

By: Senator(s) Watson, McDaniel

To: Public Health and
Welfare; Judiciary, Division
B

SENATE BILL NO. 2331

1 AN ACT TO REQUIRE ADULT APPLICANTS FOR PUBLIC BENEFITS IN
2 MISSISSIPPI TO VERIFY UNITED STATES CITIZENSHIP OR LAWFUL
3 RESIDENCE IN ORDER TO BE ELIGIBLE; TO PROVIDE PROCEDURES AND
4 EXCEPTIONS FOR SUCH VERIFICATION; TO PROVIDE CRIMINAL PENALTIES
5 FOR WILLFUL VIOLATIONS OF LAWFUL PRESENCE REQUIREMENTS; TO MAKE IT
6 UNLAWFUL FOR ANY STATE AGENCY TO PROVIDE ANY PUBLIC BENEFIT IN
7 VIOLATION OF LAWFUL PRESENCE REQUIREMENTS; TO REQUIRE CERTAIN
8 AGENCIES TO DEVELOP RANDOM DRUG-TESTING POLICIES FOR ANY PERSON
9 RECEIVING PUBLIC BENEFITS; TO PROVIDE THAT ANY SUCH PERSON WHOSE
10 TEST RESULTS ARE POSITIVE REGARDING THE PRESENCE OF ANY UNLAWFUL
11 DRUG IN THE PERSON'S SYSTEM SHALL BE INELIGIBLE TO RECEIVE PUBLIC
12 BENEFITS FOR ONE YEAR; TO AMEND SECTIONS 43-13-115, 43-17-1,
13 43-17-5, 71-5-511 AND 43-33-15, MISSISSIPPI CODE OF 1972, TO
14 SPECIFICALLY REQUIRE THE DIVISION OF MEDICAID, THE DEPARTMENT OF
15 HUMAN SERVICES, THE OFFICE OF EMPLOYMENT SECURITY AND THE
16 MISSISSIPPI HOUSING AUTHORITIES TO REQUIRE APPLICANTS OF PUBLIC
17 ASSISTANCE PROGRAMS TO VERIFY LAWFUL PRESENCE AS REQUIRED UNDER
18 THIS ACT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** (1) Except as provided in subsection (3) of this
21 section or where exempted by federal law, on or after July 1,
22 2013, every agency or a political subdivision of this state shall
23 verify the lawful presence in the United States of any natural
24 person eighteen (18) years of age or older who has applied for
25 state or local public benefits, as defined in 8 USC, Section 1621,
26 or for federal public benefits, as defined in 8 USC, Section 1611,



27 that is administered by an agency or a political subdivision of
28 this state.

29 (2) This section shall be enforced without regard to race,
30 religion or gender.

31 (3) Verification of lawful presence under this section shall
32 not be required:

33 (a) For any purpose for which lawful presence in the
34 United States is not required by law, ordinance or regulation;

35 (b) For assistance for health care items and services
36 that are necessary for the treatment of an emergency medical
37 condition, as defined in 42 USC, Section 1396b(v) (3), of the alien
38 involved and are not related to an organ transplant procedure;

39 (c) For short-term, noncash, in-kind emergency disaster
40 relief;

41 (d) For public health assistance for immunizations with
42 respect to immunizable diseases and for testing and treatment of
43 symptoms of communicable diseases whether or not such symptoms are
44 caused by a communicable disease;

45 (e) For programs, services or assistance such as soup
46 kitchens, crisis counseling and intervention, and short-term
47 shelter specified by the United States Attorney General, in the
48 United States Attorney General's sole and unreviewable discretion
49 after consultation with appropriate federal agencies and
50 departments, which:



51 (i) Deliver in-kind services at the community
52 level, including through public or private nonprofit agencies;

53 (ii) Do not condition the provision of assistance,
54 the amount of assistance provided, or the cost of assistance
55 provided on the individual recipient's income or resources; and

56 (iii) Are necessary for the protection of life or
57 safety;

58 (f) For prenatal care; or

59 (g) For postsecondary education, whereby the Board of
60 Trustees of State Institutions of Higher Learning or the State
61 Board for Community and Junior Colleges shall set forth, or cause
62 to be set forth, policies regarding postsecondary benefits that
63 comply with all federal law, including, but not limited to, public
64 benefits as described in 8 USC, Section 1611, 1621 or 1623.

65 (4) Verification of lawful presence in the United States by
66 the agency or political subdivision required to make such
67 verification shall occur as follows:

68 (a) The applicant must execute an affidavit that he or
69 she is a United States citizen or legal permanent resident and is
70 eighteen (18) years of age or older; or

71 (b) The applicant must execute an affidavit that he or
72 she is a qualified alien or nonimmigrant under the federal
73 Immigration and Nationality Act, is eighteen (18) years of age or
74 older, and is lawfully present in the United States.



75 (5) For any applicant who has executed an affidavit that he
76 or she is an alien lawfully present in the United States,
77 eligibility for benefits shall be made through the Systematic
78 Alien Verification of Entitlement (SAVE) program operated by the
79 United States Department of Homeland Security or a successor
80 program designated by the United States Department of Homeland
81 Security. Until such eligibility verification is made, the
82 affidavit may be presumed to be proof of lawful presence for the
83 purposes of this section.

84 (6) Any person who knowingly and willfully makes a false,
85 fictitious or fraudulent statement of representation in an
86 affidavit executed pursuant to subsection (4) of this section
87 shall be guilty of a misdemeanor.

88 (7) Agencies or political subdivisions of this state may
89 adopt variations to the requirements of this section to improve
90 efficiency or reduce delay in the verification process or to
91 provide for adjudication of unique individual circumstances where
92 the verification procedures in this section would impose unusual
93 hardship on a legal resident of Mississippi.

94 (8) It shall be unlawful for any agency or a political
95 subdivision of this state to provide any state, local or federal
96 benefit, as defined in 8 USC, Section 1621, or 8 USC, Section
97 1611, in violation of this section. Each state agency or
98 department which administers any program of state or local public



99 benefits shall provide an annual report with respect to its
100 compliance with this section.

101 (9) Any and all errors and significant delays caused by
102 complying with this section shall be reported to the Governor who
103 will monitor verification application errors and significant
104 delays and report yearly on such errors and significant delays to
105 ensure that the application of this section is not wrongfully
106 denying benefits to legal residents of Mississippi.

107 **SECTION 2.** (1) No later than January 1, 2014, every agency
108 that provides the state or federal public benefits outlined in
109 this section shall file with the Secretary of the Senate and the
110 Clerk of the House a report, transmitted both in writing and
111 electronically, that outlines a procedure by which the agency will
112 conduct random drug testing for any applicant for those benefits.
113 The testing program must be specifically random and shall not
114 discriminate on the basis of race, gender, political party,
115 geographical location or sexual orientation. The Secretary of the
116 Senate and the Clerk of the House shall maintain a list of
117 agencies that have complied with this section.

118 (2) (a) For the purposes of this section, "agency" means a
119 board, commission, department, officer or other administrative
120 unit of this state, including the agency head, and one or more
121 members of the agency head or agency employees directly or
122 indirectly purporting to act on behalf or under the authority of
123 the agency head. The term does not include the Legislature or any



124 of its component units, the judiciary or any of its component
125 units or the Governor. The term does not include a political
126 subdivision of the state or any of the administrative units of a
127 political subdivision. To the extent it purports to exercise
128 authority subject to any provision of this section, an
129 administrative unit otherwise qualifying as an "agency" must be
130 treated as a separate agency even if the unit is located within or
131 subordinate to another agency.

