

By: Senator(s) Cuevas

To: Public Health and Welfare

SENATE BILL NO. 2362

1 AN ACT TO REQUIRE RANDOM DRUG TESTING FOR ANY PERSON
2 RECEIVING TANF BENEFITS; TO PROVIDE THAT ANY SUCH PERSON WHOSE
3 TEST RESULTS ARE POSITIVE REGARDING THE PRESENCE OF ANY UNLAWFUL
4 DRUG IN THE PERSON'S SYSTEM SHALL BE INELIGIBLE TO RECEIVE TANF
5 FOR ONE YEAR; TO AMEND SECTIONS 43-17-1 AND 43-17-5, MISSISSIPPI
6 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR
7 RELATED PURPOSES.

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

9 **SECTION 1.** (1) Any person receiving Temporary Assistance to
10 Needy Families (TANF) benefits shall be required to submit to
11 random drug testing to determine whether any unlawful drug is
12 present in the system of the person. The State Department of
13 Human Services in conjunction with the Bureau of Narcotics and the
14 State Board of Health, shall establish and administer a testing
15 program with such standards and procedures deemed necessary to
16 accomplish the requirements of this section. The testing program
17 will be funded with money appropriated by the Legislature to the
18 agencies mentioned in the preceding sentence for that purpose.

19 (2) All testing required under this section shall be
20 performed at the Mississippi Crime Laboratory or at a laboratory
21 approved by the Director of the Mississippi Crime Laboratory.

22 (3) Any person receiving TANF benefits whose test results
23 are positive regarding the presence of any unlawful drug(s) in the
24 person's system shall be ineligible to receive the benefits for a
25 period of one (1) year.

26 (4) Any person receiving TANF benefits who refuses to submit
27 to a random drug test shall be ineligible to receive such benefits
28 for a period of one (1) year.

29 (5) The provisions of this section shall be implemented
30 after the date that the State Department of Human Services has
31 received all federal waivers that are necessary to implement the
32 provisions of this section from the United States Department of
33 Health and Human Services.

34 **SECTION 2.** Section 43-17-1, Mississippi Code of 1972, is
35 amended as follows:

36 43-17-1. (1) The State of Mississippi hereby accepts all of
37 the mandatory provisions and benefits, with the exception of those
38 provisions under which the state may exercise its options, of
39 Title I of an act passed by the Senate and House of
40 Representatives of the United States of America, in Congress
41 assembled, entitled: "The Personal Responsibility and Work
42 Opportunity Reconciliation Act of 1996 (Public Law 104-193)," and
43 known as the Temporary Assistance to Needy Families (TANF)
44 program.

45 (2) The Department of Human Services shall have all
46 necessary authority to cooperate with the federal government in
47 the administration of Public Law 104-193 and all subsequent
48 federal amendments thereto, to administer any legislation pursuant
49 thereto enacted by the State of Mississippi, and to administer the
50 funds provided by the federal government and the State of
51 Mississippi under the provisions of Section 43-17-1 et seq., for
52 providing temporary assistance for needy families with minor
53 children. The Department of Human Services shall have full
54 authority to formulate state plans consistent with state law as
55 necessary to administer and operate federal grant funds which
56 provide temporary assistance for needy families with minor
57 children under Title IV-A of the federal Social Security Act. The
58 Department of Human Services shall identify in any state plan
59 submitted to implement the TANF program those requirements or
60 restrictions, including persons excluded from program
61 participation which are required under federal law, and those

62 program requirements or restrictions which the federal law
63 authorizes but does not require.

64 (3) Any funds received by the State of Mississippi under the
65 provisions of Public Law 104-193 shall be subject to appropriation
66 by the Legislature and consistent with the terms and conditions
67 required under such appropriation.

