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SENATE JOINT RESOLUTION NO. 303

Offered January 20, 1997

Establishing a joint subcommittee to study drug testing of recipients of cash assistance to needy families in the Commonwealth of Virginia.

Patron—Martin

Referred to the Committee on Rules

WHEREAS, on August 22, 1996, President Clinton signed into law HR 3734, the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104-193) (PRWORA) which eliminated the individual entitlement program, Aid to Families with Dependent Children (AFDC), and created a block grant, Temporary Assistance for Needy Families (TANF), for states to provide cash assistance to needy families; and

WHEREAS, PRWORA authorizes states to test recipients of cash assistance for use of controlled substances and allows for the sanctioning of such recipients who test positive for use of controlled substances; and

WHEREAS, prior to enactment of PRWORA, eligibility and benefit status for most federal welfare programs were not affected by a recipient's use of illegal drugs and, thus, the existing system does not ensure that cash assistance is used for the support of families and not drug addictions; and

WHEREAS, drug addiction is a major barrier to achieving job readiness; and

WHEREAS, it is imperative that recipients of cash assistance make themselves viable candidates for employment under the Virginia Independence Program (VIP) and the Virginia Initiative for Employment Not Welfare (VIEW), as well as the new TANF block grant which imposes a five-year lifetime limit on cash assistance; and

WHEREAS, the availability of drug treatment programs should be evaluated in order to give drug-addicted recipients of cash assistance the opportunity to address their addiction; and

WHEREAS, the constitutionality of any program that includes drug testing of recipients of cash assistance must be closely examined; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint subcommittee be established to study the testing of recipients of cash assistance to needy families in the Commonwealth of Virginia. The study shall include consideration of the fiscal and policy implications of testing new applicants for, as well as current recipients of, cash assistance for use of controlled substances, the constitutionality of any testing programs, the need for drug treatment linkages, and the impact on the families if the sanction used is reducing the benefits of those who test positive. The joint subcommittee shall be composed of seven members as follows: two members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; three members of the House of Delegates, to be appointed by the Speaker of the House; two citizens at large, one to be appointed by the Senate Committee on Privileges and Elections, and one to be appointed by the Speaker of the House; and the Secretary of Health and Human Resources or his designee, to serve ex officio without voting privileges.

The direct costs of this study shall not exceed \$3,800.

The Division of Legislative Services shall provide staff support for the study. All agencies of the Commonwealth shall provide assistance to the joint subcommittee, upon request.

The joint subcommittee shall complete its work in time to submit its findings and recommendations to the Governor and the 1998 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may withhold expenditures or delay the period for the conduct of the study.

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