

By: Representative Guice

To: Gaming; Ways and Means

## HOUSE BILL NO. 1045

1 AN ACT TO CREATE A STATE LOTTERY; TO PROVIDE THAT THE STATE  
2 LOTTERY SHALL BE ADMINISTERED BY THE MISSISSIPPI GAMING  
3 COMMISSION; TO PROVIDE THE POWERS AND DUTIES OF THE MISSISSIPPI  
4 GAMING COMMISSION REGARDING THE STATE LOTTERY; TO PROVIDE FOR THE  
5 DISPOSITION OF PROCEEDS RECEIVED FROM THE SALE OF LOTTERY TICKETS  
6 AND REQUIRE THAT FIFTY PERCENT OF THE PROCEEDS SHALL BE DEPOSITED  
7 INTO THE GENERAL FUND; TO AMEND SECTIONS 67-1-71, 75-76-3,  
8 75-76-5, 97-33-9, 97-33-11, 97-33-13, 97-33-21, 97-33-23,  
9 97-33-31, 97-33-33, 97-33-35, 97-33-37, 97-33-39, 97-33-41,  
10 97-33-43, 97-33-45, 97-33-47 AND 97-33-49, MISSISSIPPI CODE OF  
11 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
12 PURPOSES.

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

14 **SECTION 1.** As used in Sections 1 through 3 of this act, the  
15 following words and phrases shall have the meanings ascribed in  
16 this section unless the context clearly indicates otherwise:

17 (a) "Commission" means the Mississippi Gaming  
18 Commission.

19 (b) "Distributor" means any person authorized by the  
20 Mississippi Gaming Commission to distribute lottery tickets to  
21 retailers. A person having a gaming license issued under Section  
22 75-76-1 et seq., may be a distributor.

23 (c) "Lottery" means any activity approved by the  
24 Mississippi Gaming Commission in which:

25 (i) The player or players pay or agree to pay  
26 something of value for chances, represented and differentiated by  
27 tickets, slips of paper or other physical and tangible  
28 documentation upon which appear numbers, symbols, characters or  
29 other distinctive marks used to identify and designate the winner  
30 or winners;

31 (ii) The winning chance or chances are to be  
32 determined by a drawing or similar selection method based

33 predominately upon the element of chance or random selection  
34 rather than upon the skill or judgment of the player or players;

35 (iii) The holder or holders of the winning chance  
36 or chances are to receive a prize or something of valuable  
37 consideration; and

38 (iv) The activity is conducted and participated in  
39 without regard to geographical location, with the player or  
40 players not being required to be present upon any particular  
41 premises or at any particular location in order to participate or  
42 to win.

43 (d) "Person" means any association, corporation, firm,  
44 partnership, trust or other form or business association as well  
45 as a natural person.

46 (e) "Retailer" means any person authorized by the  
47 Mississippi Gaming Commission to sell lottery tickets to the  
48 public. A person having a gaming license issued under Section  
49 75-76-1 et seq., may be a retailer if located in a county that has  
50 elected to participate in the state lottery.

51 **SECTION 2.** (1) There is created and established a state  
52 lottery.

53 (2) The Mississippi Gaming Commission shall administer the  
54 state lottery and shall have the authority to:

55 (a) Prescribe the method and form of application which  
56 an applicant for a distributor's license or retailer's license, or  
57 both, must follow and complete before consideration of his  
58 application by the commission;

59 (b) Prescribe guidelines for the review of applications  
60 for licenses and the approval or disapproval of such applications;

61 (c) Require an applicant to pay all or any part of the  
62 costs of investigation of such applicant as may be determined by  
63 the commission, except that no applicant for an initial license  
64 shall be required to pay any part of the costs of the  
65 investigation of the applicant with regard to the initial license;

66 (d) Prescribe the manner and method of issuance of  
67 licenses;

68 (e) Prescribe conditions under which a licensee may be  
69 subject to or revocation or suspension of his license;

