

1687-S2

Sponsor(s): House Committee on Appropriations (originally sponsored by Representatives Sheahan, Delvin, Sheldon, McMorris, L. Thomas, Mielke, Grant, Morris, Benson, D. Schmidt, Alexander, D. Sommers, Johnson, Thompson, Talcott and Boldt)

Brief Title: Reducing the impact of wage garnishments on employers.

**HB 1687-S2.E - DIGEST**

(DIGEST AS ENACTED)

Revises fee provisions relating to employers.

Establishes procedures when the federal government is named as a garnishee defendant.

VETO MESSAGE ON HB 1687-S2

May 9, 1997

To the Honorable Speaker and Members,

The House of Representatives of the State of Washington

Ladies and Gentlemen:

I am returning herewith, without my approval as to section 11, 12, 14, 17 and 18, Engrossed Second Substitute House Bill No. 1687 entitled:

"AN ACT Relating to wage garnishment;"

This legislation makes several positive changes to the law governing garnishment of wages. Among other improvements, it increases the handling fee that employers may deduct from wages, and provides employers with a second notice before they are subject to penalties for errors they may have made in compliance with garnishment orders.

I agree with recognizing the important role employers play as partners in the collection of support owed to custodial parents. Where it can be made easier for employers to collect money owed to custodial parents, without harming the interests of families, we should do so. It is for this reason that I am in support of much of this bill.

Sections 11 and 12 would eliminate the requirement that an employer keep a record of the child support order for one year after the obligor leaves employment. They would allow the employer to dispose of the garnishment record as soon as the obligee leaves employment and final wages are paid. Where there is seasonal employment or other interruptions in employment, the obligor would be required to continually repeat the garnishment procedure, and that could needlessly deprive the custodial parent of support or even to bring about the need for public assistance. I have vetoed these sections, as well as Section 14 which describes the order to withhold, because of the risk to the well-being of families that this change would create.

Section 11 also contains clause that appears to have been designed to limit the liability of employers who fails to withhold earnings as required by a wage assignment order. As drafted that clause may be ineffective, and could have the unintended

consequence of causing overpayment by employers.

Section 17 would create a work group to establish a standardized form for garnishment orders. There is already such a requirement imposed upon the state in federal law and it would be pointless to have a group produce a document that the state would be unable to use.

Section 18 would create a joint task force to study the reorganization of employment reporting requirements so that the office of support enforcement would receive employment information from the employment security department, rather than from private employers. With the new federal welfare reform, it is essential that the state receive the appropriate employment data at a particular time. Data from the employment security data would not satisfy the need. There is no need for this study.

I do agree that a number of the problems highlighted by this bill would benefit from the task force approach that Section 18 calls for. I will encourage the secretary of the Department of Social and Health Services to call together a group from within and outside of that agency to examine possible improvements in the partnership between employers, DSHS and relevant state agencies.

For these reasons I have vetoed sections 11, 12, 14, 17 and 18 of Engrossed Second Substitute House Bill 1687.

With the exception of sections 11, 12, 14, 17 and 18, Engrossed Second Substitute House Bill 1687 is approved.

Respectfully submitted,  
Gary Locke  
Governor