

By: Representative Barnett (116th)

To: Public Health and
Welfare;
Appropriations

HOUSE BILL NO. 1418

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
2 PROVIDE THAT ANY PERSON WHO BECOMES INELIGIBLE FOR TEMPORARY
3 ASSISTANCE FOR NEEDY FAMILIES (TANF) BENEFITS BECAUSE OF AN
4 INCREASED FAMILY INCOME LEVEL AS A RESULT OF GETTING MARRIED SHALL
5 RECEIVE A ONE-TIME LUMP SUM BENEFIT, AFTER HAVING BEEN MARRIED FOR
6 ONE YEAR, EQUAL TO A PERCENTAGE OF THE AMOUNT OF TANF BENEFITS
7 THAT THE PERSON WOULD HAVE RECEIVED IF HE OR SHE HAD REMAINED
8 ELIGIBLE FOR TANF BENEFITS DURING THAT ONE-YEAR PERIOD; TO AMEND
9 SECTION 43-17-35, MISSISSIPPI CODE OF 1972, TO ESTABLISH A PROGRAM
10 OF FINANCIAL INCENTIVE AWARDS FOR COUNTIES THAT HAVE THE GREATEST
11 REDUCTION IN OUT-OF-WEDLOCK BIRTHS WITHOUT AN INCREASE IN
12 ABORTIONS, IN ORDER TO ENCOURAGE THE REDUCTION OF OUT-OF-WEDLOCK
13 BIRTH RATES IN MISSISSIPPI; AND FOR RELATED PURPOSES.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

15 SECTION 1. Section 43-17-5, Mississippi Code of 1972, is
16 amended as follows:

17 43-17-5. (1) The amount of Temporary Assistance for Needy
18 Families (TANF) benefits which may be granted for any dependent
19 child and a needy caretaker relative shall be determined by the
20 county department with due regard to the resources and necessary
21 expenditures of the family and the conditions existing in each
22 case, and in accordance with the rules and regulations made by the
23 Department of Human Services which shall not be less than the
24 Standard of Need in effect for 1988, and shall be sufficient when
25 added to all other income (except that any income specified in the
26 federal Social Security Act, as amended, may be disregarded) and
27 support available to the child to provide such child with a
28 reasonable subsistence compatible with decency and health. The
29 first family member in the dependent child's budget may receive an
30 amount not to exceed Sixty Dollars (\$60.00) per month; the second
31 family member in the dependent child's budget may receive an

32 amount not to exceed Thirty-six Dollars (\$36.00) per month; and
33 each additional family member in the dependent child's budget an
34 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
35 maximum for any individual family member in the dependent child's
36 budget may be exceeded for foster or medical care or in cases of
37 mentally retarded or physically handicapped children. TANF
38 benefits granted shall be specifically limited only (a) to
39 children existing or conceived at the time the caretaker relative
40 initially applies and qualifies for such assistance, unless this
41 limitation is specifically waived by the department, or (b) to a
42 child born following a twelve (12) consecutive month period of
43 discontinued benefits by the caretaker relative.

44 (2) TANF cash benefits in Mississippi shall be provided by
45 monthly checks mailed to the recipient family until such time as
46 an on-line electronic benefits transfer system for TANF benefit
47 payments is implemented pursuant to Section 43-1-28.

48 (3) The Department of Human Services shall deny TANF
49 benefits to the following categories of individuals, except for
50 individuals and families specifically exempt or excluded for good
51 cause as allowed by federal statute or regulation:

52 (a) Families without a minor child residing with the
53 custodial parent or other adult caretaker relative of the child;

54 (b) Families which include an adult who has received
55 TANF assistance for sixty (60) months after the commencement of
56 the Mississippi TANF program, whether or not such period of time
57 is consecutive;

58 (c) Families not assigning to the state any rights a
59 family member may have, on behalf of the family member or of any
60 other person for whom the family member has applied for or is
61 receiving such assistance, to support from any other person, as
62 required by law;