70 (f) Prescribe guidelines regarding the conduct of  
71 specific lottery games including, but not limited to:

72 (i) The types of games to be conducted;

73 (ii) The sale price of tickets;

74 (iii) The number and amount of prizes;

75 (iv) The method and location of selecting or  
76 validating winning tickets;

77 (v) The frequency and means of conducting drawings  
78 which shall be open to the public;

79 (vi) The manner of payment of prizes;

80 (vii) The frequency of games and drawings; and

81 (viii) Any other matters necessary or desirable  
82 for the efficient and effective operation of lottery games;

83 (g) Enter into contracts with distributors for the  
84 distribution of lottery ticket to retailers; and

85 (h) Take any and all action necessary for the  
86 implementation and administration of the provisions of Sections 1  
87 and 2 of this act and promulgate rules and regulations necessary  
88 for the implementation and administration of the provisions of  
89 Sections 1 and 2 of this act.

90 (3) No ticket shall knowingly be sold to any person under  
91 the age of eighteen (18), but this subsection (3) does not  
92 prohibit the purchase of a ticket by a person eighteen (18) years  
93 of age or older for the purpose of making a gift to any person of  
94 any age. In such case, the commission shall direct payment to an  
95 adult member of the person's family or the legal guardian of the  
96 person on behalf of such person.

97 (4) The proceeds received from the actual sale of lottery  
98 tickets, less a reasonable percentage determined by the commission

99 to be retained by a retailer selling a ticket, shall be remitted  
100 to the commission on a monthly basis. The commission shall  
101 deposit the proceeds into the State Treasury on the day collected.  
102 At the end of each month, the commission shall certify the total  
103 proceeds collected from the sale of lottery tickets to the State  
104 Treasurer who shall distribute such collections as follows:

105 (a) Forty-five percent (45%) of the proceeds collected  
106 during the preceding month from the sale of lottery tickets in the  
107 state shall be allocated as prize money, to be distributed by the  
108 commission, provided that this provision shall not create any  
109 lien, entitlement, cause of action, or other private right, and  
110 any rights of holders of lottery tickets shall be determined by  
111 the commission in administering the lottery;

112 (b) Five percent (5%) of the proceeds collected during  
113 the preceding month from the sale of lottery tickets in the state  
114 shall be allocated for distribution to the commission and paid to  
115 the commission to defray the costs of administering the provisions  
116 of Sections 1 and 2 of this act;

117 (c) Fifty percent (50%) of the proceeds collected  
118 during the preceding month from the sale of lottery tickets in the  
119 state shall be deposited into the State General Fund.

120 **SECTION 3.** Section 67-1-71, Mississippi Code of 1972, is  
121 amended as follows:

122 67-1-71. The commission may revoke or suspend any permit  
123 issued by it for a violation by the permittee of any of the  
124 provisions of this chapter or of the regulations promulgated under  
125 it by the commission.

126 Permits must be revoked or suspended for the following  
127 causes:

128 (a) Conviction of the permittee for the violation of  
129 any of the provisions of this chapter;

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

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

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

139           (e) The possession on the premises of any retail  
140 permittee of any alcoholic beverages upon which the tax has not  
141 been paid;

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

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

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

151           (i) The conducting of any form of illegal gambling on  
152 the premises of any permittee or on any premises connected  
153 therewith or the presence on any such premises of any gambling  
154 device with the knowledge of the permittee.

155           The provisions of paragraph (i) of this section shall not  
156 apply to gambling or the presence of any gambling devices, with  
157 knowledge of the permittee, on board a cruise vessel in the waters  
158 within the State of Mississippi, which lie adjacent to the State  
159 of Mississippi south of the three (3) most southern counties in  
160 the State of Mississippi, or on any vessel as defined in Section  
161 27-109-1 whenever such vessel is on the Mississippi River or  
162 navigable waters within any county bordering on the Mississippi

163 River. The commission may, in its discretion, issue on-premises  
164 retailer's permits to a common carrier of the nature described in  
165 this paragraph.

