

By: Representative Barnett

To: Gaming; Ways and Means;
Rules

HOUSE BILL NO. 1255

1 AN ACT TO REQUIRE THE MISSISSIPPI GAMING COMMISSION TO
2 ESTABLISH A STATE LOTTERY TO BE ADMINISTERED BY THE MISSISSIPPI
3 GAMING COMMISSION; TO PROVIDE THAT PROCEEDS SHALL ANNUALLY BE
4 DEPOSITED INTO A SPECIAL FUND FOR THE HOPE SCHOLARSHIP; TO AMEND
5 SECTIONS 67-1-71, 75-76-3, 75-76-5, 97-33-9, 97-33-11, 97-33-13,
6 97-33-21, 97-33-23, 97-33-31, 97-33-33, 97-33-35, 97-33-37,
7 97-33-39, 97-33-41, 97-33-43, 97-33-45, 97-33-47 AND 97-33-49,
8 MISSISSIPPI CODE OF 1972, IN CONFORMITY TO THE PROVISIONS OF THIS
9 ACT; TO ESTABLISH THE "MISSISSIPPI HOPE SCHOLARSHIP ACT OF 2018,"
10 FOR THE PURPOSE OF CREATING A SCHOLARSHIP AND MENTORING PROGRAM
11 FOCUSED ON INCREASING THE NUMBER OF STUDENTS THAT ATTEND COLLEGE
12 IN THE STATE OF MISSISSIPPI; TO PROVIDE STUDENTS WITH A
13 LAST-DOLLAR SCHOLARSHIP TO COVER THE COST OF TUITION AND MANDATORY
14 FEES NOT COVERED BY PELL GRANT OR ANY OTHER STATE SCHOLARSHIP OR
15 STATE STUDENT ASSISTANCE FUNDS; TO PROVIDE FOR THE USE OF A
16 MISSISSIPPI HOPE SCHOLARSHIP AT ANY PUBLIC OR PRIVATE
17 POSTSECONDARY INSTITUTION IN THE STATE OR OTHER ELIGIBLE
18 INSTITUTION OFFERING AN ASSOCIATE'S DEGREE PROGRAM; TO PROVIDE
19 THAT THE MISSISSIPPI HOPE SCHOLARSHIP SHALL BE ADMINISTERED BY
20 THE MISSISSIPPI COMMUNITY COLLEGE BOARD; TO PROVIDE FOR THE
21 FUNDING AND CREATION OF THE MISSISSIPPI HOPE SCHOLARSHIP; TO
22 PRESCRIBE THE CRITERIA TO BE USED IN DETERMINING THE AMOUNT OF
23 ASSISTANCE ELIGIBLE STUDENTS MAY RECEIVE UNDER THE MISSISSIPPI
24 HOPE SCHOLARSHIP IN ANY GIVEN ACADEMIC YEAR; AND FOR RELATED
25 PURPOSES.

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

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



30 (a) "Commission" means the Mississippi Gaming
31 Commission.

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

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

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

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

50 (iii) The holder or holders of the winning chance
51 or chances are to receive a prize or something of valuable
52 consideration; and

53 (iv) The activity is conducted and participated in
54 without regard to geographical location, with the player or



55 players not being required to be present upon any particular
56 premises or at any particular location in order to participate or
57 to win.

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

61 (e) "Retailer" means any person authorized by the
62 Mississippi Gaming Commission to sell lottery tickets to the
63 public. A person possessing a gaming license issued under Chapter
64 76, Title 75, Mississippi Code of 1972, may be a retailer if
65 located in a county in which legal gaming has been approved.

66 **SECTION 2.** (1) The Mississippi Gaming Commission shall
67 establish a state lottery to be administered by the Mississippi
68 Gaming Commission, which shall include multi-state lottery games
69 owned by a multi-state association or consortium. The commission
70 may promulgate such reasonable rules and regulations as may be
71 necessary to implement this section.

72 (2) Proceeds of the lottery created under subsection (1) of
73 this section shall be deposited into a special fund in the State
74 Treasury for the Hope Scholarship created in Sections 21 through
75 29 of this act.

76 **SECTION 3.** Section 67-1-71, Mississippi Code of 1972, is
77 amended as follows:

78 67-1-71. The department may revoke or suspend any permit
79 issued by it for a violation by the permittee of any of the



80 provisions of this chapter or of the regulations promulgated under
81 it by the department.

82 Permits must be revoked or suspended for the following
83 causes:

84 (a) Conviction of the permittee for the violation of
85 any of the provisions of this chapter;

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

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

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

95 (e) The possession on the premises of any retail
96 permittee of any alcoholic beverages upon which the tax has not
97 been paid;

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

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



104 (h) The failure to furnish any bond required by Section
105 27-71-21 within fifteen (15) days after notice from the
106 department; and

107 (i) The conducting of any form of illegal gambling on
108 the premises of any permittee or on any premises connected
109 therewith or the presence on any such premises of any gambling
110 device with the knowledge of the permittee.

111 The provisions of this paragraph (i) of this section shall
112 not apply to * * *: the conducting of legal gaming by a person
113 having a gaming license issued under Chapter 76, Title 75,
114 Mississippi Code of 1972, or the operation of the lottery required
115 by Section 2 of this act. The department may, in its discretion,
116 issue on-premises retailer's permits to a common carrier of the
117 nature described in this paragraph.