132 (b) "Agency head" means an individual or body of
133 individuals in whom the ultimate legal authority of the agency is
134 vested by any provision of law.

135 (3) The specific state and federal benefits included in the
136 provisions of this section are:

137 (i) Medicaid;

138 (ii) Supplemental Nutritional Assistance Program
139 (SNAP);

140 (iii) Temporary Assistance to Needy Families
141 (TANF);

142 (iv) Public housing assistance; and

143 (v) Unemployment compensation.

144 (4) The implementation date for the random drug-testing
145 programs shall be July 1, 2014, or the date the necessary federal
146 waivers are received from the United States Department of Health
147 and Human Services, whichever is later.



148 (5) All testing required under this section shall be
149 performed at the Mississippi Crime Laboratory or at a laboratory
150 approved by the Director of the Mississippi Crime Laboratory.

151 (6) The policies shall provide that:

152 (a) Any person receiving public benefits whose test
153 results are positive regarding the presence of any unlawful
154 drug(s) in the person's system shall be ineligible to receive the
155 benefits for a period of one (1) year.

156 (b) Any person receiving public benefits who refuses to
157 submit to a random drug test shall be ineligible to receive such
158 benefits for a period of one (1) year.

159 **SECTION 3.** Section 43-13-115, Mississippi Code of 1972, is
160 amended as follows:

161 43-13-115. Recipients of Medicaid shall be the following
162 persons only:

163 (1) Those who are qualified for public assistance
164 grants under provisions of Title IV-A and E of the federal Social
165 Security Act, as amended, including those statutorily deemed to be
166 IV-A and low-income families and children under Section 1931 of
167 the federal Social Security Act. For the purposes of this
168 paragraph (1) and paragraphs (8), (17) and (18) of this section,
169 any reference to Title IV-A or to Part A of Title IV of the
170 federal Social Security Act, as amended, or the state plan under
171 Title IV-A or Part A of Title IV, shall be considered as a
172 reference to Title IV-A of the federal Social Security Act, as



173 amended, and the state plan under Title IV-A, including the income
174 and resource standards and methodologies under Title IV-A and the
175 state plan, as they existed on July 16, 1996. The Department of
176 Human Services shall determine Medicaid eligibility for children
177 receiving public assistance grants under Title IV-E. The division
178 shall determine eligibility for low-income families under Section
179 1931 of the federal Social Security Act and shall redetermine
180 eligibility for those continuing under Title IV-A grants.

181 (2) Those qualified for Supplemental Security Income
182 (SSI) benefits under Title XVI of the federal Social Security Act,
183 as amended, and those who are deemed SSI eligible as contained in
184 federal statute. The eligibility of individuals covered in this
185 paragraph shall be determined by the Social Security
186 Administration and certified to the Division of Medicaid.

187 (3) Qualified pregnant women who would be eligible for
188 Medicaid as a low-income family member under Section 1931 of the
189 federal Social Security Act if her child were born. The
190 eligibility of the individuals covered under this paragraph shall
191 be determined by the division.

192 (4) [Deleted]

193 (5) A child born on or after October 1, 1984, to a
194 woman eligible for and receiving Medicaid under the state plan on
195 the date of the child's birth shall be deemed to have applied for
196 Medicaid and to have been found eligible for Medicaid under the
197 plan on the date of that birth, and will remain eligible for



198 Medicaid for a period of one (1) year so long as the child is a
199 member of the woman's household and the woman remains eligible for
200 Medicaid or would be eligible for Medicaid if pregnant. The
201 eligibility of individuals covered in this paragraph shall be
202 determined by the Division of Medicaid.

203 (6) Children certified by the State Department of Human
204 Services to the Division of Medicaid of whom the state and county
205 departments of human services have custody and financial
206 responsibility, and children who are in adoptions subsidized in
207 full or part by the Department of Human Services, including
208 special needs children in non-Title IV-E adoption assistance, who
209 are approvable under Title XIX of the Medicaid program. The
210 eligibility of the children covered under this paragraph shall be
211 determined by the State Department of Human Services.

212 (7) Persons certified by the Division of Medicaid who
213 are patients in a medical facility (nursing home, hospital,
214 tuberculosis sanatorium or institution for treatment of mental
215 diseases), and who, except for the fact that they are patients in
216 that medical facility, would qualify for grants under Title IV,
217 Supplementary Security Income (SSI) benefits under Title XVI or
218 state supplements, and those aged, blind and disabled persons who
219 would not be eligible for Supplemental Security Income (SSI)
220 benefits under Title XVI or state supplements if they were not
221 institutionalized in a medical facility but whose income is below



222 the maximum standard set by the Division of Medicaid, which
223 standard shall not exceed that prescribed by federal regulation.

224 (8) Children under eighteen (18) years of age and
225 pregnant women (including those in intact families) who meet the
226 financial standards of the state plan approved under Title IV-A of
227 the federal Social Security Act, as amended. The eligibility of
228 children covered under this paragraph shall be determined by the
229 Division of Medicaid.

230 (9) Individuals who are:

231 (a) Children born after September 30, 1983, who
232 have not attained the age of nineteen (19), with family income
233 that does not exceed one hundred percent (100%) of the nonfarm
234 official poverty level;

235 (b) Pregnant women, infants and children who have
236 not attained the age of six (6), with family income that does not
237 exceed one hundred thirty-three percent (133%) of the federal
238 poverty level; and

239 (c) Pregnant women and infants who have not
240 attained the age of one (1), with family income that does not
241 exceed one hundred eighty-five percent (185%) of the federal
242 poverty level.

243 The eligibility of individuals covered in (a), (b) and (c) of
244 this paragraph shall be determined by the division.

245 (10) Certain disabled children age eighteen (18) or
246 under who are living at home, who would be eligible, if in a



247 medical institution, for SSI or a state supplemental payment under
248 Title XVI of the federal Social Security Act, as amended, and
249 therefore for Medicaid under the plan, and for whom the state has
250 made a determination as required under Section 1902(e)(3)(b) of
251 the federal Social Security Act, as amended. The eligibility of
252 individuals under this paragraph shall be determined by the
253 Division of Medicaid.

254 (11) Until the end of the day on December 31, 2005,
255 individuals who are sixty-five (65) years of age or older or are
256 disabled as determined under Section 1614(a)(3) of the federal
257 Social Security Act, as amended, and whose income does not exceed
258 one hundred thirty-five percent (135%) of the nonfarm official
259 poverty level as defined by the Office of Management and Budget
260 and revised annually, and whose resources do not exceed those
261 established by the Division of Medicaid. The eligibility of
262 individuals covered under this paragraph shall be determined by
263 the Division of Medicaid. After December 31, 2005, only those
264 individuals covered under the 1115(c) Healthier Mississippi waiver
265 will be covered under this category.

266 Any individual who applied for Medicaid during the period
267 from July 1, 2004, through March 31, 2005, who otherwise would
268 have been eligible for coverage under this paragraph (11) if it
269 had been in effect at the time the individual submitted his or her
270 application and is still eligible for coverage under this
271 paragraph (11) on March 31, 2005, shall be eligible for Medicaid



272 coverage under this paragraph (11) from March 31, 2005, through
273 December 31, 2005. The division shall give priority in processing
274 the applications for those individuals to determine their
275 eligibility under this paragraph (11).

276 (12) Individuals who are qualified Medicare
277 beneficiaries (QMB) entitled to Part A Medicare as defined under
278 Section 301, Public Law 100-360, known as the Medicare
279 Catastrophic Coverage Act of 1988, and whose income does not
280 exceed one hundred percent (100%) of the nonfarm official poverty
281 level as defined by the Office of Management and Budget and
282 revised annually.

