

By: Representative Hines

To: Judiciary A

HOUSE BILL NO. 207

1 AN ACT TO PROVIDE THAT FROM AND AFTER OCTOBER 1, 2020, THE
 2 STATE SHALL NOT PROVIDE ANY FUNDING FOR THE EXISTING CONTRACT
 3 BETWEEN THE DEPARTMENT OF HUMAN SERVICES AND ANY PRIVATE ENTITY
 4 FOR THE OPERATION OF CHILD SUPPORT COLLECTION AND ENFORCEMENT
 5 OFFICES AND/OR PROGRAMS BY THE PRIVATE ENTITY FOR THE DEPARTMENT;
 6 TO PROVIDE THAT AFTER THE FUNDING FOR THE CONTRACT HAS ENDED, THE
 7 DEPARTMENT SHALL TERMINATE THE CONTRACT AND THE DEPARTMENT SHALL
 8 PERFORM ALL OF THE CHILD SUPPORT AND ENFORCEMENT FUNCTIONS THAT
 9 WERE PERFORMED BY THE PRIVATE ENTITY FOR THE DEPARTMENT UNDER THE
 10 CONTRACT; TO PROVIDE THAT THE STATE SHALL NOT BE SUBJECT TO ANY
 11 MONETARY PENALTIES OR BE LIABLE FOR ANY MONETARY PAYMENTS TO THE
 12 PRIVATE ENTITY AS A RESULT OF THE TERMINATION OF THE CONTRACT; TO
 13 AMEND SECTION 43-1-3, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE
 14 DEPARTMENT FROM ENTERING INTO ANY CONTRACT ON OR AFTER THE
 15 EFFECTIVE DATE OF THIS ACT WITH A PRIVATE ENTITY FOR THE OPERATION
 16 OF CHILD SUPPORT COLLECTION AND ENFORCEMENT OFFICES AND/OR
 17 PROGRAMS BY THE PRIVATE ENTITY FOR THE DEPARTMENT; TO EXTEND THE
 18 DATE OF THE REPEALER ON THIS SECTION; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** From and after October 1, 2020, the State of
 21 Mississippi shall not provide any funding for the existing
 22 contract or contracts between the Department of Human Services and
 23 any private entity or entities for the operation of child support
 24 collection and enforcement offices and/or programs by the private
 25 entity or entities for the department. After the funding for the
 26 contract or contracts has ended, the department shall terminate



27 the contract or contracts and the Child Support Unit of the
28 Department of Human Services shall perform all of the child
29 support and enforcement functions that were performed by the
30 private entity or entities for the department under the contract
31 or contracts. The State of Mississippi shall not be subject to
32 any monetary penalties or be liable for any monetary payments to
33 the private entity or entities as a result of the termination of
34 the contract or contracts.

35 **SECTION 2.** Section 43-1-3, Mississippi Code of 1972, is
36 amended as follows:

37 43-1-3. Notwithstanding the authority granted under
38 subsection (4) (d) of Section 43-1-2, the Department of Human
39 Services or the Executive Director of Human Services shall not be
40 authorized to delegate, privatize or otherwise enter into a
41 contract with a private entity for the operation of any office,
42 bureau or division of the department, as defined in Section
43 7-17-11, without specific authority to do so by general act of the
44 Legislature. However, nothing in this section shall be construed
45 to invalidate (a) any contract of the department that is in place
46 and operational before January 1, 1994; or (b) the continued
47 renewal of any such contract with the same entity upon the
48 expiration of the contract; or (c) the execution of a contract
49 with another legal entity as a replacement of any such contract
50 that is expiring, provided that the replacement contract is
51 substantially the same as the expiring contract. Nothing in this



52 section shall prohibit the Department of Human Services or the
53 Executive Director of Human Services from entering into any
54 contract with vendors or contractors intended to improve
55 performance, reduce costs or increase efficiency, so long as the
56 contract remains under the supervision or control of an office,
57 bureau or division of the department, and provided that no county
58 office of the department may be closed unless the Legislature
59 specifically authorizes its closure in advance of the closure.
60 However, the department is not authorized to enter into any
61 contract on or after the effective date of this act with a private
62 entity or entities for the operation of child support collection
63 and enforcement offices and/or programs by the private entity or
64 entities for the department.

65 This section shall stand repealed on July 1, 2023.

66 **SECTION 3.** This act shall take effect and be in force from
67 and after its passage.

