

By: Blackmon, Simmons, Turner, Johnson
(38th)

To: Public Health and
Welfare;
Appropriations

SENATE BILL NO. 2343

1 AN ACT RELATING TO COMPREHENSIVE CHILD CARE SERVICES; TO
2 AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
3 THE DEPARTMENT OF HUMAN SERVICES SHALL PROVIDE CHILD CARE AND
4 TRANSPORTATION FOR PARTICIPANTS IN THE TEMPORARY ASSISTANCE FOR
5 NEEDY FAMILIES (TANF) PROGRAM; TO PROVIDE THAT TANF RECIPIENTS
6 SHALL BE ELIGIBLE FOR TRANSITIONAL CHILD CARE ASSISTANCE FOR AS
7 LONG AS THE FAMILY INCOME DOES NOT EXCEED 200% OF THE FEDERAL
8 POVERTY LEVEL; TO DIRECT THE DEPARTMENT OF HUMAN SERVICES TO APPLY
9 FOR AND DRAW DOWN ALL AVAILABLE FEDERAL FUNDS FOR CHILD CARE
10 SERVICES; TO AUTHORIZE A STATE GENERAL FUND MATCH OF FEDERAL FUNDS
11 TO PROVIDE OR EXPAND CHILD CARE SERVICES TO ELIGIBLE PARTICIPANTS;
12 TO AMEND SECTION 25-15-3, MISSISSIPPI CODE OF 1972, TO INCLUDE
13 EMPLOYEES OF CHILD DAY CARE FACILITIES WHOSE SALARIES ARE PAID IN
14 WHOLE OR IN PART BY PUBLIC FUNDS IN THE STATE EMPLOYEES LIFE AND
15 HEALTH INSURANCE PLAN; TO CREATE THE MISSISSIPPI QUALIFIED CHILD
16 DAY CARE GRANT PROGRAM TO PROVIDE SERVICE GRANTS TO MISSISSIPPI
17 QUALIFIED CHILD CARE PROVIDERS; TO PROVIDE THAT SUCH PROGRAM SHALL
18 BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT OF ECONOMIC AND
19 COMMUNITY DEVELOPMENT; TO PRESCRIBE THE PROCEDURE TO APPLY FOR
20 SERVICE GRANTS; TO PROVIDE THE PURPOSES FOR WHICH SUCH GRANTS MAY
21 BE USED; TO ESTABLISH AN ADVISORY PANEL TO REVIEW AND MAKE
22 RECOMMENDATIONS ON THE AWARDING OF SERVICE GRANTS; TO CREATE A
23 SPECIAL FUND TO BE KNOWN AS THE MISSISSIPPI QUALIFIED CHILD DAY
24 CARE GRANT PROGRAM FUND INTO WHICH ALL MONEY RECEIVED FROM
25 LEGISLATIVE APPROPRIATION PURSUANT TO THIS ACT SHALL BE DEPOSITED;
26 AND FOR RELATED PURPOSES.

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

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

30 43-17-5. (1) The amount of Temporary Assistance for Needy
31 Families (TANF) benefits which may be granted for any dependent
32 child and a needy caretaker relative shall be determined by the
33 county department with due regard to the resources and necessary

34 expenditures of the family and the conditions existing in each
35 case, and in accordance with the rules and regulations made by the
36 Department of Human Services which shall not be less than the
37 Standard of Need in effect for 1988, and shall be sufficient when
38 added to all other income (except that any income specified in the
39 federal Social Security Act, as amended, may be disregarded) and
40 support available to the child to provide such child with a
41 reasonable subsistence compatible with decency and health. The
42 first family member in the dependent child's budget may receive an
43 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
44 the second family member in the dependent child's budget may
45 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
46 month; and each additional family member in the dependent child's
47 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
48 month. The maximum for any individual family member in the
49 dependent child's budget may be exceeded for foster or medical
50 care or in cases of mentally retarded or physically handicapped
51 children. TANF benefits granted shall be specifically limited
52 only (a) to children existing or conceived at the time the
53 caretaker relative initially applies and qualifies for such
54 assistance, unless this limitation is specifically waived by the
55 department, or (b) to a child born following a twelve (12)
56 consecutive month period of discontinued benefits by the caretaker
57 relative.

