3901
Sponsor(s): Representatives Cooke, Boldt, McDonald, Alexander, Bush, Smith, Mielke, Talcott, Cairnes, Reams, Johnson, Huff, Lambert, Sheahan, Mulliken, Parlette, Backlund, Koster, D. Sommers, D. Schmidt, Schoesler, Wensman and Skinner

Brief Title: Implementing the federal personal responsibility and work opportunity reconciliation act of 1996 (Introduced with Senate sponsors).

HB 3901.E - DIGEST

(DIGEST AS ENACTED)

Declares that any person otherwise qualified for temporary assistance for needy families under Title 74 RCW who has resided in the state of Washington for fewer than twelve consecutive months immediately preceding application for assistance is limited to the benefit level in the state in which the person resided immediately before Washington, that was obtainable on the date of application in Washington state, if the benefit level of the prior state is lower than the level provided to similarly situated applicants in Washington state. The benefit level under this provision shall be in effect for the first twelve months a recipient is on temporary assistance for needy families in Washington state.

Any person otherwise qualified for temporary assistance for needy families who is assessed through the state alcohol and substance abuse program as drug or alcohol-dependent and requiring treatment to become employable shall be required by the department to participate in a drug or alcohol treatment program as a condition of benefit receipt.

In order to be eligible for temporary assistance for needy families and food stamp program benefits, any applicant with a felony conviction after August 21, 1996, involving drug use or possession, must: (1) Have been assessed as chemically dependent by a chemical dependency program approved under chapter 70.96A RCW and be participating in or have completed a coordinated rehabilitation plan consisting of chemical dependency treatment and vocational services; and

(2) have not been convicted of a felony involving drug use or possession in the three years prior to the most current conviction.

Designates time limits of temporary assistance for needy families benefits.

Designates sanctions for noncooperation.

Implements electronic benefit transfer.

Repeals RCW 74.12.420 and 74.12.425.

Requires the department to provide eligible Indian tribes ongoing, meaningful opportunities to participate in the development, oversight, and operation of the state temporary assistance for needy families program.

Designates programs for immigrant protection.

Establishes provisions for Washington welfare-to-work programs.

Repeals RCW 74.25.010, 74.25.020, 74.25.030, 74.25.900 and

74.25.901.

Specifies teen parents permissible living situations.

Revises provisions relating to liability of grandparents.

Provides for illegitimacy prevention and abstinence promotion.

Designates department of social and health services accountability.

Repeals RCW 74.04.770.

Designates requirements for license suspension and child support enforcement.

Authorizes financial institution data matches.

Establishes procedures for genetic testing.

Provides for a state registry containing records of all orders establishing or modifying a support order that are entered after October 1, 1998.

Requires address and employer information in support orders to be kept current.

Establishes procedures for employers to withhold income pursuant to a viable order.

Repeals RCW 74.08.120 and 74.08.125.

Introduced with sponsors from the opposite house.

VETO MESSAGE ON HB 3901

April 17, 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 sections or subsections 1, 105(3), 109, 202, 203, 205, 206, 207, 306, 312, 318, 319, 320, 328, 329, 402, 504, 706, 802(7)(f), 886, 887, and 1013(1), Engrossed House Bill No. 3901 entitled:

"AN ACT Relating to implementing the federal personal responsibility and work opportunity reconciliation act of 1996;"

Engrossed House Bill No. 3901 creates a sound foundation for a welfare program that reflects the common sense, mainstream values of the people of this state: hard work, hope and opportunity for all. It creates an innovative work-based program that promises to reduce poverty, and to help people get jobs and sustain economic independence.

At the same time, it reflects the desire of the people of this state to protect children and those who are unable to work.

This is an historic change. It reflects our society's belief that government entitlements have fostered dependence among welfare recipients, and discouraged families, communities, non-profit organizations, business and labor from taking on their full share of responsibility for helping to solve the problem of poverty. As a result of the enactment of this legislation, we enter a new era of partnership in which all these sectors will work together to help those in need enter the economic mainstream and become contributing members of our society.

Nonetheless, there are flaws in this legislation that impede our ability to pursue the goal of helping people achieve economic independence. Some of these flaws create a culture of mistrust

that is simply counterproductive. Others are overly prescriptive and specific, and would create a rigid, bureaucratic system that is unable to profit from the lessons that will surely be learned in the course of implementing such a sweeping new program.

Section 1

I have vetoed the intent section (together with section 207) of the bill because they reenact some but not all relevant provisions of state law. If we reenact some, but not all, of the state's benefit programs, the state's continuing commitment to the non-reenacted programs is called into question.

Section 105(3)

Section 105(3) would repeal the Consolidated Emergency Assistance Program (CEAP). This program serves needy families in crisis, some of whom would not have access to the Temporary Assistance for Needy Families (TANF) program. CEAP provides short-term aid, at most once a year, to help families with critical needs for food, shelter, clothing and other basics.

Section 109

Section 109 would require that all communications to welfare recipients be easy to read and comprehend and written at the eighth grade level. While I agree completely that communications should be easy to read and comprehend, this provision invites disputes and litigation centered on the arbitrary reading level of communications needed to carry out the WorkFirst program. Mandating a specific reading comprehension level for all written communications could invite lawsuits against the Department of Social and Health Services (DSHS) solely on the basis of meeting this arbitrary test.

Sections 202, 205 and 206

These sections are superseded by Engrossed Senate Bill No. 6098.