68 (4) The purpose of the Mississippi Temporary Assistance to
69 Needy Families (TANF) program shall be to:

70 (a) Provide assistance to needy families so that
71 children may be cared for in their own homes or in the homes of
72 relatives when such care is beneficial and may be monitored on a
73 random basis by the Department of Human Services or the State
74 Department of Health;

75 (b) End the dependence of needy families on government
76 benefits by promoting job preparation, work and marriage through,
77 among other things, job placement, job training and job retention;

78 (c) Prevent and reduce the incidence of out-of-wedlock
79 pregnancies and establish annual numerical goals for preventing
80 and reducing the incidence of these pregnancies;

81 (d) Encourage the formation and maintenance of
82 two-parent families; and

83 (e) Prevent program fraud and abuse.

84 (5) The Department of Human Services shall develop outcome
85 and output indicators for each program established under the
86 authority of this section. These measures shall provide
87 legislators and administrators with information which measures the
88 success or failure of the department in implementing the programs
89 implemented under the authority of this section. The department
90 shall annually report to the Legislature the outputs and outcomes
91 of these programs, with the first report due by December 15, 1997.
92 Such reports shall include recommendations for making programs
93 more effective or efficient which can be effected in accordance
94 with federal law.

95 (6) Assistance may be granted under this chapter to any
96 dependent child and a caretaker relative who are living in a
97 suitable family home meeting the standards of care and health and
98 work requirements fixed by the laws of this state, and the rules
99 and regulations of the State Department of Human Services. Any
100 person may be determined to be ineligible for TANF benefits due to
101 a positive drug test under the provisions of Section 1 of Senate
102 Bill No. 2362, 2004 Regular Session.

103 **SECTION 3.** Section 43-17-5, Mississippi Code of 1972, is
104 amended as follows:

105 43-17-5. (1) The amount of Temporary Assistance for Needy
106 Families (TANF) benefits which may be granted for any dependent
107 child and a needy caretaker relative shall be determined by the
108 county department with due regard to the resources and necessary
109 expenditures of the family and the conditions existing in each
110 case, and in accordance with the rules and regulations made by the
111 Department of Human Services which shall not be less than the
112 Standard of Need in effect for 1988, and shall be sufficient when
113 added to all other income (except that any income specified in the
114 federal Social Security Act, as amended, may be disregarded) and
115 support available to the child to provide such child with a
116 reasonable subsistence compatible with decency and health. The
117 first family member in the dependent child's budget may receive an
118 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
119 the second family member in the dependent child's budget may
120 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
121 month; and each additional family member in the dependent child's
122 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
123 month. The maximum for any individual family member in the
124 dependent child's budget may be exceeded for foster or medical
125 care or in cases of mentally retarded or physically handicapped
126 children. TANF benefits granted shall be specifically limited
127 only (a) to children existing or conceived at the time the

128 caretaker relative initially applies and qualifies for such
129 assistance, unless this limitation is specifically waived by the
130 department, or (b) to a child born following a twelve (12)
131 consecutive month period of discontinued benefits by the caretaker
132 relative.

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

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

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

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

147 (c) Families not assigning to the state any rights a
148 family member may have, on behalf of the family member or of any
149 other person for whom the family member has applied for or is
150 receiving such assistance, to support from any other person, as
151 required by law;

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

154 (e) Any individual who has not attained eighteen (18)
155 years of age, is not married to the head of household, has a minor
156 child at least twelve (12) weeks of age in his or her care, and
157 has not successfully completed a high school education or its
158 equivalent, if such individual does not participate in educational
159 activities directed toward the attainment of a high school diploma

160 or its equivalent, or an alternative educational or training
161 program approved by the department;

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

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

170 (h) Any individual who is a parent or other caretaker
171 relative of a minor child who fails to notify the department of
172 the absence of the minor child from the home for the thirty-day
173 period specified in paragraph (g), by the end of the five-day
174 period that begins with the date that it becomes clear to the
175 individual that the minor child will be absent for the thirty-day
176 period;

177 (i) Any individual who fails to comply with the
178 provisions of the Employability Development Plan signed by the
179 individual which prescribe those activities designed to help the
180 individual become and remain employed, or to participate
181 satisfactorily in the assigned work activity, as authorized under
182 subsections (6)(c) and (d);

