

By: Representative Simpson

To: Ways and Means

HOUSE BILL NO. 1235

1 AN ACT TO AMEND SECTION 97-33-52, MISSISSIPPI CODE OF 1972,
2 TO ALLOW A CHARITABLE ORGANIZATION TO USE BINGO GROSS RECEIPTS TO
3 PAY ADMINISTRATIVE PENALTIES; TO AMEND SECTION 97-33-53,
4 MISSISSIPPI CODE OF 1972, TO DEFINE "NET PROCEEDS" AND "GROSS
5 RECEIPTS" FOR PURPOSES OF THE CHARITABLE BINGO LAW; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 97-33-52, Mississippi Code of 1972, is
9 amended as follows:

10 97-33-52. (1) A bingo game may be conducted only:

11 (a) When held for the benefit of a charitable
12 organization that (i) is licensed pursuant to Section 97-33-55 or
13 Section 97-33-59; (ii) is domiciled in the State of Mississippi;
14 and

15 (b) When the game is held by active members of such
16 organization.

17 (2) Except as may be otherwise provided in Sections 97-33-51
18 through 97-33-203, all net proceeds derived from a bingo game
19 authorized by this section shall be expended only for the purposes
20 for which the organization is created, and no net proceeds derived
21 from a bingo game authorized by this section shall be distributed
22 to a charity outside of the State of Mississippi without the
23 approval of the Mississippi Gaming Commission. Nothing in this
24 section or chapter shall prohibit a charitable organization from
25 using gross receipts derived from a bingo game authorized under
26 this chapter to pay administrative penalties imposed by a state
27 agency against the charitable organization.

28 (3) None of the proceeds of a bingo game authorized to be
29 held under this section shall be used to purchase, construct or



30 improve a building, hall or other facility solely for the purpose
31 of conducting or operating a bingo game.

32 (4) Every organization which conducts bingo games shall
33 report to the Mississippi Gaming Commission at such time, in such
34 manner and on such forms as the commission prescribes. All
35 records and reports so filed shall be public records and shall be
36 available for inspection in accordance with the Mississippi Public
37 Records Act of 1983.

38 **SECTION 2.** Section 97-33-53, Mississippi Code of 1972, is
39 amended as follows:

40 97-33-53. As used in Sections 97-33-51 through 97-33-203,
41 the following words and phrases shall have the meanings ascribed
42 herein unless the context clearly indicates otherwise:

43 (a) "Bingo" means a game of chance in which a right to
44 participate is sold to a player and prizes are awarded, that is:

45 (i) Played with a card, sheet, or an electronic
46 representation thereof, bearing numbers or symbols;

47 (ii) Played with the participant covering, marking
48 or revealing the numbers or symbols, as objects similarly numbered
49 or designated are drawn from a receptacle and orally called; in
50 the case of electronic representations, the requisite covering,
51 marking or revealing may be accomplished electronically to match
52 objects similarly numbered or designated and stored in memory in
53 advance as winners, or which are generated randomly by an
54 electronic process;

55 (iii) Won by the player who first covers, marks or
56 reveals a previously designated arrangement of numbers or symbols;
57 and

58 (iv) Played on the premises of a licensed
59 organization and during the organization's regular hours of
60 conducting bingo games.

61 The term "bingo" includes pull-tabs made available as a
62 companion game to bingo and played on the premises. The term



63 "bingo" does not include any game which is played via television,
64 telephone, satellite dish or any other telecommunications
65 transmission or receiving device.

66 Any electronic device used to produce an electronic
67 representation must maintain an inventory recorded in computed
68 memory, not on cartridge memory, of the number of winners and
69 losers. It must also be equipped with tamper-proof electric
70 meters as a backup to the computer memory. It may not dispense
71 cash or coins. Paybacks will be dispensed by printed ticket only.
72 The printer shall maintain duplicate records of all transactions.
73 All such electronic devices shall be approved by the Mississippi
74 Gaming Commission.

75 (b) "Charitable organization" means:

76 (i) Any nonprofit organization domiciled in this
77 state that is tax exempt under Section 501(c) or (d) of the United
78 States Internal Revenue Code and which has on file with the
79 Mississippi Gaming Commission either a tax exemption letter issued
80 by the United States Internal Revenue Service, or a certified copy
81 of its application for such tax exempt status if the commission
82 determines that the organization is likely to be granted the tax
83 exempt status, and is:

84 1. Any chapter or post domiciled in this
85 state of a nationally chartered organization whose membership is
86 composed of former members of the military forces of the United
87 States of America or whose membership is composed of members of
88 the Merchant Marine Veterans Association; or

89 2. Any nonprofit civic, educational, wildlife
90 conservation organization or religious organization domiciled in
91 this state.

92 If an organization which has on file with the commission a
93 certified copy of its application for a tax exemption under
94 Section 501(c) or (d) of the U. S. Internal Revenue Code is not
95 granted the exemption within twelve (12) months from the date of



96 such application, the organization's license shall be subject to
97 revocation pursuant to Section 97-33-61.

98 (ii) Any senior citizen recreation club, which is
99 defined as an organization sanctioned by the local council on
100 aging and composed of members aged sixty (60) years or older, the
101 sole function of which is to provide amusement and diversion for
102 its members.

103 (c) "Commission" means the Mississippi Gaming
104 Commission.

105 (d) "Distributor" means any person or other entity who
106 sells, offers for sale or otherwise furnishes to any person,
107 gaming supplies or equipment for use in the conducting of a bingo
108 game authorized by Sections 97-33-51 through 97-33-203.

109 (e) "Manufacturer" means any person or other entity who
110 manufactures for sale, offers for sale, or otherwise furnishes,
111 any gaming supplies or equipment for use in the conducting of a
112 bingo game authorized by Sections 97-33-51 through 97-33-203.

113 (f) "Commercial lessor" means any person or other
114 entity, other than a bona fide nonprofit organization licensed to
115 conduct charitable bingo games, who leases any building, structure
116 or premises to organizations licensed under the provisions of
117 Sections 97-33-51 through 97-33-203.

118 (g) "Operator" means a person or other entity who
119 supplies the charity an electronic facsimile pull-tab device or
120 labor saving device as described in Section 97-33-53. This person
121 or entity may not be engaged in any other form of bingo operations
122 such as a distributor, manufacturer, charity or commercial lessor.

123 (h) "Pull-tabs" means single or banded tickets or cards
124 each with its face covered to conceal one or more numbers or
125 symbols, where one or more cards or tickets in each set have been
126 designed in advance as winners. "Pull-tabs" shall also mean any
127 device for dispensing pull-tabs.



128 (i) "Session" means any five-hour time period within
129 one (1) day or six-hour time period within one (1) week.

130 (j) "Day" means the whole or any part of the time
131 period of twenty-four (24) hours from midnight to midnight.

132 (k) "Week" means the seven-day period from 12:01 a.m.
133 on Monday until midnight the following Sunday.

134 (l) "Net proceeds" means the gross amount collected
135 from game participants less: the actual prizes or winnings paid,
136 the actual cost or expenses of conducting the bingo game, any
137 administrative penalties imposed by a state agency against the
138 charitable organization, and any other expense authorized under
139 this chapter or any regulation promulgated thereunder.

140 (m) "Gross receipts" means all revenue derived from
141 bingo operations.

142 **SECTION 3.** This act shall take effect and be in force from
143 and after July 1, 2002.

