

By: Representative Hines

To: Gaming; Ways and Means;
Rules

HOUSE BILL NO. 1252

1 AN ACT TO ESTABLISH THE "MISSISSIPPI LOTTERY FOR ROAD
2 IMPROVEMENTS"; TO CREATE A STATE LOTTERY TO FUND THE MISSISSIPPI
3 ROAD IMPROVEMENTS TRUST FUND; TO PROVIDE THAT THE STATE LOTTERY
4 SHALL BE ADMINISTERED BY THE MISSISSIPPI GAMING COMMISSION; TO
5 PROVIDE THE POWERS AND DUTIES OF THE MISSISSIPPI GAMING COMMISSION
6 REGARDING THE STATE LOTTERY; TO CREATE THE MISSISSIPPI ROAD
7 IMPROVEMENTS TRUST FUND; TO PROVIDE THAT, AFTER DEDUCTING CERTAIN
8 ADMINISTRATIVE AND PRIZE EXPENSES, THE NET PROCEEDS COLLECTED FROM
9 THE SALE OF LOTTERY TICKETS IN THE STATE SHALL BE DEPOSITED INTO
10 THE MISSISSIPPI ROAD IMPROVEMENTS TRUST FUND; TO AMEND SECTIONS
11 67-1-71, 75-76-3, 75-76-5, 97-33-9, 97-33-11, 97-33-13, 97-33-21,
12 97-33-23, 97-33-31, 97-33-33, 97-33-35, 97-33-37, 97-33-39,
13 97-33-41, 97-33-43, 97-33-45, 97-33-47 AND 97-33-49, MISSISSIPPI
14 CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS ACT; AND FOR
15 RELATED PURPOSES.

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

17 **SECTION 1.** As used in this act, the following words and
18 phrases shall have the meanings ascribed in this section unless
19 the context clearly indicates otherwise:

20 (a) "Commission" means the Mississippi Gaming
21 Commission.

22 (b) "Distributor" means any person authorized by the
23 Mississippi Gaming Commission to distribute lottery tickets to
24 retailers. A person possessing a gaming license issued under



25 Section 75-76-1 et seq., may be a distributor if located in a
26 county in which legal gaming has been approved.

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

29 (i) The player or players pay or agree to pay
30 something of value for chances, represented and differentiated by
31 tickets, slips of paper or other physical and tangible
32 documentation upon which appear numbers, symbols, characters or
33 other distinctive marks used to identify and designate the winner
34 or winners;

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

39 (iii) The holder or holders of the winning chance
40 or chances are to receive a prize or something of valuable
41 consideration; and

42 (iv) The activity is conducted and participated in
43 without regard to geographical location, with the player or
44 players not being required to be present upon any particular
45 premises or at any particular location in order to participate or
46 to win.

47 (d) "Person" means any association, corporation, firm,
48 partnership, trust or other form or business association as well
49 as a natural person.



50 (e) "Retailer" means any person authorized by the
51 Mississippi Gaming Commission to sell lottery tickets to the
52 public. A person possessing a gaming license issued under Section
53 75-76-1 et seq., may be a retailer if located in a county in which
54 legal gaming has been approved.

55 **SECTION 2.** (1) There is created a state lottery, to be
56 known as the Mississippi Lottery for Road Improvements. The
57 Mississippi Gaming Commission shall administer the state lottery
58 and shall have the authority to:

59 (a) Prescribe the method and form of application which
60 an applicant for a distributor's license or retailer's license, or
61 both, must follow and complete before consideration of his
62 application by the commission;

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

65 (c) Require an applicant to pay all or any part of the
66 fees and costs of investigation of such applicant as may be
67 determined by the commission, except that no applicant for an
68 initial license shall be required to pay any part of the fees or
69 costs of the investigation of the applicant with regard to the
70 initial license;

71 (d) Prescribe the manner and method of collection and
72 payment of fees and issuance of licenses;