283 The eligibility of individuals covered under this paragraph
284 shall be determined by the Division of Medicaid, and those
285 individuals determined eligible shall receive Medicare
286 cost-sharing expenses only as more fully defined by the Medicare
287 Catastrophic Coverage Act of 1988 and the Balanced Budget Act of
288 1997.

289 (13) (a) Individuals who are entitled to Medicare Part
290 A as defined in Section 4501 of the Omnibus Budget Reconciliation
291 Act of 1990, and whose income does not exceed one hundred twenty
292 percent (120%) of the nonfarm official poverty level as defined by
293 the Office of Management and Budget and revised annually.
294 Eligibility for Medicaid benefits is limited to full payment of
295 Medicare Part B premiums.



296 (b) Individuals entitled to Part A of Medicare,
297 with income above one hundred twenty percent (120%), but less than
298 one hundred thirty-five percent (135%) of the federal poverty
299 level, and not otherwise eligible for Medicaid. Eligibility for
300 Medicaid benefits is limited to full payment of Medicare Part B
301 premiums. The number of eligible individuals is limited by the
302 availability of the federal capped allocation at one hundred
303 percent (100%) of federal matching funds, as more fully defined in
304 the Balanced Budget Act of 1997.

305 The eligibility of individuals covered under this paragraph
306 shall be determined by the Division of Medicaid.

307 (14) [Deleted]

308 (15) Disabled workers who are eligible to enroll in
309 Part A Medicare as required by Public Law 101-239, known as the
310 Omnibus Budget Reconciliation Act of 1989, and whose income does
311 not exceed two hundred percent (200%) of the federal poverty level
312 as determined in accordance with the Supplemental Security Income
313 (SSI) program. The eligibility of individuals covered under this
314 paragraph shall be determined by the Division of Medicaid and
315 those individuals shall be entitled to buy-in coverage of Medicare
316 Part A premiums only under the provisions of this paragraph (15).

317 (16) In accordance with the terms and conditions of
318 approved Title XIX waiver from the United States Department of
319 Health and Human Services, persons provided home- and
320 community-based services who are physically disabled and certified



321 by the Division of Medicaid as eligible due to applying the income
322 and deeming requirements as if they were institutionalized.

323 (17) In accordance with the terms of the federal
324 Personal Responsibility and Work Opportunity Reconciliation Act of
325 1996 (Public Law 104-193), persons who become ineligible for
326 assistance under Title IV-A of the federal Social Security Act, as
327 amended, because of increased income from or hours of employment
328 of the caretaker relative or because of the expiration of the
329 applicable earned income disregards, who were eligible for
330 Medicaid for at least three (3) of the six (6) months preceding
331 the month in which the ineligibility begins, shall be eligible for
332 Medicaid for up to twelve (12) months. The eligibility of the
333 individuals covered under this paragraph shall be determined by
334 the division.

335 (18) Persons who become ineligible for assistance under
336 Title IV-A of the federal Social Security Act, as amended, as a
337 result, in whole or in part, of the collection or increased
338 collection of child or spousal support under Title IV-D of the
339 federal Social Security Act, as amended, who were eligible for
340 Medicaid for at least three (3) of the six (6) months immediately
341 preceding the month in which the ineligibility begins, shall be
342 eligible for Medicaid for an additional four (4) months beginning
343 with the month in which the ineligibility begins. The eligibility
344 of the individuals covered under this paragraph shall be
345 determined by the division.



346 (19) Disabled workers, whose incomes are above the
347 Medicaid eligibility limits, but below two hundred fifty percent
348 (250%) of the federal poverty level, shall be allowed to purchase
349 Medicaid coverage on a sliding fee scale developed by the Division
350 of Medicaid.

351 (20) Medicaid eligible children under age eighteen (18)
352 shall remain eligible for Medicaid benefits until the end of a
353 period of twelve (12) months following an eligibility
354 determination, or until such time that the individual exceeds age
355 eighteen (18).

356 (21) Women of childbearing age whose family income does
357 not exceed one hundred eighty-five percent (185%) of the federal
358 poverty level. The eligibility of individuals covered under this
359 paragraph (21) shall be determined by the Division of Medicaid,
360 and those individuals determined eligible shall only receive
361 family planning services covered under Section 43-13-117(13) and
362 not any other services covered under Medicaid. However, any
363 individual eligible under this paragraph (21) who is also eligible
364 under any other provision of this section shall receive the
365 benefits to which he or she is entitled under that other
366 provision, in addition to family planning services covered under
367 Section 43-13-117(13).

368 The Division of Medicaid shall apply to the United States
369 Secretary of Health and Human Services for a federal waiver of the
370 applicable provisions of Title XIX of the federal Social Security



371 Act, as amended, and any other applicable provisions of federal
372 law as necessary to allow for the implementation of this paragraph
373 (21). The provisions of this paragraph (21) shall be implemented
374 from and after the date that the Division of Medicaid receives the
375 federal waiver.

376 (22) Persons who are workers with a potentially severe
377 disability, as determined by the division, shall be allowed to
378 purchase Medicaid coverage. The term "worker with a potentially
379 severe disability" means a person who is at least sixteen (16)
380 years of age but under sixty-five (65) years of age, who has a
381 physical or mental impairment that is reasonably expected to cause
382 the person to become blind or disabled as defined under Section
383 1614(a) of the federal Social Security Act, as amended, if the
384 person does not receive items and services provided under
385 Medicaid.

386 The eligibility of persons under this paragraph (22) shall be
387 conducted as a demonstration project that is consistent with
388 Section 204 of the Ticket to Work and Work Incentives Improvement
389 Act of 1999, Public Law 106-170, for a certain number of persons
390 as specified by the division. The eligibility of individuals
391 covered under this paragraph (22) shall be determined by the
392 Division of Medicaid.

393 (23) Children certified by the Mississippi Department
394 of Human Services for whom the state and county departments of
395 human services have custody and financial responsibility who are



396 in foster care on their eighteenth birthday as reported by the
397 Mississippi Department of Human Services shall be certified
398 Medicaid eligible by the Division of Medicaid until their
399 twenty-first birthday.

400 (24) Individuals who have not attained age sixty-five
401 (65), are not otherwise covered by creditable coverage as defined
402 in the Public Health Services Act, and have been screened for
403 breast and cervical cancer under the Centers for Disease Control
404 and Prevention Breast and Cervical Cancer Early Detection Program
405 established under Title XV of the Public Health Service Act in
406 accordance with the requirements of that act and who need
407 treatment for breast or cervical cancer. Eligibility of
408 individuals under this paragraph (24) shall be determined by the
409 Division of Medicaid.

410 (25) The division shall apply to the Centers for
411 Medicare and Medicaid Services (CMS) for any necessary waivers to
412 provide services to individuals who are sixty-five (65) years of
413 age or older or are disabled as determined under Section
414 1614(a)(3) of the federal Social Security Act, as amended, and
415 whose income does not exceed one hundred thirty-five percent
416 (135%) of the nonfarm official poverty level as defined by the
417 Office of Management and Budget and revised annually, and whose
418 resources do not exceed those established by the Division of
419 Medicaid, and who are not otherwise covered by Medicare. Nothing
420 contained in this paragraph (25) shall entitle an individual to



421 benefits. The eligibility of individuals covered under this
422 paragraph shall be determined by the Division of Medicaid.