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

62 (3) The Department of Human Services shall deny TANF
63 benefits to the following categories of individuals, except for
64 individuals and families specifically exempt or excluded for good

65 cause as allowed by federal statute or regulation:

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

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

72 (c) Families not assigning to the state any rights a
73 family member may have, on behalf of the family member or of any
74 other person for whom the family member has applied for or is
75 receiving such assistance, to support from any other person, as
76 required by law;

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

79 (e) Any individual who has not attained eighteen (18)
80 years of age, is not married to the head of household, has a minor
81 child at least twelve (12) weeks of age in his or her care, and
82 has not successfully completed a high school education or its
83 equivalent, if such individual does not participate in educational
84 activities directed toward the attainment of a high school diploma
85 or its equivalent, or an alternative educational or training
86 program approved by the department;

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

92 (g) Any minor child who has been, or is expected by a

93 parent or other caretaker relative of the child to be, absent from
94 the home for a period of more than thirty (30) days;

95 (h) Any individual who is a parent or other caretaker
96 relative of a minor child who fails to notify the department of
97 the absence of the minor child from the home for the thirty-day
98 period specified in paragraph (g), by the end of the five-day
99 period that begins with the date that it becomes clear to the
100 individual that the minor child will be absent for the thirty-day
101 period;

102 (i) Any individual who fails to comply with the
103 provisions of the Employability Development Plan signed by the
104 individual which prescribe those activities designed to help the
105 individual become and remain employed, or to participate
106 satisfactorily in the assigned work activity, as authorized under
107 subsection (6)(c);

108 (j) A parent or caretaker relative who has not engaged
109 in an allowable work activity once the department determines the
110 parent or caretaker relative is ready to engage in work, or once
111 the parent or caretaker relative has received TANF assistance
112 under the program for twenty-four (24) months, whether or not
113 consecutive, whichever is earlier;

114 (k) Any individual who is fleeing to avoid prosecution,
115 or custody or confinement after conviction, under the laws of the
116 jurisdiction from which the individual flees, for a crime, or an
117 attempt to commit a crime, which is a felony under the laws of the
118 place from which the individual flees, or who is violating a
119 condition of probation or parole imposed under federal or state
120 law;

121 (1) Aliens who are not qualified under federal law;
122 (m) For a period of ten (10) years following
123 conviction, individuals convicted in federal or state court of
124 having made a fraudulent statement or representation with respect
125 to the individual's place of residence in order to receive TANF,
126 food stamps or Supplemental Security Income (SSI) assistance under
127 Title XVI or Title XIX simultaneously from two (2) or more states;
128 and

129 (n) Individuals who are recipients of federal
130 Supplemental Security Income (SSI) assistance.

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

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

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

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

141 (iv) If the person is a parent or caretaker
142 relative with whom a dependent child is living, child care is
143 available for the child.

144 The monthly attendance requirement under this subsection
145 shall be attendance at the school in which the person is enrolled
146 for each day during a month that the school conducts classes in
147 which the person is enrolled, with not more than two (2) absences
148 during the month for reasons other than the reasons listed in

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

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

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

155 (ii) A vocational, technical and adult education
156 program; or

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

160 (c) If any compulsory-school-age child, as defined in
161 Section 37-13-91(2), to which TANF eligibility requirements apply
162 is not in compliance with the compulsory school attendance
163 requirements of Section 37-13-91(6), the superintendent of schools
164 of the school district in which the child is enrolled or eligible
165 to attend shall notify the county department of human services of
166 the child's noncompliance. The Department of Human Services shall
167 review school attendance information as provided under this
168 paragraph at all initial eligibility determinations and upon
169 subsequent report of unsatisfactory attendance.

