

By: Representative Criswell

To: Public Health and Human Services

HOUSE BILL NO. 1473

1 AN ACT TO BE KNOWN AS THE WELFARE FRAUD PREVENTION ACT OF  
2 2020; TO ESTABLISH THE PUBLIC WELFARE OVERSIGHT TASK FORCE AND  
3 PROVIDE FOR ITS MEMBERSHIP; TO PROVIDE THAT THE TASK FORCE SHALL  
4 TRACK AND ASSESS THE ELIGIBILITY VERIFICATION SYSTEMS ESTABLISHED  
5 BY THE "MEDICAID AND HUMAN SERVICES TRANSPARENCY AND FRAUD  
6 PREVENTION ACT," AND ADVISE THE LEGISLATURE ON HOW BEST TO PREVENT  
7 FRAUD AND ABUSE BY PROVIDERS, VENDORS AND ADMINISTRATORS OF  
8 SERVICES IN PUBLIC WELFARE PROGRAMS, RECOVER IMPROPER PAYMENTS  
9 MADE TO PROVIDERS AND VENDORS OF SERVICES IN THOSE PROGRAMS, AND  
10 ENHANCE THE INTEGRITY AND EFFICACY OF THE STATE'S PUBLIC WELFARE  
11 PROGRAMS; TO AMEND SECTION 43-17-5, MISSISSIPPI CODE OF 1972, TO  
12 PROVIDE THAT THE DEPARTMENT OF HUMAN SERVICES SHALL DENY TANF  
13 BENEFITS TO FAMILIES THAT INCLUDE AN ADULT WHO HAS RECEIVED TANF  
14 ASSISTANCE FOR TWENTY-FOUR MONTHS, DISREGARDING ANY MONTHS DURING  
15 WHICH ASSISTANCE IS RECEIVED BY AN ADULT RECIPIENT WHO AS A MINOR  
16 CHILD WAS NOT A HEAD OF HOUSEHOLD OR BY A FOSTER PARENT, AN  
17 UNRELATED ADULT, OR A NONPARENT RELATIVE IN A CHILD-ONLY CASE; TO  
18 CREATE NEW SECTION 43-12-73, MISSISSIPPI CODE OF 1972, TO REQUIRE  
19 THE DEPARTMENT OF HUMAN SERVICES TO ASSIGN CERTAIN RECIPIENTS OF  
20 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM (SNAP) BENEFITS TO AN  
21 EMPLOYMENT AND TRAINING PROGRAM AS A CONDITION OF PARTICIPATION IN  
22 THE PROGRAM; TO CREATE NEW SECTION 43-33-801, MISSISSIPPI CODE OF  
23 1972, TO REQUIRE ALL PUBLIC HOUSING AUTHORITIES TO SEEK A FEDERAL  
24 WAIVER TO CONDUCT A SCREENING OF EACH APPLICANT FOR AND RECIPIENT  
25 OF HOUSING BENEFITS ADMINISTERED BY THE HOUSING AUTHORITY TO  
26 DETERMINE IF THE APPLICANT OR RECIPIENT IS UNEMPLOYED OR  
27 UNDEREMPLOYED AND ABLE-BODIED, AND TO CREATE AN EMPLOYABILITY PLAN  
28 FOR RECIPIENTS WHO ARE ABLE-BODIED AND EITHER UNEMPLOYED OR  
29 UNDEREMPLOYED AND REQUIRE PARTICIPATION IN THE PLAN AS A TERM OF  
30 THEIR HOUSING BENEFITS; TO CREATE NEW SECTION 43-33-803,  
31 MISSISSIPPI CODE OF 1972, TO REQUIRE ALL PUBLIC HOUSING  
32 AUTHORITIES IN THE STATE TO DISTRIBUTE HOUSING BENEFITS AND SELECT  
33 APPLICANTS FROM BENEFIT WAITING LISTS GIVING THE HIGHEST



34 PREFERENCE TO FAMILIES WHERE ALL ABLE-BODIED ADULTS IN THE  
35 HOUSEHOLD ARE EMPLOYED; AND FOR RELATED PURPOSES.

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

37 **SECTION 1.** This act shall be known as the "Welfare Fraud  
38 Prevention Act of 2020."

39 **SECTION 2.** (1) There is established the Public Welfare  
40 Oversight Task Force, hereinafter called the Oversight Task Force.