118 No permit shall be suspended or revoked until after the
119 permittee has been provided reasonable notice of the charges
120 against him for which suspension or revocation is sought and the
121 opportunity to a hearing before the Board of Tax Appeals to
122 contest such charges and the suspension or revocation proposed.
123 Opportunity to a hearing is provided without an actual hearing if
124 the permittee, after receiving reasonable notice, including notice
125 of his right to a hearing, fails to timely request a hearing. The
126 permittee may also at any time waive his rights to reasonable
127 notice and/or to the opportunity to a hearing by agreeing to a
128 suspension or revocation offered by the department.



129 Notwithstanding the requirement above that a permit may not be
130 suspended without notice and opportunity to a hearing, sales of
131 alcoholic beverages by a permittee under a permit for which the
132 bond under Section 27-71-21 has been cancelled shall be suspended
133 from and after issuance of the notice provided in subsection (h)
134 above and shall continue to be suspended until the bond is
135 reinstated, a new bond is posted or sufficient cash or securities
136 as provided under Section 27-71-21 are deposited with the State
137 Treasurer for this permit.

138 In addition to the causes specified in this section and other
139 provisions of this chapter, the department shall be authorized to
140 suspend the permit of any permit holder for being out of
141 compliance with an order for support, as defined in Section
142 93-11-153. The procedure for suspension of a permit for being out
143 of compliance with an order for support, and the procedure for the
144 reissuance or reinstatement of a permit suspended for that
145 purpose, and the payment of any fees for the reissuance or
146 reinstatement of a permit suspended for that purpose, shall be
147 governed by Section 93-11-157 or 93-11-163, as the case may be.
148 If there is any conflict between any provision of Section
149 93-11-157 or 93-11-163 and any provision of this chapter, the
150 provisions of Section 93-11-157 or 93-11-163, as the case may be,
151 shall control.

152 **SECTION 4.** Section 75-76-3, Mississippi Code of 1972, is
153 amended as follows:



154 75-76-3. (1) The provisions of this chapter shall not be
155 construed to legalize any form of gaming which is prohibited under
156 the Mississippi Constitution or the laws of this state. All legal
157 gaming which is conducted in this state and which is otherwise
158 authorized by law shall be regulated and licensed pursuant to the
159 provisions of this chapter, unless the Legislature specifically
160 provides otherwise. Nothing in this chapter shall be construed as
161 encouraging the legalization of gambling in this state.

162 (2) The Legislature hereby finds and declares that lotteries
163 and gaming both consist of the material element of chance. The
164 Legislature is * * * permitted by virtue of its inherent powers to
165 legislate upon lotteries and gaming as the occasion arises. The
166 Legislature derives its power to legislate upon lotteries and
167 gaming or gambling devices from its inherent authority over the
168 morals and policy of the people * * *.

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

171 (a) Regulation of licensed lotteries and gaming is
172 important in order that * * * those activities are conducted
173 honestly and competitively, that the rights of the creditors of
174 licensees are protected and that * * * those activities are free
175 from criminal and corruptive elements.

176 (b) Public confidence and trust can only be maintained
177 by strict regulation of all persons, locations, practices,
178 associations and activities related to the operation of lotteries



179 and licensed gaming establishments and the manufacture or
180 distribution of gambling devices and equipment.

181 (c) All establishments where lotteries or gaming * * *,
182 or both, are conducted and * * * manufacturers, sellers and
183 distributors of certain * * * lottery and gaming devices and
184 equipment must therefore be licensed, controlled and assisted to
185 protect the public health, safety, morals, good order and general
186 welfare of the inhabitants of the state.

187 (4) It is the intent of the Legislature that gaming
188 licensees and any entity established to conduct a lottery, to the
189 extent practicable, shall employ residents of Mississippi as * * *
190 employees * * * in the operation of their * * * establishments
191 located in this state.

192 (5) No applicant for a license or other affirmative
193 commission approval has any right to a license or the granting of
194 the approval sought. Any license issued or other commission
195 approval granted pursuant to the provisions of this chapter is a
196 revocable privilege, and no holder acquires any vested right
197 therein or thereunder.

198 * * *

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

201 75-76-5. As used in this chapter, unless the context
202 requires otherwise:



203 (a) "Applicant" means any person who has applied for or
204 is about to apply for a state gaming license, registration or
205 finding of suitability under the provisions of this chapter or
206 approval of any act or transaction for which approval is required
207 or permitted under the provisions of this chapter.

208 (b) "Application" means a request for the issuance of a
209 state gaming license, registration or finding of suitability under
210 the provisions of this chapter or for approval of any act or
211 transaction for which approval is required or permitted under the
212 provisions of this chapter but does not include any supplemental
213 forms or information that may be required with the application.

214 (c) "Associated equipment" means any equipment or
215 mechanical, electromechanical or electronic contrivance, component
216 or machine used remotely or directly in connection with gaming or
217 with any game, race book or sports pool that would not otherwise
218 be classified as a gaming device, including dice, playing cards,
219 links which connect to progressive slot machines, equipment which
220 affects the proper reporting of gross revenue, computerized
221 systems of betting at a race book or sports pool, computerized
222 systems for monitoring slot machines, and devices for weighing or
223 counting money.

