MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Hines

To: Public Health and Human Services; Judiciary A

HOUSE BILL NO. 49

AN ACT TO PROVIDE THAT FROM AND AFTER OCTOBER 1, 2021, THE STATE SHALL NOT PROVIDE ANY FUNDING FOR THE EXISTING CONTRACT BETWEEN THE DEPARTMENT OF HUMAN SERVICES AND ANY PRIVATE ENTITY FOR THE OPERATION OF CHILD SUPPORT COLLECTION AND ENFORCEMENT OFFICES AND/OR PROGRAMS BY THE PRIVATE ENTITY FOR THE DEPARTMENT; TO PROVIDE THAT AFTER THE FUNDING FOR THE CONTRACT HAS ENDED, THE DEPARTMENT SHALL TERMINATE THE CONTRACT AND THE DEPARTMENT SHALL PERFORM ALL OF THE CHILD SUPPORT AND ENFORCEMENT FUNCTIONS THAT WERE PERFORMED BY THE PRIVATE ENTITY FOR THE DEPARTMENT UNDER THE CONTRACT; TO PROVIDE THAT THE STATE SHALL NOT BE SUBJECT TO ANY MONETARY PENALTIES OR BE LIABLE FOR ANY MONETARY PAYMENTS TO THE PRIVATE ENTITY AS A RESULT OF THE TERMINATION OF THE CONTRACT; TO AMEND SECTION 43-1-3, MISSISSIPPI CODE OF 1972, TO PROHIBIT THE DEPARTMENT FROM ENTERING INTO ANY CONTRACT ON OR AFTER THE EFFECTIVE DATE OF THIS ACT WITH A PRIVATE ENTITY FOR THE OPERATION OF CHILD SUPPORT COLLECTION AND ENFORCEMENT OFFICES AND/OR PROGRAMS BY THE PRIVATE ENTITY FOR THE DEPARTMENT; TO EXTEND THE DATE OF THE REPEALER ON THIS SECTION; AND FOR RELATED PURPOSES.

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

SECTION 1. From and after October 1, 2021, the State of Mississippi shall not provide any funding for the existing contract or contracts between the Department of Human Services and any private entity or entities for the operation of child support collection and enforcement offices and/or programs by the private entity or entities for the department. After the funding for the contract or contracts has ended, the department shall terminate

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

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

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

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

This section shall stand repealed on July 1, 2023.

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