

By: Representative Hines

To: Gaming; Public Health  
and Human Services

## HOUSE BILL NO. 707

1 AN ACT TO REQUIRE THE MISSISSIPPI GAMING COMMISSION TO ADOPT  
2 AND ENFORCE A RULE REGULATING WHETHER OR NOT SMOKING IS PERMITTED  
3 OR PROHIBITED IN ANY PLACE UNDER ITS JURISDICTION; TO PROVIDE THAT  
4 IF THE RULE PERMITS OR PROHIBITS SMOKING IN A PLACE IN WHICH LEGAL  
5 GAMING MAY BE CONDUCTED UNDER THE MISSISSIPPI GAMING CONTROL ACT,  
6 THEN THE RULE LIKewise SHALL PERMIT OR PROHIBIT SMOKING IN A PLACE  
7 IN WHICH A BINGO GAME MAY BE CONDUCTED UNDER THE CHARITABLE BINGO  
8 LAW; TO PROHIBIT THE MUNICIPALITY OR COUNTY IN WHICH THAT PLACE IS  
9 LOCATED FROM ADOPTING ORDINANCES THAT ARE MORE RESTRICTIVE THAN  
10 THE RULE ADOPTED BY THE COMMISSION; TO AMEND SECTIONS 75-76-28,  
11 75-76-33 AND 97-33-107, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
12 THERETO; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) The Mississippi Gaming Commission shall  
15 adopt and enforce a rule regulating whether or not smoking is  
16 permitted or prohibited in any place under its jurisdiction in  
17 which legal gaming may be conducted under the Mississippi Gaming  
18 Control Act (Section 75-76-1, et seq.), or in which a bingo game  
19 may be conducted under the Charitable Bingo Law (Sections 97-33-50  
20 through 97-33-203). If the rule permits or prohibits smoking in  
21 any one of those places, then the rule likewise shall permit or  
22 prohibit smoking in all of those places with equal application.

23 (2) A municipality or county in which such a place is  
24 located is prohibited from adopting ordinances with regard to the  
25 use of smoking in those places that are more restrictive than the  
26 rule adopted by the commission.

27 (3) As used in this section, "smoking" means inhaling,  
28 exhaling, burning, carrying or otherwise possessing any lighted  
29 cigarette, cigar, pipe or any other object or device of any form  
30 that contains lighted tobacco.



31           **SECTION 2.** Section 75-76-28, Mississippi Code of 1972, is  
32 amended as follows:

33           75-76-28. (1) The commission has full power and authority  
34 to exercise any of the powers, duties and responsibilities set  
35 forth in Sections 97-33-51 through \* \* \* 97-33-203, which  
36 constitute the Charitable Bingo Law.

37           (2) In regulating the use of smoking in any place in which a  
38 charitable bingo game may be conducted, any rule that would permit  
39 or prohibit smoking in such a place may not be different from any  
40 rule that would permit or prohibit smoking in any place in which  
41 legal gaming may be conducted under this chapter.

42           **SECTION 3.** Section 75-76-33, Mississippi Code of 1972, is  
43 amended as follows:

44           75-76-33. (1) The commission \* \* \*, from time to time,  
45 shall adopt, amend or repeal such regulations, consistent with the  
46 policy, objects and purposes of this chapter, as it may deem  
47 necessary or desirable in the public interest in carrying out the  
48 policy and provisions of this chapter.

49           (2) These regulations shall, without limiting the general  
50 powers herein conferred, include the following:

51           (a) Prescribing the method and form of application  
52 which any applicant for a license or for a manufacturer's,  
53 seller's or distributor's license must follow and complete before  
54 consideration of his application by the executive director or the  
55 commission.

56           (b) Prescribing the information to be furnished by any  
57 applicant or licensee concerning his antecedents, habits,  
58 character, associates, criminal record, business activities and  
59 financial affairs, past or present.

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

62           (d) Requiring fingerprinting of an applicant or  
63 licensee, and gaming employees of a licensee, or other methods of



64 identification and the forwarding of all fingerprints taken  
65 pursuant to regulation of the Federal Bureau of Investigation.

66 (e) Prescribing the manner and procedure of all  
67 hearings conducted by the commission or any hearing examiner of  
68 the commission, including special rules of evidence applicable  
69 thereto and notices thereof.

70 (f) Requiring any applicant to pay all or any part of  
71 the fees and costs of investigation of such applicant as may be  
72 determined by the commission, except that no applicant for an  
73 initial license shall be required to pay any part of the fees or  
74 costs of the investigation of the applicant with regard to the  
75 initial license.

76 (g) Prescribing the manner and method of collection and  
77 payment of fees and issuance of licenses.

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

80 (i) Requiring any applicant or licensee to waive any  
81 privilege with respect to any testimony at any hearing or meeting  
82 of the commission, except any privilege afforded by the  
83 Constitution of the United States or this state.

84 (j) Defining and limiting the area, games and devices  
85 permitted, and the method of operation of such games and devices,  
86 for the purposes of this chapter.

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

90 (l) Governing the use and approval of gambling devices  
91 and equipment.

92 (m) Prescribing the qualifications of, and the  
93 conditions under which, attorneys, accountants and others are  
94 permitted to practice before the commission.



95 (n) Restricting access to confidential information  
96 obtained under this chapter and ensuring that the confidentiality  
97 of such information is maintained and protected.

98 (o) Prescribing the manner and procedure by which the  
99 executive director on behalf of the commission shall notify a  
100 county or a municipality wherein an applicant for a license  
101 desires to locate.

102 (p) Prescribing the manner and procedure for an  
103 objection to be filed with the commission and the executive  
104 director by a county or municipality wherein an applicant for a  
105 license desires to locate.