224 (d) "Chairman" means the Chairman of the Mississippi
225 Gaming Commission except when used in the term "Chairman of the
226 State Tax Commission." "Chairman of the State Tax Commission" or



227 "commissioner" means the Commissioner of Revenue of the Department
228 of Revenue.

229 (e) "Commission" or "Mississippi Gaming Commission"
230 means the Mississippi Gaming Commission.

231 (f) "Commission member" means a member of the
232 Mississippi Gaming Commission.

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

237 (h) "Enforcement division" means a particular division
238 supervised by the executive director that provides enforcement
239 functions.

240 (i) "Establishment" means any premises wherein or
241 whereon any gaming is done.

242 (j) "Executive director" means the Executive Director
243 of the Mississippi Gaming Commission.

244 (k) Except as otherwise provided by law, "game," or
245 "gambling game" means any banking or percentage game played with
246 cards, with dice or with any mechanical, electromechanical or
247 electronic device or machine for money, property, checks, credit
248 or any representative of value, including, without limiting, the
249 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
250 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
251 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de



252 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
253 or any other game or device approved by the commission. However,
254 "game" or "gambling game" shall not include bingo games or raffles
255 which are held pursuant to the provisions of Section 97-33-51, or
256 the illegal gambling activities described in Section 97-33-8, or
257 the lottery authorized by Section 2 of this act.

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

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

264 (m) "Gaming device" means any mechanical,
265 electromechanical or electronic contrivance, component or machine
266 used in connection with gaming or any game which affects the
267 result of a wager by determining win or loss. The term includes a
268 system for processing information which can alter the normal
269 criteria of random selection, which affects the operation of any
270 game, or which determines the outcome of a game. The term does
271 not include a system or device which affects a game solely by
272 stopping its operation so that the outcome remains undetermined,
273 and does not include any antique coin machine as defined in
274 Section 27-27-12.



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

- 278 (i) Boxmen;
- 279 (ii) Cashiers;
- 280 (iii) Change personnel;
- 281 (iv) Counting room personnel;
- 282 (v) Dealers;
- 283 (vi) Floormen;
- 284 (vii) Hosts or other persons empowered to extend
285 credit or complimentary services;
- 286 (viii) Keno runners;
- 287 (ix) Keno writers;
- 288 (x) Machine mechanics;
- 289 (xi) Security personnel;
- 290 (xii) Shift or pit bosses;
- 291 (xiii) Shills;
- 292 (xiv) Supervisors or managers; and
- 293 (xv) Ticket writers.

294 The term "gaming employee" also includes employees of
295 manufacturers or distributors of gaming equipment within this
296 state whose duties are directly involved with the manufacture,
297 repair or distribution of gaming equipment.



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

301 (o) "Gaming license" means any license issued by the
302 state which authorizes the person named therein to engage in
303 gaming.

304 (p) "Gross revenue" means the total of all of the
305 following, less the total of all cash paid out as losses to
306 patrons and those amounts paid to purchase annuities to fund
307 losses paid to patrons over several years by independent financial
308 institutions:

309 (i) Cash received as winnings;

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

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

314 For the purposes of this definition, cash or the value of
315 noncash prizes awarded to patrons in a contest or tournament are
316 not losses.

317 The term does not include:

318 (i) Counterfeit money or tokens;

319 (ii) Coins of other countries which are received
320 in gaming devices;

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



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

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

328 (r) "Investigation division" means a particular
329 division supervised by the executive director that provides
330 investigative functions.

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

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

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

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

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

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

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

346 (z) "Party" means the Mississippi Gaming Commission and
347 any licensee or other person appearing of record in any proceeding



348 before the commission; or the Mississippi Gaming Commission and
349 any licensee or other person appearing of record in any proceeding
350 for judicial review of any action, decision or order of the
351 commission.

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

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

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

361 (dd) "Regulation" means a rule, standard, directive or
362 statement of general applicability which effectuates law or policy
363 or which describes the procedure or requirements for practicing
364 before the commission. The term includes a proposed regulation
365 and the amendment or repeal of a prior regulation but does not
366 include:

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

370 (ii) A declaratory ruling;

371 (iii) An interagency memorandum;



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

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

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

378 (ff) "Slot machine" means any mechanical, electrical or
379 other device, contrivance or machine which, upon insertion of a
380 coin, token or similar object, or upon payment of any
381 consideration, is available to play or operate, the play or
382 operation of which, whether by reason of the skill of the operator
383 or application of the element of chance, or both, may deliver or
384 entitle the person playing or operating the machine to receive
385 cash, premiums, merchandise, tokens or anything of value, whether
386 the payoff is made automatically from the machine or in any other
387 manner. The term does not include any antique coin machine as
388 defined in Section 27-27-12.

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

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



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

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

400 (kk) "Work permit" means any card, certificate or
401 permit issued by the commission, whether denominated as a work
402 permit, registration card or otherwise, authorizing the employment
403 of the holder as a gaming employee. A document issued by any
404 governmental authority for any employment other than gaming is not
405 a valid work permit for the purposes of this chapter.