423 (26) The division shall apply to the Centers for
424 Medicare and Medicaid Services (CMS) for any necessary waivers to
425 provide services to individuals who are sixty-five (65) years of
426 age or older or are disabled as determined under Section
427 1614(a)(3) of the federal Social Security Act, as amended, who are
428 end stage renal disease patients on dialysis, cancer patients on
429 chemotherapy or organ transplant recipients on antirejection
430 drugs, whose income does not exceed one hundred thirty-five
431 percent (135%) of the nonfarm official poverty level as defined by
432 the Office of Management and Budget and revised annually, and
433 whose resources do not exceed those established by the division.
434 Nothing contained in this paragraph (26) shall entitle an
435 individual to benefits. The eligibility of individuals covered
436 under this paragraph shall be determined by the Division of
437 Medicaid.

438 (27) Individuals who are entitled to Medicare Part D
439 and whose income does not exceed one hundred fifty percent (150%)
440 of the nonfarm official poverty level as defined by the Office of
441 Management and Budget and revised annually. Eligibility for
442 payment of the Medicare Part D subsidy under this paragraph shall
443 be determined by the division.



444 The division shall redetermine eligibility for all categories
445 of recipients described in each paragraph of this section not less
446 frequently than required by federal law.

447 The division shall verify lawful presence in the United
448 States and the State of Mississippi for all applicants for
449 Medicaid assistance and for all categories of recipients pursuant
450 to the requirements of Section 1 of this act. Any person may be
451 determined to be ineligible for Medicaid benefits due to a
452 positive drug test under the provisions of Section 2 of this act.

453 **SECTION 4.** Section 43-17-1, Mississippi Code of 1972, is
454 amended as follows:

455 43-17-1. (1) The State of Mississippi hereby accepts all of
456 the mandatory provisions and benefits, with the exception of those
457 provisions under which the state may exercise its options, of
458 Title I of an act passed by the Senate and House of
459 Representatives of the United States of America, in Congress
460 assembled, entitled: "The Personal Responsibility and Work
461 Opportunity Reconciliation Act of 1996 (Public Law 104-193)," and
462 known as the Temporary Assistance to Needy Families (TANF)
463 program.

464 (2) The Department of Human Services shall have all
465 necessary authority to cooperate with the federal government in
466 the administration of Public Law 104-193 and all subsequent
467 federal amendments thereto, to administer any legislation pursuant
468 thereto enacted by the State of Mississippi, and to administer the



469 funds provided by the federal government and the State of
470 Mississippi under the provisions of Section 43-17-1 et seq., for
471 providing temporary assistance for needy families with minor
472 children. The Department of Human Services shall have full
473 authority to formulate state plans consistent with state law as
474 necessary to administer and operate federal grant funds which
475 provide temporary assistance for needy families with minor
476 children under Title IV-A of the federal Social Security Act. The
477 Department of Human Services shall identify in any state plan
478 submitted to implement the TANF program those requirements or
479 restrictions, including persons excluded from program
480 participation which are required under federal law, and those
481 program requirements or restrictions which the federal law
482 authorizes but does not require.

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

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

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



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

497 (c) Prevent and reduce the incidence of out-of-wedlock
498 pregnancies and establish annual numerical goals for preventing
499 and reducing the incidence of these pregnancies;

500 (d) Encourage the formation and maintenance of
501 two-parent families; and

502 (e) Prevent program fraud and abuse.

503 (5) The Department of Human Services shall develop outcome
504 and output indicators for each program established under the
505 authority of this section. These measures shall provide
506 legislators and administrators with information which measures the
507 success or failure of the department in implementing the programs
508 implemented under the authority of this section. The department
509 shall annually report to the Legislature the outputs and outcomes
510 of these programs, with the first report due by December 15, 1997.
511 Such reports shall include recommendations for making programs
512 more effective or efficient which can be effected in accordance
513 with federal law.

514 (6) Assistance may be granted under this chapter to any
515 dependent child and a caretaker relative who are living in a
516 suitable family home meeting the standards of care and health and
517 work requirements fixed by the laws of this state, and the rules
518 and regulations of the State Department of Human Services.



519 (7) The Department of Human Services shall verify lawful
520 presence in the United States and the State of Mississippi for all
521 adult applicants for TANF assistance pursuant to the requirements
522 of Section 1 of this act. Any person may be determined to be
523 ineligible for TANF benefits due to a positive drug test under the
524 provisions of Section 2 of this act.

525 **SECTION 5.** Section 43-17-5, Mississippi Code of 1972, is
526 amended as follows:

527 43-17-5. (1) The amount of Temporary Assistance for Needy
528 Families (TANF) benefits which may be granted for any dependent
529 child and a needy caretaker relative shall be determined by the
530 county department with due regard to the resources and necessary
531 expenditures of the family and the conditions existing in each
532 case, and in accordance with the rules and regulations made by the
533 Department of Human Services which shall not be less than the
534 Standard of Need in effect for 1988, and shall be sufficient when
535 added to all other income (except that any income specified in the
536 federal Social Security Act, as amended, may be disregarded) and
537 support available to the child to provide such child with a
538 reasonable subsistence compatible with decency and health. The
539 first family member in the dependent child's budget may receive an
540 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;
541 the second family member in the dependent child's budget may
542 receive an amount not to exceed Thirty-six Dollars (\$36.00) per
543 month; and each additional family member in the dependent child's



544 budget an amount not to exceed Twenty-four Dollars (\$24.00) per
545 month. The maximum for any individual family member in the
546 dependent child's budget may be exceeded for foster or medical
547 care or in cases of children with an intellectual disability or a
548 physical disability. TANF benefits granted shall be specifically
549 limited only (a) to children existing or conceived at the time the
550 caretaker relative initially applies and qualifies for such
551 assistance, unless this limitation is specifically waived by the
552 department, or (b) to a child born following a
553 twelve-consecutive-month period of discontinued benefits by the
554 caretaker relative.

555 (2) TANF benefits in Mississippi shall be provided to the
556 recipient family by an online electronic benefits transfer system.

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

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

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

567 (c) Families not assigning to the state any rights a
568 family member may have, on behalf of the family member or of any



569 other person for whom the family member has applied for or is
570 receiving such assistance, to support from any other person, as
571 required by law;

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

574 (e) Any individual who has not attained eighteen (18)
575 years of age, is not married to the head of household, has a minor
576 child at least twelve (12) weeks of age in his or her care, and
577 has not successfully completed a high school education or its
578 equivalent, if such individual does not participate in educational
579 activities directed toward the attainment of a high school diploma
580 or its equivalent, or an alternative educational or training
581 program approved by the department;

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

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

590 (h) Any individual who is a parent or other caretaker
591 relative of a minor child who fails to notify the department of
592 the absence of the minor child from the home for the thirty-day
593 period specified in paragraph (g), by the end of the five-day



594 period that begins with the date that it becomes clear to the
595 individual that the minor child will be absent for the thirty-day
596 period;

597 (i) Any individual who fails to comply with the
598 provisions of the Employability Development Plan signed by the
599 individual which prescribe those activities designed to help the
600 individual become and remain employed, or to participate
601 satisfactorily in the assigned work activity, as authorized under
602 subsection (6) (c) and (d), or who does not engage in applicant job
603 search activities within the thirty-day period for TANF
604 application approval after receiving the advice and consultation
605 of eligibility workers and/or caseworkers of the department
606 providing a detailed description of available job search venues in
607 the individual's county of residence or the surrounding counties;

608 (j) A parent or caretaker relative who has not engaged
609 in an allowable work activity once the department determines the
610 parent or caretaker relative is ready to engage in work, or once
611 the parent or caretaker relative has received TANF assistance
612 under the program for twenty-four (24) months, whether or not
613 consecutive, whichever is earlier;

614 (k) Any individual who is fleeing to avoid prosecution,
615 or custody or confinement after conviction, under the laws of the
616 jurisdiction from which the individual flees, for a crime, or an
617 attempt to commit a crime, which is a felony under the laws of the
618 place from which the individual flees, or who is violating a



619 condition of probation or parole imposed under federal or state
620 law;

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

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

629 (n) Individuals who are recipients of federal
630 Supplemental Security Income (SSI) assistance * * *;

631 (o) Any individual who has not verified lawful presence
632 in the United States and the State of Mississippi pursuant to the
633 provisions of Section 1 of this act; and

634 (p) Any individual who tests positive for drugs or
635 refuses a random drug test pursuant to the provisions of Section 2
636 of this act.

