

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 3038**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

8           **SECTION 1.** Section 93-11-111, Mississippi Code of 1972, is  
9 amended as follows:  
10           93-11-111. (1) It shall be the duty of any payor who has  
11 been served with a copy of the order for withholding and an  
12 attached affidavit of accounting, a certified record of payments,  
13 or judgment for delinquency to deduct and pay over income as  
14 provided in this section. The payor shall deduct the amount  
15 designated in the order for withholding beginning with the next  
16 payment of income that is payable to the obligor after fourteen  
17 (14) days following service of the order and notice. The payor  
18 shall pay the amounts withheld to the department within seven (7)  
19 days of the date the obligor is paid in accordance with the order  
20 for withholding and in accordance with any later notification  
21 received redirecting payments. The department shall then forward  
22 those amounts to the obligee.  
23           (2) For each intrastate withholding of income, the payor  
24 shall be entitled to receive a fee of Two Dollars (\$2.00) to be  
25 withheld from the income of the obligor in addition to the support  
26 payments, regardless of the number of payments the payor makes to

27 the department. However, in all interstate withholding, the rules  
28 and laws of the state where the obligor works shall determine the  
29 payor's processing fee.

30 (3) The payor shall, unless otherwise notified by the  
31 department, withhold from the income of the obligor and forward to  
32 the department each month, an amount specified by the department  
33 not to exceed Fifteen Dollars (\$15.00) per month to defray the  
34 department's administrative costs incurred in receiving and  
35 distributing money withheld under Sections 93-11-101 through  
36 93-11-119. The payor may pay such amount to the department in any  
37 manner determined by the payor to be convenient and may include  
38 that amount in checks to the department for amounts withheld  
39 pursuant to the order for withholding. This subsection (3) shall  
40 stand repealed on July 1, 2005.

41 (4) Regardless of the amount designated in the order for  
42 withholding and regardless of other fees imposed or amounts  
43 withheld under this section, the payor shall not deduct from the  
44 income of the obligor in excess of the amounts allowed under  
45 Section 303(b) of the Consumer Credit Protection Act, being 15  
46 USCS 1673, as amended.

47 (5) A payor may combine all amounts that he is required to  
48 withhold and pay to the department in one (1) payment; \* \* \*  
49 however, the payor must send to the department a list showing the  
50 amount of the payment attributable to each obligor.

51 (6) Whenever the obligor is no longer receiving income from  
52 the payor, the payor shall return a copy of the order for  
53 withholding to the department and shall forward the obligor's last  
54 known address and name and address of the obligor's new employer,  
55 if known, to the department. The payor shall cooperate in  
56 providing further information for the purpose of enforcing  
57 Sections 93-11-101 through 93-11-119.

58           (7) Withholding of income under this section shall be made  
59 without regard to any prior or subsequent garnishments,  
60 attachments, wage assignments or any other claims of creditors.  
61 Payment as required by the order for withholding shall be a  
62 complete defense by the payor against any claims of the obligor or  
63 his creditors as to the sum so paid.

64           (8) In cases in which the payor has been served more than  
65 one (1) order for withholding for the same obligor, the payor  
66 shall honor the orders on a pro rata basis to result in  
67 withholding an amount for each order that is in direct proportion  
68 to the percentage of the obligor's adjusted gross income that the  
69 order represents, and the payor shall honor all those withholdings  
70 to the extent that the total amount withheld does not exceed the  
71 maximum amount specified in subsection (1) of this section.

72           (9) No payor shall discharge, discipline, refuse to hire or  
73 otherwise penalize any obligor because of the duty to withhold  
74 income.

75           **SECTION 2.** This act shall take effect and be in force from  
76 and after its passage.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 93-11-111, MISSISSIPPI CODE OF 1972,  
2 TO INCREASE THE MAXIMUM AMOUNT THAT IS WITHHELD EACH MONTH FROM  
3 THE INCOME OF A PERSON SUBJECT TO A CHILD SUPPORT ORDER TO DEFRAY  
4 THE ADMINISTRATIVE COSTS OF THE DEPARTMENT OF HUMAN SERVICES IN  
5 RECEIVING AND DISTRIBUTING CHILD SUPPORT PAYMENTS THAT ARE  
6 WITHHELD FROM THE PERSON'S INCOME; AND FOR RELATED PURPOSES.