

By: Representatives Hopkins, Baria, Brown, To: Gaming; Ways and Means  
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 Evans (45th), Gibbs (36th), Henley, Horan,  
 Kinkade, Massengill, McLeod, McNeal, Morgan,  
 Pigott, Powell, Roberson, Rogers (61st),  
 Scoggin, Shanks, Snowden, Staples, Steverson, Straughter, Wallace,  
 Blackmon, Holloway, Mickens, Calhoun, Weathersby

HOUSE BILL NO. 1207

1 AN ACT TO CREATE THE MISSISSIPPI VETERANS ORGANIZATIONS  
 2 SUPPLEMENTAL FUNDING ACT OF 2019; TO PROVIDE THAT THE PROVISIONS  
 3 OF THE ACT SHALL BE ADMINISTERED BY THE MISSISSIPPI GAMING  
 4 COMMISSION; TO PROVIDE THAT ESTABLISHMENTS AND TERMINAL OPERATORS  
 5 SHALL BE REQUIRED TO OPERATE UNDER A PRIVILEGE LICENSE; TO DEFINE  
 6 CERTAIN TERMS FOR THE ACT; TO PROVIDE CERTAIN POWERS TO THE  
 7 COMMISSION AND ITS AGENTS; TO PROVIDE FOR COMMISSION REGULATIONS;  
 8 TO PROVIDE FOR THE LICENSURE PROCESS; TO PROVIDE THE LICENSURE  
 9 FEES; TO PROVIDE FOR THE TAX ON THE GROSS TERMINAL REVENUES; TO  
 10 PROVIDE THE CRIMINAL PENALTIES FOR VIOLATIONS OF THE ACT; TO  
 11 PROVIDE THE COMMISSION WITH OPTIONAL RECIPROCITY; TO REQUIRE THE  
 12 COMMISSION TO MAKE APPLICATIONS FOR LICENSURE AVAILABLE WITHIN 90  
 13 DAYS OF THE EFFECTIVE DATE OF THIS ACT; TO PROVIDE FOR A  
 14 CONDITIONAL LICENSE; TO PROVIDE FOR TERMINAL PLACEMENT AGREEMENTS;  
 15 TO AMEND SECTION 27-115-5, MISSISSIPPI CODE OF 1972, TO CLARIFY  
 16 THAT NOTHING IN THIS ACT SHALL BE DEEMED A VIDEO LOTTERY OR VIDEO  
 17 LOTTERY TERMINAL UNDER THE ALYCE G. CLARK MISSISSIPPI LOTTERY LAW;  
 18 TO AMEND SECTION 75-76-5, MISSISSIPPI CODE OF 1972, TO CLARIFY  
 19 THAT NOTHING IN THIS ACT SHALL BE DEEMED A GAME, GAMBLING GAME OR  
 20 GAMBLING DEVICE UNDER THE MISSISSIPPI GAMING CONTROL ACT; TO AMEND  
 21 SECTIONS 67-1-71, 97-33-9, 97-33-11, 97-33-13, 97-33-21, 97-33-23  
 22 AND 97-33-49, MISSISSIPPI CODE OF 1972, TO CONFORM WITH THE  
 23 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

25 **SECTION 1.** This act shall be referred to and may be cited as  
 26 the "Mississippi Veterans Organizations Supplemental Funding Act  
 27 of 2019."



28           **SECTION 2.** (1) The provisions of this chapter shall be  
29 administered by the Mississippi Gaming Commission, which shall  
30 administer them for the protection of the public and in the public  
31 interest in accordance with the policy of this state.

32           (2) The terminal operator and the veterans organization  
33 video gaming establishment operations within the territorial  
34 jurisdiction of the State of Mississippi shall be required to  
35 apply for and obtain a privilege license from the Mississippi  
36 Gaming Commission.

37           (3) The following terms shall have the following meanings,  
38 unless the context clearly indicates otherwise:

39           (a) "Gross terminal revenue" means the total of cash or  
40 cash equivalents received by a video gaming terminal minus the  
41 total of cash or cash equivalents paid out to players as a result  
42 of playing a video gaming terminal. The term does not include  
43 counterfeit cash or cash taken in a fraudulent act perpetrated  
44 against a terminal operator licensee for which the terminal  
45 operator licensee is not reimbursed.

46           (b) "Person" shall have the same meaning as defined in  
47 Section 75-76-5.

48           (c) "Terminal operator" means a person that owns,  
49 services or maintains video gaming terminals for placement and  
50 operation on the premises of a veterans organization videogaming  
51 establishment licensee.



52 (d) "Veterans organization video gaming establishment"  
53 means the location where a qualified veterans organization that  
54 derives its charter from a national veterans organization  
55 regularly meets.