63 (d) Families who fail to cooperate in establishing
64 paternity or obtaining child support, as required by law;

65 (e) Any individual who has not attained eighteen (18)
66 years of age, is not married to the head of household, has a minor
67 child at least twelve (12) weeks of age in his or her care, and
68 has not successfully completed a high school education or its

69 equivalent, if such individual does not participate in educational
70 activities directed toward the attainment of a high school diploma
71 or its equivalent, or an alternative educational or training
72 program approved by the department;

73 (f) Any individual who has not attained eighteen (18)
74 years of age, is not married, has a minor child in his or her
75 care, and does not reside in a place or residence maintained by a
76 parent, legal guardian or other adult relative or the individual
77 as such parent's, guardian's or adult relative's own home;

78 (g) Any minor child who has been, or is expected by a
79 parent or other caretaker relative of the child to be, absent from
80 the home for a period of more than thirty (30) days;

81 (h) Any individual who is a parent or other caretaker
82 relative of a minor child who fails to notify the department of
83 the absence of the minor child from the home for the thirty-day
84 period specified in paragraph (g), by the end of the five-day
85 period that begins with the date that it becomes clear to the
86 individual that the minor child will be absent for the thirty-day
87 period;

88 (i) Any individual who fails to comply with the
89 provisions of the Employability Development Plan signed by the
90 individual which prescribe those activities designed to help the
91 individual become and remain employed, or to participate
92 satisfactorily in the assigned work activity, as authorized under
93 subsections (6)(c) and (d);

94 (j) A parent or caretaker relative who has not engaged
95 in an allowable work activity once the department determines the
96 parent or caretaker relative is ready to engage in work, or once
97 the parent or caretaker relative has received TANF assistance
98 under the program for twenty-four (24) months, whether or not
99 consecutive, whichever is earlier;

100 (k) Any individual who is fleeing to avoid prosecution,
101 or custody or confinement after conviction, under the laws of the

102 jurisdiction from which the individual flees, for a crime, or an
103 attempt to commit a crime, which is a felony under the laws of the
104 place from which the individual flees, or who is violating a
105 condition of probation or parole imposed under federal or state
106 law;

107 (l) Aliens who are not qualified under federal law;

108 (m) For a period of ten (10) years following
109 conviction, individuals convicted in federal or state court of
110 having made a fraudulent statement or representation with respect
111 to the individual's place of residence in order to receive TANF,
112 food stamps or Supplemental Security Income (SSI) assistance under
113 Title XVI or Title XIX simultaneously from two (2) or more states;
114 and

115 (n) Individuals who are recipients of federal
116 Supplemental Security Income (SSI) assistance.

117 (4) (a) Any person who is otherwise eligible for TANF
118 benefits, including custodial and noncustodial parents, shall be
119 required to attend school and meet the monthly attendance
120 requirement as provided in this subsection if all of the following
121 apply:

122 (i) The person is under age twenty (20);

123 (ii) The person has not graduated from a public or
124 private high school or obtained a GED equivalent;

125 (iii) The person is physically able to attend
126 school and is not excused from attending school; and

127 (iv) If the person is a parent or caretaker
128 relative with whom a dependent child is living, child care is
129 available for the child.

130 The monthly attendance requirement under this subsection
131 shall be attendance at the school in which the person is enrolled
132 for each day during a month that the school conducts classes in
133 which the person is enrolled, with not more than two (2) absences
134 during the month for reasons other than the reasons listed in

135 paragraph (e)(iv) of this subsection. Persons who fail to meet
136 participation requirements in this subsection shall be subject to
137 sanctions as provided in paragraph (f) of this subsection.

138 (b) As used in this subsection, "school" means any one
139 (1) of the following:

140 (i) A school as defined in Section 37-13-91(2);

141 (ii) A vocational, technical and adult education
142 program; or

143 (iii) A course of study meeting the standards
144 established by the State Department of Education for the granting
145 of a declaration of equivalency of high school graduation.

