

By: Representative Moak

To: Gaming; Appropriations

HOUSE BILL NO. 235

1 AN ACT TO AUTHORIZE THE MISSISSIPPI GAMING COMMISSION TO MAKE
2 CERTAIN EXPENDITURES FROM THE STATE GENERAL FUND WITHOUT AN
3 APPROPRIATION BILL TO FUND ESSENTIAL OPERATIONS AND PERSONNEL OF
4 THE COMMISSION IF THE LEGISLATURE DURING ANY REGULAR SESSION FAILS
5 TO ENACT AN APPROPRIATION BILL TO FUND THE OPERATIONS OF THE
6 COMMISSION FOR THE NEXT FISCAL YEAR; TO AMEND SECTIONS 75-76-15
7 AND 75-76-21, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
8 PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** (1) If the Legislature during any regular
11 session fails to enact an appropriation bill that would fund the
12 operations of the Mississippi Gaming Commission for the next
13 fiscal year, then the executive director of the commission may
14 make expenditures during the next fiscal year from monies in the
15 State General Fund not otherwise appropriated to fund those
16 operations and personnel of the commission that the executive
17 director determines to be essential. Those expenditures may be
18 made without the authority of an appropriation bill, but shall not
19 exceed the amounts that were appropriated to the commission for
20 the same purposes during the preceding fiscal year. In making
21 those expenditures, the executive director shall otherwise comply
22 with the provisions of budget laws and follow the normal budget
23 procedures as if the expenditures were being made under the
24 authority of an appropriation bill.

25 (2) The authority of the executive director under this
26 section to make expenditures from the State General Fund without
27 an appropriation bill shall cease after the Legislature has
28 enacted an appropriation bill at any extraordinary or regular
29 session to fund the operations of the commission for the fiscal
30 year for which expenditures would be made under this section.



31 **SECTION 2.** Section 75-76-15, Mississippi Code of 1972, is
32 amended as follows:

33 75-76-15. (1) * * * The position of Executive Director of
34 the Mississippi Gaming Commission is * * * created. * * *

35 The Gaming Commission shall appoint the executive director, with
36 the advice and consent of the Senate, and the executive director
37 shall serve at the will and pleasure of the commission. * * *

38 (2) No member of the Legislature, no person holding any
39 elective office, nor any officer or official of any political
40 party is eligible for the appointment of executive director.

41 (3) The executive director must have at least five (5) years
42 of responsible administrative experience in public or business
43 administration or possess broad management skills.

44 (4) The executive director shall devote his entire time and
45 attention to his duties under this chapter and the business of the
46 commission and shall not pursue any other business or occupation
47 or hold any other office of profit.

48 (5) The executive director shall not be pecuniarily
49 interested in any business or organization holding a gaming
50 license under this chapter or doing business with any person or
51 organization licensed under this chapter.

52 (6) The executive director is entitled to an annual salary
53 in the amount specified by the commission, subject to the approval
54 of the State Personnel Board, within the limits of legislative
55 appropriations or authorizations or the expenditures authorized
56 under Section 1 of this act.

57 **SECTION 3.** Section 75-76-21, Mississippi Code of 1972, is
58 amended as follows:

59 75-76-21. (1) The executive director in pursuit of the
60 attainment of the objectives and the purposes of this chapter may:

61 (a) Sue and be sued on behalf of the commission;



62 (b) Acquire real property in accordance with statutory
63 procedure and make improvements thereon on behalf of the
64 commission;

65 (c) Make, execute and effectuate any and all agreements
66 or contracts, including contracts for the purchase of goods and
67 services as are necessary;

68 (d) Employ the services of such persons as he considers
69 necessary for the purposes of consultation or investigation and
70 fix the salaries of or contract for the services of such legal,
71 professional, technical and operational personnel and consultants,
72 subject to applicable provisions of the State Personnel Board.
73 For the purpose of implementing the provisions of this chapter,
74 additional legal assistance may be retained only with the approval
75 of the Attorney General;

76 (e) Acquire such furnishings, equipment, supplies,
77 stationery, books, and all other things as he may deem necessary
78 or desirable in carrying out his functions; and

79 (f) Perform such other duties which he may deem
80 necessary to effectuate the purposes of this chapter.

81 (2) Except as otherwise provided in this chapter, all costs
82 of administration incurred by the executive director and his
83 employees shall be paid out on claims from the State Treasury in
84 the same manner as other claims against the state are paid or in
85 the manner authorized under Section 1 of this act.

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87 **SECTION 4.** This act shall take effect and be in force from
88 and after its passage.

