
34 those granted in this article.

#### §9-9-7. Work requirements.

1 Unless otherwise exempted by the provisions of section  
2 eight of this article, the West Virginia works program  
3 shall require that anyone who possesses a high school  
4 diploma, or its equivalent, or anyone who is of the age of  
5 twenty years or more, to work or attend an educational  
6 or training program for a minimum of twenty hours per  
7 week to receive any form of welfare assistance. In  
8 accordance with federal law or regulation, the work,

9 education and training requirements of this section are  
10 waived for any qualifying participant if day care services  
11 are not available. In order for any participant to receive  
12 welfare assistance, he or she shall enter into personal  
13 responsibility contracts pursuant to the provisions of  
14 section nine of this article.

**§9-9-8. Exemptions.**

1 Participants exempt from the work requirements of the  
2 works program pursuant to the provisions of this section  
3 shall be required to develop a personal responsibility  
4 contract. The secretary shall establish by rule categories  
5 of persons exempt only from the work requirements of  
6 the program, which categories shall include, but not be  
7 limited to, the following:

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

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

11 (c) Persons working in unsubsidized employment;

12 (d) Full-time students that are less than twenty years  
13 of age and are pursuing a high school diploma or equiva-  
14 lent;

15 (e) Persons with a physical or mental incapacity as  
16 defined pursuant to the provisions of title forty-two of  
17 the Social Security Act and the regulations promulgated  
18 thereunder, 45 C.F.R. §233.90;

19 (f) Individuals suffering from a temporary debilitating  
20 injury for the duration of that injury. For purposes of  
21 this section, the injury must cause the temporary disabil-  
22 ity for more than thirty days;

23 (g) Relatives providing in-home care for an individual  
24 that would otherwise be institutionalized; and

25 (h) Any woman during the last trimester of pregnancy  
26 and the first six months after the birth of the child but in  
27 no case shall the woman be exempt from the work  
28 requirements for more than a total of six months:

29 *Provided*, That, in the case of the birth of the first child  
30 to said woman after said woman first becomes a public  
31 assistance recipient, the woman shall be exempt for the  
32 first two years after the birth of said child.

**§9-9-9. Personal responsibility contract.**

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

6 (1) If the participant has a recent attachment to the  
7 work force, the contract shall include provisions regard-  
8 ing required job search activities, identified support  
9 services, 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, and/or job training activities  
13 necessary prior to job search activities, identified  
14 support 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  
17 shall contain appropriate provisions defining the activi-  
18 ties that benefit the participant, their family or their  
19 community.

20 (4) If the participant is a parent or caretaker-relative,  
21 the contract shall include the requirement that the  
22 participant develop and maintain, with the appropriate  
23 health care provider, a schedule of preventive care for  
24 their dependent child, including routine examinations  
25 and immunizations; nutrition counseling; assurance of  
26 school attendance for school age children under their  
27 care; assurance of properly supervised child care,  
28 including after-school care; and establish paternity or  
29 actively pursue child support, or both, if applicable and  
30 if deemed necessary, counseling, parenting or family  
31 planning classes.

32 (5) If the participant is a parent or caretaker-relative  
33 who must remove barriers prior to employment, the  
34 contract shall include a list of the identified barriers and  
35 an individual plan for removing the same.

36 (6) If the participant is a teenage parent, the partici-  
37 pant may work and the contract shall include the  
38 requirements that the participant:

39 (A) Remain in an educational activity to complete high  
40 school, obtain a general equivalent diploma or obtain  
41 vocational training and make satisfactory scholastic  
42 progress without incurring any disciplinary actions;

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

45 (C) Live at home or in other adult supervised arrange-  
46 ments if they are unemancipated minor parents.

47 (7) If the participant is under the age of twenty years  
48 and does not have a high school education or its equiva-  
49 lent, the contract shall include requirements to partici-  
50 pate in mandatory education or training, which may  
51 include a return to high school if the participant is  
52 unemployed and to make satisfactory scholastic progress  
53 and without incurring any disciplinary actions.

54 (b) The participant shall have up to thirty days from  
55 approval of application to develop the personal responsi-  
56 bility contract. If the participant refuses to sign the  
57 personal responsibility contract, the department shall  
58 stop all benefits and services until the participant  
59 complies with this section.

60 (c) Personal responsibility contracts shall be drafted by  
61 the division on a case-by-case basis; take into consider-  
62 ation the individual circumstances of each beneficiary;  
63 reviewed and reevaluated not less often than every two  
64 years; and, in the discretion of the division, amended or  
65 extended on a periodic basis.

**§9-9-10. Participation limitation; exceptions.**

1 The length of time a participant may receive West  
2 Virginia works program benefits shall be defined in the  
3 personal responsibility contract: *Provided*, That no  
4 participant may receive benefits for a period longer than  
5 sixty months, except in circumstances as defined by  
6 legislative rule pursuant to the provisions of article  
7 three, chapter twenty-nine-a of this code.