170 (d) The signature of a person on an application for
171 TANF benefits constitutes permission for the release of school
172 attendance records for that person or for any child residing with
173 that person. The department shall request information from the
174 child's school district about the child's attendance in the school
175 district's most recently completed semester of attendance. If
176 information about the child's previous school attendance is not

177 available or cannot be verified, the department shall require the
178 child to meet the monthly attendance requirement for one (1)
179 semester or until the information is obtained. The department
180 shall use the attendance information provided by a school district
181 to verify attendance for a child. The department shall review
182 with the parent or caretaker relative a child's claim that he or
183 she has a good cause for not attending school.

184 A school district shall provide information to the department
185 about the attendance of a child who is enrolled in a public school
186 in the district within five (5) working days of the receipt of a
187 written request for such information from the department. The
188 school district shall define how many hours of attendance count as
189 a full day and shall provide that information, upon request, to
190 the department. In reporting attendance, the school district may
191 add partial days' absence together to constitute a full day's
192 absence.

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

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

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

202 (iii) The child is prohibited by the school
203 district from attending school and an expulsion is pending. This
204 exemption no longer applies once the teenager has been expelled;

205 however, a teenager who has been expelled and is making
206 satisfactory progress towards obtaining a GED equivalent shall be
207 eligible for TANF benefits; or

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

210 1. Illness, injury or incapacity of the child
211 or the minor parent's child;

212 2. Court-required appearances or temporary
213 incarceration;

214 3. Medical or dental appointments for the
215 child or minor parent's child;

216 4. Death of a close relative;

217 5. Observance of a religious holiday;

218 6. Family emergency;

219 7. Breakdown in transportation;

220 8. Suspension; or

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

223 (f) Upon determination that a child has failed without
224 good cause to attend school as required, the department shall
225 provide written notice to the parent or caretaker relative
226 (whoever is the primary recipient of the TANF benefits) that
227 specifies:

228 (i) That the family will be sanctioned in the next
229 possible payment month because the child who is required to attend
230 school has failed to meet the attendance requirement of this
231 subsection;

232 (ii) The beginning date of the sanction, and the

233 child to whom the sanction applies;

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

237 The child's parent or caretaker relative (whoever is the
238 primary recipient of the TANF benefits) may request a fair hearing
239 on the department's determination that the child has not been
240 attending school. If the child's parents or caretaker relative
241 does not request a fair hearing under this subsection, or if,
242 after a fair hearing has been held, the hearing officer finds that
243 the child without good cause has failed to meet the monthly
244 attendance requirement, the department shall discontinue or deny
245 TANF benefits to the child thirteen (13) years old, or older, in
246 the next possible payment month. The department shall discontinue
247 or deny twenty-five percent (25%) of the family grant when a child
248 six (6) through twelve (12) years of age without good cause has
249 failed to meet the monthly attendance requirement. Both the child
250 and family sanction may apply when children in both age groups
251 fail to meet the attendance requirement without good cause. A
252 sanction applied under this subsection shall be effective for one
253 (1) month for each month that the child failed to meet the monthly
254 attendance requirement. In the case of a dropout, the sanction
255 shall remain in force until the parent or caretaker relative
256 provides written proof from the school district that the child has
257 reenrolled and met the monthly attendance requirement for one (1)
258 calendar month. Any month in which school is in session for at
259 least ten (10) days during the month may be used to meet the
260 attendance requirement under this subsection. This includes

261 attendance at summer school. The sanction shall be removed the
262 next possible payment month.

