

By: Representative Bennett

To: Gaming

HOUSE BILL NO. 941

1 AN ACT TO AMEND SECTION 75-76-5, MISSISSIPPI CODE OF 1972, TO
 2 REVISE THE DEFINITION OF APPLICANT FOR PURPOSES OF THE MISSISSIPPI
 3 GAMING CONTROL ACT; TO AMEND SECTION 75-76-33, MISSISSIPPI CODE OF
 4 1972, TO PROVIDE THAT THE MISSISSIPPI GAMING COMMISSION SHALL
 5 REQUIRE APPLICANTS TO PAY ALL FEES AND COSTS OF INVESTIGATING AN
 6 APPLICANT'S REQUEST FOR REGULATORY APPROVALS, INCLUDING GAMING
 7 SITE APPROVAL AND APPROVAL TO PROCEED WITH DEVELOPMENT; TO AMEND
 8 SECTION 75-76-183, MISSISSIPPI CODE OF 1972, TO INCREASE THE
 9 GAMING VESSEL/CRUISE VESSEL LICENSE APPLICATION FEE; AND FOR
 10 RELATED PURPOSES.

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

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

14 75-76-5. As used in this chapter, unless the context
 15 requires otherwise:

16 (a) "Applicant" means any person, including any
 17 business entity, who has applied for or is about to apply for a
 18 state gaming license, registration or finding of suitability under
 19 the provisions of this chapter or approval of any act or
 20 transaction for which approval is required or permitted under the
 21 provisions of this chapter including, but not limited to,
 22 pre-licensing or post-licensing regulatory approvals.



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 Mississippi
40 Gaming Commission except when used in the term "Chairman of the
41 State Tax Commission." "Chairman of the State Tax Commission" or
42 "commissioner" means the Commissioner of Revenue of the Department
43 of Revenue.

44 (e) "Commission" or "Mississippi Gaming Commission"
45 means the Mississippi Gaming Commission.

46 (f) "Commission member" means a member of the
47 Mississippi Gaming Commission.



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

52 (h) "Enforcement division" means a particular division
53 supervised by the executive director that provides enforcement
54 functions.

55 (i) "Establishment" means any premises wherein or
56 whereon any gaming is done.

57 (j) "Executive director" means the Executive Director
58 of the Mississippi Gaming Commission.

59 (k) Except as otherwise provided by law, "game," or
60 "gambling game" means any banking or percentage game played with
61 cards, with dice or with any mechanical, electromechanical or
62 electronic device or machine for money, property, checks, credit
63 or any representative of value, including, without limiting, the
64 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
65 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
66 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
67 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
68 or any other game or device approved by the commission. However,
69 "game" or "gambling game" shall not include bingo games or raffles
70 which are held pursuant to the provisions of Section 97-33-51, or
71 the illegal gambling activities described in Section 97-33-8.



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

75 (1) "Gaming" or "gambling" means to deal, operate,
76 carry on, conduct, maintain or expose for play any game as defined
77 in 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. The term includes a proposed regulation
179 and the amendment or repeal of a prior regulation but does not
180 include:

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

184 (ii) A declaratory ruling;

185 (iii) An interagency memorandum;

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

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

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

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



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

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

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

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

214 (kk) "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 (ll) "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 (mm) "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 (nn) "Promotional activity" means an activity or event
228 conducted or held for the purpose of promoting or marketing the
229 individual licensed gaming establishment that is engaging in the
230 promotional activity. The term includes, but is not limited to, a
231 game of any kind other than as defined in paragraph (k) of this
232 section, a tournament, a contest, a drawing, or a promotion of any
233 kind.

234 **SECTION 2.** Section 75-76-33, Mississippi Code of 1972, is
235 amended as follows:

236 75-76-33. (1) The commission shall, from time to time,
237 adopt, amend or repeal such regulations, consistent with the
238 policy, objects and purposes of this chapter, as it may deem
239 necessary or desirable in the public interest in carrying out the
240 policy and provisions of this chapter. The commission shall
241 comply with the Mississippi Administrative Procedures Law when



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

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

246 (a) Prescribing the method and form of application
247 which any applicant for a license or for a manufacturer's,
248 seller's or distributor's license must follow and complete before
249 consideration of his application by the executive director or the
250 commission.