146 (c) If any compulsory-school-age child, as defined in
147 Section 37-13-91(2), to which TANF eligibility requirements apply
148 is not in compliance with the compulsory school attendance
149 requirements of Section 37-13-91(6), the superintendent of schools
150 of the school district in which the child is enrolled or eligible
151 to attend shall notify the county department of human services of
152 the child's noncompliance. The Department of Human Services shall
153 review school attendance information as provided under this
154 paragraph at all initial eligibility determinations and upon
155 subsequent report of unsatisfactory attendance.

156 (d) The signature of a person on an application for
157 TANF benefits constitutes permission for the release of school
158 attendance records for that person or for any child residing with
159 that person. The department shall request information from the
160 child's school district about the child's attendance in the school
161 district's most recently completed semester of attendance. If
162 information about the child's previous school attendance is not
163 available or cannot be verified, the department shall require the
164 child to meet the monthly attendance requirement for one (1)
165 semester or until the information is obtained. The department
166 shall use the attendance information provided by a school district
167 to verify attendance for a child. The department shall review

168 with the parent or caretaker relative a child's claim that he or
169 she has a good cause for not attending school.

170 A school district shall provide information to the department
171 about the attendance of a child who is enrolled in a public school
172 in the district within five (5) working days of the receipt of a
173 written request for such information from the department. The
174 school district shall define how many hours of attendance count as
175 a full day and shall provide that information, upon request, to
176 the department. In reporting attendance, the school district may
177 add partial days' absence together to constitute a full day's
178 absence.

179 (e) A child who is required to attend school to meet
180 the requirements under this subsection shall comply except when
181 there is good cause, which shall be demonstrated by any of the
182 following circumstances:

183 (i) The minor parent is the caretaker of a child
184 less than twelve (12) weeks old; or

185 (ii) The department determines that child care
186 services are necessary for the minor parent to attend school and
187 there is no child care available; or

188 (iii) The child is prohibited by the school
189 district from attending school and an expulsion is pending. This
190 exemption no longer applies once the teenager has been expelled;
191 however, a teenager who has been expelled and is making
192 satisfactory progress towards obtaining a GED equivalent shall be
193 eligible for TANF benefits; or

194 (iv) The child failed to attend school for one or
195 more of the following reasons:

196 1. Illness, injury or incapacity of the child
197 or the minor parent's child;

198 2. Court-required appearances or temporary
199 incarceration;

200 3. Medical or dental appointments for the

201 child or minor parent's child;

202 4. Death of a close relative;

203 5. Observance of a religious holiday;

204 6. Family emergency;

205 7. Breakdown in transportation;

206 8. Suspension; or

207 9. Any other circumstance beyond the control
208 of the child, as defined in regulations of the department.

209 (f) Upon determination that a child has failed without
210 good cause to attend school as required, the department shall
211 provide written notice to the parent or caretaker relative
212 (whoever is the primary recipient of the TANF benefits) that
213 specifies:

214 (i) That the family will be sanctioned in the next
215 possible payment month because the child who is required to attend
216 school has failed to meet the attendance requirement of this
217 subsection;

218 (ii) The beginning date of the sanction, and the
219 child to whom the sanction applies;

220 (iii) The right of the child's parents or
221 caretaker relative (whoever is the primary recipient of the TANF
222 benefits) to request a fair hearing under this subsection.