183 (j) A parent or caretaker relative who has not engaged
184 in an allowable work activity once the department determines the
185 parent or caretaker relative is ready to engage in work, or once
186 the parent or caretaker relative has received TANF assistance
187 under the program for twenty-four (24) months, whether or not
188 consecutive, whichever is earlier;

189 (k) Any individual who is fleeing to avoid prosecution,
190 or custody or confinement after conviction, under the laws of the
191 jurisdiction from which the individual flees, for a crime, or an
192 attempt to commit a crime, which is a felony under the laws of the

193 place from which the individual flees, or who is violating a
194 condition of probation or parole imposed under federal or state
195 law;

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

197 (m) For a period of ten (10) years following
198 conviction, individuals convicted in federal or state court of
199 having made a fraudulent statement or representation with respect
200 to the individual's place of residence in order to receive TANF,
201 food stamps or Supplemental Security Income (SSI) assistance under
202 Title XVI or Title XIX simultaneously from two (2) or more states;

203 * * *

204 (n) Individuals who are recipients of federal
205 Supplemental Security Income (SSI) assistance; and

206 (o) Any individual who tests positive for drugs or
207 refuses a random drug test pursuant to the provisions of Section 1
208 of Senate Bill No. 2362, 2004 Regular Session.

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

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

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

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

219 (iv) If the person is a parent or caretaker
220 relative with whom a dependent child is living, child care is
221 available for the child.

222 The monthly attendance requirement under this subsection
223 shall be attendance at the school in which the person is enrolled
224 for each day during a month that the school conducts classes in
225 which the person is enrolled, with not more than two (2) absences

226 during the month for reasons other than the reasons listed in
227 paragraph (e)(iv) of this subsection. Persons who fail to meet
228 participation requirements in this subsection shall be subject to
229 sanctions as provided in paragraph (f) of this subsection.

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

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

233 (ii) A vocational, technical and adult education
234 program; or

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

238 (c) If any compulsory-school-age child, as defined in
239 Section 37-13-91(2), to which TANF eligibility requirements apply
240 is not in compliance with the compulsory school attendance
241 requirements of Section 37-13-91(6), the superintendent of schools
242 of the school district in which the child is enrolled or eligible
243 to attend shall notify the county department of human services of
244 the child's noncompliance. The Department of Human Services shall
245 review school attendance information as provided under this
246 paragraph at all initial eligibility determinations and upon
247 subsequent report of unsatisfactory attendance.

248 (d) The signature of a person on an application for
249 TANF benefits constitutes permission for the release of school
250 attendance records for that person or for any child residing with
251 that person. The department shall request information from the
252 child's school district about the child's attendance in the school
253 district's most recently completed semester of attendance. If
254 information about the child's previous school attendance is not
255 available or cannot be verified, the department shall require the
256 child to meet the monthly attendance requirement for one (1)
257 semester or until the information is obtained. The department
258 shall use the attendance information provided by a school district

259 to verify attendance for a child. The department shall review
260 with the parent or caretaker relative a child's claim that he or
261 she has a good cause for not attending school.

262 A school district shall provide information to the department
263 about the attendance of a child who is enrolled in a public school
264 in the district within five (5) working days of the receipt of a
265 written request for such information from the department. The
266 school district shall define how many hours of attendance count as
267 a full day and shall provide that information, upon request, to
268 the department. In reporting attendance, the school district may
269 add partial days' absence together to constitute a full day's
270 absence.

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

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

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

280 (iii) The child is prohibited by the school
281 district from attending school and an expulsion is pending. This
282 exemption no longer applies once the teenager has been expelled;
283 however, a teenager who has been expelled and is making
284 satisfactory progress towards obtaining a GED equivalent shall be
285 eligible for TANF benefits; or

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

288 1. Illness, injury or incapacity of the child
289 or the minor parent's child;

290 2. Court-required appearances or temporary
291 incarceration;

292 3. Medical or dental appointments for the
293 child or minor parent's child;
294 4. Death of a close relative;
295 5. Observance of a religious holiday;
296 6. Family emergency;
297 7. Breakdown in transportation;
298 8. Suspension; or
299 9. Any other circumstance beyond the control
300 of the child, as defined in regulations of the department.

