

By: Representative Smith (27th)

To: Ways and Means

## HOUSE BILL NO. 712

1 AN ACT TO AMEND SECTIONS 19-3-79, 67-1-71, 75-76-5, 75-76-33,  
2 75-76-34, 75-76-183, 87-1-5, 95-3-25, 97-33-1, 97-33-7, 97-33-17,  
3 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO ELIMINATE THE  
4 RESTRICTION THAT THE ONLY SITES WHERE LEGAL GAMING MAY BE  
5 AUTHORIZED ARE ON BOARD CERTAIN CRUISE VESSELS OR VESSELS AND TO  
6 ALLOW LEGAL GAMING TO BE CONDUCTED IN ANY COUNTY WHERE TIMELY  
7 OBJECTION IS NOT RAISED OR APPROVAL HAS BEEN EXPRESSED IN AN  
8 ELECTION; TO REPEAL SECTIONS 27-109-1 THROUGH 27-109-15,  
9 MISSISSIPPI CODE OF 1972, WHICH PROVIDED FOR THE LICENSING AND  
10 REGULATION BY THE STATE TAX COMMISSION OF CRUISE VESSELS AND  
11 VESSELS UPON WHICH LEGAL GAMING IS CONDUCTED; AND FOR RELATED  
12 PURPOSES.

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

14 SECTION 1. Section 19-3-79, Mississippi Code of 1972, is  
15 amended as follows:

16 19-3-79. (1) Any person, corporation or other legal entity  
17 required to obtain a state gaming license to conduct legal  
18 gaming \* \* \* as prescribed by the Mississippi Gaming Control Act  
19 shall, before applying for such license, provide the Mississippi  
20 Gaming Commission with a written notice of intent to apply for a  
21 license. The "notice of intent to apply for a gaming license"  
22 shall be on a form prescribed by the executive director of the  
23 commission and shall state the county in which the intending  
24 licensee desires to conduct legal gaming \* \* \*. Within ten (10)  
25 days after receipt of a notice of intent to apply for a gaming  
26 license, the commission shall require such person, corporation or  
27 legal entity to publish the notice once each week for three (3)  
28 consecutive weeks in a newspaper having general circulation in the  
29 county in which the intending licensee desires to conduct legal  
30 gaming \* \* \*.

31 (2) If no petition as prescribed in subsection (3) of this

32 section is filed with the board of supervisors of the applicable  
33 county within thirty (30) days after the date of the last  
34 publication, the board of supervisors of such county shall adopt a  
35 resolution stating that no petition was timely filed and that  
36 legal gaming may henceforth be conducted \* \* \* in such county.

37 (3) If a petition signed by twenty percent (20%) or fifteen  
38 hundred (1500), whichever is less, of the registered voters of a  
39 county in which a notice of intent to apply for a gaming license  
40 is published is filed within thirty (30) days of the date of the  
41 last publication with the circuit clerk of the applicable county,  
42 the board of supervisors of such county shall authorize the  
43 circuit clerk to hold an election on the proposition of allowing  
44 legal gaming to be conducted \* \* \* in the county on the date upon  
45 which such an election may be conducted under subsection (7). The  
46 referendum shall be advertised, held, conducted and the result  
47 thereof canvassed in the manner provided by law for advertising,  
48 holding and canvassing county elections.

49 (4) At such election, all qualified electors of such county  
50 may vote. The ballots used at such election shall have printed  
51 thereon a brief statement of the purpose of the election and the  
52 words "FOR LEGAL GAMING \* \* \* IN THE COUNTY AS PRESCRIBED BY LAW,"  
53 and "AGAINST LEGAL GAMING \* \* \* IN THE COUNTY AS PRESCRIBED BY  
54 LAW." The voter shall vote by placing a cross (x) or check ( )  
55 mark opposite his choice on the proposition. If a majority of the  
56 qualified electors who vote in such election shall vote in favor  
57 of allowing legal gaming to be conducted \* \* \* then legal gaming  
58 may henceforth be conducted \* \* \*, in the county. If less than a  
59 majority of the qualified electors who vote in such election shall  
60 vote in favor of allowing legal gaming to be conducted \* \* \* in  
61 the county, then gaming \* \* \* shall be prohibited in the county  
62 until such time as a subsequent election, held according to the  
63 restrictions specified in subsection (7), may authorize such legal  
64 gaming.