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



75 (f) Prescribe guidelines regarding the conduct of
76 specific lottery games including, but not limited to:
77 (i) The types of games to be conducted;
78 (ii) The sale price of tickets;
79 (iii) The number and amount of prizes;
80 (iv) The method and location of selecting or
81 validating winning tickets;
82 (v) The frequency and means of conducting drawings
83 which shall be open to the public;
84 (vi) The manner of payment of prizes;
85 (vii) The frequency of games and drawings; and
86 (viii) Any other matters necessary or desirable
87 for the efficient and effective operation of lottery games;
88 (g) Enter into contracts with distributors for the
89 distribution of lottery tickets to retailers; and
90 (h) Take any action necessary for the implementation
91 and administration of the provisions of this section and
92 promulgate rules and regulations necessary for its implementation
93 and administration.

94 (2) No ticket shall be sold knowingly to any person under
95 the age of eighteen (18) years, but this subsection (2) does not
96 prohibit the purchase of a ticket by a person eighteen (18) years
97 of age or older for the purpose of making a gift to any person of
98 any age. In such case, the commission shall direct payment to an



99 adult member of the person's family or the legal guardian of the
100 person on behalf of such person.

101 (3) The proceeds received from the actual sale of lottery
102 tickets, less a reasonable percentage in an amount as determined
103 by the commission up to a maximum amount of one-half of one
104 percent (.5%) to be retained by a retailer selling a ticket, shall
105 be remitted to the commission on a monthly basis. The commission
106 shall deposit the proceeds into the State Treasury on the day
107 collected. At the end of each month, the commission shall certify
108 the total proceeds collected from the sale of lottery tickets to
109 the State Treasurer who shall distribute such collections as
110 follows:

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

118 (b) A reasonable percentage, in an amount as determined
119 by the commission up to a maximum amount of one-half of one
120 percent (.5%), of the proceeds collected during the preceding
121 month from the sale of lottery tickets in the state, shall be
122 allocated for distribution to the commission and paid to the



123 commission to defray the costs of administering the provisions of
124 this section;

125 (c) The remainder of the proceeds collected during the
126 preceding month from the sale of lottery tickets in the state
127 shall be deposited into the Mississippi Road Improvements Trust
128 Fund created in Section 3 of this act.

129 **SECTION 3.** (1) There is created in the State Treasury a
130 special fund to be designated as the "Mississippi Road
131 Improvements Trust Fund," into which shall be deposited the funds
132 as provided in Section 2(3)(d) of this act. All investment
133 earnings or interest earned on amounts in the fund shall be
134 deposited to the credit of the fund. Amounts remaining in the
135 fund at the end of a fiscal year shall not lapse into the State
136 General Fund.

137 The trust fund shall remain inviolate and shall not be
138 expended, except as provided in this section. Beginning in fiscal
139 year 2018 and in each subsequent fiscal year, the Legislature may
140 appropriate from the trust fund an amount not greater than the
141 aggregate investment earnings and interest earned during the
142 preceding fiscal year on amounts in the fund. This appropriation
143 shall be for the exclusive purpose of providing funds for the
144 purposes described in subsection (2) of this section, but shall
145 not be considered to be the only source for providing funds for
146 those purposes.



147 (2) The trust fund shall be administered by the Mississippi
148 Transportation Commission. The commission shall allocate monies
149 from the special trust fund to the State Highway Fund, State Aid
150 Road Fund and Local System Bridge Replacement and Rehabilitation
151 Program Fund, in amounts as it determines to be appropriate.

152 **SECTION 4.** Section 67-1-71, Mississippi Code of 1972, is
153 amended as follows:

154 67-1-71. The department may revoke or suspend any permit
155 issued by it for a violation by the permittee of any of the
156 provisions of this chapter or of the regulations promulgated under
157 it by the department.

