

By: Representative Clarke

To: Gaming; Revenue and  
Expenditure General Bills

HOUSE BILL NO. 136

1 AN ACT TO ESTABLISH A STATE LOTTERY TO BE KNOWN AS THE  
 2 "MISSISSIPPI LOTTERY FOR EDUCATION," A STATE LOTTERY TO BE  
 3 ADMINISTERED BY THE MISSISSIPPI GAMING COMMISSION; TO PROVIDE THE  
 4 POWERS AND DUTIES OF THE MISSISSIPPI GAMING COMMISSION REGARDING  
 5 THE ADMINISTRATION OF THE STATE LOTTERY; TO PROVIDE THAT THE  
 6 PURPOSE OF THE LOTTERY IS TO FUND THE MISSISSIPPI HOPE SCHOLARSHIP  
 7 PROGRAM; TO CREATE THE MISSISSIPPI HOPE SCHOLARSHIP TRUST FUND; TO  
 8 PROVIDE FOR THE ALLOCATION OF THE PROCEEDS COLLECTED FROM THE SALE  
 9 OF LOTTERY TICKETS IN THE STATE, AFTER DEDUCTING CERTAIN  
 10 ADMINISTRATIVE AND PRIZE EXPENSES; TO REQUIRE FORTY-FIVE PERCENT  
 11 OF THE PROCEEDS COLLECTED FROM THE SALE OF LOTTERY TICKETS IN THE  
 12 STATE TO BE ALLOCATED AS PRIZE MONEY; TO REQUIRE A PERCENTAGE OF  
 13 THE PROCEEDS FROM THE SALE OF LOTTERY TICKETS WITHIN A COUNTY TO  
 14 BE DISTRIBUTED TO THAT COUNTY; TO REQUIRE THE REMAINDER OF THE NET  
 15 PROCEEDS TO BE DEPOSITED INTO THE MISSISSIPPI HOPE SCHOLARSHIP  
 16 TRUST FUND; TO AMEND SECTIONS 37-106-5, 67-1-71, 75-76-3, 75-76-5,  
 17 97-33-9, 97-33-11, 97-33-13, 97-33-21, 97-33-23, 97-33-31,  
 18 97-33-33, 97-33-35, 97-33-37, 97-33-39, 97-33-41, 97-33-43,  
 19 97-33-45, 97-33-47 AND 97-33-49, MISSISSIPPI CODE OF 1972, IN  
 20 CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
 21 PURPOSES.

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

23 **SECTION 1.** As used in this act, the following words and  
 24 phrases have the meanings ascribed in this section unless the  
 25 context clearly indicates otherwise:

26 (a) "Commission" means the Mississippi Gaming  
 27 Commission.



28                   (b) "Distributor" means any person authorized by the  
29 Mississippi Gaming Commission to distribute lottery tickets to  
30 retailers. A person possessing a gaming license issued under  
31 Chapter 76, Title 75, Mississippi Code of 1972, may be a  
32 distributor if located in a county in which legal gaming has been  
33 approved.

34                   (c) "Lottery" means any activity approved by the  
35 Mississippi Gaming Commission in which:

36                   (i) The player or players pay or agree to pay  
37 something of value for chances, represented and differentiated by  
38 tickets, slips of paper or other physical and tangible  
39 documentation upon which appear numbers, symbols, characters or  
40 other distinctive marks used to identify and designate the winner  
41 or winners;

42                   (ii) The winning chance or chances are to be  
43 determined by a drawing or similar selection method based  
44 predominately upon the element of chance or random selection  
45 rather than upon the skill or judgment of the player or players;

46                   (iii) The holder or holders of the winning chance  
47 or chances are to receive a prize or something of valuable  
48 consideration; and

49                   (iv) The activity is conducted and participated in  
50 without regard to geographical location, with the player or  
51 players not being required to be present upon any particular



52 premises or at any particular location in order to participate or  
53 to win.

54 (d) "Person" means any association, corporation, firm,  
55 partnership, trust or other form of business association as well  
56 as a natural person.

57 (e) "Retailer" means any person authorized by the  
58 Mississippi Gaming Commission to sell lottery tickets to the  
59 public. A person possessing a gaming license issued under Chapter  
60 76, Title 75, Mississippi Code of 1972, may be a retailer if  
61 located in a county in which legal gaming has been approved.