65           (5) In any county in which no petition is timely filed after  
66 a notice of intent to apply for a gaming license is published, or  
67 in which an election is held on the proposition of allowing legal  
68 gaming to be conducted \* \* \* in the county and a majority of the  
69 qualified electors who vote in such election vote in favor of  
70 allowing legal gaming to be conducted \* \* \* in the county, no  
71 election shall thereafter be held in that county pursuant to this  
72 section on the proposition of allowing legal gaming to be  
73 conducted \* \* \* in that county.

74           (6) Notwithstanding any provision of this section or  
75 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the  
76 contrary, if an election is held pursuant to this section which  
77 causes the conducting of gaming \* \* \* to be prohibited in any  
78 county in which one or more cruise vessels were operating as  
79 licensed gaming establishments out of a port in the county on June  
80 29, 1990, the prohibition on the conducting of gaming \* \* \* in  
81 that county shall not apply to the conducting of legal gaming  
82 aboard any of those cruise vessels which were \* \* \* operating out  
83 of a port in that county at the time of the election.

84           (7) If an election has been held on the issue of allowing  
85 legal gaming to be conducted \* \* \* in a county, and the authority  
86 to conduct such legal gaming has been denied by the electors of  
87 such county, then a subsequent election on such issue may not be  
88 held until:

89           (a) The date of the next succeeding general election in  
90 which the election for President of the United States occurs; or

91           (b) In the case in which the authority to conduct such  
92 legal gaming has been denied by the electors of such county at  
93 elections on three (3) different occasions, whether those  
94 occasions be successive or not, the date of the next succeeding  
95 general election occurring at least eight (8) years after the last  
96 of the three (3) occasions on which the electors denied the  
97 authority to conduct such legal gaming.

98 SECTION 2. Section 67-1-71, Mississippi Code of 1972, is  
99 amended as follows:

100 67-1-71. The commission may revoke or suspend any permit  
101 issued by it for a violation by the permittee of any of the  
102 provisions of this chapter or of the regulations promulgated under  
103 it by the commission.

104 Permits must be revoked or suspended for the following  
105 causes:

106 (a) Conviction of the permittee for the violation of  
107 any of the provisions of this chapter;

108 (b) Willful failure or refusal by any permittee to  
109 comply with any of the provisions of this chapter or of any rule  
110 or regulation adopted pursuant thereto;

111 (c) The making of any materially false statement in any  
112 application for a permit;

113 (d) Conviction of one (1) or more of the clerks, agents  
114 or employees of the permittee, of any violation of this chapter  
115 upon the premises covered by such permit within a period of time  
116 as designated by the rules or regulations of the commission;

117 (e) The possession on the premises of any retail  
118 permittee of any alcoholic beverages upon which the tax has not  
119 been paid;

120 (f) The willful failure of any permittee to keep the  
121 records or make the reports required by this chapter, or to allow  
122 an inspection of such records by any duly authorized person;

123 (g) The suspension or revocation of a permit issued to  
124 the permittee by the federal government, or conviction of  
125 violating any federal law relating to alcoholic beverages;

126 (h) The failure to furnish any bond required by this  
127 chapter within fifteen (15) days after notice from the commission;  
128 and

129 (i) The conducting of any form of illegal gambling on  
130 the premises of any permittee or on any premises connected

131 therewith or the presence on any such premises of any gambling  
132 device with the knowledge of the permittee.

133 The provisions of item (i) of this section shall not apply to  
134 gambling or the presence of any gambling devices, with knowledge  
135 of the permittee, on any premises of a licensed gaming  
136 establishment where legal gaming is conducted. The commission  
137 may, in its discretion, issue on-premises retailer's permits to a  
138 gaming licensee of the nature described in this paragraph.

139 No permit shall be revoked except after a hearing by the  
140 commission with reasonable notice to the permittee and an  
141 opportunity for him to appear and defend.

142 In addition to the causes specified in this section and other  
143 provisions of this chapter, the commission shall be authorized to  
144 suspend the permit of any permit holder for being out of  
145 compliance with an order for support, as defined in Section  
146 93-11-153. The procedure for suspension of a permit for being out  
147 of compliance with an order for support, and the procedure for the  
148 reissuance or reinstatement of a permit suspended for that  
149 purpose, and the payment of any fees for the reissuance or  
150 reinstatement of a permit suspended for that purpose, shall be  
151 governed by Section 93-11-157 or 93-11-163, as the case may be.  
152 If there is any conflict between any provision of Section  
153 93-11-157 or 93-11-163 and any provision of this chapter, the  
154 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
155 shall control.

