

By: Representative Smith (27th)

To: Gaming; Ways and Means

HOUSE BILL NO. 468

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; TO AMEND SECTIONS  
 12 1-3-31, 25-4-119 AND 51-1-1, MISSISSIPPI CODE OF 1972, IN  
 13 CONFORMITY THERETO; AND FOR RELATED PURPOSES.

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

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

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

32           (2) If no petition as prescribed in subsection (3) of this  
33 section is filed with the board of supervisors of the applicable  
34 county within thirty (30) days after the date of the last  
35 publication, the board of supervisors of such county shall adopt a  
36 resolution stating that no petition was timely filed and that  
37 legal gaming may henceforth be conducted \* \* \* in such county.

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

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

64 restrictions specified in subsection (7), may authorize such legal  
65 gaming.

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

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

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

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

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

97 of the three (3) occasions on which the electors denied the  
98 authority to conduct such legal gaming.

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

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

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

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

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

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

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

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

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

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

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

129 and

130 (i) The conducting of any form of illegal gambling on  
131 the premises of any permittee or on any premises connected  
132 therewith or the presence on any such premises of any gambling  
133 device with the knowledge of the permittee.

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

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

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

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

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

161 (a) "Applicant" means any person who has applied for or  
162 is about to apply for a state gaming license, registration or

163 finding of suitability under the provisions of this chapter or  
164 approval of any act or transaction for which approval is required  
165 or permitted under the provisions of this chapter.

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

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

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

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

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

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

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

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

197           (j) "Executive director" \* \* \* means the Executive  
198 Director of the Mississippi Gaming Commission.

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

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

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

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

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

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

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

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

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

257           (p) "Gross revenue" means the total of all of the  
258 following, less the total of all cash paid out as losses to  
259 patrons and those amounts paid to purchase annuities to fund



260 losses paid to patrons over several years by independent financial  
261 institutions:

262 (i) Cash received as winnings;

263 (ii) Cash received in payment for credit extended  
264 by a licensee to a patron for purposes of gaming; and

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

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

270 The term does not include:

271 (i) Counterfeit money or tokens;

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

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

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

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

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

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

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

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

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

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

296       \* \* \*

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

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

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

307           (aa) "Premises" means land, together with all  
308 buildings, improvements and personal property located thereon, and  
309 includes all parts of any vessel or cruise vessel.

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

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

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

322                   (ii) A declaratory ruling;

323                   (iii) An interagency memorandum;

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

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

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

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

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

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

348 (hh) "Cruise vessel" means a vessel which complies with  
349 all United States Coast Guard regulations, having a minimum  
350 overall length of one hundred fifty (150) feet and a minimum draft  
351 of six (6) feet and which is certified to carry at least two  
352 hundred (200) passengers.

353 (ii) "Vessel" means a vessel having a minimum overall  
354 length of one hundred fifty (150) feet.

355 (jj) "Work permit" means any card, certificate or  
356 permit issued by the commission, whether denominated as a work

357 permit, registration card or otherwise, authorizing the employment  
358 of the holder as a gaming employee. A document issued by any  
359 governmental authority for any employment other than gaming is not  
360 a valid work permit for the purposes of this chapter.

361 (kk) "School or training institution" means any school  
362 or training institution which is licensed by the commission to  
363 teach or train gaming employees pursuant to Section 75-76-34.

364 (ll) "Cheat" means to alter the selection of criteria  
365 that determine:

366 (i) The rules of a game; or

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

368 **SECTION 4.** Section 75-76-33, Mississippi Code of 1972, is  
369 amended as follows:

370 75-76-33. (1) The commission, from time to time, shall  
371 adopt, amend or repeal such regulations, consistent with the  
372 policy, objects and purposes of this chapter, as it may deem  
373 necessary or desirable in the public interest in carrying out the  
374 policy and provisions of this chapter.

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

377 (a) Prescribing the method and form of application  
378 which any applicant for a license or for a manufacturer's,  
379 seller's or distributor's license must follow and complete before  
380 consideration of his application by the executive director or the  
381 commission.

