

By: Representative Moak

To: Gaming

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1544

1 AN ACT TO AMEND SECTIONS 75-76-5, 75-76-7, 75-76-9, 75-76-11,
2 75-76-13, 75-76-15, 75-76-17, 75-76-21, 75-76-33, 75-76-87 AND
3 75-76-101, MISSISSIPPI CODE OF 1972, TO REMOVE OBSOLETE LANGUAGE
4 REFERRING TO THE TIME-LIMITED AUTHORITY POSSESSED BY THE STATE TAX
5 COMMISSION BEFORE OCTOBER 1, 1993, TO REGULATE ACTIVITIES GOVERNED
6 BY THE GAMING CONTROL ACT; TO CONFIRM CERTAIN PROVISIONS OF THE
7 GAMING CONTROL ACT AUTHORIZING SPECIFIC GAMING ACTIVITIES REFERRED
8 TO IN THE ACT; TO CLARIFY DEFINITIONS UNDER THE ACT; TO PROVIDE
9 THAT THE MISSISSIPPI GAMING COMMISSION SHALL ADOPT REGULATIONS
10 PRESCRIBING THE MANNER IN WHICH A GAMING LICENSEE MAY CONDUCT
11 CERTAIN ACTIVITIES AUTHORIZED UNDER THE ACT; AND FOR RELATED
12 PURPOSES.

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

14 **SECTION 1.** Section 75-76-5, Mississippi Code of 1972, is
15 amended as follows:

16 75-76-5. As used in this chapter, unless the context
17 requires otherwise:

18 (a) "Applicant" means any person who has applied for or
19 is about to apply for a state gaming license, registration or
20 finding of suitability under the provisions of this chapter or
21 approval of any act or transaction for which approval is required
22 or permitted under the provisions of this chapter.

23 (b) "Application" means a request for the issuance of a
24 state gaming license, registration or finding of suitability under
25 the provisions of this chapter or for approval of any act or
26 transaction for which approval is required or permitted under the
27 provisions of this chapter but does not include any supplemental
28 forms or information that may be required with the application.

29 (c) "Associated equipment" means any equipment or
30 mechanical, electromechanical or electronic contrivance, component
31 or machine used remotely or directly in connection with gaming or
32 with any game, race book or sports pool that would not otherwise

33 be classified as a gaming device, including dice, playing cards,
34 links which connect to progressive slot machines, equipment which
35 affects the proper reporting of gross revenue, computerized
36 systems of betting at a race book or sports pool, computerized
37 systems for monitoring slot machines, and devices for weighing or
38 counting money.

39 (d) "Chairman" * * * means the * * * Chairman of the
40 Mississippi Gaming Commission.

41 (e) "Commission" * * * means the * * * Mississippi
42 Gaming Commission.

43 (f) "Commission member" * * * means a member of the
44 Mississippi Gaming Commission.

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

49 (h) "Enforcement division" means a particular division
50 supervised by the executive director that provides enforcement
51 functions.

52 (i) "Establishment" means any premises wherein or
53 whereon any gaming is done.

54 (j) "Executive director" * * * means the Executive
55 Director of the Mississippi Gaming Commission.

56 (k) Except as otherwise provided by under this chapter,
57 "game," or "gambling game" means any banking or percentage game
58 played with cards, with dice or with any mechanical,
59 electromechanical or electronic device or machine for money,
60 property, checks, credit or any representative of value,
61 including, without limiting the generality of the foregoing, faro,
62 monte, roulette, keno, fan-tan, twenty-one, blackjack,
63 seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck
64 (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow,
65 beat the banker, panguingui, slot machine, or any other game or

66 device approved by the commission. However, "game" or "gambling
67 game" shall not include bingo games or raffles which are held
68 pursuant to the provisions of Chapter 33, Title 97, Mississippi
69 Code of 1972.

70 The commission shall not be required to recognize any game
71 that is not authorized under this chapter, or with respect to
72 which the commission determines it does not have sufficient
73 experience or expertise.

74 (l) "Gaming" or "gambling" means to deal, operate,
75 carry on, conduct, maintain or expose for play any game or
76 activity that is legal in the state as defined and provided for in
77 this chapter.

78 (m) "Gaming device" means any mechanical,
79 electromechanical or electronic contrivance, component or machine
80 used in connection with gaming or any game which affects the
81 result of a wager by determining win or loss. The term includes a
82 system for processing information which can alter the normal
83 criteria of random selection, which affects the operation of any
84 game, or which determines the outcome of a game. The term does
85 not include a system or device which affects a game solely by
86 stopping its operation so that the outcome remains undetermined,
87 and does not include any antique coin machine as defined in
88 Section 27-27-12.