158 Permits must be revoked or suspended for the following
159 causes:

160 (a) Conviction of the permittee for the violation of
161 any of the provisions of this chapter;

162 (b) Willful failure or refusal by any permittee to
163 comply with any of the provisions of this chapter or of any rule
164 or regulation adopted pursuant thereto;

165 (c) The making of any materially false statement in any
166 application for a permit;

167 (d) Conviction of one or more of the clerks, agents or
168 employees of the permittee, of any violation of this chapter upon
169 the premises covered by such permit within a period of time as
170 designated by the rules or regulations of the department;



171 (e) The possession on the premises of any retail
172 permittee of any alcoholic beverages upon which the tax has not
173 been paid;

174 (f) The willful failure of any permittee to keep the
175 records or make the reports required by this chapter, or to allow
176 an inspection of such records by any duly authorized person;

177 (g) The suspension or revocation of a permit issued to
178 the permittee by the federal government, or conviction of
179 violating any federal law relating to alcoholic beverages;

180 (h) The failure to furnish any bond required by Section
181 27-71-21 within fifteen (15) days after notice from the
182 department; and

183 (i) The conducting of any form of illegal gambling on
184 the premises of any permittee or on any premises connected
185 therewith or the presence on any such premises of any gambling
186 device with the knowledge of the permittee.

187 The provisions of this paragraph (i) of this section shall
188 not apply to * * *: the conducting of legal gaming by a person
189 having a gaming license issued under Section 75-76-1 et seq., or
190 the operation of the lottery authorized by Section 3 of this act.

191 The department may, in its discretion, issue on-premises
192 retailer's permits to a common carrier of the nature described in
193 this paragraph.

194 No permit shall be suspended or revoked until after the
195 permittee has been provided reasonable notice of the charges



196 against him for which suspension or revocation is sought and the
197 opportunity to a hearing before the Board of Tax Appeals to
198 contest such charges and the suspension or revocation proposed.
199 Opportunity to a hearing is provided without an actual hearing if
200 the permittee, after receiving reasonable notice, including notice
201 of his right to a hearing, fails to timely request a hearing. The
202 permittee may also at any time waive his rights to reasonable
203 notice and/or to the opportunity to a hearing by agreeing to a
204 suspension or revocation offered by the department.
205 Notwithstanding the requirement above that a permit may not be
206 suspended without notice and opportunity to a hearing, sales of
207 alcoholic beverages by a permittee under a permit for which the
208 bond under Section 27-71-21 has been cancelled shall be suspended
209 from and after issuance of the notice provided in subsection (h)
210 above and shall continue to be suspended until the bond is
211 reinstated, a new bond is posted or sufficient cash or securities
212 as provided under Section 27-71-21 are deposited with the State
213 Treasurer for this permit.

214 In addition to the causes specified in this section and other
215 provisions of this chapter, the department shall be authorized to
216 suspend the permit of any permit holder for being out of
217 compliance with an order for support, as defined in Section
218 93-11-153. The procedure for suspension of a permit for being out
219 of compliance with an order for support, and the procedure for the
220 reissuance or reinstatement of a permit suspended for that



221 purpose, and the payment of any fees for the reissuance or
222 reinstatement of a permit suspended for that purpose, shall be
223 governed by Section 93-11-157 or 93-11-163, as the case may be.
224 If there is any conflict between any provision of Section
225 93-11-157 or 93-11-163 and any provision of this chapter, the
226 provisions of Section 93-11-157 or 93-11-163, as the case may be,
227 shall control.

228 **SECTION 5.** Section 75-76-3, Mississippi Code of 1972, is
229 amended as follows:

230 75-76-3. (1) The provisions of this chapter shall not be
231 construed to legalize any form of gaming which is prohibited under
232 the Mississippi Constitution or the laws of this state. All legal
233 gaming which is conducted in this state and which is otherwise
234 authorized by law shall be regulated and licensed pursuant to the
235 provisions of this chapter, unless the Legislature specifically
236 provides otherwise. Nothing in this chapter shall be construed as
237 encouraging the legalization of gambling in this state.