382 (b) Prescribing the information to be furnished by any  
383 applicant or licensee concerning his antecedents, habits,  
384 character, associates, criminal record, business activities and  
385 financial affairs, past or present.

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

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

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

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

396 (f) Requiring any applicant to pay all or any part of  
397 the fees and costs of investigation of such applicant as may be  
398 determined by the commission, except that no applicant for an  
399 initial license shall be required to pay any part of the fees or  
400 costs of the investigation of the applicant with regard to the  
401 initial license.

402 (g) Prescribing the manner and method of collection and  
403 payment of fees and issuance of licenses.

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

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

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

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

416 (l) Governing the use and approval of gambling devices  
417 and equipment.

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

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

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

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

432 (3) Notwithstanding any other provision of law, each  
433 licensee shall be required to comply with the following  
434 regulations:

435 (a) No wagering shall be allowed on the outcome of any  
436 athletic event, nor on any matter to be determined during an  
437 athletic event, nor on the outcome of any event which does not  
438 take place on the premises.

439 (b) No wager may be placed by, or on behalf of, any  
440 individual or entity or group, not present on the premises of a  
441 licensed gaming establishment.

442 **SECTION 5.** Section 75-76-34, Mississippi Code of 1972, is  
443 amended as follows:

444 75-76-34. (1) The Mississippi Gaming Commission is  
445 authorized to regulate all schools or training institutions that  
446 teach or train gaming employees. Such schools shall only be  
447 located in counties where gaming is legal \* \* \* or in counties  
448 where cruise vessels were legally operating out of a port at the  
449 time of passage of the Mississippi Gaming Control Act pursuant to  
450 Section 19-3-79. No such school shall be located on publicly  
451 owned property, and no public school shall teach or train persons  
452 to be gaming employees. The gaming activities of schools or  
453 training institutions regulated by the commission shall be deemed

454 to be legal under the laws of the State of Mississippi. Any  
455 person desiring to operate a school or training institution must  
456 file a license application with the executive director to be  
457 licensed by the commission.

458 (2) The commission may adopt regulations it deems necessary  
459 to regulate schools and training institutions. These regulations  
460 shall, without limiting the general powers of the commission,  
461 include the following:

462 (a) Prescribing the method and form of application  
463 which any applicant for a school or training institution must  
464 follow and complete before consideration of his application by the  
465 executive director or commission.

466 (b) Prescribing the information to be furnished by the  
467 applicant relating to his employees.

468 (c) Requiring fingerprinting of the applicant,  
469 employees and students of the school or institution or other  
470 methods of identification and the forwarding of all fingerprints  
471 taken pursuant to regulation of the Federal Bureau of  
472 Investigation.

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

476 (e) Prescribing the manner and method of collection and  
477 payment of fees and costs and issuance of licenses to schools or  
478 training institutions.

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

482 (g) Defining the curriculum of the school or training  
483 institution, the games and devices permitted, the use of tokens  
484 only for instruction purposes, and the method of operation of  
485 games and devices.

486           (h) Requiring the applicant to submit its location of  
487 the school or training institution, which shall be at least four  
488 hundred (400) feet from any church, school, kindergarten or  
489 funeral home. However, within an area zoned commercial or  
490 business, the minimum distance shall not be less than one hundred  
491 (100) feet.

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

495           (j) Requiring all employees and students of the school  
496 or training institution to wear identification cards issued by the  
497 commission while on the premises of the school or training  
498 institution.

499           (k) Requiring the commission to investigate each  
500 applicant, employee and student and determine that the individual  
501 does not fall within any one (1) of the following categories:

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

504                   (ii) Is a fugitive from justice;

505                   (iii) Is an unlawful user of any controlled  
506 substance, is addicted to any controlled substance or alcoholic  
507 beverage, or is an habitual drunkard;

508                   (iv) Is a mental defective, has been committed to  
509 a mental institution, or has been voluntarily committed to a  
510 mental institution on more than one (1) occasion;

511                   (v) Has been discharged from the Armed Forces  
512 under dishonorable conditions; or

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

515           **SECTION 6.** Section 75-76-183, Mississippi Code of 1972, is  
516 amended as follows:



517           75-76-183. (1) Each applicant for a license to conduct  
518 gaming \* \* \* shall pay an application fee of Five Thousand Dollars  
519 (\$5,000.00).

