

By: Representative Horan

To: Gaming

HOUSE BILL NO. 1129

1 AN ACT TO AUTHORIZE VIDEO GAMING IN THIS STATE; TO PROVIDE  
2 THAT THE MISSISSIPPI GAMING COMMISSION SHALL HAVE REGULATORY  
3 AUTHORITY OVER THE CONDUCT OF VIDEO GAMING OR RELATED ACTIVITIES  
4 AS DESCRIBED IN THIS ACT; TO PROVIDE THAT THE COMMISSION SHALL  
5 ENSURE THE INTEGRITY OF THE ACQUISITION AND OPERATION OF VIDEO  
6 GAMING TERMINALS, REDEMPTION TERMINALS AND ASSOCIATED EQUIPMENT  
7 AND SHALL HAVE SOLE REGULATORY AUTHORITY OVER EVERY ASPECT OF THE  
8 CONDUCT OF VIDEO GAMING; TO GRANT THE COMMISSION CERTAIN POWERS  
9 AND DUTIES; TO AUTHORIZE THE COMMISSION TO TAKE CERTAIN  
10 DISCIPLINARY ACTIONS AND TO PROVIDE FOR APPEALS FROM DECISIONS OF  
11 THE COMMISSION; TO REQUIRE THE LICENSING OF VIDEO GAMING OPERATORS  
12 AND THE PERSONS EMPLOYED BY VIDEO GAMING OPERATORS; TO REQUIRE THE  
13 LICENSING OF MANUFACTURES AND SUPPLIERS OF VIDEO GAMING EQUIPMENT;  
14 TO PROVIDE THE REQUIREMENTS FOR LICENSURE UNDER THIS ACT; TO  
15 REQUIRE TESTING AND CERTIFYING OF VIDEO GAMING MACHINES BY THE  
16 COMMISSION; TO LIMIT THE NUMBER OF VIDEO GAMING MACHINES THAT MAY  
17 BE PLACED ON THE PREMISES OF A LICENSEE; TO LIMIT THE AMOUNT OF  
18 WAGERS THAT MAY BE MADE; TO PROVIDE CERTAIN CIVIL AND CRIMINAL  
19 PENALTIES FOR VIOLATIONS OF THIS ACT; TO ESTABLISH THE FEES FOR  
20 THE VARIOUS LICENSES AUTHORIZED UNDER THIS ACT; TO BRING FORWARD  
21 SECTIONS 87-1-1, 97-33-1, 97-33-7, 97-33-17 AND 97-33-27,  
22 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND  
23 FOR RELATED PURPOSES.

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

25 **SECTION 1.** As used in this act:

26 (a) "Affiliate," "affiliate of" or "person affiliated  
27 with" means a person who directly or indirectly, through one or



28 more intermediaries, controls, is controlled by or is under common  
29 control with a specified person.

30 (b) "Applicant" means a person who, on his own behalf  
31 or on behalf of another, applies for permission to engage in an  
32 act or activity that is regulated under the provisions of this  
33 act.

34 (c) "Associated equipment" means equipment or a  
35 mechanical, electromechanical or electronic contrivance, component  
36 or machine used in connection with video gaming terminals or  
37 redemption terminals, including replacement parts, hardware and  
38 software.

39 (d) "Background investigation" means a security,  
40 criminal, credit and suitability investigation of a person as  
41 provided for in this act that includes the status of taxes owed to  
42 the United States, the state and its political subdivisions.

43 (e) "Cash" means United States currency and coin.

44 (f) "Cash equivalent" means a ticket, token, chip, card  
45 or other similar instrument or representation of value that the  
46 commission deems a cash equivalent in accordance with this act.

47 (g) "Central control computer" means a central site  
48 computer controlled by the commission and accessible by the  
49 commission to which all video gaming terminals communicate for the  
50 purpose of auditing capacity, real-time information retrieval of  
51 the details of any financial event that occurs in the operation of  
52 a video gaming terminal or redemption terminal, including, but not



53 limited to, coin in, coin out, ticket in, ticket out, jackpots,  
54 video gaming terminal and redemption terminal door openings and  
55 power failure and remote video gaming terminal or redemption  
56 terminal activation and disabling of video gaming terminals or  
57 redemption terminals.

58 (h) "Commission" means the Mississippi Gaming  
59 Commission.

60 (i) "Compensation" means anything of value, money or a  
61 financial benefit conferred on or received by a person in return  
62 for services rendered or to be rendered whether by the person or  
63 another.

64 (j) "Conduct of video gaming" means the licensed  
65 placement, operation and play of video gaming terminals under this  
66 act, as authorized and approved by the commission.

67 (k) "Controlling interest" means any of the following:

68 (i) For a publicly traded domestic or foreign  
69 corporation, the term means a person has a controlling interest in  
70 a legal entity, applicant or licensee if a person's sole voting  
71 rights under state law or corporate articles or bylaws entitle the  
72 person to elect or appoint one or more of the members of the board  
73 of directors or other governing body or the person holds an  
74 ownership or beneficial holding of five percent (5%) or more of  
75 the securities of the publicly traded corporation, partnership,  
76 limited liability company or other form of publicly traded legal



77 entity, unless this presumption of control or ability to elect is  
78 rebutted by clear and convincing evidence.

79 (ii) For a privately held domestic or foreign  
80 corporation, partnership, limited liability company or other form  
81 of privately held legal entity, the term means the holding of any  
82 securities in the legal entity, unless this presumption of control  
83 is rebutted by clear and convincing evidence.

84 (l) "Conviction" means a finding of guilt or a plea of  
85 guilty or nolo contendere, whether or not a judgment of sentence  
86 has been imposed as determined by the law of the jurisdiction in  
87 which the prosecution was held; however, the term does not include  
88 a conviction that has been expunged or overturned or for which an  
89 individual has been pardoned or had an order of accelerated  
90 rehabilitative disposition entered.

91 (m) "Corporation" includes a publicly traded  
92 corporation.

93 (n) "Establishment license" means a license issued by  
94 the commission authorizing a truck stop establishment to permit a  
95 terminal operator licensee to place and operate video gaming  
96 terminals on the truck stop establishment's premises under this  
97 act and the rules and regulations promulgated under this act.

98 (o) "Establishment licensee" means a truck stop  
99 establishment that holds an establishment license.



100           (p) "Financial backer" means an investor, mortgagee,  
101 bondholder, noteholder or other sources of equity or capital  
102 provided to an applicant or licensed entity.

103           (q) "Gambling game" means a game that plays or  
104 simulates the play of video poker, reel games, blackjack or other  
105 similar game authorized by the commission.

106           (r) "Gaming employee" means any of the following:

107               (i) An employee of a terminal operator licensee,  
108 establishment licensee or supplier licensee that is not a key  
109 employee and is involved in the conduct of video gaming.

110               (ii) An employee of a supplier licensee whose  
111 duties are directly involved with the repair or distribution of  
112 video gaming terminals or associated equipment sold or provided to  
113 a terminal operator licensee within this state as determined by  
114 the commission.

115           The term does not include nongaming personnel as determined  
116 by the commission or an employee of an establishment licensee.

117           (s) "Gross terminal revenue" means the total of cash or  
118 cash equivalents received by a video gaming terminal minus the  
119 total of cash or cash equivalents paid out to players as a result  
120 of playing a video gaming terminal. The term does not include  
121 counterfeit cash or cash taken in a fraudulent act perpetrated  
122 against a terminal operator licensee for which the terminal  
123 operator licensee is not reimbursed.



124           (t) "Holding company" means a person, other than an  
125 individual, which, directly or indirectly, owns or has the power  
126 or right to control or to vote a significant part of the  
127 outstanding voting securities of a corporation or other form of  
128 business organization, a holding company indirectly has, holds or  
129 owns any such power, right or security if it does so through an  
130 interest in a subsidiary or successive subsidiaries.

131           (u) "Incentive" means consideration, including a  
132 promotion or prize, provided to a player or potential player as an  
133 enticement to play a video gaming terminal.

134           (v) "Inducement" means any of the following:

135               (i) Consideration paid directly or indirectly,  
136 from a manufacturer, supplier, terminal operator, procurement  
137 agent, gaming employee, employee or another person on behalf of an  
138 applicant or anyone licensed under this act, to a truck stop  
139 establishment, establishment licensee, establishment licensee  
140 owner or an employee of the establishment licensee, directly or  
141 indirectly as an enticement to solicit or maintain the  
142 establishment licensee or establishment licensee owner's business.

143               (ii) Cash, incentive, marketing and advertising  
144 cost, gift, food, beverage, loan, prepayment of gross terminal  
145 revenue and other contribution or payment that offsets an  
146 establishment licensee's operational costs, or as otherwise  
147 determined by the commission.



148           The term shall not include costs paid by a terminal operator  
149 applicant or terminal operator licensee related to making video  
150 gaming terminals operate at the premises of an establishment  
151 licensee, including wiring and rewiring, software updates, ongoing  
152 video gaming terminal maintenance, redemption terminals, network  
153 connections, site controllers and costs associated with  
154 communicating with the central control computer system.

155           (w) "Institutional investor" means a retirement fund  
156 administered by a public agency for the exclusive benefit of  
157 federal, state or local public employees, investment company  
158 registered under the Investment Company Act of 1940 (54 Stat. 789,  
159 15 USC Section 80A-1 et seq.), collective investment trust  
160 organized by banks under Part Nine of the rules of the Comptroller  
161 of the Currency, closed-end investment trust, chartered or  
162 licensed life insurance company or property and casualty insurance  
163 company, banking and other chartered or licensed lending  
164 institution, investment advisor registered under the Investment  
165 Advisers Act of 1940 (54 Stat. 847, 15 USC Section 80B-1 et seq.)  
166 and such other person as the commission may determine consistent  
167 with this act.

168           (x) "Intermediary" means a person, other than an  
169 individual, that:

170                   (i) Is a holding company with respect to a  
171 corporation or other form of business organization, that holds or  
172 applies for a license under this act; and



173 (ii) Is a subsidiary with respect to a holding  
174 company.

175 (y) "Investigation division" means the investigation  
176 division established under Section 75-76-17.

177 (z) "Key employee" means an individual employed by a  
178 manufacturer licensee, supplier licensee, terminal operator  
179 licensee or establishment licensee that is determined by the  
180 commission to be a director or commission head or otherwise  
181 empowered to make discretionary decisions that regulate the  
182 conduct of video gaming.

183 (aa) "Key employee licensee" means an individual who  
184 holds a key employee license.

185 (bb) "Licensed entity" means a terminal operator  
186 licensee, establishment licensee, manufacturer licensee or  
187 supplier licensee under this act.

188 (cc) "Licensed entity representative" means a person,  
189 including an attorney, agent or lobbyist, acting on behalf of or  
190 authorized to represent the interest of an applicant, licensee or  
191 other person authorized by the commission to engage in an act or  
192 activity that is regulated under this act regarding a matter  
193 before or that may reasonably be expected to come before the  
194 commission.

195 (dd) "Licensed gaming establishment" shall have the  
196 meaning ascribed to such term in Section 75-76-5.

197 (ee) "Licensee" means a person licensed under this act.





198           (ff) "Manufacturer" means a person that manufactures,  
199 builds, rebuilds, fabricates, assembles, produces, programs,  
200 designs or otherwise makes modifications to a video gaming  
201 terminal, redemption terminal or associated equipment for use or  
202 play of video gaming terminals in this state for video gaming  
203 purposes.

204           (gg) "Manufacturer license" mean a license issued by  
205 the commission authorizing a manufacturer to manufacture or  
206 produce video gaming terminals, redemption terminals or associated  
207 equipment for use in this state for video gaming purposes.

208           (hh) "Manufacturer licensee" means a person that holds  
209 a manufacturer license.

210           (ii) "Minor" means an individual under twenty-one (21)  
211 years of age.

212           (jj) "Municipality" means a city, township, borough or  
213 incorporated town.

214           (kk) "Nonkey employee" means an individual employed by  
215 a terminal operator licensee who, unless otherwise designated by  
216 the commission, is not a key employee.

217           (ll) "Occupation permit" means a permit authorizing an  
218 individual to be employed or to work as a gaming employee.

219           (mm) "Party" means the commission or an applicant,  
220 licensee, registrant or other person appearing of record in any  
221 proceeding before the commission.



222 (nn) "Permittee" means a holder of a permit issued  
223 under this act.

224 (oo) "Person" means a natural person, corporation,  
225 foundation, organization, business trust, estate, limited  
226 liability company, trust, partnership, limited liability  
227 partnership, association or other form of legal business entity.

228 (pp) "Player" means an individual who wagers cash or a  
229 cash equivalent in the play or operation of a video gaming  
230 terminal and the play or operation of which may deliver or entitle  
231 the individual playing or operating the video gaming terminal to  
232 receive cash or a cash equivalent from a terminal operator  
233 licensee.

234 (qq) "Principal" means an officer, director, person who  
235 directly holds a beneficial interest in or ownership of the  
236 securities of an applicant or anyone licensed under this act,  
237 person who has a controlling interest in an applicant or anyone  
238 licensed under this act or has the ability to elect a majority of  
239 the board of directors of a licensee or to otherwise control  
240 anyone licensed under this act, procurement agent, lender or other  
241 licensed financial institution of an applicant or anyone licensed  
242 under this act, other than a bank or lending institution which  
243 makes a loan or holds a mortgage or other lien acquired in the  
244 ordinary course of business, underwriter of an applicant or anyone  
245 licensed under this act or other person or employee of an  
246 applicant, terminal operator licensee, manufacturer licensee or



247 supplier licensee deemed to be a principal by the commission,  
248 including a procurement agent.

249 (rr) "Procurement agent" means a person that shares in  
250 the gross terminal revenue or is otherwise compensated for the  
251 purpose of soliciting or procuring a terminal placement agreement.

252 (ss) "Progressive payout" means a video game terminal  
253 wager payout that increases in a monetary amount based on the  
254 amounts wagered in a progressive system.

255 (tt) "Progressive system" means a computerized system  
256 linking video gaming terminals on the premises of an establishment  
257 licensee and offering one or more common progressive payouts based  
258 on the amounts wagered.

259 (uu) "Publicly traded corporation" means a person,  
260 other than an individual, that:

261 (i) Has a class or series of securities registered  
262 under the Securities Exchange Act of 1934 (48 Stat. 881, 15 USC  
263 Section 78a et seq.);

264 (ii) Is a registered management company under the  
265 Investment Company Act of 1940; or

266 (iii) Is subject to the reporting obligations  
267 imposed by Section 15(d) of the Securities Exchange Act of 1934 by  
268 reason of having filed a registration statement that has become  
269 effective under the Securities Act of 1933 (48 Stat. 74, 15 USC  
270 Section 77a et seq.).



271 (vv) "Redemption terminal" means the collective  
272 hardware, software, communications technology and other ancillary  
273 equipment used to facilitate the payment of cash or a cash  
274 equivalent to a player as a result of playing a video gaming  
275 terminal.