56 (e) "Video gaming terminal" means a mechanical or  
57 electrical contrivance, terminal, machine or other device approved  
58 by the commission that, upon insertion of cash or cash  
59 equivalents, is available to play or operate one or more gambling  
60 games, the play of which utilizes a random number generator, and  
61 (i) may award a winning player either a free game or credit that  
62 shall only be redeemable for cash or cash equivalents at a  
63 redemption terminal, (ii) may utilize video displays, and (iii)  
64 may use an electronic credit system for receiving wagers and  
65 making payouts that are only redeemable at a redemption terminal.

66 (4) The commission and its agents may:

67 (a) Inspect and examine all premises of veterans  
68 organization video gaming establishments licensed under this  
69 chapter.

70 (b) Inspect all equipment and supplies in, upon or  
71 about such premises.

72 (c) Summarily seize and remove from such premises and  
73 impound any equipment or supplies for the purpose of examination  
74 and inspection.

75 (d) Demand access to and inspect, examine, photocopy  
76 and audit all papers, books and records of applicants and



77 licensees, on their premises, or elsewhere as practicable, and in  
78 the presence of the licensee or his agent, respecting all matters  
79 affecting the enforcement of the policy or any of the provisions  
80 of this chapter.

81 (5) For the purpose of conducting audits after the cessation  
82 of operations by a licensee, the former licensee shall furnish,  
83 upon demand of an agent of the commission, books, papers and  
84 records as necessary to conduct the audits. The former licensee  
85 shall maintain all books, papers and records necessary for audits  
86 for a period of one (1) year after the date of the surrender or  
87 revocation of his privilege license. If the former licensee seeks  
88 judicial review of a deficiency determination or files a petition  
89 for a redetermination, he must maintain all books, papers and  
90 records until a final order is entered on the determination.

91 (6) The commission may investigate, for the purpose of  
92 prosecution, any suspected criminal violation of the provisions of  
93 this chapter.

94 (7) The commission, or any of its members, has full power  
95 and authority to issue subpoenas and compel the attendance of  
96 witnesses at any place within this state, to administer oaths and  
97 to require testimony under oath. Any process or notice may be  
98 served in the manner provided for service of process and notices  
99 in civil actions. The commission may pay such transportation and  
100 other expense of witnesses as it may deem reasonable and proper.  
101 Any person making false oath in any matter before the commission



102 is guilty of perjury. The commission, or any member thereof, may  
103 appoint hearing examiners who may administer oaths and receive  
104 evidence and testimony under oath.

105 **SECTION 3.** (1) The Gaming Commission shall, from time to  
106 time, adopt, amend or repeal such regulations, consistent with the  
107 policy, objects and purposes of this chapter as it may deem  
108 necessary or desirable in the public interest in carrying out the  
109 policy and provisions of this chapter.

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

112 (a) Prescribing the method and form of application  
113 which any applicant for a privilege license must follow and  
114 complete before consideration of his application by the  
115 commission.

116 (b) Prescribing the information to be furnished by any  
117 applicant or licensee concerning his antecedents, habits,  
118 character, associates, criminal record, business activities and  
119 financial affairs, past or present.

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

122 (d) Requiring fingerprinting of an applicant or  
123 licensee, or other methods of identification for such persons.

124 (e) Prescribing the manner and procedure of all  
125 hearings conducted by the commission or any hearing examiner of



126 the commission, including special rules of evidence applicable  
127 thereto and notices thereof.

128 (f) Requiring any applicant to pay all or any part of  
129 the fees and costs of investigation of such applicant as may be  
130 determined by the commission.

131 (g) Prescribing the manner and method of collection and  
132 payment of fees and issuance of licenses.

133 (h) Prescribing under what conditions a licensee may be  
134 deemed subject to revocation or suspension of his license.

135 (i) Requiring any applicant or licensee to waive any  
136 privilege with respect to any testimony at any hearing or meeting  
137 of the commission, except any privilege afforded by the  
138 Constitution of the United States or this state.

139 (j) Requiring that any licensee or owner of ten percent  
140 (10%) or more of the operation shall not sell all or part of his  
141 ownership to a purchasing party until the purchasing party has met  
142 the requirements of this chapter.

143 (k) Requiring that such veterans organization video  
144 gaming establishments shall not advertise themselves as casinos.

145 **SECTION 4.** (1) Any person who the Gaming Commission  
146 determines is qualified to receive a license or is found suitable  
147 under the provisions of this chapter, having due consideration for  
148 the proper protection of the health, safety, morals, good order  
149 and general welfare of the inhabitants of the State of Mississippi  
150 and the declared policy of this state, may be issued a state



151 privilege license for the operation of video gaming at a veterans  
152 organization video gaming establishment the burden of proving his  
153 qualification to receive any license or be found suitable is on  
154 the applicant.