Section 203

Section 203 would require DSHS to review the incomes of all seasonal workers over the previous twelve months, before determining eligibility. This would be a great administrative burden and very costly to implement. While I share the legislature's concern about irresponsible parents who might squander income from seasonal work, leaving the family dependent on the state during the off-season, there are technical problems in this section.

There is no definition of "seasonal employment" in the law. Using technical definitions, there is hardly an industry or employment which does not have a seasonal aspect. According to the Economic Security Department, the largest seasonal activities in

Washington in 1995 included aircraft and parts, department stores, heavy construction, hotels and motels, and resorts and fairs.

For these reasons I am vetoing this section as written, and commit to working with the legislature to craft a remedy to the problem.

Section 207

As mentioned above, I have vetoed section 207 (together with section 1) because they unnecessarily reenact certain state laws. Re-enactment of state benefits under state statute is not required for existing state laws and policies affecting immigrants to continue in effect.

Enactment of the bill's intent section and section 207 would reaffirm policy with respect to one state funded program and not others that are potentially affected by 8 U.S.C. 1621. Such action could trigger an exhaustive review of state and local programs, such as public contracts, loans, professional or commercial licenses, and dramatically increase the costs of administration and overhead in providing such benefits. The overall effect would be to decrease efficiency and increase cost at the expense of the benefits offered.

Section 306

Section 306 would make TANF recipients eligible for employment or training in any Jobs for the Environment Program on the same basis as displaced natural resource workers. I have vetoed this section because no additional funding is provided to increase training or employment opportunities in that program. As a result, this provision is divisive - it pits TANF recipients against unemployed natural resource workers for jobs in economically distressed communities.

Section 312

This section is too detailed. Rather than establish broad program parameters, the legislature has specified minute program elements, including the prescription of the exact number of hours each participant must be in a class room each day. This level of specificity limits program design options without advancing a discernible policy goal.

As the state pursues the challenges of decreasing the size of the welfare caseload and increasing the number of self-sufficient individuals, undue restrictions on program design must be avoided. The ability to achieve the policy goals of section 702 of the bill might have been unintentionally hampered by this section.

Section 318

Section 318 would provide unneeded, preemptory limits on what can be considered within collective bargaining agreements.

Sections 319 and 320

The public wants and deserves a system that can be held accountable for fair, honest and effective administration of social programs. While the WorkFirst program, with its regional orientation and its emphasis on outcomes, will require a different system from what is currently in place, it is premature to consider a drastic change in program administration. Meeting the aggressive caseload reduction targets demanded by WorkFirst requires that we take advantage of the trained staff we have deployed throughout the state. Our initial efforts must be focused on strengthening our existing infrastructure to meet the historic challenge presented by welfare reform.

Section 328

Section 328 would require DSHS to prorate WorkFirst cash assistance benefits. The proration would be based in some way on compliance with work requirements. However, the pro rata basis used to determine WorkFirst grant amounts is not defined in this legislation. This ambiguity would make rule changes difficult and leaves the state open to law suits.

Section 329

This provision is not consistent with ESB 6098 which provides eligibility for state benefits to legal immigrants after meeting the one-year residency requirement. By excluding the income of any household member based on "residency, alienage or citizenship", section 329 is overly broad and ambiguous and would result in inequitable treatment of Washington residents.

Section 402

Affordable child care is a crucial part of successfully moving people from welfare to work. The copays specified in this provision are higher than a low-income working family can afford. Work does not pay under the schedule in section 402. As written, this provision would hinder WorkFirst participants' ability to take responsibility for their families and become self-sufficient.

I will direct DSHS to implement a modified copay schedule that will support the principles of WorkFirst.

Section 504

Currently, grandparent income is considered available to the teen parent and grandchild when the three generations are living together under the same roof. Section 504 would change state law to consider the grandparent's income and resources available even when the grandparents refuse to help the teen parent. This could leave some teen parents and their children ineligible for assistance, and thus without any means of support.

Section 706

Establishing paternity is an essential part of promoting

personal and family responsibility. It is well recognized that a father can provide his child with vital emotional and financial support. However, under section 706, DSHS would be required to deny aid unless the applicant names the father, with no exceptions. This policy, unlike federal law, does not recognize that exceptional circumstances can exist where the requirement should be waived, such as in cases of domestic violence and rape. By my veto of this section, DSHS will be able to rely on the good cause exemptions in federal law.

Subsection 802(7)(f) and Sections 886 and 887

I fully support vigorous collection of all the child support to which families are entitled. Parental responsibility should replace public responsibility for families. However, the bill also contains measures relating to loss of licenses that are not required by PL 104-193, and do not promote the achievement of economic independence. These sections are intended to cause parents who have violated ordered visitation to lose licenses, including drivers, professional, recreational and other licenses.

The merits of connecting visitation issues and license loss could be debated and should be. What is not debatable is that this subject is not relevant in a welfare reform bill. To provide for an opportunity for public debate on this issue, I am vetoing sections 886 and 887. I am incidentally vetoing subsection 802(7)(f), since that subsection is a reference to section 887 and is rendered a manifestly obsolete reference.

Section 1013(1)

Subsection 1013(1) requires immediate implementation of key parts of this act. Immediate implementation of a quality program is simply not possible. We should not sacrifice efforts to create a well designed program just to save ninety days.

For these reasons I have vetoed sections or subsections 1, 105(3), 109, 202, 203, 205, 206, 207, 306, 312, 318, 319, 320, 328, 329, 402, 504, 706, 802(7)(f), 886, 887 and 1013(1). With the exception of those sections or subsections, I am approving Engrossed House Bill No. 3901.

Respectfully submitted,
Gary Locke
Governor