276 (ww) "Slot amusement machine" means any mechanical  
277 device or contrivance which is operated, played, worked,  
278 manipulated, or used by inserting or depositing any coin, slug,  
279 token, or thing of value, in which may be seen any picture or  
280 heard any music, or wherein any game may be played, or any form of  
281 diversion had.

282 (xx) "Subsidiary" means a person other than an  
283 individual and includes:

284 (i) A corporation, any significant part of whose  
285 outstanding equity securities are owned, subject to a power or  
286 right of control, or held with power to vote, by a holding company  
287 or an intermediary company;

288 (ii) A significant interest in a person, other  
289 than an individual, which is owned, subject to a power or right of  
290 control, or held with power to vote, by a holding company or an  
291 intermediary company; or

292 (iii) A person deemed to be a subsidiary by the  
293 commission.

294 (yy) "Supplier" means a person that sells, leases,  
295 offers or otherwise provides, distributes or services any video



296 gaming terminal, redemption terminal or associated equipment to a  
297 terminal operator licensee for use or play in this state.

298 (zz) "Supplier license" means a license issued by the  
299 commission authorizing a supplier to provide products or services  
300 related to video gaming terminals, redemption terminals or  
301 associated equipment to terminal operator licensees for use in  
302 this state for the conduct of video gaming.

303 (aaa) "Supplier licensee" means a person that holds a  
304 supplier license.

305 (bbb) "Terminal operator" means a person that owns,  
306 services or maintains video gaming terminals for placement and  
307 operation on the premises of an establishment licensee.

308 (ccc) "Terminal operator license" means a license  
309 issued by the commission authorizing a terminal operator to place  
310 and operate video gaming terminals in an establishment licensee's  
311 premises pursuant to this act and the rules and regulations  
312 promulgated under this act.

313 (ddd) "Terminal operator licensee" means a person that  
314 holds a terminal operator license.

315 (eee) "Terminal placement agreement" means the formal  
316 written agreement or contract between an applicant for a terminal  
317 operator license or terminal operator licensee and an applicant  
318 for an establishment license or establishment or establishment  
319 licensee that establishes the terms and conditions regarding the  
320 conduct of video gaming.



321 (fff) "Truck stop establishment" means a premises that:

322 (i) Is equipped with diesel islands used for  
323 fueling commercial motor vehicles.

324 (ii) Has sold on average fifty thousand (50,000)  
325 gallons of diesel or biodiesel fuel each month for the previous  
326 twelve (12) months or is projected to sell an average of fifty  
327 thousand (50,000) gallons of diesel or biodiesel fuel each month  
328 for the next twelve (12) months.

329 (iii) Has parking spaces dedicated for commercial  
330 motor vehicles.

331 (iv) Has a convenience store.

332 (v) Is situated on a parcel of land of not less  
333 than three (3) acres that the truck stop establishment owns or  
334 leases.

335 (ggg) "Video gaming area" means the area of an  
336 establishment licensee's premises where video gaming terminals and  
337 redemption terminals are installed for operation and play.

338 (hhh) "Video gaming employees" includes gaming  
339 employees, key employees and nonkey employees.

340 (iii) "Video gaming terminal" means:

341 (i) A mechanical or electrical contrivance,  
342 terminal, machine or other device approved by the commission that,  
343 upon insertion of cash or cash equivalents, is available to play  
344 or operate one or more gambling games, the play of which utilizes  
345 a random number generator:



346                   1. May award a winning player either a free  
347 game or credit that shall only be redeemable for cash or cash  
348 equivalents at a redemption terminal.

349                   2. May utilize video displays.

350                   3. May use an electronic credit system for  
351 receiving wagers and making payouts that are only redeemable at a  
352 redemption terminal.

353                   (ii) Associated equipment necessary to conduct the  
354 operation of the contrivance, terminal, machine or other device.

355                   The term does not include a slot machine operated at a  
356 licensed gaming establishment in accordance or a slot amusement  
357 machine.

358                   **SECTION 2.** (1) The commission shall have general and sole  
359 regulatory authority over the conduct of video gaming or related  
360 activities as described in this act. The commission shall ensure  
361 the integrity of the acquisition and operation of video gaming  
362 terminals, redemption terminals and associated equipment and shall  
363 have sole regulatory authority over every aspect of the conduct of  
364 video gaming.

365                   (2) The commission may employ individuals as necessary to  
366 carry out the requirements of this act who shall serve at the  
367 commission's pleasure.

368                   (3) The commission shall have the power and duty:



369 (a) To require background investigations on applicants,  
370 licensees, principals, key employees, procurement agents or gaming  
371 employees under the jurisdiction of the commission.

372 (b) At its discretion, to issue, approve, renew,  
373 revoke, suspend, condition or deny issuance or renewal of terminal  
374 operator licenses.

375 (c) At its discretion, to award, revoke, suspend,  
376 condition or deny issuance or renewal of establishment licenses.

377 (d) At its discretion, to issue, approve, renew,  
378 revoke, suspend, condition or deny issuance or renewal of supplier  
379 and manufacturer licenses.

380 (e) At its discretion, to issue, approve, renew,  
381 revoke, suspend, condition or deny issuance or renewal of a  
382 license or permit for various classes of employees as required  
383 under this act.

384 (f) At its discretion, to issue, approve, renew,  
385 revoke, suspend, condition or deny issuance or renewal of  
386 additional licenses, permits or other authorization that may be  
387 required by the commission under this act.

388 (g) At its discretion, to suspend, condition or deny  
389 the issuance or renewal of a license or permit or levy a fine or  
390 other sanction for a violation of this act.

391 (h) To require prospective and existing video gaming  
392 employees, independent contractors, applicants, permittees and  
393 licensees to submit fingerprints, which shall be submitted to the





394 Federal Bureau of Investigation for purposes of verifying the  
395 identity of the individual and obtaining records of criminal  
396 arrests and convictions.

397 (i) To require prospective and existing video gaming  
398 employees, independent contractors, applicants, permittees and  
399 licensees to submit photographs consistent with a statement of  
400 policy developed by the commission.

401 (j) In addition to the power of the commission relating  
402 to license and permit applicants, to determine at its discretion  
403 the suitability of a person who furnishes or seeks to furnish to a  
404 terminal operator licensee directly or indirectly goods, services  
405 or property related to video gaming terminals, redemption  
406 terminals or associated equipment.

407 (k) To approve an application for or issue or renew a  
408 license, certificate, registration, permit or other authorization  
409 that may be required by the commission, if the commission is  
410 satisfied that the person has demonstrated by clear and convincing  
411 evidence that the person is of good character, honesty and  
412 integrity whose prior activities, criminal record, if any,  
413 reputation, habits and associations do not pose a threat to the  
414 public interest or the effective regulation and control of video  
415 gaming terminal operations or create or enhance the danger of  
416 unsuitable, unfair or illegal practices, methods and activities in  
417 the conduct of video gaming or the carrying on of the business and  
418 financial arrangements incidental thereto.



419 (1) To determine, designate and classify employees of a  
420 terminal operator licensee as key employees and nonkey employees.

421 **SECTION 3.** (1) The commission shall have the power and  
422 duty:

423 (a) To deny, deny the renewal, revoke, condition or  
424 suspend a license or permit provided for in this act if the  
425 commission finds in its sole discretion that an applicant,  
426 licensee or permittee under this act or its officers, employees or  
427 agents have furnished false or misleading information to the  
428 commission or failed to comply with the provisions of this act or  
429 the rules and regulations of the commission and that it would be  
430 in the public interest to deny, deny the renewal, revoke,  
431 condition or suspend the license or permit.

432 (b) To restrict access to confidential information in  
433 the possession of the commission that has been obtained under this  
434 act and ensure that the confidentiality of information is  
435 maintained and protected.

436 (c) To prescribe and require periodic financial  
437 reporting and internal control requirements for terminal operator  
438 licensees.

439 (d) To require that each terminal operator licensee  
440 provide to the commission its annual financial statements, with  
441 such additional detail as the commission shall require, which  
442 shall be submitted not later than one hundred eighty (180) days  
443 after the end of the licensee's fiscal year.



444 (e) To prescribe the procedures to be followed by  
445 terminal operator licensees for a financial event that occurs in  
446 the operation and play of video gaming terminals.

447 (f) To require that each establishment licensee  
448 prohibits minors from operating or using video gaming terminals or  
449 redemption terminals.

450 (g) To establish procedures for the inspection and  
451 certification of compliance of video gaming terminals, redemption  
452 terminals and associated equipment prior to being placed into use  
453 on the premises of an establishment licensee by a terminal  
454 operator licensee.

455 (h) To require that no video gaming terminal may be set  
456 to pay out less than the theoretical payout percentage, which  
457 percentage shall be no less than eighty-five percent (85%), as  
458 specifically approved by the commission. The commission shall  
459 adopt regulations that define the theoretical payout percentage of  
460 a video gaming terminal game based on the total value of the  
461 jackpots expected to be paid by a play on a video gaming terminal  
462 game divided by the total value of video gaming terminals wagers  
463 expected to be made on that play or video gaming terminal game  
464 during the same portion of the game cycle. In so doing, the  
465 commission shall specify whether the calculation includes a  
466 portion of or the entire cycle of a video gaming terminal game.

467 (i) To require that an establishment license applicant  
468 provide detailed site plans of its proposed video gaming area for



469 review and approval by the commission for the purpose of  
470 determining the adequacy of the proposed security and surveillance  
471 measures. The applicant shall cooperate with the commission in  
472 making changes to the plans suggested by the commission and shall  
473 ensure that the plans as modified and approved are implemented.  
474 The commission may not require a floor-to-ceiling wall to  
475 segregate the video gaming area, but may adopt rules to establish  
476 segregation requirements.

477 (j) To promulgate rules and regulations governing the  
478 advertisement of video gaming terminals, provided that the  
479 commission shall require all advertisements to display or  
480 reference the toll-free problem gambling telephone number  
481 maintained by the Mississippi Council on Problem and Compulsive  
482 Gambling.

483 (k) To enter into contracts with persons for the  
484 purposes of carrying out the powers and duties of the commission  
485 under this act.

486 (l) To review and approve all cash and cash equivalent  
487 handling policies and procedures employed by terminal operator  
488 licensees.

489 (m) To promulgate rules and regulations governing the  
490 placement of automated teller machines within video gaming areas.

491 (n) To establish age-verification procedures for  
492 establishment licensees and their employees to ensure minors do



493 not access a video gaming area, video gaming terminal or  
494 redemption terminal.

495 (o) To promulgate rules and regulations governing the  
496 interconnection of video gaming terminals within the premises of  
497 an establishment licensee for a progressive system.

498 (p) To promulgate rules and regulations necessary for  
499 the administration and enforcement of this act.

500 (2) Except as provided in Section 4 of this act, regulations  
501 shall be adopted in accordance with the Mississippi Administrative  
502 Procedures Law.

503 **SECTION 4.** (1) In order to facilitate the prompt  
504 implementation of this act, regulations promulgated by the  
505 commission shall be deemed temporary regulations which shall  
506 expire no later than two (2) years following the publication of  
507 the temporary regulations.

508 (2) Except for temporary regulations related to security and  
509 surveillance, the authority provided to the commission to adopt  
510 temporary regulations in subsection (1) of this section shall  
511 expire two (2) years following the publication of the temporary  
512 regulations. Regulations adopted after that date shall be  
513 promulgated as provided by law.

514 **SECTION 5.** Disciplinary actions and appeals by an applicant,  
515 licensee or permittee from disciplinary actions taken by the  
516 commission involving the approval, issuance, denial, revocation,  
517 nonrenewal, suspension or conditioning or any other disciplinary



518 actions, of a license, permit or authorization under this act  
519 shall be in accordance with the provisions of Sections 75-76-103  
520 through 75-76-127 of the Mississippi Gaming Control Act.

521 **SECTION 6.** (1) The commission shall maintain files and  
522 records deemed necessary for the administration and enforcement of  
523 this act.

524 (2) Applications, returns and information contained in  
525 applications and returns filed or furnished under this act shall  
526 be confidential, and except in accordance with proper judicial  
527 order or as otherwise authorized by this act, it shall be unlawful  
528 for members of the Department of Revenue, the commission or  
529 employees of the Mississippi Department of Information Technology  
530 Services, or any former employee thereof to divulge or make known  
531 in any manner the amount of income or any particulars set forth or  
532 disclosed on any application, report or return required. The term  
533 "proper judicial order" shall not include subpoenas or subpoenas  
534 duces tecum but shall include only those orders entered by a court  
535 of record in this state after furnishing notice and a hearing to  
536 the taxpayer and the Department of Revenue. The court shall not  
537 authorize the furnishing of such information unless it is  
538 satisfied that the information is needed to pursue pending  
539 litigation wherein the return itself is in issue, or the judge is  
540 satisfied that the need for furnishing the information outweighs  
541 the rights of the taxpayer to have such information secreted.



542 (3) Information contained on the application, returns or  
543 reports from the licensee or the commission may be furnished to:

544 (a) Members and employees of the Department of Revenue  
545 for the purpose of auditing, comparing and correcting returns;

546 (b) The Attorney General, or any other attorney  
547 representing the state in any action in respect to the amount of  
548 tax under the provisions of state law;

549 (c) The commission; or

550 (d) The revenue department of the other states or the  
551 federal government when the states of federal government grants a  
552 like comity to Mississippi.

553 (4) The State Auditor and the employees of his office shall  
554 have the right to examine only such tax returns as are necessary  
555 for auditing the Department of Revenue or the commission, and the  
556 same prohibitions against disclosure which apply to the Department  
557 of Revenue shall apply to the State Auditor and his office.

558 (5) Nothing in this section shall prohibit the Chairman of  
559 the Department of Revenue from making available information  
560 necessary to recover taxes, fees, fines or damages owing the state  
561 pursuant to the authority granted in Section 27-75-16.

562 (6) No claim of confidentiality may be made regarding  
563 criminal history record information that is available to the  
564 public under Section 45-27-1 et seq.

565 (7) Except as otherwise provided in this section, no claim  
566 of confidentiality may be made regarding a record in possession of



567 the commission that is otherwise publicly available from the  
568 commission under the Mississippi Public Records Act of 1983.

569 (8) The commission may seek a voluntary waiver of  
570 confidentiality from an applicant, licensee or permittee but may  
571 not require an applicant, licensee or permittee to waive the  
572 confidentiality provided under this section as a condition for the  
573 approval of an application, renewal of a license or other action  
574 of the commission.

575 (9) Notice of the contents of information, except to a duly  
576 authorized law enforcement agency pursuant to this section, shall  
577 be given to an applicant, licensee or permittee in a manner  
578 prescribed by the rules and regulations adopted by the commission.

579 (10) Files, records, reports and other information in the  
580 possession of the commission pertaining to an applicant, licensee  
581 or permittee shall be made available to the commission as may be  
582 necessary to the effective administration of this act.

583 **SECTION 7.** (1) To facilitate the auditing and security  
584 programs critical to the integrity of video gaming terminals in  
585 this state, the commission shall have overall control of video  
586 gaming terminals that:

587 (a) Shall be linked, at an appropriate time to be  
588 determined by the commission, to a central control computer  
589 accessible by the commission to provide auditing program capacity  
590 and individual terminal information as approved by the commission.





