

By: Representative McLean

To: Judiciary A

HOUSE BILL NO. 1081

1 AN ACT TO CREATE NEW SECTION 75-76-58, MISSISSIPPI CODE OF  
2 1972, TO AUTHORIZE THE GAMING COMMISSION AND THE DEPARTMENT OF  
3 HUMAN SERVICES TO COORDINATE EFFORTS TO OBTAIN CHILD SUPPORT  
4 ARREARAGES FROM GAME WINNINGS; TO AMEND SECTION 75-76-3,  
5 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND  
6 FOR RELATED PURPOSES.

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

8 **SECTION 1.** The following shall be codified as Section  
9 75-76-58, Mississippi Code of 1972:

10 75-76-58. (1) The commission shall coordinate with the  
11 Department of Human Services to promulgate rules and regulations  
12 to withhold the payments of progressive slot machine annuities,  
13 compensation from games, gaming devices and cash gaming winnings  
14 from any person who has outstanding child support arrearages as  
15 reported to the commission, for any and all payments for which an  
16 entity licensed or permitted under Chapter 76, Title 75,  
17 Mississippi Code of 1972, is required to file Form W2-G, or a  
18 substantially equivalent form, with the United States Internal  
19 Revenue Service.



20 (2) The commission may require any agency reporting current  
21 child support arrearages to the commission to provide information  
22 relating to such arrearages in a manner, format or record approved  
23 by the commission.

24 (3) The commission and any entity licensed or permitted  
25 under Chapter 76, Title 75, Mississippi Code of 1972, shall not be  
26 liable for withholding funds based upon child support arrearage  
27 information provided to it.

28 (4) Any entity licensed or permitted under Chapter 76, Title  
29 75, Mississippi Code of 1972, may deduct an administrative fee  
30 from each payment of a progressive slot machine annuity, beginning  
31 with the second annuity payment, or cash gaming winnings, of  
32 persons who have outstanding child support arrearages or owe child  
33 support overpayments per singular or periodic payment, not to  
34 exceed Thirty-five Dollars (\$35.00).

35 (5) The commission shall also require that the entity  
36 licensed or permitted under Chapter 76, Title 75, Mississippi Code  
37 of 1972, adopt procedures designed to prevent employees from  
38 willfully failing to withhold payments of progressive slot machine  
39 annuities, compensation from games, gaming devices or cash gaming  
40 winnings from persons who have outstanding child support  
41 arrearages or child support overpayments, based upon the  
42 information provided by the Department of Human Services that  
43 allows the licensee to identify such persons.



44 (6) Not later than July 1, 2023, the commission and  
45 Department of Human Services shall institute the procedures for  
46 exchanging information and institute rulemaking procedures and  
47 processes as necessary to implement the provisions of this  
48 section.

49 **SECTION 2.** Section 75-76-3, Mississippi Code of 1972, is  
50 amended as follows:

51 75-76-3. (1) The provisions of this chapter shall not be  
52 construed to legalize any form of gaming which is prohibited under  
53 the Mississippi Constitution or the laws of this state. All legal  
54 gaming which is conducted in this state and which is otherwise  
55 authorized by law shall be regulated and licensed pursuant to the  
56 provisions of this chapter, unless the Legislature specifically  
57 provides otherwise. Nothing in this chapter shall be construed as  
58 encouraging the legalization of gambling in this state.

59 (2) The Legislature hereby finds and declares that lotteries  
60 and gaming both consist of the material element of chance. The  
61 Legislature is prohibited from legislating upon lotteries and  
62 permitted by virtue of its inherent powers to legislate upon  
63 gaming as the occasion arises. The Legislature derives its power  
64 to legislate upon gaming or gambling devices from its inherent  
65 authority over the morals and policy of the people and such power  
66 shall not be considered to conflict with the constitutional  
67 prohibition of lotteries.



68 (3) The Legislature hereby finds, and declares it to be the  
69 public policy of this state, that:

70 (a) Regulation of licensed gaming is important in order  
71 that licensed gaming is conducted honestly and competitively, that  
72 the rights of the creditors of licensees are protected and that  
73 gaming is free from criminal and corruptive elements.

74 (b) Public confidence and trust can only be maintained  
75 by strict regulation of all persons, locations, practices,  
76 associations and activities related to the operation of licensed  
77 gaming establishments and the manufacture or distribution of  
78 gambling devices and equipment.

79 (c) All establishments where gaming is conducted and  
80 where gambling devices are operated, and manufacturers, sellers  
81 and distributors of certain gambling devices and equipment must  
82 therefore be licensed, controlled and assisted to protect the  
83 public health, safety, morals, good order and general welfare of  
84 the inhabitants of the state.

85 (d) Children are adversely affected when parents who  
86 have outstanding child support obligations divert their financial  
87 support to gaming. Therefore, a parent's winnings should be  
88 applied to the parent's outstanding child support obligations.

89 (4) It is the intent of the Legislature that gaming  
90 licensees, to the extent practicable, employ residents of  
91 Mississippi as gaming employees and other employees in the  
92 operation of their gaming establishments located in this state.



93           (5) No applicant for a license or other affirmative  
94 commission approval has any right to a license or the granting of  
95 the approval sought. Any license issued or other commission  
96 approval granted pursuant to the provisions of this chapter is a  
97 revocable privilege, and no holder acquires any vested right  
98 therein or thereunder.

99           (6) The Legislature recognizes that Section 98 of the  
100 Mississippi Constitution of 1890 prohibits the conducting of any  
101 lottery in this state and that, while not defining the term  
102 "lottery," Section 98 clearly contemplates, as indicated by  
103 specific language contained therein, that a lottery involves the  
104 sale of tickets and a drawing in order to determine the winner.  
105 The Legislature also recognizes that Section 98 of the Mississippi  
106 Constitution of 1890 directs the Legislature to provide by law for  
107 the enforcement of its provisions. Therefore, in carrying out its  
108 duties under the Constitution and effectuating the intent of  
109 Section 98, the Legislature hereby finds that a lottery, as  
110 prohibited by the Constitution, does not include all forms of  
111 gambling but means any activity in which:

112           (a) The player or players pay or agree to pay something  
113 of value for chances, represented and differentiated by tickets,  
114 slips of paper or other physical and tangible documentation upon  
115 which appear numbers, symbols, characters or other distinctive  
116 marks used to identify and designate the winner or winners; and



117           (b) The winning chance or chances are to be determined  
118 by a drawing or similar selection method based predominately upon  
119 the element of chance or random selection rather than upon the  
120 skill or judgment of the player or players; and

121           (c) The holder or holders of the winning chance or  
122 chances are to receive a prize or something of valuable  
123 consideration; and

124           (d) The activity is conducted and participated in  
125 without regard to geographical location, with the player or  
126 players not being required to be present upon any particular  
127 premises or at any particular location in order to participate or  
128 to win.

129           **SECTION 3.** This act shall take effect and be in force from  
130 and after July 1, 2022.