238 (2) The Legislature hereby finds and declares that lotteries
239 and gaming both consist of the material element of chance. The
240 Legislature is * * * permitted by virtue of its inherent powers to
241 legislate upon lotteries and gaming as the occasion arises. The
242 Legislature derives its power to legislate upon lotteries and
243 gaming or gambling devices from its inherent authority over the
244 morals and policy of the people * * *.



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

247 (a) Regulation of licensed lotteries and gaming is
248 important in order that * * * those activities are conducted
249 honestly and competitively, that the rights of the creditors of
250 licensees are protected and that * * * those activities are free
251 from criminal and corruptive elements.

252 (b) Public confidence and trust can only be maintained
253 by strict regulation of all persons, locations, practices,
254 associations and activities related to the operation of lotteries
255 and licensed gaming establishments and the manufacture or
256 distribution of gambling devices and equipment.

257 (c) All establishments where lotteries or gaming * * *,
258 or both, are conducted and * * * manufacturers, sellers and
259 distributors of certain * * * lottery and gaming devices and
260 equipment must therefore be licensed, controlled and assisted to
261 protect the public health, safety, morals, good order and general
262 welfare of the inhabitants of the state.

263 (4) It is the intent of the Legislature that gaming
264 licensees and any entity authorized to conduct a lottery, to the
265 extent practicable, shall employ residents of Mississippi as * * *
266 employees * * * in the operation of their * * * establishments
267 located in this state.

268 (5) No applicant for a license or other affirmative
269 commission approval has any right to a license or the granting of



270 the approval sought. Any license issued or other commission
271 approval granted pursuant to the provisions of this chapter is a
272 revocable privilege, and no holder acquires any vested right
273 therein or thereunder.

274 * * *

275 **SECTION 6.** Section 75-76-5, Mississippi Code of 1972,
276 is amended as follows:

277 75-76-5. As used in this chapter, unless the context
278 requires otherwise:

279 (a) "Applicant" means any person who has applied for or
280 is about to apply for a state gaming license, registration or
281 finding of suitability under the provisions of this chapter or
282 approval of any act or transaction for which approval is required
283 or permitted under the provisions of this chapter.

284 (b) "Application" means a request for the issuance of a
285 state gaming license, registration or finding of suitability under
286 the provisions of this chapter or for approval of any act or
287 transaction for which approval is required or permitted under the
288 provisions of this chapter but does not include any supplemental
289 forms or information that may be required with the application.

290 (c) "Associated equipment" means any equipment or
291 mechanical, electromechanical or electronic contrivance, component
292 or machine used remotely or directly in connection with gaming or
293 with any game, race book or sports pool that would not otherwise
294 be classified as a gaming device, including dice, playing cards,



295 links which connect to progressive slot machines, equipment which
296 affects the proper reporting of gross revenue, computerized
297 systems of betting at a race book or sports pool, computerized
298 systems for monitoring slot machines, and devices for weighing or
299 counting money.

300 (d) "Chairman" means the Chairman of the Mississippi
301 Gaming Commission except when used in the term "Chairman of the
302 State Tax Commission." "Chairman of the State Tax Commission" or
303 "commissioner" means the Commissioner of Revenue of the Department
304 of Revenue.

305 (e) "Commission" or "Mississippi Gaming Commission"
306 means the Mississippi Gaming Commission.

307 (f) "Commission member" means a member of the
308 Mississippi Gaming Commission.

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

313 (h) "Enforcement division" means a particular division
314 supervised by the executive director that provides enforcement
315 functions.

316 (i) "Establishment" means any premises wherein or
317 whereon any gaming is done.

318 (j) "Executive director" means the Executive Director
319 of the Mississippi Gaming Commission.



320 (k) Except as otherwise provided by law, "game," or
321 "gambling game" means any banking or percentage game played with
322 cards, with dice or with any mechanical, electromechanical or
323 electronic device or machine for money, property, checks, credit
324 or any representative of value, including, without limiting, the
325 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
326 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
327 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
328 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
329 or any other game or device approved by the commission. However,
330 "game" or "gambling game" shall not include bingo games or raffles
331 which are held pursuant to the provisions of Section 97-33-51, or
332 the illegal gambling activities described in Section 97-33-8, or
333 the lottery authorized by Section 3 of this act.

