



STATE OF NORTH CAROLINA
OFFICE OF THE GOVERNOR

PAT McCrory
GOVERNOR

August 15, 2013

GOVERNOR'S OBJECTIONS AND VETO MESSAGE

House Bill 392: *"An act requiring a County Department of Social Services (DSS) to verify whether an applicant for or recipient of Temporary Assistance for Needy Families (TANF) benefits or Food and Nutrition Services (FNS) benefits is a fleeing felon or a probation or parole violator, to direct interagency cooperation and information sharing in order to verify the eligibility status of an applicant or recipient, to deny TANF or FNS benefits to an applicant or recipient who is a fleeing felon or a probation or parole violator, and to require drug screening and testing for certain applicants and recipients of work first program assistance."*

It is critical that funding for public benefits be protected from abuses by felons and those fleeing prosecution. The criminal background requirements make sense in House Bill 392. Therefore under my existing executive authority, I am directing the Department of Health and Human Services and our state Chief Information Officer to develop a plan and recommendations to ensure that fugitive felons and probation or parole violators do not receive these public benefits and that law enforcement has access to the most up to date information.

This Administration believes that there are better ways to fight addiction and prevent criminal drug abuse. However, this is not the best way forward and I must veto this bill because of my concerns about the implementation of the drug testing provisions, which were not thoroughly analyzed prior to passing this legislation.

Additional veto reasons include:

- The changes that would be required are not funded in this bill or the 2013-15 budget.
- The bill is a step backward for DHHS in its efforts to assist people in combating substance abuse. The Department currently screens all adult applicants for substance abuse issues and, as appropriate, facilitates a treatment plan with which the applicant must comply prior to receiving benefits.
- I am concerned that the means for establishing reasonable suspicion, as outlined in the bill, are not sufficient to mandate a drug test under the Fourth Amendment.
- The punitive mandates of this bill go too far in restricting future access to benefits that could have a negative impact on children and families.
- Similar efforts in other states have proven costly for taxpayers and did little to help fight drug addiction.
- There are potential obstacles to consistent application across 100 counties.

I continue to recommend further study on this issue.

Pat McCrory
Governor of the State of North Carolina

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