

Senate Amendments to House Bill No. 1349

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

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

11 **SECTION 1.** Section 43-19-31, Mississippi Code of 1972, is
12 amended as follows:

13 43-19-31. The Department of Human Services is hereby
14 authorized and empowered to establish a single and separate Child
15 Support Unit for the following purposes:

16 (a) To develop and implement a nonsupport and paternity
17 program and institute proceedings in the name of the Department of
18 Human Services or in the name of the recipient in any court of
19 competent jurisdiction in any county where the mother of the child
20 resides or is found, in the county where the father resides or is
21 found, or in the county where the child resides or is found;

22 (b) To secure and collect support by any method
23 authorized under state law and establish paternity for any child
24 or children receiving aid from the department any form of public
25 assistance, including, but not limited to, medical assistance,
26 foster care, food stamps, TANF, or any other program under the
27 federal Social Security Act, from a parent or any other person

28 legally liable for such support who has either failed or refused
29 to provide support, deserted, neglected or abandoned the child or
30 children, including cooperating with other states in establishing
31 paternity, locating absent parents and securing compliance with
32 court orders for support of Temporary Assistance for Needy
33 Families (TANF) children; the department may petition the court
34 for the inclusion of health insurance as part of any child support
35 order on behalf of any child receiving aid from the department
36 unless good cause for noncooperation, as defined by the Social
37 Security Act or the Mississippi Department of Human Services, is
38 established. Unless notified to the contrary, whenever a child or
39 children for whom child support services have been provided ceases
40 to receive public assistance, the department will continue to
41 provide services and establish paternity, secure and collect such
42 support payments from a parent or any other person legally liable
43 for such support in accordance with the standards prescribed
44 pursuant to the federal Social Security Act;

45 (c) To accept applications for child support
46 enforcement services to establish paternity, secure and collect
47 support from any proper party or person as defined by Title IV-D
48 of the federal Social Security Act notwithstanding the fact that
49 the child or children do not currently receive or have never
50 received public assistance. The department shall have the
51 authority to secure and collect support by any method authorized
52 under state law and establish paternity for any child or children
53 on behalf of a recipient of child support services, including

54 individuals who do not currently receive or have never received
55 public assistance from a parent or any other person legally liable
56 for such support who has either failed or refused to provide
57 support, deserted, neglected or abandoned the child or children,
58 including cooperating with other states in establishing paternity,
59 locating absent parents and securing compliance with court orders
60 for support; the department may petition the court for the
61 inclusion of health insurance as part of any child support order
62 on behalf of such recipients of child support services. The
63 proceeds of any collections resulting from such application shall
64 be distributed in accordance with the standards prescribed in the
65 federal Social Security Act;

66 (d) The department shall seek to recover from the
67 individual who owes a support obligation to any individual who is
68 a recipient of Title IV-D services as set forth in paragraph (b)
69 or (c) on whose behalf the department is providing services, upon
70 judicial proceedings conducted thereon after advance notice to
71 such obligor, reasonable attorney's fees and court costs, in
72 excess of any administrative fees collected and in excess of
73 amounts of current support owed by the obligor, which the
74 department incurs in recovering and collecting the support
75 obligation, such costs and fees as the department recovers to be
76 deposited in the Special Fund of the Mississippi Department of
77 Human Services which is hereby established for the pursuit and
78 collection of child support;

79 (e) To initiate contempt of court proceedings or any
80 other remedial proceedings necessary to enforce (i) any order or
81 decree of court relating to child support, and (ii) any order or
82 decree of court relating to the maintenance and/or alimony of a
83 parent where support collection services on his or her child's
84 behalf are being provided by the department;

85 (f) To secure and collect by any method authorized
86 under state law any maintenance and/or alimony on behalf of a
87 parent whose child or children's support is being collected by the
88 department. The department shall collect only such maintenance
89 and/or alimony as is ordered or decreed by the court, and only in
90 the event that the minor child and parent to whom such maintenance
91 and/or alimony has been ordered are living in the same household;