263 (5) All parents or caretaker relatives shall have their
264 dependent children receive vaccinations and booster vaccinations
265 against those diseases specified by the State Health Officer
266 pursuant to Section 41-23-37 in accordance with the vaccination
267 and booster vaccination schedule prescribed by the State Health
268 Officer for children of that age, in order for the parents or
269 caretaker relatives to be eligible or remain eligible to receive
270 TANF benefits. Proof of having received such vaccinations and
271 booster vaccinations shall be given by presenting the certificates
272 of vaccination issued by any health care provider licensed to
273 administer vaccinations, and submitted on forms specified by the
274 State Board of Health. If the parents without good cause do not
275 have their dependent children receive the vaccinations and booster
276 vaccinations as required by this subsection and they fail to
277 comply after thirty (30) days' notice, the department shall
278 sanction the family's TANF benefits by twenty-five percent (25%)
279 for the next payment month and each subsequent payment month until
280 the requirements of this subsection are met.

281 (6) (a) If the parent or caretaker relative applying for
282 TANF assistance is an employable person, as determined by the
283 Department of Human Services, the person shall be required to
284 engage in an allowable work activity once the department
285 determines the parent or caretaker relative is ready to engage in
286 work, or once the parent or caretaker relative has received TANF
287 assistance under the program for twenty-four (24) months, whether
288 or not consecutive, whichever is earlier. No TANF benefits shall

289 be given to any person to whom this section applies who fails
290 without good cause to comply with the Employability Development
291 Plan prepared by the department for the person, or who has refused
292 to accept a referral or offer of employment, training or education
293 in which he or she is able to engage, subject to the penalties
294 prescribed in subsection (6)(d). A person shall be deemed to have
295 refused to accept a referral or offer of employment, training or
296 education if he or she:

297 (i) Willfully fails to report for an interview
298 with respect to employment when requested to do so by the
299 department; or

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

302 (iii) Willfully fails to report for allowable work
303 activities as prescribed in subsection (6)(c).

304 (b) The Department of Human Services shall operate a
305 statewide work program for TANF recipients to provide work
306 activities and supportive services to enable families to become
307 self-sufficient and improve their competitive position in the work
308 force in accordance with the requirements of the federal Personal
309 Responsibility and Work Opportunity Reconciliation Act of 1996
310 (Public Law 104-193), as amended, and the regulations promulgated
311 thereunder. All adults who are not specifically exempt shall be
312 referred by the department for allowable work activities. An
313 adult may be exempt from the mandatory work activity requirement
314 for the following reasons:

315 (i) Incapacity;

316 (ii) Temporary illness or injury, verified by

317 physician's certificate;

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

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

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

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

327 (vii) Receiving treatment for substance abuse, if
328 the person is in compliance with the substance abuse treatment
329 plan;

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

333 (ix) History of having been a victim of domestic
334 violence, which has been reported as required by state law and is
335 substantiated by police reports or court records, and being at
336 risk of further domestic violence, shall be exempt for a period as
337 deemed necessary by the department but not to exceed a total of
338 twelve (12) months, which need not be consecutive, in the
339 sixty-month maximum benefit period. For the purposes of this
340 paragraph (ix), "domestic violence" means that an individual has
341 been subjected to:

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

344 2. Sexual abuse;

345 3. Sexual activity involving a dependent
346 child;

347 4. Being forced as the caretaker relative of
348 a dependent child to engage in nonconsensual sexual acts or
349 activities;

350 5. Threats of, or attempts at, physical or
351 sexual abuse;

352 6. Mental abuse; or

353 7. Neglect or deprivation of medical care.

354 (c) For all families, all adults who are not
355 specifically exempt shall be required to participate in work
356 activities for at least the minimum average number of hours per
357 week specified by federal law or regulation, not fewer than twenty
358 (20) hours per week (thirty-five (35) hours per week for
359 two-parent families) of which are attributable to the following
360 allowable work activities:

361 (i) Unsubsidized employment;

362 (ii) Subsidized private employment;

363 (iii) Subsidized public employment;

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

367 (v) On-the-job training;

368 (vi) Job search and job readiness assistance
369 consistent with federal TANF regulations;

370 (vii) Community service programs;

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

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

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

379 (xi) Education directly related to employment, for
380 heads of household under age twenty (20) who have not completed
381 high school or received such equivalency certificate.