156 SECTION 3. Section 75-76-5, Mississippi Code of 1972, is  
157 amended as follows:

158 75-76-5. As used in this chapter, unless the context  
159 requires otherwise:

160 (a) "Applicant" means any person who has applied for or  
161 is about to apply for a state gaming license, registration or  
162 finding of suitability under the provisions of this chapter or  
163 approval of any act or transaction for which approval is required

164 or permitted under the provisions of this chapter.

165 (b) "Application" means a request for the issuance of a  
166 state gaming license, registration or finding of suitability under  
167 the provisions of this chapter or for approval of any act or  
168 transaction for which approval is required or permitted under the  
169 provisions of this chapter but does not include any supplemental  
170 forms or information that may be required with the application.

171 (c) "Associated equipment" means any equipment or  
172 mechanical, electromechanical or electronic contrivance, component  
173 or machine used remotely or directly in connection with gaming or  
174 with any game, race book or sports pool that would not otherwise  
175 be classified as a gaming device, including dice, playing cards,  
176 links which connect to progressive slot machines, equipment which  
177 affects the proper reporting of gross revenue, computerized  
178 systems of betting at a race book or sports pool, computerized  
179 systems for monitoring slot machines, and devices for weighing or  
180 counting money.

181 (d) "Chairman" \* \* \* means the Chairman of the  
182 Mississippi Gaming Commission.

183 (e) "Commission" \* \* \* means the Mississippi Gaming  
184 Commission.

185 (f) "Commission member" \* \* \* means a member of the  
186 Mississippi Gaming Commission.

187 (g) "Credit instrument" means a writing which evidences  
188 a gaming debt owed to a person who holds a license at the time the  
189 debt is created, and includes any writing taken in consolidation,  
190 redemption or payment of a prior credit instrument.

191 (h) "Enforcement division" means a particular division  
192 supervised by the executive director that provides enforcement  
193 functions.

194 (i) "Establishment" means any premises wherein or  
195 whereon any gaming is done.

196 (j) "Executive director" \* \* \* means the Executive

197 Director of the Mississippi Gaming Commission.

198           (k) Except as otherwise provided by law, "game," or  
199 "gambling game" means any banking or percentage game played with  
200 cards, with dice or with any mechanical, electromechanical or  
201 electronic device or machine for money, property, checks, credit  
202 or any representative of value, including, without limiting the  
203 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
204 twenty-one, blackjack, seven-and-a-half, big injun, klondike,  
205 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
206 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
207 or any other game or device approved by the commission. However,  
208 "game" or "gambling game" shall not include bingo games or raffles  
209 which are held pursuant to the provisions of Section 97-33-51.

210           The commission shall not be required to recognize any game  
211 hereunder with respect to which the commission determines it does  
212 not have sufficient experience or expertise.

213           (l) "Gaming" or "gambling" means to deal, operate,  
214 carry on, conduct, maintain or expose for play any game as defined  
215 in this chapter.

216           (m) "Gaming device" means any mechanical,  
217 electromechanical or electronic contrivance, component or machine  
218 used in connection with gaming or any game which affects the  
219 result of a wager by determining win or loss. The term includes a  
220 system for processing information which can alter the normal  
221 criteria of random selection, which affects the operation of any  
222 game, or which determines the outcome of a game. The term does  
223 not include a system or device which affects a game solely by  
224 stopping its operation so that the outcome remains undetermined,  
225 and does not include any antique coin machine as defined in  
226 Section 27-27-12.

227           (n) "Gaming employee" means any person connected  
228 directly with the operation of a gaming establishment licensed to  
229 conduct any game, including:

- 230 (i) Boxmen;
- 231 (ii) Cashiers;
- 232 (iii) Change personnel;
- 233 (iv) Counting room personnel;
- 234 (v) Dealers;
- 235 (vi) Floormen;
- 236 (vii) Hosts or other persons empowered to extend  
237 credit or complimentary services;
- 238 (viii) Keno runners;
- 239 (ix) Keno writers;
- 240 (x) Machine mechanics;
- 241 (xi) Security personnel;
- 242 (xii) Shift or pit bosses;
- 243 (xiii) Shills;
- 244 (xiv) Supervisors or managers; and
- 245 (xv) Ticket writers.

246 The term "gaming employee" also includes employees of  
247 manufacturers or distributors of gaming equipment within this  
248 state whose duties are directly involved with the manufacture,  
249 repair or distribution of gaming equipment.

250 "Gaming employee" does not include bartenders, cocktail  
251 waitresses or other persons engaged in preparing or serving food  
252 or beverages unless acting in some other capacity.