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

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



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

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

647 (iv) If the person is a parent or caretaker
648 relative with whom a dependent child is living, child care is
649 available for the child.

650 The monthly attendance requirement under this subsection
651 shall be attendance at the school in which the person is enrolled
652 for each day during a month that the school conducts classes in
653 which the person is enrolled, with not more than two (2) absences
654 during the month for reasons other than the reasons listed in
655 paragraph (e)(iv) of this subsection. Persons who fail to meet
656 participation requirements in this subsection shall be subject to
657 sanctions as provided in paragraph (f) of this subsection.

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

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

661 (ii) A vocational, technical and adult education
662 program; or

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

666 (c) If any compulsory-school-age child, as defined in
667 Section 37-13-91(2), to which TANF eligibility requirements apply



668 is not in compliance with the compulsory school attendance
669 requirements of Section 37-13-91(6), the superintendent of schools
670 of the school district in which the child is enrolled or eligible
671 to attend shall notify the county department of human services of
672 the child's noncompliance. The Department of Human Services shall
673 review school attendance information as provided under this
674 paragraph at all initial eligibility determinations and upon
675 subsequent report of unsatisfactory attendance.

676 (d) The signature of a person on an application for
677 TANF benefits constitutes permission for the release of school
678 attendance records for that person or for any child residing with
679 that person. The department shall request information from the
680 child's school district about the child's attendance in the school
681 district's most recently completed semester of attendance. If
682 information about the child's previous school attendance is not
683 available or cannot be verified, the department shall require the
684 child to meet the monthly attendance requirement for one (1)
685 semester or until the information is obtained. The department
686 shall use the attendance information provided by a school district
687 to verify attendance for a child. The department shall review
688 with the parent or caretaker relative a child's claim that he or
689 she has a good cause for not attending school.

690 A school district shall provide information to the department
691 about the attendance of a child who is enrolled in a public school
692 in the district within five (5) working days of the receipt of a



693 written request for that information from the department. The
694 school district shall define how many hours of attendance count as
695 a full day and shall provide that information, upon request, to
696 the department. In reporting attendance, the school district may
697 add partial days' absence together to constitute a full day's
698 absence.

699 If a school district fails to provide to the department the
700 information about the school attendance of any child within
701 fifteen (15) working days after a written request, the department
702 shall notify the Department of Audit within three (3) working days
703 of the school district's failure to comply with that requirement.
704 The Department of Audit shall begin audit proceedings within five
705 (5) working days of notification by the Department of Human
706 Services to determine the school district's compliance with the
707 requirements of this subsection (4). If the Department of Audit
708 finds that the school district is not in compliance with the
709 requirements of this subsection, the school district shall be
710 penalized as follows: The Department of Audit shall notify the
711 State Department of Education of the school district's
712 noncompliance, and the Department of Education shall reduce the
713 calculation of the school district's average daily attendance
714 (ADA) that is used to determine the allocation of Mississippi
715 Adequate Education Program funds by the number of children for
716 which the district has failed to provide to the Department of
717 Human Services the required information about the school



718 attendance of those children. The reduction in the calculation of
719 the school district's ADA under this paragraph shall be effective
720 for a period of one (1) year.

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

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

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

730 (iii) The child is prohibited by the school
731 district from attending school and an expulsion is pending. This
732 exemption no longer applies once the teenager has been expelled;
733 however, a teenager who has been expelled and is making
734 satisfactory progress towards obtaining a GED equivalent shall be
735 eligible for TANF benefits; or

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

738 1. Illness, injury or incapacity of the child
739 or the minor parent's child;

740 2. Court-required appearances or temporary
741 incarceration;



- 742 3. Medical or dental appointments for the
743 child or minor parent's child;
744 4. Death of a close relative;
745 5. Observance of a religious holiday;
746 6. Family emergency;
747 7. Breakdown in transportation;
748 8. Suspension; or
749 9. Any other circumstance beyond the control
750 of the child, as defined in regulations of the department.

751 (f) Upon determination that a child has failed without
752 good cause to attend school as required, the department shall
753 provide written notice to the parent or caretaker relative
754 (whoever is the primary recipient of the TANF benefits) that
755 specifies:

756 (i) That the family will be sanctioned in the next
757 possible payment month because the child who is required to attend
758 school has failed to meet the attendance requirement of this
759 subsection;

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

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

765 The child's parent or caretaker relative (whoever is the
766 primary recipient of the TANF benefits) may request a fair hearing



767 on the department's determination that the child has not been
768 attending school. If the child's parents or caretaker relative
769 does not request a fair hearing under this subsection, or if,
770 after a fair hearing has been held, the hearing officer finds that
771 the child without good cause has failed to meet the monthly
772 attendance requirement, the department shall discontinue or deny
773 TANF benefits to the child thirteen (13) years old, or older, in
774 the next possible payment month. The department shall discontinue
775 or deny twenty-five percent (25%) of the family grant when a child
776 six (6) through twelve (12) years of age without good cause has
777 failed to meet the monthly attendance requirement. Both the child
778 and family sanction may apply when children in both age groups
779 fail to meet the attendance requirement without good cause. A
780 sanction applied under this subsection shall be effective for one
781 (1) month for each month that the child failed to meet the monthly
782 attendance requirement. In the case of a dropout, the sanction
783 shall remain in force until the parent or caretaker relative
784 provides written proof from the school district that the child has
785 reenrolled and met the monthly attendance requirement for one (1)
786 calendar month. Any month in which school is in session for at
787 least ten (10) days during the month may be used to meet the
788 attendance requirement under this subsection. This includes
789 attendance at summer school. The sanction shall be removed the
790 next possible payment month.



791 (5) All parents or caretaker relatives shall have their
792 dependent children receive vaccinations and booster vaccinations
793 against those diseases specified by the State Health Officer under
794 Section 41-23-37 in accordance with the vaccination and booster
795 vaccination schedule prescribed by the State Health Officer for
796 children of that age, in order for the parents or caretaker
797 relatives to be eligible or remain eligible to receive TANF
798 benefits. Proof of having received such vaccinations and booster
799 vaccinations shall be given by presenting the certificates of
800 vaccination issued by any health care provider licensed to
801 administer vaccinations, and submitted on forms specified by the
802 State Board of Health. If the parents without good cause do not
803 have their dependent children receive the vaccinations and booster
804 vaccinations as required by this subsection and they fail to
805 comply after thirty (30) days' notice, the department shall
806 sanction the family's TANF benefits by twenty-five percent (25%)
807 for the next payment month and each subsequent payment month until
808 the requirements of this subsection are met.