591 (b) Shall include real-time information retrieval and  
592 terminal activation and disabling programs.

593 (2) The central control computer shall provide:

594 (a) A fully operational statewide video gaming terminal  
595 control system that has the capability of supporting up to the  
596 maximum number of video gaming terminals that is permitted to be  
597 in operation under this act.

598 (b) The employment of a widely accepted gaming industry  
599 protocol to facilitate a video gaming terminal manufacturers'  
600 ability to communicate with the statewide system.

601 (c) The delivery of a system that has the ability to  
602 verify software, detect alterations in payout and detect other  
603 methods of fraud in all aspects of the operation of video gaming  
604 terminals.

605 (d) The delivery of a system that has the capability to  
606 support progressive video gaming terminals as approved by the  
607 commission.

608 (e) The delivery of a system that does not alter the  
609 statistical awards of video gaming terminal games as designed by  
610 the manufacturer and approved by the commission.

611 (f) The delivery of a system that provides redundancy  
612 so that each component of the network is capable of operating  
613 independently from any component of the network, including the  
614 central control computer, fails or cannot be operated for any  
615 reason, and to assure that all transactional data is captured and



616 secured. Costs associated with a computer system to operate  
617 within a video gaming area, whether independent or as part of the  
618 central control computer, shall be paid by the terminal operator  
619 licensee. The computer system shall be controlled by and  
620 accessible to the commission.

621 (g) The ability to meet all reporting and control  
622 requirements as prescribed by the commission.

623 (h) The delivery of a system that provides centralized  
624 issuance of cash redemption tickets and facilitates the acceptance  
625 of the tickets by video gaming terminals and redemption terminals.

626 (i) Other capabilities as determined by the commission.

627 (3) The central control computer may not provide for the  
628 monitoring or reading of personal or financial information  
629 concerning a patron of a terminal operator licensee.

630 (4) Notwithstanding any other provision of law to the  
631 contrary and in order to facilitate the prompt implementation of  
632 this act, initial contracts entered into by the commission for a  
633 central control computer, including necessary computer hardware,  
634 software, licenses or related services shall be exempt from the  
635 provisions of Section 31-7-13. Contracts made pursuant to the  
636 provisions of this section may not exceed five (5) years.

637 **SECTION 8.** No person may offer or otherwise make available  
638 for play in this state a video gaming terminal unless the person  
639 is licensed under this act and according to regulations  
640 promulgated by the commission under this act.



641           SECTION 9. (1) An application for a terminal operator  
642 license shall be on the form required by the commission and shall  
643 include, at a minimum, all of the following:

644           (a) The name, address and photograph of the applicant  
645 and of all directors and owners and key employees and their  
646 positions within the corporation or organization, as well as  
647 additional financial information required by the commission.

648           (b) Evidence satisfactory to the commission that  
649 applicant is current on all federal and state tax obligations.

650           (c) The details of any gaming license applied for,  
651 granted to or denied to the applicant by another jurisdiction  
652 where the form of gaming is legal and the consent for the  
653 commission to acquire copies of the application submitted or  
654 license issued in connection with the application.

655           (d) The details of any loan obtained from a financial  
656 institution or not obtained from a financial institution.

657           (e) The consent to conduct a background investigation  
658 by the commission, the scope of which investigation shall be  
659 determined by the commission in its discretion consistent with the  
660 provisions of this act, and a release signed by all persons  
661 subject to the investigation of all information required to  
662 complete the investigation.

663           (f) Any information concerning maintenance and  
664 operation of video gaming terminals in any other jurisdiction.



665 (g) Proof that the applicant has or will establish a  
666 place of business in this state. A terminal operator licensee  
667 shall maintain its place of business in this state to remain  
668 eligible for licensure.

669 (h) Any other information determined to be appropriate  
670 by the commission.

671 (2) An application for a terminal operator license shall  
672 include such information, documentation and assurances as may be  
673 required to establish by clear and convincing evidence of the  
674 applicant's suitability, including good character, honesty and  
675 integrity. The application shall include, without limitation,  
676 information pertaining to family, habits, character, reputation,  
677 criminal history background, business activities, financial  
678 affairs and business, professional and personal associates,  
679 covering at least the ten-year period immediately preceding the  
680 filing date of the application.

681 (3) An applicant shall notify the commission of any civil  
682 judgment obtained against the applicant pertaining to laws of the  
683 federal government, this state or another state, jurisdiction,  
684 province or country.

685 (4) In order to be eligible for a terminal operator license  
686 under this act, the principals and key employees of the applicant  
687 must obtain a license to meet the character requirements of this  
688 section or other eligibility requirements established by the  
689 commission.



690 (5) The commission shall develop a classification system for  
691 other agents, employees or persons who directly or indirectly hold  
692 or are deemed to be holding debt or equity securities or other  
693 financial interest in the applicant and for other persons that the  
694 commission considers appropriate for review under this section.

695 (6) (a) Except as provided in paragraph (b) of this  
696 subsection, no person shall be eligible to receive a terminal  
697 operator license unless the principals and key employees of each  
698 intermediary or holding company of the person meet the  
699 requirements of subsection (4) of this section.

700 (b) The commission may require that lenders and  
701 underwriters of intermediaries, subsidiaries or holding companies  
702 of a terminal operator license applicant meet the requirements of  
703 subsection (4) of this section if the commission determines that  
704 the suitability of a lender or underwriter is at issue and  
705 necessary to consider a pending application for a terminal  
706 operator license.

707 (7) The issuance or renewal of a license or other  
708 authorization by the commission under this section shall be a  
709 revocable privilege.

710 (8) The commission may waive the requirements of subsection  
711 (4) of this section for a person directly or indirectly holding  
712 ownership of securities in a publicly traded corporation if the  
713 commission determines that the holder of the securities does not



714 have the ability to control the corporation or elect one or more  
715 directors thereof.

716 (9) A person applying for a license or other authorization  
717 under this act shall continue to provide information required by  
718 the commission or the commission and cooperate in any inquiry or  
719 investigation.

720 (10) The commission may conduct a criminal history record  
721 check on a person for whom a waiver is granted under this section.

722 (11) The commission shall require an applicant for a  
723 terminal operator license to produce the information,  
724 documentation and assurances concerning financial background and  
725 resources as the commission deems necessary to establish by clear  
726 and convincing evidence the financial stability, integrity and  
727 responsibility of the applicant, its affiliate, intermediary,  
728 subsidiary or holding company, including, but not limited to, bank  
729 references, business and personal income and disbursement  
730 schedules, tax returns and other reports filed with governmental  
731 agencies and business and personal accounting and check records  
732 and ledgers. An applicant shall in writing authorize the  
733 examination of all bank accounts and records as may be deemed  
734 necessary by the commission.

735 (12) (a) The commission shall require an applicant for a  
736 terminal operator license to produce the information,  
737 documentation and assurances as may be necessary to establish by  
738 clear and convincing evidence the integrity of all financial



739 backers, institutional investors, investors, mortgagees,  
740 bondholders and holders of indentures, notes or other evidences of  
741 indebtedness, either in effect or proposed.

742 (b) The commission may waive the qualification  
743 requirements for banking or lending institution and institutional  
744 investors.

745 (c) A banking or lending institution or institutional  
746 investor shall produce for the commission upon request any  
747 document or information that bears relation to the proposal  
748 submitted by the applicant or applicants.

749 (d) The integrity of the financial sources shall be  
750 judged upon the same standards as the applicant. Any such person  
751 or entity shall produce for the commission upon request any  
752 document or information which bears any relation to the  
753 application.

754 (e) The applicant shall produce whatever information,  
755 documentation or assurances the commission requires to establish  
756 by clear and convincing evidence the adequacy of financial  
757 resources.

758 (13) The commission shall require an applicant for a  
759 terminal operator license to produce the information,  
760 documentation and assurances as the commission may require to  
761 establish by clear and convincing evidence that the applicant has  
762 sufficient business ability and experience to create and maintain  
763 a successful, efficient operation. An applicant shall produce the



764 names of all proposed key employees and a description of their  
765 respective or proposed responsibilities as they become known.

766 (14) In addition to other information required by this act,  
767 a person applying for a terminal operator license shall provide  
768 the following information:

769 (a) The organization, financial structure and nature of  
770 all businesses operated by the person, including any affiliate,  
771 intermediary, subsidiary or holding companies, the names and  
772 personal employment and criminal histories of all officers,  
773 directors and key employees of the corporation; the names of all  
774 holding, intermediary, affiliate and subsidiary companies of the  
775 corporation; and the organization, financial structure and nature  
776 of all businesses operated by such holding, intermediary and  
777 subsidiary companies as the commission may require, including  
778 names and personal employment and criminal histories of such  
779 officers, directors and principal employees of such corporations  
780 and companies as the commission may require.

781 (b) The extent of securities held in the corporation by  
782 all officers, directors and underwriters and their remuneration in  
783 the form of salary, wages, fees or otherwise.

784 (c) Copies of all management and service contracts.

785 (15) Upon being satisfied that the requirements of this  
786 section have been met, the commission may approve the application  
787 and issue the applicant a terminal operator license consistent  
788 with all of the following:





789 (a) (i) The license shall be valid for a period of  
790 three (3) years.

791 (ii) Nothing in this paragraph shall be construed  
792 to relieve a licensee of the affirmative duty to notify the  
793 commission of any changes relating to the status of its license or  
794 to any information contained in the application materials on file  
795 with the commission.

796 (b) The license shall be nontransferable.

797 (c) Any other condition established by the commission.

798 (16) (a) At least three (3) months prior to expiration of a  
799 terminal operator license, the terminal operator licensee seeking  
800 renewal of its license shall submit a renewal application to the  
801 commission.

802 (b) If the renewal application satisfies the  
803 requirements of this section, the commission may renew the  
804 licensee's terminal operator license.

805 (c) If the commission receives a complete renewal  
806 application but fails to act upon the renewal application prior to  
807 the expiration of the terminal operator license, the terminal  
808 operator license shall continue in effect until acted upon by the  
809 commission.

810 **SECTION 10.** (1) All principals shall obtain a principal  
811 license from the commission.

812 (2) A principal license application shall be in a form  
813 prescribed by the commission and shall include the following:



814 (a) Verification of status as a principal from a  
815 terminal operator licensee, manufacturer licensee or supplier  
816 licensee.

817 (b) A description of responsibilities as a principal.

818 (c) All releases necessary to obtain information from  
819 governmental agencies, employers and other organizations.

820 (d) Details relating to a similar license, permit or  
821 other authorization obtained in another jurisdiction.

822 (e) Additional information required by the commission.

823 (3) Following review of the application and the background  
824 investigation, the commission may issue a principal license if the  
825 applicant has proven by clear and convincing evidence that the  
826 applicant is a person of good character, honesty and integrity and  
827 is eligible and suitable to be licensed as a principal.

828 (4) A license issued under this section shall be  
829 nontransferable.

830 (5) An individual who receives a principal license need not  
831 obtain a key employee license.

832 **SECTION 11.** (1) All key employees shall obtain a key  
833 employee license from the commission.

834 (2) A key employee license application shall be in a form  
835 prescribed by the commission and shall include the following:

836 (a) Verification of status as a key employee from a  
837 terminal operator licensee, establishment licensee, manufacturer  
838 licensee or supplier licensee.



839 (b) A description of employment responsibilities.

840 (c) All releases necessary to obtain information from  
841 governmental agencies, employers and other organizations.

842 (d) Details relating to a similar license or other  
843 authorization obtained in another jurisdiction.

844 (e) Additional information required by the commission.

845 (3) Following review of the application and the background  
846 investigation, the commission may issue a key employee license if  
847 the applicant has proven by clear and convincing evidence that the  
848 applicant is a person of good character, honesty and integrity and  
849 is eligible and suitable to be licensed as a key employee.

850 (4) A license issued under this section shall be  
851 nontransferable.

852 **SECTION 12.** (1) In the event that any establishment license  
853 application, terminal operator license application, supplier  
854 license application or manufacturer license application is not  
855 approved by the commission based on a finding that an individual  
856 who is a principal or has an interest in the person applying for  
857 the license does not meet the character requirements of this act  
858 or any of the eligibility requirements under this act or a person  
859 who purchases a controlling interest in the applicant in violation  
860 of Section 22 of this act, the commission may afford the  
861 individual the opportunity to completely divest his interest in  
862 the person, its affiliate, intermediary, subsidiary or holding  
863 company seeking the license and, after such divestiture,



864 reconsider the person's or applicant's suitability for licensure  
865 in an expedited proceeding and may, after such proceeding, issue  
866 the person or applicant a terminal operator license. The  
867 commission shall approve the terms and conditions of any  
868 divestiture under this section.

869 (2) Under no circumstances shall any divestiture be approved  
870 by the commission if the compensation for the divested interest  
871 exceeds the cost of the interest.

872 **SECTION 13.** (1) A manufacturer that elects to contract with  
873 a supplier under this act shall ensure that the supplier is  
874 appropriately licensed under this section.

875 (2) A person seeking to provide video gaming terminals,  
876 redemption terminals or associated equipment to a terminal  
877 operator licensee within this state through a contract with a  
878 licensed manufacturer must apply to the commission for the  
879 appropriate supplier license.

880 (3) An application for a supplier license shall be on the  
881 form required by the commission and shall include all of the  
882 following:

883 (a) The name and business address of the applicant and  
884 the applicant's affiliates, intermediaries, subsidiaries and  
885 holding companies; the principals and key employees of each  
886 business; and a list of employees and their positions within each  
887 business, as well as financial information required by the  
888 commission.



889           (b) A statement that the applicant and each affiliate,  
890 intermediary, subsidiary or holding company of the applicant are  
891 not terminal operator licensees.

892           (c) Proof that the applicant has or will establish a  
893 place of business in this state. A supplier licensee shall  
894 maintain its place of business in this state to remain eligible  
895 for licensure.

896           (d) The consent to a background investigation by the  
897 commission of the applicant, its principals and key employees or  
898 other persons required by the commission and a release to obtain  
899 the information necessary for the completion of the background  
900 investigation.

901           (e) The details of any supplier license issued by the  
902 commission to the applicant, if applicable.

903           (f) The details of any equivalent license granted or  
904 denied by other jurisdictions where gaming activities as  
905 authorized by this act are permitted.

906           (g) The type of goods and services to be supplied and  
907 whether those goods and services will be provided through  
908 purchase, lease, contract or otherwise.

909           (h) Other information determined by the commission to  
910 be appropriate.

911           (4) Upon being satisfied that the requirements of this  
912 section have been met, the commission may approve the application



913 and issue the applicant a supplier license consistent with all of  
914 the following:

915 (a) (i) The license shall be valid for a period of  
916 three (3) years.

917 (ii) Nothing in this paragraph shall be construed  
918 to relieve a licensee of the affirmative duty to notify the  
919 commission of a change relating to the status of its license or to  
920 information contained in the application materials on file with  
921 the commission.

922 (b) The license shall be nontransferable.

