

By: Reeves

To: Judiciary A; Ways and
Means

HOUSE BILL NO. 986

1 AN ACT TO PROVIDE THAT GAMING AND BINGO PROCEEDS SHALL BE
2 SUBJECT TO CHILD SUPPORT JUDGMENTS; TO REQUIRE REPORTING OF SUCH
3 PROCEEDS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO
4 AMEND SECTION 93-11-71, MISSISSIPPI CODE OF 1972, TO CONFORM TO
5 THE PROVISIONS OF THIS ACT; TO ENCOURAGE GAMING ENTITIES NOT
6 SUBJECT TO STATE REGULATION TO COMPLY WITH THIS ACT; AND FOR
7 RELATED PURPOSES.

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

9 SECTION 1. (1) Gaming proceeds (proceeds) shall be subject
10 to encumbrance for delinquent child support payments assessed by a
11 court of competent jurisdiction or as otherwise provided in Titles
12 43 and 93, Mississippi Code of 1972.

13 (2) Proceeds in the amount of One Thousand Two Hundred
14 Dollars (\$1,200.00) or more for slot machines and in the amount of
15 Ten Thousand Dollars (\$10,000.00) or more for all games except
16 slot machines as the term "game" is defined in Section 75-76-5
17 shall be reported by the payor to the Mississippi Department of
18 Human Services, Division of Child Support Enforcement (the
19 department) pursuant to the provisions set forth herein.

20 (3) Any person to whom a duty of child support is owed must
21 provide a copy of the order requiring a payee to pay such child
22 support to the department in order to receive proceeds under this
23 act. The order shall be maintained in a registry by the
24 department which shall be current and which shall be easily
25 accessed by a payor through electronic media or other means which
26 provides instant accessibility.

27 (4) If it is determined that the payee has a child support
28 delinquency, proceeds up to the full amount of the delinquency

29 shall be withheld and disbursed to the department or to the
30 attorney of record in cases not involving the department. If a
31 payee contests such delinquency, the proceeds shall be held by the
32 department until the final disposition of such contest. Proceeds
33 beyond the amount of the delinquency shall be delivered to the
34 payee.

35 (5) The payee shall have available to him or her the
36 opportunity to contest the accuracy of said payee's identity or
37 the reported amount of the delinquency:

38 (a) The payee shall have the right to a review of the
39 department's claim of the proceeds. To request such review, the
40 payee must contact the office of the department in the county in
41 which the child support order is entered. Such contact must be
42 made within five (5) business days from the date upon which the
43 payee seeks payment of the proceeds from the payor.

44 (b) The department shall grant a review which shall
45 occur within twenty-four (24) business hours if contact is made
46 with the office by personal appearance, telephone or electronic
47 medium. If contact is made by writing, such review shall occur
48 within five (5) business days of receipt of such contact.

49 (c) The payee may contest the determination of the
50 review by filing a petition with a court of competent jurisdiction
51 as in any matter governed by Rule 81(d)(2) of the Mississippi
52 Rules of Civil Procedure. Service upon the department shall be
53 made as provided by Rule 4(d)(5).

54 (d) Throughout the review and determination processes,
55 the proceeds shall be held by the department in an account of the
56 department's choosing, and shall be delivered to the payee, should
57 he or she prevail.

58 (e) Any administrative and legal fees incurred by the
59 payor or the department throughout the procedures described herein
60 or pursuant to such procedures shall be assessed to the payee in
61 the event the proceeds are forwarded to the department.

62 (6) In proceedings not involving the department a payee
63 shall have thirty (30) days from the commencement of proceedings
64 under this act to contest such proceedings. A contest of such
65 proceedings shall be in the court which issued the obligation of

66 support against the payee.

67 (7) **Definitions.**

68 (a) "Gaming proceeds" or "proceeds" shall mean any
69 monies paid in lump sum or otherwise to an individual from
70 lotteries, games or gambling games as defined by Section
71 75-76-5(k), or games or gambling games as described by Section
72 97-33-50, et seq.

73 (b) "Child support delinquency" shall have the same
74 meaning as that given it in Section 93-11-101.

75 (c) "Payor" shall mean the individual, agent or entity,
76 licensed or unlicensed, disbursing the gaming proceeds to the
77 payee.

78 (d) "Payee" shall mean the gaming activity participant
79 to whom the gaming proceeds are due.

80 (8) Failure by the payor or payee to comply with the
81 provisions of this section shall subject the payor or payee to a
82 fine of not less than One Thousand Dollars (\$1,000.00).

83 (9) Notwithstanding any provision of this or any other
84 section of the Mississippi Code, the Department of Human Services
85 shall not be prohibited from entering into a contractual or other
86 similar arrangement with any individual, agent, entity or payor
87 conducting such games or gambling games in Mississippi as are
88 addressed herein.

89 (10) A payor shall be immune from any civil action for
90 compliance with the provisions of this act provided that such
91 compliance is in good faith.

92 SECTION 2. Section 93-11-71, Mississippi Code of 1972, is
93 amended as follows:

94 93-11-71. (1) Whenever a court orders any person to make
95 periodic payments of a sum certain for the maintenance or support
96 of a child, and whenever such payments as have become due remain
97 unpaid for a period of at least thirty (30) days, a judgment by
98 operation of law shall arise against the obligor in an amount

99 equal to all payments which are then due and owing.

100 (a) A judgment arising under this section shall have
101 the same effect and be fully enforceable as any other judgment
102 entered in this state. A judicial or administrative action to
103 enforce said judgment may be commenced at any time; and

104 (b) Such judgments arising in other states by operation
105 of law shall be given full faith and credit in this state.

106 (2) Any judgment arising under the provisions of this
107 section shall operate as a lien upon all the property of the
108 judgment debtor, both real and personal, which lien shall be
109 perfected as to third parties without actual notice thereof only
110 upon enrollment on the judgment roll. The department or attorney
111 representing the party to whom support is owed shall furnish an
112 abstract of the judgment for periodic payments for the maintenance
113 and support of a child, along with sworn documentation of the
114 delinquent child support, to the circuit clerk of the county where
115 the judgment is rendered, and it shall be the duty of the circuit
116 clerk to enroll the judgment on the judgment roll. Liens arising
117 under the provisions of this section may be executed upon and
118 enforced in the same manner and to the same extent as any other
119 judgment.

120 (3) Notwithstanding the provisions in paragraph (2), any
121 judgment arising under the provisions of this section shall
122 subject the following assets to interception or seizure without
123 regard to the entry of the judgment on the judgment roll of the
124 situs district or jurisdiction:

125 (a) Periodic or lump-sum payments from a federal, state
126 or local agency, including unemployment compensation, workers'
127 compensation and other benefits;

128 (b) Winnings from lotteries and gaming winnings * * *;

129 (c) Assets held in financial institutions;

130 (d) Settlements and awards resulting from civil
131 actions; and

132 (e) Public and private retirement funds, only to the
133 extent that the obligor is qualified to receive and receives a
134 lump sum or periodic distribution from the funds.

135 (4) In any case in which a child receives assistance from
136 block grants for Temporary Assistance for Needy Families (TANF),
137 and the obligor owes past-due child support, the obligor, if not
138 incapacitated, may be required by the court to participate in any
139 work programs offered by any state agency.

140 SECTION 3. The Governor shall make a good faith effort to
141 enter into a compact with any Native Americans operating gaming
142 activities to encourage voluntary compliance with the provisions
143 of this act.

144 SECTION 4. This act shall take effect and be in force from
145 and after July 1, 2000.