62 **SECTION 2.** (1) There is created a state lottery to be known  
63 as the "Mississippi Lottery for Education," to be administered by  
64 the Mississippi Gaming Commission. The commission shall:

65 (a) Prescribe the method and form of application which  
66 an applicant for a distributor's license or retailer's license, or  
67 both, must follow and complete before consideration of his  
68 application by the commission;

69 (b) Prescribe guidelines for the review of applications  
70 for licenses and the approval or disapproval of such applications;

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



77 (d) Prescribe the manner and method of collection and  
78 payment of fees and issuance of licenses;

79 (e) Prescribe conditions under which a licensee may be  
80 subject to revocation or suspension of his license;

81 (f) Prescribe guidelines regarding the conduct of  
82 specific lottery games including, but not limited to:

83 (i) The types of games to be conducted;

84 (ii) The sale price of tickets;

85 (iii) The number and amount of prizes;

86 (iv) The method and location of selecting or  
87 validating winning tickets;

88 (v) The frequency and means of conducting drawings  
89 which must be open to the public;

90 (vi) The manner of payment of prizes;

91 (vii) The frequency of games and drawings; and

92 (viii) Any other matters necessary or desirable  
93 for the efficient and effective operation of lottery games;

94 (g) Enter into contracts with distributors for the  
95 distribution of lottery tickets to retailers; and

96 (h) Take any action necessary for the implementation  
97 and administration of this section and promulgate rules and  
98 regulations necessary for its implementation and administration.

99 (2) No ticket may be sold knowingly to any person under the  
100 age of eighteen (18) years, but this subsection (2) does not  
101 prohibit the purchase of a ticket by a person eighteen (18) years



102 of age or older for the purpose of making a gift to any person of  
103 any age. In such case, the commission shall direct payment to an  
104 adult member of the person's family or the legal guardian of the  
105 person on behalf of such person.

106 (3) The proceeds received from the actual sale of lottery  
107 tickets, less a reasonable percentage in an amount as determined  
108 by the commission up to a maximum amount of one-half of one  
109 percent (0.5%) to be retained by a retailer selling a ticket, must  
110 be remitted to the commission on a monthly basis. The commission  
111 shall deposit the proceeds into the State Treasury on the day  
112 collected. At the end of each month, the commission shall certify  
113 the total proceeds collected from the sale of lottery tickets to  
114 the State Treasurer, who shall distribute such collections as  
115 follows:

116 (a) As nearly as practicable, forty-five percent (45%)  
117 of the proceeds collected during the preceding month from the sale  
118 of lottery tickets in the state must be allocated as prize money,  
119 to be distributed by the commission, provided that this provision  
120 does not create any lien, entitlement, cause of action, or other  
121 private right, and any rights of holders of lottery tickets shall  
122 be determined by the commission in administering the lottery;

123 (b) A reasonable percentage, in an amount as determined  
124 by the commission up to a maximum amount of one-half of one  
125 percent (0.5%), of the proceeds collected during the preceding  
126 month from the sale of lottery tickets in the state, must be



127 allocated for distribution to the commission and paid to the  
128 commission to defray the costs of administering the provisions of  
129 this section;

130 (c) Four percent (4%) of the proceeds collected during  
131 the preceding month from the sale of lottery tickets within a  
132 county must be allocated for distribution to that county and paid  
133 to that county; and

134 (d) The remainder of the proceeds collected during the  
135 preceding month from the sale of lottery tickets in the state must  
136 be deposited into the Mississippi Hope Scholarship Trust Fund  
137 created in Section 3 of this act.

138 **SECTION 3.** (1) There is created in the State Treasury a  
139 special fund to be designated as the "Mississippi Hope Scholarship  
140 Trust Fund," into which must be deposited the funds as provided in  
141 Section 2(3)(d) of this act. All investment earnings or interest  
142 earned on amounts in the fund must be deposited to the credit of  
143 the fund. Amounts remaining in the fund at the end of a fiscal  
144 year may not lapse into the State General Fund.

145 The trust fund must remain inviolate and may not be expended,  
146 except as provided in this section. Beginning in fiscal year 2018  
147 and in each subsequent fiscal year, the Legislature may  
148 appropriate from the trust fund an amount not greater than the  
149 aggregate investment earnings and interest earned during the  
150 preceding fiscal year on amounts in the fund. This appropriation  
151 will be for the exclusive purpose of providing funds for the



152 purposes described in subsection (2) of this section, but may not  
153 be considered to be the only source for providing funds for those  
154 purposes.

155 (2) The special fund will be administered by the Mississippi  
156 Postsecondary Education Financial Assistance Board established  
157 under Section 37-106-9. For purposes of this section, "eligible  
158 institution" means any state institution of higher learning or  
159 public community or junior college or any regionally accredited,  
160 state-approved, nonprofit four-year or two-year college or  
161 university located in the State of Mississippi, as listed in  
162 Section 37-106-29(4). The board shall set the date that will  
163 serve as the deadline for applying for a scholarship award under  
164 subsections (2) through (5) of this section. The board shall  
165 award Hope scholarships to each Mississippi student who enrolls as  
166 a student for the first time at an eligible institution in  
167 Mississippi, and who:

168 (a) (i) Has earned, after seven (7) semester hours, a  
169 minimum cumulative grade point average of 3.0 calculated on a 4.0  
170 scale in high school subjects acceptable for credit toward a  
171 diploma, as certified by the high school principal or other  
172 authorized school official on the application;

