

By: Representative Moak

To: Gaming

## 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,  
3 75-76-89 AND 75-76-101, MISSISSIPPI CODE OF 1972, TO REMOVE  
4 OBSOLETE LANGUAGE REFERRING TO THE TIME-LIMITED AUTHORITY  
5 POSSESSED BY THE STATE TAX COMMISSION BEFORE 1993 TO REGULATE  
6 ACTIVITIES GOVERNED BY THE GAMING CONTROL ACT; TO CONFIRM CERTAIN  
7 PROVISIONS OF THE GAMING CONTROL ACT AUTHORIZING SPECIFIC GAMING  
8 ACTIVITIES REFERRED TO IN THE ACT; TO CLARIFY DEFINITIONS UNDER  
9 THE ACT; TO PROVIDE THAT THE MISSISSIPPI GAMING COMMISSION SHALL  
10 ADOPT REGULATIONS PRESCRIBING THE MANNER IN WHICH A GAMING  
11 LICENSEE MAY CONDUCT CERTAIN ACTIVITIES AUTHORIZED UNDER THE ACT;  
12 AND FOR RELATED 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, and 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 not  
206 otherwise authorized under this chapter, by any system or method  
207 of wagering other than the system known as the "pari-mutuel method  
208 of wagering."

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

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

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

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

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

225 (i) The rules of a game; or

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

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

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

231           (2) (a) Each member of the commission shall be:

232                           (i) A citizen of the United States; and

233                           (ii) A resident of the State of Mississippi.

234           (b) One (1) member of the commission shall have been a  
235 resident for not less than five (5) years of a county in which  
236 gaming is authorized at the time of appointment.

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

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

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

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

250                           (a) One (1) member for two (2) years;

251                           (b) One (1) member for three (3) years; and

252                           (c) One (1) member for four (4) years.

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

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

259           (4) Appointments to the commission and designation of the  
260 chairman shall be made by the Governor with the advice and consent  
261 of the Senate. Prior to the nomination, the PEER Committee shall



262 conduct an inquiry into the nominee's background, with particular  
263 regard to the nominee's financial stability, integrity and  
264 responsibility and his reputation for good character, honesty and  
265 integrity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

323       (6) The executive director shall not be pecuniarily  
324 interested in any business or organization holding a gaming

325 license under this chapter or doing business with any person or  
326 organization licensed under this chapter.

327       (7) The executive director is entitled to an annual salary  
328 in the amount specified by the commission, subject to the approval  
329 of the State Personnel Board, within the limits of legislative  
330 appropriations or authorizations.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

388 (b) Prescribing the information to be furnished by any  
389 applicant or licensee concerning his antecedents, habits,

390 character, associates, criminal record, business activities and  
391 financial affairs, past or present.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

451 75-76-87. (1) Applications, returns and information  
452 contained therein filed or furnished under this chapter shall be  
453 confidential, and except in accordance with proper judicial order  
454 or as otherwise authorized by this chapter, it shall be unlawful

455 for members of the State Tax Commission, the Mississippi Gaming  
456 Commission or members of the Central Data Processing Authority, or  
457 any former employee thereof to divulge or make known in any manner  
458 the amount of income or any particulars set forth or disclosed on  
459 any application, report or return required.

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

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

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

488 (4) Nothing in this section shall prohibit the Chairman of  
489 the State Tax Commission from making available information  
490 necessary to recover taxes, fees, fines or damages owing the state  
491 pursuant to the authority granted in Section 27-75-16.

492 **SECTION 11.** Section 75-76-89, Mississippi Code of 1972, is  
493 amended as follows:

494 75-76-89. (1) \* \* \* All licenses issued to the same person,  
495 including a wholly owned subsidiary of that person, for the  
496 operation of any game, including a sports pool or race book, which  
497 authorize gaming at the same establishment must be merged into a  
498 single gaming license. A gaming license may not be issued to any  
499 person if the issuance would result in more than one licensed  
500 operation at a single establishment, whether or not the profits or  
501 revenue from gaming are shared between the licensed operations.

502 (2) A person who has been issued a gaming license may  
503 establish a sports pool or race book on the premises of the  
504 establishment at which he conducts a gaming operation only after  
505 obtaining permission from the executive director pursuant to the  
506 duly adopted applicable rules and regulations pertaining thereto.

507 **SECTION 12.** Section 75-76-101, Mississippi Code of 1972, is  
508 amended as follows:

509 75-76-101. (1) All gaming must be conducted with chips,  
510 tokens or other instrumentalities approved by the executive  
511 director or with the legal tender of the United States.

512 (2) Except as otherwise permitted or authorized under any  
513 provisions of this chapter, or under any rule, regulation or order  
514 issued by the commission pursuant to this chapter, no licensee  
515 shall permit participation by a person in a game conducted in the  
516 licensed gaming establishment if such person is not physically  
517 present in the licensed gaming establishment during the period of  
518 time when such game is being conducted, and all games and the  
519 participation of patrons therein shall be entirely located and  
520 conducted on the licensed premises.



521           **SECTION 13.** The commission shall adopt regulations which  
522 prescribe the manner in which a licensee may conduct those  
523 activities defined in Sections 75-76-5(cc) and 75-76-5(gg). Such  
524 activities are authorized by law to be conducted by a licensee  
525 under Sections 75-76-55 and 75-76-89, and this section shall  
526 confirm the authority provided under Sections 75-76-55 and  
527 75-76-89 and shall expressly authorize a person licensed under  
528 this chapter to conduct such activities, notwithstanding any  
529 conclusions, interpretations or opinions of the commission made or  
530 issued before the effective date of this act, and notwithstanding  
531 any court decisions rendered before such date in the State of  
532 Mississippi in which deference was accorded to such conclusions,  
533 interpretations or opinions of the commission, that may state or  
534 suggest that such activities are not lawful under this chapter,  
535 provided that such activities are not prohibited by the provisions  
536 of any federal law.

537           **SECTION 14.** The provisions of Section 13 of this act shall  
538 be codified in Chapter 76, Title 75, Mississippi Code of 1972.

539           **SECTION 15.** This act shall take effect and be in force from  
540 and after July 1, 2007.