41 The Oversight Task Force shall be composed of the following  
42 members: (a) the Lieutenant Governor shall appoint two (2)  
43 members; (b) the Speaker of the House of Representatives shall  
44 appoint two (2) members; (c) the Director of the Department of  
45 Human Services, or his designee; (d) the Director of the Division  
46 of Medicaid, or his designee; (e) the Director of the Joint  
47 Legislative Committee on Performance Evaluation and Expenditure  
48 Review, or his designee; (f) the Attorney General, or her  
49 designee; (g) the State Auditor, or his designee; (h) the  
50 Secretary of State, or his designee; (i) the Director of the  
51 Department of Employment Security, or his designee; (j) a designee  
52 from the Mississippi regional housing authorities who has  
53 expertise in public housing, appointed by the Governor; and (k)  
54 the Chairman of the Mississippi Advisory Council on Faith-Based  
55 Initiatives, or his designee.

56 (2) The task force shall meet on or before July 15, 2020, at  
57 the call of the Director of the Department of Human Services and  
58 organize itself by electing one (1) of its members as chair and  
59 such other officers as the task force may consider necessary.



60 Thereafter, the task force shall meet at least biannually and at  
61 the call of the chair or by a majority of the members. A quorum  
62 consists of seven (7) members.

63 (3) The task force shall have the following powers and  
64 duties:

65 (a) Track and assess the eligibility verification  
66 systems established by the "Medicaid and Human Services  
67 Transparency and Fraud Prevention Act," Section 43-12-1;

68 (b) Track and assess the eligibility verification  
69 systems established by the National Accuracy Clearinghouse (NAC),  
70 of which Mississippi is a part; and

71 (c) Advise the Legislature on how best to:

72 (i) Prevent fraud and abuse by providers, vendors  
73 and administrators of services in public welfare programs;

74 (ii) Recover improper payments made to providers  
75 and vendors of services in those programs;

76 (iii) Enhance the integrity and efficacy of the  
77 state's public welfare programs;

78 (iv) Evaluate and enhance current eligibility  
79 verification systems;

80 (v) Increase self-sufficiency for recipients of  
81 public welfare programs;

82 (vi) Prioritize existing resources for disabled  
83 adults and children and children in foster care; and



84 (vii) Fully use its available discretion in  
85 submitting applications for waivers under federal law to ensure  
86 program integrity and sustainability.

87 (4) The Oversight Task Force shall prepare and submit an  
88 annual report no later than the first day of the second full week  
89 of each regular session of the Legislature. The report shall  
90 include specific recommendations on how to prevent fraud and  
91 abuse; insure program integrity; and increase self-sufficiency.

92 (5) The Oversight Task Force shall use clerical and  
93 professional employees of the Department of Human Services for its  
94 staff and may employ or retain other professional staff, upon the  
95 determination of the necessity for other staff.

96 (6) The Oversight Task Force may employ consultants to  
97 assist in its evaluations and, when necessary, the implementation  
98 of its recommendations.

99 (7) The Oversight Task Force is encouraged to apply for and  
100 may expend grants, gifts, or federal funds it receives from other  
101 sources to carry out its duties and responsibilities.

102 (8) This section shall stand repealed on December 31, 2024.

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

105 43-17-5. (1) The amount of Temporary Assistance for Needy  
106 Families (TANF) benefits which may be granted for any dependent  
107 child and a needy caretaker relative shall be determined by the  
108 county department with due regard to the resources and necessary



109 expenditures of the family and the conditions existing in each  
110 case, and in accordance with the rules and regulations made by the  
111 Department of Human Services which shall not be less than the  
112 Standard of Need in effect for 1988, and shall be sufficient when  
113 added to all other income (except that any income specified in the  
114 federal Social Security Act, as amended, may be disregarded) and  
115 support available to the child to provide such child with a  
116 reasonable subsistence compatible with decency and health. The  
117 first family member in the dependent child's budget may receive an  
118 amount not to exceed One Hundred Ten Dollars (\$110.00) per month;  
119 the second family member in the dependent child's budget may  
120 receive an amount not to exceed Thirty-six Dollars (\$36.00) per  
121 month; and each additional family member in the dependent child's  
122 budget an amount not to exceed Twenty-four Dollars (\$24.00) per  
123 month. The maximum for any individual family member in the  
124 dependent child's budget may be exceeded for foster or medical  
125 care or in cases of children with an intellectual disability or a  
126 physical disability. TANF benefits granted shall be specifically  
127 limited only (a) to children existing or conceived at the time the  
128 caretaker relative initially applies and qualifies for such  
129 assistance, unless this limitation is specifically waived by the  
130 department, or (b) to a child born following a  
131 twelve-consecutive-month period of discontinued benefits by the  
132 caretaker relative.