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

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

6 (1) The employment of fraud or deception by the  
7 beneficiary in applying for or receiving program bene-  
8 fits;

9 (2) A substantial breach of the requirements and  
10 obligations set forth in the personal contract of responsi-  
11 bility;

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

15 (b) In the event the division determines that a personal  
16 responsibility contract or the benefits received by the  
17 beneficiary are subject to revocation or termination,  
18 written notice of the violation, revocation or termination  
19 shall be deposited in the United States mail, postage pre-  
20 paid and addressed to the beneficiary at his or her last  
21 known address fourteen days prior to such termination  
22 or revocation. Such notice shall state the action of the  
23 division, its reason or reasons for such termination and  
24 grant to the beneficiary a reasonable opportunity to be  
25 heard at a fair and impartial hearing before the division  
26 in accordance with administrative procedures estab-  
27 lished by the division and due process of law.

28 (c) In any hearing granted pursuant to the provisions of

29 this section, the beneficiary shall maintain the burden of  
30 proving that his or her benefits were improperly termi-  
31 nated and shall bear his or her own costs, including  
32 attorneys fees.

33 (d) The secretary shall determine by rule de minimis  
34 violations and those violations subject to sanctions and  
35 maximum penalties. In the event the division finds that  
36 a beneficiary has violated any provision of this article, of  
37 his or her personal responsibility contract or any appli-  
38 cable division rule, the division shall impose sanctions  
39 against the beneficiary as follows:

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

42 (2) For the second noncompliance, a two-thirds reduc-  
43 tion in benefits for three months; and

44 (3) For the third noncompliance, a termination of  
45 benefits.

46 (e) For any sanction imposed pursuant to subsection (d)  
47 of this section, if compliance occurs within ten days of  
48 notice of the sanction, the reduction in benefits shall not  
49 be imposed, but the noncompliance shall count in  
50 determining the level of sanction to be imposed for any  
51 future noncompliance. Once a reduction in benefits is in  
52 effect, it shall remain in effect for the entire three  
53 months. A reduction of benefits applies to both cash  
54 assistance and support services. If benefits are termi-  
55 nated, benefits may not be provided until the noncompli-  
56 ance that caused the termination has been rectified or  
57 excused.

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

1 (a) In order to encourage at-risk families not to apply  
2 for ongoing monthly cash assistance from the state, the  
3 secretary may issue one-time emergency assistance  
4 allowances to families in an amount not to exceed three  
5 months of cash assistance in order to enable such fami-

6 lies to become immediately self-supporting.

7 (b) Except as otherwise provided by this section, all  
8 emergency assistance allowances shall be issued with a  
9 repayment schedule determined on a case-by-case basis  
10 by the division.

11 (c) If within one year of receiving such assistance an  
12 at-risk family subsequently applies for monthly cash  
13 assistance, the division shall recoup the amount remain-  
14 ing unpaid on the allowance from future monthly cash  
15 assistance payments at the monthly rate of ten percent of  
16 the monthly cash assistance payment for a period not to  
17 exceed twenty-four months.

18 (d) One half of the amount of any emergency assistance  
19 allowance may be forgiven after a recipient has been  
20 employed in unsubsidized employment for one year after  
21 the date of receipt of the allowance. The full amount of  
22 the allowance may be forgiven after the recipient has  
23 been employed in unsubsidized employment for two  
24 years after the date of the receipt of the allowance.

25 (e) The secretary shall establish by rule the standards  
26 to be considered in making emergency assistance allow-  
27 ances, developing repayment schedules and qualifica-  
28 tions for allowance forgiveness.

29 (f) Nothing in this section shall be construed to require  
30 that the division or any assistance issued pursuant to  
31 this section be subject to any of the provisions of chapter  
32 thirty-one or chapter forty-six-a of this code.

**§9-9-13. Subsidized employment.**

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

9 months.

10 (b) If the division determines that any employer  
11 establishes a pattern of discharging employees hired  
12 pursuant to the provisions of this article subsequent to  
13 the expiration of the subsidized period without good  
14 cause, the employer shall no longer be eligible for  
15 participation in the subsidy program for a period to be  
16 determined by the division.

**§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 they have earnings below fifty percent  
5 of the federally designated poverty level. For those at-  
6 risk families with earnings between fifty and one hun-  
7 dred percent of the federally designated poverty level,  
8 supportive services may be continued.

**§9-9-15. Interagency coordination.**

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

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

19 The secretary may require the coordination of proce-  
20 dures and services with any other agency he or she  
21 deems necessary to implement this program.

22 The secretary shall propose any rules, including  
23 emergency rules, necessary for the coordination of  
24 various agency activities in the implementation of this  
25 section.

**§9-9-16. Intergovernmental coordination.**

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

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

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

**§9-9-17. Public-private partnerships.**

1 The secretary is authorized to enter into agreements  
2 with any private, nonprofit, charitable or religious  
3 organizations to promote the development of the commu-  
4 nity support services necessary for the effective imple-  
5 mentation of this program.

**§9-9-18. Relationship with other law.**

1 If any provision of this article conflicts with any other  
2 provision of this code or rules, the provisions of this  
3 article shall supersede such provisions: *Provided*, That  
4 the provisions of this article shall not supersede any  
5 provisions which are required or mandated by federal  
6 law.

**§9-9-19. Legislative oversight.**

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

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

*Randy Schenau*  
.....  
Chairman Senate Committee

*Randy Schenau*  
.....  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*Russell E. White*  
.....  
Clerk of the Senate

*Gregory D. Day*  
.....  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
.....  
President of the Senate

*Carl Albert*  
.....  
Speaker House of Delegates

The within *is approved* this the *20th*  
day of *March*, 1996.

*Walter Duggins*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/19/96

Time 3:16 pm