253 (o) "Gaming license" means any license issued by the  
254 state which authorizes the person named therein to engage in  
255 gaming.

256 (p) "Gross revenue" means the total of all of the  
257 following, less the total of all cash paid out as losses to  
258 patrons and those amounts paid to purchase annuities to fund  
259 losses paid to patrons over several years by independent financial  
260 institutions:

- 261 (i) Cash received as winnings;
- 262 (ii) Cash received in payment for credit extended



263 by a licensee to a patron for purposes of gaming; and

264 (iii) Compensation received for conducting any  
265 game in which the licensee is not party to a wager.

266 For the purposes of this definition, cash or the value of  
267 noncash prizes awarded to patrons in a contest or tournament are  
268 not losses.

269 The term does not include:

270 (i) Counterfeit money or tokens;

271 (ii) Coins of other countries which are received  
272 in gaming devices;

273 (iii) Cash taken in fraudulent acts perpetrated  
274 against a licensee for which the licensee is not reimbursed; or

275 (iv) Cash received as entry fees for contests or  
276 tournaments in which the patrons compete for prizes.

277 (q) "Hearing examiner" means a member of the  
278 Mississippi Gaming Commission or other person authorized by the  
279 commission to conduct hearings.

280 (r) "Investigation division" means a particular  
281 division supervised by the executive director that provides  
282 investigative functions.

283 (s) "License" means a gaming license or a  
284 manufacturer's, seller's or distributor's license.

285 (t) "Licensee" means any person to whom a valid license  
286 has been issued.

287 (u) "License fees" means monies required by law to be  
288 paid to obtain or continue a gaming license or a manufacturer's,  
289 seller's or distributor's license.

290 (v) "Licensed gaming establishment" means any premises  
291 licensed pursuant to the provisions of this chapter wherein or  
292 whereon gaming is done.

293 (w) "Manufacturer's," "seller's" or "distributor's"  
294 license means a license issued pursuant to Section 75-76-79.

295 \* \* \*

296           (x) "Operation" means the conduct of gaming.

297           (y) "Party" means the Mississippi Gaming Commission and  
298 any licensee or other person appearing of record in any proceeding  
299 before the commission; or the Mississippi Gaming Commission and  
300 any licensee or other person appearing of record in any proceeding  
301 for judicial review of any action, decision or order of the  
302 commission.

303           (z) "Person" includes any association, corporation,  
304 firm, partnership, trust or other form of business association as  
305 well as a natural person.

306           (aa) "Premises" means land, together with all  
307 buildings, improvements and personal property located thereon, and  
308 includes all parts of any licensed gaming establishment.

309           (bb) "Race book" means the business of accepting wagers  
310 upon the outcome of any event held at a track which uses the  
311 pari-mutuel system of wagering.

312           (cc) "Regulation" means a rule, standard, directive or  
313 statement of general applicability which effectuates law or policy  
314 or which describes the procedure or requirements for practicing  
315 before the commission. The term includes a proposed regulation  
316 and the amendment or repeal of a prior regulation but does not  
317 include:

318                   (i) A statement concerning only the internal  
319 management of the commission and not affecting the rights or  
320 procedures available to any licensee or other person;

321                   (ii) A declaratory ruling;

322                   (iii) An interagency memorandum;

323                   (iv) The commission's decision in a contested case  
324 or relating to an application for a license; or

325                   (v) Any notice concerning the fees to be charged  
326 which are necessary for the administration of this chapter.

327           (dd) "Respondent" means any licensee or other person  
328 against whom a complaint has been filed with the commission.

329           (ee) "Slot machine" means any mechanical, electrical or  
330 other device, contrivance or machine which, upon insertion of a  
331 coin, token or similar object, or upon payment of any  
332 consideration, is available to play or operate, the play or  
333 operation of which, whether by reason of the skill of the operator  
334 or application of the element of chance, or both, may deliver or  
335 entitle the person playing or operating the machine to receive  
336 cash, premiums, merchandise, tokens or any thing of value, whether  
337 the payoff is made automatically from the machine or in any other  
338 manner. The term does not include any antique coin machine as  
339 defined in Section 27-27-12.

340           (ff) "Sports pool" means the business of accepting  
341 wagers on sporting events, except for athletic events, by any  
342 system or method of wagering other than the system known as the  
343 "pari-mutuel method of wagering."

344           (gg) "Temporary work permit" means a work permit which  
345 is valid only for a period not to exceed ninety (90) days from its  
346 date of issue and which is not renewable.