520           (2) Each licensee who is licensed to conduct gaming \* \* \*  
521 shall pay an annual license fee of Five Thousand Dollars  
522 (\$5,000.00).

523           **SECTION 7.** Section 87-1-5, Mississippi Code of 1972, is  
524 amended as follows:

525           87-1-5. If any person, by playing at any game whatever, or  
526 by betting on the sides or hands of such as do play at any game,  
527 or by betting on any horse race or cockfight, or at any other  
528 sport or pastime, or by any wager whatever, shall lose any money,  
529 property or other valuable thing, real or personal, and shall pay  
530 or deliver the same or any part thereof, the person so losing and  
531 paying or delivering the same, or his wife or children, may sue  
532 for and recover such money, property or other valuable thing so  
533 lost and paid or delivered, or any part thereof, from the person  
534 knowingly receiving the same, with costs. However, this section  
535 shall not apply to betting, gaming or wagering \* \* \* that is legal  
536 under the laws of the State of Mississippi.

537           **SECTION 8.** Section 95-3-25, Mississippi Code of 1972, is  
538 amended as follows:

539           95-3-25. Any building, club, vessel, boat, place or room,  
540 wherein is kept or exhibited any game or gaming table, commonly  
541 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,  
542 roredo, keno, monte, or any faro-bank, dice, or other game, gaming  
543 table, or bank of the same or like kind, or any other kind or  
544 description of gambling device under any other name whatever, and  
545 any such place where information is furnished for the purpose of  
546 making and settling bets or wagers on any horse race, prize fight,  
547 or on the outcome of any like event, or where bets or wagers are  
548 arranged for, made or settled, shall be deemed to be a common  
549 nuisance and may be abated by writ of injunction, issued out of a

550 court of equity upon a bill filed in the name of the state by the  
551 Attorney General, or any district or county attorney, whose duty  
552 requires him to prosecute criminal cases on behalf of the state in  
553 the county where the nuisance is maintained, or by any citizen or  
554 citizens of such county, such bill to be filed in the county in  
555 which the nuisance exists. And all rules of evidence and of  
556 practice and procedure that pertain to courts of equity generally  
557 in this state may be invoked and applied in any injunction  
558 procedure hereunder. The provisions of this section shall not  
559 apply to any form of gaming or gambling that is legal under the  
560 laws of the State of Mississippi or to a licensed gaming  
561 establishment having \* \* \* any gambling device, machine or  
562 equipment that is owned, possessed, controlled, installed,  
563 procured, repaired or transported in accordance with subsection  
564 (4) of Section 97-33-7.

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

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

580       97-33-1. If any person shall encourage, promote or play at  
581 any game, play or amusement, other than a fight or fighting match  
582 between dogs, for money or other valuable thing, or shall wager or

583 bet, promote or encourage the wagering or betting of any money or  
584 other valuable things, upon any game, play, amusement, cockfight,  
585 Indian ball play, or duel, other than a fight or fighting match  
586 between dogs, or upon the result of any election, event or  
587 contingency whatever, upon conviction thereof, he shall be fined  
588 in a sum not more than Five Hundred Dollars (\$500.00); and, unless  
589 such fine and costs be immediately paid, shall be imprisoned for  
590 any period not more than ninety (90) days. However, this section  
591 shall not apply to betting, gaming or wagering \* \* \* that is legal  
592 under the laws of the State of Mississippi.

