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AMENDMENT NO 3 PROPOSED TO**

Cmte Sub for Senate Bill No. 2369

**BY: Senator(s) Simmons (12th), Jackson, Butler (38th),
Butler (36th), Jordan, Frazier, Turner-Ford,
Thomas, Hickman, Norwood, Simmons (13th),
Blackmon, Blount**

1 **AMEND by inserting after line 287 the following language and**
2 **renumbering subsequent sections accordingly:**

3 **SECTION *.** Section 43-17-6, Mississippi Code of 1972, which
4 requires TANF benefit applicants to undergo drug testing, is
5 hereby repealed.

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

8 43-17-5. (1) The amount of Temporary Assistance for Needy
9 Families (TANF) benefits which may be granted for any dependent
10 child and a needy caretaker relative shall be determined by the
11 county department with due regard to the resources and necessary
12 expenditures of the family and the conditions existing in each



13 case, and in accordance with the rules and regulations made by the
14 Department of Human Services which shall not be less than the
15 Standard of Need in effect for 1988, and shall be sufficient when
16 added to all other income (except that any income specified in the
17 federal Social Security Act, as amended, may be disregarded) and
18 support available to the child to provide such child with a
19 reasonable subsistence compatible with decency and health. The
20 first family member in the dependent child's budget may receive an
21 amount not to exceed Two Hundred Dollars (\$200.00) per month; the
22 second family member in the dependent child's budget may receive
23 an amount not to exceed Thirty-six Dollars (\$36.00) per month; and
24 each additional family member in the dependent child's budget an
25 amount not to exceed Twenty-four Dollars (\$24.00) per month. The
26 maximum for any individual family member in the dependent child's
27 budget may be exceeded for foster or medical care or in cases of
28 children with an intellectual disability or a physical disability.
29 TANF benefits granted shall be specifically limited only (a) to
30 children existing or conceived at the time the caretaker relative
31 initially applies and qualifies for such assistance, unless this
32 limitation is specifically waived by the department, or (b) to a
33 child born following a twelve-consecutive-month period of
34 discontinued benefits by the caretaker relative.

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



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

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

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

47 (c) Families not assigning to the state any rights a
48 family member may have, on behalf of the family member or of any
49 other person for whom the family member has applied for or is
50 receiving such assistance, to support from any other person, as
51 required by law;

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

54 (e) Any individual who has not attained eighteen (18)
55 years of age, is not married to the head of household, has a minor
56 child at least twelve (12) weeks of age in his or her care, and
57 has not successfully completed a high school education or its
58 equivalent, if such individual does not participate in educational
59 activities directed toward the attainment of a high school diploma
60 or its equivalent, or an alternative educational or training
61 program approved by the department;



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

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

70 (h) Any individual who is a parent or other caretaker
71 relative of a minor child who fails to notify the department of
72 the absence of the minor child from the home for the thirty-day
73 period specified in paragraph (g), by the end of the five-day
74 period that begins with the date that it becomes clear to the
75 individual that the minor child will be absent for the thirty-day
76 period;

77 (i) Any individual who fails to comply with the
78 provisions of the Employability Development Plan signed by the
79 individual which prescribe those activities designed to help the
80 individual become and remain employed, or to participate
81 satisfactorily in the assigned work activity, as authorized under
82 subsection (6)(c) and (d), or who does not engage in applicant job
83 search activities within the thirty-day period for TANF
84 application approval after receiving the advice and consultation
85 of eligibility workers and/or caseworkers of the department



86 providing a detailed description of available job search venues in
87 the individual's county of residence or the surrounding counties;

88 (j) A parent or caretaker relative who has not engaged
89 in an allowable work activity once the department determines the
90 parent or caretaker relative is ready to engage in work, or once
91 the parent or caretaker relative has received TANF assistance
92 under the program for twenty-four (24) months, whether or not
93 consecutive, whichever is earlier;

94 (k) Any individual who is fleeing to avoid prosecution,
95 or custody or confinement after conviction, under the laws of the
96 jurisdiction from which the individual flees, for a crime, or an
97 attempt to commit a crime, which is a felony under the laws of the
98 place from which the individual flees, or who is violating a
99 condition of probation or parole imposed under federal or state
100 law;

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

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

108 (n) Individuals who are recipients of federal
109 Supplemental Security Income (SSI) assistance * * *.

110 * * *



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

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

117 (ii) The person has not graduated from a public or
118 private high school or obtained a High School Equivalency Diploma
119 equivalent;

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

122 (iv) If the person is a parent or caretaker
123 relative with whom a dependent child is living, child care is
124 available for the child.