155 (2) An application to receive a license shall not be granted  
156 unless the commission is satisfied that the applicant is:

157 (a) A person of good character, honesty and integrity;

158 (b) A person whose prior activities, criminal record,

159 if any, reputation, habits and associations do not pose a threat

160 to the public interest of this state or to the effective

161 regulation and control of a veterans organization video gaming

162 establishment, or create or enhance the dangers of unsuitable,

163 unfair or illegal practices, methods and activities in the

164 operation of video gaming at a veterans organization video gaming

165 establishment, or the carrying on of the business and financial

166 arrangements incidental thereto; and

167 (c) In all other respects qualified to be licensed or

168 found suitable consistently with the declared policy of the state.

169 **SECTION 5.** (1) The Gaming Commission shall evaluate and

170 consider any application for a license to operate either as a

171 terminal operator or a veterans organization video gaming

172 establishment pursuant to this section.

173 (2) The Gaming Commission may:

174 (a) Deny the application;



175 (b) Remand the matter for such further investigation  
176 and reconsideration as the commission may order; or

177 (c) By majority vote of the members present, grant the  
178 application for a privilege license. For the purposes of this  
179 section, a tie vote of the commission upon an application does not  
180 constitute a recommendation of denial of the application.

181 (3) The privilege license granted under this chapter is  
182 specific to the applicant.

183 (4) If the commission is not satisfied that an applicant is  
184 qualified to be licensed under this chapter, the commission may  
185 cause to be made such investigation into and conduct such hearings  
186 concerning the qualifications of the applicant in accordance with  
187 its regulations as it may deem necessary.

188 (5) If the commission desires further investigation be made  
189 or to conduct any hearings, it shall so notify the applicant and  
190 set a date for hearing, if a hearing is requested by the  
191 applicant.

192 (6) The commission has full and absolute power and authority  
193 to deny any application for any cause it deems reasonable. If an  
194 application is denied, the commission shall prepare and file its  
195 written decision upon which its order denying the application is  
196 based.

197 **SECTION 6.** If satisfied that an applicant is eligible to  
198 receive a state privilege license for the operation of video  
199 gaming terminals at a veterans organization video gaming





200 establishment, either as a licensed terminal operator, or as a  
201 licensed veterans organization video gaming establishment, and  
202 upon tender of all license fees as required by law and regulation  
203 of the Mississippi Gaming Commission and the faithful performance  
204 of all requirements imposed by law or regulation or the conditions  
205 of the license, the commission shall issue to the applicant named,  
206 under the name or style designated, such license as may be  
207 appropriate or as is provided by law. An individual or entity may  
208 not be issued a veterans organization video gaming establishment  
209 license if that individual or entity has been issued a terminal  
210 operator license, and an individual or entity may not be issued a  
211 terminal operator license if that individual or entity (or any  
212 affiliate thereof) has been issued a veterans organization video  
213 gaming establishment license.

214 **SECTION 7.** (1) Each applicant for a privilege license for a  
215 terminal operator license shall pay an application fee of Five  
216 Thousand Dollars (\$5,000.00).

217 (2) Each applicant for a privilege license for a veterans  
218 organization video gaming establishment license shall pay an  
219 application fee of One Thousand Dollars (\$1,000.00).

220 (3) Each terminal operator licensee shall pay a license fee  
221 of Five Thousand Dollars (\$5,000.00).

222 (4) Each veterans organization video gaming establishment  
223 licensee shall pay a license fee of One Thousand Dollars  
224 (\$1,000.00).



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

227 (6) The maximum wager per individual game (defined as any  
228 random generated outcome) shall not exceed Five Dollars (\$5.00).

229 (7) The maximum prize per individual game (defined as any  
230 random generated outcome) shall not exceed One Thousand Dollars  
231 (\$1,000.00).

232 (8) No more than fifteen (15) video gaming terminals may be  
233 placed on the premises of a veterans organization video gaming  
234 establishment licensee.

235 (9) There shall be imposed on gross terminal revenue a tax  
236 of Thirty-three Percent (33%). Political subdivisions are  
237 prohibited from imposing any additional taxes or fees. A holder  
238 of any terminal operator license shall display the minimum  
239 theoretical aggregate payout percentage of all electronic gaming  
240 devices in operation and in all cases that percentage shall be no  
241 less than Eighty-five Percent (85%).

242 (10) The terminal operator licensee shall remit to the  
243 establishment no more or less than an equal split of gross  
244 terminal revenue after deducting gaming taxes specified in this  
245 chapter from each video gaming terminal located on the premises of  
246 the veterans organization video gaming establishment licensee.

247 **SECTION 8.** (1) Any person who violates any provision of  
248 this chapter shall be punished:



249 (a) For any offense, by imprisonment in the state  
250 penitentiary for not more than ten (10) years, or by a fine of not  
251 more than Ten Thousand Dollars (\$10,000.00), or by both fine and  
252 imprisonment.

253 (b) For a second or subsequent offense, the court shall  
254 not suspend a sentence of imprisonment imposed pursuant to  
255 paragraph (a) of this subsection or grant probation to the person  
256 convicted.