382 The following are allowable work activities which may be
383 attributable to hours in excess of the minimum specified above:

384 (i) Job skills training directly related to
385 employment;

386 (ii) Education directly related to employment for
387 individuals who have not completed high school or received a high
388 school equivalency certificate;

389 (iii) Satisfactory attendance at high school or in
390 a course of study leading to a high school equivalency, for
391 individuals who have not completed high school or received such
392 equivalency certificate;

393 (iv) Job search and job readiness assistance
394 consistent with federal TANF regulations.

395 (d) If any adult or caretaker relative refuses to
396 participate in allowable work activity as required under this
397 subsection (6), the following full family TANF benefit penalty
398 will apply, subject to due process to include notification,
399 conciliation and a hearing if requested by the recipient:

400 (i) For the first violation, the department shall

401 terminate the TANF assistance otherwise payable to the family for
402 a two-month period or until the person has complied with the
403 required work activity, whichever is longer;

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

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

412 (iv) For the fourth violation, the person shall be
413 permanently disqualified.

414 For a two-parent family, unless prohibited by state or
415 federal law, Medicaid assistance shall be terminated only for the
416 person whose failure to participate in allowable work activity
417 caused the family's TANF assistance to be sanctioned under this
418 subsection (6)(d), unless an individual is pregnant, but shall not
419 be terminated for any other person in the family who is meeting
420 that person's applicable work requirement or who is not required
421 to work. Minor children shall continue to be eligible for
422 Medicaid benefits regardless of the disqualification of their
423 parent or caretaker relative for TANF assistance under this
424 subsection (6), unless prohibited by state or federal law.

425 (e) Any person enrolled in a two-year or four-year
426 college program who meets the eligibility requirements to receive
427 TANF benefits, and who is meeting the applicable work requirements
428 and all other applicable requirements of the TANF program, shall

429 continue to be eligible for TANF benefits while enrolled in the
430 college program for as long as the person meets the requirements
431 of the TANF program, unless prohibited by federal law.

432 (f) No adult in a work activity required under this
433 subsection (6) shall be employed or assigned (i) when any other
434 individual is on layoff from the same or any substantially
435 equivalent job within six (6) months before the date of the TANF
436 recipient's employment or assignment; or (ii) if the employer has
437 terminated the employment of any regular employee or otherwise
438 caused an involuntary reduction of its work force in order to fill
439 the vacancy so created with an adult receiving TANF assistance.
440 The Mississippi Employment Security Commission, established under
441 Section 71-5-101, shall appoint one or more impartial hearing
442 officers to hear and decide claims by employees of violations of
443 this paragraph (f). The hearing officer shall hear all the
444 evidence with respect to any claim made hereunder and such
445 additional evidence as he may require and shall make a
446 determination and the reason therefor. The claimant shall be
447 promptly notified of the decision of the hearing officer and the
448 reason therefor. Within ten (10) days after the decision of the
449 hearing officer has become final, any party aggrieved thereby may
450 secure judicial review thereof by commencing an action, in the
451 circuit court of the county in which the claimant resides, against
452 the commission for the review of such decision, in which action
453 any other party to the proceeding before the hearing officer shall
454 be made a defendant. Any such appeal shall be on the record which
455 shall be certified to the court by the commission in the manner
456 provided in Section 71-5-531, and the jurisdiction of the court

457 shall be confined to questions of law which shall render its
458 decision as provided in that section.