923 (c) Other conditions established by the commission.

924 (5) (a) At least three (3) months prior to expiration of a  
925 supplier license, the supplier licensee seeking renewal of its  
926 license shall submit a renewal application to the commission.

927 (b) If the renewal application satisfies the  
928 requirements of this section, the commission may renew the  
929 licensee's supplier license.

930 (c) If the commission receives a complete renewal  
931 application but fails to act upon the renewal application prior to  
932 the expiration of the supplier license, the supplier license shall  
933 continue in effect until acted upon by the commission.

934 **SECTION 14.** (1) A person seeking to manufacture video  
935 gaming terminals, redemption terminals and associated equipment  
936 for use in this state must apply to the commission for a  
937 manufacturer license.



938           (2) An application for a manufacturer license shall be on  
939 the form required by the commission and shall include all of the  
940 following:

941           (a) The name and business address of the applicant and  
942 the applicant's affiliates, intermediaries, subsidiaries and  
943 holding companies; the principals and key employees of each  
944 business; and a list of employees and their positions within each  
945 business, as well as financial information required by the  
946 commission.

947           (b) A statement that the applicant and each affiliate,  
948 intermediary, subsidiary or holding company of the applicant are  
949 not terminal operator licensees.

950           (c) The consent to a background investigation by the  
951 commission of the applicant, its principals, its key employees,  
952 its intermediaries, its subsidiaries or other persons required by  
953 the commission and a release to obtain the information necessary  
954 for the completion of the background investigation.

955           (d) The details of any equivalent license granted or  
956 denied by other jurisdictions where gaming activities as  
957 authorized by this act are permitted.

958           (e) The details of any manufacturer license issued by  
959 the commission to the applicant, if applicable.

960           (f) The type of video gaming terminals, redemption  
961 terminals or associated equipment to be manufactured or repaired.



962 (g) Other information determined by the commission to  
963 be appropriate.

964 (3) Upon being satisfied that the requirements of subsection  
965 (2) of this section have been met, the commission may approve the  
966 application and grant the applicant a manufacturer license  
967 consistent with all of the following:

968 (a) (i) The license shall be valid for a period of  
969 three (3) years.

970 (ii) Nothing in this paragraph shall be construed  
971 to relieve the licensee of the affirmative duty to notify the  
972 commission of a change relating to the status of its license or to  
973 other information contained in application materials on file with  
974 the commission.

975 (b) The license shall be nontransferable.

976 (c) Other conditions established by the commission.

977 (4) (a) At least three (3) months prior to expiration of a  
978 manufacturer license, the manufacturer licensee seeking renewal of  
979 its license shall submit a renewal application accompanied by the  
980 renewal fee to the commission.

981 (b) If the renewal application satisfies the  
982 requirements of subsection (2) of this section, the commission may  
983 renew the licensee's manufacturer license.

984 (c) If the commission receives a complete renewal  
985 application but fails to act upon the renewal application prior to  
986 the expiration of the manufacturer license, the manufacturer





987 license shall continue in effect until acted upon by the  
988 commission.

989 (5) The following shall apply to a licensed manufacturer:

990 (a) A manufacturer or its designee, as licensed by the  
991 commission, may supply or repair a video gaming terminal,  
992 redemption terminal or associated equipment manufactured by the  
993 manufacturer, provided the manufacturer holds the appropriate  
994 manufacturer license.

995 (b) A manufacturer of video gaming terminals or  
996 redemption terminals may contract with a supplier under this act,  
997 redemption terminals or associated equipment to a terminal  
998 operator licensee within this state, provided the supplier is  
999 licensed to supply video gaming terminals, redemption terminals or  
1000 associated equipment.

1001 (6) (a) No person may manufacture video gaming terminals,  
1002 redemption terminals or associated equipment for use within this  
1003 state by a terminal operator licensee unless the person has been  
1004 issued the appropriate manufacturer license under this section.

1005 (b) No person issued a license under this section may  
1006 apply for or be issued a terminal operator license or  
1007 establishment license under this act.

1008 **SECTION 15.** (1) (a) A person who desires to be a gaming  
1009 employee and has a bona fide offer of employment from a terminal  
1010 operator licensee, establishment licensee or supplier licensee  
1011 shall apply to the commission for an occupation permit.



1012 (b) A person may not be employed as a gaming employee  
1013 unless and until that person holds an appropriate occupation  
1014 permit issued under this section.

1015 (c) The commission may promulgate regulations to  
1016 reclassify a category of nongaming employees or gaming employees  
1017 upon a finding that the reclassification is in the public interest  
1018 and consistent with the objectives of this act.

1019 (2) The application for an occupation permit shall include,  
1020 at a minimum:

1021 (a) The name and home address of the person.

1022 (b) The previous employment history of the person.

1023 (c) The criminal history record of the person, as well  
1024 as the person's consent for the commission to conduct a background  
1025 investigation.

1026 (d) A photograph of the person.

1027 (e) Evidence of the offer of employment and the nature  
1028 and scope of the proposed duties of the person, if known.

1029 (f) The details of an occupation permit or similar  
1030 license granted or denied to the applicant in other jurisdictions.

1031 (g) Other information determined by the commission to  
1032 be appropriate.

1033 (3) No terminal operator licensee may employ or permit a  
1034 person under twenty-one (21) years of age to render service in a  
1035 video gaming area.



1036           SECTION 16. (1) (a) The commission may determine whether  
1037 the licensing standards of another jurisdiction within the United  
1038 States in which an applicant, its affiliate, intermediary,  
1039 subsidiary or holding company for a terminal operator license is  
1040 similarly licensed are comprehensive and thorough and provide  
1041 similar adequate safeguards as those required by this section.

1042           (b) If the commission makes that determination, it may  
1043 issue a terminal operator license to an applicant who holds a  
1044 terminal operator license in the other jurisdiction after  
1045 conducting an evaluation of the information relating to the  
1046 applicant from the other jurisdictions, as updated by the  
1047 commission, and evaluating other information related to the  
1048 applicant received from that jurisdiction and other jurisdictions  
1049 where the applicant may be licensed, the commission may  
1050 incorporate such information in whole or in part into the  
1051 commission's evaluation of the applicant.

1052           (2) (a) In the event an applicant for a terminal operator  
1053 license is licensed in another jurisdiction, the commission may  
1054 determine to use an alternate process requiring only that  
1055 information determined by the commission to be necessary to  
1056 consider the issuance of a license, including financial viability  
1057 of the licensee, to such an applicant.

1058           (b) Nothing in this section shall be construed to waive  
1059 fees associated with obtaining a license through the normal  
1060 application process.



1061 (3) In the event an applicant for a terminal operator  
1062 license under this act holds a gaming license under the  
1063 Mississippi Gaming Control Act, the commission may determine to  
1064 use an abbreviated process requiring only that information  
1065 determined by the commission to be necessary to consider the  
1066 issuance of a license, including financial viability of the  
1067 applicant.

1068 **SECTION 17.** (1) (a) The commission may determine whether  
1069 the licensing standards of another jurisdiction within the United  
1070 States in which an applicant for a manufacturer license is  
1071 similarly licensed are comprehensive and thorough and provide  
1072 similar adequate safeguards as those required by this act.

1073 (b) If the commission makes that determination, it may  
1074 issue a manufacturer license to an applicant who holds a similar  
1075 manufacturer license in the other jurisdiction after conducting an  
1076 evaluation of the information relating to the applicant from the  
1077 other jurisdictions, as updated by the commission, and evaluating  
1078 other information related to the applicant received from that  
1079 jurisdiction and other jurisdictions where the applicant may be  
1080 licensed, the commission may incorporate such information in whole  
1081 or in part into the commission's evaluation of the applicant.

1082 (2) (a) In the event an applicant for a manufacturer  
1083 license is licensed in another jurisdiction, the commission may  
1084 determine to use an abbreviated process requiring only that  
1085 information determined by the commission to be necessary to



1086 consider the issuance of a license, including financial viability  
1087 of the applicant.

1088 (b) Nothing in this section shall be construed to waive  
1089 fees associated with obtaining a license through the normal  
1090 application process.

1091 (3) In the event an applicant for a manufacturer license  
1092 under this act holds a manufacturer license under the Mississippi  
1093 Gaming Control Act, the commission may determine to use an  
1094 abbreviated process requiring only that information determined by  
1095 the commission to be necessary to consider the issuance of a  
1096 license, including financial viability of the applicant.

1097 **SECTION 18.** (1) (a) The commission may determine whether  
1098 the licensing standards of another jurisdiction within the United  
1099 States in which an applicant for a supplier's license is similarly  
1100 licensed are comprehensive and thorough and provide similar  
1101 adequate safeguards as required by this act.

1102 (b) If the commission makes that determination, it may  
1103 issue a supplier license to an applicant who holds a similar  
1104 supplier license in another jurisdiction after conducting an  
1105 evaluation of the information relating to the applicant from the  
1106 other jurisdictions, as updated by the commission, and evaluating  
1107 other information related to the applicant received from that  
1108 jurisdiction and other jurisdictions where the applicant may be  
1109 licensed, the commission may incorporate the information in whole  
1110 or in part into its evaluation of the applicant.



1111           (2)   (a)   In the event an applicant for a supplier license is  
1112 licensed in another jurisdiction, the commission may determine to  
1113 use an abbreviated process requiring only that information  
1114 determined by the commission to be necessary to consider the  
1115 issuance of a license, including financial viability of the  
1116 applicant.

1117           (b)   Nothing in this section shall be construed to waive  
1118 any fees associated with obtaining a license through the normal  
1119 application process.

1120           (3)   In the event an applicant for a supplier license under  
1121 this act holds a supplier license under the Mississippi Gaming  
1122 Control Act, the commission may determine to use an abbreviated  
1123 process requiring only that information determined by the  
1124 commission to be necessary to consider the issuance of a license,  
1125 including financial viability of the applicant.

1126           **SECTION 19.** (1) A truck stop establishment that submits an  
1127 application for an establishment license shall include at a  
1128 minimum:

1129           (a)   The name, address and photograph of the applicant  
1130 and additional financial information required by the commission.

1131           (b)   A description of the proposed surveillance and  
1132 security measures to ensure the security of the proposed video  
1133 gaming area.

1134           (c)   Evidence satisfactory to the commission that  
1135 applicant is current on all federal and state tax obligations.



1136 (d) The criminal history record of the applicant,  
1137 principal and key employees and a consent for the commission to  
1138 conduct a background investigation on the applicant, principals  
1139 and key employees.

1140 (e) Other information determined to be appropriate by  
1141 the commission.

1142 (2) A license issued under this section shall be  
1143 nontransferable.

1144 (3) An establishment applying for a license under this  
1145 section shall continue to provide information required by the  
1146 commission or the commission and cooperate in any inquiry or  
1147 investigation.

1148 (4) Upon being satisfied that the requirements of subsection  
1149 (1) of this section have been met, the commission may approve the  
1150 application and issue the applicant an establishment license  
1151 consistent with all of the following:

1152 (a) (i) The license shall be valid for a period of  
1153 three (3) years.

1154 (ii) Nothing in this paragraph shall be construed  
1155 to relieve a licensee of the affirmative duty to notify the  
1156 commission of a change relating to the status of its license or to  
1157 information contained in application materials on file with the  
1158 commission.

1159 (b) The license shall be nontransferable.

1160 (c) Other conditions established by the commission.



1161 (5) (a) At least three (3) months prior to expiration of an  
1162 establishment license, the establishment licensee seeking renewal  
1163 of its license shall submit a renewal application accompanied by  
1164 the renewal fee to the commission.

1165 (b) If the renewal application satisfies the  
1166 requirements of subsection (4) of this section, the commission may  
1167 renew the licensee's establishment license.

1168 (c) If the commission receives a complete renewal  
1169 application but fails to act upon the renewal application prior to  
1170 the expiration of the establishment license, the establishment  
1171 license shall continue in effect until acted upon by the  
1172 commission.

1173 **SECTION 20.** (1) The commission shall be prohibited from  
1174 granting a license under this act to any applicant who has been  
1175 convicted of a felony offense in any jurisdiction.

1176 (2) In addition to the prohibition under subsection (1) of  
1177 this section, the commission shall be prohibited from granting the  
1178 following:

1179 (a) A principal license or key employee license to an  
1180 individual who has been convicted in a jurisdiction of a  
1181 misdemeanor offense for gambling, sale of alcoholic beverages to  
1182 minors, prostitution or procuring or inducing individuals to  
1183 engage in prostitution.

1184 (b) A gaming employee permit or a license other than a  
1185 principal license or key employee license to an individual who has





1186 been convicted in a jurisdiction of a misdemeanor offense for  
1187 gambling, sale of alcoholic beverages to minors, prostitution or  
1188 procuring or inducing individuals to engage in prostitution.

1189 (c) An establishment license to an applicant who has  
1190 been convicted in a jurisdiction of a misdemeanor offense for  
1191 gambling, sale of alcoholic beverages to minors, prostitution or  
1192 procuring or inducing individuals to engage in prostitution.

1193 (3) In determining whether to issue a license or permit, the  
1194 commission shall consider the following factors:

1195 (a) The nature and duties of the applicant's position  
1196 with the licensed entity.

1197 (b) The nature and seriousness of the offense or  
1198 conduct.

1199 (c) The circumstances under which the offense or  
1200 conduct occurred.

1201 (d) The age of the applicant when the offense or  
1202 conduct was committed.

1203 (e) Whether the offense or conduct was an isolated or a  
1204 repeated incident.

1205 (f) Evidence of rehabilitation, including good conduct  
1206 in the community, counseling or psychiatric treatment received and  
1207 the recommendation of persons who have substantial contact with  
1208 the applicant.

1209 (4) For purposes of this section, a felony offense is any of  
1210 the following:



1211 (a) An offense classified as a felony or punishable  
1212 under the laws of this state by imprisonment for more than five  
1213 (5) years.

1214 (b) An offense which, under the laws of another  
1215 jurisdiction, is:

1216 (i) Classified as a felony; or

1217 (ii) Punishable by imprisonment for more than five  
1218 (5) years.

1219 (c) An offense under the laws of another jurisdiction  
1220 which, if committed in this state, would be subject to  
1221 imprisonment for more than five (5) years.

1222 **SECTION 21.** (1) (a) In addition to any other criteria  
1223 provided under this act, any terminal operator, truck stop  
1224 establishment, supplier, manufacturer, gaming employee, key  
1225 employee, principal or other person that the commission approves  
1226 as qualified to receive a license, permit or other authorization  
1227 under this act shall be issued a license or permit upon the  
1228 payment of the appropriate fee and upon the fulfillment of  
1229 conditions required by the commission or provided for in this act.

1230 (b) Nothing contained in this act is intended or shall  
1231 be construed to create an entitlement to a license, permit or  
1232 other authorization by a person.

1233 (2) (a) All permits and licenses issued under this act  
1234 unless otherwise provided shall be subject to renewal every three  
1235 (3) years.