257 (2) Any person who attempts, or two (2) or more persons who  
258 conspire, to violate any provision of this chapter, each shall be  
259 punished by imposing the penalty provided in subsection (1) for  
260 the completed crime.

261 **SECTION 9.** (1) (a) The Gaming Commission may determine  
262 whether the licensing standards of another jurisdiction within the  
263 United States in which an applicant, its affiliate, intermediary,  
264 subsidiary or holding company for a terminal operator license is  
265 similarly licensed are comprehensive and thorough and provide  
266 similar adequate safeguards as those required by this chapter.

267 (b) If the Gaming Commission makes that determination,  
268 it may issue a terminal operator license to an applicant who  
269 holds, or whose affiliate holds, a terminal operator license in  
270 the other jurisdiction after conducting an evaluation of the  
271 information relating to the applicant from the other  
272 jurisdictions, as updated by the Gaming Commission, and evaluating  
273 other information related to the applicant received from that



274 jurisdiction and other jurisdictions where the applicant may be  
275 licensed, the Gaming Commission may incorporate such information  
276 in whole or in part into the Gaming Commission's evaluation of the  
277 applicant.

278 (2) In the event an applicant for a terminal operator  
279 license is licensed in another jurisdiction, the Gaming Commission  
280 may determine to use an alternate process requiring only that  
281 information determined by the Gaming Commission to be necessary to  
282 consider the issuance of a license, including financial viability  
283 of the licensee, to such an applicant.

284 (3) Nothing in this section shall be construed to waive fees  
285 associated with obtaining a license through the normal application  
286 process.

287 **SECTION 10.** (1) (a) Within ninety (90) days after the  
288 effective date of this act, the Gaming Commission shall make  
289 applications for establishment licenses available to applicants.

290 (b) The Executive Director of the Mississippi Gaming  
291 Commission shall issue a conditional license to an applicant for  
292 an establishment license if the applicant satisfies, as determined  
293 by the commission, all of the following criteria:

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

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

297 (iii) The applicant has submitted a completed  
298 application for an establishment license in accordance with this



299 chapter, which may be submitted concurrently with the applicant's  
300 request for a conditional license.

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

303 (c) The Executive Director of the Mississippi Gaming  
304 Commission shall issue a conditional license to an applicant for  
305 an establishment license, within sixty (60) days after the  
306 completed application has been received by the Gaming Commission,  
307 provided that the executive director determines that the criteria  
308 contained in paragraph (b) of this subsection (1) has been  
309 satisfied.

310 (2) (a) Within ninety (90) days after the effective date of  
311 this act, the Gaming Commission shall make applications for  
312 terminal operator licenses available to applicants.

313 (b) The Executive Director of the Mississippi Gaming  
314 Commission shall issue a conditional license to an applicant for a  
315 terminal operator license if the applicant satisfies, as  
316 determined by the commission, all of the following criteria:

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

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

320 (iii) The applicant has submitted a completed  
321 application for a terminal operator license in accordance with  
322 this chapter, which may be submitted concurrently with the  
323 applicant's request for a conditional license.



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

326 (c) The executive director shall issue a conditional  
327 license to an applicant for a terminal operator license, within  
328 sixty (60) days after the applicant has submitted the completed  
329 application to the Gaming Commission, provided that the executive  
330 director determines that the criteria contained in paragraph (b)  
331 of this subsection (2) has been satisfied.

332 **SECTION 11.** (1) No terminal operator licensee may place and  
333 operate video gaming terminals on the premises of an establishment  
334 licensee unless pursuant to a terminal placement agreement that is  
335 between a licensed terminal operator, or an entity which becomes a  
336 licensed terminal operator, and a licensed establishment, or an  
337 establishment which becomes a licensed establishment.

338 (2) Terminal placement agreements shall be valid for a  
339 minimum sixty-month term but shall not exceed a one hundred  
340 twenty-month term.

341 (3) Any terminal placement agreement which was executed  
342 prior to the enactment of House Bill No. 1207, 2019 Regular  
343 Session, shall be null and void. However, conditional terminal  
344 placement agreements which are expressly conditioned upon both  
345 parties becoming licensed shall be valid, so long as and effective  
346 at the time that, both parties are ultimately licensed.

347 **SECTION 12.** Section 27-115-5, Mississippi Code of 1972, is  
348 amended as follows:



349           27-115-5. As used in this chapter, the following words and  
350 phrases shall have the following meanings unless the context  
351 clearly requires otherwise:

352           (a) "Corporation" means the Mississippi Lottery  
353 Corporation.

354           (b) "Lottery" means any game of chance approved by the  
355 corporation and operated pursuant to this chapter, which utilizes  
356 the sale of paper tickets for various intrastate and multistate or  
357 multisovereign lottery games (such as Pick-3, Pick-4, Mega  
358 Millions, Powerball), and "instant tickets" as defined, but  
359 specifically excluding any form of "video lottery" or use of  
360 "video lottery terminal" as defined.

