

By: Representative Espy

To: Gaming; Ways and Means

HOUSE BILL NO. 806

1 AN ACT TO PROVIDE THAT WHEN SPORTS WAGERING BECOMES  
 2 PERMISSIBLE UNDER FEDERAL LAW, A GAMING LICENSEE UNDER THE  
 3 MISSISSIPPI GAMING CONTROL ACT MAY CONDUCT SPORTS WAGERING; TO SET  
 4 FORTH DEFINITIONS APPLICABLE TO SPORTS WAGERING; TO AMEND SECTIONS  
 5 75-76-5 AND 75-76-33, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
 6 THERETO; TO BRING FORWARD SECTIONS 75-75-101 AND 75-76-89,  
 7 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
 8 FOR RELATED PURPOSES.

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

10 **SECTION 1.** Notwithstanding any other provision of Chapter  
 11 76, Title 75, Mississippi Code of 1972, the Mississippi Gaming  
 12 Commission may not exercise any power granted under Sections 1  
 13 through 3 of this act and is prohibited from fulfilling any duty  
 14 imposed thereunder, unless and until the commission determines  
 15 that sports wagering is permissible under federal law. The  
 16 commission shall begin implementing sports wagering under the  
 17 provisions of Chapter 76, Title 75, Mississippi Code of 1972, and  
 18 Sections 1 through 3 of this act within six (6) months after  
 19 making a determination that sports wagering is permissible under  
 20 federal law.



21           **SECTION 2.** For purposes of the provisions of Sections 1  
22 through 3 of this act, and in addition to the definitions in  
23 Section 75-76-5, the following definitions shall apply unless the  
24 context clearly indicates otherwise:

25           (a) "College or university" means a public or private  
26 institution of higher learning or a community or junior college.

27           (b) "Collegiate sporting or athletic event" means a sporting  
28 or athletic event offered by, sponsored by or played in connection  
29 with a college or university.

30           (c) "Professional sporting or athletic event" means an event  
31 at which two (2) or more persons participate in a sporting or  
32 athletic event and receive compensation in excess of the actual  
33 expenses incurred by the persons to participate in the event, but  
34 shall not include any matches or exhibitions supervised and  
35 regulated by the Mississippi Athletic Commission under Section  
36 75-75-101, et seq., Mississippi Code of 1972.

37           (d) "Sports book" means a location authorized by the  
38 commission at which sports wagering may be conducted by a licensee  
39 under the provisions of Sections 1 through 3 of this act.

40           (e) "Sports wagering" means the business of accepting wagers  
41 on a collegiate sport or athletic event, a professional sport or  
42 athletic event, or both.

43           **SECTION 3.** A gaming licensee may conduct sports wagering at  
44 a sports book located on the premises of the licensee, as  
45 permitted by federal law, by the provisions of this act and by



46 regulations adopted by the commission pursuant to the provisions  
47 of Sections 1 through 3 of this act.

48         **SECTION 4.** Section 75-75-101, Mississippi Code of 1972, is  
49 brought forward as follows:

50         75-75-101. (1) Boxing, sparring and wrestling matches and  
51 exhibitions for percentage of gate receipts where an admission fee  
52 is charged are hereby allowed. All boxing, sparring and wrestling  
53 matches and exhibitions authorized herein shall be held under the  
54 supervision of and subject to the rules and regulations of the  
55 Mississippi Athletic Commission, and in strict compliance with the  
56 provisions of this article. No boxing or sparring match or  
57 exhibition shall exceed fifteen (15) rounds of three (3) minutes  
58 each, and the charge for each seat or ticket shall be left to the  
59 discretion of the commission.

60         (2) For the purposes of this chapter, "tough-man contest"  
61 and kickboxing competition shall be subject to the jurisdiction of  
62 the Mississippi Athletic Commission.

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

65         75-76-5. As used in this chapter, unless the context  
66 requires otherwise:

67         (a) "Applicant" means any person who has applied for or  
68 is about to apply for a state gaming license, registration or  
69 finding of suitability under the provisions of this chapter or



70 approval of any act or transaction for which approval is required  
71 or permitted under the provisions of this chapter.

