

By: Representative Fillingane

To: Public Health and Human
Services; Appropriations

HOUSE BILL NO. 1089

1 AN ACT TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO
 2 REQUIRE PARENTS AND CARETAKER RELATIVES APPLYING FOR OR RECEIVING
 3 TANF BENEFITS TO TAKE A LITERACY TEST TO DETERMINE IF THEY ARE
 4 FUNCTIONALLY LITERATE BEFORE THEY WILL BE ELIGIBLE TO RECEIVE OR
 5 CONTINUE RECEIVING TANF BENEFITS; TO PROVIDE THAT IF A PERSON IS
 6 DETERMINED NOT TO BE FUNCTIONALLY LITERATE AFTER TAKING THE
 7 LITERACY TEST, THE PERSON MUST ENROLL IN AND ATTEND A LITERACY
 8 PROGRAM IN ORDER TO RECEIVE OR CONTINUE RECEIVING TANF BENEFITS;
 9 TO PROVIDE THAT ANY PERSON WHO IS DETERMINED NOT TO BE
 10 FUNCTIONALLY LITERATE AND WHO REFUSES OR FAILS TO PARTICIPATE IN
 11 THE LITERACY PROGRAM SHALL HAVE HIS OR HER TANF BENEFITS
 12 TERMINATED FOR CERTAIN TIME PERIODS; TO PROVIDE THAT ANY PERSON
 13 WHO HAS BEEN DETERMINED NOT TO BE FUNCTIONALLY LITERATE MAY RETAKE
 14 THE LITERACY TEST AT ANY TIME; TO PROVIDE THAT ANY PERSON WHOSE
 15 TANF BENEFITS WERE TERMINATED UNDER THIS ACT WHO RETAKES THE
 16 LITERACY TEST AND IS DETERMINED TO BE FUNCTIONALLY LITERATE SHALL
 17 BE ELIGIBLE FOR TANF BENEFITS AGAIN; TO PROVIDE THAT THE LITERACY
 18 TEST REQUIRED BY THIS ACT SHALL BE DESIGNED BY THE STATE
 19 DEPARTMENT OF EDUCATION AND PROVIDED TO THE DEPARTMENT OF HUMAN
 20 SERVICES; TO PROVIDE THAT THE LITERACY PROGRAM PROVIDED FOR UNDER
 21 THIS ACT SHALL BE ADMINISTERED BY THE STATE DEPARTMENT OF
 22 EDUCATION, AND ANY PERSON DETERMINED NOT TO BE FUNCTIONALLY
 23 LITERATE MAY ATTEND THE LITERACY PROGRAM AT NO CHARGE; TO PROVIDE
 24 THAT THE LITERACY PROGRAM SHALL BE FUNDED WITH TANF FUNDS RECEIVED
 25 BY THE STATE OR WITH STATE MAINTENANCE-OF-EFFORT FUNDS UNDER THE
 26 TANF PROGRAM, OR BOTH, AS ALLOWED UNDER FEDERAL LAW; AND FOR
 27 RELATED PURPOSES.

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

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

31 43-17-5. (1) The amount of Temporary Assistance for Needy
 32 Families (TANF) benefits which may be granted for any dependent
 33 child and a needy caretaker relative shall be determined by the
 34 county department with due regard to the resources and necessary
 35 expenditures of the family and the conditions existing in each
 36 case, and in accordance with the rules and regulations made by the
 37 Department of Human Services which shall not be less than the
 38 Standard of Need in effect for 1988, and shall be sufficient when
 39 added to all other income (except that any income specified in the

40 federal Social Security Act, as amended, may be disregarded) and
41 support available to the child to provide such child with a
42 reasonable subsistence compatible with decency and health. The
43 first family member in the dependent child's budget may receive an
44 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
45 the second family member in the dependent child's budget may
46 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
47 month; and each additional family member in the dependent child's
48 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
49 month. The maximum for any individual family member in the
50 dependent child's budget may be exceeded for foster or medical
51 care or in cases of mentally retarded or physically handicapped
52 children. TANF benefits granted shall be specifically limited
53 only (a) to children existing or conceived at the time the
54 caretaker relative initially applies and qualifies for such
55 assistance, unless this limitation is specifically waived by the
56 department, or (b) to a child born following a twelve (12)
57 consecutive month period of discontinued benefits by the caretaker
58 relative.