347       \* \* \*

348           (hh) "Work permit" means any card, certificate or  
349 permit issued by the commission, whether denominated as a work  
350 permit, registration card or otherwise, authorizing the employment  
351 of the holder as a gaming employee. A document issued by any  
352 governmental authority for any employment other than gaming is not  
353 a valid work permit for the purposes of this chapter.

354           (ii) "School or training institution" means any school  
355 or training institution which is licensed by the commission to  
356 teach or train gaming employees pursuant to Section 75-76-34.

357           (jj) "Cheat" means to alter the selection of criteria  
358 that determine:

359                   (i) The rules of a game; or

360                   (ii) The amount or frequency of payment in a game.

361       SECTION 4. Section 75-76-33, Mississippi Code of 1972, is

362 amended as follows:

363           75-76-33. (1) The commission, from time to time, shall  
364 adopt, amend or repeal such regulations, consistent with the  
365 policy, objects and purposes of this chapter, as it may deem  
366 necessary or desirable in the public interest in carrying out the  
367 policy and provisions of this chapter.

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

370                   (a) Prescribing the method and form of application  
371 which any applicant for a license or for a manufacturer's,  
372 seller's or distributor's license must follow and complete before  
373 consideration of his application by the executive director or the  
374 commission.

375                   (b) Prescribing the information to be furnished by any  
376 applicant or licensee concerning his antecedents, habits,  
377 character, associates, criminal record, business activities and  
378 financial affairs, past or present.

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

381                   (d) Requiring fingerprinting of an applicant or  
382 licensee, and gaming employees of a licensee, or other methods of  
383 identification and the forwarding of all fingerprints taken  
384 pursuant to regulation of the Federal Bureau of Investigation.

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

389                   (f) Requiring any applicant to pay all or any part of  
390 the fees and costs of investigation of such applicant as may be  
391 determined by the commission, except that no applicant for an  
392 initial license shall be required to pay any part of the fees or  
393 costs of the investigation of the applicant with regard to the  
394 initial license.

395           (g) Prescribing the manner and method of collection and  
396 payment of fees and issuance of licenses.

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

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

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

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

409           (l) Governing the use and approval of gambling devices  
410 and equipment.

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

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

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

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

425           (3) Notwithstanding any other provision of law, each  
426 licensee shall be required to comply with the following  
427 regulations:

428           (a) No wagering shall be allowed on the outcome of any  
429 athletic event, nor on any matter to be determined during an  
430 athletic event, nor on the outcome of any event which does not  
431 take place on the premises.

432           (b) No wager may be placed by, or on behalf of, any  
433 individual or entity or group, not present in a licensed gaming  
434 establishment.

435           SECTION 5. Section 75-76-34, Mississippi Code of 1972, is  
436 amended as follows:

437           75-76-34. (1) The Mississippi Gaming Commission is  
438 authorized to regulate all schools or training institutions that  
439 teach or train gaming employees. Such schools shall only be  
440 located in counties where gaming is legal \* \* \* or in counties  
441 where cruise vessels were legally operating out of a port at the  
442 time of passage of the Mississippi Gaming Control Act pursuant to  
443 Section 19-3-79. No such school shall be located on publicly  
444 owned property, and no public school shall teach or train persons  
445 to be gaming employees. The gaming activities of schools or  
446 training institutions regulated by the commission shall be deemed  
447 to be legal under the laws of the State of Mississippi. Any  
448 person desiring to operate a school or training institution must  
449 file a license application with the executive director to be  
450 licensed by the commission.

451           (2) The commission may adopt regulations it deems necessary  
452 to regulate schools and training institutions. These regulations  
453 shall, without limiting the general powers of the commission,  
454 include the following:

455           (a) Prescribing the method and form of application  
456 which any applicant for a school or training institution must  
457 follow and complete before consideration of his application by the  
458 executive director or commission.

459           (b) Prescribing the information to be furnished by the  
460 applicant relating to his employees.

461           (c) Requiring fingerprinting of the applicant,  
462 employees and students of the school or institution or other  
463 methods of identification and the forwarding of all fingerprints  
464 taken pursuant to regulation of the Federal Bureau of  
465 Investigation.

466           (d) Requiring any applicant to pay all or part of the  
467 fees and costs of investigation of the applicant as may be  
468 determined by the commission.

469           (e) Prescribing the manner and method of collection and  
470 payment of fees and costs and issuance of licenses to schools or  
471 training institutions.

472           (f) Prescribing under what conditions a licensee  
473 authorized by this section may be deemed subject to revocation or  
474 suspension of his license.