72 (b) "Application" means a request for the issuance of a  
73 state gaming license, registration or finding of suitability under  
74 the provisions of this chapter or for approval of any act or  
75 transaction for which approval is required or permitted under the  
76 provisions of this chapter but does not include any supplemental  
77 forms or information that may be required with the application.

78 (c) "Associated equipment" means any equipment or  
79 mechanical, electromechanical or electronic contrivance, component  
80 or machine used remotely or directly in connection with gaming or  
81 with any game, race book or sports pool that would not otherwise  
82 be classified as a gaming device, including dice, playing cards,  
83 links which connect to progressive slot machines, equipment which  
84 affects the proper reporting of gross revenue, computerized  
85 systems of betting at a race book or sports pool, computerized  
86 systems for monitoring slot machines, and devices for weighing or  
87 counting money.

88 (d) "Chairman" means the Chairman of the Mississippi  
89 Gaming Commission except when used in the term "Chairman of the  
90 State Tax Commission." "Chairman of the State Tax Commission" or  
91 "commissioner" means the Commissioner of Revenue of the Department  
92 of Revenue.

93 (e) "Commission" or "Mississippi Gaming Commission"  
94 means the Mississippi Gaming Commission.



95 (f) "Commission member" means a member of the  
96 Mississippi Gaming Commission.

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

101 (h) "Enforcement division" means a particular division  
102 supervised by the executive director that provides enforcement  
103 functions.

104 (i) "Establishment" means any premises wherein or  
105 whereon any gaming is done.

106 (j) "Executive director" means the Executive Director  
107 of the Mississippi Gaming Commission.

108 (k) Except as otherwise provided by law, "game," or  
109 "gambling game" means any banking or percentage game played with  
110 cards, with dice or with any mechanical, electromechanical or  
111 electronic device or machine for money, property, checks, credit  
112 or any representative of value, including, without limiting, the  
113 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
114 twenty-one, blackjack, seven-and-a-half, big injun, klondike,  
115 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
116 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
117 or any other game or device approved by the commission. However,  
118 "game" or "gambling game" shall not include bingo games or raffles



119 which are held pursuant to the provisions of Section 97-33-51, or  
120 the illegal gambling activities described in Section 97-33-8.

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

124 (l) "Gaming" or "gambling" means to deal, operate,  
125 carry on, conduct, maintain or expose for play any game as defined  
126 in this chapter.

127 (m) "Gaming device" means any mechanical,  
128 electromechanical or electronic contrivance, component or machine  
129 used in connection with gaming or any game which affects the  
130 result of a wager by determining win or loss. The term includes a  
131 system for processing information which can alter the normal  
132 criteria of random selection, which affects the operation of any  
133 game, or which determines the outcome of a game. The term does  
134 not include a system or device which affects a game solely by  
135 stopping its operation so that the outcome remains undetermined,  
136 and does not include any antique coin machine as defined in  
137 Section 27-27-12.

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

- 141 (i) Boxmen;  
142 (ii) Cashiers;  
143 (iii) Change personnel;



- 144 (iv) Counting room personnel;
- 145 (v) Dealers;
- 146 (vi) Floormen;
- 147 (vii) Hosts or other persons empowered to extend  
148 credit or complimentary services;
- 149 (viii) Keno runners;
- 150 (ix) Keno writers;
- 151 (x) Machine mechanics;
- 152 (xi) Security personnel;
- 153 (xii) Shift or pit bosses;
- 154 (xiii) Shills;
- 155 (xiv) Supervisors or managers; and
- 156 (xv) Ticket writers.

157 The term "gaming employee" also includes employees of  
158 manufacturers or distributors of gaming equipment within this  
159 state whose duties are directly involved with the manufacture,  
160 repair or distribution of gaming equipment.

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

164 (o) "Gaming license" means any license issued by the  
165 state which authorizes the person named therein to engage in  
166 gaming.

167 (p) "Gross revenue" means the total of all of the  
168 following, less the total of all cash paid out as losses to



169 patrons and those amounts paid to purchase annuities to fund  
170 losses paid to patrons over several years by independent financial  
171 institutions:

172 (i) Cash received as winnings;

173 (ii) Cash received in payment for credit extended  
174 by a licensee to a patron for purposes of gaming; and

175 (iii) Compensation received for conducting any  
176 game in which the licensee is not party to a wager.