1236           (b) The application for renewal of a license or permit,  
1237 unless otherwise provided, shall be submitted at least one hundred  
1238 eighty (180) days prior to the expiration of the permit or license  
1239 and shall include an update of the information contained in the  
1240 initial and any prior renewal applications and the payment of any  
1241 renewal fee required by this act.

1242           (c) Nothing in this subsection shall be construed to  
1243 relieve a licensee or permittee of the affirmative duty to notify  
1244 the commission of a change relating to the status of its license  
1245 or permit or to other information contained in the application  
1246 materials on file with the commission.

1247           (3) (a) In addition to other sanctions imposed under this  
1248 act, the commission may at its discretion suspend, revoke or deny  
1249 renewal of a permit or license issued under this act if it  
1250 receives information from any source that the applicant or any of  
1251 its officers, directors, owners or key employees is in violation  
1252 of any provision of this act, that the applicant has furnished the  
1253 commission with false or misleading information or that the  
1254 information contained in the applicant's initial application or  
1255 renewal application is no longer true and correct such that the  
1256 applicant is no longer eligible.

1257           (b) In the event of a revocation or failure to renew,  
1258 the licensee's authorization to conduct the previously approved  
1259 activity shall immediately cease the activity and all fees paid in  
1260 connection with the license shall be deemed to be forfeited.



1261 (c) In the event of a suspension, the applicant's  
1262 authorization to conduct the previously approved activity shall  
1263 immediately cease until the commission has notified the applicant  
1264 that the suspension is no longer in effect.

1265 (4) (a) A license issued by the commission is a grant of  
1266 the privilege to conduct a business in this state.

1267 (b) Except as permitted by Section 22 of this act, no  
1268 license granted or renewed pursuant to this act may be sold,  
1269 transferred or assigned to another person.

1270 (c) No licensee may pledge or otherwise grant a  
1271 security interest in or lien on the license.

1272 (d) The commission has the sole discretion to issue,  
1273 renew, condition or deny the issuance of a license based upon the  
1274 requirements of this act.

1275 (e) Nothing contained in this act is intended or shall  
1276 be construed to create in any person an entitlement to a license.

1277 **SECTION 22.** (1) (a) A terminal operator licensee shall  
1278 promptly notify the commission of a proposed or contemplated  
1279 change of ownership of the terminal operator licensee by a person  
1280 or group of persons acting in concert which involves any of the  
1281 following:

1282 (i) More than five percent (5%) of a terminal  
1283 operator licensee's securities or other ownership interests.

1284 (ii) More than five percent (5%) of the securities  
1285 or other ownership interests of a corporation or other form of



1286 business entity that owns directly or indirectly at least twenty  
1287 percent (20%) of the voting or other securities or other ownership  
1288 interests of the licensee.

1289 (iii) The sale of all or substantially all of a  
1290 licensee's assets.

1291 (iv) Other transaction or occurrence deemed by the  
1292 commission to be relevant to license qualifications.

1293 (b) (i) Notwithstanding the provisions of paragraph  
1294 (a) of this subsection, no terminal operator licensee may be  
1295 required to notify the commission of an acquisition by an  
1296 institutional investor under paragraph (a)(i) or (ii) of this  
1297 subsection if the institutional investor holds less than ten  
1298 percent (10%) of the securities or other ownership interests  
1299 referred to in paragraph (a)(i) or (ii) of this subsection, the  
1300 securities or interests are publicly traded securities and its  
1301 holdings of the securities were purchased for investment purposes  
1302 only and the institutional investor files with the commission a  
1303 certified statement to the effect that it has no intention of  
1304 influencing or affecting, directly or indirectly, the affairs of  
1305 the licensee; however, it shall be permitted to vote on matters  
1306 put to the vote of the outstanding security holders.

1307 (ii) Notice to the commission and commission  
1308 approval shall be required prior to completion of any proposed or  
1309 contemplated change of ownership of a terminal operator licensee  
1310 that meets the criteria of this section.



1311           (2)   (a)   The purchaser of all or substantially all of the  
1312 assets of a terminal operator licensee shall, if not already a  
1313 terminal operator licensee, independently qualify for a license in  
1314 accordance with this act and shall pay the license fee required by  
1315 this act.

1316           (b)   A change in control of a terminal operator licensee  
1317 shall require that the terminal operator licensee independently  
1318 qualify for a license in accordance with this act, and the  
1319 terminal operator licensee shall pay a new license fee as required  
1320 by Section 34 of this act, except as otherwise required by the  
1321 commission pursuant to this section.

1322           (c)   The new license fee shall be paid upon the  
1323 assignment and actual change of control or ownership of the  
1324 terminal operator license.

1325           (3)   For purposes of this section, a change in control of a  
1326 terminal operator licensee shall mean the acquisition by a person  
1327 or group of persons acting in concert of more than twenty percent  
1328 (20%) of a terminal operator licensee's securities or other  
1329 ownership interests, with the exception of any ownership interest  
1330 of the person that existed at the time of initial licensing and  
1331 payment of the initial slot machine license fee, or more than  
1332 twenty percent (20%) of the securities or other ownership  
1333 interests of a corporation or other form of business entity that  
1334 owns directly or indirectly at least twenty percent (20%) of the



1335 voting or other securities or other ownership interests of the  
1336 licensee.

1337 (4) The commission may in its discretion eliminate the need  
1338 for qualification or proportionately reduce, but not eliminate,  
1339 the new license fee otherwise required pursuant to this section in  
1340 connection with a change of control of a licensee, depending upon  
1341 the type of transaction, the relevant ownership interests and  
1342 changes to the interests resulting from the transaction and other  
1343 considerations deemed relevant by the commission.

1344 (5) Failure to comply with this section may cause the  
1345 license issued under this act to be revoked or suspended by the  
1346 commission unless the purchase of the assets or the change in  
1347 control that meets the criteria of this section has been  
1348 independently qualified in advance by the commission and any  
1349 required license fee has been paid.

1350 **SECTION 23.** (1) A manufacturer may not be licensed as a  
1351 terminal operator or own, manage or control an establishment  
1352 licensee or terminal operator licensee, but may also be licensed  
1353 as a supplier.

1354 (2) A supplier may not be licensed as a terminal operator or  
1355 own, manage or control an establishment licensee or terminal  
1356 operator licensee.

1357 (3) A terminal operator may not be licensed as a  
1358 manufacturer or supplier or own, manage or control an



1359 establishment licensee or own, manage or control premises used by  
1360 an establishment licensee.

1361 (4) An establishment licensee may not be licensed as a  
1362 manufacturer, supplier or terminal operator.

1363 **SECTION 24.** (1) (a) Within ninety (90) days after the  
1364 effective date of this act, the commission shall make applications  
1365 for establishment licenses available to applicants.

1366 (b) The commission shall issue a conditional license to  
1367 an applicant for an establishment license if the applicant  
1368 satisfies, as determined by the commission, all of the following  
1369 criteria:

1370 (i) The applicant has never been convicted of a  
1371 felony in any jurisdiction.

1372 (ii) The applicant is current on all state taxes.

1373 (iii) The applicant has submitted a completed  
1374 application for an establishment license in accordance with this  
1375 act, which may be submitted concurrently with the applicant's  
1376 request for a conditional license.

1377 (iv) The applicant has never been convicted of a  
1378 gambling law violation in any jurisdiction.

1379 (c) (i) The commission shall issue a conditional  
1380 license to an applicant for an establishment license, within sixty  
1381 (60) days after the completed application has been received by the  
1382 commission, provided that the commission determines that the





1383 criteria contained in paragraph (b) of this subsection has been  
1384 satisfied.

1385 (ii) If the commission determines that the  
1386 criteria contained in paragraph (b) of this subsection has not  
1387 been satisfied, the commission shall give a written explanation to  
1388 the applicant as to why it has determined the criteria has not  
1389 been satisfied.

1390 (d) A conditional license shall be valid until:

1391 (i) The commission either approves or denies the  
1392 applicant's application for licensure;

1393 (ii) The conditional license is terminated for a  
1394 violation of this act; or

1395 (iii) One (1) calendar year has passed since the  
1396 conditional license was issued.

1397 (e) The commission may extend the duration of the  
1398 conditional license for one (1) calendar year.

1399 (f) An applicant shall attest by way of affidavit under  
1400 penalty of perjury that the applicant is not otherwise prohibited  
1401 from licensure according to the requirements of this section or  
1402 any other provision of this act.

1403 (g) A request for conditional licensure under this  
1404 subsection shall include payment of a fee in the amount of One  
1405 Hundred Dollars (\$100.00), which fee shall be in addition to the  
1406 applicable fee required under Section 34 of this act.



1407           SECTION 25. (1) (a) Within ninety (90) days after the  
1408 effective date of this act, the commission shall make applications  
1409 for terminal operator licenses available to applicants.

1410                   (b) The commission shall issue a conditional license to  
1411 an applicant for a terminal operator license if the applicant  
1412 satisfies, as determined by the commission, all of the following  
1413 criteria:

1414                           (i) The applicant has never been convicted of a  
1415 felony in any jurisdiction.

1416                           (ii) The applicant is current on all state taxes.

1417                           (iii) The applicant has submitted a completed  
1418 application for a terminal operator license which may be submitted  
1419 concurrently with the applicant's request for a conditional  
1420 license.

1421                           (iv) The applicant has never had its terminal  
1422 operator license or similar gaming license denied or revoked in  
1423 another jurisdiction.

1424                           (v) The applicant has never been convicted of a  
1425 gambling law violation in any jurisdiction.

1426                   (c) (i) The commission shall issue a conditional  
1427 license to an applicant for a terminal operator license, within  
1428 sixty (60) days after the completed application has been received  
1429 by the commission, provided that the commission determines that  
1430 the criteria contained in paragraph (b) of this subsection has  
1431 been satisfied.



1432                   (ii) If the commission determines that the  
1433 criteria contained in paragraph (b) of this subsection has not  
1434 been satisfied, the commission shall give a written explanation to  
1435 the applicant as to why it has determined the criteria has not  
1436 been satisfied.

1437                   (d) A conditional license shall be valid until:

1438                   (i) The commission either approves or denies the  
1439 applicant's application for licensure;

1440                   (ii) The conditional license is terminated for a  
1441 violation of this act; or

1442                   (iii) One (1) calendar year has passed since the  
1443 conditional license was issued.

1444                   (e) The commission may extend the duration of the  
1445 conditional license for one (1) calendar year.

1446                   (f) An applicant shall attest by way of affidavit under  
1447 penalty of perjury that the applicant is not otherwise prohibited  
1448 from licensure according to the requirements of this subsection or  
1449 any other provision of this act.

1450                   (g) A request for conditional licensure under this  
1451 subsection shall include payment of a fee in the amount of One  
1452 Hundred Dollars (\$100.00), which fee shall be in addition to the  
1453 fee required under Section 34 of this act.

1454                   (2) (a) Within ninety (90) days after the effective date of  
1455 this act, the commission shall make applications available for  
1456 manufacturer and supplier license.



1457           (b) The commission shall issue a conditional license to  
1458 an applicant for a manufacturer or supplier license if the  
1459 applicant satisfies, as determined by the commission, all of the  
1460 following criteria:

1461           (i) The applicant has never been convicted of a  
1462 felony.

1463           (ii) The applicant is current on all state taxes.

1464           (iii) The applicant has submitted a completed  
1465 application for a manufacturer or supplier license, which may be  
1466 submitted concurrently with the applicant's request for a  
1467 conditional license.

1468           (iv) The applicant has never had its manufacturer,  
1469 supplier or similar gaming license denied or revoked in another  
1470 jurisdiction.

1471           (v) The applicant has never been convicted of a  
1472 gambling law violation in any jurisdiction.

1473           (c) (i) The commission shall issue a conditional  
1474 license to an applicant for a manufacturer or supplier license  
1475 within sixty (60) days after the completed application has been  
1476 received by the commission, provided that the commission  
1477 determines that the criteria contained in paragraph (b) of this  
1478 subsection has been satisfied.

1479           (ii) If the commission determines that the  
1480 criteria contained in paragraph (b) of this subsection has not  
1481 been satisfied, the commission shall give a written explanation to



1482 the applicant as to why it has determined the criteria has not  
1483 been satisfied.

1484 (d) A conditional license shall be valid until:

1485 (i) The commission either approves or denies the  
1486 applicant's application for licensure;

1487 (ii) The conditional license is terminated for a  
1488 violation of this act; or

1489 (iii) One (1) calendar year has passed since the  
1490 conditional license was issued.

1491 (e) The commission may extend the duration of the  
1492 conditional license for one (1) calendar year.

1493 (f) An applicant shall attest by way of affidavit under  
1494 penalty of perjury that the applicant is not otherwise prohibited  
1495 from licensure according to the requirements of this subsection or  
1496 any other provision of this act.

1497 (g) A request for a conditional license under this  
1498 subsection shall include payment of a fee in the amount of One  
1499 Thousand Dollars (\$1,000.00), which fee shall be in addition to  
1500 the other fees required by this act.

1501 (3) (a) Within ninety (90) days after the effective date of  
1502 this act, the commission shall make applications available for any  
1503 other license required under this act.

1504 (b) The commission shall issue a conditional license to  
1505 an applicant if the applicant satisfies, as determined by the  
1506 commission, all of the following criteria:



1507 (i) The applicant has never been convicted of a  
1508 felony in any jurisdiction.

1509 (ii) The applicant is current on all state taxes.

1510 (iii) The applicant has submitted a completed  
1511 application for licensure, which may be submitted concurrently  
1512 with the applicant's request for a conditional license.

1513 (iv) The applicant has never been convicted of a  
1514 gambling law violation in any jurisdiction.

1515 (c) (i) The commission shall issue a conditional  
1516 license to an applicant within sixty (60) days after the completed  
1517 application has been received by the commission, provided that the  
1518 commission determines that the criteria contained in paragraph (b)  
1519 of this subsection has been satisfied.

1520 (ii) If the commission determines that the  
1521 criteria contained in paragraph (b) of this subsection has not  
1522 been satisfied, the commission shall give a written explanation to  
1523 the applicant as to why it has determined the criteria has not  
1524 been satisfied.

1525 (d) A conditional license shall be valid until:

1526 (i) The commission either approves or denies the  
1527 applicant's application for licensure;

1528 (ii) The conditional license is terminated for a  
1529 violation of this act; or

1530 (iii) One (1) calendar year has passed since the  
1531 conditional license was issued.



1532 (e) The commission may extend the duration of the  
1533 conditional license for one (1) calendar year.

1534 (f) An applicant shall attest by way of affidavit under  
1535 penalty of perjury that the applicant is not otherwise prohibited  
1536 from licensure according to the requirements of this subsection or  
1537 any other provision of this act.

1538 (g) A request for conditional licensure under this  
1539 subsection shall include payment of a fee in the amount of One  
1540 Hundred Dollars (\$100.00), which fee shall be in addition to the  
1541 other fees required by this act.

1542 (4) (a) The commission may not utilize the alternative  
1543 licensing standards for a terminal operator license, manufacturer  
1544 license or a supplier license authorized under this act to  
1545 prioritize the issuance of a terminal operator, manufacturer or  
1546 supplier license under this act.