809 (6) (a) If the parent or caretaker relative applying for
810 TANF assistance is work eligible, as determined by the Department
811 of Human Services, the person shall be required to engage in an
812 allowable work activity once the department determines the parent
813 or caretaker relative is determined work eligible, or once the
814 parent or caretaker relative has received TANF assistance under
815 the program for twenty-four (24) months, whether or not



816 consecutive, whichever is earlier. No TANF benefits shall be
817 given to any person to whom this section applies who fails without
818 good cause to comply with the Employability Development Plan
819 prepared by the department for the person, or who has refused to
820 accept a referral or offer of employment, training or education in
821 which he or she is able to engage, subject to the penalties
822 prescribed in subsection (6)(e). A person shall be deemed to have
823 refused to accept a referral or offer of employment, training or
824 education if he or she:

825 (i) Willfully fails to report for an interview
826 with respect to employment when requested to do so by the
827 department; or

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

830 (iii) Willfully fails to report for allowable work
831 activities as prescribed in subsection (6)(c) and (d).

832 (b) The Department of Human Services shall operate a
833 statewide work program for TANF recipients to provide work
834 activities and supportive services to enable families to become
835 self-sufficient and improve their competitive position in the
836 workforce in accordance with the requirements of the federal
837 Personal Responsibility and Work Opportunity Reconciliation Act of
838 1996 (Public Law 104-193), as amended, and the regulations
839 promulgated thereunder, and the Deficit Reduction Act of 2005
840 (Public Law 109-171), as amended. Within sixty (60) days after



841 the initial application for TANF benefits, the TANF recipient must
842 participate in a job search skills training workshop or a job
843 readiness program, which shall include résumé writing, job search
844 skills, employability skills and, if available at no charge, the
845 General Aptitude Test Battery or its equivalent. All adults who
846 are not specifically exempt shall be referred by the department
847 for allowable work activities. An adult may be exempt from the
848 mandatory work activity requirement for the following reasons:

849 (i) Incapacity;

850 (ii) Temporary illness or injury, verified by
851 physician's certificate;

852 (iii) Is in the third trimester of pregnancy, and
853 there are complications verified by the certificate of a
854 physician, nurse practitioner, physician assistant, or any other
855 licensed health care professional practicing under a protocol with
856 a licensed physician;

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

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

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



864 (vii) Receiving treatment for substance abuse, if
865 the person is in compliance with the substance abuse treatment
866 plan;

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

870 (ix) History of having been a victim of domestic
871 violence, which has been reported as required by state law and is
872 substantiated by police reports or court records, and being at
873 risk of further domestic violence, shall be exempt for a period as
874 deemed necessary by the department but not to exceed a total of
875 twelve (12) months, which need not be consecutive, in the
876 sixty-month maximum benefit period. For the purposes of this
877 subparagraph (ix), "domestic violence" means that an individual
878 has been subjected to:

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

881 2. Sexual abuse;

882 3. Sexual activity involving a dependent
883 child;

884 4. Being forced as the caretaker relative of
885 a dependent child to engage in nonconsensual sexual acts or
886 activities;

887 5. Threats of, or attempts at, physical or
888 sexual abuse;



889 6. Mental abuse; or
890 7. Neglect or deprivation of medical care.
891 (c) For all families, all adults who are not
892 specifically exempt shall be required to participate in work
893 activities for at least the minimum average number of hours per
894 week specified by federal law or regulation, not fewer than twenty
895 (20) hours per week (thirty-five (35) hours per week for
896 two-parent families) of which are attributable to the following
897 allowable work activities:
898 (i) Unsubsidized employment;
899 (ii) Subsidized private employment;
900 (iii) Subsidized public employment;
901 (iv) Work experience (including work associated
902 with the refurbishing of publicly assisted housing), if sufficient
903 private employment is not available;
904 (v) On-the-job training;
905 (vi) Job search and job readiness assistance
906 consistent with federal TANF regulations;
907 (vii) Community service programs;
908 (viii) Vocational educational training (not to
909 exceed twelve (12) months with respect to any individual);
910 (ix) The provision of child care services to an
911 individual who is participating in a community service program;
912 (x) Satisfactory attendance at high school or in a
913 course of study leading to a high school equivalency certificate,



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

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

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

922 (i) Job skills training directly related to
923 employment;

924 (ii) Education directly related to employment for
925 individuals who have not completed high school or received a high
926 school equivalency certificate;

927 (iii) Satisfactory attendance at high school or in
928 a course of study leading to a high school equivalency, for
929 individuals who have not completed high school or received such
930 equivalency certificate;

931 (iv) Job search and job readiness assistance
932 consistent with federal TANF regulations.

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



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

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

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

950 (iv) For the fourth violation, the person shall be
951 permanently disqualified.

952 For a two-parent family, unless prohibited by state or
953 federal law, Medicaid assistance shall be terminated only for the
954 person whose failure to participate in allowable work activity
955 caused the family's TANF assistance to be sanctioned under this
956 subsection (6)(e), unless an individual is pregnant, but shall not
957 be terminated for any other person in the family who is meeting
958 that person's applicable work requirement or who is not required
959 to work. Minor children shall continue to be eligible for
960 Medicaid benefits regardless of the disqualification of their
961 parent or caretaker relative for TANF assistance under this
962 subsection (6), unless prohibited by state or federal law.



963 (f) Any person enrolled in a two-year or four-year
964 college program who meets the eligibility requirements to receive
965 TANF benefits, and who is meeting the applicable work requirements
966 and all other applicable requirements of the TANF program, shall
967 continue to be eligible for TANF benefits while enrolled in the
968 college program for as long as the person meets the requirements
969 of the TANF program, unless prohibited by federal law.

970 (g) No adult in a work activity required under this
971 subsection (6) shall be employed or assigned (i) when any other
972 individual is on layoff from the same or any substantially
973 equivalent job within six (6) months before the date of the TANF
974 recipient's employment or assignment; or (ii) if the employer has
975 terminated the employment of any regular employee or otherwise
976 caused an involuntary reduction of its workforce in order to fill
977 the vacancy so created with an adult receiving TANF assistance.
978 The Mississippi Department of Employment Security, established
979 under Section 71-5-101, shall appoint one or more impartial
980 hearing officers to hear and decide claims by employees of
981 violations of this paragraph (g). The hearing officer shall hear
982 all the evidence with respect to any claim made hereunder and such
983 additional evidence as he may require and shall make a
984 determination and the reason therefor. The claimant shall be
985 promptly notified of the decision of the hearing officer and the
986 reason therefor. Within ten (10) days after the decision of the
987 hearing officer has become final, any party aggrieved thereby may



988 secure judicial review thereof by commencing an action, in the
989 circuit court of the county in which the claimant resides, against
990 the department for the review of such decision, in which action
991 any other party to the proceeding before the hearing officer shall
992 be made a defendant. Any such appeal shall be on the record which
993 shall be certified to the court by the department in the manner
994 provided in Section 71-5-531, and the jurisdiction of the court
995 shall be confined to questions of law which shall render its
996 decision as provided in that section.