223 The child's parent or caretaker relative (whoever is the
224 primary recipient of the TANF benefits) may request a fair hearing
225 on the department's determination that the child has not been
226 attending school. If the child's parents or caretaker relative
227 does not request a fair hearing under this subsection, or if,
228 after a fair hearing has been held, the hearing officer finds that
229 the child without good cause has failed to meet the monthly
230 attendance requirement, the department shall discontinue or deny
231 TANF benefits to the child thirteen (13) years old, or older, in
232 the next possible payment month. The department shall discontinue
233 or deny twenty-five percent (25%) of the family grant when a child

234 six (6) through twelve (12) years of age without good cause has
235 failed to meet the monthly attendance requirement. Both the child
236 and family sanction may apply when children in both age groups
237 fail to meet the attendance requirement without good cause. A
238 sanction applied under this subsection shall be effective for one
239 (1) month for each month that the child failed to meet the monthly
240 attendance requirement. In the case of a dropout, the sanction
241 shall remain in force until the parent or caretaker relative
242 provides written proof from the school district that the child has
243 reenrolled and met the monthly attendance requirement for one (1)
244 calendar month. Any month in which school is in session for at
245 least ten (10) days during the month may be used to meet the
246 attendance requirement under this subsection. This includes
247 attendance at summer school. The sanction shall be removed the
248 next possible payment month.

249 (5) All parents or caretaker relatives shall have their
250 dependent children receive vaccinations and booster vaccinations
251 against those diseases specified by the State Health Officer
252 pursuant to Section 41-23-37 in accordance with the vaccination
253 and booster vaccination schedule prescribed by the State Health
254 Officer for children of that age, in order for the parents or
255 caretaker relatives to be eligible or remain eligible to receive
256 TANF benefits. Proof of having received such vaccinations and
257 booster vaccinations shall be given by presenting the certificates
258 of vaccination issued by any health care provider licensed to
259 administer vaccinations, and submitted on forms specified by the
260 State Board of Health. If the parents without good cause do not
261 have their dependent children receive the vaccinations and booster
262 vaccinations as required by this subsection and they fail to
263 comply after thirty (30) days' notice, the department shall
264 sanction the family's TANF benefits by twenty-five percent (25%)
265 for the next payment month and each subsequent payment month until
266 the requirements of this subsection are met.

267 (6) (a) If the parent or caretaker relative applying for
268 TANF assistance is an employable person, as determined by the
269 Department of Human Services, the person shall be required to
270 engage in an allowable work activity once the department
271 determines the parent or caretaker relative is ready to engage in
272 work, or once the parent or caretaker relative has received TANF
273 assistance under the program for twenty-four (24) months, whether
274 or not consecutive, whichever is earlier. No TANF benefits shall
275 be given to any person to whom this section applies who fails
276 without good cause to comply with the Employability Development
277 Plan prepared by the department for the person, or who has refused
278 to accept a referral or offer of employment, training or education
279 in which he or she is able to engage, subject to the penalties
280 prescribed in subsection (6)(e). A person shall be deemed to have
281 refused to accept a referral or offer of employment, training or
282 education if he or she:

283 (i) Willfully fails to report for an interview
284 with respect to employment when requested to do so by the
285 department; or

286 (ii) Willfully fails to report to the department
287 the result of a referral to employment; or

288 (iii) Willfully fails to report for allowable work
289 activities as prescribed in subsections (6)(c) and (d).

290 (b) The Department of Human Services shall operate a
291 statewide work program for TANF recipients to provide work
292 activities and supportive services to enable families to become
293 self-sufficient and improve their competitive position in the work
294 force in accordance with the requirements of the federal Personal
295 Responsibility and Work Opportunity Reconciliation Act of 1996
296 (Public Law 104-193), as amended, and the regulations promulgated
297 thereunder. All adults who are not specifically exempt shall be
298 referred by the department for allowable work activities. An
299 adult may be exempt from the mandatory work activity requirement

300 for the following reasons:

301 (i) Incapacity;

302 (ii) Temporary illness or injury, verified by
303 physician's certificate;

304 (iii) Is in the third trimester of pregnancy,
305 verified by physician's certificate;

306 (iv) Caretaker of a child under twelve (12)
307 months, for not more than twelve (12) months of the sixty-month
308 maximum benefit period;

309 (v) Caretaker of an ill or incapacitated person,
310 as verified by physician's certificate;

311 (vi) Age, if over sixty (60) or under eighteen
312 (18) years of age;