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

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

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

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

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

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

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

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

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

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

103 (i) Any individual who fails to comply with the
104 provisions of the Employability Development Plan signed by the
105 individual which prescribe those activities designed to help the

106 individual become and remain employed, or to participate
107 satisfactorily in the assigned work activity, as authorized under
108 subsections (6)(c) and (d);

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

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

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

123 (m) For a period of ten (10) years following
124 conviction, individuals convicted in federal or state court of
125 having made a fraudulent statement or representation with respect
126 to the individual's place of residence in order to receive TANF,
127 food stamps or Supplemental Security Income (SSI) assistance under
128 Title XVI or Title XIX simultaneously from two (2) or more
129 states; * * *

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

132 (o) A parent or caretaker relative applying for or
133 receiving TANF assistance who is determined not to be functionally
134 literate after taking a literacy test, and who does not
135 participate in a literacy program as required under subsection
136 (12) of this section.

137 (4) (a) Any person who is otherwise eligible for TANF
138 benefits, including custodial and noncustodial parents, shall be

139 required to attend school and meet the monthly attendance
140 requirement as provided in this subsection if all of the following
141 apply:

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

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

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

147 (iv) If the person is a parent or caretaker
148 relative with whom a dependent child is living, child care is
149 available for the child.

150 The monthly attendance requirement under this subsection
151 shall be attendance at the school in which the person is enrolled
152 for each day during a month that the school conducts classes in
153 which the person is enrolled, with not more than two (2) absences
154 during the month for reasons other than the reasons listed in
155 paragraph (e)(iv) of this subsection. Persons who fail to meet
156 participation requirements in this subsection shall be subject to
157 sanctions as provided in paragraph (f) of this subsection.

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

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

161 (ii) A vocational, technical and adult education
162 program; or

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

166 (c) If any compulsory-school-age child, as defined in
167 Section 37-13-91(2), to which TANF eligibility requirements apply
168 is not in compliance with the compulsory school attendance
169 requirements of Section 37-13-91(6), the superintendent of schools
170 of the school district in which the child is enrolled or eligible
171 to attend shall notify the county department of human services of

172 the child's noncompliance. The Department of Human Services shall
173 review school attendance information as provided under this
174 paragraph at all initial eligibility determinations and upon
175 subsequent report of unsatisfactory attendance.

176 (d) The signature of a person on an application for
177 TANF benefits constitutes permission for the release of school
178 attendance records for that person or for any child residing with
179 that person. The department shall request information from the
180 child's school district about the child's attendance in the school
181 district's most recently completed semester of attendance. If
182 information about the child's previous school attendance is not
183 available or cannot be verified, the department shall require the
184 child to meet the monthly attendance requirement for one (1)
185 semester or until the information is obtained. The department
186 shall use the attendance information provided by a school district
187 to verify attendance for a child. The department shall review
188 with the parent or caretaker relative a child's claim that he or
189 she has a good cause for not attending school.

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

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

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

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

208 (iii) The child is prohibited by the school
209 district from attending school and an expulsion is pending. This
210 exemption no longer applies once the teenager has been expelled;
211 however, a teenager who has been expelled and is making
212 satisfactory progress towards obtaining a GED equivalent shall be
213 eligible for TANF benefits; or

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

216 1. Illness, injury or incapacity of the child
217 or the minor parent's child;

218 2. Court-required appearances or temporary
219 incarceration;

220 3. Medical or dental appointments for the
221 child or minor parent's child;

222 4. Death of a close relative;

223 5. Observance of a religious holiday;

224 6. Family emergency;

225 7. Breakdown in transportation;

226 8. Suspension; or

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

229 (f) Upon determination that a child has failed without
230 good cause to attend school as required, the department shall
231 provide written notice to the parent or caretaker relative
232 (whoever is the primary recipient of the TANF benefits) that
233 specifies:

234 (i) That the family will be sanctioned in the next
235 possible payment month because the child who is required to attend
236 school has failed to meet the attendance requirement of this
237 subsection;