301 (f) Upon determination that a child has failed without
302 good cause to attend school as required, the department shall
303 provide written notice to the parent or caretaker relative
304 (whoever is the primary recipient of the TANF benefits) that
305 specifies:

306 (i) That the family will be sanctioned in the next
307 possible payment month because the child who is required to attend
308 school has failed to meet the attendance requirement of this
309 subsection;

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

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

315 The child's parent or caretaker relative (whoever is the
316 primary recipient of the TANF benefits) may request a fair hearing
317 on the department's determination that the child has not been
318 attending school. If the child's parents or caretaker relative
319 does not request a fair hearing under this subsection, or if,
320 after a fair hearing has been held, the hearing officer finds that
321 the child without good cause has failed to meet the monthly
322 attendance requirement, the department shall discontinue or deny
323 TANF benefits to the child thirteen (13) years old, or older, in
324 the next possible payment month. The department shall discontinue

325 or deny twenty-five percent (25%) of the family grant when a child
326 six (6) through twelve (12) years of age without good cause has
327 failed to meet the monthly attendance requirement. Both the child
328 and family sanction may apply when children in both age groups
329 fail to meet the attendance requirement without good cause. A
330 sanction applied under this subsection shall be effective for one
331 (1) month for each month that the child failed to meet the monthly
332 attendance requirement. In the case of a dropout, the sanction
333 shall remain in force until the parent or caretaker relative
334 provides written proof from the school district that the child has
335 reenrolled and met the monthly attendance requirement for one (1)
336 calendar month. Any month in which school is in session for at
337 least ten (10) days during the month may be used to meet the
338 attendance requirement under this subsection. This includes
339 attendance at summer school. The sanction shall be removed the
340 next possible payment month.

341 (5) All parents or caretaker relatives shall have their
342 dependent children receive vaccinations and booster vaccinations
343 against those diseases specified by the State Health Officer
344 pursuant to Section 41-23-37 in accordance with the vaccination
345 and booster vaccination schedule prescribed by the State Health
346 Officer for children of that age, in order for the parents or
347 caretaker relatives to be eligible or remain eligible to receive
348 TANF benefits. Proof of having received such vaccinations and
349 booster vaccinations shall be given by presenting the certificates
350 of vaccination issued by any health care provider licensed to
351 administer vaccinations, and submitted on forms specified by the
352 State Board of Health. If the parents without good cause do not
353 have their dependent children receive the vaccinations and booster
354 vaccinations as required by this subsection and they fail to
355 comply after thirty (30) days' notice, the department shall
356 sanction the family's TANF benefits by twenty-five percent (25%)

357 for the next payment month and each subsequent payment month until
358 the requirements of this subsection are met.

359 (6) (a) If the parent or caretaker relative applying for
360 TANF assistance is an employable person, as determined by the
361 Department of Human Services, the person shall be required to
362 engage in an allowable work activity once the department
363 determines the parent or caretaker relative is ready to engage in
364 work, or once the parent or caretaker relative has received TANF
365 assistance under the program for twenty-four (24) months, whether
366 or not consecutive, whichever is earlier. No TANF benefits shall
367 be given to any person to whom this section applies who fails
368 without good cause to comply with the Employability Development
369 Plan prepared by the department for the person, or who has refused
370 to accept a referral or offer of employment, training or education
371 in which he or she is able to engage, subject to the penalties
372 prescribed in subsection (6)(e). A person shall be deemed to have
373 refused to accept a referral or offer of employment, training or
374 education if he or she:

375 (i) Willfully fails to report for an interview
376 with respect to employment when requested to do so by the
377 department; or