313 (vii) Receiving treatment for substance abuse, if
314 the person is in compliance with the substance abuse treatment
315 plan;

316 (viii) In a two-parent family, the caretaker of a
317 severely disabled child, as verified by a physician's certificate;
318 or

319 (ix) History of having been a victim of domestic
320 violence, which has been reported as required by state law and is
321 substantiated by police reports or court records, and being at
322 risk of further domestic violence, shall be exempt for a period as
323 deemed necessary by the department but not to exceed a total of
324 twelve (12) months, which need not be consecutive, in the
325 sixty-month maximum benefit period. For the purposes of this
326 paragraph (ix), "domestic violence" means that an individual has
327 been subjected to:

328 1. Physical acts that resulted in, or
329 threatened to result in, physical injury to the individual;

330 2. Sexual abuse;

331 3. Sexual activity involving a dependent
332 child;

333 4. Being forced as the caretaker relative of
334 a dependent child to engage in nonconsensual sexual acts or
335 activities;

336 5. Threats of, or attempts at, physical or
337 sexual abuse;

338 6. Mental abuse; or

339 7. Neglect or deprivation of medical care.

340 (c) For all families, all adults who are not
341 specifically exempt shall be required to participate in work
342 activities for at least the minimum average number of hours per
343 week specified by federal law or regulation, not fewer than twenty
344 (20) hours per week (thirty-five (35) hours per week for
345 two-parent families) of which are attributable to the following
346 allowable work activities:

347 (i) Unsubsidized employment;

348 (ii) Subsidized private employment;

349 (iii) Subsidized public employment;

350 (iv) Work experience (including work associated
351 with the refurbishing of publicly assisted housing), if sufficient
352 private employment is not available;

353 (v) On-the-job training;

354 (vi) Job search and job readiness assistance
355 consistent with federal TANF regulations;

356 (vii) Community service programs;

357 (viii) Vocational educational training (not to
358 exceed twelve (12) months with respect to any individual);

359 (ix) The provision of child care services to an
360 individual who is participating in a community service program;

361 (x) Satisfactory attendance at high school or in a
362 course of study leading to a high school equivalency certificate,
363 for heads of household under age twenty (20) who have not
364 completed high school or received such certificate;

365 (xi) Education directly related to employment, for

366 heads of household under age twenty (20) who have not completed
367 high school or received such equivalency certificate.

368 (d) The following are allowable work activities which
369 may be attributable to hours in excess of the minimum specified
370 in paragraph (6)(c):

371 (i) Job skills training directly related to
372 employment;

373 (ii) Education directly related to employment for
374 individuals who have not completed high school or received a high
375 school equivalency certificate;

376 (iii) Satisfactory attendance at high school or in
377 a course of study leading to a high school equivalency, for
378 individuals who have not completed high school or received such
379 equivalency certificate;

380 (iv) Job search and job readiness assistance
381 consistent with federal TANF regulations.

382 (e) If any adult or caretaker relative refuses to
383 participate in allowable work activity as required under this
384 subsection (6), the following full family TANF benefit penalty
385 will apply, subject to due process to include notification,
386 conciliation and a hearing if requested by the recipient:

387 (i) For the first violation, the department shall
388 terminate the TANF assistance otherwise payable to the family for
389 a two-month period or until the person has complied with the
390 required work activity, whichever is longer;

391 (ii) For the second violation, the department
392 shall terminate the TANF assistance otherwise payable to the
393 family for a six-month period or until the person has complied
394 with the required work activity, whichever is longer;

395 (iii) For the third violation, the department
396 shall terminate the TANF assistance otherwise payable to the
397 family for a twelve-month period or until the person has complied
398 with the required work activity, whichever is longer;

399 (iv) For the fourth violation, the person shall be
400 permanently disqualified.

