Model Legislation

Summary

State public welfare departments are arguably one of the fastest-growing departments in state government. Not only is the cost of actual assistance growing exponentially, but the appropriation needed to fund the permanent welfare bureaucracy have grown substantially as well. And, despite real reductions in caseloads during the 1980s, 1990s and 2000s, many state welfare bureaus did not reduce accordingly. States should stop this unwarranted growth in bureaucracy.

This legislation provides real financial penalties for state and county public welfare departments, as well for cash assistance programs, if a state public welfare department fails to meet mandatory work participation rates (50% overall; or 90% for a two-parent family) set by the federal government under the federal welfare program known as Temporary Aid to Needy Families (TANF). These financial penalties will only be assessed once during each fiscal year.

Model Legislation

Section 1. {Short Title} This Act shall be known as the “Public Welfare Accountability Act.”

Section 2. {State Appropriations}

A. For general government operations of {insert state department of public welfare}, each fiscal year the {insert state treasurer} shall publish in the {insert state bulletin} notice of whether the department is in compliance with the mandatory work participation rates for TANF, as required under federal law. The {insert state treasurer} shall use the following documents to determine compliance:

1. TANF reports submitted by {insert state department of public welfare} to the United States Department of Health and Human Services regarding compliance; or
2. Written notice by {insert state secretary of public welfare} regarding compliance; or
3. Written notice by the United States Secretary of Health and Human Services regarding compliance.

B. If noncompliance is found by the {insert state treasurer} by {insert date}, the amount of appropriations for general government operations of {insert state department of public welfare} shall be reduced by {insert amount}.

Section 3. {County Appropriations}

A. For general government operations of {insert county administrative office for welfare and Medicaid}, each fiscal year the {state treasurer} shall publish in the {insert state bulletin} notice of whether the {insert state department of public welfare} is in compliance with the mandatory work participation rates for TANF, as required under federal law. The {insert state treasurer} shall use the following documents to determine compliance:

1. TANF reports submitted by {insert state department of public welfare} to the United States Department of Health and Human Services regarding compliance; or
2. Written notice by {insert state secretary of public welfare} regarding compliance; or
3. Written notice by the United States Secretary of Health and Human Services regarding compliance.

B. If noncompliance is found by the {insert state treasurer} by {insert date}, the amount of appropriations for general government operations of {insert state department of public welfare} shall be reduced by {insert amount}. 

For more on these corporations, search at www.sourcwatch.org.
Section 4.  {Services Related to Welfare-to-Work Activities}

A. For services related to welfare and work activities, including employment and training, child care, and work support services, each fiscal year the {state treasurer} shall publish in the {insert state bulletin} notice of whether the {insert state department of public welfare} is in compliance with the mandatory work participation rates for TANF, as required under federal law. The {insert state treasurer} shall use the following documents to determine compliance:

1. TANF reports submitted by {insert state department of public welfare} to the United States Department of Health and Human Services regarding compliance; or
2. Written notice by {insert state secretary of public welfare} regarding compliance; or
3. Written notice by the United States Secretary of Health and Human Services regarding compliance.

B. If noncompliance with mandatory work participation requirements is found by {insert state treasurer’s office}, appropriations for welfare-to-work services, including employment and training, child care, and work support services shall be reduced by {insert amount}.

Section 5.  {Review of Compliance} The {insert state legislative audit bureau} shall review the written notice submitted by {insert state secretary of public welfare} and the notice of compliance submitted by {insert state treasurer} as required in Sections 2, 3, and 4 to verify its accuracy and compliance with federal law.

Section 6.  {Severability Clause}  

Section 7.  {Repealer Clause}  

Section 8.  {Effective Date}  