361           (c) "Major procurement" means any item, product or  
362 service in the amount of One Million Dollars (\$1,000,000.00) or  
363 more, including, but not limited to, major advertising contracts,  
364 annuity contracts, prizes, products, and services unique to the  
365 Mississippi lottery.

366           (d) "Net proceeds" means gross lottery revenues minus  
367 amounts paid as prizes and expenses of operation of the lottery.

368           (e) "Person" means any individual, corporation,  
369 partnership, unincorporated association or other legal entity.

370           (f) "President" means the President of the Mississippi  
371 Lottery Corporation, who shall also serve as chief executive  
372 officer of the corporation.



373 (g) "Retailer" means any person with whom the  
374 corporation has contracted to sell lottery tickets to the public.

375 (h) "Security" means the protection of information that  
376 would provide an unfair advantage to any individual involved in  
377 the operation of the lottery, protection and preservation of the  
378 integrity of lottery games and operations, as well as measures  
379 taken to prevent crimes against the corporation and its retailers.

380 (i) "Vendor" means any person who has entered into a  
381 contract with the corporation.

382 (j) "Fiscal year" means the fiscal year used by the  
383 State of Mississippi government.

384 (k) "Board" means the Mississippi Lottery Corporation  
385 Board of Directors.

386 (l) "Instant ticket" means a lottery game in which a  
387 player scratches a coating from one or more play areas on a ticket  
388 to determine if he or she has won, as indicated by the symbols and  
389 words that are revealed.

390 (m) "Video lottery" and "video lottery terminal" means  
391 any electronic interactive computerized game machine or device  
392 equipped with a video screen and buttons, keys, a keyboard,  
393 touchscreen or other input device allowing input by an individual  
394 player and into which the player inserts coins, tokens, currency  
395 or other representation of value (including, but not limited to,  
396 an electronic card, ticket or other thing on which value is  
397 recorded electronically) as consideration in order for play of a





398 game to be available, and through which, as a result of the play  
399 of a game, the player may receive free games, credits redeemable  
400 for cash or a noncash prize, or some other thing of value, whether  
401 or not received directly from the device, or nothing, determined  
402 wholly or predominantly by chance. As used in this chapter, the  
403 terms "video lottery" and "video lottery terminal" shall not apply  
404 to any device or game authorized under the Mississippi Veterans  
405 Organizations Supplemental Funding Act of 2019.

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

408 75-76-5. As used in this chapter, unless the context  
409 requires otherwise:

410 (a) "Applicant" means any person who has applied for or  
411 is about to apply for a state gaming license, registration or  
412 finding of suitability under the provisions of this chapter or  
413 approval of any act or transaction for which approval is required  
414 or permitted under the provisions of this chapter.

415 (b) "Application" means a request for the issuance of a  
416 state gaming license, registration or finding of suitability under  
417 the provisions of this chapter or for approval of any act or  
418 transaction for which approval is required or permitted under the  
419 provisions of this chapter but does not include any supplemental  
420 forms or information that may be required with the application.

421 (c) "Associated equipment" means any equipment or  
422 mechanical, electromechanical or electronic contrivance, component



423 or machine used remotely or directly in connection with gaming or  
424 with any game, race book or sports pool that would not otherwise  
425 be classified as a gaming device, including dice, playing cards,  
426 links which connect to progressive slot machines, equipment which  
427 affects the proper reporting of gross revenue, computerized  
428 systems of betting at a race book or sports pool, computerized  
429 systems for monitoring slot machines, and devices for weighing or  
430 counting money.

431 (d) "Chairman" means the Chairman of the Mississippi  
432 Gaming Commission except when used in the term "Chairman of the  
433 State Tax Commission." "Chairman of the State Tax Commission" or  
434 "commissioner" means the Commissioner of Revenue of the Department  
435 of Revenue.

436 (e) "Commission" or "Mississippi Gaming Commission"  
437 means the Mississippi Gaming Commission.

438 (f) "Commission member" means a member of the  
439 Mississippi Gaming Commission.

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

444 (h) "Enforcement division" means a particular division  
445 supervised by the executive director that provides enforcement  
446 functions.



447 (i) "Establishment" means any premises wherein or  
448 whereon any gaming is done.

449 (j) "Executive director" means the Executive Director  
450 of the Mississippi Gaming Commission.

451 (k) Except as otherwise provided by law, "game," or  
452 "gambling game" means any banking or percentage game played with  
453 cards, with dice or with any mechanical, electromechanical or  
454 electronic device or machine for money, property, checks, credit  
455 or any representative of value, including, without limiting, the  
456 generality of the foregoing, faro, monte, roulette, keno, fan-tan,  
457 twenty-one, blackjack, seven-and-a-half, big injun, klondike,  
458 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de  
459 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
460 or any other game or device approved by the commission. However,  
461 "game" or "gambling game" shall not include bingo games or raffles  
462 which are held pursuant to the provisions of Section 97-33-51, or  
463 the illegal gambling activities described in Section 97-33-8, or  
464 any game authorized by the Mississippi Veterans Organizations  
465 Supplemental Funding Act of 2019.