166 The provisions of paragraph (i) of this section shall not  
167 apply to the operation of any game or lottery authorized by  
168 Sections 1 and 2 of House Bill No. \_\_\_\_, 2006 Regular Session.

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

172 In addition to the causes specified in this section and other  
173 provisions of this chapter, the commission shall be authorized to  
174 suspend the permit of any permit holder for being out of  
175 compliance with an order for support, as defined in Section  
176 93-11-153. The procedure for suspension of a permit for being out  
177 of compliance with an order for support, and the procedure for the  
178 reissuance or reinstatement of a permit suspended for that  
179 purpose, and the payment of any fees for the reissuance or  
180 reinstatement of a permit suspended for that purpose, shall be  
181 governed by Section 93-11-157 or 93-11-163, as the case may be.  
182 If there is any conflict between any provision of Section  
183 93-11-157 or 93-11-163 and any provision of this chapter, the  
184 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
185 shall control.

186 **SECTION 4.** Section 75-76-3, Mississippi Code of 1972, is  
187 amended as follows:

188 75-76-3. (1) The provisions of this chapter shall not be  
189 construed to legalize any form of gaming which is prohibited under  
190 the Mississippi Constitution or the laws of this state. All legal  
191 gaming which is conducted in this state and which is otherwise  
192 authorized by law shall be regulated and licensed pursuant to the  
193 provisions of this chapter, unless the Legislature specifically  
194 provides otherwise. Nothing in this chapter shall be construed as  
195 encouraging the legalization of gambling in this state.

196           (2) The Legislature hereby finds and declares that lotteries  
197 and gaming both consist of the material element of chance. The  
198 Legislature is \* \* \* permitted by virtue of its inherent powers to  
199 legislate upon lotteries and gaming as the occasion arises. The  
200 Legislature derives its power to legislate upon lotteries and  
201 gaming or gambling devices from its inherent authority over the  
202 morals and policy of the people \* \* \*.

203           (3) The Legislature hereby finds, and declares it to be the  
204 public policy of this state, that:

205                 (a) Regulation of lotteries and licensed gaming is  
206 important in order that it be conducted honestly and  
207 competitively, that the rights of the creditors of licensees are  
208 protected and that it is free from criminal and corruptive  
209 elements.

210                 (b) Public confidence and trust can only be maintained  
211 by strict regulation of all persons, locations, practices,  
212 associations and activities related to the operation of lotteries  
213 and licensed gaming establishments and the manufacture or  
214 distribution of gambling devices and equipment.

215                 (c) All establishments where lotteries or gaming, or  
216 both, is conducted and \* \* \* manufacturers, sellers and  
217 distributors of certain lottery and gaming devices and equipment  
218 must therefore be licensed, controlled and assisted to protect the  
219 public health, safety, morals, good order and general welfare of  
220 the inhabitants of the state.

221           (4) It is the intent of the Legislature that gaming  
222 licensees and any entity authorized to conduct a lottery, to the  
223 extent practicable, employ residents of Mississippi as \* \* \*  
224 employees \* \* \* in the operation of their \* \* \* establishments  
225 located in this state.

226           (5) No applicant for a license or other affirmative  
227 commission approval has any right to a license or the granting of  
228 the approval sought. Any license issued or other commission

229 approval granted pursuant to the provisions of this chapter is a  
230 revocable privilege, and no holder acquires any vested right  
231 therein or thereunder.

232 \* \* \*

233 **SECTION 5.** Section 75-76-5, Mississippi Code of 1972, is  
234 amended as follows:

235 75-76-5. As used in this chapter, unless the context  
236 requires otherwise:

237 (a) "Applicant" means any person who has applied for or  
238 is about to apply for a state gaming license, registration or  
239 finding of suitability under the provisions of this chapter or  
240 approval of any act or transaction for which approval is required  
241 or permitted under the provisions of this chapter.