401 For a two-parent family, unless prohibited by state or
402 federal law, Medicaid assistance shall be terminated only for the
403 person whose failure to participate in allowable work activity
404 caused the family's TANF assistance to be sanctioned under this
405 subsection (6)(e), unless an individual is pregnant, but shall not
406 be terminated for any other person in the family who is meeting
407 that person's applicable work requirement or who is not required
408 to work. Minor children shall continue to be eligible for
409 Medicaid benefits regardless of the disqualification of their
410 parent or caretaker relative for TANF assistance under this
411 subsection (6), unless prohibited by state or federal law.

412 (f) Any person enrolled in a two-year or four-year
413 college program who meets the eligibility requirements to receive
414 TANF benefits, and who is meeting the applicable work requirements
415 and all other applicable requirements of the TANF program, shall
416 continue to be eligible for TANF benefits while enrolled in the
417 college program for as long as the person meets the requirements
418 of the TANF program, unless prohibited by federal law.

419 (g) No adult in a work activity required under this
420 subsection (6) shall be employed or assigned (i) when any other
421 individual is on layoff from the same or any substantially
422 equivalent job within six (6) months before the date of the TANF
423 recipient's employment or assignment; or (ii) if the employer has
424 terminated the employment of any regular employee or otherwise
425 caused an involuntary reduction of its work force in order to fill
426 the vacancy so created with an adult receiving TANF assistance.
427 The Mississippi Employment Security Commission, established under
428 Section 71-5-101, shall appoint one or more impartial hearing
429 officers to hear and decide claims by employees of violations of
430 this paragraph (g). The hearing officer shall hear all the
431 evidence with respect to any claim made hereunder and such

432 additional evidence as he may require and shall make a
433 determination and the reason therefor. The claimant shall be
434 promptly notified of the decision of the hearing officer and the
435 reason therefor. Within ten (10) days after the decision of the
436 hearing officer has become final, any party aggrieved thereby may
437 secure judicial review thereof by commencing an action, in the
438 circuit court of the county in which the claimant resides, against
439 the commission for the review of such decision, in which action
440 any other party to the proceeding before the hearing officer shall
441 be made a defendant. Any such appeal shall be on the record which
442 shall be certified to the court by the commission in the manner
443 provided in Section 71-5-531, and the jurisdiction of the court
444 shall be confined to questions of law which shall render its
445 decision as provided in that section.

446 (7) The Department of Human Services may provide child care
447 for eligible participants who require such care so that they may
448 accept employment or remain employed. The department may also
449 provide child care for those participating in the TANF program
450 when it is determined that they are satisfactorily involved in
451 education, training or other allowable work activities. The
452 department may contract with Head Start agencies to provide child
453 care services to TANF recipients. The department may also arrange
454 for child care by use of contract or vouchers, provide vouchers in
455 advance to a caretaker relative, reimburse a child care provider,
456 or use any other arrangement deemed appropriate by the department,
457 and may establish different reimbursement rates for child care
458 services depending on the category of the facility or home. Any
459 center-based or group home child care facility under this
460 paragraph shall be licensed by the State Department of Health
461 pursuant to law. When child care is being provided in the child's
462 own home, in the home of a relative of the child, or in any other
463 unlicensed setting, the provision of such child care may be
464 monitored on a random basis by the Department of Human services or

465 the State Department of Health. Transitional child care
466 assistance may be continued if it is necessary for parents to
467 maintain employment once support has ended, unless prohibited
468 under state or federal law. Transitional child care assistance
469 may be provided for up to twenty-four (24) months after the last
470 month during which the family was eligible for TANF assistance, if
471 federal funds are available for such child care assistance.

472 (8) The Department of Human Services may provide
473 transportation or provide reasonable reimbursement for
474 transportation expenses that are necessary for individuals to be
475 able to participate in allowable work activity under the TANF
476 program.

