



LEGISLATIVE UPDATE

May 2024

The bill numbers are hyperlinked for quick access. If you have questions, please contact Alex Bucklew at alex.bucklew@mdhs.ms.gov.

Updates:

HOUSE BILLS

House Bill 1030 - MDHS County Office Language Amendment (effective as of July 1, 2024)

- This bill amended Section 43-1-9, Mississippi Code of 1972 as follows:
 - Adds language to clarify the duty of the board of supervisors of each county to provide “adequate and habitable” office space for the local MDHS office.
 - Authorized the Executive Director of the Mississippi Department of Human Services to appoint a county director who lives outside of the county, in the event of the “unavailability of a county resident suitable for the position as determined by the executive director”.
 - Adds language authorizing the Department of Human Services to enter into lease agreements with the local boards of supervisors in each county, whereby the department will provide the federal share of the fair market rental value to the county. This will help to offset the costs to the county of maintaining the facility.
 - Adds language clarifying the responsibilities of the county to perform “...all maintenance and repairs of the local office required to keep it in an adequate and habitable condition...”.

House Bill 1102 - Authorization for use of additional methods of notice to financial institutions (effective as of July 1, 2024)

- This bill amended Section 43-19-48, Mississippi Code of 1972 as follows:
 - Authorized MDHS to send legal notice of child support liens for assets and accounts held by individuals with overdue child support arrears to financial institutions using the institution’s preferred method of communication (e.g., electronically). Previously, the law only allowed notices to be sent via certified mail.
 - Revised the definition of “account” to match the current definition used in Section 85-13-1, Mississippi Code of 1972, by the Mississippi Department of Revenue.

House Bill 1024 – Authorization to recover investigative costs from a defendant (effective as of July 1, 2024)

- This bill amended Section 99-19-77, Mississippi Code of 1972 as follows:
 - Adds language that allows the court to impose an assessment, in addition to any criminal penalties or fines, against a defendant convicted of a felony violation, or a Class I violation that is punishable as provided in Section 49-7-141, investigated by the Mississippi Department of Human Services, Office of Inspector General, Fraud Investigative Unit which may cover all reasonable costs of its investigations.
 - Such costs include, but are not limited to, the cost of investigators, service of process, court reporters, expert witnesses and attorney's fees, and transportation costs expended by the Mississippi Department of Human Services, Office of Inspector General, Fraud Investigations Unit in the investigation of such case.

House Bill 1638 – Procedures to set off a taxpayer's debt owed to MDHS against the taxpayer's income tax refund (effective as of July 1, 2024)

- This bill added a new code section, Mississippi Code Section 43-1-27.1 of 1972:
 - This bill authorizes the Mississippi Department of Human Services to set off against state tax refunds for Supplemental Nutrition Assistance Program (SNAP), Child Care Payment Program (CCPP), and Temporary Assistance for Needy Families (TANF) debts in excess of one hundred twenty-five dollars (\$125.00) owed to the Mississippi Department of Human Services.
 - This bill includes a notice requirement for taxpayers whose tax refunds are sought to be set off.
 - Taxpayers are afforded an opportunity to request a hearing to contest the setoff. Taxpayers who are dissatisfied with the final determination made by the Mississippi Department of Human Services at the hearing may appeal to the circuit court of the county in which the main office of the Mississippi Department Human Services is located.

SENATE BILLS

Senate Bill 2262 - Retroactive Modifications to an Order of Support (effective as of April 15, 2024)

- This bill amended Section 43-19-34(4), Mississippi Code of 1972 as follows:
 - Required that the effective date of a child support modification cannot go back to a date prior to when the affected parent receives notice of the request for the modification. This means, for example, that if MDHS requests a change to the amount of child support to be paid, the court cannot order that the change in the amount of support become effective starting on a date that is before the date that the noncustodial parent received notice of the request for modification.

- The amendment brings the statute in compliance with the federal requirements of 45 C.F.R. Section 303.106(b).