125 The monthly attendance requirement under this subsection
126 shall be attendance at the school in which the person is enrolled
127 for each day during a month that the school conducts classes in
128 which the person is enrolled, with not more than two (2) absences
129 during the month for reasons other than the reasons listed in
130 paragraph (e)(iv) of this subsection. Persons who fail to meet
131 participation requirements in this subsection shall be subject to
132 sanctions as provided in paragraph (f) of this subsection.

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

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



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

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

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

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



161 shall use the attendance information provided by a school district
162 to verify attendance for a child. The department shall review
163 with the parent or caretaker relative a child's claim that he or
164 she has a good cause for not attending school.

165 A school district shall provide information to the department
166 about the attendance of a child who is enrolled in a public school
167 in the district within five (5) working days of the receipt of a
168 written request for that information from the department. The
169 school district shall define how many hours of attendance count as
170 a full day and shall provide that information, upon request, to
171 the department. In reporting attendance, the school district may
172 add partial days' absence together to constitute a full day's
173 absence.

174 If a school district fails to provide to the department the
175 information about the school attendance of any child within
176 fifteen (15) working days after a written request, the department
177 shall notify the Department of Audit within three (3) working days
178 of the school district's failure to comply with that requirement.
179 The Department of Audit shall begin audit proceedings within five
180 (5) working days of notification by the Department of Human
181 Services to determine the school district's compliance with the
182 requirements of this subsection (4). If the Department of Audit
183 finds that the school district is not in compliance with the
184 requirements of this subsection, the school district shall be
185 penalized as follows: The Department of Audit shall notify the



186 State Department of Education of the school district's
187 noncompliance, and the Department of Education shall reduce the
188 calculation of the school district's average daily attendance
189 (ADA) that is used to determine the allocation of Mississippi
190 Adequate Education Program funds by the number of children for
191 which the district has failed to provide to the Department of
192 Human Services the required information about the school
193 attendance of those children. The reduction in the calculation of
194 the school district's ADA under this paragraph shall be effective
195 for a period of one (1) year.

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

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

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

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



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

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

2. Court-required appearances or temporary incarceration;

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

4. Death of a close relative;

5. Observance of a religious holiday;

6. Family emergency;

7. Breakdown in transportation;

8. Suspension; or

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

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

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



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

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

The child's parent or caretaker relative (whoever is the primary recipient of the TANF benefits) may request a fair hearing on the department's determination that the child has not been attending school. If the child's parents or caretaker relative does not request a fair hearing under this subsection, or if, after a fair hearing has been held, the hearing officer finds that the child without good cause has failed to meet the monthly attendance requirement, the department shall discontinue or deny TANF benefits to the child thirteen (13) years old, or older, in the next possible payment month. The department shall discontinue or deny twenty-five percent (25%) of the family grant when a child six (6) through twelve (12) years of age without good cause has failed to meet the monthly attendance requirement. Both the child and family sanction may apply when children in both age groups fail to meet the attendance requirement without good cause. A sanction applied under this subsection shall be effective for one (1) month for each month that the child failed to meet the monthly attendance requirement. In the case of a dropout, the sanction shall remain in force until the parent or caretaker relative provides written proof from the school district that the child has



reenrolled and met the monthly attendance requirement for one (1) calendar month. Any month in which school is in session for at least ten (10) days during the month may be used to meet the attendance requirement under this subsection. This includes attendance at summer school. The sanction shall be removed the next possible payment month.

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



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

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

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

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



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

(i) Incapacity;

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

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



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

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

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

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

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

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

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

2. Sexual abuse;



358 3. Sexual activity involving a dependent
359 child;

360 4. Being forced as the caretaker relative of
361 a dependent child to engage in nonconsensual sexual acts or
362 activities;

363 5. Threats of, or attempts at, physical or
364 sexual abuse;

365 6. Mental abuse; or

366 7. Neglect or deprivation of medical care.

367 (c) For all families, all adults who are not
368 specifically exempt shall be required to participate in work
369 activities for at least the minimum average number of hours per
370 week specified by federal law or regulation, not fewer than twenty
371 (20) hours per week (thirty-five (35) hours per week for
372 two-parent families) of which are attributable to the following
373 allowable work activities:

374 (i) Unsubsidized employment;

375 (ii) Subsidized private employment;

376 (iii) Subsidized public employment;

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

380 (v) On-the-job training;

381 (vi) Job search and job readiness assistance
382 consistent with federal TANF regulations;



(vii) Community service programs;

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

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

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

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

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

(i) Job skills training directly related to employment;

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

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



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

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

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

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

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

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

For a two-parent family, unless prohibited by state or federal law, Medicaid assistance shall be terminated only for the person whose failure to participate in allowable work activity caused the family's TANF assistance to be sanctioned under this



paragraph (e), unless an individual is pregnant, but shall not be terminated for any other person in the family who is meeting that person's applicable work requirement or who is not required to work. Minor children shall continue to be eligible for Medicaid benefits regardless of the disqualification of their parent or caretaker relative for TANF assistance under this subsection (6), unless prohibited by state or federal law.

