

By: Representative Smith (27th)

To: Gaming; Ways and Means

HOUSE BILL NO. 385

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

616 Provided, however, that pinball machines which do not return to
617 the operator or player thereof anything but free additional games
618 or plays shall not be deemed to be gambling devices, and neither
619 this section nor any other law shall be construed to prohibit
620 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 (5) Notwithstanding any provision of this section to the
646 contrary, it shall not be unlawful (a) to own, possess, repair or
647 control any gambling device, machine or equipment on the premises
648 of any licensed gaming establishment or on the business premises

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

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

678 97-33-17. (1) All monies exhibited for the purpose of
679 betting or alluring persons to bet at any game, and all monies
680 staked or betted, shall be liable to seizure by any sheriff,
681 constable, or police officer, together with all the appliances

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

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

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

694 97-33-25. If any person shall sell or buy, either directly
695 or indirectly, any chance in what is commonly called pool, upon
696 any event whatever, or shall in any manner engage in such business
697 or pastime, he shall be fined not more than Five Hundred Dollars
698 (\$500.00) or shall be imprisoned in the county jail not more than
699 ninety (90) days; provided, however, this section shall not apply
700 to betting, gaming or wagering * * * that is legal under the laws
701 of the State of Mississippi.

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

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

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

713 1-3-31. * * * All rivers, creeks and bayous in this state,
714 twenty-five (25) miles in length, and having sufficient depth and

715 width of water for thirty (30) consecutive days in the year to
716 float a steamboat with carrying capacity of two hundred (200)
717 bales of cotton, are navigable waters of this state and public
718 highways.

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

721 25-4-119. No elected or appointed official shall derive any
722 pecuniary benefit, directly or indirectly, as a result of such
723 elected or appointed official's duties under Sections
724 21-19-33, * * * 67-1-71, 87-1-5, 95-3-25, 97-33-1, 97-33-7,
725 97-33-9, 97-33-17, 97-33-25 and 97-33-27. Any person convicted of
726 a violation of this section shall be punished pursuant to the
727 provisions of Article 3, Chapter 4, Title 25, Mississippi Code of
728 1972.

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

731 51-1-1. * * * All rivers, creeks and bayous in this state,
732 twenty-five (25) miles in length, that have sufficient depth and
733 width of water for thirty (30) consecutive days in the year for
734 floating a steamboat with carrying capacity of two hundred (200)
735 bales of cotton are hereby declared to be navigable waters of this
736 state.

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

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

747 accordance with the provisions of the Voting Rights Act of 1965,
748 as amended and extended.

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

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