173 (ii) Has completed a home study program meeting  
174 state law requirements in lieu of graduating from high school, and  
175 has earned a cumulative grade point average of 3.0 in an eligible  
176 institution as described in this subsection (2) at the end of the



177 student's first quarter, trimester or semester, at which time the  
178 student will be eligible to receive a retroactive Hope  
179 scholarship; or

180 (iii) Has received the general educational  
181 development (GED) diploma awarded by the Mississippi Department of  
182 Education, and has earned a cumulative grade point average of 3.0  
183 in an eligible institution as described in this subsection (2) at  
184 the end of the student's first quarter, trimester or semester, at  
185 which time the student will be eligible to receive a retroactive  
186 Hope scholarship;

187 (b) Is enrolled, on a full-time basis, at an eligible  
188 institution;

189 (c) Is a resident of the State of Mississippi and a  
190 United States citizen;

191 (d) Has complied with the United States Selective  
192 Service System requirements for registration, if such requirements  
193 are applicable to the student;

194 (e) Is not in default on a federal or state educational  
195 loan, or does not owe a refund on a federal student financial aid  
196 program or a state student financial aid program;

197 (f) Has not been convicted of a felony offense  
198 involving marijuana or a controlled substance; and

199 (g) Is not incarcerated.

200 (3) The annual scholarship award to a student will be the  
201 total cost of the student's tuition for the calendar year,





202 excluding nontuition fees and costs of books and other supplies.  
203 Payment of the award must be made payable to the recipient and the  
204 educational institution and mailed directly to the institution.

205 (4) A recipient shall maintain the equivalent of a 3.0  
206 cumulative grade point average on a 4.0 scale, on at least twelve  
207 (12) hours per quarter, trimester or semester in order to be  
208 eligible for a continuation of the award. No student may receive  
209 an award for more than the equivalent quarters, trimesters or  
210 semesters required to complete one (1) degree per institution.  
211 The award may be renewed annually upon certification of  
212 eligibility by an eligible institution that the recipient meets  
213 the necessary qualifications. If any recipient transfers from one  
214 (1) eligible college to another, his award will be transferred  
215 provided he is eligible for the award. If a student fails to  
216 maintain continuous enrollment, he is ineligible to receive the  
217 award during the following quarter, trimester or semester of the  
218 regular academic year.

219 (5) The board may conduct annual audits of any college  
220 participating in the program described in subsections (2) through  
221 (5) of this section. The board may suspend or revoke an  
222 institution's eligibility to receive future monies under the  
223 program if it finds that the institution has not complied with the  
224 provisions of subsections (2) through (5) of this section.

225 **SECTION 4.** Section 37-106-5, Mississippi Code of 1972, is  
226 amended as follows:



227           37-106-5. (1) For purposes of this chapter, the following  
228 words shall be defined as follows unless the context requires  
229 otherwise:

230           (a) "Eligible applicant or eligible student" means an  
231 individual who completes an application by the published  
232 application deadline for a given student financial assistance  
233 program, meets all initial or continuing eligibility requirements  
234 for the program and enrolls in an approved institution for the  
235 given program.

236           (b) "Approved institution" means an institution of  
237 higher learning, public or private, which is accredited by the  
238 Southern Association of Colleges and Secondary Schools, or its  
239 equivalent or a business, vocational, technical or other  
240 specialized school recognized and approved by the Postsecondary  
241 Education Financial Assistance Board.

242           (c) "Board" means the Postsecondary Education Financial  
243 Assistance Board created by Section 37-106-9 authorized and  
244 empowered to administer the provisions of this chapter.

245           (d) "Financial need" means anticipated expenses of an  
246 eligible student while attending an approved institution which  
247 cannot reasonably be met by said student or by the parents thereof  
248 as shall be determined according to the criteria established by  
249 the rules and regulations of the board. Financial need shall be  
250 reevaluated and redetermined at least annually.



251 (e) "Agency" means the Board of Trustees of State  
252 Institutions of Higher Learning.

253 (f) "Renewal applicant or renewal student" means a  
254 student who previously received funding for a given program.

255 (g) "Resident," "resident status" or "residency" shall  
256 be defined and determined in the same manner as resident status  
257 for tuition purposes as set forth in Sections 37-103-1 through  
258 37-103-29, with the exception of Section 37-103-17. Unless  
259 excepted by the rules of a given program, an applicant must be a  
260 Mississippi resident to qualify for financial assistance under  
261 this chapter.

262 (h) "Dependent" shall be defined and used in the same  
263 manner as the term "minor" in Sections 37-103-1 through 37-103-29.  
264 The board will follow the federal guidelines for classifying a  
265 student as "dependent" or "independent."

266 (i) "Fund" means the Mississippi Hope Scholarship Trust  
267 Fund created in Section 3 of this act.

268 **SECTION 5.** Section 67-1-71, Mississippi Code of 1972, is  
269 amended as follows:

270 67-1-71. The department may revoke or suspend any permit  
271 issued by it for a violation by the permittee of any of the  
272 provisions of this chapter or of the regulations promulgated under  
273 it by the department.