475           (g) Defining the curriculum of the school or training  
476 institution, the games and devices permitted, the use of tokens  
477 only for instruction purposes, and the method of operation of  
478 games and devices.

479           (h) Requiring the applicant to submit its location of  
480 the school or training institution, which shall be at least four  
481 hundred (400) feet from any church, school, kindergarten or  
482 funeral home. However, within an area zoned commercial or  
483 business, the minimum distance shall not be less than one hundred  
484 (100) feet.

485           (i) Requiring that all employees and students of the  
486 school or training institution be at least twenty-one (21) years  
487 of age and be a resident of the State of Mississippi.

488           (j) Requiring all employees and students of the school  
489 or training institution to wear identification cards issued by the  
490 commission while on the premises of the school or training  
491 institution.

492           (k) Requiring the commission to investigate each  
493 applicant, employee and student and determine that the individual

494 does not fall within any one (1) of the following categories:

495 (i) Is under indictment for, or has been convicted  
496 in any court of, a felony;

497 (ii) Is a fugitive from justice;

498 (iii) Is an unlawful user of any controlled  
499 substance, is addicted to any controlled substance or alcoholic  
500 beverage, or is an habitual drunkard;

501 (iv) Is a mental defective, has been committed to  
502 a mental institution, or has been voluntarily committed to a  
503 mental institution on more than one (1) occasion;

504 (v) Has been discharged from the Armed Forces  
505 under dishonorable conditions; or

506 (vi) Has been found at any time by the executive  
507 director or commission to have falsified any information.

508 SECTION 6. Section 75-76-183, Mississippi Code of 1972, is  
509 amended as follows:

510 75-76-183. (1) Each applicant for a license to conduct  
511 gaming \* \* \* shall pay an application fee of Five Thousand Dollars  
512 (\$5,000.00).

513 (2) Each licensee who is licensed to conduct gaming \* \* \*  
514 shall pay an annual license fee of Five Thousand Dollars  
515 (\$5,000.00).

516 SECTION 7. Section 87-1-5, Mississippi Code of 1972, is  
517 amended as follows:

518 87-1-5. If any person, by playing at any game whatever, or  
519 by betting on the sides or hands of such as do play at any game,  
520 or by betting on any horse race or cockfight, or at any other  
521 sport or pastime, or by any wager whatever, shall lose any money,  
522 property or other valuable thing, real or personal, and shall pay  
523 or deliver the same or any part thereof, the person so losing and  
524 paying or delivering the same, or his wife or children, may sue  
525 for and recover such money, property or other valuable thing so  
526 lost and paid or delivered, or any part thereof, from the person



527 knowingly receiving the same, with costs. However, this section  
528 shall not apply to betting, gaming or wagering \* \* \* that is legal  
529 under the laws of the State of Mississippi.

530 SECTION 8. Section 95-3-25, Mississippi Code of 1972, is  
531 amended as follows:

532 95-3-25. Any building, club, vessel, boat, place or room,  
533 wherein is kept or exhibited any game or gaming table, commonly  
534 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,  
535 roredo, keno, monte, or any faro-bank, dice, or other game, gaming  
536 table, or bank of the same or like kind, or any other kind or  
537 description of gambling device under any other name whatever, and  
538 any such place where information is furnished for the purpose of  
539 making and settling bets or wagers on any horse race, prize fight,  
540 or on the outcome of any like event, or where bets or wagers are  
541 arranged for, made or settled, shall be deemed to be a common  
542 nuisance and may be abated by writ of injunction, issued out of a  
543 court of equity upon a bill filed in the name of the state by the  
544 Attorney General, or any district or county attorney, whose duty  
545 requires him to prosecute criminal cases on behalf of the state in  
546 the county where the nuisance is maintained, or by any citizen or  
547 citizens of such county, such bill to be filed in the county in  
548 which the nuisance exists. And all rules of evidence and of  
549 practice and procedure that pertain to courts of equity generally  
550 in this state may be invoked and applied in any injunction  
551 procedure hereunder. The provisions of this section shall not  
552 apply to any form of gaming or gambling that is legal under the  
553 laws of the State of Mississippi or to a licensed gaming  
554 establishment having \* \* \* any gambling device, machine or  
555 equipment that is owned, possessed, controlled, installed,  
556 procured, repaired or transported in accordance with subsection  
557 (4) of Section 97-33-7.