92 (g) To obtain restitution of monies expended for public
93 assistance from a parent or any other person legally liable for
94 the support of any child or children receiving aid from the
95 department; said action for restitution shall arise from the
96 payment of public assistance for the dependent child or children
97 and shall be for the amount of the public assistance paid. Said
98 action for restitution shall not arise against the parent or other
99 person legally responsible who receives public assistance for the
100 benefit of any dependent child or children. When a court order of
101 support has been issued, the amount recoverable shall be limited
102 to the amount of the court order;

103 (h) Setting off against a debtor's income tax refund or
104 rebate any debt which is in the form of a liquidated sum due and
105 owing for the care, support or maintenance of a child;

106 (i) To have full responsibility in the aforementioned
107 cases for initiating actions under the Uniform Interstate Family
108 Support Act and for responding to the actions of other
109 jurisdictions under said law when Mississippi is the responding
110 state; however, this shall not impair private litigants' rights to
111 proceed under any applicable interstate enforcement mechanisms;

112 (j) To enter into contracts for the purpose of
113 performing any test which the department may, from time to time,
114 require;

115 (k) To maintain a Central Receipting and Disbursement
116 Unit to which all payments required by withholding orders and
117 orders for support in all actions to which the Department of Human
118 Services is a party shall be forwarded, and from which child
119 support payments ordered by the court in actions to which the
120 Department of Human Services is a party shall be disbursed to the
121 custodial parent or other such party as may be designated by the
122 court order. The Central Receipting and Disbursement Unit shall
123 be operated by the Department of Human Services or any financial
124 institution having operations and qualified to do business in
125 Mississippi, whose deposits are insured by the Federal Deposit
126 Insurance Corporation. The department shall conduct cost-benefit
127 analyses to determine and utilize the more cost efficient manner
128 of operating the unit;

(1) To maintain a Mississippi Department of Human Services Case Registry containing records with respect to:

(i) Each case in which services are being provided by the department under this section;

(ii) Each support order established or modified in Mississippi on or after October 1, 1998; and

(iii) The Administrative Office of Courts, as established by Section 9-21-1, Mississippi Code of 1972, in consultation with the Mississippi Department of Human Services, shall devise, promulgate and require the use of a Uniform Child Support Order Tracking System.

1. Information collected from case filing forms shall be furnished to the Mississippi Department of Human Services, Division of Child Support Enforcement, in order that compliance with court-ordered obligations of support may be tracked with specificity throughout the duration of said obligations and any subsequent proceedings.

2. Such tracking system shall include: a. the names, residential and mailing addresses, telephone numbers, Social Security numbers, driver's license numbers and dates of birth of each child and parent named in or subject to the court order; b. the court cause number of the action; c. name, address and telephone number of employer; d. any restraining or protective order indicating domestic violence; and e. any other information which may be used for the purpose of identifying any person named

154 in or subject to the order or for the purposes of establishing,
155 enforcing or modifying a child support order;

156 (m) To take administrative actions relating to genetic
157 testing, determine paternity, establish child support orders,
158 modification of child support orders, income withholding, liens
159 and subpoenas without the necessity of obtaining an order from any
160 judicial or other administrative tribunal with respect to cases
161 initiated or enforced by the department pursuant to Title IV-D of
162 the Social Security Act;

163 (n) To have the authority to use high-volume automated
164 administrative enforcement in interstate cases to the same extent
165 as used for intrastate cases, in response to a request made by
166 another state to enforce support orders;

167 (o) To provide any child support enforcement or other
168 service as may be required or permitted by the United States of
169 America, Department of Health and Human Services, Family Support
170 Administration, Office of Child Support Enforcement or their
171 successor pursuant to federal law or regulation; * * *

172 (p) To collaborate with the Office of the State
173 Treasurer in order to identify persons presumed to have unclaimed
174 property and intercept eligible unclaimed property to satisfy,
175 fully or partially, the person's child support arrearage * * *;
176 and

177 (q) To collaborate with the Mississippi Gaming
178 Commission in order to establish rules and regulations providing
179 for the withholding of cash game winnings, including, but not

180 limited to, slot machine annuities, sports betting and/or other
181 reportable cash winnings of persons who have outstanding child
182 support arrearages.