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

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

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

141 (b) Families which include an adult who has received  
142 TANF assistance for \* \* \* twenty-four (24) months after the  
143 commencement of the Mississippi TANF program, whether or not such  
144 period of time is consecutive, disregarding any months during  
145 which assistance is received by an adult recipient who as a minor  
146 child was not a head of household or by a foster parent, an  
147 unrelated adult, or a nonparent relative in a child-only case;

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

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

155 (e) Any individual who has not attained eighteen (18)  
156 years of age, is not married to the head of household, has a minor  
157 child at least twelve (12) weeks of age in his or her care, and



158 has not successfully completed a high school education or its  
159 equivalent, if such individual does not participate in educational  
160 activities directed toward the attainment of a high school diploma  
161 or its equivalent, or an alternative educational or training  
162 program approved by the department;

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

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

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

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



183 subsection (6) (c) and (d), or who does not engage in applicant job  
184 search activities within the thirty-day period for TANF  
185 application approval after receiving the advice and consultation  
186 of eligibility workers and/or caseworkers of the department  
187 providing a detailed description of available job search venues in  
188 the individual's county of residence or the surrounding counties;

189 (j) A parent or caretaker relative who has not engaged  
190 in an allowable work activity once the department determines the  
191 parent or caretaker relative is ready to engage in work, or once  
192 the parent or caretaker relative has received TANF assistance  
193 under the program for twenty-four (24) months, whether or not  
194 consecutive, whichever is earlier;

195 (k) Any individual who is fleeing to avoid prosecution,  
196 or custody or confinement after conviction, under the laws of the  
197 jurisdiction from which the individual flees, for a crime, or an  
198 attempt to commit a crime, which is a felony under the laws of the  
199 place from which the individual flees, or who is violating a  
200 condition of probation or parole imposed under federal or state  
201 law;

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

203 (m) For a period of ten (10) years following  
204 conviction, individuals convicted in federal or state court of  
205 having made a fraudulent statement or representation with respect  
206 to the individual's place of residence in order to receive TANF,





207 food stamps or Supplemental Security Income (SSI) assistance under  
208 Title XVI or Title XIX simultaneously from two (2) or more states;

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

211 (o) Individuals who are eighteen (18) years of age or  
212 older who are not in compliance with the drug testing and  
213 substance use disorder treatment requirements of Section 43-17-6.

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

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

220 (ii) The person has not graduated from a public or  
221 private high school or obtained a High School Equivalency Diploma  
222 equivalent;

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

225 (iv) If the person is a parent or caretaker  
226 relative with whom a dependent child is living, child care is  
227 available for the child.

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



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

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

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

239 (ii) A vocational, technical and adult education  
240 program; or

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

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

254 (d) The signature of a person on an application for  
255 TANF benefits constitutes permission for the release of school  
256 attendance records for that person or for any child residing with



257 that person. The department shall request information from the  
258 child's school district about the child's attendance in the school  
259 district's most recently completed semester of attendance. If  
260 information about the child's previous school attendance is not  
261 available or cannot be verified, the department shall require the  
262 child to meet the monthly attendance requirement for one (1)  
263 semester or until the information is obtained. The department  
264 shall use the attendance information provided by a school district  
265 to verify attendance for a child. The department shall review  
266 with the parent or caretaker relative a child's claim that he or  
267 she has a good cause for not attending school.

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

277 If a school district fails to provide to the department the  
278 information about the school attendance of any child within  
279 fifteen (15) working days after a written request, the department  
280 shall notify the Department of Audit within three (3) working days  
281 of the school district's failure to comply with that requirement.



282 The Department of Audit shall begin audit proceedings within five  
283 (5) working days of notification by the Department of Human  
284 Services to determine the school district's compliance with the  
285 requirements of this subsection (4). If the Department of Audit  
286 finds that the school district is not in compliance with the  
287 requirements of this subsection, the school district shall be  
288 penalized as follows: The Department of Audit shall notify the  
289 State Department of Education of the school district's  
290 noncompliance, and the Department of Education shall reduce the  
291 calculation of the school district's average daily attendance  
292 (ADA) that is used to determine the allocation of Mississippi  
293 Adequate Education Program funds by the number of children for  
294 which the district has failed to provide to the Department of  
295 Human Services the required information about the school  
296 attendance of those children. The reduction in the calculation of  
297 the school district's ADA under this paragraph shall be effective  
298 for a period of one (1) year.