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

- 92 (i) Boxmen;
- 93 (ii) Cashiers;
- 94 (iii) Change personnel;
- 95 (iv) Counting room personnel;
- 96 (v) Dealers;
- 97 (vi) Floormen;

98 (vii) Hosts or other persons empowered to extend
99 credit or complimentary services;
100 (viii) Keno runners;
101 (ix) Keno writers;
102 (x) Machine mechanics;
103 (xi) Security personnel;
104 (xii) Shift or pit bosses;
105 (xiii) Shills;
106 (xiv) Supervisors or managers; and
107 (xv) Ticket writers.

108 The term "gaming employee" also includes employees of
109 manufacturers or distributors of gaming equipment within this
110 state whose duties are directly involved with the manufacture,
111 repair or distribution of gaming equipment.

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

115 (o) "Gaming license" means any license issued by the
116 state which authorizes the person named therein to engage in
117 gaming.

118 (p) "Gross revenue" means the total of all of the
119 following, less the total of all cash paid out as losses to
120 patrons and those amounts paid to purchase annuities to fund
121 losses paid to patrons over several years by independent financial
122 institutions:

123 (i) Cash received as winnings;
124 (ii) Cash received in payment for credit extended
125 by a licensee to a patron for purposes of gaming; and
126 (iii) Compensation received for conducting any
127 game in which the licensee is not party to a wager.

128 For the purposes of this definition, cash or the value of
129 noncash prizes awarded to patrons in a contest or tournament are
130 not losses.

131 The term does not include:

132 (i) Counterfeit money or tokens;

133 (ii) Coins of other countries which are received
134 in gaming devices;

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

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

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

142 (r) "Investigation division" means a particular
143 division supervised by the executive director that provides
144 investigative functions.

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

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

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

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

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

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

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

160 (z) "Party" means the Mississippi Gaming Commission and
161 any licensee or other person appearing of record in any proceeding
162 before the commission; or the Mississippi Gaming Commission and
163 any licensee or other person appearing of record in any proceeding

164 for judicial review of any action, decision or order of the
165 commission.

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

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

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

175 (dd) "Regulation" means a rule, standard, directive or
176 statement of general applicability which effectuates law or policy
177 or which describes the procedure or requirements for practicing
178 before the commission and for conducting any gaming that is
179 regulated under this chapter by the commission. The term includes
180 a proposed regulation and the amendment or repeal of a prior
181 regulation but does not include:

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

185 (ii) A declaratory ruling;

186 (iii) An interagency memorandum;

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

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

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

193 (ff) "Slot machine" means any mechanical, electrical or
194 other device, contrivance or machine which, upon insertion of a
195 coin, token or similar object, or upon payment of any
196 consideration, is available to play or operate, the play or

197 operation of which, whether by reason of the skill of the operator
198 or application of the element of chance, or both, may deliver or
199 entitle the person playing or operating the machine to receive
200 cash, premiums, merchandise, tokens or anything of value, whether
201 the payoff is made automatically from the machine or in any other
202 manner. The term does not include any antique coin machine as
203 defined in Section 27-27-12.

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

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

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

213 (jj) "Work permit" means any card, certificate or
214 permit issued by the commission, whether denominated as a work
215 permit, registration card or otherwise, authorizing the employment
216 of the holder as a gaming employee. A document issued by any
217 governmental authority for any employment other than gaming is not
218 a valid work permit for the purposes of this chapter.

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

222 (ll) "Cheat" means to alter the selection of criteria
223 that determine:

224 (i) The rules of a game; or

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

226 **SECTION 2.** Section 75-76-7, Mississippi Code of 1972, is
227 amended as follows:

228 75-76-7. (1) * * * The Mississippi Gaming Commission,
229 consisting of three (3) members, is hereby created.

230 (2) (a) Each member of the commission shall be:
231 (i) A citizen of the United States; and
232 (ii) A resident of the State of Mississippi.
233 (b) One (1) member of the commission shall have been a
234 resident for not less than five (5) years of a county in which
235 gaming is authorized at the time of appointment.

236 (3) No member of the Legislature, no person holding any
237 elective office, nor any officer or official of any political
238 party shall be eligible to appointment to the commission.