274 Permits must be revoked or suspended for the following  
275 causes:



- 276           (a) Conviction of the permittee for the violation of  
277 any of the provisions of this chapter;
- 278           (b) Willful failure or refusal by any permittee to  
279 comply with any of the provisions of this chapter or of any rule  
280 or regulation adopted pursuant thereto;
- 281           (c) The making of any materially false statement in any  
282 application for a permit;
- 283           (d) Conviction of one or more of the clerks, agents or  
284 employees of the permittee, of any violation of this chapter upon  
285 the premises covered by such permit within a period of time as  
286 designated by the rules or regulations of the department;
- 287           (e) The possession on the premises of any retail  
288 permittee of any alcoholic beverages upon which the tax has not  
289 been paid;
- 290           (f) The willful failure of any permittee to keep the  
291 records or make the reports required by this chapter, or to allow  
292 an inspection of such records by any duly authorized person;
- 293           (g) The suspension or revocation of a permit issued to  
294 the permittee by the federal government, or conviction of  
295 violating any federal law relating to alcoholic beverages;
- 296           (h) The failure to furnish any bond required by Section  
297 27-71-21 within fifteen (15) days after notice from the  
298 department; and
- 299           (i) The conducting of any form of illegal gambling on  
300 the premises of any permittee or on any premises connected



301 therewith or the presence on any such premises of any gambling  
302 device with the knowledge of the permittee.

303 The provisions of this paragraph (i) of this section shall  
304 not apply to \* \* \*: the conducting of legal gaming by a person  
305 having a gaming license issued under Chapter 76, Title 75,  
306 Mississippi Code of 1972, or the operation of the lottery  
307 authorized by Section 2 of this act. The department may, in its  
308 discretion, issue on-premises retailer's permits to a common  
309 carrier of the nature described in this paragraph.

310 No permit shall be suspended or revoked until after the  
311 permittee has been provided reasonable notice of the charges  
312 against him for which suspension or revocation is sought and the  
313 opportunity to a hearing before the Board of Tax Appeals to  
314 contest such charges and the suspension or revocation proposed.  
315 Opportunity to a hearing is provided without an actual hearing if  
316 the permittee, after receiving reasonable notice, including notice  
317 of his right to a hearing, fails to timely request a hearing. The  
318 permittee may also at any time waive his rights to reasonable  
319 notice and/or to the opportunity to a hearing by agreeing to a  
320 suspension or revocation offered by the department.

321 Notwithstanding the requirement above that a permit may not be  
322 suspended without notice and opportunity to a hearing, sales of  
323 alcoholic beverages by a permittee under a permit for which the  
324 bond under Section 27-71-21 has been cancelled shall be suspended  
325 from and after issuance of the notice provided in subsection (h)



326 above and shall continue to be suspended until the bond is  
327 reinstated, a new bond is posted or sufficient cash or securities  
328 as provided under Section 27-71-21 are deposited with the State  
329 Treasurer for this permit.

330 In addition to the causes specified in this section and other  
331 provisions of this chapter, the department shall be authorized to  
332 suspend the permit of any permit holder for being out of  
333 compliance with an order for support, as defined in Section  
334 93-11-153. The procedure for suspension of a permit for being out  
335 of compliance with an order for support, and the procedure for the  
336 reissuance or reinstatement of a permit suspended for that  
337 purpose, and the payment of any fees for the reissuance or  
338 reinstatement of a permit suspended for that purpose, shall be  
339 governed by Section 93-11-157 or 93-11-163, as the case may be.  
340 If there is any conflict between any provision of Section  
341 93-11-157 or 93-11-163 and any provision of this chapter, the  
342 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
343 shall control.

344 **SECTION 6.** Section 75-76-3, Mississippi Code of 1972, is  
345 amended as follows:

346 75-76-3. (1) The provisions of this chapter shall not be  
347 construed to legalize any form of gaming which is prohibited under  
348 the Mississippi Constitution or the laws of this state. All legal  
349 gaming which is conducted in this state and which is otherwise  
350 authorized by law shall be regulated and licensed pursuant to the



351 provisions of this chapter, unless the Legislature specifically  
352 provides otherwise. Nothing in this chapter shall be construed as  
353 encouraging the legalization of gambling in this state.

354 (2) The Legislature hereby finds and declares that lotteries  
355 and gaming both consist of the material element of chance. The  
356 Legislature is \* \* \* permitted by virtue of its inherent powers to  
357 legislate upon lotteries and gaming as the occasion arises. The  
358 Legislature derives its power to legislate upon lotteries and  
359 gaming or gambling devices from its inherent authority over the  
360 morals and policy of the people \* \* \*.

361 (3) The Legislature hereby finds, and declares it to be the  
362 public policy of this state, that:

363 (a) Regulation of licensed lotteries and gaming is  
364 important in order that \* \* \* those activities are conducted  
365 honestly and competitively, that the rights of the creditors of  
366 licensees are protected and that \* \* \* those activities are free  
367 from criminal and corruptive elements.