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

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



472 (m) "Gaming device" means any mechanical,  
473 electromechanical or electronic contrivance, component or machine  
474 used in connection with gaming or any game which affects the  
475 result of a wager by determining win or loss. The term includes a  
476 system for processing information which can alter the normal  
477 criteria of random selection, which affects the operation of any  
478 game, or which determines the outcome of a game. The term does  
479 not include a system or device which affects a game solely by  
480 stopping its operation so that the outcome remains  
481 undetermined, \* \* \* does not include any antique coin machine as  
482 defined in Section 27-27-12 and does not include any gaming device  
483 authorized by the Mississippi Veterans Organizations Supplemental  
484 Funding Act of 2019.

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

- 488 (i) Boxmen;
- 489 (ii) Cashiers;
- 490 (iii) Change personnel;
- 491 (iv) Counting room personnel;
- 492 (v) Dealers;
- 493 (vi) Floormen;
- 494 (vii) Hosts or other persons empowered to extend  
495 credit or complimentary services;
- 496 (viii) Keno runners;



- 497 (ix) Keno writers;
- 498 (x) Machine mechanics;
- 499 (xi) Security personnel;
- 500 (xii) Shift or pit bosses;
- 501 (xiii) Shills;
- 502 (xiv) Supervisors or managers; and
- 503 (xv) Ticket writers.

504 The term "gaming employee" also includes employees of  
505 manufacturers or distributors of gaming equipment within this  
506 state whose duties are directly involved with the manufacture,  
507 repair or distribution of gaming equipment.

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

511 (o) "Gaming license" means any license issued by the  
512 state which authorizes the person named therein to engage in  
513 gaming.

514 (p) "Gross revenue" means the total of all of the  
515 following, less the total of all cash paid out as losses to  
516 patrons and those amounts paid to purchase annuities to fund  
517 losses paid to patrons over several years by independent financial  
518 institutions:

- 519 (i) Cash received as winnings;
- 520 (ii) Cash received in payment for credit extended  
521 by a licensee to a patron for purposes of gaming; and



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

524 For the purposes of this definition, cash or the value of  
525 noncash prizes awarded to patrons in a contest or tournament are  
526 not losses.

527 The term does not include:

528 (iv) Counterfeit money or tokens;

529 (v) Coins of other countries which are received in  
530 gaming devices;

531 (vi) Cash taken in fraudulent acts perpetrated  
532 against a licensee for which the licensee is not reimbursed; or

533 (vii) Cash received as entry fees for contests or  
534 tournaments in which the patrons compete for prizes.

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

538 (r) "Investigation division" means a particular  
539 division supervised by the executive director that provides  
540 investigative functions.

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

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



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

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

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

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

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

556           (z) "Party" means the Mississippi Gaming Commission and  
557 any licensee or other person appearing of record in any proceeding  
558 before the commission; or the Mississippi Gaming Commission and  
559 any licensee or other person appearing of record in any proceeding  
560 for judicial review of any action, decision or order of the  
561 commission.

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

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



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

571           (dd) "Regulation" means a rule, standard, directive or  
572 statement of general applicability which effectuates law or policy  
573 or which describes the procedure or requirements for practicing  
574 before the commission. The term includes a proposed regulation  
575 and the amendment or repeal of a prior regulation but does not  
576 include:

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

580                   (ii) A declaratory ruling;

581                   (iii) An interagency memorandum;

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

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

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

588           (ff) "Slot machine" means any mechanical, electrical or  
589 other device, contrivance or machine which, upon insertion of a  
590 coin, token or similar object, or upon payment of any  
591 consideration, is available to play or operate, the play or  
592 operation of which, whether by reason of the skill of the operator





593 or application of the element of chance, or both, may deliver or  
594 entitle the person playing or operating the machine to receive  
595 cash, premiums, merchandise, tokens or anything of value, whether  
596 the payoff is made automatically from the machine or in any other  
597 manner. The term does not include any antique coin machine as  
598 defined in Section 27-27-12.

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

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

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

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

610 (kk) "Work permit" means any card, certificate or  
611 permit issued by the commission, whether denominated as a work  
612 permit, registration card or otherwise, authorizing the employment  
613 of the holder as a gaming employee. A document issued by any  
614 governmental authority for any employment other than gaming is not  
615 a valid work permit for the purposes of this chapter.