239 (4) It is the intention of the Legislature that the
240 commission shall be composed of the most qualified persons
241 available, preferably no two (2) of whom shall be of the same
242 profession or major field of industry; but no person actively
243 engaged or having a direct pecuniary interest in gaming activities
244 shall be a member of the commission.

245 **SECTION 3.** Section 75-76-9, Mississippi Code of 1972, is
246 amended as follows:

247 75-76-9. (1) * * * Initial appointments to the commission
248 made pursuant to this chapter shall be for terms as follows:

- 249 (a) One (1) member for two (2) years;
250 (b) One (1) member for three (3) years; and
251 (c) One (1) member for four (4) years.

252 (2) The term of each of the members first appointed pursuant
253 to this chapter shall be designated by the Governor.

254 (3) After the initial appointments, all members shall be
255 appointed for terms of four (4) years from the expiration date of
256 the previous term, except that no member shall serve more than two
257 (2) terms of four (4) years each.

258 (4) Appointments to the commission and designation of the
259 chairman shall be made by the Governor with the advice and consent
260 of the Senate. Prior to the nomination, the PEER Committee shall
261 conduct an inquiry into the nominee's background, with particular
262 regard to the nominee's financial stability, integrity and

263 responsibility and his reputation for good character, honesty and
264 integrity.

265 (5) The member designated by the Governor to serve as
266 chairman shall serve in such capacity throughout such member's
267 entire term and until his successor shall have been duly appointed
268 and qualified. No such member, however, shall serve in such
269 capacity for more than ten (10) years.

270 (6) Appointments to fill vacancies on the commission shall
271 be for the unexpired term of the member to be replaced.

272 (7) Members of the commission shall not have any direct or
273 indirect interest in an undertaking that puts their personal
274 interest in conflict with that of the commission and shall be
275 governed by the provisions of Section 109 of the Mississippi
276 Constitution and Section 25-4-105.

277 (8) Each member of the commission shall serve for the
278 duration of his term and until his successor shall be duly
279 appointed and qualified, except that in the event that a successor
280 is not duly appointed and qualified within one hundred twenty
281 (120) days after the expiration of the member's term, a vacancy
282 shall be deemed to exist.

283 (9) Each member of the commission is entitled to per diem
284 compensation as provided by Section 25-3-69.

285 **SECTION 4.** Section 75-76-11, Mississippi Code of 1972, is
286 amended as follows:

287 75-76-11. (1) * * * The executive director and his
288 employees shall furnish to the commission such administrative and
289 clerical services and such furnishings, equipment, supplies,
290 stationery, books and all other things that the commission may
291 deem necessary or desirable in carrying out its functions.

292 (2) All costs of administration incurred by the executive
293 director on behalf of the commission shall be paid out on claims
294 from the State Treasury.

295 **SECTION 5.** Section 75-76-13, Mississippi Code of 1972, is
296 amended as follows:

297 75-76-13. (1) * * * Regular and special meetings of the
298 commission may be held, at the discretion of the commission, at
299 such times and places as it may deem convenient, but at least one
300 (1) regular meeting shall be held each month on or after the
301 fifteenth day of the month. All meetings shall be open unless
302 they may be closed pursuant to Section 25-41-7.

303 (2) A majority of the members is a quorum of the commission.

304 **SECTION 6.** Section 75-76-15, Mississippi Code of 1972, is
305 amended as follows:

306 75-76-15. (1) * * * The position of Executive Director of
307 the Mississippi Gaming Commission is hereby created.

308 (2) The * * * commission shall appoint the executive
309 director, with the advice and consent of the Senate, and the
310 executive director shall serve at the will and pleasure of the
311 commission. * * *

312 (3) No member of the Legislature, no person holding any
313 elective office, nor any officer or official of any political
314 party is eligible for the appointment of executive director.

315 (4) The executive director must have at least five (5) years
316 of responsible administrative experience in public or business
317 administration or possess broad management skills.

318 (5) The executive director shall devote his entire time and
319 attention to his duties under this chapter and the business of the
320 commission and shall not pursue any other business or occupation
321 or hold any other office of profit.

322 (6) The executive director shall not be pecuniarily
323 interested in any business or organization holding a gaming
324 license under this chapter or doing business with any person or
325 organization licensed under this chapter.

326 (7) The executive director is entitled to an annual salary
327 in the amount specified by the commission, subject to the approval

328 of the State Personnel Board, within the limits of legislative
329 appropriations or authorizations.