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

409 (mm) "Cheat" means to alter the selection of criteria
410 that determine:

411 (i) The rules of a game; or

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

413 (nn) "Promotional activity" means an activity or event
414 conducted or held for the purpose of promoting or marketing the
415 individual licensed gaming establishment that is engaging in the
416 promotional activity. The term includes, but is not limited to, a
417 game of any kind other than as defined in paragraph (k) of this
418 section, a tournament, a contest, a drawing, or a promotion of any
419 kind.



420 **SECTION 6.** Section 97-33-9, Mississippi Code of 1972, is
421 amended as follows:

422 97-33-9. Except as otherwise provided in Section 97-33-8, if
423 any person shall be guilty of keeping or exhibiting any illegal
424 game or gaming table commonly called A.B.C. or E.O. roulette or
425 rowley-powley, or rouge et noir, roredo, keno, monte, or any
426 faro-bank, or other game, gaming table, or bank of the same or
427 like kind or any other kind or description under any other name
428 whatever, or shall be in any manner either directly or indirectly
429 interested or concerned in any gaming tables, banks, or games,
430 either by furnishing money or articles for the purpose of carrying
431 on the same, being interested in the loss or gain of said table,
432 bank or games, or employed in any manner in conducting, carrying
433 on, or exhibiting said gaming tables, games, or banks, every
434 person so offending and being thereof convicted, shall be fined
435 not less than Twenty-five Dollars (\$25.00) nor more than Two
436 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail
437 not longer than two (2) months, or by both such fine and
438 imprisonment, in the discretion of the court. Nothing in this
439 section shall apply to any person who owns, possesses, controls,
440 installs, procures, repairs or transports any legal gaming or
441 gambling device, machine or equipment in accordance with
442 subsection (4) of Section 97-33-7 or Section 75-76-34 or to the
443 operation of the lottery established by Section 2 of this act.



444 **SECTION 7.** Section 97-33-11, Mississippi Code of 1972, is
445 amended as follows:

446 97-33-11. It shall not be lawful for any association of
447 persons of the character commonly known as a "club," whether such
448 association be incorporated or not, in any manner, either directly
449 or indirectly, to have any interest or concern in any gambling
450 tables, banks, or games, by means of what is sometimes called a
451 "rake-off" or "take-out," or by means of an assessment upon
452 certain combinations, or hands at cards, or by means of a
453 percentage extracted from players, or an assessment made upon, or
454 a contribution from them, or by any other means, device or
455 contrivance whatsoever. It shall not be lawful for such an
456 association to lend or advance money or any other valuable thing
457 to any person engaged or about to engage in playing any game of
458 chance prohibited by law, or to become responsible directly or
459 indirectly for any money or other valuable thing lost, or which
460 may be lost, by any player in any such game. If any such
461 association shall violate any of the provisions of this section
462 each and every member thereof shall be guilty of a misdemeanor
463 and, upon conviction thereof, shall be fined in a sum not more
464 than Five Hundred Dollars (\$500.00); and unless such fine and
465 costs be immediately paid, shall be imprisoned in the county jail
466 for not less than five (5) nor more than twenty (20) days. Each
467 grand jury shall cause such of the members of such an association
468 as it may choose to appear before them and submit to examination



469 touching the observance or nonobservance by such association of
470 the provisions hereof.

471 The provisions of this section do not apply to the operation
472 of the lottery established by Section 2 of this act.

473 **SECTION 8.** Section 97-33-13, Mississippi Code of 1972, is
474 amended as follows:

475 97-33-13. Any owner, lessee, or occupant of any outhouse or
476 other building, who shall knowingly permit or suffer any of the
477 before mentioned tables, banks, or games, or any other game
478 prohibited by law, to be carried on, kept, or exhibited in his
479 said house or other building, or on his lot or premises, being
480 thereof convicted, shall be fined not less than One Hundred
481 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

482 The provisions of this section do not apply to the operation
483 of the lottery established by Section 2 of this act.

484 **SECTION 9.** Section 97-33-21, Mississippi Code of 1972, is
485 amended as follows:

486 97-33-21. Any person of full age who shall bet any money or
487 thing of any value with a minor, or allow a minor to bet at any
488 game or gaming-table exhibited by him, or in which he is
489 interested or in any manner concerned, on conviction thereof,
490 shall be fined not less than Three Hundred Dollars (\$300.00) and
491 imprisoned not less than three (3) months.

492 The provisions of this section do not apply to a minor who
493 receives as a gift a ticket associated with the lottery



494 established by Section 2 of this act when the ticket has been
495 purchased by a person who is eighteen (18) years of age or older.

496 **SECTION 10.** Section 97-33-23, Mississippi Code of 1972, is
497 amended as follows:

498 97-33-23. Any person of full age who shall bet any money or
499 thing of value with a minor, knowing such minor to be under the
500 age of twenty-one (21) years, or allowing any such minor to bet at
501 any game or games, or at any gaming table exhibited by him, or in
502 which he is interested or in any manner concerned, on conviction
503 thereof, shall be punished by imprisonment in the Penitentiary not
504 exceeding two (2) years.

505 The provisions of this section do not apply to a minor who
506 receives as a gift a ticket associated with the lottery
507 established by Section 2 of this act when the ticket has been
508 purchased by a person who is eighteen (18) years of age or older.