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

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

340 (m) "Gaming device" means any mechanical,
341 electromechanical or electronic contrivance, component or machine
342 used in connection with gaming or any game which affects the
343 result of a wager by determining win or loss. The term includes a
344 system for processing information which can alter the normal



345 criteria of random selection, which affects the operation of any
346 game, or which determines the outcome of a game. The term does
347 not include a system or device which affects a game solely by
348 stopping its operation so that the outcome remains undetermined,
349 and does not include any antique coin machine as defined in
350 Section 27-27-12.

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

- 354 (i) Boxmen;
- 355 (ii) Cashiers;
- 356 (iii) Change personnel;
- 357 (iv) Counting room personnel;
- 358 (v) Dealers;
- 359 (vi) Floormen;
- 360 (vii) Hosts or other persons empowered to extend
361 credit or complimentary services;
- 362 (viii) Keno runners;
- 363 (ix) Keno writers;
- 364 (x) Machine mechanics;
- 365 (xi) Security personnel;
- 366 (xii) Shift or pit bosses;
- 367 (xiii) Shills;
- 368 (xiv) Supervisors or managers; and
- 369 (xv) Ticket writers.



370 The term "gaming employee" also includes employees of
371 manufacturers or distributors of gaming equipment within this
372 state whose duties are directly involved with the manufacture,
373 repair or distribution of gaming equipment.

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

377 (o) "Gaming license" means any license issued by the
378 state which authorizes the person named therein to engage in
379 gaming.

380 (p) "Gross revenue" means the total of all of the
381 following, less the total of all cash paid out as losses to
382 patrons and those amounts paid to purchase annuities to fund
383 losses paid to patrons over several years by independent financial
384 institutions:

385 (i) Cash received as winnings;

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

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

390 For the purposes of this definition, cash or the value of
391 noncash prizes awarded to patrons in a contest or tournament are
392 not losses.

393 The term does not include:

394 (i) Counterfeit money or tokens;



395 (ii) Coins of other countries which are received
396 in gaming devices;

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

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

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

404 (r) "Investigation division" means a particular
405 division supervised by the executive director that provides
406 investigative functions.

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

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

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

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

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



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

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

422 (z) "Party" means the Mississippi Gaming Commission and
423 any licensee or other person appearing of record in any proceeding
424 before the commission; or the Mississippi Gaming Commission and
425 any licensee or other person appearing of record in any proceeding
426 for judicial review of any action, decision or order of the
427 commission.

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

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

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

437 (dd) "Regulation" means a rule, standard, directive or
438 statement of general applicability which effectuates law or policy
439 or which describes the procedure or requirements for practicing
440 before the commission. The term includes a proposed regulation
441 and the amendment or repeal of a prior regulation but does not
442 include:



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

446 (ii) A declaratory ruling;

447 (iii) An interagency memorandum;

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

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

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

454 (ff) "Slot machine" means any mechanical, electrical or
455 other device, contrivance or machine which, upon insertion of a
456 coin, token or similar object, or upon payment of any
457 consideration, is available to play or operate, the play or
458 operation of which, whether by reason of the skill of the operator
459 or application of the element of chance, or both, may deliver or
460 entitle the person playing or operating the machine to receive
461 cash, premiums, merchandise, tokens or anything of value, whether
462 the payoff is made automatically from the machine or in any other
463 manner. The term does not include any antique coin machine as
464 defined in Section 27-27-12.

465 (gg) "Sports pool" means the business of accepting
466 wagers on collegiate or professional sporting events or athletic



467 events, by any system or method of wagering other than the system
468 known as the "pari-mutuel method of wagering."