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

619 (mm) "Cheat" means to alter the selection of criteria  
620 that determine:

621 (i) The rules of a game; or

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

623 (nn) "Promotional activity" means an activity or event  
624 conducted or held for the purpose of promoting or marketing the  
625 individual licensed gaming establishment that is engaging in the  
626 promotional activity. The term includes, but is not limited to, a  
627 game of any kind other than as defined in paragraph (k) of this  
628 section, a tournament, a contest, a drawing, or a promotion of any  
629 kind.

630 **SECTION 14.** Section 67-1-71, Mississippi Code of 1972, is  
631 amended as follows:

632 67-1-71. The department may revoke or suspend any permit  
633 issued by it for a violation by the permittee of any of the  
634 provisions of this chapter or of the regulations promulgated under  
635 it by the department.

636 Permits must be revoked or suspended for the following  
637 causes:

638 (a) Conviction of the permittee for the violation of  
639 any of the provisions of this chapter;



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

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

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

649 (e) The possession on the premises of any retail  
650 permittee of any alcoholic beverages upon which the tax has not  
651 been paid;

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

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

658 (h) The failure to furnish any bond required by Section  
659 27-71-21 within fifteen (15) days after notice from the  
660 department; and

661 (i) The conducting of any form of illegal gambling on  
662 the premises of any permittee or on any premises connected  
663 therewith or the presence on any such premises of any gambling  
664 device with the knowledge of the permittee.



665           The provisions of paragraph (i) of this section shall not  
666 apply to gambling or the presence of any gambling devices, with  
667 knowledge of the permittee, on board a cruise vessel in the waters  
668 within the State of Mississippi, which lie adjacent to the State  
669 of Mississippi south of the three (3) most southern counties in  
670 the State of Mississippi, or on any vessel as defined in Section  
671 27-109-1 whenever such vessel is on the Mississippi River or  
672 navigable waters within any county bordering on the Mississippi  
673 River. The department may, in its discretion, issue on-premises  
674 retailer's permits to a common carrier of the nature described in  
675 this paragraph.

676           The provisions of paragraph (i) of this section shall not  
677 apply to the operation of any game or lottery authorized by  
678 Chapter 115, Title 27, or the Mississippi Veterans Organizations  
679 Supplemental Funding Act of 2019.

680           No permit shall be suspended or revoked until after the  
681 permittee has been provided reasonable notice of the charges  
682 against him for which suspension or revocation is sought and the  
683 opportunity to a hearing before the Board of Tax Appeals to  
684 contest such charges and the suspension or revocation proposed.  
685 Opportunity to a hearing is provided without an actual hearing if  
686 the permittee, after receiving reasonable notice, including notice  
687 of his right to a hearing, fails to timely request a hearing. The  
688 permittee may also at any time waive his rights to reasonable  
689 notice and/or to the opportunity to a hearing by agreeing to a



690 suspension or revocation offered by the department.  
691 Notwithstanding the requirement above that a permit may not be  
692 suspended without notice and opportunity to a hearing, sales of  
693 alcoholic beverages by a permittee under a permit for which the  
694 bond under Section 27-71-21 has been cancelled shall be suspended  
695 from and after issuance of the notice provided in paragraph (h)  
696 above and shall continue to be suspended until the bond is  
697 reinstated, a new bond is posted or sufficient cash or securities  
698 as provided under Section 27-71-21 are deposited with the State  
699 Treasurer for this permit.

700 In addition to the causes specified in this section and other  
701 provisions of this chapter, the department shall be authorized to  
702 suspend the permit of any permit holder for being out of  
703 compliance with an order for support, as defined in Section  
704 93-11-153. The procedure for suspension of a permit for being out  
705 of compliance with an order for support, and the procedure for the  
706 reissuance or reinstatement of a permit suspended for that  
707 purpose, and the payment of any fees for the reissuance or  
708 reinstatement of a permit suspended for that purpose, shall be  
709 governed by Section 93-11-157 or 93-11-163, as the case may be.  
710 If there is any conflict between any provision of Section  
711 93-11-157 or 93-11-163 and any provision of this chapter, the  
712 provisions of Section 93-11-157 or 93-11-163, as the case may be,  
713 shall control.



714           **SECTION 15.** Section 97-33-9, Mississippi Code of 1972, is  
715 amended as follows:

716           97-33-9. Except as otherwise provided in Section 97-33-8, if  
717 any person shall be guilty of keeping or exhibiting any game or  
718 gaming table commonly called A.B.C. or E.O. roulette or  
719 rowley-powley, or rouge et noir, roredo, keno, monte, or any  
720 faro-bank, or other game, gaming table, or bank of the same or  
721 like kind or any other kind or description under any other name  
722 whatever, or shall be in any manner either directly or indirectly  
723 interested or concerned in any gaming tables, banks, or games,  
724 either by furnishing money or articles for the purpose of carrying  
725 on the same, being interested in the loss or gain of said table,  
726 bank or games, or employed in any manner in conducting, carrying  
727 on, or exhibiting said gaming tables, games, or banks, every  
728 person so offending and being thereof convicted, shall be fined  
729 not less than Twenty-five Dollars (\$25.00) nor more than Two  
730 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail  
731 not longer than two (2) months, or by both such fine and  
732 imprisonment, in the discretion of the court. Nothing in this  
733 section shall apply to any person who owns, possesses, controls,  
734 installs, procures, repairs or transports any gambling device,  
735 machine or equipment in accordance with subsection (4) of Section  
736 97-33-7 or Section 75-76-34.