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

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



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

308 (iii) The child is prohibited by the school  
309 district from attending school and an expulsion is pending. This  
310 exemption no longer applies once the teenager has been expelled;  
311 however, a teenager who has been expelled and is making  
312 satisfactory progress towards obtaining a High School Equivalency  
313 Diploma equivalent shall be eligible for TANF benefits; or

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

316 1. Illness, injury or incapacity of the child  
317 or the minor parent's child;

318 2. Court-required appearances or temporary  
319 incarceration;

320 3. Medical or dental appointments for the  
321 child or minor parent's child;

322 4. Death of a close relative;

323 5. Observance of a religious holiday;

324 6. Family emergency;

325 7. Breakdown in transportation;

326 8. Suspension; or

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



329 (f) Upon determination that a child has failed without  
330 good cause to attend school as required, the department shall  
331 provide written notice to the parent or caretaker relative  
332 (whoever is the primary recipient of the TANF benefits) that  
333 specifies:

334 (i) That the family will be sanctioned in the next  
335 possible payment month because the child who is required to attend  
336 school has failed to meet the attendance requirement of this  
337 subsection;

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

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

343 The child's parent or caretaker relative (whoever is the  
344 primary recipient of the TANF benefits) may request a fair hearing  
345 on the department's determination that the child has not been  
346 attending school. If the child's parents or caretaker relative  
347 does not request a fair hearing under this subsection, or if,  
348 after a fair hearing has been held, the hearing officer finds that  
349 the child without good cause has failed to meet the monthly  
350 attendance requirement, the department shall discontinue or deny  
351 TANF benefits to the child thirteen (13) years old, or older, in  
352 the next possible payment month. The department shall discontinue  
353 or deny twenty-five percent (25%) of the family grant when a child



354 six (6) through twelve (12) years of age without good cause has  
355 failed to meet the monthly attendance requirement. Both the child  
356 and family sanction may apply when children in both age groups  
357 fail to meet the attendance requirement without good cause. A  
358 sanction applied under this subsection shall be effective for one  
359 (1) month for each month that the child failed to meet the monthly  
360 attendance requirement. In the case of a dropout, the sanction  
361 shall remain in force until the parent or caretaker relative  
362 provides written proof from the school district that the child has  
363 reenrolled and met the monthly attendance requirement for one (1)  
364 calendar month. Any month in which school is in session for at  
365 least ten (10) days during the month may be used to meet the  
366 attendance requirement under this subsection. This includes  
367 attendance at summer school. The sanction shall be removed the  
368 next possible payment month.

369 (5) All parents or caretaker relatives shall have their  
370 dependent children receive vaccinations and booster vaccinations  
371 against those diseases specified by the State Health Officer under  
372 Section 41-23-37 in accordance with the vaccination and booster  
373 vaccination schedule prescribed by the State Health Officer for  
374 children of that age, in order for the parents or caretaker  
375 relatives to be eligible or remain eligible to receive TANF  
376 benefits. Proof of having received such vaccinations and booster  
377 vaccinations shall be given by presenting the certificates of  
378 vaccination issued by any health care provider licensed to



379 administer vaccinations, and submitted on forms specified by the  
380 State Board of Health. If the parents without good cause do not  
381 have their dependent children receive the vaccinations and booster  
382 vaccinations as required by this subsection and they fail to  
383 comply after thirty (30) days' notice, the department shall  
384 sanction the family's TANF benefits by twenty-five percent (25%)  
385 for the next payment month and each subsequent payment month until  
386 the requirements of this subsection are met.

387 (6) (a) If the parent or caretaker relative applying for  
388 TANF assistance is work eligible, as determined by the Department  
389 of Human Services, the person shall be required to engage in an  
390 allowable work activity once the department determines the parent  
391 or caretaker relative is determined work eligible, or once the  
392 parent or caretaker relative has received TANF assistance under  
393 the program for twenty-four (24) months, whether or not  
394 consecutive, whichever is earlier. No TANF benefits shall be  
395 given to any person to whom this section applies who fails without  
396 good cause to comply with the Employability Development Plan  
397 prepared by the department for the person, or who has refused to  
398 accept a referral or offer of employment, training or education in  
399 which he or she is able to engage, subject to the penalties  
400 prescribed in paragraph (e) of this subsection. A person shall be  
401 deemed to have refused to accept a referral or offer of  
402 employment, training or education if he or she:





403 (i) Willfully fails to report for an interview  
404 with respect to employment when requested to do so by the  
405 department; or

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

408 (iii) Willfully fails to report for allowable work  
409 activities as prescribed in paragraphs (c) and (d) of this  
410 subsection.