459 (7) The Department of Human Services shall provide child
460 care for eligible participants who require such care so that they
461 may accept employment or remain employed. The department shall
462 also provide child care for those participating in the TANF
463 program when it is determined that they are satisfactorily
464 involved in education, training or other allowable work
465 activities. The department may contract with Head Start agencies
466 to provide child care services to TANF recipients. The department
467 may also arrange for child care by use of contract or vouchers,
468 provide vouchers in advance to a caretaker relative, reimburse a
469 child care provider, or use any other arrangement deemed
470 appropriate by the department, and may establish different
471 reimbursement rates for child care services depending on the
472 category of the facility or home. Any center-based or group home
473 child care facility under this paragraph shall be licensed by the
474 State Department of Health pursuant to law. When child care is
475 being provided in the child's own home, in the home of a relative
476 of the child, or in any other unlicensed setting, the provision of
477 such child care may be monitored on a random basis by the
478 Department of Human services or the State Department of Health.
479 Transitional child care assistance may be continued if it is
480 necessary for parents to maintain employment once support has
481 ended, unless prohibited under state or federal law. Transitional
482 child care assistance shall be provided * * * after the last month
483 during which the family was eligible for TANF assistance for as
484 long as the family income does not exceed two hundred percent

485 (200%) of the federal poverty level, if federal funds are
486 available for such child care assistance. In order to maximize
487 the use of federal funds, the Department of Human Services shall
488 apply for and draw down the total amount of federal funds
489 available to the State of Mississippi for providing child care and
490 transitional child care services to eligible families under this
491 subsection (7). To the extent of appropriations specifically made
492 available by the Legislature, the Department of Human Services
493 shall match the federal funds with state funds on a
494 dollar-for-dollar basis, to provide or expand child care services
495 to eligible individuals. State funds provided under this
496 subsection shall be expended only for the following reasons:

497 (a) The construction, purchase lease or improvement of
498 buildings or other facilities.

499 (b) The purchase or improvement of land.

500 (c) The purchase or lease of equipment, including
501 vehicles.

502 (d) Start-up and operation costs.

503 (e) Initial operating expenses.

504 (f) Providing direct services to qualified families
505 under this act or expanding existing direct services to such
506 families. The department shall provide a yearly report to the
507 Legislature which details the number of children who are cared for
508 and the types of services that are provided, using such federal
509 and state funds. All application forms for federal or state child
510 care funds under this subsection shall be simple and
511 user-friendly.

512 (8) The Department of Human Services shall provide

513 transportation or provide reasonable reimbursement for
514 transportation expenses that are necessary for individuals to be
515 able to participate in allowable work activity under the TANF
516 program.

517 (9) Medicaid assistance shall be provided to a family of
518 TANF program participants for up to twenty-four (24) consecutive
519 calendar months following the month in which the participating
520 family would be ineligible for TANF benefits because of increased
521 income, expiration of earned income disregards, or increased hours
522 of employment of the caretaker relative; however, Medicaid
523 assistance for more than twelve (12) months may be provided only
524 if a federal waiver is obtained to provide such assistance for
525 more than twelve (12) months and federal and state funds are
526 available to provide such assistance.

527 (10) The department shall require applicants for and
528 recipients of public assistance from the department to sign a
529 personal responsibility contract that will require the applicant
530 or recipient to acknowledge his or her responsibilities to the
531 state.

532 (11) The department shall enter into an agreement with the
533 State Personnel Board and other state agencies that will allow
534 those TANF participants who qualify for vacant jobs within state
535 agencies to be placed in state jobs. State agencies participating
536 in the TANF work program shall receive any and all benefits
537 received by employers in the private sector for hiring TANF
538 recipients. This subsection (11) shall be effective only if the
539 state obtains any necessary federal waiver or approval and if
540 federal funds are available therefor.

541 (12) No new TANF program requirement or restriction
542 affecting a person's eligibility for TANF assistance, or allowable
543 work activity, which is not mandated by federal law or regulation
544 may be implemented by the Department of Human Services after the
545 effective date of this act, unless such is specifically authorized
546 by an amendment to this section by the Legislature.