477 (9) Medicaid assistance shall be provided to a family of
478 TANF program participants for up to twenty-four (24) consecutive
479 calendar months following the month in which the participating
480 family would be ineligible for TANF benefits because of increased
481 income, expiration of earned income disregards, or increased hours
482 of employment of the caretaker relative; however, Medicaid
483 assistance for more than twelve (12) months may be provided only
484 if a federal waiver is obtained to provide such assistance for
485 more than twelve (12) months and federal and state funds are
486 available to provide such assistance.

487 (10) Any person who becomes ineligible for TANF benefits
488 because of an increased family income level as a result of getting
489 married shall be paid a one-time lump sum benefit by the
490 Department of Human Services, after having been married for one
491 (1) year, equal to (a) seventy-five percent (75%) of the amount of
492 TANF benefits that the person would have received if he or she had
493 remained eligible for TANF benefits during that one-year period,
494 or (b) if the person also became ineligible for food stamps,
495 Medicaid benefits, or both, as a result of getting married, one
496 hundred percent (100%) of the amount of TANF benefits that the
497 person would have received if he or she had remained eligible for

498 TANF benefits during that one-year period. This payment shall be
499 made by the department using funds that have been appropriated to
500 the department for that purpose.

501 (11) The department shall require applicants for and
502 recipients of public assistance from the department to sign a
503 personal responsibility contract that will require the applicant
504 or recipient to acknowledge his or her responsibilities to the
505 state.

506 (12) The department shall enter into an agreement with the
507 State Personnel Board and other state agencies that will allow
508 those TANF participants who qualify for vacant jobs within state
509 agencies to be placed in state jobs. State agencies participating
510 in the TANF work program shall receive any and all benefits
511 received by employers in the private sector for hiring TANF
512 recipients. This subsection (11) shall be effective only if the
513 state obtains any necessary federal waiver or approval and if
514 federal funds are available therefor.

515 (13) No new TANF program requirement or restriction
516 affecting a person's eligibility for TANF assistance, or allowable
517 work activity, which is not mandated by federal law or regulation
518 may be implemented by the Department of Human Services after the
519 effective date of this act, unless such is specifically authorized
520 by an amendment to this section by the Legislature.

521 SECTION 2. Section 43-17-35, Mississippi Code of 1972, is
522 amended as follows:

523 43-17-35. (1) In the enactment of the Personal
524 Responsibility and Work Opportunity Reconciliation Act of 1996
525 (Public Law 104-193), the United States Congress made the
526 following findings relating to out-of-wedlock pregnancies:

527 (a) The increase of out-of-wedlock pregnancies and
528 births is well documented.

529 (b) An effective strategy to combat teenage pregnancy
530 must address the issue of male responsibility, including statutory

531 rape culpability and prevention. The increase of teenage
532 pregnancies among the youngest girls is particularly severe and is
533 linked to predatory sexual practices by men who are significantly
534 older.

535 (c) The negative consequences of an out-of-wedlock
536 birth on the mother, the child, the family and society are well
537 documented.

538 (d) Currently thirty-five percent (35%) of children in
539 single-parent homes are born out of wedlock, nearly the same
540 percentage as that of children in single-parent homes whose
541 parents are divorced. While many parents find themselves, through
542 divorce or tragic circumstances beyond their control, facing the
543 difficult task of raising children alone, nevertheless, the
544 negative consequences of raising children in single-parent homes
545 are well documented.

546 (e) Therefore, in light of this demonstration of the
547 crisis in our nation, it is the sense of the Congress that
548 prevention of out-of-wedlock births are very important government
549 interests and the policy contained in this legislation is intended
550 to address the crisis.