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

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

382 (b) The Department of Human Services shall operate a
383 statewide work program for TANF recipients to provide work
384 activities and supportive services to enable families to become
385 self-sufficient and improve their competitive position in the work
386 force in accordance with the requirements of the federal Personal
387 Responsibility and Work Opportunity Reconciliation Act of 1996
388 (Public Law 104-193), as amended, and the regulations promulgated
389 thereunder. All adults who are not specifically exempt shall be

390 referred by the department for allowable work activities. An
391 adult may be exempt from the mandatory work activity requirement
392 for the following reasons:

393 (i) Incapacity;

394 (ii) Temporary illness or injury, verified by
395 physician's certificate;

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

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

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

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

405 (vii) Receiving treatment for substance abuse, if
406 the person is in compliance with the substance abuse treatment
407 plan;

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

410 or

411 (ix) History of having been a victim of domestic
412 violence, which has been reported as required by state law and is
413 substantiated by police reports or court records, and being at
414 risk of further domestic violence, shall be exempt for a period as
415 deemed necessary by the department but not to exceed a total of
416 twelve (12) months, which need not be consecutive, in the
417 sixty-month maximum benefit period. For the purposes of this
418 paragraph (ix), "domestic violence" means that an individual has
419 been subjected to:

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

422 2. Sexual abuse;

423 3. Sexual activity involving a dependent
424 child;

425 4. Being forced as the caretaker relative of
426 a dependent child to engage in nonconsensual sexual acts or
427 activities;

428 5. Threats of, or attempts at, physical or
429 sexual abuse;

430 6. Mental abuse; or

431 7. Neglect or deprivation of medical care.

432 (c) For all families, all adults who are not
433 specifically exempt shall be required to participate in work
434 activities for at least the minimum average number of hours per
435 week specified by federal law or regulation, not fewer than twenty
436 (20) hours per week (thirty-five (35) hours per week for
437 two-parent families) of which are attributable to the following
438 allowable work activities:

439 (i) Unsubsidized employment;

440 (ii) Subsidized private employment;

441 (iii) Subsidized public employment;

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

445 (v) On-the-job training;

446 (vi) Job search and job readiness assistance
447 consistent with federal TANF regulations;

448 (vii) Community service programs;

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

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

453 (x) Satisfactory attendance at high school or in a
454 course of study leading to a high school equivalency certificate,

455 for heads of household under age twenty (20) who have not
456 completed high school or received such certificate;

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

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

463 (i) Job skills training directly related to
464 employment;

465 (ii) Education directly related to employment for
466 individuals who have not completed high school or received a high
467 school equivalency certificate;

468 (iii) Satisfactory attendance at high school or in
469 a course of study leading to a high school equivalency, for
470 individuals who have not completed high school or received such
471 equivalency certificate;

472 (iv) Job search and job readiness assistance
473 consistent with federal TANF regulations.

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

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

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

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

491 (iv) For the fourth violation, the person shall be
492 permanently disqualified.

493 For a two-parent family, unless prohibited by state or
494 federal law, Medicaid assistance shall be terminated only for the
495 person whose failure to participate in allowable work activity
496 caused the family's TANF assistance to be sanctioned under this
497 subsection (6)(e), unless an individual is pregnant, but shall not
498 be terminated for any other person in the family who is meeting
499 that person's applicable work requirement or who is not required
500 to work. Minor children shall continue to be eligible for
501 Medicaid benefits regardless of the disqualification of their
502 parent or caretaker relative for TANF assistance under this
503 subsection (6), unless prohibited by state or federal law.

504 (f) Any person enrolled in a two-year or four-year
505 college program who meets the eligibility requirements to receive
506 TANF benefits, and who is meeting the applicable work requirements
507 and all other applicable requirements of the TANF program, shall
508 continue to be eligible for TANF benefits while enrolled in the
509 college program for as long as the person meets the requirements
510 of the TANF program, unless prohibited by federal law.