183 **SECTION 2.** This section shall be codified as Section
184 43-19-63, Mississippi Code of 1972:

185 43-19-63. **Casinos to exchange certain information with the**
186 **Mississippi Department of Human Services (MDHS) for noncustodial**
187 **parents delinquent in child support; participation requirement and**
188 **duties of casinos and Mississippi Department of Human Services.**

189 (1) For purposes of this section, the following words and phrases
190 shall have the meanings ascribed herein, unless the context
191 clearly indicates otherwise:

192 (a) "Cash gaming winnings" means only the cash gaming
193 winnings for which the gaming licensee is required to file Form
194 W2-G, or a substantially equivalent form, with the United States
195 Internal Revenue Service.

196 (b) "Commission" means the Mississippi Gaming
197 Commission.

198 (c) "Child support arrearages" means any obligation
199 owed for the care, support or maintenance of a child, including
200 spousal support that is enforced in conjunction with a child
201 support obligation pursuant to Section 43-19-31 of the Mississippi
202 Code of 1972, which is overdue, unpaid or in arrears.

203 (d) "Gaming licensee" means any entity licensed or
204 permitted to operate gaming operations under current law.

(e) "Obligee" means the recipient of Title IV-D services of the Social Security Act to whom child support is owed.

(f) "Obligor" means a person who wins a progressive slot machine annuity or cash gaming winnings and has those winnings intercepted due to having child support arrearages.

(g) "Progressive slot machine annuity" means only the progressive slot machine annuity winnings for which the gaming licensee is required to file Form W2-G, or a substantially equivalent form, with the United States Internal Revenue Service.

(h) "Electronic database access" means the data shared by the Department of Human Services with gaming licensees regarding persons who owe child support arrearages that is updated daily.

(2) The commission shall collaborate with the Department of Human Services to promulgate all rules and regulations necessary to carry out the provisions of this section, including, but not limited to, a procedure requiring the withholding of payments of progressive slot machine annuities and reportable cash gaming winnings of persons who have outstanding child support arrearages, prior to the payment of a progressive slot machine annuity, beginning with the second annuity payment, or cash gaming winnings.

(3) The gaming licensee, including any of its officers, employees, attorneys, accountants, or other agents, shall not be civilly or criminally liable to any person, including any customer, for any disclosure of information made in accordance

with this section, for encumbering or surrendering assets in response to information provided by the Department of Human Services, or for any claims for damages arising from withholding or failing to withhold any progressive slot machine annuities or cash gaming winnings, based upon information provided to it.

(4) If any gaming licensee determines that the winner of a progressive slot machine annuity or cash gaming winnings is a person who has outstanding child support arrearages, the gaming licensee shall deduct the child support arrearage from the payment of the progressive slot machine annuity or cash gaming winnings. The gaming licensee shall forward the deducted amount to the Department of Human Services within seven (7) days. The gaming licensee shall pay the remainder to the person who has outstanding child support arrearages. If the remainder is equal to or less than zero, the person who has an outstanding child support arrearage shall not receive a payment.

(5) The Department of Human Services shall release the encumbering game winnings to the obligee after either:

(a) A thirty-day period beginning the day the funds are encumbered; or

(b) Until such time as the issue of child support arrearages is resolved, provided the obligor has filed a written request for an administrative hearing with the Mississippi Department of Human Services Administrative Hearing Division before the end of the thirty-day period.