242 (b) "Application" means a request for the issuance of a  
243 state gaming license, registration or finding of suitability under  
244 the provisions of this chapter or for approval of any act or  
245 transaction for which approval is required or permitted under the  
246 provisions of this chapter but does not include any supplemental  
247 forms or information that may be required with the application.

248 (c) "Associated equipment" means any equipment or  
249 mechanical, electromechanical or electronic contrivance, component  
250 or machine used remotely or directly in connection with gaming or  
251 with any game, race book or sports pool that would not otherwise  
252 be classified as a gaming device, including dice, playing cards,  
253 links which connect to progressive slot machines, equipment which  
254 affects the proper reporting of gross revenue, computerized  
255 systems of betting at a race book or sports pool, computerized  
256 systems for monitoring slot machines, and devices for weighing or  
257 counting money.

258 (d) "Chairman," through September 30, 1993, means the  
259 Chairman of the State Tax Commission, and thereafter means the  
260 Chairman of the Mississippi Gaming Commission.



261 (e) "Commission" or "Mississippi Gaming Commission,"  
262 through September 30, 1993, means the State Tax Commission, and  
263 thereafter means the Mississippi Gaming Commission.

264 (f) "Commission member," through September 30, 1993,  
265 means a member of the State Tax Commission, and thereafter means a  
266 member of the Mississippi Gaming Commission.

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

271 (h) "Enforcement division" means a particular division  
272 supervised by the executive director that provides enforcement  
273 functions.

274 (i) "Establishment" means any premises wherein or  
275 whereon any gaming is done.

276 (j) "Executive director," through September 30, 1993,  
277 means the director appointed by the State Tax Commission pursuant  
278 to Section 75-76-15(1), and thereafter means the Executive  
279 Director of the Mississippi Gaming Commission.

280 (k) Except as otherwise provided by law, "game," or  
281 "gambling game" means any banking or percentage game played with  
282 cards, with dice or with any mechanical, electromechanical or  
283 electronic device or machine for money, property, checks, credit  
284 or any representative of value, including, without limiting the  
285 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
286 twenty-one, blackjack, seven-and-a-half, big injun, klondike,  
287 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
288 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
289 or any other game or device approved by the commission. However,  
290 "game" or "gambling game" shall not include bingo games or raffles  
291 which are held pursuant to the provisions of Section 97-33-51, or  
292 any games or lottery authorized by Sections 1 and 2 of House Bill  
293 No. \_\_\_\_, 2006 Regular Session.

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

297           (1) "Gaming" or "gambling" means to deal, operate,  
298 carry on, conduct, maintain or expose for play any game as defined  
299 in this chapter.

300           (m) "Gaming device" means any mechanical,  
301 electromechanical or electronic contrivance, component or machine  
302 used in connection with gaming or any game which affects the  
303 result of a wager by determining win or loss. The term includes a  
304 system for processing information which can alter the normal  
305 criteria of random selection, which affects the operation of any  
306 game, or which determines the outcome of a game. The term does  
307 not include a system or device which affects a game solely by  
308 stopping its operation so that the outcome remains undetermined,  
309 and does not include any antique coin machine as defined in  
310 Section 27-27-12.

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

- 314           (i) Boxmen;
- 315           (ii) Cashiers;
- 316           (iii) Change personnel;
- 317           (iv) Counting room personnel;
- 318           (v) Dealers;
- 319           (vi) Floormen;
- 320           (vii) Hosts or other persons empowered to extend  
321 credit or complimentary services;
- 322           (viii) Keno runners;
- 323           (ix) Keno writers;
- 324           (x) Machine mechanics;
- 325           (xi) Security personnel;
- 326           (xii) Shift or pit bosses;

- 327                   (xiii) Shills;  
328                   (xiv) Supervisors or managers; and  
329                   (xv) Ticket writers.