558 Upon the abatement of any such nuisance, any person found to  
559 be the owner, operator or exhibitor of any gambling device

560 described in the first paragraph of this section may be required  
561 by the court to enter into a good and sufficient bond in such  
562 amount as may be deemed proper by the court, to be conditioned  
563 that the obligor therein will not violate any of the laws of  
564 Mississippi pertaining to gaming or gambling for a period of not  
565 to exceed two (2) years from the date thereof. The failure to  
566 make such bond shall be a contempt of court and for such contempt  
567 the person or party shall be confined in the county jail until  
568 such bond is made, but not longer than two (2) years. Said bond  
569 shall be approved by the clerk of the court where the proceedings  
570 were had and shall be filed as a part of the record of such case.

571 SECTION 9. Section 97-33-1, Mississippi Code of 1972, is  
572 amended as follows:

573 97-33-1. If any person shall encourage, promote or play at  
574 any game, play or amusement, other than a fight or fighting match  
575 between dogs, for money or other valuable thing, or shall wager or  
576 bet, promote or encourage the wagering or betting of any money or  
577 other valuable things, upon any game, play, amusement, cockfight,  
578 Indian ball play, or duel, other than a fight or fighting match  
579 between dogs, or upon the result of any election, event or  
580 contingency whatever, upon conviction thereof, he shall be fined  
581 in a sum not more than Five Hundred Dollars (\$500.00); and, unless  
582 such fine and costs be immediately paid, shall be imprisoned for  
583 any period not more than ninety (90) days. However, this section  
584 shall not apply to betting, gaming or wagering \* \* \* that is legal  
585 under the laws of the State of Mississippi.

586 SECTION 10. Section 97-33-7, Mississippi Code of 1972, is  
587 amended as follows:

588 97-33-7. (1) It shall be unlawful for any person or  
589 persons, firm, copartnership, or corporation to have in  
590 possession, own, control, display, or operate any cane rack, knife  
591 rack, artful dodger, punch board, roll down, merchandise wheel,  
592 slot machine, pinball machine, or similar device or devices.

593 Provided, however, that this section shall not be so construed as  
594 to make unlawful the ownership, possession, control, display or  
595 operation of any antique coin machine as defined in Section  
596 27-27-12, or any music machine or bona fide automatic vending  
597 machine where the purchaser receives exactly the same quantity of  
598 merchandise on each operation of said machine. Any slot machine  
599 other than an antique coin machine as defined in Section 27-27-12  
600 which delivers, or is so constructed as that by operation thereof  
601 it will deliver to the operator thereof anything of value in  
602 varying quantities, in addition to the merchandise received, and  
603 any slot machine other than an antique coin machine as defined in  
604 Section 27-27-12 that is constructed in such manner as that slugs,  
605 tokens, coins or similar devices are, or may be, used and  
606 delivered to the operator thereof in addition to merchandise of  
607 any sort contained in such machine, is hereby declared to be a  
608 gambling device, and shall be deemed unlawful under the provisions  
609 of this section. Provided, however, that pinball machines which  
610 do not return to the operator or player thereof anything but free  
611 additional games or plays shall not be deemed to be gambling  
612 devices, and neither this section nor any other law shall be  
613 construed to prohibit same.

614 (2) No property right shall exist in any person, natural or  
615 artificial, or be vested in such person, in any or all of the  
616 devices described herein that are not exempted from the provisions  
617 of this section; and all such devices are hereby declared to be at  
618 all times subject to confiscation and destruction, and their  
619 possession shall be unlawful, except when in the possession of  
620 officers carrying out the provisions of this section. It shall be  
621 the duty of all law-enforcing officers to seize and immediately  
622 destroy all such machines and devices.

623 (3) A first violation of the provisions of this section  
624 shall be deemed a misdemeanor, and the party offending shall, upon  
625 conviction, be fined in any sum not exceeding Five Hundred Dollars

626 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
627 in the discretion of the court. In the event of a second  
628 conviction for a violation of any of the provisions of this  
629 section, the party offending shall be subject to a sentence of not  
630 less than six (6) months in the county jail, nor more than two (2)  
631 years in the State Penitentiary, in the discretion of the trial  
632 court.

633 (4) Notwithstanding any provision of this section to the  
634 contrary, it shall not be unlawful to operate any equipment or  
635 device described in subsection (1) of this section or any gaming,  
636 gambling or similar device or devices by whatever name called  
637 while on the premises of any licensed gaming establishment.