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

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

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

269 (5) All parents or caretaker relatives shall have their
270 dependent children receive vaccinations and booster vaccinations

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

287 (6) (a) If the parent or caretaker relative applying for
288 TANF assistance is an employable person, as determined by the
289 Department of Human Services, the person shall be required to
290 engage in an allowable work activity once the department
291 determines the parent or caretaker relative is ready to engage in
292 work, or once the parent or caretaker relative has received TANF
293 assistance under the program for twenty-four (24) months, whether
294 or not consecutive, whichever is earlier. No TANF benefits shall
295 be given to any person to whom this section applies who fails
296 without good cause to comply with the Employability Development
297 Plan prepared by the department for the person, or who has refused
298 to accept a referral or offer of employment, training or education
299 in which he or she is able to engage, subject to the penalties
300 prescribed in subsection (6)(e). A person shall be deemed to have
301 refused to accept a referral or offer of employment, training or
302 education if he or she:

303 (i) Willfully fails to report for an interview
304 with respect to employment when requested to do so by the
305 department; or

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

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

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

321 (i) Incapacity;

322 (ii) Temporary illness or injury, verified by
323 physician's certificate;

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

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

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

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

333 (vii) Receiving treatment for substance abuse, if
334 the person is in compliance with the substance abuse treatment
335 plan;

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

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

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

350 2. Sexual abuse;

351 3. Sexual activity involving a dependent
352 child;

353 4. Being forced as the caretaker relative of
354 a dependent child to engage in nonconsensual sexual acts or
355 activities;

356 5. Threats of, or attempts at, physical or
357 sexual abuse;

358 6. Mental abuse; or

359 7. Neglect or deprivation of medical care.

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

367 (i) Unsubsidized employment;

368 (ii) Subsidized private employment;

369 (iii) Subsidized public employment;

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

373 (v) On-the-job training;

374 (vi) Job search and job readiness assistance
375 consistent with federal TANF regulations;

376 (vii) Community service programs;

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

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

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

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

388 (d) The following are allowable work activities which
389 may be attributable to hours in excess of the minimum specified in
390 subsection (6)(c):

391 (i) Job skills training directly related to
392 employment;

393 (ii) Education directly related to employment for
394 individuals who have not completed high school or received a high
395 school equivalency certificate;

396 (iii) Satisfactory attendance at high school or in
397 a course of study leading to a high school equivalency, for
398 individuals who have not completed high school or received such
399 equivalency certificate;

400 (iv) Job search and job readiness assistance
401 consistent with federal TANF regulations.

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

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

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

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

419 (iv) For the fourth violation, the person shall be
420 permanently disqualified.

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

432 (f) Any person enrolled in a two-year or four-year
433 college program who meets the eligibility requirements to receive
434 TANF benefits, and who is meeting the applicable work requirements

435 and all other applicable requirements of the TANF program, shall
436 continue to be eligible for TANF benefits while enrolled in the
437 college program for as long as the person meets the requirements
438 of the TANF program, unless prohibited by federal law.

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

466 (7) The Department of Human Services may provide child care
467 for eligible participants who require such care so that they may

468 accept employment or remain employed. The department may also
469 provide child care for those participating in the TANF program
470 when it is determined that they are satisfactorily involved in
471 education, training or other allowable work activities. The
472 department may contract with Head Start agencies to provide child
473 care services to TANF recipients. The department may also arrange
474 for child care by use of contract or vouchers, provide vouchers in
475 advance to a caretaker relative, reimburse a child care provider,
476 or use any other arrangement deemed appropriate by the department,
477 and may establish different reimbursement rates for child care
478 services depending on the category of the facility or home. Any
479 center-based or group home child care facility under this
480 paragraph shall be licensed by the State Department of Health
481 pursuant to law. When child care is being provided in the child's
482 own home, in the home of a relative of the child, or in any other
483 unlicensed setting, the provision of such child care may be
484 monitored on a random basis by the Department of Human Services or
485 the State Department of Health. Transitional child care
486 assistance may be continued if it is necessary for parents to
487 maintain employment once support has ended, unless prohibited
488 under state or federal law. Transitional child care assistance
489 may be provided for up to twenty-four (24) months after the last
490 month during which the family was eligible for TANF assistance, if
491 federal funds are available for such child care assistance.