411 (b) The Department of Human Services shall operate a  
412 statewide work program for TANF recipients to provide work  
413 activities and supportive services to enable families to become  
414 self-sufficient and improve their competitive position in the  
415 workforce in accordance with the requirements of the federal  
416 Personal Responsibility and Work Opportunity Reconciliation Act of  
417 1996 (Public Law 104-193), as amended, and the regulations  
418 promulgated thereunder, and the Deficit Reduction Act of 2005  
419 (Public Law 109-171), as amended. Within sixty (60) days after  
420 the initial application for TANF benefits, the TANF recipient must  
421 participate in a job search skills training workshop or a job  
422 readiness program, which shall include resume writing, job search  
423 skills, employability skills and, if available at no charge, the  
424 General Aptitude Test Battery or its equivalent. All adults who  
425 are not specifically exempt shall be referred by the department  
426 for allowable work activities. An adult may be exempt from the  
427 mandatory work activity requirement for the following reasons:



428 (i) Incapacity;

429 (ii) Temporary illness or injury, verified by  
430 physician's certificate;

431 (iii) Is in the third trimester of pregnancy, and  
432 there are complications verified by the certificate of a  
433 physician, nurse practitioner, physician assistant, or any other  
434 licensed health care professional practicing under a protocol with  
435 a licensed physician;

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

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

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

443 (vii) Receiving treatment for substance abuse, if  
444 the person is in compliance with the substance abuse treatment  
445 plan;

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

449 (ix) History of having been a victim of domestic  
450 violence, which has been reported as required by state law and is  
451 substantiated by police reports or court records, and being at  
452 risk of further domestic violence, shall be exempt for a period as



453 deemed necessary by the department but not to exceed a total of  
454 twelve (12) months, which need not be consecutive, in the  
455 sixty-month maximum benefit period. For the purposes of this  
456 subparagraph (ix), "domestic violence" means that an individual  
457 has been subjected to:

- 458 1. Physical acts that resulted in, or  
459 threatened to result in, physical injury to the individual;
- 460 2. Sexual abuse;
- 461 3. Sexual activity involving a dependent  
462 child;
- 463 4. Being forced as the caretaker relative of  
464 a dependent child to engage in nonconsensual sexual acts or  
465 activities;
- 466 5. Threats of, or attempts at, physical or  
467 sexual abuse;
- 468 6. Mental abuse; or
- 469 7. Neglect or deprivation of medical care.

470 (c) For all families, all adults who are not  
471 specifically exempt shall be required to participate in work  
472 activities for at least the minimum average number of hours per  
473 week specified by federal law or regulation, not fewer than twenty  
474 (20) hours per week (thirty-five (35) hours per week for  
475 two-parent families) of which are attributable to the following  
476 allowable work activities:

- 477 (i) Unsubsidized employment;



478                   (ii) Subsidized private employment;  
479                   (iii) Subsidized public employment;  
480                   (iv) Work experience (including work associated  
481 with the refurbishing of publicly assisted housing), if sufficient  
482 private employment is not available;  
483                   (v) On-the-job training;  
484                   (vi) Job search and job readiness assistance  
485 consistent with federal TANF regulations;  
486                   (vii) Community service programs;  
487                   (viii) Vocational educational training (not to  
488 exceed twelve (12) months with respect to any individual);  
489                   (ix) The provision of child care services to an  
490 individual who is participating in a community service program;  
491                   (x) Satisfactory attendance at high school or in a  
492 course of study leading to a high school equivalency certificate,  
493 for heads of household under age twenty (20) who have not  
494 completed high school or received such certificate;  
495                   (xi) Education directly related to employment, for  
496 heads of household under age twenty (20) who have not completed  
497 high school or received such equivalency certificate.  
498                   (d) The following are allowable work activities which  
499 may be attributable to hours in excess of the minimum specified in  
500 paragraph (c) of this subsection:  
501                   (i) Job skills training directly related to  
502 employment;



503                   (ii) Education directly related to employment for  
504 individuals who have not completed high school or received a high  
505 school equivalency certificate;

506                   (iii) Satisfactory attendance at high school or in  
507 a course of study leading to a high school equivalency, for  
508 individuals who have not completed high school or received such  
509 equivalency certificate;

510                   (iv) Job search and job readiness assistance  
511 consistent with federal TANF regulations.