593       **SECTION 10.** Section 97-33-7, Mississippi Code of 1972, is  
594 amended as follows:

595       97-33-7. (1) It shall be unlawful for any person or  
596 persons, firm, copartnership, or corporation to have in  
597 possession, own, control, display, or operate any cane rack, knife  
598 rack, artful dodger, punch board, roll down, merchandise wheel,  
599 slot machine, pinball machine, or similar device or devices.  
600 Provided, however, that this section shall not be so construed as  
601 to make unlawful the ownership, possession, control, display or  
602 operation of any antique coin machine as defined in Section  
603 27-27-12, or any music machine or bona fide automatic vending  
604 machine where the purchaser receives exactly the same quantity of  
605 merchandise on each operation of said machine. Any slot machine  
606 other than an antique coin machine as defined in Section 27-27-12  
607 which delivers, or is so constructed as that by operation thereof  
608 it will deliver to the operator thereof anything of value in  
609 varying quantities, in addition to the merchandise received, and  
610 any slot machine other than an antique coin machine as defined in  
611 Section 27-27-12 that is constructed in such manner as that slugs,  
612 tokens, coins or similar devices are, or may be, used and  
613 delivered to the operator thereof in addition to merchandise of  
614 any sort contained in such machine, is hereby declared to be a  
615 gambling device, and shall be deemed unlawful under the provisions

616 of this section. Provided, however, that pinball machines which  
617 do not return to the operator or player thereof anything but free  
618 additional games or plays shall not be deemed to be gambling  
619 devices, and neither this section nor any other law shall be  
620 construed to prohibit same.

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

630 (3) A first violation of the provisions of this section  
631 shall be deemed a misdemeanor, and the party offending shall, upon  
632 conviction, be fined in any sum not exceeding Five Hundred Dollars  
633 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
634 in the discretion of the court. In the event of a second  
635 conviction for a violation of any of the provisions of this  
636 section, the party offending shall be subject to a sentence of not  
637 less than six (6) months in the county jail, nor more than two (2)  
638 years in the State Penitentiary, in the discretion of the trial  
639 court.

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

645 \* \* \*

646 (5) Notwithstanding any provision of this section to the  
647 contrary, it shall not be unlawful (a) to own, possess, repair or  
648 control any gambling device, machine or equipment on the premises

649 of any licensed gaming establishment or on the business premises  
650 appurtenant to any such licensed gaming establishment during any  
651 period of time in which such licensed gaming establishment is  
652 being constructed, repaired, maintained or operated in this state;  
653 (b) to install any gambling device, machine or equipment on the  
654 premises of any licensed gaming establishment; (c) to possess or  
655 control any gambling device, machine or equipment during the  
656 process of procuring or transporting such device, machine or  
657 equipment for installation on the premises of any licensed gaming  
658 establishment; or (d) to store in a warehouse or other storage  
659 facility any gambling device, machine, equipment, or part thereof,  
660 regardless of whether the county or municipality in which the  
661 warehouse or storage facility is located has approved gaming on  
662 the premises of any licensed gaming establishment, provided that  
663 such device, machine or equipment is operated only in a county or  
664 municipality that has approved gaming on the premises of any  
665 licensed gaming establishment. Any gambling device, machine or  
666 equipment that is owned, possessed, controlled, installed,  
667 procured, repaired, transported or stored in accordance with this  
668 subsection shall not be subject to confiscation, seizure or  
669 destruction. \* \* \* Any person, firm, partnership or corporation  
670 which owns, possesses, controls, installs, procures, repairs,  
671 transports or stores any gambling device, machine or equipment in  
672 accordance with this subsection shall not be subject to any  
673 prosecution or penalty under this section. Any person  
674 constructing or repairing licensed gaming establishments within a  
675 municipality shall comply with all municipal ordinances protecting  
676 the general health or safety of the residents of the municipality.

677 **SECTION 11.** Section 97-33-17, Mississippi Code of 1972, is  
678 amended as follows:

679 97-33-17. (1) All monies exhibited for the purpose of  
680 betting or alluring persons to bet at any game, and all monies  
681 staked or betted, shall be liable to seizure by any sheriff,

682 constable, or police officer, together with all the appliances  
683 used or kept for use in gambling, or by any other person; and all  
684 the monies so seized shall be accounted for by the person making  
685 the seizure, and all appliances seized shall be destroyed;  
686 provided, however, this section shall not apply to betting, gaming  
687 or wagering \* \* \* that is legal under the laws of the State of  
688 Mississippi.