509 **SECTION 11.** Section 97-33-31, Mississippi Code of 1972, is
510 amended as follows:

511 97-33-31. If any person, in order to raise money for himself
512 or another, or for any purpose whatever, shall publicly or
513 privately put up a lottery to be drawn or adventured for, he
514 shall, on conviction, be imprisoned in the Penitentiary not
515 exceeding five (5) years.

516 The provisions of this section do not apply to the operation
517 of the lottery established by Section 2 of this act.



518 **SECTION 12.** Section 97-33-33, Mississippi Code of 1972, is
519 amended as follows:

520 97-33-33. If any person shall in any way advertise any
521 lottery whatever, no matter where located, or shall knowingly have
522 in his possession any posters or other lottery advertisements of
523 any kind * * *, save a regularly issued newspaper containing such
524 an advertisement without intent to circulate the same as an
525 advertisement * * *, he shall, on conviction, be fined not less
526 than Twenty-five Dollars (\$25.00) nor more than One Hundred
527 Dollars (\$100.00), or be imprisoned in the county jail not
528 exceeding three (3) months, or both.

529 The provisions of this section do not apply to the operation
530 of the lottery established by Section 2 of this act.

531 **SECTION 13.** Section 97-33-35, Mississippi Code of 1972, is
532 amended as follows:

533 97-33-35. If any newspaper published or circulated in this
534 state shall contain an advertisement of any lottery whatever, or
535 any matter intended to advertise a lottery, no matter where
536 located, the editor or editors, publisher or publishers, and the
537 owner or owners thereof permitting the same, shall be guilty of a
538 misdemeanor and, on conviction, shall be fined not less than One
539 Hundred Dollars (\$100.00) nor more than One Thousand Dollars
540 (\$1,000.00), and be imprisoned in the county jail not less than
541 ten (10) days nor more than three (3) months, for each offense.
542 The issuance of each separate daily or weekly edition of the



543 newspaper that shall contain such an advertisement shall be
544 considered a separate offense.

545 The provisions of this section do not apply to the operation
546 of the lottery established by Section 2 of this act.

547 **SECTION 14.** Section 97-33-37, Mississippi Code of 1972, is
548 amended as follows:

549 97-33-37. If any newsdealer or other person shall, directly
550 or indirectly, sell or offer for sale any newspaper or other
551 publication containing a lottery advertisement, he shall be guilty
552 of a misdemeanor and, upon conviction, shall be fined not less
553 than Ten Dollars (\$10.00) or imprisoned not less than ten (10)
554 days, or both.

555 The provisions of this section do not apply to the operation
556 of the lottery established by Section 2 of this act.

557 **SECTION 15.** Section 97-33-39, Mississippi Code of 1972, is
558 amended as follows:

559 97-33-39. If any person shall sell, or offer or expose for
560 sale, any lottery ticket, whether the lottery be in or out of this
561 state, or for or in any other state, territory, district, or
562 country, he shall, on conviction, be fined not less than
563 Twenty-five Dollars (\$25.00) nor more than One Hundred Dollars
564 (\$100.00), or imprisoned in the county jail not less than ten (10)
565 days nor more than sixty (60) days, or both.

566 The provisions of this section do not apply to the operation
567 of the lottery established by Section 2 of this act.



568 **SECTION 16.** Section 97-33-41, Mississippi Code of 1972, is
569 amended as follows:

570 97-33-41. If any person shall buy in this state any lottery
571 ticket, whether the lottery be in or out of this state, or of or
572 in any other state, territory, district, or country, he shall, on
573 conviction, be fined not less than Five Dollars (\$5.00) nor more
574 than Twenty-five Dollars (\$25.00), or be imprisoned in the county
575 jail not exceeding ten (10) days, or both.

576 The provisions of this section do not apply to the operation
577 of the lottery established by Section 2 of this act.

578 **SECTION 17.** Section 97-33-43, Mississippi Code of 1972, is
579 amended as follows:

580 97-33-43. If any railroad company shall suffer or permit the
581 sale of a lottery ticket of any kind on its cars, or at its depots
582 or depot grounds, or by its employees, no matter where the lottery
583 is located, it shall be guilty of a misdemeanor and, on
584 conviction, shall be fined not less than Twenty Dollars (\$20.00)
585 nor more than One Hundred Dollars (\$100.00) for every such ticket
586 so sold.

587 The provisions of this section do not apply to the operation
588 of the lottery established by Section 2 of this act.

589 **SECTION 18.** Section 97-33-45, Mississippi Code of 1972, is
590 amended as follows:

591 97-33-45. If the owner or owners of any steamboat shall
592 suffer or permit the sale of a lottery ticket of any kind on his



593 or their boat, or by his or their employees, no matter where the
594 lottery is located, he or they shall be guilty of a misdemeanor
595 and shall, on conviction, be punished as prescribed in Section
596 97-33-43.

597 The provisions of this section do not apply to the operation
598 of the lottery established by Section 2 of this act.

599 **SECTION 19.** Section 97-33-47, Mississippi Code of 1972, is
600 amended as follows:

601 97-33-47. If any person shall act as agent for any lottery
602 or lottery company, no matter where domiciled or located, or if he
603 shall assume to so act as agent, or if he receive any money or
604 other thing for any such lottery or lottery company, or deliver to
605 any person any ticket or tickets, prize or prizes, or other thing
606 from such lottery or lottery company, he shall, on conviction, be
607 fined not less than One Hundred Dollars (\$100.00), nor more than
608 Five Hundred Dollars (\$500.00), and be imprisoned in the county
609 jail not less than three (3) months nor more than six (6) months.