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

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

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

525                   (iii) For the third violation, the department  
526 shall terminate the TANF assistance otherwise payable to the



527 family for a twelve-month period or until the person has complied  
528 with the required work activity, whichever is longer;

529 (iv) For the fourth violation, the person shall be  
530 permanently disqualified.

531 For a two-parent family, unless prohibited by state or  
532 federal law, Medicaid assistance shall be terminated only for the  
533 person whose failure to participate in allowable work activity  
534 caused the family's TANF assistance to be sanctioned under this  
535 paragraph (e), unless an individual is pregnant, but shall not be  
536 terminated for any other person in the family who is meeting that  
537 person's applicable work requirement or who is not required to  
538 work. Minor children shall continue to be eligible for Medicaid  
539 benefits regardless of the disqualification of their parent or  
540 caretaker relative for TANF assistance under this subsection (6),  
541 unless prohibited by state or federal law.

542 (f) Any person enrolled in a two-year or four-year  
543 college program who meets the eligibility requirements to receive  
544 TANF benefits, and who is meeting the applicable work requirements  
545 and all other applicable requirements of the TANF program, shall  
546 continue to be eligible for TANF benefits while enrolled in the  
547 college program for as long as the person meets the requirements  
548 of the TANF program, unless prohibited by federal law.

549 (g) No adult in a work activity required under this  
550 subsection (6) shall be employed or assigned (i) when any other  
551 individual is on layoff from the same or any substantially



552 equivalent job within six (6) months before the date of the TANF  
553 recipient's employment or assignment; or (ii) if the employer has  
554 terminated the employment of any regular employee or otherwise  
555 caused an involuntary reduction of its workforce in order to fill  
556 the vacancy so created with an adult receiving TANF assistance.  
557 The Mississippi Department of Employment Security, established  
558 under Section 71-5-101, shall appoint one or more impartial  
559 hearing officers to hear and decide claims by employees of  
560 violations of this paragraph (g). The hearing officer shall hear  
561 all the evidence with respect to any claim made hereunder and such  
562 additional evidence as he may require and shall make a  
563 determination and the reason therefor. The claimant shall be  
564 promptly notified of the decision of the hearing officer and the  
565 reason therefor. Within ten (10) days after the decision of the  
566 hearing officer has become final, any party aggrieved thereby may  
567 secure judicial review thereof by commencing an action, in the  
568 circuit court of the county in which the claimant resides, against  
569 the department for the review of such decision, in which action  
570 any other party to the proceeding before the hearing officer shall  
571 be made a defendant. Any such appeal shall be on the record which  
572 shall be certified to the court by the department in the manner  
573 provided in Section 71-5-531, and the jurisdiction of the court  
574 shall be confined to questions of law which shall render its  
575 decision as provided in that section.



576 (7) The Department of Human Services may provide child care  
577 for eligible participants who require such care so that they may  
578 accept employment or remain employed. The department may also  
579 provide child care for those participating in the TANF program  
580 when it is determined that they are satisfactorily involved in  
581 education, training or other allowable work activities. The  
582 department may contract with Head Start agencies to provide child  
583 care services to TANF recipients. The department may also arrange  
584 for child care by use of contract or vouchers, provide vouchers in  
585 advance to a caretaker relative, reimburse a child care provider,  
586 or use any other arrangement deemed appropriate by the department,  
587 and may establish different reimbursement rates for child care  
588 services depending on the category of the facility or home. Any  
589 center-based or group home child care facility under this  
590 subsection shall be licensed by the State Department of Health  
591 pursuant to law. When child care is being provided in the child's  
592 own home, in the home of a relative of the child, or in any other  
593 unlicensed setting, the provision of such child care may be  
594 monitored on a random basis by the Department of Human Services or  
595 the State Department of Health. Transitional child care  
596 assistance may be continued if it is necessary for parents to  
597 maintain employment once support has ended, unless prohibited  
598 under state or federal law. Transitional child care assistance  
599 may be provided for up to twenty-four (24) months after the last





600 month during which the family was eligible for TANF assistance, if  
601 federal funds are available for such child care assistance.