1547 (b) The commission shall ensure that applications made  
1548 to the commission according to the alternative standards  
1549 authorized under this act are not approved or denied in a time  
1550 period that is less than the time period in which an application  
1551 for a conditional license is approved or denied under this  
1552 section.

1553 (5) If the commission receives an application that is  
1554 incomplete, the commission shall, within seven (7) days of  
1555 receiving the incomplete application, notify the applicant of  
1556 additional information required by the commission.



1557           **SECTION 26.** (1) No video gaming terminal or redemption  
1558 terminal or associated equipment may be made available for use in  
1559 this state prior to being tested and certified by the commission  
1560 in accordance with this section.

1561           (2) Video gaming terminals shall be tested and certified to  
1562 meet the following specifications:

1563                   (a) The video gaming terminal shall have the ability to  
1564 be linked to the central control computer.

1565                   (b) The video gaming terminal shall be marked with an  
1566 irremovable identification plate that is placed in a conspicuous  
1567 location on the exterior of the video gaming terminal. The  
1568 identification plate shall contain the name of the manufacturer  
1569 and the serial and model numbers of the video gaming terminal.

1570                   (c) The video gaming terminal shall prominently display  
1571 the rules of play either on the video gaming terminal face or  
1572 screen.

1573                   (d) The video gaming terminal may not have the ability  
1574 to dispense cash, tokens or anything of value, except redemption  
1575 tickets which shall only be exchangeable for cash at a redemption  
1576 terminal or reinserted into another video gaming terminal located  
1577 in the same video gaming area as the video gaming terminal.

1578                   (e) The cost of a credit shall only be One Cent (1¢),  
1579 Five Cents (5¢), Ten Cents (10¢) or Twenty-five Cents (25¢).

1580                   (f) The maximum wager per individual game shall not  
1581 exceed Five Dollars (\$5.00).





1582 (g) The maximum prize per individual game shall not  
1583 exceed One Thousand Dollars (\$1,000.00).

1584 (h) The video gaming terminal shall be designed and  
1585 manufactured with total accountability to include gross proceeds,  
1586 net profits, winning percentages and other information the  
1587 commission requires.

1588 (i) The video gaming terminal shall pay out a minimum  
1589 of eighty-five percent (85%) of the amount wagered.

1590 (j) Other specifications the commission requires.

1591 (3) Redemption terminals shall be tested and certified to  
1592 meet the following specifications:

1593 (a) The redemption terminal shall be marked with an  
1594 irremovable identification plate that is placed in a conspicuous  
1595 location on the exterior of the redemption terminal. The  
1596 identification plate shall contain the name of the manufacturer  
1597 and the serial and model numbers of the redemption terminal.

1598 (b) The redemption terminal shall only accept  
1599 redemption tickets from video gaming terminals located in the same  
1600 video gaming area.

1601 (c) The redemption terminal shall be designed and  
1602 manufactured with total accountability to record information the  
1603 commission requires.

1604 (d) Other specifications the commission requires.

1605 (4) (a) The commission may determine, in its discretion,  
1606 whether the video gaming terminal or redemption terminal testing



1607 and certification standards of another jurisdiction within the  
1608 United States in which a manufacturer licensee is licensed are  
1609 comprehensive and thorough and provide similar adequate safeguards  
1610 as those required by this act.

1611 (b) If the commission makes the determination under  
1612 paragraph (a) of this subsection, the commission may permit a  
1613 manufacturer licensee to deploy those video gaming terminals or  
1614 redemption terminals which have met the video gaming terminal or  
1615 redemption terminal testing and certification standards in such  
1616 other jurisdictions without undergoing the full testing and  
1617 certification process by the commission's testing facility.

1618 (c) In the event video gaming terminals or redemption  
1619 terminals of a manufacturer licensee are licensed in the other  
1620 jurisdiction, the commission may determine to use an abbreviated  
1621 process requiring only that information determined by the  
1622 commission to be necessary to consider the issuance of a video  
1623 gaming terminal or redemption terminal certification to such an  
1624 applicant.

1625 (5) The commission may, in its discretion, rely upon the  
1626 certification of a video gaming terminal or redemption terminal  
1627 that has met the testing and certification standards of one or  
1628 more commission-approved independent private testing and  
1629 certification facilities.

1630 (6) (a) A fee for the testing and certification of a video  
1631 gaming terminal or redemption terminal shall be paid by the



1632 manufacturer licensee submitting the terminal, which fee shall be  
1633 an amount established by the commission according to a schedule  
1634 adopted by the commission.

1635 (b) Fees established by the commission shall be exempt  
1636 from any fee limitation contained in Section 34 of this act.

1637 (7) The commission shall ensure that all video gaming  
1638 terminals certified and approved for use in this state are  
1639 compatible and comply with the central control computer and  
1640 protocol specifications approved by the commission.

1641 **SECTION 27.** (1) An establishment licensee may offer video  
1642 gaming terminals for play within its premises, subject to the  
1643 following:

1644 (a) No more than five (5) video gaming terminals may be  
1645 placed on the premises of the establishment licensee.

1646 (b) Redemption tickets shall only be exchanged for cash  
1647 through a redemption terminal or reinserted into another video  
1648 gaming terminal in the same video gaming area or as otherwise  
1649 authorized by the commission in the event of a failure or  
1650 malfunction in a redemption terminal, and at least one (1)  
1651 redemption terminal shall be located in the video gaming area.

1652 (c) Video gaming terminals located on the premises of  
1653 the establishment licensee shall be placed and operated by a  
1654 terminal operator licensee pursuant to a terminal placement  
1655 agreement.



1656 (d) No video gaming area may be located in an area that  
1657 is not properly segregated from minors.

1658 (e) The entrance to the video gaming area shall be  
1659 secure and easily seen and observed by at least one (1) employee  
1660 of the establishment licensee.

1661 (f) The video gaming area shall at all times be  
1662 monitored by an employee of the establishment licensee either  
1663 directly or through live monitoring of video surveillance. The  
1664 employee must be at least twenty-one (21) years of age and have  
1665 completed the mandatory training program required in this act.

1666 (g) No establishment licensee may provide an incentive.

1667 (h) No minor shall be permitted to play a video gaming  
1668 terminal or enter the video gaming area.

1669 (i) No visibly intoxicated person shall be permitted to  
1670 play a video gaming terminal.

1671 (j) No establishment licensee may extend credit or  
1672 accept a credit card or debit card for play of a video gaming  
1673 terminal.

1674 (k) No establishment licensee may make structural  
1675 alterations or significant renovations to a video gaming area  
1676 unless the establishment licensee has notified the terminal  
1677 operator licensee and obtained prior approval from the commission.

1678 (l) No establishment licensee may move a video gaming  
1679 terminal or redemption terminal after installation by a terminal  
1680 operator licensee.



1681           (2) A terminal operator licensee may place and operate video  
1682 gaming terminals on the premises of an establishment licensee,  
1683 subject to the following:

1684           (a) No more than five (5) video gaming terminals may be  
1685 placed on the premises of the establishment licensee.

1686           (b) Redemption tickets shall only be exchanged for cash  
1687 through a redemption terminal located within the same video gaming  
1688 area or reinserted into another video gaming terminal located in  
1689 the same video gaming area as the video gaming terminal.

1690           (c) Video gaming terminals located on the premises of  
1691 the establishment licensee shall be placed and operated pursuant  
1692 to a terminal placement agreement.

1693           (d) No terminal operator licensee may provide an  
1694 incentive.

1695           (e) No terminal operator licensee may extend credit or  
1696 accept a credit card or debit card for play of a video gaming  
1697 terminal.

1698           (f) No terminal operator licensee may give or offer to  
1699 give, directly or indirectly, any type of inducement to a truck  
1700 stop establishment to secure or maintain a terminal placement  
1701 agreement.

1702           (g) No terminal operator licensee may give an  
1703 establishment licensee a percentage of gross terminal revenue  
1704 other than thirty-three percent (33%) of the gross terminal



1705 revenue of the video gaming terminals operating in the  
1706 establishment licensee's premises.

1707 (h) A terminal operator licensee shall only operate,  
1708 install or otherwise make available for public use a video gaming  
1709 terminal or redemption terminal that has been obtained from a  
1710 manufacturer licensee or supplier licensee.

1711 (i) No terminal operator licensee may move a video  
1712 gaming terminal or redemption terminal after installation unless  
1713 prior approval is obtained from the commission.

1714 **SECTION 28.** (1) No terminal operator licensee may place and  
1715 operate video gaming terminals on the premises of an establishment  
1716 licensee unless pursuant to a terminal placement agreement  
1717 approved by the commission. Approval shall be presented upon  
1718 connection of one or more video gaming terminals at the  
1719 establishment licensee to the central control computer.

1720 (2) The commission shall establish through regulation  
1721 minimum standards for terminal placement agreements.

1722 (3) Terminal placement agreements shall be valid for a  
1723 minimum term of sixty (60) months but shall not exceed a term of  
1724 one hundred twenty (120) months.

1725 (4) A terminal placement agreement shall include provisions  
1726 that:

1727 (a) Render the agreement invalid if either the terminal  
1728 operator license or terminal operator application or the



1729 establishment license or establishment licensee application is  
1730 denied, revoked, not renewed, withdrawn or surrendered.

1731 (b) Provide the establishment licensee no more or less  
1732 than thirty-three percent (33%) of gross terminal revenue from  
1733 each video gaming terminal located on the premises of the  
1734 establishment licensee.

1735 (c) Identify who solicited the terminal placement  
1736 agreement on behalf of a terminal operator licensee or applicant.

1737 (5) Only an establishment licensee or applicant may sign or  
1738 agree to sign a terminal placement agreement with an applicant for  
1739 a terminal operator license or a terminal operator licensee.

1740 (6) An agreement entered into by a truck stop establishment  
1741 prior to the effective date of this act with a person or entity  
1742 for the placement, operation, service or maintenance of video  
1743 gaming terminals, including an agreement granting a person or  
1744 entity the right to enter into an agreement or match any offer  
1745 made after the effective date of this section shall be void and  
1746 may not be approved by the commission.

1747 (7) No terminal placement agreement may be transferred or  
1748 assigned unless the individual or entity making the assignment is  
1749 either a terminal operator applicant or terminal operator licensee  
1750 and the individual or entity receiving the assignment of the  
1751 terminal placement agreement is either a terminal operator  
1752 applicant or terminal operator licensee under this act.

1753 **SECTION 29.** A person issued a license under this act shall:



1754 (a) Provide assistance or information required by the  
1755 commission and to cooperate in inquiries, investigations and  
1756 hearings.

1757 (b) Consent to inspections, searches and seizures.

1758 (c) Inform the commission of actions that the person  
1759 believes would constitute a violation of this act.

1760 (d) Inform the commission of arrests for crimes and  
1761 offenses.

1762 **SECTION 30.** (1) An establishment licensee shall  
1763 conspicuously post signs similar to the following statement:

1764 (a) If you or someone you know has a gambling problem,  
1765 help is available. Call (toll-free telephone number) or text  
1766 (toll-free telephone number).

1767 (b) At least one (1) sign shall be posted within the  
1768 video gaming area and at least one (1) sign shall be posted within  
1769 five (5) feet of each automated teller machine located within the  
1770 establishment licensee's premises, if applicable.

1771 (2) The toll-free telephone number required to be posted in  
1772 subsection (1) of this section shall be the same number maintained  
1773 by the Mississippi Council on Problem and Compulsive Gambling.

1774 (3) (a) An establishment licensee shall have available on  
1775 its premises access to materials regarding compulsive and problem  
1776 gambling assistance.

1777 (b) The available materials required by paragraph (a)  
1778 shall be a uniform, statewide handout developed by the commission





1779 in consultation with the commission of drug and alcohol programs  
1780 or successor agency.

1781 (c) The available materials required by paragraph (a)  
1782 of this subsection shall be displayed conspicuously at least  
1783 within the video gaming area.

1784 (d) An establishment licensee that fails to fulfill the  
1785 requirements of this section shall be assessed by the commission  
1786 an administrative penalty and may have its establishment license  
1787 suspended. When determining the penalty and number of suspension  
1788 days, the commission shall consider the length of time in which  
1789 the materials were not available.

1790 **SECTION 31.** (1) The commission shall have the following  
1791 powers and duties:

1792 (a) Enforce the provisions of this act.

1793 (b) Investigate and review applicants and applications  
1794 for a license or registration. The commission shall be prohibited  
1795 from disclosing any portion of a background investigation report  
1796 to a member of the commission prior to the submission of the  
1797 commission's final background investigation report relating to the  
1798 applicant's suitability for licensure to the commission. The  
1799 executive director, on behalf of the commission, shall prepare the  
1800 final background investigation report for inclusion in a final  
1801 report relating to the applicant's suitability for licensure.

1802 (c) Investigate licensees, registrants and other  
1803 persons regulated by the commission under this act for noncriminal



1804 violations of this act, including potential violations referred to  
1805 the commission by the commission or other person.

1806 (d) Monitor video gaming operations to ensure  
1807 compliance with this act.

1808 (e) Inspect and examine licensed entities. Inspections  
1809 may include the review and reproduction of documents or records.

1810 (f) Conduct reviews of a licensed entity as necessary  
1811 to ensure compliance with this act. A review may include the  
1812 review of accounting, administrative and financial records,  
1813 management control systems, procedures and other records utilized  
1814 by a licensed entity.

1815 (g) Cooperate in the investigation and prosecution of  
1816 criminal violations related to this act.

1817 (2) The commission shall at all times have the power of  
1818 access to examine and audit equipment and records relating to all  
1819 aspects of the operation of video gaming terminals and redemption  
1820 terminals under this act.

1821 (3) (a) The district attorneys of the several counties and  
1822 the Attorney General shall have authority to investigate and to  
1823 institute criminal proceedings for a violation of this act.

1824 (b) A person charged with a violation of this act by  
1825 the Attorney General shall not have standing to challenge the  
1826 authority of the Attorney General to investigate or prosecute the  
1827 case, and, if any such challenge is made, the challenge shall be



1828 dismissed and no relief shall be available in the courts of this  
1829 state to the person making the challenge.

1830 (4) Nothing in subsection (3) of this section shall be  
1831 construed to limit the existing regulatory or investigative  
1832 authority of an agency or the state whose functions relate to  
1833 persons or matters within the scope of this act.

1834 (5) (a) The commission, shall have the authority without  
1835 notice and without warrant to do all of the following in the  
1836 performance of their duties under this act:

1837 (i) Inspect and examine all premises where video  
1838 gaming operations are conducted; where video gaming terminals,  
1839 redemption terminals and associated equipment are manufactured,  
1840 sold, distributed or serviced; or where records of these  
1841 activities are prepared or maintained.

1842 (ii) Inspect all equipment and supplies in, about,  
1843 upon or around premises referred to in subparagraph (i) of this  
1844 paragraph.

1845 (iii) Seize, summarily remove and impound  
1846 equipment and supplies from premises referred to in subparagraph  
1847 (i) of this paragraph for the purposes of examination and  
1848 inspection.