610 The provisions of this section do not apply to the operation
611 of the lottery established by Section 2 of this act.

612 **SECTION 20.** Section 97-33-49, Mississippi Code of 1972, is
613 amended as follows:

614 97-33-49. Except as otherwise provided in Section 97-33-51,
615 if any person, in order to raise money for himself or another,
616 shall publicly or privately put up or in any way offer any prize
617 or thing to be raffled or played for, he shall, on conviction, be



618 fined not more than Twenty Dollars (\$20.00), or be imprisoned not
619 more than one (1) month in the county jail.

620 The provisions of this section do not apply to the operation
621 of the lottery established by Section 2 of this act.

622 **SECTION 21.** Sections 21 through 29 of this act shall be
623 known and may be cited as the "Mississippi HOPE Scholarship Act of
624 2018."

625 **SECTION 22.** (1) The following terms shall have the meaning
626 ascribed in this section, unless the context clearly indicates
627 otherwise:

628 (a) "Continuous enrollment" means a student is enrolled
629 in the fall and spring semesters of a single academic year.
630 Enrollment in summer semester or inter-session terms is not
631 required.

632 (b) "Eligible high school" means:

633 (i) A Mississippi public secondary school;

634 (ii) A private secondary school that is located in
635 this state and is accredited by the State Board of Education or
636 the Mississippi Association of Independent Schools as a secondary
637 school in accordance with the applicable rules and regulations of
638 the respective board or association;

639 (iii) A secondary school operated by the United
640 States Department of Defense on a military base that is located,
641 in whole or in part, in this state;



642 (iv) An out-of-state public secondary school
643 located in a county bordering this state that Mississippi
644 residents are authorized to attend; or

645 (v) An out-of-state boarding school attended by a
646 bona fide Mississippi resident that is accredited by:

- 647 1. A regional accrediting association; or
648 2. A member of the National Association of
649 Independent Schools Commission on Accreditation.

650 (c) "Eligible postsecondary institution" means an
651 institution operated by the Mississippi Community College Board.

652 (d) "FAFSA" means the Free Application for Federal
653 Student Aid.

654 (e) "Full-time equivalent semester" means any semester
655 in which a student is enrolled full time and receives a
656 Mississippi HOPE Scholarship. A semester in which a part-time
657 student attempts six (6), seven (7) or eight (8) semester hours
658 and receives a Mississippi HOPE Scholarship shall be counted as
659 one-half (1/2) of a full-time equivalent semester. A semester in
660 which a part-time student attempts nine (9), ten (10) or eleven
661 (11) semester hours and receives a Mississippi HOPE Scholarship
662 shall be counted as three-fourths (3/4) of a full-time equivalent
663 semester.

664 (f) "Full-time student" means a student attending an
665 eligible postsecondary educational institution and enrolled for at



666 least twelve (12) semester hours during each semester of
667 attendance.

668 (g) "Gift aid" means scholarships and grants from any
669 source that do not require repayment, including funds provided
670 through the federal Foster Care Independence Act of 1999 (Public
671 Law No. 106-169), and other similar programs. Student loans and
672 work-study awards shall not be considered gift aid.

673 (h) "Homeschool student" means a student who completed
674 high school in a Mississippi homeschool education program. For
675 one (1) year immediately preceding completion of high school as a
676 homeschool student, the student shall have been a student in a
677 homeschool.

678 (i) "Resident" means a student as defined by Section
679 37-103-1, et seq.

680 **SECTION 23.** (1) The Mississippi Community College Board
681 shall administer the Mississippi HOPE Scholarship Program for
682 Mississippi residents seeking an associate's degree, certificate
683 or diploma from an eligible postsecondary institution under the
684 following terms and conditions:

685 (a) To be eligible for the scholarship a student shall
686 be admitted to and enrolled full-time in an eligible postsecondary
687 program in the fall term following graduation from an eligible
688 high school, completion of high school as a Mississippi homeschool
689 student, or obtaining a GED diploma; provided, that the student
690 obtains the GED diploma before reaching nineteen (19) years of



691 age. Exceptions to initial enrollment may be made for extenuating
692 circumstances as provided in rules and regulations promulgated by
693 the Mississippi Community College Board;

694 (b) Students applying for the scholarship shall
695 complete the Mississippi HOPE application in their initial year of
696 enrollment. Students shall complete the free application for
697 federal student aid (FAFSA) each academic year in which they seek
698 to receive the Mississippi HOPE Scholarship;

699 (c) To continue to receive a Mississippi HOPE
700 Scholarship, a student shall maintain satisfactory academic
701 progress as determined by the rules and regulations promulgated by
702 the Mississippi Community College Board;

703 (d) Scholarship recipients shall participate in
704 mentoring and community service programs under the rules and
705 regulations promulgated by the Mississippi Community College
706 Board. The Mississippi Community College Board shall develop the
707 selection and renewal criteria for students and shall have the
708 authority to work with outside organizations to develop the most
709 effective means for delivering the scholarships;