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

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

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

476 (kk) "Work permit" means any card, certificate or
477 permit issued by the commission, whether denominated as a work
478 permit, registration card or otherwise, authorizing the employment
479 of the holder as a gaming employee. A document issued by any
480 governmental authority for any employment other than gaming is not
481 a valid work permit for the purposes of this chapter.

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

485 (mm) "Cheat" means to alter the selection of criteria
486 that determine:

487 (i) The rules of a game; or

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

489 (nn) "Promotional activity" means an activity or event
490 conducted or held for the purpose of promoting or marketing the
491 individual licensed gaming establishment that is engaging in the



492 promotional activity. The term includes, but is not limited to, a
493 game of any kind other than as defined in paragraph (k) of this
494 section, a tournament, a contest, a drawing, or a promotion of any
495 kind.

496 **SECTION 7.** Section 97-33-9, Mississippi Code of 1972, is
497 amended as follows:

498 97-33-9. Except as otherwise provided in Section 97-33-8, if
499 any person shall be guilty of keeping or exhibiting any illegal
500 game or gaming table commonly called A.B.C. or E.O. roulette or
501 rowley-powley, or rouge et noir, roredo, keno, monte, or any
502 faro-bank, or other game, gaming table, or bank of the same or
503 like kind or any other kind or description under any other name
504 whatever, or shall be in any manner either directly or indirectly
505 interested or concerned in any gaming tables, banks, or games,
506 either by furnishing money or articles for the purpose of carrying
507 on the same, being interested in the loss or gain of said table,
508 bank or games, or employed in any manner in conducting, carrying
509 on, or exhibiting said gaming tables, games, or banks, every
510 person so offending and being thereof convicted, shall be fined
511 not less than Twenty-five Dollars (\$25.00) nor more than Two
512 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail
513 not longer than two (2) months, or by both such fine and
514 imprisonment, in the discretion of the court. Nothing in this
515 section shall apply to any person who owns, possesses, controls,
516 installs, procures, repairs or transports any legal gaming or



517 gambling device, machine or equipment in accordance with
518 subsection (4) of Section 97-33-7 or Section 75-76-34 * * * or to
519 the operation of the lottery authorized by Section 3 of this act.

520 **SECTION 8.** Section 97-33-11, Mississippi Code of 1972, is
521 amended as follows:

522 97-33-11. It shall not be lawful for any association of
523 persons of the character commonly known as a "club," whether such
524 association be incorporated or not, in any manner, either directly
525 or indirectly, to have any interest or concern in any gambling
526 tables, banks, or games, by means of what is sometimes called a
527 "rake-off" or "take-out," or by means of an assessment upon
528 certain combinations, or hands at cards, or by means of a
529 percentage extracted from players, or an assessment made upon, or
530 a contribution from them, or by any other means, device or
531 contrivance whatsoever. It shall not be lawful for such an
532 association to lend or advance money or any other valuable thing
533 to any person engaged or about to engage in playing any game of
534 chance prohibited by law, or to become responsible directly or
535 indirectly for any money or other valuable thing lost, or which
536 may be lost, by any player in any such game. If any such
537 association shall violate any of the provisions of this section
538 each and every member thereof shall be guilty of a misdemeanor
539 and, upon conviction thereof, shall be fined in a sum not more
540 than Five Hundred Dollars (\$500.00); and unless such fine and
541 costs be immediately paid, shall be imprisoned in the county jail



542 for not less than five (5) nor more than twenty (20) days. Each
543 grand jury shall cause such of the members of such an association
544 as it may choose to appear before them and submit to examination
545 touching the observance or nonobservance by such association of
546 the provisions hereof.

547 The provisions of this section shall not apply to the
548 operation of the lottery authorized by Section 3 of this act.

549 **SECTION 9.** Section 97-33-13, Mississippi Code of 1972, is
550 amended as follows:

551 97-33-13. Any owner, lessee, or occupant of any outhouse or
552 other building, who shall knowingly permit or suffer any of the
553 before mentioned tables, banks, or games, or any other game
554 prohibited by law, to be carried on, kept, or exhibited in his
555 said house or other building, or on his lot or premises, being
556 thereof convicted, shall be fined not less than One Hundred
557 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

558 The provisions of this section shall not apply to the
559 operation of the lottery authorized by Section 3 of this act.