330           The term "gaming employee" also includes employees of  
331 manufacturers or distributors of gaming equipment within this  
332 state whose duties are directly involved with the manufacture,  
333 repair or distribution of gaming equipment.

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

337           (o) "Gaming license" means any license issued by the  
338 state which authorizes the person named therein to engage in  
339 gaming.

340           (p) "Gross revenue" means the total of all of the  
341 following, less the total of all cash paid out as losses to  
342 patrons and those amounts paid to purchase annuities to fund  
343 losses paid to patrons over several years by independent financial  
344 institutions:

- 345                   (i) Cash received as winnings;  
346                   (ii) Cash received in payment for credit extended  
347 by a licensee to a patron for purposes of gaming; and  
348                   (iii) Compensation received for conducting any  
349 game in which the licensee is not party to a wager.

350           For the purposes of this definition, cash or the value of  
351 noncash prizes awarded to patrons in a contest or tournament are  
352 not losses.

353           The term does not include:

- 354                   (i) Counterfeit money or tokens;  
355                   (ii) Coins of other countries which are received  
356 in gaming devices;  
357                   (iii) Cash taken in fraudulent acts perpetrated  
358 against a licensee for which the licensee is not reimbursed; or

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

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

364 (r) "Investigation division" means a particular  
365 division supervised by the executive director that provides  
366 investigative functions.

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

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

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

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

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

379 (x) "Navigable waters" shall have the meaning ascribed  
380 to such term under Section 27-109-1.

381 (y) "Operation" means the conduct of gaming.

382 (z) "Party" means the Mississippi Gaming Commission and  
383 any licensee or other person appearing of record in any proceeding  
384 before the commission; or the Mississippi Gaming Commission and  
385 any licensee or other person appearing of record in any proceeding  
386 for judicial review of any action, decision or order of the  
387 commission.

388 (aa) "Person" includes any association, corporation,  
389 firm, partnership, trust or other form of business association as  
390 well as a natural person.

391 (bb) "Premises" means land, together with all  
392 buildings, improvements and personal property located thereon, and  
393 includes all parts of any vessel or cruise vessel.

394 (cc) "Race book" means the business of accepting wagers  
395 upon the outcome of any event held at a track which uses the  
396 pari-mutuel system of wagering.

397 (dd) "Regulation" means a rule, standard, directive or  
398 statement of general applicability which effectuates law or policy  
399 or which describes the procedure or requirements for practicing  
400 before the commission. The term includes a proposed regulation  
401 and the amendment or repeal of a prior regulation but does not  
402 include:

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

406 (ii) A declaratory ruling;

407 (iii) An interagency memorandum;

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

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

412 (ee) "Respondent" means any licensee or other person  
413 against whom a complaint has been filed with the commission.

414 (ff) "Slot machine" means any mechanical, electrical or  
415 other device, contrivance or machine which, upon insertion of a  
416 coin, token or similar object, or upon payment of any  
417 consideration, is available to play or operate, the play or  
418 operation of which, whether by reason of the skill of the operator  
419 or application of the element of chance, or both, may deliver or  
420 entitle the person playing or operating the machine to receive  
421 cash, premiums, merchandise, tokens or anything of value, whether  
422 the payoff is made automatically from the machine or in any other

423 manner. The term does not include any antique coin machine as  
424 defined in Section 27-27-12.

425 (gg) "Sports pool" means the business of accepting  
426 wagers on sporting events, except for athletic events, by any  
427 system or method of wagering other than the system known as the  
428 "pari-mutuel method of wagering."

429 (hh) "Temporary work permit" means a work permit which  
430 is valid only for a period not to exceed ninety (90) days from its  
431 date of issue and which is not renewable.

432 (ii) "Vessel" or "cruise vessel" shall have the  
433 meanings ascribed to such terms under Section 27-109-1.