997 (7) The Department of Human Services may provide child care
998 for eligible participants who require such care so that they may
999 accept employment or remain employed. The department may also
1000 provide child care for those participating in the TANF program
1001 when it is determined that they are satisfactorily involved in
1002 education, training or other allowable work activities. The
1003 department may contract with Head Start agencies to provide child
1004 care services to TANF recipients. The department may also arrange
1005 for child care by use of contract or vouchers, provide vouchers in
1006 advance to a caretaker relative, reimburse a child care provider,
1007 or use any other arrangement deemed appropriate by the department,
1008 and may establish different reimbursement rates for child care
1009 services depending on the category of the facility or home. Any
1010 center-based or group home child care facility under this
1011 subsection shall be licensed by the State Department of Health
1012 pursuant to law. When child care is being provided in the child's



1013 own home, in the home of a relative of the child, or in any other
1014 unlicensed setting, the provision of such child care may be
1015 monitored on a random basis by the Department of Human Services or
1016 the State Department of Health. Transitional child care
1017 assistance may be continued if it is necessary for parents to
1018 maintain employment once support has ended, unless prohibited
1019 under state or federal law. Transitional child care assistance
1020 may be provided for up to twenty-four (24) months after the last
1021 month during which the family was eligible for TANF assistance, if
1022 federal funds are available for such child care assistance.

1023 (8) The Department of Human Services may provide
1024 transportation or provide reasonable reimbursement for
1025 transportation expenses that are necessary for individuals to be
1026 able to participate in allowable work activity under the TANF
1027 program.

1028 (9) Medicaid assistance shall be provided to a family of
1029 TANF program participants for up to twenty-four (24) consecutive
1030 calendar months following the month in which the participating
1031 family would be ineligible for TANF benefits because of increased
1032 income, expiration of earned income disregards, or increased hours
1033 of employment of the caretaker relative; however, Medicaid
1034 assistance for more than twelve (12) months may be provided only
1035 if a federal waiver is obtained to provide such assistance for
1036 more than twelve (12) months and federal and state funds are
1037 available to provide such assistance.



1038 (10) The department shall require applicants for and
1039 recipients of public assistance from the department to sign a
1040 personal responsibility contract that will require the applicant
1041 or recipient to acknowledge his or her responsibilities to the
1042 state.

1043 (11) The department shall enter into an agreement with the
1044 State Personnel Board and other state agencies that will allow
1045 those TANF participants who qualify for vacant jobs within state
1046 agencies to be placed in state jobs. State agencies participating
1047 in the TANF work program shall receive any and all benefits
1048 received by employers in the private sector for hiring TANF
1049 recipients. This subsection (11) shall be effective only if the
1050 state obtains any necessary federal waiver or approval and if
1051 federal funds are available therefor.

1052 (12) Any unspent TANF funds remaining from the prior fiscal
1053 year may be expended for any TANF allowable activities.

1054 (13) The Mississippi Department of Human Services shall
1055 provide TANF applicants information and referral to programs that
1056 provide information about birth control, prenatal health care,
1057 abstinence education, marriage education, family preservation and
1058 fatherhood.

1059 (14) No new TANF program requirement or restriction
1060 affecting a person's eligibility for TANF assistance, or allowable
1061 work activity, which is not mandated by federal law or regulation
1062 may be implemented by the Department of Human Services after July



1063 1, 2004, unless such is specifically authorized by an amendment to
1064 this section by the Legislature.

1065 **SECTION 6.** Section 71-5-511, Mississippi Code of 1972, is
1066 amended as follows:

1067 71-5-511. An unemployed individual shall be eligible to
1068 receive benefits with respect to any week only if the department
1069 finds that:

1070 (a) (i) He has registered for work at and thereafter
1071 has continued to report to the department in accordance with such
1072 regulations as the department may prescribe; except that the
1073 department may, by regulation, waive or alter either or both of
1074 the requirements of this subparagraph as to such types of cases or
1075 situations with respect to which it finds that compliance with
1076 such requirements would be oppressive or would be inconsistent
1077 with the purposes of this chapter; and

1078 (ii) He participates in reemployment services,
1079 such as job search assistance services, if, in accordance with a
1080 profiling system established by the department, it has been
1081 determined that he is likely to exhaust regular benefits and needs
1082 reemployment services, unless the department determines that:

1083 1. The individual has completed such
1084 services; or

1085 2. There is justifiable cause for the
1086 claimant's failure to participate in such services.



1087 (b) He has made a claim for benefits in accordance with
1088 the provisions of Section 71-5-515 and in accordance with such
1089 regulations as the department may prescribe thereunder.

1090 (c) He is able to work and is available for work.

1091 (d) He has been unemployed for a waiting period of one
1092 (1) week. No week shall be counted as a week of unemployment for
1093 the purposes of this subsection:

1094 (i) Unless it occurs within the benefit year which
1095 includes the week with respect to which he claims payment of
1096 benefits;

1097 (ii) If benefits have been paid with respect
1098 thereto;

1099 (iii) Unless the individual was eligible for
1100 benefits with respect thereto, as provided in Sections 71-5-511
1101 and 71-5-513, except for the requirements of this subsection.

1102 (e) For weeks beginning on or before July 1, 1982, he
1103 has, during his base period, been paid wages for insured work
1104 equal to not less than thirty-six (36) times his weekly benefit
1105 amount; he has been paid wages for insured work during at least
1106 two (2) quarters of his base period; and he has, during that
1107 quarter of his base period in which his total wages were highest,
1108 been paid wages for insured work equal to not less than sixteen
1109 (16) times the minimum weekly benefit amount. For benefit years
1110 beginning after July 1, 1982, he has, during his base period, been
1111 paid wages for insured work equal to not less than forty (40)



1112 times his weekly benefit amount; he has been paid wages for
1113 insured work during at least two (2) quarters of his base period,
1114 and he has, during that quarter of his base period in which his
1115 total wages were highest, been paid wages for insured work equal
1116 to not less than twenty-six (26) times the minimum weekly benefit
1117 amount. For purposes of this subsection, wages shall be counted
1118 as "wages for insured work" for benefit purposes with respect to
1119 any benefit year only if such benefit year begins subsequent to
1120 the date on which the employing unit by which such wages were paid
1121 has satisfied the conditions of Section 71-5-11, subsection I, or
1122 Section 71-5-361, subsection (3), with respect to becoming an
1123 employer.

1124 (f) No individual may receive benefits in a benefit
1125 year unless, subsequent to the beginning of the next preceding
1126 benefit year during which he received benefits, he performed
1127 service in "employment" as defined in Section 71-5-11, subsection
1128 J, and earned remuneration for such service in an amount equal to
1129 not less than eight (8) times his weekly benefit amount applicable
1130 to his next preceding benefit year.

1131 (g) Benefits based on service in employment defined in
1132 Section 71-5-11, subsection J(3) and J(4), and Section 71-5-361,
1133 subsection (4) shall be payable in the same amount, on the same
1134 terms, and subject to the same conditions as compensation payable
1135 on the basis of other service subject to this chapter, except that
1136 benefits based on service in an instructional, research or



1137 principal administrative capacity in an institution of higher
1138 learning (as defined in Section 71-5-11, subsection O) with
1139 respect to service performed prior to January 1, 1978, shall not
1140 be paid to an individual for any week of unemployment which begins
1141 during the period between two (2) successive academic years, or
1142 during a similar period between two (2) regular terms, whether or
1143 not successive, or during a period of paid sabbatical leave
1144 provided for in the individual's contract, if the individual has a
1145 contract or contracts to perform services in any such capacity for
1146 any institution or institutions of higher learning for both such
1147 academic years or both such terms.