368 (b) Public confidence and trust can only be maintained  
369 by strict regulation of all persons, locations, practices,  
370 associations and activities related to the operation of lotteries  
371 and licensed gaming establishments and the manufacture or  
372 distribution of gambling devices and equipment.

373 (c) All establishments where lotteries or gaming \* \* \*,  
374 or both, are conducted and \* \* \* manufacturers, sellers and  
375 distributors of certain \* \* \* lottery and gaming devices and



376 equipment must therefore be licensed, controlled and assisted to  
377 protect the public health, safety, morals, good order and general  
378 welfare of the inhabitants of the state.

379 (4) It is the intent of the Legislature that gaming  
380 licensees and any entity authorized to conduct a lottery, to the  
381 extent practicable, shall employ residents of Mississippi as \* \* \*  
382 employees \* \* \* in the operation of their \* \* \* establishments  
383 located in this state.

384 (5) No applicant for a license or other affirmative  
385 commission approval has any right to a license or the granting of  
386 the approval sought. Any license issued or other commission  
387 approval granted pursuant to the provisions of this chapter is a  
388 revocable privilege, and no holder acquires any vested right  
389 therein or thereunder.

390 \* \* \*

391 **SECTION 7.** Section 75-76-5, Mississippi Code of 1972, is  
392 amended as follows:

393 75-76-5. As used in this chapter, unless the context  
394 requires otherwise:

395 (a) "Applicant" means any person who has applied for or  
396 is about to apply for a state gaming license, registration or  
397 finding of suitability under the provisions of this chapter or  
398 approval of any act or transaction for which approval is required  
399 or permitted under the provisions of this chapter.





400           (b) "Application" means a request for the issuance of a  
401 state gaming license, registration or finding of suitability under  
402 the provisions of this chapter or for approval of any act or  
403 transaction for which approval is required or permitted under the  
404 provisions of this chapter but does not include any supplemental  
405 forms or information that may be required with the application.

406           (c) "Associated equipment" means any equipment or  
407 mechanical, electromechanical or electronic contrivance, component  
408 or machine used remotely or directly in connection with gaming or  
409 with any game, race book or sports pool that would not otherwise  
410 be classified as a gaming device, including dice, playing cards,  
411 links which connect to progressive slot machines, equipment which  
412 affects the proper reporting of gross revenue, computerized  
413 systems of betting at a race book or sports pool, computerized  
414 systems for monitoring slot machines, and devices for weighing or  
415 counting money.

416           (d) "Chairman" means the Chairman of the Mississippi  
417 Gaming Commission except when used in the term "Chairman of the  
418 State Tax Commission." "Chairman of the State Tax Commission" or  
419 "commissioner" means the Commissioner of Revenue of the Department  
420 of Revenue.

421           (e) "Commission" or "Mississippi Gaming Commission"  
422 means the Mississippi Gaming Commission.

423           (f) "Commission member" means a member of the  
424 Mississippi Gaming Commission.



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

429 (h) "Enforcement division" means a particular division  
430 supervised by the executive director that provides enforcement  
431 functions.

432 (i) "Establishment" means any premises wherein or  
433 whereon any gaming is done.

434 (j) "Executive director" means the Executive Director  
435 of the Mississippi Gaming Commission.

436 (k) Except as otherwise provided by law, "game," or  
437 "gambling game" means any banking or percentage game played with  
438 cards, with dice or with any mechanical, electromechanical or  
439 electronic device or machine for money, property, checks, credit  
440 or any representative of value, including, without limiting, the  
441 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
442 twenty-one, blackjack, seven-and-a-half, big injun, klondike,  
443 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
444 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
445 or any other game or device approved by the commission. However,  
446 "game" or "gambling game" shall not include bingo games or raffles  
447 which are held pursuant to the provisions of Section 97-33-51, or  
448 the illegal gambling activities described in Section 97-33-8, or  
449 the lottery authorized by Section 2 of this act.



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

453           (1) "Gaming" or "gambling" means to deal, operate,  
454 carry on, conduct, maintain or expose for play any game as defined  
455 in this chapter.

456           (m) "Gaming device" means any mechanical,  
457 electromechanical or electronic contrivance, component or machine  
458 used in connection with gaming or any game which affects the  
459 result of a wager by determining win or loss. The term includes a  
460 system for processing information which can alter the normal  
461 criteria of random selection, which affects the operation of any  
462 game, or which determines the outcome of a game. The term does  
463 not include a system or device which affects a game solely by  
464 stopping its operation so that the outcome remains undetermined,  
465 and does not include any antique coin machine as defined in  
466 Section 27-27-12.