330 **SECTION 7.** Section 75-76-17, Mississippi Code of 1972, is
331 amended as follows:

332 75-76-17. (1) * * * There are hereby created, for
333 supervision by the executive director, two (2) divisions which are
334 entitled the Enforcement Division and the Investigation Division.
335 The executive director shall be authorized to create such other
336 divisions as he deems necessary to implement the provisions of
337 this chapter excluding an audit division.

338 (2) The executive director shall employ division directors
339 that possess training and experience in the fields of
340 investigation, law enforcement, law or gaming.

341 **SECTION 8.** Section 75-76-21, Mississippi Code of 1972, is
342 amended as follows:

343 75-76-21. (1) The executive director in pursuit of the
344 attainment of the objectives and the purposes of this chapter may:

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

346 (b) Acquire real property in accordance with statutory
347 procedure and make improvements thereon on behalf of the
348 commission;

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

352 (d) Employ the services of such persons as he considers
353 necessary for the purposes of consultation or investigation and
354 fix the salaries of or contract for the services of such legal,
355 professional, technical and operational personnel and consultants,
356 subject to applicable provisions of the State Personnel Board.

357 For the purpose of implementing the provisions of this chapter,
358 additional legal assistance may be retained only with the approval
359 of the Attorney General;

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

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

365 (2) Except as otherwise provided in this chapter, all costs
366 of administration incurred by the executive director and his
367 employees shall be paid out on claims from the State Treasury in
368 the same manner as other claims against the state are paid.

369 (3) The executive director is authorized to employ such
370 employees of the commission as he deems necessary, subject to the
371 approval of the State Personnel Board, and within the limits of
372 legislative appropriations or authorizations. * * *

373 **SECTION 9.** Section 75-76-33, Mississippi Code of 1972, is
374 amended as follows:

375 75-76-33. (1) The commission * * *, from time to time,
376 shall adopt, amend or repeal such regulations, consistent with the
377 policy, objects and purposes of this chapter, as it may deem
378 necessary or desirable in the public interest in carrying out the
379 policy and provisions of this chapter.

380 (2) These regulations * * *, without limiting the general
381 powers herein conferred, shall include the following:

382 (a) Prescribing the method and form of application
383 which any applicant for a license or for a manufacturer's,
384 seller's or distributor's license must follow and complete before
385 consideration of his application by the executive director or the
386 commission.

387 (b) Prescribing the information to be furnished by any
388 applicant or licensee concerning his antecedents, habits,
389 character, associates, criminal record, business activities and
390 financial affairs, past or present.

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

393 (d) Requiring fingerprinting of an applicant or
394 licensee, and gaming employees of a licensee, or other methods of
395 identification and the forwarding of all fingerprints taken
396 pursuant to regulation of the Federal Bureau of Investigation.

397 (e) Prescribing the manner and procedure of all
398 hearings conducted by the commission or any hearing examiner of
399 the commission, including special rules of evidence applicable
400 thereto and notices thereof.

401 (f) Requiring any applicant to pay all or any part of
402 the fees and costs of investigation of such applicant as may be
403 determined by the commission, except that no applicant for an
404 initial license shall be required to pay any part of the fees or
405 costs of the investigation of the applicant with regard to the
406 initial license.

407 (g) Prescribing the manner and method of collection and
408 payment of fees and issuance of licenses.

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

411 (i) Requiring any applicant or licensee to waive any
412 privilege with respect to any testimony at any hearing or meeting
413 of the commission, except any privilege afforded by the
414 Constitution of the United States or this state.

415 (j) Defining and limiting the area, games and devices
416 permitted, and the method of operation of such games and devices,
417 for the purposes of this chapter.

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

421 (l) Governing the use and approval of gambling devices
422 and equipment.

423 (m) Prescribing the qualifications of, and the
424 conditions under which, attorneys, accountants and others are
425 permitted to practice before the commission.

426 (n) Restricting access to confidential information
427 obtained under this chapter and ensuring that the confidentiality
428 of such information is maintained and protected.

429 (o) Prescribing the manner and procedure by which the
430 executive director on behalf of the commission shall notify a
431 county or a municipality wherein an applicant for a license
432 desires to locate.

433 (p) Prescribing the manner and procedure for an
434 objection to be filed with the commission and the executive
435 director by a county or municipality wherein an applicant for a
436 license desires to locate.

437 (q) Prescribing the manner in which a licensee may
438 conduct any gaming activity authorized under this chapter.