434 (jj) "Work permit" means any card, certificate or  
435 permit issued by the commission, whether denominated as a work  
436 permit, registration card or otherwise, authorizing the employment  
437 of the holder as a gaming employee. A document issued by any  
438 governmental authority for any employment other than gaming is not  
439 a valid work permit for the purposes of this chapter.

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

443 (ll) "Cheat" means to alter the selection of criteria  
444 that determine:

445 (i) The rules of a game; or

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

447 **SECTION 6.** Section 97-33-9, Mississippi Code of 1972, is  
448 amended as follows:

449 97-33-9. If any person shall be guilty of keeping or  
450 exhibiting any game or gaming table commonly called A.B.C. or E.O.  
451 roulette or rowley-powley, or rouge et noir, roredo, keno, monte,  
452 or any faro-bank, or other game, gaming table, or bank of the same  
453 or like kind or any other kind or description under any other name  
454 whatever, or shall be in any manner either directly or indirectly  
455 interested or concerned in any gaming tables, banks, or games,

456 either by furnishing money or articles for the purpose of carrying  
457 on the same, being interested in the loss or gain of said table,  
458 bank or games, or employed in any manner in conducting, carrying  
459 on, or exhibiting said gaming tables, games, or banks, every  
460 person so offending and being thereof convicted, shall be fined  
461 not less than Twenty-five Dollars (\$25.00) nor more than Two  
462 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail  
463 not longer than two (2) months, or by both such fine and  
464 imprisonment, in the discretion of the court. Nothing in this  
465 section shall apply to any person who owns, possesses, controls,  
466 installs, procures, repairs or transports any gambling device,  
467 machine or equipment in accordance with subsection (4) of Section  
468 97-33-7 or Section 75-76-34.

469 This section shall not apply to the operation of any game or  
470 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
471 Regular Session.

472 **SECTION 7.** Section 97-33-11, Mississippi Code of 1972, is  
473 amended as follows:

474 97-33-11. It shall not be lawful for any association of  
475 persons of the character commonly known as a "club," whether such  
476 association be incorporated or not, in any manner, either directly  
477 or indirectly, to have any interest or concern in any gambling  
478 tables, banks, or games, by means of what is sometimes called a  
479 "rake-off" or "take-out," or by means of an assessment upon  
480 certain combinations, or hands at cards, or by means of a  
481 percentage extracted from players, or an assessment made upon, or  
482 a contribution from them, or by any other means, device or  
483 contrivance whatsoever. It shall not be lawful for such an  
484 association to lend or advance money or any other valuable thing  
485 to any person engaged or about to engage in playing any game of  
486 chance prohibited by law, or to become responsible directly or  
487 indirectly for any money or other valuable thing lost, or which  
488 may be lost, by any player in any such game. If any such

489 association shall violate any of the provisions of this section  
490 each and every member thereof shall be guilty of a misdemeanor,  
491 and, upon conviction thereof shall be fined in a sum not more than  
492 Five Hundred Dollars (\$500.00); and unless such fine and costs be  
493 immediately paid, shall be imprisoned in the county jail for not  
494 less than five (5) nor more than twenty (20) days. Each grand  
495 jury shall cause such of the members of such an association as it  
496 may choose to appear before them and submit to examination  
497 touching the observance or nonobservance by such association of  
498 the provisions hereof.

499 This section shall not apply to the operation of any game or  
500 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
501 Regular Session.

502 **SECTION 8.** Section 97-33-13, Mississippi Code of 1972, is  
503 amended as follows:

504 97-33-13. Any owner, lessee, or occupant of any outhouse or  
505 other building, who shall knowingly permit or suffer any of the  
506 before mentioned tables, banks, or games, or any other game  
507 prohibited by law, to be carried on, kept, or exhibited in his  
508 said house or other building, or on his lot or premises, being  
509 thereof convicted, shall be fined not less than One Hundred  
510 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

511 This section shall not apply to the operation of any game or  
512 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
513 Regular Session.