547 SECTION 2. Section 25-15-3, Mississippi Code of 1972, is
548 amended as follows:

549 25-15-3. For the purposes of this article, the words and
550 phrases used herein shall have the following meanings:

551 (a) "Employee" means a person who works full time for
552 the State of Mississippi and receives his compensation in a direct
553 payment from a department, agency or institution of the state
554 government and any person who works full time for any school
555 district, community/junior college, public library or
556 university-based program authorized under Section 37-23-31 for
557 deaf, aphasic and emotionally disturbed children or any regular
558 nonstudent bus driver, and shall include directors and full-time
559 employees of licensed child day care facilities whose salaries are
560 paid in whole or in part by federal or state funds. This shall
561 include legislators, employees of the legislative branch and the
562 judicial branch of the state and "employees" shall include
563 full-time salaried judges and full-time district attorneys and
564 their staff and full-time compulsory school attendance officers.
565 For the purposes of this article, any "employee" making
566 contributions to the State of Mississippi retirement plan shall be
567 considered a full-time employee.

568 (b) "Department" means the Department of Finance and

569 Administration.

570 (c) "Plan" means the State and School Employees Life
571 and Health Insurance Plan created under this article.

572 (d) "Fund" means the State and School Employees
573 Insurance Fund set up under this article.

574 (e) "Retiree" means any employee retired under the
575 Mississippi retirement plan.

576 (f) "Board" means the State and School Employees Health
577 Insurance Management Board created under Section 25-15-303.

578 SECTION 3. Sections ___ through ___ of this act may be cited
579 as the Mississippi Qualified Child Day Care Grant Program.

580 SECTION 4. The purpose of this act is to make grants
581 available to child day care providers for the purpose of financing
582 the development and expansion of child day care centers for
583 families with an income not exceeding two hundred percent (200%)
584 of the federal poverty level, and to increase the quality and
585 availability of child day care and employment opportunities for
586 these families.

587 SECTION 5. As used in this act:

588 (a) "DECD" means the Department of Economic and
589 Community Development.

590 (b) "Designated entity" means an entity designated to
591 administer the Mississippi Qualified Child Day Care Grant Program
592 Fund pursuant to Section 5 of this act.

593 (c) "Child day care provider" means a person providing
594 or planning to provide child day care to families with an income
595 not exceeding two hundred percent (200%) of the federal poverty
596 level.

597 (d) "Fund" means the Mississippi Qualified Child Day
598 Care Grant Program Fund.

599 SECTION 6. There is created in the State Treasury a special
600 fund to be known as the "Mississippi Qualified Child Day Care
601 Grant Program Fund," into which shall be deposited such money as
602 the Legislature may provide by appropriation and any other money
603 received by DECD for the purposes of this act from any other
604 source. Money in the fund shall be used by qualifying child day
605 care providers for the purposes authorized under this act. The
606 fund shall be administered by DECD or a designated entity and
607 money in the fund shall be expended upon appropriation by the
608 Legislature. Unexpended amounts remaining in the fund at the end
609 of the state fiscal year shall not lapse into the State General
610 Fund, and any interest earned on amount in the fund shall be
611 deposited to the credit of the fund.

612 SECTION 7. DECD shall:

613 (a) Administer the fund or designate an appropriate
614 entity to administer the fund.

615 (b) Develop a simple, user-friendly grant application
616 process and such process shall be managed in accordance with the
617 policies DECD establishes.

618 (c) Monitor projects to ensure compliance with
619 applicable state and federal laws, rules and relevant court
620 decisions.

621 SECTION 8. (1) Any Mississippi qualified child care
622 provider desiring to participate in the program shall make
623 application for a grant to the DECD in a form satisfactory to the
624 DECD. The DECD shall receive grant proposals from Mississippi

625 qualified child care providers. All proposals shall be submitted
626 in accordance with the provisions of grant procedures, criteria
627 and standards developed and made public by the DECD. All
628 application forms shall be simple and user-friendly.

