

By: Senator(s) Tollison (By Request)

To: Public Health and  
Welfare

## SENATE BILL NO. 2897

1 AN ACT TO CREATE A SPECIAL FUND IN THE STATE TREASURY TO BE  
2 DESIGNATED AS THE "MISSISSIPPI REDUCING OUT-OF-WEDLOCK PREGNANCIES  
3 INCENTIVE GRANT FUND" FOR PROVIDING FINANCIAL INCENTIVES TO  
4 COUNTIES TO REDUCE THEIR OUT-OF-WEDLOCK BIRTH RATES; TO PROVIDE  
5 THAT THE FUND SHALL BE ADMINISTERED BY THE MISSISSIPPI DEPARTMENT  
6 OF HUMAN SERVICES; TO AMEND SECTION 75-76-129, MISSISSIPPI CODE OF  
7 1972, TO PROVIDE THAT A PORTION OF THE AVAILS OF GAMING REVENUE  
8 SHALL BE DEPOSITED INTO SUCH FUND; TO AMEND SECTION 27-104-27,  
9 MISSISSIPPI CODE OF 1972, TO EXEMPT THE FUND FROM THE REQUIREMENT  
10 OF AN APPROPRIATION; AND FOR RELATED PURPOSES.

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

12 SECTION 1. There is hereby created in the State Treasury a  
13 special fund to be known as the Mississippi Reducing  
14 Out-Of-Wedlock Pregnancies Incentive Grant Fund into which shall  
15 be deposited the money specified in Section 75-76-129 and such  
16 other money as the Legislature may provide by appropriation. The  
17 money in the fund shall be used for the purpose of providing  
18 financial incentives to counties to reduce their out-of-wedlock  
19 birth rates as required by federal welfare reform legislation.  
20 The fund shall be administered by the Department of Human  
21 Services. Unexpended amounts remaining in the fund at the end of  
22 the fiscal year shall not lapse into the State General Fund, and  
23 any interest earned on amounts in the fund shall be deposited to  
24 the credit of the fund.

25 The Department of Human Services shall make annual awards  
26 from the fund to the top five (5) counties with the greatest  
27 reduction in out-of-wedlock births without an increase in  
28 abortions in each of the following categories:

29 (a) One Hundred Thousand Dollars (\$100,000.00) in  
30 counties which had fewer than two hundred fifty (250) total

births;

(b) Two Hundred Fifty Thousand Dollars (\$250,000.00) in counties which had between two hundred fifty (250) and five hundred (500) total births;

(c) Seven Hundred Fifty Thousand Dollars (\$750,000.00) in counties which had more than five hundred (500) total births.

Determination of the recipient counties will be based on an average of the previous two (2) years' out-of-wedlock birth and abortion rates compared to the previous two-year average. In order to qualify for the award funds, the reduction in the out-of-wedlock birth rate shall be at least five percent (5%) in the first category of counties, four percent (4%) in the second category and three percent (3%) in the third category.

Counties receiving the incentive shall use award funds only as follows: (a) youth enrichment, education related projects, recreational facilities or summer work programs; and (b) reports and monitoring programs to enable the Department of Human Services to evaluate the methods used to achieve the reduction in out-of-wedlock births and to account for use of incentive grants.

SECTION 2. Section 75-76-129, Mississippi Code of 1972, is amended as follows:

**[Through June 30, 2012, this section shall read as follows:]**

75-76-129. (1) On or before the last day of each month all taxes, fees, interest, penalties, damages, fines or other monies collected by the State Tax Commission during that month under the provisions of this chapter, with the exception of (a) the local government fees imposed under Section 75-76-195, \* \* \* (b) an amount equal to Three Million Dollars (\$3,000,000.00) of the revenue collected pursuant to the fee imposed under Section 75-76-177(1)(c), or an amount equal to twenty-five percent (25%) of the revenue collected pursuant to the fee imposed under Section 75-65-177(1)(c), whichever is the greater amount, and (c) an amount specified in subsection (3) of this section, shall be paid

64 by the State Tax Commission to the State Treasurer to be deposited  
65 in the State General Fund. The local government fees shall be  
66 distributed by the State Tax Commission pursuant to Section  
67 75-76-197.