710 (e) Subject to the amounts appropriated by the
711 Legislature, a Mississippi HOPE Scholarship shall be the cost of
712 tuition and mandatory fees at the eligible postsecondary
713 institution attended, less all other gift aid, as defined in
714 Section 22 of this act. Gift aid shall be credited first to the
715 student's tuition and mandatory fees;



716 (f) A Mississippi HOPE Scholarship student who has an
717 approved medical or personal leave of absence from an eligible
718 postsecondary institution may continue to receive the scholarship
719 upon resuming the student's education at an eligible postsecondary
720 institution so long as the student continues to meet all
721 applicable eligibility requirements. The sum of all approved
722 leaves of absence shall not exceed six (6) months. The student
723 shall be eligible for the scholarship until the occurrence of the
724 first of the following events:

725 (i) The student has earned a certificate, diploma
726 or associate degree; or

727 (ii) The sum of the number of years the student
728 attended a postsecondary institution, exclusive of approved leaves
729 of absence, equals two and one-half (2-1/2) years from the date of
730 the student's initial enrollment at an eligible postsecondary
731 institution; and

732 (g) Except for a medical or personal leave of absence,
733 as approved by an eligible postsecondary institution, a
734 Mississippi HOPE Scholarship student shall maintain continuous
735 enrollment at an eligible postsecondary institution.

736 (4) The Mississippi HOPE Scholarship program shall be funded
737 under the following terms and conditions:

738 (a) There is established an endowment for the purpose
739 of funding the Mississippi HOPE Scholarship, which shall be funded
740 from program-generated revenues of the Mississippi Community



741 College Board and shall be invested as a part of the Postsecondary
742 Education Financial Assistance Trust Fund established under
743 Section 37-106-12;

744 (b) In addition to the trust fund described in
745 paragraph (a) of this subsection, there is established an
746 additional endowment for the purpose of funding the Mississippi
747 HOPE Scholarship, which shall be funded from a state lottery
748 created in Section 2 of this act. Such endowment shall be
749 established as a separate account in the State Treasury. Monies
750 in this endowment shall be invested by the State Treasurer for the
751 sole benefit of that fund;

752 (c) Beginning in the first fiscal year following the
753 establishment of the state lottery created in Section 2 of this
754 act, all funds in the lottery for the education account in excess
755 of Ten Million Dollars (\$10,000,000.00) shall be transferred on a
756 quarterly basis to the Mississippi HOPE Scholarship endowment
757 described in paragraph (b) of this subsection. Such transfers
758 shall occur after all required expenditures have been made for
759 Mississippi education lottery scholarship programs, Mississippi
760 student assistance awards and administrative expenses; and

761 (d) Funds appropriated for the Mississippi HOPE
762 Scholarship program, including matching funds or other
763 appropriations made by the Legislature, may be placed in an
764 endowment fund created solely for the program, the interest income
765 from which shall be used to provide scholarships under this



766 section. The corpus of each endowment established under this
767 section shall not be expended. Unexpended funds remaining in each
768 endowment in any fiscal year shall not revert to the State General
769 Fund, but shall remain available in the Mississippi HOPE
770 Scholarship program for scholarship expenditures in subsequent
771 fiscal years.

772 **SECTION 24.** The Mississippi Community College Board is
773 authorized to promulgate rules to effectuate the purposes of
774 Sections 21 through 23 of this act. All such rules shall be
775 promulgated in accordance with Mississippi Administrative
776 Procedures Law, Chapter 43, Title 25, Mississippi Code of 1972.

777 **SECTION 25.** (1) A student may receive a Mississippi HOPE
778 Scholarship until the first of the following events:

779 (a) The student has earned a baccalaureate degree; or

780 (b) Five (5) years have passed from the date of the
781 student's initial enrollment at any postsecondary institution.

782 (2) Notwithstanding the provisions of subsection (1) to the
783 contrary, and except as set forth in subsections (3) and (4), a
784 student who first receives a Mississippi HOPE Scholarship, may
785 continue to receive the scholarship until the first of the
786 following events occur:

787 (a) The student has earned an associate's degree;

788 (b) Five (5) years have passed from the date of the
789 student's initial enrollment at any eligible postsecondary
790 institution; or



791 (c) The student has attempted a total of ninety (90)
792 semester hours or has received the Mississippi HOPE Scholarship
793 for eight (8) semesters at any eligible postsecondary institution,
794 whichever occurs later.

795 (3) A student who first receives a Mississippi HOPE
796 Scholarship who is enrolled in an associate degree program
797 required to be more than ninety (90) semester hours in length may
798 receive a Mississippi HOPE Scholarship until the first of the
799 following events:

800 (a) The student has earned an associate's degree;

801 (b) Five (5) years have passed from the date of the
802 student's initial enrollment at any eligible postsecondary
803 institution; or

804 (c) The latter of the following events has occurred:

805 (i) The student has attempted the number of
806 semester hours required to earn the associate's degree or a total
807 of one hundred (100) semester hours at any eligible postsecondary
808 institution, whichever is less; or

809 (ii) The student has completed eight (8) full-time
810 equivalent semesters.

811 (4) Notwithstanding the provisions of subsections (2) and
812 (3) to the contrary, the five-year, total full-time equivalent
813 semester, and total semester hour limitations for a student who
814 first receives a Mississippi HOPE Scholarship for nontraditional
815 students shall be based on the sum of years, total full-time



816 equivalent semesters, or total semester hours attempted while
817 receiving the Mississippi HOPE Scholarship or the Mississippi HOPE
818 Scholarship for nontraditional students.