638 \* \* \*

639 (5) Notwithstanding any provision of this section to the  
640 contrary, it shall not be unlawful (a) to own, possess, repair or  
641 control any gambling device, machine or equipment on the premises  
642 of any licensed gaming establishment or on the business premises  
643 appurtenant to any such licensed gaming establishment during any  
644 period of time in which such licensed gaming establishment is  
645 being constructed, repaired, maintained or operated in this state;  
646 (b) to install any gambling device, machine or equipment on the  
647 premises of any licensed gaming establishment; (c) to possess or  
648 control any gambling device, machine or equipment during the  
649 process of procuring or transporting such device, machine or  
650 equipment for installation on the premises of any licensed gaming  
651 establishment; or (d) to store in a warehouse or other storage  
652 facility any gambling device, machine, equipment, or part thereof,  
653 regardless of whether the county or municipality in which the  
654 warehouse or storage facility is located has approved gaming on  
655 the premises of any licensed gaming establishment, provided that  
656 such device, machine or equipment is operated only in a county or  
657 municipality that has approved gaming on the premises of any  
658 licensed gaming establishment. Any gambling device, machine or

659 equipment that is owned, possessed, controlled, installed,  
660 procured, repaired, transported or stored in accordance with this  
661 subsection shall not be subject to confiscation, seizure or  
662 destruction. \* \* \* Any person, firm, partnership or corporation  
663 which owns, possesses, controls, installs, procures, repairs,  
664 transports or stores any gambling device, machine or equipment in  
665 accordance with this subsection shall not be subject to any  
666 prosecution or penalty under this section. Any person  
667 constructing or repairing licensed gaming establishments within a  
668 municipality shall comply with all municipal ordinances protecting  
669 the general health or safety of the residents of the municipality.

670 SECTION 11. Section 97-33-17, Mississippi Code of 1972, is  
671 amended as follows:

672 97-33-17. (1) All monies exhibited for the purpose of  
673 betting or alluring persons to bet at any game, and all monies  
674 staked or betted, shall be liable to seizure by any sheriff,  
675 constable, or police officer, together with all the appliances  
676 used or kept for use in gambling, or by any other person; and all  
677 the monies so seized shall be accounted for by the person making  
678 the seizure, and all appliances seized shall be destroyed;  
679 provided, however, this section shall not apply to betting, gaming  
680 or wagering \* \* \* that is legal under the laws of the State of  
681 Mississippi.

682 (2) Nothing in this section shall apply to any gambling  
683 device, machine or equipment that is owned, possessed, controlled,  
684 installed, procured, repaired or transported in accordance with  
685 subsection (4) of Section 97-33-7.

686 SECTION 12. Section 97-33-25, Mississippi Code of 1972, is  
687 amended as follows:

688 97-33-25. If any person shall sell or buy, either directly  
689 or indirectly, any chance in what is commonly called pool, upon  
690 any event whatever, or shall in any manner engage in such business  
691 or pastime, he shall be fined not more than Five Hundred Dollars

692 (\$500.00) or shall be imprisoned in the county jail not more than  
693 ninety (90) days; provided, however, this section shall not apply  
694 to betting, gaming or wagering \* \* \* that is legal under the laws  
695 of the State of Mississippi.

696 SECTION 13. Section 97-33-27, Mississippi Code of 1972, is  
697 amended as follows:

698 97-33-27. If any person shall bet on a horse race or a yacht  
699 race or on a shooting match, he shall be fined not more than Five  
700 Hundred Dollars (\$500.00), and, unless the fine and costs be  
701 immediately paid, he shall be imprisoned in the county jail not  
702 more than ninety (90) days; provided, however, this section shall  
703 not apply to betting, gaming or wagering \* \* \* that is legal under  
704 the laws of the State of Mississippi.

705 SECTION 14. Sections 27-109-1, 27-109-3, 27-109-5, 27-109-7,  
706 27-109-9, 27-109-11, 27-109-13 and 27-109-15, Mississippi Code of  
707 1972, which provided for the licensing and regulation by the State  
708 Tax Commission of cruise vessels and vessels upon which legal  
709 gaming is conducted, are repealed.

710 SECTION 15. The Attorney General of the State of Mississippi  
711 shall submit Section 1 of this act, immediately upon approval by  
712 the Governor, or upon approval by the Legislature subsequent to a  
713 veto, to the Attorney General of the United States or to the  
714 United States District Court for the District of Columbia in  
715 accordance with the provisions of the Voting Rights Act of 1965,  
716 as amended and extended.

717 SECTION 16. Section 1 of this act shall take effect and be  
718 in force from and after the date it is effectuated under Section 5  
719 of the Voting Rights Act of 1965, as amended and extended.  
720 Sections 2 through 14 of this act shall take effect and be in  
721 force from and after its passage.