68 (2) An amount equal to Three Million Dollars (\$3,000,000.00)  
69 of the revenue collected during that month pursuant to the fee  
70 imposed under Section 75-76-177(1)(c) shall be deposited by the  
71 State Tax Commission into the Bond Sinking Fund created in Section  
72 65-39-3. The revenue collected during that month pursuant to the  
73 fee imposed under Section 75-76-177(1)(c) that is in excess of  
74 Three Million Dollars (\$3,000,000.00), but is less than  
75 twenty-five percent (25%) of the amount of revenue collected  
76 during that month, shall be deposited into the State Highway Fund  
77 to be used exclusively for the reconstruction and maintenance of  
78 highways of the State of Mississippi.

79 (3) An amount equal to Five Hundred Thousand Dollars  
80 (\$500,000.00) of the revenue collected during each month shall be  
81 deposited into the Mississippi Reducing Out-of-Wedlock Pregnancies  
82 Incentive Grant Fund until such time as the balance of such fund  
83 reaches Six Million Dollars (\$6,000,000.00). Once the balance in  
84 such fund reaches Six Million Dollars (\$6,000,000.00) money from  
85 this source shall no longer be deposited into the fund; however,  
86 if the balance in such fund falls below Six Million Dollars  
87 (\$6,000,000.00), such amount shall again be deposited into the  
88 fund until such time as the balance in the fund reaches Six  
89 Million Dollars (\$6,000,000.00).

90 **[From and after July 1, 2012, this section shall read as**  
91 **follows:]**

92 75-76-129. (1) On or before the last day of each month, all  
93 taxes, fees, interest, penalties, damages, fines or other monies  
94 collected by the State Tax Commission during that month under the  
95 provisions of this chapter, with the exception of the local  
96 government fees imposed under Section 75-76-195 and an amount

specified in subsection (2) of this section, shall be paid by the State Tax Commission to the State Treasurer to be deposited in the State General Fund. The local government fees shall be distributed by the State Tax Commission pursuant to Section 75-76-197.

(2) An amount equal to Five Hundred Thousand Dollars (\$500,000.00) of the revenue collected during each month shall be deposited into the Mississippi Reducing Out-of-Wedlock Pregnancies Incentive Grant Fund until such time as the balance of such fund reaches Six Million Dollars (\$6,000,000.00). Once the balance in such fund reaches Six Million Dollars (\$6,000,000.00) money from this source shall no longer be deposited into the fund; however, if the balance in such fund falls below Six Million Dollars (\$6,000,000.00), such amount shall again be deposited into the fund until such time as the balance in the fund reaches Six Million Dollars (\$6,000,000.00).

SECTION 3. Section 27-104-27, Mississippi Code of 1972, is amended as follows:

27-104-27. Notwithstanding anything in Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 contained, the same shall not be construed to apply to any agency supported wholly by funds granted or allotted under any act of Congress. The State Auditor of Public Accounts and after July 1, 1986, the State Fiscal Officer shall determine which special fund accounts in the State Treasury require an appropriation act and request an appropriation for such special fund accounts. For all other special fund accounts, the State Auditor of Public Accounts, or the State Fiscal Officer after July 1, 1986, shall certify that such accounts do not require an appropriation. The Legislative Budget Office shall recommend an appropriation for each special fund account existing in the State Treasury so certified as requiring an appropriation, unless exempted as hereinafter provided. In the event the Legislative Budget Committee and the

State Fiscal Officer find that any state agency should not be included under the provisions of Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29, then the said committee and officer may, in their discretion, exempt said state agency from the provisions thereof. Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds collected and disbursed by a state agency created and existing under the provisions of Sections 73-3-101 through 73-3-169. Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 shall not apply to funds deposited into the special fund created pursuant to Section 45-9-101 or the special fund created pursuant to Section 45-9-101, the special fund created pursuant to Section 69-37-39 or the special fund created pursuant to Section 1 of Senate Bill No. 2897, 1999 Regular Session.

The State Fiscal Officer shall not promulgate or attempt to enforce any rule, order or regulation which is not in accordance with the provisions of a legally executed trust indenture agreement, nor shall Sections 27-103-101 through 27-103-139 and 27-104-1 through 27-104-29 be construed to apply to funds collected and disbursed by a state agency under Sections 65-33-45 and 65-33-47.

SECTION 4. This act shall take effect and be in force from and after July 1, 1999.