560 **SECTION 10.** Section 97-33-21, Mississippi Code of 1972, is
561 amended as follows:

562 97-33-21. Any person of full age who shall bet any money or
563 thing of any value with a minor, or allow a minor to bet at any
564 game or gaming-table exhibited by him, or in which he is
565 interested or in any manner concerned, on conviction thereof,



566 shall be fined not less than Three Hundred Dollars (\$300.00) and
567 imprisoned not less than three (3) months.

568 The provisions of this section shall not apply to a minor who
569 receives as a gift a ticket associated with the lottery authorized
570 by Section 3 of this act, when the ticket has been purchased by a
571 person who is eighteen (18) years of age or older.

572 **SECTION 11.** Section 97-33-23, Mississippi Code of 1972, is
573 amended as follows:

574 97-33-23. Any person of full age who shall bet any money or
575 thing of value with a minor, knowing such minor to be under the
576 age of twenty-one (21) years, or allowing any such minor to bet at
577 any game or games, or at any gaming table exhibited by him, or in
578 which he is interested or in any manner concerned, on conviction
579 thereof, shall be punished by imprisonment in the Penitentiary not
580 exceeding two (2) years.

581 The provisions of this section shall not apply to a minor who
582 receives as a gift a ticket associated with the lottery authorized
583 by Section 3 of this act, when the ticket has been purchased by a
584 person who is eighteen (18) years of age or older.

585 **SECTION 12.** Section 97-33-31, Mississippi Code of 1972, is
586 amended as follows:

587 97-33-31. If any person, in order to raise money for himself
588 or another, or for any purpose whatever, shall publicly or
589 privately put up a lottery to be drawn or adventured for, he



590 shall, on conviction, be imprisoned in the Penitentiary not
591 exceeding five (5) years.

592 The provisions of this section shall not apply to the
593 operation of the lottery authorized by Section 3 of this act.

594 **SECTION 13.** Section 97-33-33, Mississippi Code of 1972, is
595 amended as follows:

596 97-33-33. If any person shall in any way advertise any
597 lottery whatever, no matter where located, or shall knowingly have
598 in his possession any posters or other lottery advertisements of
599 any kind * * *, save a regularly issued newspaper containing such
600 an advertisement without intent to circulate the same as an
601 advertisement * * *, he shall, on conviction, be fined not less
602 than Twenty-five Dollars (\$25.00) nor more than One Hundred
603 Dollars (\$100.00), or be imprisoned in the county jail not
604 exceeding three (3) months, or both.

605 The provisions of this section shall not apply to the
606 operation of the lottery authorized by Section 3 of this act.

607 **SECTION 14.** Section 97-33-35, Mississippi Code of 1972, is
608 amended as follows:

609 97-33-35. If any newspaper published or circulated in this
610 state shall contain an advertisement of any lottery whatever, or
611 any matter intended to advertise a lottery, no matter where
612 located, the editor or editors, publisher or publishers, and the
613 owner or owners thereof permitting the same, shall be guilty of a
614 misdemeanor and, on conviction, shall be fined not less than One



615 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
616 (\$1,000.00), and be imprisoned in the county jail not less than
617 ten (10) days nor more than three (3) months, for each offense.
618 The issuance of each separate daily or weekly edition of the
619 newspaper that shall contain such an advertisement shall be
620 considered a separate offense.

621 The provisions of this section shall not apply to the
622 operation of the lottery authorized by Section 3 of this act.

623 **SECTION 15.** Section 97-33-37, Mississippi Code of 1972, is
624 amended as follows:

625 97-33-37. If any newsdealer or other person shall, directly
626 or indirectly, sell or offer for sale any newspaper or other
627 publication containing a lottery advertisement, he shall be guilty
628 of a misdemeanor and, upon conviction, shall be fined not less
629 than Ten Dollars (\$10.00) or imprisoned not less than ten (10)
630 days, or both.