1148 (h) Benefits based on service in employment defined in
1149 Section 71-5-11, subsection J(3) and J(4), shall be payable in the
1150 same amount, on the same terms and subject to the same conditions
1151 as compensation payable on the basis of other service subject to
1152 this chapter, except that:

1153 (i) With respect to service performed in an
1154 instructional, research or principal administrative capacity for
1155 an educational institution, benefits shall not be paid based on
1156 such services for any week of unemployment commencing during the
1157 period between two (2) successive academic years, or during a
1158 similar period between two (2) regular but not successive terms,
1159 or during a period of paid sabbatical leave provided for in the
1160 individual's contract, to any individual, if such individual
1161 performs such services in the first of such academic years or



1162 terms and if there is a contract or a reasonable assurance that
1163 such individual will perform services in any such capacity for any
1164 educational institution in the second of such academic years or
1165 terms, and provided that subsection (g) of this section shall
1166 apply with respect to such services prior to January 1, 1978. In
1167 no event shall benefits be paid unless the individual employee was
1168 terminated by the employer.

1169 (ii) With respect to services performed in any
1170 other capacity for an educational institution, benefits shall not
1171 be paid on the basis of such services to any individual for any
1172 week which commences during a period between two (2) successive
1173 academic years or terms, if such individual performs such services
1174 in the first of such academic years or terms and there is a
1175 reasonable assurance that such individual will perform such
1176 services in the second of such academic years or terms, except
1177 that if compensation is denied to any individual under this
1178 subparagraph and such individual was not offered an opportunity to
1179 perform such services for the educational institution for the
1180 second of such academic years or terms, such individual shall be
1181 entitled to a retroactive payment of compensation for each week
1182 for which the individual filed a timely claim for compensation and
1183 for which compensation was denied solely by reason of this clause.
1184 In no event shall benefits be paid unless the individual employee
1185 was terminated by the employer.



1186 (iii) With respect to services described in
1187 subsection (h) (i) and (ii), benefits shall not be payable on the
1188 basis of services in any such capacities to any individual for any
1189 week which commences during an established and customary vacation
1190 period or holiday recess if such individual performs such services
1191 in the first of such academic years or terms, or in the period
1192 immediately before such vacation period or holiday recess, and
1193 there is a reasonable assurance that such individual will perform
1194 such services in the period immediately following such vacation
1195 period or holiday recess.

1196 (iv) With respect to any services described in
1197 subsection (h) (i) and (ii), benefits shall not be payable on the
1198 basis of services in any such capacities as specified in
1199 subsection (h) (i), (ii) and (iii) to any individual who performed
1200 such services in an educational institution while in the employ of
1201 an educational service agency. For purposes of this subsection,
1202 the term "educational service agency" means a governmental agency
1203 or governmental entity which is established and operated
1204 exclusively for the purpose of providing such services to one or
1205 more educational institutions.

1206 (v) With respect to services to which Sections
1207 71-5-357 and 71-5-359 apply, if such services are provided to or
1208 on behalf of an educational institution, benefits shall not be
1209 payable under the same circumstances and subject to the same terms



1210 and conditions as described in subsection (h) (i), (ii), (iii) and
1211 (iv).

1212 (i) Subsequent to December 31, 1977, benefits shall not
1213 be paid to any individual on the basis of any services
1214 substantially all of which consist of participating in sports or
1215 athletic events or training or preparing to so participate, for
1216 any week which commences during the period between two (2)
1217 successive sports seasons (or similar periods) if such individual
1218 performs such services in the first of such seasons (or similar
1219 periods) and there is a reasonable assurance that such individual
1220 will perform such services in the later of such seasons (or
1221 similar periods).

1222 (j) (i) Subsequent to December 31, 1977, benefits
1223 shall not be payable on the basis of services performed by an
1224 alien, unless such alien is an individual who was lawfully
1225 admitted for permanent residence at the time such services were
1226 performed, was lawfully present for purposes of performing such
1227 services, or was permanently residing in the United States under
1228 color of law at the time such services were performed (including
1229 an alien who was lawfully present in the United States as a result
1230 of the application of the provisions of Section 203(a) (7) or
1231 Section 212(d) (5) of the Immigration and Nationality Act).

1232 (ii) Any data or information required of
1233 individuals applying for benefits to determine whether benefits



1234 are not payable to them because of their alien status shall be
1235 uniformly required from all applicants for benefits.

1236 (iii) In the case of an individual whose
1237 application for benefits would otherwise be approved, no
1238 determination that benefits to such individual are not payable
1239 because of his alien status shall be made, except upon a
1240 preponderance of the evidence.

1241 (k) An individual shall be deemed prima facie
1242 unavailable for work, and therefore ineligible to receive
1243 benefits, during any period which, with respect to his employment
1244 status, is found by the department to be a holiday or vacation
1245 period.

1246 (l) A temporary employee of a temporary help firm is
1247 considered to have left the employee's last work voluntarily
1248 without good cause connected with the work if the temporary
1249 employee does not contact the temporary help firm for reassignment
1250 on completion of an assignment. A temporary employee is not
1251 considered to have left work voluntarily without good cause
1252 connected with the work under this paragraph unless the temporary
1253 employee has been advised in writing:

1254 (i) That the temporary employee is obligated to
1255 contact the temporary help firm on completion of assignments; and

1256 (ii) That unemployment benefits may be denied if
1257 the temporary employee fails to do so.



1258 (m) An individual shall only be eligible for benefits
1259 under this chapter if he has verified lawful presence in the
1260 United States and the State of Mississippi pursuant to the
1261 provisions of Section 1 of this act. An individual shall not be
1262 eligible for benefits under this chapter if he tests positive for
1263 drugs or refuses a random drug test pursuant to the provisions of
1264 Section 2 of this act.

1265 **SECTION 7.** Section 43-33-15, Mississippi Code of 1972, is
1266 amended as follows:

1267 43-33-15. In the operation or management of housing projects
1268 an authority shall at all times observe the following duties with
1269 respect to rentals and tenant selection:

1270 (a) It may rent or lease the dwelling accommodations
1271 therein only to persons of low income and at rentals within the
1272 financial reach of such persons of low income;

1273 (b) It may rent or lease to a tenant dwelling
1274 accommodations consisting of the number of rooms (but no greater
1275 number) which it deems necessary to provide safe and sanitary
1276 accommodations to the proposed occupants thereof, without
1277 overcrowding;

1278 (c) The dwellings in low-rent housing as defined in
1279 this article shall be available solely for families whose net
1280 annual income at the time of admission, less an exemption of One
1281 Hundred Dollars (\$100.00) for each minor member of the family
1282 other than the head of the family and his spouse, does not exceed



1283 five (5) times the annual rental (including the value or cost to
1284 them of water, electricity, gas, other heating and cooking fuels,
1285 and other utilities) of the dwellings to be furnished such
1286 families. For the purpose of determining eligibility for
1287 continued occupancy, a public housing agency shall allow, from the
1288 net income of any family, an exemption for each minor member of
1289 the family (other than the head of the family and his spouse) of
1290 either (a) One Hundred Dollars (\$100.00), or (b) all or any part
1291 of the annual income of such minor. For the purpose of this * * *
1292 paragraph, a minor shall mean a person less than twenty-one (21)
1293 years of age.

1294 Nothing contained in this section or Section 43-33-13 shall
1295 be construed as limiting the power of an authority to vest in an
1296 obligee the right, in the event of a default by the authority, to
1297 take possession of a housing project or cause the appointment of a
1298 receiver thereof, free from all the restrictions imposed by this
1299 section or Section 43-33-13.

1300 An authority shall only provide housing assistance benefits
1301 to individuals who have verified lawful presence in the United
1302 States and the State of Mississippi pursuant to the provisions of
1303 Section 1 of this act. An authority shall not provide housing
1304 assistance benefits to individuals who test positive for drugs or
1305 refuse a random drug test pursuant to the provisions of Section 2
1306 of this act.



1307 **SECTION 8.** This act shall take effect and be in force from
1308 and after July 1, 2013.