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

- 470                   (i) Boxmen;  
471                   (ii) Cashiers;  
472                   (iii) Change personnel;  
473                   (iv) Counting room personnel;  
474                   (v) Dealers;



- 475 (vi) Floormen;
- 476 (vii) Hosts or other persons empowered to extend  
477 credit or complimentary services;
- 478 (viii) Keno runners;
- 479 (ix) Keno writers;
- 480 (x) Machine mechanics;
- 481 (xi) Security personnel;
- 482 (xii) Shift or pit bosses;
- 483 (xiii) Shills;
- 484 (xiv) Supervisors or managers; and
- 485 (xv) Ticket writers.

486 The term "gaming employee" also includes employees of  
487 manufacturers or distributors of gaming equipment within this  
488 state whose duties are directly involved with the manufacture,  
489 repair or distribution of gaming equipment.

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

493 (o) "Gaming license" means any license issued by the  
494 state which authorizes the person named therein to engage in  
495 gaming.

496 (p) "Gross revenue" means the total of all of the  
497 following, less the total of all cash paid out as losses to  
498 patrons and those amounts paid to purchase annuities to fund



499 losses paid to patrons over several years by independent financial  
500 institutions:

501 (i) Cash received as winnings;

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

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

506 For the purposes of this definition, cash or the value of  
507 noncash prizes awarded to patrons in a contest or tournament are  
508 not losses.

509 The term does not include:

510 (i) Counterfeit money or tokens;

511 (ii) Coins of other countries which are received  
512 in gaming devices;

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

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

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

520 (r) "Investigation division" means a particular  
521 division supervised by the executive director that provides  
522 investigative functions.



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

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

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

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

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

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

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

538 (z) "Party" means the Mississippi Gaming Commission and  
539 any licensee or other person appearing of record in any proceeding  
540 before the commission; or the Mississippi Gaming Commission and  
541 any licensee or other person appearing of record in any proceeding  
542 for judicial review of any action, decision or order of the  
543 commission.

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



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

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

553 (dd) "Regulation" means a rule, standard, directive or  
554 statement of general applicability which effectuates law or policy  
555 or which describes the procedure or requirements for practicing  
556 before the commission. The term includes a proposed regulation  
557 and the amendment or repeal of a prior regulation but does not  
558 include:

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

562 (ii) A declaratory ruling;

563 (iii) An interagency memorandum;

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

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

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

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



572 coin, token or similar object, or upon payment of any  
573 consideration, is available to play or operate, the play or  
574 operation of which, whether by reason of the skill of the operator  
575 or application of the element of chance, or both, may deliver or  
576 entitle the person playing or operating the machine to receive  
577 cash, premiums, merchandise, tokens or anything of value, whether  
578 the payoff is made automatically from the machine or in any other  
579 manner. The term does not include any antique coin machine as  
580 defined in Section 27-27-12.

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

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

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

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

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





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

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

601 (mm) "Cheat" means to alter the selection of criteria  
602 that determine:

603 (i) The rules of a game; or

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

605 (nn) "Promotional activity" means an activity or event  
606 conducted or held for the purpose of promoting or marketing the  
607 individual licensed gaming establishment that is engaging in the  
608 promotional activity. The term includes, but is not limited to, a  
609 game of any kind other than as defined in paragraph (k) of this  
610 section, a tournament, a contest, a drawing, or a promotion of any  
611 kind.

612 **SECTION 8.** Section 97-33-9, Mississippi Code of 1972, is  
613 amended as follows:

614 97-33-9. Except as otherwise provided in Section 97-33-8, if  
615 any person shall be guilty of keeping or exhibiting any illegal  
616 game or gaming table commonly called A.B.C. or E.O. roulette or  
617 rowley-powley, or rouge et noir, roredo, keno, monte, or any  
618 faro-bank, or other game, gaming table, or bank of the same or  
619 like kind or any other kind or description under any other name  
620 whatever, or shall be in any manner either directly or indirectly



621 interested or concerned in any gaming tables, banks, or games,  
622 either by furnishing money or articles for the purpose of carrying  
623 on the same, being interested in the loss or gain of said table,  
624 bank or games, or employed in any manner in conducting, carrying  
625 on, or exhibiting said gaming tables, games, or banks, every  
626 person so offending and being thereof convicted, shall be fined  
627 not less than Twenty-five Dollars (\$25.00) nor more than Two  
628 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail  
629 not longer than two (2) months, or by both such fine and  
630 imprisonment, in the discretion of the court. Nothing in this  
631 section shall apply to any person who owns, possesses, controls,  
632 installs, procures, repairs or transports any legal gaming or  
633 gambling device, machine or equipment in accordance with  
634 subsection (4) of Section 97-33-7 or Section 75-76-34 or to the  
635 operation of the lottery authorized by Section 2 of this act.