631 The provisions of this section shall not apply to the
632 operation of the lottery authorized by Section 3 of this act.

633 **SECTION 16.** Section 97-33-39, Mississippi Code of 1972, is
634 amended as follows:

635 97-33-39. If any person shall sell, or offer or expose for
636 sale, any lottery ticket, whether the lottery be in or out of this
637 state, or for or in any other state, territory, district, or
638 country, he shall, on conviction, be fined not less than
639 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars



640 (\$100.00), or imprisoned in the county jail not less than ten (10)
641 days nor more than sixty (60) days, or both.

642 The provisions of this section shall not apply to the
643 operation of the lottery authorized by Section 3 of this act.

644 **SECTION 17.** Section 97-33-41, Mississippi Code of 1972, is
645 amended as follows:

646 97-33-41. If any person shall buy in this state any lottery
647 ticket, whether the lottery be in or out of this state, or of or
648 in any other state, territory, district, or country, he shall, on
649 conviction, be fined not less than Five Dollars (\$5.00) nor more
650 than Twenty-five Dollars (\$25.00), or be imprisoned in the county
651 jail not exceeding ten (10) days, or both.

652 The provisions of this section shall not apply to the
653 operation of the lottery authorized by Section 3 of this act.

654 **SECTION 18.** Section 97-33-43, Mississippi Code of 1972, is
655 amended as follows:

656 97-33-43. If any railroad company shall suffer or permit the
657 sale of a lottery ticket of any kind on its cars, or at its depots
658 or depot grounds, or by its employees, no matter where the lottery
659 is located, it shall be guilty of a misdemeanor and, on
660 conviction, shall be fined not less than Twenty Dollars (\$20.00)
661 nor more than One Hundred Dollars (\$100.00) for every such ticket
662 so sold.

663 The provisions of this section shall not apply to the
664 operation of the lottery authorized by Section 3 of this act.



665 **SECTION 19.** Section 97-33-45, Mississippi Code of 1972, is
666 amended as follows:

667 97-33-45. If the owner or owners of any steamboat shall
668 suffer or permit the sale of a lottery ticket of any kind on his
669 or their boat, or by his or their employees, no matter where the
670 lottery is located, he or they shall be guilty of a misdemeanor
671 and shall, on conviction, be punished as prescribed in Section
672 97-33-43.

673 The provisions of this section shall not apply to the
674 operation of the lottery authorized by Section 3 of this act.

675 **SECTION 20.** Section 97-33-47, Mississippi Code of 1972, is
676 amended as follows:

677 97-33-47. If any person shall act as agent for any lottery
678 or lottery company, no matter where domiciled or located, or if he
679 shall assume to so act as agent, or if he receive any money or
680 other thing for any such lottery or lottery company, or deliver to
681 any person any ticket or tickets, prize or prizes, or other thing
682 from such lottery or lottery company, he shall, on conviction, be
683 fined not less than One Hundred Dollars (\$100.00), nor more than
684 Five Hundred Dollars (\$500.00), and be imprisoned in the county
685 jail not less than three (3) months nor more than six (6) months.

686 The provisions of this section shall not apply to the
687 operation of the lottery authorized by Section 3 of this act.

688 **SECTION 21.** Section 97-33-49, Mississippi Code of 1972, is
689 amended as follows:



690 97-33-49. Except as otherwise provided in Section 97-33-51,
691 if any person, in order to raise money for himself or another,
692 shall publicly or privately put up or in any way offer any prize
693 or thing to be raffled or played for, he shall, on conviction, be
694 fined not more than Twenty Dollars (\$20.00), or be imprisoned not
695 more than one (1) month in the county jail.

696 The provisions of this section shall not apply to the
697 operation of the lottery authorized by Section 3 of this act.

698 **SECTION 22.** This act shall take effect and be in force from
699 and after July 1, 2018.