492 (8) The Department of Human Services may provide
493 transportation or provide reasonable reimbursement for
494 transportation expenses that are necessary for individuals to be
495 able to participate in allowable work activity under the TANF
496 program.

497 (9) Medicaid assistance shall be provided to a family of
498 TANF program participants for up to twenty-four (24) consecutive
499 calendar months following the month in which the participating
500 family would be ineligible for TANF benefits because of increased

501 income, expiration of earned income disregards, or increased hours
502 of employment of the caretaker relative; however, Medicaid
503 assistance for more than twelve (12) months may be provided only
504 if a federal waiver is obtained to provide such assistance for
505 more than twelve (12) months and federal and state funds are
506 available to provide such assistance.

507 (10) The department shall require applicants for and
508 recipients of public assistance from the department to sign a
509 personal responsibility contract that will require the applicant
510 or recipient to acknowledge his or her responsibilities to the
511 state.

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

521 (12) (a) Any parent or caretaker relative applying for TANF
522 assistance who is over the age of eighteen (18) years but under
523 the age of sixty-five (65) years must take a literacy test to
524 determine if he or she is functionally literate, before the person
525 will be eligible to receive TANF assistance. If the person is
526 determined not to be functionally literate after taking the
527 literacy test, the person must enroll in and attend a literacy
528 program as provided in paragraph (e) in order to receive TANF
529 assistance.

530 (b) Any parent or caretaker relative receiving TANF
531 assistance who is over the age of eighteen (18) years but under
532 the age of sixty-five (65) years must take a literacy test to
533 determine if he or she is functionally literate, before the person

534 will be eligible to continue receiving TANF assistance. If the
535 person is determined not to be functionally literate after taking
536 the literacy test, the person must enroll in and attend a literacy
537 program as provided in paragraph (e) in order to continue
538 receiving TANF assistance.

539 (c) Any person described in paragraph (b) who is
540 determined not to be functionally literate after taking the
541 literacy test and who refuses or fails to participate in the
542 literacy program shall be subject to the following penalties after
543 due process, which shall include notification, conciliation and a
544 hearing if requested by the recipient:

545 (i) For the first violation, the department shall
546 terminate the TANF assistance otherwise payable to the person for
547 a two-month period or until the person begins participation in the
548 literacy program, whichever is longer;

549 (ii) For the second violation, the department
550 shall terminate the TANF assistance otherwise payable to the
551 person for a six-month period or until the person begins
552 participation in the literacy program, whichever is longer;

553 (iii) For the third violation, the department
554 shall terminate the TANF assistance otherwise payable to the
555 person for a twelve-month period or until the person begins
556 participation in the literacy program, whichever is longer;

557 (iv) For the fourth violation, the person shall be
558 permanently disqualified.

559 (d) Any person who has been determined not to be
560 functionally literate after taking the literacy test may retake
561 the literacy test at any time. Any person whose TANF assistance
562 was terminated under paragraph (c) who retakes the literacy test
563 and is determined to be functionally literate shall be eligible
564 for TANF assistance again, notwithstanding any penalty periods in
565 paragraph (c) to the contrary.

566 (e) The literacy test required by this subsection shall
567 be designed by the State Department of Education and provided to
568 the Department of Human Services. The literacy program provided
569 for under this subsection shall be administered by the State
570 Department of Education, and any person determined not to be
571 functionally literate after taking the literacy test may attend
572 the literacy program at no charge. The literacy program shall be
573 funded with TANF funds received by the state or with state
574 maintenance-of-effort funds under the TANF program, or both, as
575 allowed under federal law.

576 (13) No new TANF program requirement or restriction
577 affecting a person's eligibility for TANF assistance, or allowable
578 work activity, which is not mandated by federal law or regulation
579 may be implemented by the Department of Human Services after July
580 1, 2004, unless such is specifically authorized by an amendment to
581 this section by the Legislature.

582 **SECTION 2.** This act shall take effect and be in force from
583 and after July 1, 2005.