551 (2) The Department of Human Services shall establish a task
552 force in compliance with Public Law 104-193, consisting of public
553 and private organizations and individuals to review the incidence
554 and circumstances of out-of-wedlock pregnancies in Mississippi.
555 Based on these findings, goals will be established by the task
556 force and a specific program will be recommended to prevent and
557 reduce the incidence of out-of-wedlock pregnancies in Mississippi,
558 as well as the efficiency and cost effectiveness of the program,
559 with special emphasis on teenage pregnancies. The task force will
560 establish numerical goals for reducing the illegitimacy ratio of
561 the state as defined by federal law through calendar year 2005.
562 The task force shall publish its findings and recommendations with
563 any proposed legislation in a report to the Governor and the

564 Legislature to be made on or before January 1, 1998.

565 (3) The task force established under subsection (2) of this
566 section shall continue in existence and shall study the effect
567 that raising the statutory age of sexual consent to age sixteen
568 (16) has on preventing and reducing the incidence of teenage
569 out-of-wedlock pregnancies in Mississippi from July 1, 1998, to
570 October 1, 1999. The task force shall consider whether raising
571 the age of sexual consent to an age above age sixteen (16) would
572 be more effective in preventing and reducing the incidence of
573 teenage out-of-wedlock pregnancies in Mississippi. The task force
574 shall publish its findings and recommendations, together with any
575 proposed legislation, in a report to the Governor and the
576 Legislature on or before January 1, 2000.

577 (4) In order to encourage the reduction of out-of-wedlock
578 birth rates in Mississippi, the Department of Human Services shall
579 provide financial incentive awards, using funds appropriated by
580 the Legislature for that purpose, for those counties having the
581 greatest reduction in out-of-wedlock births without an increase in
582 abortions, as follows:

583 (a) The incentive awards will be made for five (5)
584 fiscal years beginning with the fiscal year that begins on July 1,
585 2000.

586 (b) The incentive awards will be given to up to five
587 (5) counties in each of the categories described in paragraph (c)
588 that have the greatest reduction in out-of-wedlock births without
589 an increase in abortions in each calendar year.

590 (c) For the purposes of making the incentive awards,
591 counties will be divided into the following three (3) categories:

592 (i) Counties that had fewer than two hundred fifty
593 (250) births in calendar year 1996;

594 (ii) Counties that had not fewer than two hundred
595 fifty (250) or more than five hundred (500) births in calendar
596 year 1996; and

597 (iii) Counties that had more than five hundred
598 (500) births in calendar year 1996.

599 (d) The amount of the incentive awards for each county
600 will be:

601 (i) One Hundred Thousand Dollars (\$100,000.00) for
602 a county in the category described in paragraph (c)(i);

603 (ii) Two Hundred Fifty Thousand Dollars
604 (\$250,000.00) for a county in the category described in paragraph
605 (c)(ii); and

606 (iii) Seven Hundred Fifty Thousand Dollars
607 (\$750,000.00) for a county in the category described in paragraph
608 (c)(iii).

609 (e) In order to qualify for the incentive awards, the
610 reduction in the out-of-wedlock birth rate must be not less than:

611 (i) Five percent (5%) for a county in the category
612 described in paragraph (c)(i);

613 (ii) Four percent (4%) for a county in the
614 category described in paragraph (c)(ii); and

615 (iii) Three percent (3%) for a county in the
616 category described in paragraph (c)(iii).

617 (f) Determination of the counties that will receive the
618 incentive awards during each fiscal year will be based on an
619 average of the previous two (2) years' out-of-wedlock birth and
620 abortion rates for each county, compared to the previous two-year
621 average for that county.

622 (g) In order to be considered for an incentive award,
623 the county board of supervisors must submit a plan for the county
624 to the Department of Human Services by October 1, 1999, and by
625 October 1 of each subsequent year.

626 (h) Each county receiving an incentive award will be
627 subject to the following requirements:

628 (i) The county must use the incentive award for
629 some type of youth enrichment, including, but not limited to,

630 continuing the implementation of the plan that reduced
631 out-of-wedlock pregnancies, education-related projects,
632 recreational facilities, or a summer work program; and
633 (ii) The county must submit a report to the
634 Department of Human Services on the methods used to achieve the
635 reduction in out-of-wedlock births, and submit a separate report
636 to the department explaining how the incentive award was spent.

637 SECTION 3. This act shall take effect and be in force from
638 and after July 1, 1999.