439 (3) Unless permitted or authorized under any other provision
440 of law or of this chapter, or under any rule, regulation or order
441 issued by the commission pursuant to this chapter, each licensee
442 shall be required to comply with the following regulations:

443 (a) No wagering shall be allowed on the outcome of any
444 athletic event, nor on any matter to be determined during an
445 athletic event, nor on the outcome of any event which does not
446 take place on the premises.

447 (b) No wager may be placed by, or on behalf of, any
448 individual or entity or group, not present on a licensed vessel or
449 cruise vessel.

450 **SECTION 10.** Section 75-76-87, Mississippi Code of 1972, is
451 amended as follows:

452 75-76-87. (1) Applications, returns and information
453 contained therein filed or furnished under this chapter shall be
454 confidential, and except in accordance with proper judicial order
455 or as otherwise authorized by this chapter, it shall be unlawful
456 for members of the State Tax Commission, the Mississippi Gaming
457 Commission or members of the Central Data Processing Authority, or
458 any former employee thereof to divulge or make known in any manner

459 the amount of income or any particulars set forth or disclosed on
460 any application, report or return required.

461 The term "proper judicial order" as used in this chapter
462 shall not include subpoenas or subpoenas duces tecum but shall
463 include only those orders entered by a court of record in this
464 state after furnishing notice and a hearing to the taxpayer and
465 the State Tax Commission and the State Gaming Commission. The
466 court shall not authorize the furnishing of such information
467 unless it is satisfied that the information is needed to pursue
468 pending litigation wherein the return itself is in issue, or the
469 judge is satisfied that the need for furnishing the information
470 outweighs the rights of the taxpayer to have such information
471 secreted.

472 (2) Such information contained on the application, returns
473 or reports from the licensee or the Mississippi Gaming Commission
474 may be furnished to: (a) members and employees of the State Tax
475 Commission and the income tax department thereof, for the purpose
476 of auditing, comparing and correcting returns; (b) the Attorney
477 General, or any other attorney representing the state in any
478 action in respect to the amount of tax under the provisions of
479 this chapter; (c) the Mississippi Gaming Commission; or (d) the
480 revenue department of the other states or the federal government
481 when said states or federal government grants a like comity to
482 Mississippi.

483 (3) The State Auditor and the employees of his office shall
484 have the right to examine only such tax returns as are necessary
485 for auditing the State Tax Commission, or the Mississippi Gaming
486 Commission and the same prohibitions against disclosure which
487 apply to the State Tax Commission shall apply to the State Auditor
488 and his office.

489 (4) Nothing in this section shall prohibit the Chairman of
490 the State Tax Commission from making available information

491 necessary to recover taxes, fees, fines or damages owing the state
492 pursuant to the authority granted in Section 27-75-16.

493 **SECTION 11.** Section 75-76-101, Mississippi Code of 1972, is
494 amended as follows:

495 75-76-101. (1) All gaming must be conducted with chips,
496 tokens or other instrumentalities approved by the executive
497 director or with the legal tender of the United States.

498 (2) Except as otherwise permitted or authorized under any
499 provisions of this chapter, or under any rule, regulation or order
500 issued by the commission pursuant to this chapter, no licensee
501 shall permit participation by a person in a game conducted in the
502 licensed gaming establishment if such person is not physically
503 present in the licensed gaming establishment during the period of
504 time when such game is being conducted, and all games and the
505 participation of patrons therein shall be entirely located and
506 conducted on the licensed premises.

507 **SECTION 12.** The commission shall adopt regulations which
508 prescribe the manner in which a licensee may conduct any gaming
509 activities defined in Section 75-76-5. The activities defined in
510 Section 75-76-5(cc) are authorized by law to be conducted by a
511 licensee under Sections 75-76-55 and 75-76-89, and this section
512 shall confirm such authority and shall expressly authorize a
513 person licensed under this chapter to conduct such activities,
514 notwithstanding any conclusions, interpretations or opinions of
515 the commission made or issued before the effective date of this
516 act, and notwithstanding any court decisions rendered before such
517 date in the State of Mississippi in which deference was accorded
518 to such conclusions, interpretations or opinions of the
519 commission, that may state or suggest that such activities are not
520 lawful under this chapter.

521 **SECTION 13.** The provisions of Section 12 of this act shall
522 be codified in Chapter 76, Title 75, Mississippi Code of 1972.

523 **SECTION 14.** This act shall take effect and be in force from
524 and after July 1, 2007.