514 **SECTION 9.** Section 97-33-21, Mississippi Code of 1972, is  
515 amended as follows:

516 97-33-21. Any person of full age who shall bet any money or  
517 thing of any value with a minor, or allow a minor to bet at any  
518 game or gaming-table exhibited by him, or in which he is  
519 interested or in any manner concerned, on conviction thereof,  
520 shall be fined not less than Three Hundred Dollars (\$300.00) and  
521 imprisoned not less than three (3) months.



522       This section shall apply to minors under the age of eighteen  
523 (18) with regard to the operation of any game or lottery  
524 authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006 Regular  
525 Session.

526       **SECTION 10.** Section 97-33-23, Mississippi Code of 1972, is  
527 amended as follows:

528       97-33-23. Any person of full age who shall bet any money or  
529 thing of value with a minor, knowing such minor to be under the  
530 age of twenty-one (21) years, or allowing any such minor to bet at  
531 any game or games, or at any gaming-table exhibited by him, or in  
532 which he is interested or in any manner concerned, on conviction  
533 thereof, shall be punished by imprisonment in the Penitentiary not  
534 exceeding two (2) years.

535       This section shall apply to minors under the age of eighteen  
536 (18) with regard to the operation of any game or lottery  
537 authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006 Regular  
538 Session.

539       **SECTION 11.** Section 97-33-31, Mississippi Code of 1972, is  
540 amended as follows:

541       97-33-31. If any person, in order to raise money for himself  
542 or another, or for any purpose whatever, shall publicly or  
543 privately put up a lottery to be drawn or adventured for, he  
544 shall, on conviction, be imprisoned in the Penitentiary not  
545 exceeding five (5) years.

546       This section shall not apply to the operation of any game or  
547 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
548 Regular Session.

549       **SECTION 12.** Section 97-33-33, Mississippi Code of 1972, is  
550 amended as follows:

551       97-33-33. If any person shall in any way advertise any  
552 lottery whatever, no matter where located, or shall knowingly have  
553 in his possession any posters or other lottery advertisements of  
554 any kind save a regularly issued newspaper containing such an

555 advertisement without intent to circulate the same as an  
556 advertisement he shall, on conviction, be fined not less than  
557 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars  
558 (\$100.00), or be imprisoned in the county jail not exceeding three  
559 (3) months, or both.

560 This section shall not apply to the operation of any game or  
561 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
562 Regular Session.

563 **SECTION 13.** Section 97-33-35, Mississippi Code of 1972, is  
564 amended as follows:

565 97-33-35. If any newspaper published or circulated in this  
566 state shall contain an advertisement of any lottery whatever, or  
567 any matter intended to advertise a lottery, no matter where  
568 located, the editor or editors, publisher or publishers, and the  
569 owner or owners thereof permitting the same, shall be guilty of a  
570 misdemeanor, and, on conviction, shall be fined not less than One  
571 Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
572 (\$1,000.00), and be imprisoned in the county jail not less than  
573 ten (10) days nor more than three (3) months, for each offense.  
574 The issuance of each separate daily or weekly edition of the  
575 newspaper that shall contain such an advertisement shall be  
576 considered a separate offense.

577 This section shall not apply to the operation of any game or  
578 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
579 Regular Session.

580 **SECTION 14.** Section 97-33-37, Mississippi Code of 1972, is  
581 amended as follows:

582 97-33-37. If any newsdealer or other person shall, directly  
583 or indirectly, sell or offer for sale any newspaper or other  
584 publication containing a lottery advertisement, he shall be guilty  
585 of a misdemeanor, and upon conviction, shall be fined not less  
586 than Ten Dollars (\$10.00) or imprisoned not less than ten (10)  
587 days or both.