1849 (iv) Inspect, examine and audit all books, records  
1850 and documents pertaining to a terminal operator licensee's video  
1851 gaming operation.



1852 (v) Seize, impound or assume physical control of  
1853 any book, record, ledger or device related to video gaming  
1854 operations or the video gaming terminals or redemption terminals.

1855 (b) The provisions of paragraph (a) of this subsection  
1856 shall not be construed to limit warrantless inspections except in  
1857 accordance with constitutional requirements.

1858 (c) To further effectuate the purposes of this act, the  
1859 commission may obtain administrative warrants for the inspection  
1860 and seizure of property possessed, controlled, bailed or otherwise  
1861 held by an applicant, licensee, intermediary, subsidiary,  
1862 affiliate or holding company.

1863 (6) With respect to the administration, supervision and  
1864 enforcement of this act, the commission, may obtain or provide  
1865 pertinent information regarding applicants or licensees from or to  
1866 law enforcement entities or gaming authorities of the state and  
1867 other domestic, foreign or federally approved jurisdictions,  
1868 including the Federal Bureau of Investigation, and may transmit  
1869 the information to each other electronically.

1870 **SECTION 32.** (1) The provisions of Section 97-5-59, 97-7-35  
1871 or 97-7-10 shall apply to a person providing information or making  
1872 a statement, whether written or oral, to the commission, as  
1873 required by this act.

1874 (2) It shall be unlawful for a person to willfully:



1875 (a) Fail to report, pay or truthfully account for and  
1876 pay over a license fee, authorization fee, tax or assessment  
1877 imposed under this act; or

1878 (b) Attempt in any manner to evade or defeat a license  
1879 fee, authorization fee, tax or assessment imposed under this act.

1880 (3) It shall be unlawful for a licensed entity, gaming  
1881 employee, key employee or any other person to permit a video  
1882 gaming terminal to be operated, transported, repaired or opened on  
1883 the premises of an establishment licensee by a person other than a  
1884 person licensed or permitted by the commission pursuant to this  
1885 act.

1886 (4) It shall be unlawful for a licensed entity or other  
1887 person to manufacture, supply or place video gaming terminals,  
1888 redemption terminals or associated equipment into play or display  
1889 video gaming terminals, redemption terminals or associated  
1890 equipment on the premises of an establishment licensee without the  
1891 authority of the commission.

1892 (5) It shall be unlawful for a licensed entity or other  
1893 person to manufacture, supply, operate, carry on or expose for  
1894 play a video gaming terminal or associated equipment after the  
1895 person's license has expired or failed to be renewed in accordance  
1896 with this act.

1897 (6) It shall be unlawful for an individual while on the  
1898 premises of an establishment licensee to knowingly use currency  
1899 other than lawful coin or legal tender of the United States or a



1900 coin not of the same denomination as the coin intended to be used  
1901 in the video gaming terminal or use a counterfeit or altered  
1902 redemption tickets with the intent to cheat or defraud a terminal  
1903 operator licensee or the state or damage the video gaming terminal  
1904 or redemption terminal.

1905 (7) (a) Except as set forth in paragraph (b) of this  
1906 subsection, it shall be unlawful for an individual to knowingly  
1907 possess or use while on the premises of an establishment licensee  
1908 a key or device designed for the purpose of and suitable for  
1909 opening or entering a video gaming terminal or redemption terminal  
1910 that is located on the premises of the establishment licensee.

1911 (b) An authorized employee of a licensee or a member of  
1912 the commission may possess and use a device referred to in  
1913 paragraph (a) of this subsection in the performance of the duties  
1914 of employment.

1915 (8) It shall be unlawful for a person or licensed entity to  
1916 possess a device, equipment or material which the person or  
1917 licensed entity knows has been manufactured, distributed, sold,  
1918 tampered with or serviced in violation of this act with the intent  
1919 to use the device, equipment or material as though it had been  
1920 manufactured, distributed, sold, tampered with or serviced  
1921 pursuant to this act.

1922 (9) It shall be unlawful for a person to sell, offer for  
1923 sale, represent or pass off as lawful any device, equipment or  
1924 material that the person or licensed entity knows has been



1925 manufactured, distributed, sold, tampered with or serviced in  
1926 violation of this act.

1927 (10) It shall be unlawful for an individual to work or be  
1928 employed in a position the duties of which would require licensing  
1929 under this act without first obtaining the requisite license  
1930 issued under this act.

1931 (11) It shall be unlawful for a licensed entity to employ or  
1932 continue to employ an individual in a position the duties of which  
1933 require a license under this act if the individual:

1934 (a) Is not licensed under this act.

1935 (b) Is prohibited from accepting employment from a  
1936 licensee.

1937 (12) It shall be unlawful for a minor to enter and remain in  
1938 any video gaming area, except that a minor of age employed by a  
1939 terminal operator licensee, an establishment licensee, the  
1940 commission or another regulatory or emergency response agency may  
1941 enter and remain in the area while engaged in the performance of  
1942 the individual's employment duties.

1943 (13) It shall be unlawful for a minor to wager, play or  
1944 attempt to play a video gaming terminal or submit a redemption  
1945 ticket into a redemption terminal.

1946 (14) It shall be unlawful for a terminal operator licensee  
1947 to require a video gaming terminal wager to be lesser than the  
1948 stated minimum wager or greater than the stated maximum wager.



1949           (15) An individual who engages in conduct prohibited by  
1950 Section 97-31-27 on the premises of an establishment licensee  
1951 commits a nongambling offense.

1952           (16) It shall be unlawful for an individual to claim,  
1953 collect or take, or attempt to claim, collect or take, money or  
1954 anything of value in or from a video gaming terminal or redemption  
1955 terminal with the intent to defraud, or to claim, collect or take  
1956 an amount greater than the amount won, or to manipulate with the  
1957 intent to cheat, a component of a video gaming terminal or  
1958 redemption terminal in a manner contrary to the designed and  
1959 normal operational purpose.

1960           **SECTION 33.** (1) In addition to any other penalty authorized  
1961 by law, the commission may impose, without limitation, the  
1962 following sanctions:

1963           (a) Revoke the license of a person convicted of a  
1964 criminal offense under this act or regulations promulgated under  
1965 this act or committing any other offense or violation of this act  
1966 or applicable law that would otherwise disqualify the person from  
1967 holding the license.

1968           (b) Revoke the license of a person determined to have  
1969 violated a provision of this act or regulations promulgated under  
1970 this act that would otherwise disqualify the person from holding  
1971 the license.





1972                   (c) Revoke the license of a person for willfully and  
1973 knowingly violating or attempting to violate an order of the  
1974 commission directed to the person.

1975                   (d) Subject to subsection (4) of this section, assess  
1976 administrative penalties as necessary to punish violations of this  
1977 act.

1978                   (e) Order restitution of money or property unlawfully  
1979 obtained or retained by a licensee.

1980                   (f) Enter cease and desist orders which specify the  
1981 conduct which is to be discontinued, altered or implemented by a  
1982 licensee.

1983                   (g) Issue letters of reprimand or censure, which  
1984 letters shall be made a permanent part of the file of the licensee  
1985 so sanctioned.

1986                   (2) (a) If the commission refuses to issue or renew a  
1987 license, suspends or revokes a license, assesses civil penalties,  
1988 orders restitution, enters a cease and desist order or issues a  
1989 letter of reprimand or censure, the commission shall provide the  
1990 applicant or licensee with written notification of its decision,  
1991 including a statement of the reasons for its decision, by  
1992 certified mail within five (5) business days of the decision of  
1993 the commission.

1994                   (b) The applicant or licensee shall have the right to  
1995 appeal the decision as provided by law.



1996 (3) Any equipment, device or apparatus, money, material,  
1997 gaming proceeds or substituted proceeds or real or personal  
1998 property used, obtained or received or an attempt to use, obtain  
1999 or receive the device, apparatus, money, material, proceeds or  
2000 real or personal property in violation of this act shall be  
2001 subject to seizure, confiscation, destruction or forfeiture.

2002 (4) (a) Administrative penalties assessed by the commission  
2003 on an establishment licensee shall not exceed Five Thousand  
2004 Dollars (\$5,000.00) for each noncriminal violation of this act.

2005 (b) When imposing an administrative penalty on an  
2006 establishment licensee for a noncriminal violation of this act,  
2007 the commission shall take into consideration the establishment  
2008 licensee's annual taxable income and whether the penalty amount  
2009 would cause the establishment licensee to cease nonvideo gaming  
2010 operations.

2011 (5) Fines imposed and collected by the commission under this  
2012 section shall be deposited into the State General Fund.

2013 **SECTION 34.** (1) The following nonrefundable application  
2014 fees shall accompany an application for the following licenses or  
2015 permits applied for under this act:

2016 (a) For a manufacturer or supplier license, Fifty  
2017 Thousand Dollars (\$50,000.00).

2018 (b) For a terminal operator license, Twenty-five  
2019 Thousand Dollars (\$25,000.00).



2020 (c) For an establishment license, One Thousand Dollars  
2021 (\$1,000.00).

2022 (d) For a key employee or principal license, Five  
2023 Hundred Dollars (\$500.00).

2024 (e) For any other authorization or permit authorized by  
2025 this act, an amount established by the commission, through  
2026 regulation, which may not exceed One Hundred Dollars (\$100.00).

2027 (2) The following nonrefundable fees shall be required upon  
2028 issuance of an initial license and shall accompany an application  
2029 for renewal for the following licenses or permits under this act:

2030 (a) For a manufacturer or supplier license, Ten  
2031 Thousand Dollars (\$10,000.00).

2032 (b) For a terminal operator license, Five Thousand  
2033 Dollars (\$5,000.00).

2034 (c) For an establishment license, an amount equal to  
2035 Two Hundred Fifty Dollars (\$250.00) for each video gaming terminal  
2036 in operation at the premises of the establishment licensee.

2037 (d) For a key employee, procurement agent license or  
2038 principal license, Five Hundred Dollars (\$500.00).

2039 (e) For any other authorization or license authorized  
2040 by this act, an amount established by the commission, through  
2041 regulation, which may not exceed One Hundred Dollars (\$100.00).

2042 (3) An establishment licensee that increases the total  
2043 number of video gaming terminals within the establishment after  
2044 submission of the renewal fee required in subsection (2) of this



2045 section shall provide the commission with a Two Hundred Fifty  
2046 Dollars (\$250.00) renewal fee for each additional video gaming  
2047 terminal added to the establishment within sixty (60) days of  
2048 installation of each additional video gaming terminal.

2049 (4) Fees collected under this section shall be deposited  
2050 into the State General Fund.

2051 **SECTION 35.** (1) There is established in the State Treasury  
2052 the Video Gaming Fund into which shall be deposited the revenue  
2053 collected from the tax imposed by this section. Money in the fund  
2054 shall be appropriated by the Legislature to provide funds for the  
2055 Mississippi Gaming Commission to carry out its responsibilities  
2056 under this act.

2057 (2) (a) Each terminal operator licensee shall pay on a  
2058 bimonthly basis a tax of thirty-four percent (34%) of its gross  
2059 terminal revenue from all video gaming terminals operated by the  
2060 terminal operator licensee within this state.

2061 (b) All money owed under this section shall be held in  
2062 trust by the terminal operator licensee until the money is paid or  
2063 transferred to the Video Gaming Fund.

2064 (c) Unless otherwise agreed to by the commission, a  
2065 terminal operator licensee shall establish a separate bank account  
2066 to maintain gross terminal revenue until such time as the money is  
2067 paid or transferred under this section.



2068           **SECTION 36.** (1) Under the Gambling Devices Transportation  
2069 Act (64 Stat. 1134, 15 USC Section 1171 et seq.), the state  
2070 declares that it is exempt from Section 2 of that act.

2071           (2) All shipments of gambling devices, as defined in Section  
2072 1 of the Gambling Devices Transportation Act, into this state, the  
2073 registering, recording and labeling of which has been effected by  
2074 the manufacturer and supplier of those devices in accordance with  
2075 Sections 3 and 4 of the Gambling Devices Transportation Act, shall  
2076 be deemed legal shipments of gambling devices into this state.

2077           **SECTION 37.** (1) Video gaming terminals shall be exempt from  
2078 taxes levied under any statute that confers taxing authority to a  
2079 political subdivision.

2080           (2) Video gaming terminals are exempt from local licensing  
2081 fees.

2082           **SECTION 38.** Section 87-1-1, Mississippi Code of 1972, is  
2083 brought forward as follows:

2084           87-1-1. Contracts, judgments, securities, conveyances made,  
2085 given, granted, or executed, where the whole or any part of the  
2086 consideration or foundation thereof shall be for money, or any  
2087 valuable thing won, lost, or bet at any game or games, or on any  
2088 horse-race, cock-fight, or at any other sport, amusement, or  
2089 pastime, or on any wager whatever, or for the reimbursing or  
2090 repaying any money knowingly lent or advanced for the purpose of  
2091 such gaming or gambling, or to be wagered on any game, play,



2092 horse-race, cock-fight, or on any sport, amusement, pastime, or  
2093 wager, shall be utterly void.

2094         **SECTION 39.** Section 97-33-1, Mississippi Code of 1972, is  
2095 brought forward as follows:

2096         97-33-1. Except as otherwise provided in Section 97-33-8, if  
2097 any person shall encourage, promote or play at any game, play or  
2098 amusement, other than a fight or fighting match between dogs, for  
2099 money or other valuable thing, or shall wager or bet, promote or  
2100 encourage the wagering or betting of any money or other valuable  
2101 things, upon any game, play, amusement, cockfight, Indian ball  
2102 play or duel, other than a fight or fighting match between dogs,  
2103 or upon the result of any election, event or contingency whatever,  
2104 upon conviction thereof, he shall be fined in a sum not more than  
2105 Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
2106 immediately paid, shall be imprisoned for any period not more than  
2107 ninety (90) days. However, this section shall not apply to  
2108 betting, gaming or wagering:

2109             (a) On a cruise vessel as defined in Section 27-109-1  
2110 whenever such vessel is in the waters within the State of  
2111 Mississippi, which lie adjacent to the State of Mississippi south  
2112 of the three (3) most southern counties in the State of  
2113 Mississippi, including the Mississippi Sound, St. Louis Bay,  
2114 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
2115 of the county in which the port is located have not voted to



2116 prohibit such betting, gaming or wagering on cruise vessels as  
2117 provided in Section 19-3-79;

2118 (b) In a structure located, in whole or in part, on  
2119 shore in any of the three (3) most southern counties in the State  
2120 of Mississippi in which the registered voters of the county have  
2121 voted to allow such betting, gaming or wagering on cruise vessels  
2122 as provided in Section 19-3-79, if:

2123 (i) The structure is owned, leased or controlled  
2124 by a person possessing a gaming license, as defined in Section  
2125 75-76-5, to conduct legal gaming on a cruise vessel under  
2126 paragraph (a) of this section;

2127 (ii) The part of the structure in which licensed  
2128 gaming activities are conducted is located entirely in an area  
2129 which is located no more than eight hundred (800) feet from the  
2130 mean high-water line (as defined in Section 29-15-1) of the waters  
2131 within the State of Mississippi, which lie adjacent to the State  
2132 of Mississippi south of the three (3) most southern counties in  
2133 the State of Mississippi, including the Mississippi Sound, St.  
2134 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2135 Harrison County only, no farther north than the southern boundary  
2136 of the right-of-way for U.S. Highway 90, whichever is greater; and

2137 (iii) In the case of a structure that is located  
2138 in whole or part on shore, the part of the structure in which  
2139 licensed gaming activities are conducted shall lie adjacent to  
2140 state waters south of the three (3) most southern counties in the



2141 State of Mississippi, including the Mississippi Sound, St. Louis  
2142 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2143 structure is located consists of a parcel of real property,  
2144 easements and rights-of-way for public streets and highways shall  
2145 not be construed to interrupt the contiguous nature of the parcel,  
2146 nor shall the footage contained within the easements and  
2147 rights-of-way be counted in the calculation of the distances  
2148 specified in subparagraph (ii);

2149 (c) On a vessel as defined in Section 27-109-1 whenever  
2150 such vessel is on the Mississippi River or navigable waters within  
2151 any county bordering on the Mississippi River, and in which the  
2152 registered voters of the county in which the port is located have  
2153 not voted to prohibit such betting, gaming or wagering on vessels  
2154 as provided in Section 19-3-79; or

2155 (d) That is legal under the laws of the State of  
2156 Mississippi.