737 This section shall not apply to the operation of any game or  
738 lottery authorized by Chapter 115, Title 27, or the Mississippi  
739 Veterans Organizations Supplemental Funding Act of 2019.

740 **SECTION 16.** Section 97-33-11, Mississippi Code of 1972, is  
741 amended as follows:

742 97-33-11. It shall not be lawful for any association of  
743 persons of the character commonly known as a "club," whether such  
744 association be incorporated or not, in any manner, either directly  
745 or indirectly, to have any interest or concern in any gambling  
746 tables, banks, or games, by means of what is sometimes called a  
747 "rake-off" or "take-out," or by means of an assessment upon  
748 certain combinations, or hands at cards, or by means of a  
749 percentage extracted from players, or an assessment made upon, or  
750 a contribution from them, or by any other means, device or  
751 contrivance whatsoever. It shall not be lawful for such an  
752 association to lend or advance money or any other valuable thing  
753 to any person engaged or about to engage in playing any game of  
754 chance prohibited by law, or to become responsible directly or  
755 indirectly for any money or other valuable thing lost, or which  
756 may be lost, by any player in any such game. If any such  
757 association shall violate any of the provisions of this section  
758 each and every member thereof shall be guilty of a misdemeanor  
759 and, upon conviction thereof, shall be fined in a sum not more  
760 than Five Hundred Dollars (\$500.00); and unless such fine and  
761 costs be immediately paid, shall be imprisoned in the county jail



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

767 This section shall not apply to the operation of any game or  
768 lottery authorized by Chapter 115, Title 27, or the Mississippi  
769 Veterans Organizations Supplemental Funding Act of 2019.

770 **SECTION 17.** Section 97-33-13, Mississippi Code of 1972, is  
771 amended as follows:

772 97-33-13. Any owner, lessee, or occupant of any outhouse or  
773 other building, who shall knowingly permit or suffer any of the  
774 before mentioned tables, banks, or games, or any other game  
775 prohibited by law, to be carried on, kept, or exhibited in his  
776 said house or other building, or on his lot or premises, being  
777 thereof convicted, shall be fined not less than One Hundred  
778 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

779 This section shall not apply to the operation of any game or  
780 lottery authorized by Chapter 115, Title 27, or the Mississippi  
781 Veterans Organizations Supplemental Funding Act of 2019.

782 **SECTION 18.** Section 97-33-21, Mississippi Code of 1972, is  
783 amended as follows:

784 97-33-21. Any person of full age who shall bet any money or  
785 thing of any value with a minor, or allow a minor to bet at any  
786 game or gaming-table exhibited by him, or in which he is





787 interested or in any manner concerned, on conviction thereof,  
788 shall be fined not less than Three Hundred Dollars (\$300.00) and  
789 imprisoned not less than three (3) months.

790 This section shall apply to minors under the age of  
791 twenty-one (21) as it might apply to the operation of any game or  
792 lottery authorized by Chapter 115, Title 27, or the Mississippi  
793 Veterans Organizations Supplemental Funding Act of 2019.

794 **SECTION 19.** Section 97-33-23, Mississippi Code of 1972, is  
795 amended as follows:

796 97-33-23. Any person of full age who shall bet any money or  
797 thing of value with a minor, knowing such minor to be under the  
798 age of twenty-one (21) years, or allowing any such minor to bet at  
799 any game or games, or at any gaming table exhibited by him, or in  
800 which he is interested or in any manner concerned, on conviction  
801 thereof, shall be punished by imprisonment in the Penitentiary not  
802 exceeding two (2) years.

803 This section shall apply to minors under the age of  
804 twenty-one (21) as it might apply to the operation of any game or  
805 lottery authorized by Chapter 115, Title 27, or the Mississippi  
806 Veterans Organizations Supplemental Funding Act of 2019.

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

809 97-33-49. Except as otherwise provided in Section 97-33-51,  
810 if any person, in order to raise money for himself or another,  
811 shall publicly or privately put up or in any way offer any prize



812 or thing to be raffled or played for, he shall, on conviction, be  
813 fined not more than Twenty Dollars (\$20.00), or be imprisoned not  
814 more than one (1) month in the county jail.

815 This section shall not apply to the operation of any game or  
816 lottery authorized by Chapter 115, Title 27, or the Mississippi  
817 Veterans Organizations Supplemental Funding Act of 2019.

818 **SECTION 21.** This act shall take effect and be in force from  
819 and after July 1, 2019.