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

693 **SECTION 12.** Section 97-33-25, Mississippi Code of 1972, is  
694 amended as follows:

695 97-33-25. If any person shall sell or buy, either directly  
696 or indirectly, any chance in what is commonly called pool, upon  
697 any event whatever, or shall in any manner engage in such business  
698 or pastime, he shall be fined not more than Five Hundred Dollars  
699 (\$500.00) or shall be imprisoned in the county jail not more than  
700 ninety (90) days; provided, however, this section shall not apply  
701 to betting, gaming or wagering \* \* \* that is legal under the laws  
702 of the State of Mississippi.

703 **SECTION 13.** Section 97-33-27, Mississippi Code of 1972, is  
704 amended as follows:

705 97-33-27. If any person shall bet on a horse race or a yacht  
706 race or on a shooting match, he shall be fined not more than Five  
707 Hundred Dollars (\$500.00), and, unless the fine and costs be  
708 immediately paid, he shall be imprisoned in the county jail not  
709 more than ninety (90) days; provided, however, this section shall  
710 not apply to betting, gaming or wagering \* \* \* that is legal under  
711 the laws of the State of Mississippi.

712 **SECTION 14.** Section 1-3-31, Mississippi Code of 1972, is  
713 amended as follows:

714 1-3-31. \* \* \* All rivers, creeks and bayous in this state,  
715 twenty-five (25) miles in length, and having sufficient depth and  
716 width of water for thirty (30) consecutive days in the year to  
717 float a steamboat with carrying capacity of two hundred (200)  
718 bales of cotton, are navigable waters of this state and public  
719 highways.

720 **SECTION 15.** Section 25-4-119, Mississippi Code of 1972, is  
721 amended as follows:

722 25-4-119. No elected or appointed official shall derive any  
723 pecuniary benefit, directly or indirectly, as a result of such  
724 elected or appointed official's duties under Sections  
725 21-19-33, \* \* \* 67-1-71, 87-1-5, 95-3-25, 97-33-1, 97-33-7,  
726 97-33-9, 97-33-17, 97-33-25 and 97-33-27. Any person convicted of  
727 a violation of this section shall be punished pursuant to the  
728 provisions of Article 3, Chapter 4, Title 25, Mississippi Code of  
729 1972.

730 **SECTION 16.** Section 51-1-1, Mississippi Code of 1972, is  
731 amended as follows:

732 51-1-1. \* \* \* All rivers, creeks and bayous in this state,  
733 twenty-five (25) miles in length, that have sufficient depth and  
734 width of water for thirty (30) consecutive days in the year for  
735 floating a steamboat with carrying capacity of two hundred (200)  
736 bales of cotton are hereby declared to be navigable waters of this  
737 state.

738 **SECTION 17.** Sections 27-109-1, 27-109-3, 27-109-5, 27-109-7,  
739 27-109-9, 27-109-11, 27-109-13 and 27-109-15, Mississippi Code of  
740 1972, which provided for the licensing and regulation by the State  
741 Tax Commission of cruise vessels and vessels upon which legal  
742 gaming is conducted, are repealed.

743 **SECTION 18.** The Attorney General of the State of Mississippi  
744 shall submit Section 1 of this act, immediately upon approval by  
745 the Governor, or upon approval by the Legislature subsequent to a  
746 veto, to the Attorney General of the United States or to the

747 United States District Court for the District of Columbia in  
748 accordance with the provisions of the Voting Rights Act of 1965,  
749 as amended and extended.

750         **SECTION 19.** Section 1 of this act shall take effect and be  
751 in force from and after the date it is effectuated under Section 5  
752 of the Voting Rights Act of 1965, as amended and extended.

753 Sections 2 through 17 of this act shall take effect and be in  
754 force from and after its passage.