177 For the purposes of this definition, cash or the value of  
178 noncash prizes awarded to patrons in a contest or tournament are  
179 not losses.

180 The term does not include:

181 (i) Counterfeit money or tokens;

182 (ii) Coins of other countries which are received  
183 in gaming devices;

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

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

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

191 (r) "Investigation division" means a particular  
192 division supervised by the executive director that provides  
193 investigative functions.





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

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

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

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

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

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

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

209           (z) "Party" means the Mississippi Gaming Commission and  
210 any licensee or other person appearing of record in any proceeding  
211 before the commission; or the Mississippi Gaming Commission and  
212 any licensee or other person appearing of record in any proceeding  
213 for judicial review of any action, decision or order of the  
214 commission.

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



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

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

224 (dd) "Regulation" means a rule, standard, directive or  
225 statement of general applicability which effectuates law or policy  
226 or which describes the procedure or requirements for practicing  
227 before the commission. The term includes a proposed regulation  
228 and the amendment or repeal of a prior regulation but does not  
229 include:

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

233 (ii) A declaratory ruling;

234 (iii) An interagency memorandum;

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

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

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

241 (ff) "Slot machine" means any mechanical, electrical or  
242 other device, contrivance or machine which, upon insertion of a



243 coin, token or similar object, or upon payment of any  
244 consideration, is available to play or operate, the play or  
245 operation of which, whether by reason of the skill of the operator  
246 or application of the element of chance, or both, may deliver or  
247 entitle the person playing or operating the machine to receive  
248 cash, premiums, merchandise, tokens or anything of value, whether  
249 the payoff is made automatically from the machine or in any other  
250 manner. The term does not include any antique coin machine as  
251 defined in Section 27-27-12.

252 (gg) "Sports pool" means the business of accepting  
253 wagers on collegiate or professional sporting \* \* \* or athletic  
254 events, by any system or method of wagering approved by the  
255 commission other than the system known as the "pari-mutuel method  
256 of wagering."

257 (hh) "State Tax Commission" or "department" means the  
258 Department of Revenue of the State of Mississippi.

259 (ii) "Temporary work permit" means a work permit which  
260 is valid only for a period not to exceed ninety (90) days from its  
261 date of issue and which is not renewable.

262 (jj) "Vessel" or "cruise vessel" shall have the  
263 meanings ascribed to such terms under Section 27-109-1.

264 (kk) "Work permit" means any card, certificate or  
265 permit issued by the commission, whether denominated as a work  
266 permit, registration card or otherwise, authorizing the employment  
267 of the holder as a gaming employee. A document issued by any



268 governmental authority for any employment other than gaming is not  
269 a valid work permit for the purposes of this chapter.

270 (ll) "School or training institution" means any school  
271 or training institution which is licensed by the commission to  
272 teach or train gaming employees pursuant to Section 75-76-34.

273 (mm) "Cheat" means to alter the selection of criteria  
274 that determine:

275 (i) The rules of a game; or

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

277 (nn) "Promotional activity" means an activity or event  
278 conducted or held for the purpose of promoting or marketing the  
279 individual licensed gaming establishment that is engaging in the  
280 promotional activity. The term includes, but is not limited to, a  
281 game of any kind other than as defined in paragraph (k) of this  
282 section, a tournament, a contest, a drawing, or a promotion of any  
283 kind.

284 **SECTION 6.** Section 75-76-33, Mississippi Code of 1972, is  
285 amended as follows:

286 75-76-33. (1) The commission shall, from time to time,  
287 adopt, amend or repeal such regulations, consistent with the  
288 policy, objects and purposes of this chapter, as it may deem  
289 necessary or desirable in the public interest in carrying out the  
290 policy and provisions of this chapter. The commission shall  
291 comply with the Mississippi Administrative Procedures Law when



292 adopting, amending or repealing any regulations authorized under  
293 this section or under any other provision of this chapter.

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

296 (a) Prescribing the method and form of application  
297 which any applicant for a license or for a manufacturer's,  
298 seller's or distributor's license must follow and complete before  
299 consideration of his application by the executive director or the  
300 commission.

301 (b) Prescribing the information to be furnished by any  
302 applicant or licensee concerning his antecedents, habits,  
303 character, associates, criminal record, business activities and  
304 financial affairs, past or present.