602 (8) The Department of Human Services may provide  
603 transportation or provide reasonable reimbursement for  
604 transportation expenses that are necessary for individuals to be  
605 able to participate in allowable work activity under the TANF  
606 program.

607 (9) Medicaid assistance shall be provided to a family of  
608 TANF program participants for up to twenty-four (24) consecutive  
609 calendar months following the month in which the participating  
610 family would be ineligible for TANF benefits because of increased  
611 income, expiration of earned income disregards, or increased hours  
612 of employment of the caretaker relative; however, Medicaid  
613 assistance for more than twelve (12) months may be provided only  
614 if a federal waiver is obtained to provide such assistance for  
615 more than twelve (12) months and federal and state funds are  
616 available to provide such assistance.

617 (10) The department shall require applicants for and  
618 recipients of public assistance from the department to sign a  
619 personal responsibility contract that will require the applicant  
620 or recipient to acknowledge his or her responsibilities to the  
621 state.

622 (11) The department shall enter into an agreement with the  
623 State Personnel Board and other state agencies that will allow  
624 those TANF participants who qualify for vacant jobs within state



625 agencies to be placed in state jobs. State agencies participating  
626 in the TANF work program shall receive any and all benefits  
627 received by employers in the private sector for hiring TANF  
628 recipients. This subsection (11) shall be effective only if the  
629 state obtains any necessary federal waiver or approval and if  
630 federal funds are available therefor.

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

633 (13) The Mississippi Department of Human Services shall  
634 provide TANF applicants information and referral to programs that  
635 provide information about birth control, prenatal health care,  
636 abstinence education, marriage education, family preservation and  
637 fatherhood.

638 (14) No new TANF program requirement or restriction  
639 affecting a person's eligibility for TANF assistance, or allowable  
640 work activity, which is not mandated by federal law or regulation  
641 may be implemented by the Department of Human Services after July  
642 1, 2004, unless such is specifically authorized by an amendment to  
643 this section by the Legislature.

644 **SECTION 4.** The following shall be codified as Section  
645 43-12-73, Mississippi Code of 1972:

646 43-12-73. The Department of Human Services shall assign  
647 individuals subject to requirements established under 7 USC  
648 Section 2015(d)(1), but not subject to requirements established



649 under 7 USC Section 2015(o), to an employment and training program  
650 as defined in 7 USC Section 2015(d)(4).

651 **SECTION 5.** The following shall be codified as Section  
652 43-33-801, Mississippi Code of 1972:

653 43-33-801. (1) To the extent allowed under federal law, and  
654 no later than January 1, 2021, all public housing authorities in  
655 the state shall seek a waiver from the United States Department of  
656 Housing and Urban Development to implement the following:

657 (a) Conduct a screening of each applicant for and  
658 recipient of housing benefits administered by the housing  
659 authority to determine if the applicant or recipient is unemployed  
660 or underemployed and able-bodied, which is defined for the  
661 purposes of this section as a nondisabled adult individual who is  
662 age eighteen (18) through sixty-four (64) years without dependent  
663 children under the age of six (6) years;

664 (b) Create an employability plan for recipients who are  
665 able-bodied and either unemployed or underemployed and require  
666 participation in the plan as a term of their housing benefits.  
667 Each employability plan will require recipients of housing  
668 assistance to engage in paid work, education, or job training for  
669 at least twenty (20) hours per week; and

670 (c) Failure to adhere to the employability plan and  
671 work requirements contained in the plan will result in a loss of  
672 eligibility for housing benefits, including, but not limited to,  
673 public housing and voucher benefits.



674 (2) The Department of Employment Security shall promulgate  
675 rules establishing standards for determining whether an individual  
676 is unemployed or underemployed for purposes of this section.

677 **SECTION 6.** The following shall be codified as Section  
678 43-33-803, Mississippi Code of 1972:

679 43-33-803. All public housing authorities in the state shall  
680 distribute housing benefits and select applicants from benefit  
681 waiting lists giving the highest preference to families where all  
682 able-bodied adults in the household are employed. Authorities  
683 shall adopt this preference to the maximum extent allowed by  
684 minimum federal requirements as to the distribution of benefits  
685 with which housing authorities must comply.

686 **SECTION 7.** This act shall take effect and be in force from  
687 and after July 1, 2020.