106 (q) Prescribing whether or not the use of smoking will  
107 be allowed in any place in which legal gaming may be conducted  
108 under this chapter; however, in regulating the use of smoking in  
109 any place in which legal gaming may be conducted under this  
110 chapter, any rule that would permit or prohibit smoking in such a  
111 place may not be different from any rule that would permit or  
112 prohibit smoking in any place in which a charitable bingo game may  
113 be conducted under the Charitable Bingo Law.

114 (3) Notwithstanding any other provision of law, each  
115 licensee shall be required to comply with the following  
116 regulations:

117 (a) No wagering shall be allowed on the outcome of any  
118 athletic event, nor on any matter to be determined during an  
119 athletic event, nor on the outcome of any event which does not  
120 take place on the premises.

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

124 **SECTION 4.** Section 97-33-107, Mississippi Code of 1972, is  
125 amended as follows:



126           97-33-107. In connection with its regulation of charitable  
127 bingo games, the commission shall have the following functions,  
128 duties and responsibilities:

129           (a) To issue and renew annual state licenses required  
130 by law for organizations conducting bingo games and for  
131 manufacturers, distributors or operators of supplies or equipment  
132 for such games;

133           (b) To assess and collect fees not to exceed two and  
134 one-half percent (2-1/2%) of the net proceeds of pull-tabs,  
135 electronic bingo machines and electronic pull-tab machines, which  
136 fees shall be limited to the amounts necessary to administer the  
137 Charitable Bingo Law;

138           (c) To assess and collect fees equal to one percent  
139 (1%) of the gross proceeds of each bingo session conducted by a  
140 Class "A" charitable organization and equal to one-half (1/2) of  
141 one percent (1%) of the gross proceeds of each bingo session  
142 conducted by a Class "B" or a Class "C" charitable organization;  
143 provided, however, that the fees assessed and collected under this  
144 subsection (c) shall not apply to pull-tabs, electronic bingo  
145 machines or electronic pull-tab machines as described in  
146 subsection (b) above; and provided, that the fees shall not be  
147 collected in any bingo session held by a religious organization  
148 which has been in existence for ten (10) years or longer, held on  
149 the premises owned by the religious organization, and held without  
150 any person being compensated for operating the game, and until the  
151 gross proceeds of bingo games conducted by such organization  
152 exceed Fifty Thousand Dollars (\$50,000.00) during the calendar  
153 year;

154           (d) To deny applications for licensure or license  
155 renewal and to issue orders for suspension or revocation of  
156 licenses issued pursuant to Sections 97-33-51 through 97-33-203;

157           (e) To monitor licensees to ensure compliance with all  
158 provisions of law and regulations relative to charitable bingo



159 games through routine scheduled and unscheduled inspections,  
160 investigations and audits;

161 (f) To enforce all provisions of law and regulations  
162 relative to charitable bingo games and to assist local law  
163 enforcement agencies in these enforcement responsibilities and  
164 bingo enforcement agents shall have the powers of a peace officer;

165 (g) To establish and assess penalties for violations of  
166 regulations relative to charitable bingo games;

167 (h) To familiarize the members of organizations which  
168 conduct charitable bingo games of chance, with provisions of the  
169 Charitable Bingo Law and other applicable laws and regulations;

170 (i) To adopt rules and regulations to provide for the  
171 sale or transfer of surplus supplies or equipment from one  
172 licensed organization to another and such other rules and  
173 regulations as are necessary to carry out the purposes and  
174 functions of Sections 97-33-51 through 97-33-203, including the  
175 adoption of rules and regulations pursuant to Section 97-33-69(10)  
176 which may provide for differing requirements, with regard to the  
177 number of participants, sessions, amount of prizes offered,  
178 proceeds received or other factors which affect the regulatory and  
179 administrative burdens on organizations operating charitable bingo  
180 games, for a certain class of organizations, provided that such  
181 rules and regulations shall be no more restrictive than the  
182 provisions of law that govern such factors;

183 (j) To prescribe rules and regulations creating a class  
184 of organizations that are exempt from the purchase of reprinted  
185 tickets as provided for in paragraph (c) of this section based on  
186 the number of participants or the amount of prizes offered or  
187 other factors which affect the regulatory and administrative  
188 burdens on the organizations imposed by the commission; and

189 (k) To establish the classes described in this  
190 paragraph of charitable organizations that are licensed to conduct  
191 bingo games and to prescribe rules and regulations to provide for



192 differing reporting requirements imposed upon each different  
193 class; provided that such rules and regulations shall be no more  
194 restrictive than the provisions of law that relate to reporting  
195 requirements. Such classes of organizations are as follows:

196 (i) Class "A" shall be composed of licensed  
197 charitable organizations which conduct bingo games in which the  
198 prizes awarded total an aggregate amount in excess of Five  
199 Thousand Dollars (\$5,000.00) per session;

200 (ii) Class "B" shall be composed of licensed  
201 charitable organizations which conduct bingo games in which the  
202 prizes awarded total an aggregate amount of not less than Two  
203 Thousand Five Hundred Dollars (\$2,500.00) and not more than Five  
204 Thousand Dollars (\$5,000.00);

205 (iii) Class "C" shall be composed of licensed  
206 charitable organizations which conduct bingo games in which the  
207 prizes awarded total an aggregate amount of less than Two Thousand  
208 Five Hundred Dollars (\$2,500.00).

209 (1) To regulate the use of smoking in any place in  
210 which a charitable bingo game may be conducted; however, any rule  
211 that would permit or prohibit smoking in such a place may not be  
212 different from any rule that would permit or prohibit smoking in  
213 any place in which legal gaming may be conducted under the  
214 Mississippi Gaming Control Act (Section 75-76-1, et seq.).

215 **SECTION 5.** This act shall take effect and be in force from  
216 and after July 1, 2008.