819 **SECTION 26.** (1) Subject to the amounts appropriated by the
820 Legislature and any provision of law relating to a shortfall in
821 funds available for postsecondary financial assistance from the
822 net proceeds of the state lottery, the amount of a Mississippi
823 HOPE Scholarship and Mississippi HOPE Scholarship for
824 nontraditional students awarded to a student attending an eligible
825 four-year postsecondary institution shall be One Thousand Five
826 Hundred Dollars (\$1,500.00) for full-time attendance for each
827 semester. This award amount shall apply to each entering freshman
828 in the fall term of each academic year, and shall continue through
829 the final semester of such student's sophomore year. The
830 determination of a student's status as a freshman or sophomore
831 shall be made by the postsecondary institution attended.

832 (2) Subject to the amounts appropriated by the Legislature
833 and any provision of law relating to a shortfall in funds
834 available for postsecondary financial assistance from the net
835 proceeds of the state lottery, for a student described in
836 subsection (1) of this section, the award amount shall increase to
837 Two Thousand Five Hundred Dollars (\$2,500.00) per semester
838 beginning in the student's junior year, as determined by the
839 postsecondary institution attended, and shall continue until the



840 student is no longer eligible for a Mississippi HOPE Scholarship
841 under Section 25(2) and (3).

842 (3) Subject to the amounts appropriated by the Legislature
843 and any provision of law relating to a shortfall in funds
844 available for postsecondary financial assistance from the net
845 proceeds of the state lottery, a Mississippi HOPE Scholarship and
846 Mississippi HOPE Scholarship for nontraditional students awarded
847 to a student attending an eligible two-year postsecondary
848 institution shall be One Thousand Five Hundred Dollars (\$1,500.00)
849 for full-time attendance for each semester. This award amount
850 shall apply to the initial entering freshman class beginning in
851 the fall term of each academic year.

852 (4) A student who first received the Mississippi HOPE
853 Scholarship or Mississippi HOPE Scholarship for nontraditional
854 students may receive such scholarship in the summer semester of an
855 academic year in addition to the receipt of the scholarship in the
856 fall and spring semesters of an academic year.

857 (5) The amount of a Mississippi HOPE Scholarship awarded to
858 a student attending an eligible two-year postsecondary institution
859 that provides on-campus housing shall be the same as the amount
860 provided in subsection (3).

861 (6) Subject to the amounts appropriated by the Legislature
862 and any law relating to a shortfall in funds available for
863 postsecondary financial assistance from the net proceeds of the
864 state lottery, the amount of a Mississippi HOPE Scholarship and



865 Mississippi HOPE Scholarship for nontraditional students, who
866 enroll in an eligible postsecondary institution shall be set in
867 the general appropriations bill.

868 **SECTION 27.** (1) A Mississippi HOPE Scholarship student who
869 has an approved medical or personal leave of absence from an
870 eligible postsecondary institution may continue to receive the
871 scholarship upon resuming the student's education at an eligible
872 postsecondary institution so long as the student continues to meet
873 all applicable eligibility requirements. The student shall be
874 eligible for the scholarship until the first of the following
875 events:

876 (a) The student has earned an associate's degree; or

877 (b) The sum of the number of years the student attended
878 a postsecondary institution prior to the leave of absence and the
879 number of years of attendance after the leave of absence equals
880 five (5) years.

881 (2) Notwithstanding the provisions of subsection (1) to the
882 contrary, a student who first receives a Mississippi HOPE
883 Scholarship in the fall semester of his or her freshman year or
884 later, may receive the scholarship until the first of the
885 terminating events described in Section 25(2) and (3).

886 (3) Notwithstanding subsection (1), a student who first
887 receives a Mississippi HOPE Scholarship in the fall semester of
888 2009 or later, may receive the scholarship until the first of the
889 terminating events described in Section 25(2) and (3).



890 (4) Except for approved medical or personal leaves of
891 absence, a Mississippi HOPE Scholarship student, including a
892 part-time student, shall be enrolled continuously as a student at
893 an eligible postsecondary institution.

894 (5) The Mississippi Community College Board shall promulgate
895 rules and regulations for approval of medical or personal leave
896 and the grounds for which the leave may be granted. The rules and
897 regulations shall be promulgated in accordance with the
898 Mississippi Administrative Procedures Law, Chapter 43, Title 25,
899 Mississippi Code of 1972.

900 **SECTION 28.** If the sum of all financial aid, including a
901 Mississippi HOPE Scholarship, for which a student qualifies,
902 exceeds the institutionally defined total cost of attendance at
903 the eligible postsecondary institution the scholarship or grant
904 recipient is attending, then the student's financial assistance
905 provided shall be reduced so that the financial aid actually
906 received by the student does not exceed the institutionally
907 defined total cost of attendance.

908 **SECTION 29.** The provisions of Sections 21 through 29 of this
909 act shall not be construed to be an appropriation of funds and no
910 funds shall be obligated or expended pursuant to Sections 21
911 through 29 of this act unless such funds are specifically
912 appropriated by the general appropriations bill.

913 **SECTION 30.** This act shall take effect and be in force from
914 and after July 1, 2018.