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

307 (d) Requiring fingerprinting of an applicant or  
308 licensee, and gaming employees of a licensee, or other methods of  
309 identification and the forwarding of all fingerprints taken  
310 pursuant to regulation of the Federal Bureau of Investigation.

311 (e) Prescribing the manner and procedure of all  
312 hearings conducted by the commission or any hearing examiner of  
313 the commission, including special rules of evidence applicable  
314 thereto and notices thereof.

315 (f) Requiring any applicant to pay all or any part of  
316 the fees and costs of investigation of such applicant as may be



317 determined by the commission under paragraph (g) of this  
318 subsection (2).

319 (g) Prescribing the amounts of investigative fees only  
320 as authorized by regulations of the commission under paragraph (f)  
321 of this subsection, and collecting those fees. The commission  
322 shall adopt regulations setting the amounts of those fees at  
323 levels that will provide the commission with sufficient revenue,  
324 when combined with any other monies as may be deposited into the  
325 Mississippi Gaming Commission Fund created in Section 75-76-325,  
326 to carry out the provisions of this chapter without any state  
327 general funds. In calculating the amount of such fees, the  
328 commission shall:

329 (i) Attempt to set the fees at levels that will  
330 create a balance in the Mississippi Gaming Commission Fund that  
331 does not exceed, at the end of any state fiscal year, two percent  
332 (2%) of the projected amount of funds that will provide the  
333 commission with such sufficient revenue; and

334 (ii) Demonstrate the reasonableness of the  
335 relationship between a fee and the actual costs of the  
336 investigative activity for which the fee is being prescribed.

337 (h) Prescribing the manner and method of collection and  
338 payment of fees and issuance of licenses.

339 (i) Prescribing under what conditions a licensee may be  
340 deemed subject to revocation or suspension of his license.



341           (j) Requiring any applicant or licensee to waive any  
342 privilege with respect to any testimony at any hearing or meeting  
343 of the commission, except any privilege afforded by the  
344 Constitution of the United States or this state.

345           (k) Defining and limiting the area, games and devices  
346 permitted, and the method of operation of such games and devices,  
347 for the purposes of this chapter.

348           (l) Prescribing under what conditions the nonpayment of  
349 a gambling debt by a licensee shall be deemed grounds for  
350 revocation or suspension of his license.

351           (m) Governing the use and approval of gambling devices  
352 and equipment.

353           (n) Prescribing the qualifications of, and the  
354 conditions under which, attorneys, accountants and others are  
355 permitted to practice before the commission.

356           (o) Restricting access to confidential information  
357 obtained under this chapter and ensuring that the confidentiality  
358 of such information is maintained and protected.

359           (p) Prescribing the manner and procedure by which the  
360 executive director on behalf of the commission shall notify a  
361 county or a municipality wherein an applicant for a license  
362 desires to locate.

363           (q) Prescribing the manner and procedure for an  
364 objection to be filed with the commission and the executive



365 director by a county or municipality wherein an applicant for a  
366 license desires to locate.

367 (3) Notwithstanding any other provision of law, each  
368 licensee shall be required to comply with the following  
369 regulations:

370 (a) Except as otherwise provided for sports wagering  
371 under the provisions of Sections 1 through 3 of this act, no  
372 wagering shall be allowed on the outcome of any athletic event,  
373 nor on any matter to be determined during an athletic event, nor  
374 on the outcome of any event, which does not take place on the  
375 premises.

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

379 **SECTION 7.** Section 75-76-89, Mississippi Code of 1972, is  
380 brought forward as follows:

381 75-76-89. (1) Except as otherwise provided in subsection  
382 (3) of this section, all licenses issued to the same person,  
383 including a wholly owned subsidiary of that person, for the  
384 operation of any game, including a sports pool or race book, which  
385 authorize gaming at the same establishment must be merged into a  
386 single gaming license. A gaming license may not be issued to any  
387 person if the issuance would result in more than one licensed  
388 operation at a single establishment, whether or not the profits or  
389 revenue from gaming are shared between the licensed operations.





390           (2) A person who has been issued a gaming license may  
391 establish a sports pool or race book on the premises of the  
392 establishment at which he conducts a gaming operation only after  
393 obtaining permission from the executive director.

394           **SECTION 8.** This act shall take effect and be in force from  
395 and after July 1, 2015.