636       **SECTION 9.** Section 97-33-11, Mississippi Code of 1972, is  
637 amended as follows:

638       97-33-11. It shall not be lawful for any association of  
639 persons of the character commonly known as a "club," whether such  
640 association be incorporated or not, in any manner, either directly  
641 or indirectly, to have any interest or concern in any gambling  
642 tables, banks, or games, by means of what is sometimes called a  
643 "rake-off" or "take-out," or by means of an assessment upon  
644 certain combinations, or hands at cards, or by means of a  
645 percentage extracted from players, or an assessment made upon, or



646 a contribution from them, or by any other means, device or  
647 contrivance whatsoever. It shall not be lawful for such an  
648 association to lend or advance money or any other valuable thing  
649 to any person engaged or about to engage in playing any game of  
650 chance prohibited by law, or to become responsible directly or  
651 indirectly for any money or other valuable thing lost, or which  
652 may be lost, by any player in any such game. If any such  
653 association shall violate any of the provisions of this section  
654 each and every member thereof shall be guilty of a misdemeanor  
655 and, upon conviction thereof, shall be fined in a sum not more  
656 than Five Hundred Dollars (\$500.00); and unless such fine and  
657 costs be immediately paid, shall be imprisoned in the county jail  
658 for not less than five (5) nor more than twenty (20) days. Each  
659 grand jury shall cause such of the members of such an association  
660 as it may choose to appear before them and submit to examination  
661 touching the observance or nonobservance by such association of  
662 the provisions hereof.

663 The provisions of this section do not apply to the operation  
664 of the lottery authorized by Section 2 of this act.

665 **SECTION 10.** Section 97-33-13, Mississippi Code of 1972, is  
666 amended as follows:

667 97-33-13. Any owner, lessee, or occupant of any outhouse or  
668 other building, who shall knowingly permit or suffer any of the  
669 before mentioned tables, banks, or games, or any other game  
670 prohibited by law, to be carried on, kept, or exhibited in his



671 said house or other building, or on his lot or premises, being  
672 thereof convicted, shall be fined not less than One Hundred  
673 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

674 The provisions of this section do not apply to the operation  
675 of the lottery authorized by Section 2 of this act.

676 **SECTION 11.** Section 97-33-21, Mississippi Code of 1972, is  
677 amended as follows:

678 97-33-21. Any person of full age who shall bet any money or  
679 thing of any value with a minor, or allow a minor to bet at any  
680 game or gaming-table exhibited by him, or in which he is  
681 interested or in any manner concerned, on conviction thereof,  
682 shall be fined not less than Three Hundred Dollars (\$300.00) and  
683 imprisoned not less than three (3) months.

684 The provisions of this section do not apply to a minor who  
685 receives as a gift a ticket associated with the lottery authorized  
686 by Section 2 of this act when the ticket has been purchased by a  
687 person who is eighteen (18) years of age or older.

688 **SECTION 12.** Section 97-33-23, Mississippi Code of 1972, is  
689 amended as follows:

690 97-33-23. Any person of full age who shall bet any money or  
691 thing of value with a minor, knowing such minor to be under the  
692 age of twenty-one (21) years, or allowing any such minor to bet at  
693 any game or games, or at any gaming table exhibited by him, or in  
694 which he is interested or in any manner concerned, on conviction



695 thereof, shall be punished by imprisonment in the Penitentiary not  
696 exceeding two (2) years.

697 The provisions of this section do not apply to a minor who  
698 receives as a gift a ticket associated with the lottery authorized  
699 by Section 2 of this act when the ticket has been purchased by a  
700 person who is eighteen (18) years of age or older.

701 **SECTION 13.** Section 97-33-31, Mississippi Code of 1972, is  
702 amended as follows:

703 97-33-31. If any person, in order to raise money for himself  
704 or another, or for any purpose whatever, shall publicly or  
705 privately put up a lottery to be drawn or adventured for, he  
706 shall, on conviction, be imprisoned in the Penitentiary not  
707 exceeding five (5) years.

708 The provisions of this section do not apply to the operation  
709 of the lottery authorized by Section 2 of this act.

710 **SECTION 14.** Section 97-33-33, Mississippi Code of 1972, is  
711 amended as follows:

712 97-33-33. If any person shall in any way advertise any  
713 lottery whatever, no matter where located, or shall knowingly have  
714 in his possession any posters or other lottery advertisements of  
715 any kind \* \* \*, save a regularly issued newspaper containing such  
716 an advertisement without intent to circulate the same as an  
717 advertisement \* \* \*, he shall, on conviction, be fined not less  
718 than Twenty-five Dollars (\$25.00) nor more than One Hundred



719 Dollars (\$100.00), or be imprisoned in the county jail not  
720 exceeding three (3) months, or both.

721 The provisions of this section do not apply to the operation  
722 of the lottery authorized by Section 2 of this act.