(6) Grounds for the petition challenging the encumbrance of game winnings shall be limited to the following:

(a) Mistakes of identity; or

(b) Mistakes in amount of child support arrearages.

(7) Any gaming licensee may deduct an administrative fee from each payment of a progressive slot machine annuity, beginning with the second annuity payment, or cash gaming winnings, of persons who have outstanding child support arrearages per singular or periodic payment, not to exceed Thirty-five Dollars (\$35.00).

(8) If the winner of a progressive slot machine annuity or cash gaming winnings is determined not to owe child support arrearages, then the gaming licensee is not required to access the electronic database for that winner on a subsequent progressive slot machine annuity or cash gaming winnings for an additional twenty-four (24) hours.

(9) The commission shall also require that the gaming licensee to adopt procedures designed to prevent employees from willfully failing to withhold payments of progressive slot machine annuities or cash gaming winnings from persons who have outstanding child support arrearages based upon the information provided by the Department of Human Services that allows the gaming licensee to identify such persons.

(10) Not later than January 1, 2026, the Commission and Department of Human Services shall institute all policies, procedures and processes as necessary to implement the provisions of this section.

282 **SECTION 3.** Section 75-76-33, Mississippi Code of 1972, is
283 amended as follows:

284 75-76-33. (1) The commission shall, from time to time,
285 adopt, amend or repeal such regulations, consistent with the
286 policy, objects and purposes of this chapter, as it may deem
287 necessary or desirable in the public interest in carrying out the
288 policy and provisions of this chapter. The commission shall
289 comply with the Mississippi Administrative Procedures Law when
290 adopting, amending or repealing any regulations authorized under
291 this section or under any other provision of this chapter.

292 (2) These regulations shall, without limiting the general
293 powers herein conferred, include the following:

294 (a) Prescribing the method and form of application
295 which any applicant for a license or for a manufacturer's,
296 seller's or distributor's license must follow and complete before
297 consideration of his application by the executive director or the
298 commission.

299 (b) Prescribing the information to be furnished by any
300 applicant or licensee concerning his antecedents, habits,
301 character, associates, criminal record, business activities and
302 financial affairs, past or present.

303 (c) Prescribing the information to be furnished by a
304 licensee relating to his employees.

305 (d) Requiring fingerprinting of an applicant or
306 licensee, and gaming employees of a licensee, or other methods of

identification and the forwarding of all fingerprints taken pursuant to regulation of the Federal Bureau of Investigation.

(e) Prescribing the manner and procedure of all hearings conducted by the commission or any hearing examiner of the commission, including special rules of evidence applicable thereto and notices thereof.

(f) Requiring any applicant to pay all or any part of the fees and costs of investigation of such applicant as may be determined by the commission under paragraph (g) of this subsection (2).

(g) Prescribing the amounts of investigative fees only as authorized by regulations of the commission under paragraph (f) of this subsection, and collecting those fees. The commission shall adopt regulations setting the amounts of those fees at levels that will provide the commission with sufficient revenue, when combined with any other monies as may be deposited into the Mississippi Gaming Commission Fund created in Section 75-76-325, to carry out the provisions of this chapter without any state general funds. In calculating the amount of such fees, the commission shall:

(i) Attempt to set the fees at levels that will create a balance in the Mississippi Gaming Commission Fund that does not exceed, at the end of any state fiscal year, two percent (2%) of the projected amount of funds that will provide the commission with such sufficient revenue; and

(ii) Demonstrate the reasonableness of the relationship between a fee and the actual costs of the investigative activity for which the fee is being prescribed.

(h) Prescribing the manner and method of collection and payment of fees and issuance of licenses.

(i) Prescribing under what conditions a licensee may be deemed subject to revocation or suspension of his license.

(j) Requiring any applicant or licensee to waive any privilege with respect to any testimony at any hearing or meeting of the commission, except any privilege afforded by the Constitution of the United States or this state.

