

By: Nunnelee, Chaney

To: Public Health and  
Welfare;  
Appropriations

SENATE BILL NO. 3160  
(As Sent to Governor)

1 AN ACT TO AMEND SECTIONS 43-17-37 AND 43-17-35, MISSISSIPPI  
2 CODE OF 1972, TO MAKE TECHNICAL CORRECTIONS TO THE MISSISSIPPI  
3 REDUCING OUT-OF-WEDLOCK PREGNANCIES INCENTIVE GRANT FUND PROGRAM,  
4 AND TO EXTEND THE TASK FORCE ON OUT-OF-WEDLOCK PREGNANCIES IN  
5 ORDER TO MAKE FURTHER REPORTS TO THE LEGISLATURE; AND FOR RELATED  
6 PURPOSES.

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

8 SECTION 1. Section 43-17-37, Mississippi Code of 1972, is  
9 amended as follows:[RDD1]

10 43-17-37. (1) There is hereby created in the State Treasury  
11 a special fund to be known as the Mississippi Reducing  
12 Out-Of-Wedlock Pregnancies Incentive Grant Fund into which shall  
13 be deposited the federal funds available for bonuses for the  
14 reduction in out-of-wedlock births awarded under the federal  
15 Personal Responsibility and Work Opportunity Reconciliation Act of  
16 1996 (Public Law 104-193) and such other money as the Legislature  
17 may provide by appropriation. The money in the fund shall be used  
18 for the purpose of providing financial incentives to counties to  
19 reduce their out-of-wedlock birth rates as required by federal  
20 welfare reform legislation. The fund shall be administered by the  
21 Department of Human Services. Unexpended amounts remaining in the  
22 fund at the end of the fiscal year shall not lapse into the State  
23 General Fund, and any interest earned on amounts in the fund shall  
24 be deposited to the credit of the fund; provided that any  
25 unexpended amounts remaining in the fund on December 31, 2003,  
26 shall lapse into the State General Fund.

27 (2) The Department of Human Services shall make annual  
28 awards from the fund to the top five (5) counties with the

29 greatest reduction in out-of-wedlock births without an increase in  
30 abortions in each of the following categories:

31 (a) One Hundred Thousand Dollars (\$100,000.00) in  
32 counties which had two hundred fifty (250) or fewer \* \* \* total  
33 live births;

34 (b) Two Hundred Fifty Thousand Dollars (\$250,000.00) in  
35 counties which had between two hundred fifty (250) and five  
36 hundred (500) total live births;

37 (c) Five Hundred Thousand Dollars (\$500,000.00) in  
38 counties which had five hundred (500) or more \* \* \* total live  
39 births.

40 (3) Determination of the recipient counties will be based on  
41 an average of the previous two (2) years' out-of-wedlock birth  
42 rates compared to the previous two-year average, and the number of  
43 abortions performed on county residents compared to the number for  
44 calendar year 1998 as reported by the State Department of Health.

45 In order to qualify for the award funds, the reduction in the  
46 out-of-wedlock birth rate shall be at least three percent (3%).

47 (4) In order to be considered for an incentive award, the  
48 county board of supervisors shall appoint an advisory  
49 committee \* \* \* which shall develop a plan for the county to be  
50 submitted by the county board of supervisors to the Department of  
51 Human Services by December 1, 2000, and by December 1 of each  
52 subsequent year.

53 (5) Each county receiving an incentive award will be subject  
54 to the following requirements:

55 (a) The county must use the incentive award for some  
56 type of youth enrichment, such as, but not limited to, continuing  
57 the implementation of the plan that reduced out-of-wedlock  
58 pregnancies, education-related projects, recreational facilities,  
59 or a summer work program; and

60 (b) The county must submit a report to the Department  
61 of Human Services on the methods used to achieve the reduction in  
62 out-of-wedlock births, and submit a separate report to the  
63 department explaining how the incentive award was spent.

64 (6) If the fund is not adequate to make the distributions  
65 presented under this section, the department may award funds to

66 counties on a reduced pro-rata basis.

67 (7) Funds shall be distributed each year following the  
68 release of the vital statistics report of the Mississippi State  
69 Department of Health. The first disbursement from the fund shall  
70 be made after such report is released which shows the statistics  
71 for calendar year 2000.

72 (8) This section shall stand repealed from and after  
73 December 31, 2003.

74 SECTION 2. Section 43-17-35, Mississippi Code of 1972, is  
75 amended as follows:[RDD2]

76 43-17-35. (1) In the enactment of the Personal  
77 Responsibility and Work Opportunity Reconciliation Act of 1996  
78 (Public Law 104-193), the United States Congress made the  
79 following findings relating to out-of-wedlock pregnancies:

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

82 (b) An effective strategy to combat teenage pregnancy  
83 must address the issue of male responsibility, including statutory  
84 rape culpability and prevention. The increase of teenage  
85 pregnancies among the youngest girls is particularly severe and is  
86 linked to predatory sexual practices by men who are significantly  
87 older.

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

91 (d) Currently thirty-five percent (35%) of children in  
92 single-parent homes are born out of wedlock, nearly the same  
93 percentage as that of children in single-parent homes whose  
94 parents are divorced. While many parents find themselves, through  
95 divorce or tragic circumstances beyond their control, facing the  
96 difficult task of raising children alone, nevertheless, the  
97 negative consequences of raising children in single-parent homes  
98 are well documented.

99           (e) Therefore, in light of this demonstration of the  
100 crisis in our nation, it is the sense of the Congress that  
101 prevention of out-of-wedlock births are very important government  
102 interests and the policy contained in this legislation is intended  
103 to address the crisis.

104           (2) The Department of Human Services shall establish a task  
105 force in compliance with Public Law 104-193, consisting of public  
106 and private organizations and individuals to review the incidence  
107 and circumstances of out-of-wedlock pregnancies in Mississippi.  
108 Based on these findings, goals will be established by the task  
109 force and a specific program will be recommended to prevent and  
110 reduce the incidence of out-of-wedlock pregnancies in Mississippi,  
111 as well as the efficiency and cost effectiveness of the program,  
112 with special emphasis on teenage pregnancies. The task force will  
113 establish numerical goals for reducing the illegitimacy ratio of  
114 the state as defined by federal law through calendar year 2005.  
115 The task force shall publish its findings and recommendations with  
116 any proposed legislation in a report to the Governor and the  
117 Legislature to be made on or before January 1, 1998.

118           (3) The task force established under subsection (2) of this  
119 section shall continue in existence and shall study the effect  
120 that raising the statutory age of sexual consent to age sixteen  
121 (16) has on preventing and reducing the incidence of teenage  
122 out-of-wedlock pregnancies in Mississippi from July 1, 1998, to  
123 October 1, 2001. The task force shall consider whether raising  
124 the age of sexual consent to an age above age sixteen (16) would  
125 be more effective in preventing and reducing the incidence of  
126 teenage out-of-wedlock pregnancies in Mississippi. The task force  
127 shall publish its findings and recommendations, together with any  
128 proposed legislation, in a report to the Governor and the  
129 Legislature on or before January 1, 2002.

130           SECTION 3. This act shall take effect and be in force from  
131 and after July 1, 2000.