251 (b) Prescribing the information to be furnished by any
252 applicant or licensee concerning his antecedents, habits,
253 character, associates, criminal record, business activities and
254 financial affairs, past or present.

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

257 (d) Requiring fingerprinting of an applicant or
258 licensee, and gaming employees of a licensee, or other methods of
259 identification and the forwarding of all fingerprints taken
260 pursuant to regulation of the Federal Bureau of Investigation.

261 (e) Prescribing the manner and procedure of all
262 hearings conducted by the commission or any hearing examiner of
263 the commission, including special rules of evidence applicable
264 thereto and notices thereof.

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



267 determined by the commission under paragraph (g) of this
268 subsection (2). The commission also shall require applicants to
269 pay all fees and costs of investigating an applicant's request for
270 any required pre-licensing or post-licensing regulatory approvals
271 including, but not limited to, gaming site approval and approval
272 to proceed with development.

273 (g) Prescribing the amounts of investigative fees only
274 as authorized by regulations of the commission under paragraph (f)
275 of this subsection, and collecting those fees. The commission
276 shall adopt regulations setting the amounts of those fees at
277 levels that will provide the commission with sufficient revenue,
278 when combined with any other monies as may be deposited into the
279 Mississippi Gaming Commission Fund created in Section 75-76-325,
280 to carry out the provisions of this chapter without any state
281 general funds. In calculating the amount of such fees, the
282 commission shall:

283 (i) Attempt to set the fees at levels that will
284 create a balance in the Mississippi Gaming Commission Fund that
285 does not exceed, at the end of any state fiscal year, two percent
286 (2%) of the projected amount of funds that will provide the
287 commission with such sufficient revenue; and

288 (ii) Demonstrate the reasonableness of the
289 relationship between a fee and the actual costs of the
290 investigative activity for which the fee is being prescribed.



291 (h) Prescribing the manner and method of collection and
292 payment of fees and issuance of licenses.

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

295 (j) Requiring any applicant or licensee to waive any
296 privilege with respect to any testimony at any hearing or meeting
297 of the commission, except any privilege afforded by the
298 Constitution of the United States or this state.

299 (k) Defining and limiting the area, games and devices
300 permitted, and the method of operation of such games and devices,
301 for the purposes of this chapter.

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

305 (m) Governing the use and approval of gambling devices
306 and equipment.

307 (n) Prescribing the qualifications of, and the
308 conditions under which, attorneys, accountants and others are
309 permitted to practice before the commission.

310 (o) Restricting access to confidential information
311 obtained under this chapter and ensuring that the confidentiality
312 of such information is maintained and protected.

313 (p) Prescribing the manner and procedure by which the
314 executive director on behalf of the commission shall notify a



315 county or a municipality wherein an applicant for a license
316 desires to locate.

317 (q) Prescribing the manner and procedure for an
318 objection to be filed with the commission and the executive
319 director by a county or municipality wherein an applicant for a
320 license desires to locate.

321 (3) Notwithstanding any other provision of law, each
322 licensee shall be required to comply with the regulation that no
323 wager may be placed by, or on behalf of, any individual or entity
324 or group, not present on a licensed vessel or cruise vessel.

325 (4) From and after July 1, 2016, the expenses of this agency
326 shall be defrayed by appropriation from the State General Fund and
327 all user charges and fees authorized under this section shall be
328 deposited into the State General Fund as authorized by law.

329 (5) From and after July 1, 2016, no state agency shall
330 charge another state agency a fee, assessment, rent or other
331 charge for services or resources received by authority of this
332 section.

333 **SECTION 3.** Section 75-76-183, Mississippi Code of 1972, is
334 amended as follows:

335 75-76-183. (1) Each applicant for a license to conduct
336 gaming aboard a vessel or cruise vessel shall pay an application
337 fee of * * * Fifty Thousand Dollars (\$50,000.00).



338 (2) Each licensee who is licensed to conduct gaming aboard a
339 vessel or cruise vessel shall pay an annual license fee of Five
340 Thousand Dollars (\$5,000.00).

341 **SECTION 4.** This act shall take effect and be in force from
342 and after July 1, 2018.