588       This section shall not apply to the operation of any game or  
589 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
590 Regular Session.

591       **SECTION 15.** Section 97-33-39, Mississippi Code of 1972, is  
592 amended as follows:

593       97-33-39. If any person shall sell, or offer or expose for  
594 sale, any lottery ticket, whether the lottery be in or out of this  
595 state, or for or in any other state, territory, district, or  
596 country, he shall, on conviction, be fined not less than  
597 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars  
598 (\$100.00), or imprisoned in the county jail not less than ten (10)  
599 days nor more than sixty (60) days, or both.

600       This section shall not apply to the operation of any game or  
601 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
602 Regular Session.

603       **SECTION 16.** Section 97-33-41, Mississippi Code of 1972, is  
604 amended as follows:

605       97-33-41. If any person shall buy in this state any lottery  
606 ticket, whether the lottery be in or out of this state, or of or  
607 in any other state, territory, district, or country, he shall, on  
608 conviction, be fined not less than Five Dollars (\$5.00) nor more  
609 than Twenty-five Dollars (\$25.00), or be imprisoned in the county  
610 jail not exceeding ten (10) days, or both.

611       This section shall not apply to the operation of any game or  
612 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
613 Regular Session.

614       **SECTION 17.** Section 97-33-43, Mississippi Code of 1972, is  
615 amended as follows:

616       97-33-43. If any railroad company shall suffer or permit the  
617 sale of a lottery ticket of any kind on its cars, or at its depots  
618 or depot grounds, or by its employees, no matter where the lottery  
619 is located, it shall be guilty of a misdemeanor, and, on  
620 conviction shall be fined not less than Twenty Dollars (\$20.00)

621 nor more than One Hundred Dollars (\$100.00) for every such ticket  
622 so sold.

623 This section shall not apply to the operation of any game or  
624 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
625 Regular Session.

626 **SECTION 18.** Section 97-33-45, Mississippi Code of 1972, is  
627 amended as follows:

628 97-33-45. If the owner or owners of any steamboat shall  
629 suffer or permit the sale of a lottery ticket of any kind on his  
630 or their boat, or by his or their employees, no matter where the  
631 lottery is located, he or they shall be guilty of a misdemeanor,  
632 and shall, on conviction, be punished as prescribed in Section  
633 97-33-43.

634 This section shall not apply to the operation of any game or  
635 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
636 Regular Session.

637 **SECTION 19.** Section 97-33-47, Mississippi Code of 1972, is  
638 amended as follows:

639 97-33-47. If any person shall act as agent for any lottery  
640 or lottery company, no matter where domiciled or located, or if he  
641 shall assume to so act as agent, or if he receive any money or  
642 other thing for any such lottery or lottery company, or deliver to  
643 any person any ticket or tickets, prize or prizes, or other thing  
644 from such lottery or lottery company, he shall, on conviction, be  
645 fined not less than One Hundred Dollars (\$100.00), nor more than  
646 Five Hundred Dollars (\$500.00), and be imprisoned in the county  
647 jail not less than three (3) months nor more than six (6) months.

648 This section shall not apply to the operation of any game or  
649 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
650 Regular Session.

651 **SECTION 20.** Section 97-33-49, Mississippi Code of 1972, is  
652 amended as follows:

653           97-33-49. Except as otherwise provided in Section 97-33-51,  
654 if any person, in order to raise money for himself or another,  
655 shall publicly or privately put up or in any way offer any prize  
656 or thing to be raffled or played for, he shall, on conviction, be  
657 fined not more than Twenty Dollars (\$20.00), or be imprisoned not  
658 more than one (1) month in the county jail.

659           This section shall not apply to the operation of any game or  
660 lottery authorized by Sections 1 and 2 of House Bill No. \_\_\_\_, 2006  
661 Regular Session.

662           **SECTION 21.** This act shall take effect and be in force from  
663 and after July 1, 2006.