(k) Defining and limiting the area, games and devices permitted, and the method of operation of such games and devices, for the purposes of this chapter.

(l) Prescribing under what conditions the nonpayment of a gambling debt by a licensee shall be deemed grounds for revocation or suspension of his license.

(m) Governing the use and approval of gambling devices and equipment.

(n) Prescribing the qualifications of, and the conditions under which, attorneys, accountants and others are permitted to practice before the commission.

(o) Restricting access to confidential information obtained under this chapter and ensuring that the confidentiality of such information is maintained and protected.

(p) Prescribing the manner and procedure by which the executive director on behalf of the commission shall notify a county or a municipality wherein an applicant for a license desires to locate.

(q) Prescribing the manner and procedure for an objection to be filed with the commission and the executive director by a county or municipality wherein an applicant for a license desires to locate.

(r) Prescribing the manner and procedure in which child support or child support arrearages may be collected from gaming winnings and slot machine annuities.

(3) Notwithstanding any other provision of law, each licensee shall be required to comply with the regulation that no wager may be placed by, or on behalf of, any individual or entity or group, not present on a licensed vessel or cruise vessel.

(4) From and after July 1, 2016, the expenses of this agency shall be defrayed by appropriation from the State General Fund and all user charges and fees authorized under this section shall be deposited into the State General Fund as authorized by law.

(5) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

SECTION 4. Section 93-11-71, Mississippi Code of 1972, is amended as follows:

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

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

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

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

(3) Notwithstanding the provisions in subsection (2) of this section, any judgment arising under the provisions of this section shall subject the following assets to interception or seizure without regard to the entry of the judgment on the judgment roll of the situs district or jurisdiction and such assets shall apply to all child support owed including all arrears:

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

(b) Winnings from lotteries * * *, gaming winnings * * * and slot machine annuities; and

(c) Assets held in financial institutions;

(d) Settlements and awards resulting from civil actions;

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

(f) Lump-sum payments as defined in Section 93-11-101; and

(g) Unclaimed property as described in Section 89-12-1 et seq.

(4) Notwithstanding the provisions of subsections (1) and (2) of this section, upon disestablishment of paternity granted pursuant to Section 93-9-10 and a finding of clear and convincing evidence including negative DNA testing that the obligor is not the biological father of the child or children for whom support

has been ordered, the court shall disestablish paternity and may forgive any child support arrears of the obligor for the child or children determined by the court not to be the biological child or children of the obligor, if the court makes a written finding that, based on the totality of the circumstances, the forgiveness of the arrears is equitable under the circumstances.

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

(6) A parent who receives social security disability insurance payments who is liable for a child support arrearage and whose disability insurance benefits provide for the payment of past due disability insurance benefits for the support of the minor child or children for whom the parent owes a child support arrearage shall receive credit toward the arrearage for the payment or payments for the benefit of the minor child or children if the arrearage accrued after the date of disability onset as determined by the Social Security Administration.

SECTION 5. This act shall take effect and be in force from and after January 1, 2026.

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

AN ACT TO AMEND SECTION 43-19-31, MISSISSIPPI CODE OF 1972,
TO REQUIRE THE MISSISSIPPI GAMING COMMISSION TO COLLABORATE WITH

3 THE DEPARTMENT OF HUMAN SERVICES TO ESTABLISH RULES TO WITHHOLD
4 GAMING WINNINGS OF PERSONS WITH OUTSTANDING CHILD SUPPORT
5 ARREARAGES; TO CREATE NEW SECTION 43-19-63, MISSISSIPPI CODE OF
6 1972, TO CREATE A PROCEDURE TO ENCUMBER GAMING WINNINGS FOR THE
7 PAYMENT OF CHILD SUPPORT; TO AMEND SECTIONS 75-76-33 AND 93-11-71,
8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS;
9 AND FOR RELATED PURPOSES.

SS26\HB1349A.J

Amanda White
Secretary of the Senate