629 SECTION 9. Grants awarded under this act may be made only
630 for the following reasons:

631 (a) The construction, purchase, lease or improvement of
632 buildings or other facilities.

633 (b) The purchase or improvement of land.

634 (c) The purchase or lease of equipment, including
635 vehicles.

636 (d) Start-up and operation costs.

637 (e) Initial operating expenses.

638 (f) Providing direct services to qualified families
639 under this act or expanding existing direct services to such
640 families.

641 SECTION 10. Grants under this act shall be subject to the
642 following restrictions:

643 (a) A grant shall not be awarded in an amount greater
644 than One hundred Thousand Dollars (\$100,000.00).

645 (b) Each Mississippi qualified child care provider
646 receiving a service grant shall provide a yearly report to the
647 DECD which details the number of children who are cared for and
648 the types of services that are provided.

649 SECTION 11. In determining whether to award a grant to a
650 child day care provider who has a history of operating or owning a
651 child day care center DECD or the designated entity shall use the
652 following criteria:

- 653 (a) Quality of programming and staff.
- 654 (b) Ratio of children to staff.
- 655 (c) Quality of facilities.
- 656 (d) Quality of administrative and financial management.
- 657 (e) History of compliance with child day care licensing
- 658 or registration requirements.

659 SECTION 12. DECD shall formulate criteria to be utilized in

660 determining whether to grant funds to a child day care provider

661 that does not have a history of operating or owning a child day

662 care center.

663 SECTION 13. An applicant for a grant under this act shall

664 supply DECD or the designated entity with the following:

- 665 (a) A detailed description of the project.
- 666 (b) A disclosure of additional funds, if any, that are
- 667 available to the applicant.
- 668 (c) Information that relates to the inability of the
- 669 applicant to obtain adequate financing on reasonable terms through
- 670 normal lending channels.
- 671 (d) Credit references, if available, for the applicant.
- 672 (e) A five-year projected budget.
- 673 (f) A comprehensive business plan that includes the
- 674 applicant's plans in the areas of:
- 675 (i) Debt reduction;
- 676 (ii) Marketing;
- 677 (iii) Staff training;
- 678 (iv) Facility improvement; and
- 679 (v) Program improvement.
- 680 (g) Such other information as DECD may require.

681 SECTION 14. (1) The DECD shall establish an advisory
682 council to review and make recommendations to the DECD on the
683 awarding of any grants to Mississippi qualified child care
684 providers. Such recommendations by the advisory council shall not
685 be binding upon the DECD, but when a recommendation by the
686 advisory council is not followed by the DECD, the DECD shall place
687 in its minutes reasons for not accepting the advisory council's
688 recommendation, and provide for an appeals process. All approved
689 grants shall be awarded within thirty (30) days of approval by the
690 DECD.

691 (2) The composition of the advisory council shall be the
692 following:

693 (a) One (1) employee of the DECD, with experience in
694 reviewing and writing grant proposals;

695 (b) Two (2) executive employees of Mississippi
696 qualified child care providers;

697 (c) One (1) employee of the State Department of Health
698 with experience in child care facility licensure;

699 (d) One (1) child care provider who is not affiliated
700 with a Mississippi qualified child care center but has training
701 and experience in child care.

702 (3) The DECD may use a portion of any grant monies received
703 under this act to administer the program and to pay reasonable
704 expenses incurred by the advisory council; provided, however, in
705 no case shall more than one and one-half percent (1-1/2%) or Sixty
706 Thousand Dollars (\$60,000.00) annually, whichever is less, be used
707 to absorb program expenses.

708 (4) No assistance shall be provided to a Mississippi

709 qualified child care provider under this act unless the
710 Mississippi qualified child care provider certifies to the DECD,
711 that it will not discriminate against any employee or against any
712 applicant for employment because of race, religion, color,
713 national origin, sex or age.

714 SECTION 15. This act shall take effect and be in force from
715 and after July 1, 2000.