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

(g) No adult in a work activity required under this subsection (6) shall be employed or assigned (i) when any other individual is on layoff from the same or any substantially equivalent job within six (6) months before the date of the TANF recipient's employment or assignment; or (ii) if the employer has terminated the employment of any regular employee or otherwise caused an involuntary reduction of its workforce in order to fill the vacancy so created with an adult receiving TANF assistance. The Mississippi Department of Employment Security, established under Section 71-5-101, shall appoint one or more impartial hearing officers to hear and decide claims by employees of



violations of this paragraph (g). The hearing officer shall hear all the evidence with respect to any claim made hereunder and such additional evidence as he may require and shall make a determination and the reason therefor. The claimant shall be promptly notified of the decision of the hearing officer and the reason therefor. Within ten (10) days after the decision of the hearing officer has become final, any party aggrieved thereby may secure judicial review thereof by commencing an action, in the circuit court of the county in which the claimant resides, against the department for the review of such decision, in which action any other party to the proceeding before the hearing officer shall be made a defendant. Any such appeal shall be on the record which shall be certified to the court by the department in the manner provided in Section 71-5-531, and the jurisdiction of the court shall be confined to questions of law which shall render its decision as provided in that section.

(7) The Department of Human Services may provide child care for eligible participants who require such care so that they may accept employment or remain employed. The department may also provide child care for those participating in the TANF program when it is determined that they are satisfactorily involved in education, training or other allowable work activities. The department may contract with Head Start agencies to provide child care services to TANF recipients. The department may also arrange for child care by use of contract or vouchers, provide vouchers in



482 advance to a caretaker relative, reimburse a child care provider,
483 or use any other arrangement deemed appropriate by the department,
484 and may establish different reimbursement rates for child care
485 services depending on the category of the facility or home. Any
486 center-based or group home child care facility under this
487 subsection shall be licensed by the State Department of Health
488 pursuant to law. When child care is being provided in the child's
489 own home, in the home of a relative of the child, or in any other
490 unlicensed setting, the provision of such child care may be
491 monitored on a random basis by the Department of Human Services or
492 the State Department of Health. Transitional child care
493 assistance may be continued if it is necessary for parents to
494 maintain employment once support has ended, unless prohibited
495 under state or federal law. Transitional child care assistance
496 may be provided for up to twenty-four (24) months after the last
497 month during which the family was eligible for TANF assistance, if
498 federal funds are available for such child care assistance.

499 (8) The Department of Human Services may provide
500 transportation or provide reasonable reimbursement for
501 transportation expenses that are necessary for individuals to be
502 able to participate in allowable work activity under the TANF
503 program.

504 (9) Medicaid assistance shall be provided to a family of
505 TANF program participants for up to twenty-four (24) consecutive
506 calendar months following the month in which the participating



family would be ineligible for TANF benefits because of increased income, expiration of earned income disregards, or increased hours of employment of the caretaker relative; however, Medicaid assistance for more than twelve (12) months may be provided only if a federal waiver is obtained to provide such assistance for more than twelve (12) months and federal and state funds are available to provide such assistance.

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

(11) The department shall enter into an agreement with the State Personnel Board and other state agencies that will allow those TANF participants who qualify for vacant jobs within state agencies to be placed in state jobs. State agencies participating in the TANF work program shall receive any and all benefits received by employers in the private sector for hiring TANF recipients. This subsection (11) shall be effective only if the state obtains any necessary federal waiver or approval and if federal funds are available therefor. Not later than September 1, 2021, the department shall prepare a report, which shall be provided to the Chairmen of the House and Senate Public Health Committees and to any other member of the Legislature upon



request, on the history, status, outcomes and effectiveness of the agreements required under this subsection.

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

(13) The Mississippi Department of Human Services shall provide TANF applicants information and referral to programs that provide information about birth control, prenatal health care, abstinence education, marriage education, family preservation and fatherhood. Not later than September 1, 2021, the department shall prepare a report, which shall be provided to the Chairmen of the House and Senate Public Health Committees and to any other member of the Legislature upon request, on the history, status, outcomes and effectiveness of the information and referral requirements under this subsection.

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

FURTHER, AMEND the title to conform.