511 (g) No adult in a work activity required under this
512 subsection (6) shall be employed or assigned (i) when any other
513 individual is on layoff from the same or any substantially
514 equivalent job within six (6) months before the date of the TANF
515 recipient's employment or assignment; or (ii) if the employer has
516 terminated the employment of any regular employee or otherwise
517 caused an involuntary reduction of its work force in order to fill
518 the vacancy so created with an adult receiving TANF assistance.
519 The Mississippi Employment Security Commission, established under

520 Section 71-5-101, shall appoint one or more impartial hearing
521 officers to hear and decide claims by employees of violations of
522 this paragraph (g). The hearing officer shall hear all the
523 evidence with respect to any claim made hereunder and such
524 additional evidence as he may require and shall make a
525 determination and the reason therefor. The claimant shall be
526 promptly notified of the decision of the hearing officer and the
527 reason therefor. Within ten (10) days after the decision of the
528 hearing officer has become final, any party aggrieved thereby may
529 secure judicial review thereof by commencing an action, in the
530 circuit court of the county in which the claimant resides, against
531 the commission for the review of such decision, in which action
532 any other party to the proceeding before the hearing officer shall
533 be made a defendant. Any such appeal shall be on the record which
534 shall be certified to the court by the commission in the manner
535 provided in Section 71-5-531, and the jurisdiction of the court
536 shall be confined to questions of law which shall render its
537 decision as provided in that section.

538 (7) The Department of Human Services may provide child care
539 for eligible participants who require such care so that they may
540 accept employment or remain employed. The department may also
541 provide child care for those participating in the TANF program
542 when it is determined that they are satisfactorily involved in
543 education, training or other allowable work activities. The
544 department may contract with Head Start agencies to provide child
545 care services to TANF recipients. The department may also arrange
546 for child care by use of contract or vouchers, provide vouchers in
547 advance to a caretaker relative, reimburse a child care provider,
548 or use any other arrangement deemed appropriate by the department,
549 and may establish different reimbursement rates for child care
550 services depending on the category of the facility or home. Any
551 center-based or group home child care facility under this
552 paragraph shall be licensed by the State Department of Health

553 pursuant to law. When child care is being provided in the child's
554 own home, in the home of a relative of the child, or in any other
555 unlicensed setting, the provision of such child care may be
556 monitored on a random basis by the Department of Human Services or
557 the State Department of Health. Transitional child care
558 assistance may be continued if it is necessary for parents to
559 maintain employment once support has ended, unless prohibited
560 under state or federal law. Transitional child care assistance
561 may be provided for up to twenty-four (24) months after the last
562 month during which the family was eligible for TANF assistance, if
563 federal funds are available for such child care assistance.

564 (8) The Department of Human Services may provide
565 transportation or provide reasonable reimbursement for
566 transportation expenses that are necessary for individuals to be
567 able to participate in allowable work activity under the TANF
568 program.

569 (9) Medicaid assistance shall be provided to a family of
570 TANF program participants for up to twenty-four (24) consecutive
571 calendar months following the month in which the participating
572 family would be ineligible for TANF benefits because of increased
573 income, expiration of earned income disregards, or increased hours
574 of employment of the caretaker relative; however, Medicaid
575 assistance for more than twelve (12) months may be provided only
576 if a federal waiver is obtained to provide such assistance for
577 more than twelve (12) months and federal and state funds are
578 available to provide such assistance.

579 (10) The department shall require applicants for and
580 recipients of public assistance from the department to sign a
581 personal responsibility contract that will require the applicant
582 or recipient to acknowledge his or her responsibilities to the
583 state.

584 (11) The department shall enter into an agreement with the
585 State Personnel Board and other state agencies that will allow

586 those TANF participants who qualify for vacant jobs within state
587 agencies to be placed in state jobs. State agencies participating
588 in the TANF work program shall receive any and all benefits
589 received by employers in the private sector for hiring TANF
590 recipients. This subsection (11) shall be effective only if the
591 state obtains any necessary federal waiver or approval and if
592 federal funds are available therefor.

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

599 **SECTION 4.** This act shall take effect and be in force from
600 and after July 1, 2004.