2157 **SECTION 40.** Section 97-33-7, Mississippi Code of 1972, is  
2158 brought forward as follows:

2159 97-33-7. (1) Except as otherwise provided in Section  
2160 97-33-8, it shall be unlawful for any person or persons, firm,  
2161 copartnership or corporation to have in possession, own, control,  
2162 display, or operate any cane rack, knife rack, artful dodger,  
2163 punch board, roll down, merchandise wheel, slot machine, pinball  
2164 machine, or similar device or devices. Provided, however, that  
2165 this section shall not be so construed as to make unlawful the





2166 ownership, possession, control, display or operation of any  
2167 antique coin machine as defined in Section 27-27-12, or any music  
2168 machine or bona fide automatic vending machine where the purchaser  
2169 receives exactly the same quantity of merchandise on each  
2170 operation of said machine. Any slot machine other than an antique  
2171 coin machine as defined in Section 27-27-12 which delivers, or is  
2172 so constructed as that by operation thereof it will deliver to the  
2173 operator thereof anything of value in varying quantities, in  
2174 addition to the merchandise received, and any slot machine other  
2175 than an antique coin machine as defined in Section 27-27-12 that  
2176 is constructed in such manner as that slugs, tokens, coins or  
2177 similar devices are, or may be, used and delivered to the operator  
2178 thereof in addition to merchandise of any sort contained in such  
2179 machine, is hereby declared to be a gambling device, and shall be  
2180 deemed unlawful under the provisions of this section. Provided,  
2181 however, that pinball machines which do not return to the operator  
2182 or player thereof anything but free additional games or plays  
2183 shall not be deemed to be gambling devices, and neither this  
2184 section nor any other law shall be construed to prohibit same.

2185 (2) No property right shall exist in any person, natural or  
2186 artificial, or be vested in such person, in any or all of the  
2187 devices described herein that are not exempted from the provisions  
2188 of this section; and all such devices are hereby declared to be at  
2189 all times subject to confiscation and destruction, and their  
2190 possession shall be unlawful, except when in the possession of



2191 officers carrying out the provisions of this section. It shall be  
2192 the duty of all law enforcing officers to seize and immediately  
2193 destroy all such machines and devices.

2194 (3) A first violation of the provisions of this section  
2195 shall be deemed a misdemeanor, and the party offending shall, upon  
2196 conviction, be fined in any sum not exceeding Five Hundred Dollars  
2197 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
2198 in the discretion of the court. In the event of a second  
2199 conviction for a violation of any of the provisions of this  
2200 section, the party offending shall be subject to a sentence of not  
2201 less than six (6) months in the county jail, nor more than two (2)  
2202 years in the State Penitentiary, in the discretion of the trial  
2203 court.

2204 (4) Notwithstanding any provision of this section to the  
2205 contrary, it shall not be unlawful to operate any equipment or  
2206 device described in subsection (1) of this section or any gaming,  
2207 gambling or similar device or devices by whatever name called  
2208 while:

2209 (a) On a cruise vessel as defined in Section 27-109-1  
2210 whenever such vessel is in the waters within the State of  
2211 Mississippi, which lie adjacent to the State of Mississippi south  
2212 of the three (3) most southern counties in the State of  
2213 Mississippi, including the Mississippi Sound, St. Louis Bay,  
2214 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
2215 of the county in which the port is located have not voted to



2216 prohibit such betting, gaming or wagering on cruise vessels as  
2217 provided in Section 19-3-79;

2218 (b) In a structure located, in whole or in part, on  
2219 shore in any of the three (3) most southern counties in the State  
2220 of Mississippi in which the registered voters of the county have  
2221 voted to allow such betting, gaming or wagering on cruise vessels  
2222 as provided in Section 19-3-79, if:

2223 (i) The structure is owned, leased or controlled  
2224 by a person possessing a gaming license, as defined in Section  
2225 75-76-5, to conduct legal gaming on a cruise vessel under  
2226 paragraph (a) of this subsection;

2227 (ii) The part of the structure in which licensed  
2228 gaming activities are conducted is located entirely in an area  
2229 which is located no more than eight hundred (800) feet from the  
2230 mean high-water line (as defined in Section 29-15-1) of the waters  
2231 within the State of Mississippi, which lie adjacent to the State  
2232 of Mississippi south of the three (3) most southern counties in  
2233 the State of Mississippi, including the Mississippi Sound, St.  
2234 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2235 Harrison County only, no farther north than the southern boundary  
2236 of the right-of-way for U.S. Highway 90, whichever is greater; and

2237 (iii) In the case of a structure that is located  
2238 in whole or part on shore, the part of the structure in which  
2239 licensed gaming activities are conducted shall lie adjacent to  
2240 state waters south of the three (3) most southern counties in the



2241 State of Mississippi, including the Mississippi Sound, St. Louis  
2242 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2243 structure is located consists of a parcel of real property,  
2244 easements and rights-of-way for public streets and highways shall  
2245 not be construed to interrupt the contiguous nature of the parcel,  
2246 nor shall the footage contained within the easements and  
2247 rights-of-way be counted in the calculation of the distances  
2248 specified in subparagraph (ii);

2249 (c) On a vessel as defined in Section 27-109-1 whenever  
2250 such vessel is on the Mississippi River or navigable waters within  
2251 any county bordering on the Mississippi River, and in which the  
2252 registered voters of the county in which the port is located have  
2253 not voted to prohibit such betting, gaming or wagering on vessels  
2254 as provided in Section 19-3-79; or

2255 (d) That is legal under the laws of the State of  
2256 Mississippi.

2257 (5) Notwithstanding any provision of this section to the  
2258 contrary, it shall not be unlawful (a) to own, possess, repair or  
2259 control any gambling device, machine or equipment in a licensed  
2260 gaming establishment or on the business premises appurtenant to  
2261 any such licensed gaming establishment during any period of time  
2262 in which such licensed gaming establishment is being constructed,  
2263 repaired, maintained or operated in this state; (b) to install any  
2264 gambling device, machine or equipment in any licensed gaming  
2265 establishment; (c) to possess or control any gambling device,



2266 machine or equipment during the process of procuring or  
2267 transporting such device, machine or equipment for installation on  
2268 any such licensed gaming establishment; or (d) to store in a  
2269 warehouse or other storage facility any gambling device, machine,  
2270 equipment, or part thereof, regardless of whether the county or  
2271 municipality in which the warehouse or storage facility is located  
2272 has approved gaming aboard cruise vessels or vessels, provided  
2273 that such device, machine or equipment is operated only in a  
2274 county or municipality that has approved gaming aboard cruise  
2275 vessels or vessels. Any gambling device, machine or equipment  
2276 that is owned, possessed, controlled, installed, procured,  
2277 repaired, transported or stored in accordance with this subsection  
2278 shall not be subject to confiscation, seizure or destruction, and  
2279 any person, firm, partnership or corporation which owns,  
2280 possesses, controls, installs, procures, repairs, transports or  
2281 stores any gambling device, machine or equipment in accordance  
2282 with this subsection shall not be subject to any prosecution or  
2283 penalty under this section. Any person constructing or repairing  
2284 such cruise vessels or vessels within a municipality shall comply  
2285 with all municipal ordinances protecting the general health or  
2286 safety of the residents of the municipality.

2287       **SECTION 41.** Section 97-33-17, Mississippi Code of 1972, is  
2288 brought forward as follows:

2289       97-33-17. (1) All monies exhibited for the purpose of  
2290 betting or alluring persons to bet at any game, and all monies



2291 staked or betted, shall be liable to seizure by any sheriff,  
2292 constable, or police officer, together with all the appliances  
2293 used or kept for use in gambling, or by any other person; and all  
2294 the monies so seized shall be accounted for by the person making  
2295 the seizure, and all appliances seized shall be destroyed;  
2296 provided, however, this section shall not apply to betting, gaming  
2297 or wagering on:

2298           (a) A cruise vessel as defined in Section 27-109-1  
2299 whenever such vessel is in the waters within the State of  
2300 Mississippi, which lie adjacent to the State of Mississippi south  
2301 of the three (3) most southern counties in the State of  
2302 Mississippi, including the Mississippi Sound, St. Louis Bay,  
2303 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
2304 of the county in which the port is located have not voted to  
2305 prohibit such betting, gaming or wagering on cruise vessels as  
2306 provided in Section 19-3-79;

2307           (b) In a structure located in whole or in part on shore  
2308 in any of the three (3) most southern counties in the State of  
2309 Mississippi in which the registered voters of the county have  
2310 voted to allow such betting, gaming or wagering on cruise vessels  
2311 as provided in Section 19-3-79, if:

2312           (i) The structure is owned, leased or controlled  
2313 by a person possessing a gaming license, as defined in Section  
2314 75-76-5, to conduct legal gaming on a cruise vessel under  
2315 paragraph (a) of this subsection;



2316 (ii) The part of the structure in which licensed  
2317 gaming activities are conducted is located entirely in an area  
2318 which is located no more than eight hundred (800) feet from the  
2319 mean high-water line (as defined in Section 29-15-1) of the waters  
2320 within the State of Mississippi, which lie adjacent to the State  
2321 of Mississippi south of the three (3) most southern counties in  
2322 the State of Mississippi, including the Mississippi Sound, St.  
2323 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2324 Harrison County only, no farther north than the southern boundary  
2325 of the right-of-way for U.S. Highway 90, whichever is greater; and

2326 (iii) In the case of a structure that is located  
2327 in whole or part on shore, the part of the structure in which  
2328 licensed gaming activities are conducted shall lie adjacent to  
2329 state waters south of the three (3) most southern counties in the  
2330 State of Mississippi, including the Mississippi Sound, St. Louis  
2331 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2332 structure is located consists of a parcel of real property,  
2333 easements and rights-of-way for public streets and highways shall  
2334 not be construed to interrupt the contiguous nature of the parcel,  
2335 nor shall the footage contained within the easements and  
2336 rights-of-way be counted in the calculation of the distances  
2337 specified in subparagraph (ii).

2338 (c) A vessel as defined in Section 27-109-1 whenever  
2339 such vessel is on the Mississippi River or navigable waters within  
2340 any county bordering on the Mississippi River, and in which the



2341 registered voters of the county in which the port is located have  
2342 not voted to prohibit such betting, gaming or wagering on vessels  
2343 as provided in Section 19-3-79; or

2344 (d) That is legal under the laws of the State of  
2345 Mississippi.

2346 (2) Nothing in this section shall apply to any gambling  
2347 device, machine or equipment that is owned, possessed, controlled,  
2348 installed, procured, repaired or transported in accordance with  
2349 subsection (4) of Section 97-33-7.

2350 **SECTION 42.** Section 97-33-27, Mississippi Code of 1972, is  
2351 brought forward as follows:

2352 97-33-27. If any person shall bet on a horse race or a yacht  
2353 race or on a shooting match, he shall be fined not more than Five  
2354 Hundred Dollars (\$500.00), and, unless the fine and costs be  
2355 immediately paid, he shall be imprisoned in the county jail not  
2356 more than ninety (90) days; provided, however, this section shall  
2357 not apply to betting, gaming or wagering:

2358 (a) On a cruise vessel as defined in Section 27-109-1  
2359 whenever such vessel is in the waters within the State of  
2360 Mississippi, which lie adjacent to the State of Mississippi south  
2361 of the three (3) most southern counties in the State of  
2362 Mississippi, including the Mississippi Sound, St. Louis Bay,  
2363 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
2364 of the county in which the port is located have not voted to





2365 prohibit such betting, gaming or wagering on cruise vessels as  
2366 provided in Section 19-3-79;

2367 (b) In a structure located in whole or in part on shore  
2368 in any of the three (3) most southern counties in the State of  
2369 Mississippi in which the registered voters of the county have  
2370 voted to allow such betting, gaming or wagering on cruise vessels  
2371 as provided in Section 19-3-79, if:

2372 (i) The structure is owned, leased or controlled  
2373 by a person possessing a gaming license, as defined in Section  
2374 75-76-5, to conduct legal gaming on a cruise vessel under  
2375 paragraph (a) of this section;

2376 (ii) The part of the structure in which licensed  
2377 gaming activities are conducted is located entirely in an area  
2378 which is located no more than eight hundred (800) feet from the  
2379 mean high-water line (as defined in Section 29-15-1) of the waters  
2380 within the State of Mississippi, which lie adjacent to the State  
2381 of Mississippi south of the three (3) most southern counties in  
2382 the State of Mississippi, including the Mississippi Sound, St.  
2383 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2384 Harrison County only, no farther north than the southern boundary  
2385 of the right-of-way for U.S. Highway 90, whichever is greater; and

2386 (iii) In the case of a structure that is located  
2387 in whole or part on shore, the part of the structure in which  
2388 licensed gaming activities are conducted shall lie adjacent to  
2389 state waters south of the three (3) most southern counties in the



2390 State of Mississippi, including the Mississippi Sound, St. Louis  
2391 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2392 structure is located consists of a parcel of real property,  
2393 easements and rights-of-way for public streets and highways shall  
2394 not be construed to interrupt the contiguous nature of the parcel,  
2395 nor shall the footage contained within the easements and  
2396 rights-of-way be counted in the calculation of the distances  
2397 specified in subparagraph (ii).

2398 (c) On a vessel as defined in Section 27-109-1 whenever  
2399 such vessel is on the Mississippi River or navigable waters within  
2400 any county bordering on the Mississippi River, and in which the  
2401 registered voters of the county in which the port is located have  
2402 not voted to prohibit such betting, gaming or wagering on vessels  
2403 as provided in Section 19-3-79; or

2404 (d) That is legal under the laws of the State of  
2405 Mississippi.

2406 **SECTION 43.** This act shall take effect and be in force from  
2407 and after July 1, 2018.