723 **SECTION 15.** Section 97-33-35, Mississippi Code of 1972, is  
724 amended as follows:

725 97-33-35. If any newspaper published or circulated in this  
726 state shall contain an advertisement of any lottery whatever, or  
727 any matter intended to advertise a lottery, no matter where  
728 located, the editor or editors, publisher or publishers, and the  
729 owner or owners thereof permitting the same, shall be guilty of a  
730 misdemeanor and, on conviction, shall be fined not less than One  
731 Hundred Dollars (\$100.00) nor more than One Thousand Dollars  
732 (\$1,000.00), and be imprisoned in the county jail not less than  
733 ten (10) days nor more than three (3) months, for each offense.  
734 The issuance of each separate daily or weekly edition of the  
735 newspaper that shall contain such an advertisement shall be  
736 considered a separate offense.

737 The provisions of this section do not apply to the operation  
738 of the lottery authorized by Section 2 of this act.

739 **SECTION 16.** Section 97-33-37, Mississippi Code of 1972, is  
740 amended as follows:

741 97-33-37. If any newsdealer or other person shall, directly  
742 or indirectly, sell or offer for sale any newspaper or other  
743 publication containing a lottery advertisement, he shall be guilty



744 of a misdemeanor and, upon conviction, shall be fined not less  
745 than Ten Dollars (\$10.00) or imprisoned not less than ten (10)  
746 days, or both.

747 The provisions of this section do not apply to the operation  
748 of the lottery authorized by Section 2 of this act.

749 **SECTION 17.** Section 97-33-39, Mississippi Code of 1972, is  
750 amended as follows:

751 97-33-39. If any person shall sell, or offer or expose for  
752 sale, any lottery ticket, whether the lottery be in or out of this  
753 state, or for or in any other state, territory, district, or  
754 country, he shall, on conviction, be fined not less than  
755 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars  
756 (\$100.00), or imprisoned in the county jail not less than ten (10)  
757 days nor more than sixty (60) days, or both.

758 The provisions of this section do not apply to the operation  
759 of the lottery authorized by Section 2 of this act.

760 **SECTION 18.** Section 97-33-41, Mississippi Code of 1972, is  
761 amended as follows:

762 97-33-41. If any person shall buy in this state any lottery  
763 ticket, whether the lottery be in or out of this state, or of or  
764 in any other state, territory, district, or country, he shall, on  
765 conviction, be fined not less than Five Dollars (\$5.00) nor more  
766 than Twenty-five Dollars (\$25.00), or be imprisoned in the county  
767 jail not exceeding ten (10) days, or both.



768           The provisions of this section do not apply to the operation  
769 of the lottery authorized by Section 2 of this act.

770           **SECTION 19.** Section 97-33-43, Mississippi Code of 1972, is  
771 amended as follows:

772           97-33-43. If any railroad company shall suffer or permit the  
773 sale of a lottery ticket of any kind on its cars, or at its depots  
774 or depot grounds, or by its employees, no matter where the lottery  
775 is located, it shall be guilty of a misdemeanor and, on  
776 conviction, shall be fined not less than Twenty Dollars (\$20.00)  
777 nor more than One Hundred Dollars (\$100.00) for every such ticket  
778 so sold.

779           The provisions of this section do not apply to the operation  
780 of the lottery authorized by Section 2 of this act.

781           **SECTION 20.** Section 97-33-45, Mississippi Code of 1972, is  
782 amended as follows:

783           97-33-45. If the owner or owners of any steamboat shall  
784 suffer or permit the sale of a lottery ticket of any kind on his  
785 or their boat, or by his or their employees, no matter where the  
786 lottery is located, he or they shall be guilty of a misdemeanor  
787 and shall, on conviction, be punished as prescribed in Section  
788 97-33-43.

789           The provisions of this section do not apply to the operation  
790 of the lottery authorized by Section 2 of this act.

791           **SECTION 21.** Section 97-33-47, Mississippi Code of 1972, is  
792 amended as follows:





793 97-33-47. If any person shall act as agent for any lottery  
794 or lottery company, no matter where domiciled or located, or if he  
795 shall assume to so act as agent, or if he receive any money or  
796 other thing for any such lottery or lottery company, or deliver to  
797 any person any ticket or tickets, prize or prizes, or other thing  
798 from such lottery or lottery company, he shall, on conviction, be  
799 fined not less than One Hundred Dollars (\$100.00), nor more than  
800 Five Hundred Dollars (\$500.00), and be imprisoned in the county  
801 jail not less than three (3) months nor more than six (6) months.

802 The provisions of this section do not apply to the operation  
803 of the lottery authorized by Section 2 of this act.

804 **SECTION 22.** Section 97-33-49, Mississippi Code of 1972, is  
805 amended as follows:

806 97-33-49. Except as otherwise provided in Section 97-33-51,  
807 if any person, in order to raise money for himself or another,  
808 shall publicly or privately put up or in any way offer any prize  
809 or thing to be raffled or played for, he shall, on conviction, be  
810 fined not more than Twenty Dollars (\$20.00), or be imprisoned not  
811 more than one (1) month in the county jail.

812 The provisions of this section do not apply to the operation  
813 of the lottery authorized by Section 2 of this act.

814 **SECTION 23.** This act shall take effect and be in force from  
815 and after July 1, 2017.

