

By: Representatives Hale, Bailey, Brown
(70th), Clark, Denton, Ford (54th), Foster,
Goodin, Harness, Hines, Holloway, Hopkins,
Horan, Hudson, Kinkade, McLeod, Newman,
Paden, Pigott, Porter, Roberson, Rushing,
Scoggin, Straughter, Summers, Watson

To: Gaming; Appropriations

HOUSE BILL NO. 1299

1 AN ACT TO CREATE THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM
2 PROTECTION ACT OF 2021; TO PROVIDE THAT THE PROVISIONS OF THE ACT
3 SHALL BE ADMINISTERED BY THE MISSISSIPPI LOTTERY CORPORATION; TO
4 DEFINE CERTAIN TERMS FOR THE PURPOSES OF THE ACT; TO PROVIDE THAT
5 THE CORPORATION MAY AUTHORIZE SKILL TERMINAL DEVICES TO BE LOCATED
6 AND OPERATED IN THE STATE SUBJECT TO CERTAIN LIMITATIONS; TO
7 PROVIDE THAT SKILL TERMINAL DEVICES MAY ONLY BE AUTHORIZED IN
8 LICENSED QUALIFIED TRUCK STOP FACILITIES AND NOT MORE THAN TEN
9 SKILL TERMINAL DEVICES MAY BE LOCATED ON THE PREMISES OF ANY
10 LICENSED QUALIFIED TRUCK STOP FACILITY; TO PROVIDE THAT DEVICE
11 OPERATORS AND HOST LOCATIONS SHALL BE REQUIRED TO APPLY FOR AND
12 OBTAIN A LICENSE FROM THE CORPORATION BEFORE A SKILL TERMINAL
13 DEVICE MAY BE PLACED AND OPERATED ON THE PREMISES OF A HOST
14 LOCATION; TO AUTHORIZE THE BOARD OF DIRECTORS OF THE CORPORATION
15 TO ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS
16 ACT; TO PROVIDE FOR THE ISSUANCE OF LICENSES AS DEVICE OPERATORS,
17 HOST LOCATIONS AND MANUFACTURERS/DISTRIBUTORS BY THE CORPORATION;
18 TO SPECIFY THE QUALIFICATIONS FOR APPLICANTS TO RECEIVE THOSE
19 LICENSES; TO PRESCRIBE THE FEES TO BE CHARGED FOR APPLICATIONS AND
20 LICENSES ISSUED UNDER THIS ACT; TO REQUIRE WRITTEN AGREEMENTS
21 BETWEEN MANUFACTURERS/DISTRIBUTORS AND DEVICE OPERATORS AND
22 BETWEEN DEVICE OPERATORS AND HOST LOCATIONS BEFORE SKILL TERMINAL
23 DEVICES MAY BE DISTRIBUTED TO DEVICE OPERATORS AND LOCATED AT HOST
24 LOCATIONS; TO PROVIDE FOR THE ALLOCATION OF GROSS DEVICE REVENUES
25 BETWEEN THE HOST LOCATION LICENSEE, DEVICE OPERATOR LICENSEE AND
26 MANUFACTURER/DISTRIBUTOR LICENSEE; TO SPECIFY CERTAIN REQUIREMENTS
27 THAT MUST BE MET BY SKILL TERMINAL DEVICES BEFORE THEY MAY BE
28 OFFERED FOR PLAY; TO PROVIDE FOR CIVIL AND CRIMINAL PENALTIES FOR
29 VIOLATIONS OF THIS ACT; TO AUTHORIZE COUNTIES IN WHICH THE HOLDER
30 OF A GAMING LICENSE UNDER THE MISSISSIPPI GAMING CONTROL ACT IS
31 OPERATING A GAMBLING GAME OR GAMING DEVICE TO PROHIBIT THE
32 LOCATION AND OPERATION OF SKILL TERMINAL DEVICES IN THE COUNTY; TO
33 IMPOSE A TAX OF 23% ON ALL GROSS DEVICE REVENUE FROM THE PLAY OF
34 SKILL TERMINAL DEVICES, AND PROVIDE THAT 98% OF THE PROCEEDS OF



35 THE TAX WILL BE REMITTED TO THE PUBLIC EMPLOYEES' RETIREMENT
36 SYSTEM TO PROVIDE ADDITIONAL FUNDS TO PAY THE COST OF RETIREMENT
37 BENEFITS FOR THE MEMBERS OF THE SYSTEM; TO PROVIDE THAT THE
38 REMAINDER OF THE PROCEEDS OF THE TAX WILL BE USED FOR THE SUPPORT
39 OF THE STATE PARKS AND FOSTER CARE SERVICES; TO AMEND SECTION
40 27-115-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT NOTHING IN
41 THIS ACT SHALL BE DEEMED A VIDEO LOTTERY OR VIDEO LOTTERY DEVICE
42 UNDER THE ALYCE G. CLARKE MISSISSIPPI LOTTERY LAW; TO AMEND
43 SECTION 75-76-5, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT NOTHING
44 IN THIS ACT SHALL BE DEEMED A GAME, GAMBLING GAME OR GAMBLING
45 DEVICE UNDER THE MISSISSIPPI GAMING CONTROL ACT; TO AMEND SECTIONS
46 67-1-71, 97-33-9, 97-33-11, 97-33-13, 97-33-21, 97-33-23 AND
47 97-33-49, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
48 PROVISIONS; TO AMEND SECTION 75-76-177, MISSISSIPPI CODE OF 1972,
49 TO REDUCE THE PERCENTAGE OF THE LICENSE FEE IMPOSED UPON GAMING
50 LICENSEES BASED UPON THE MONTHLY GROSS REVENUE OF THE LICENSEE; TO
51 AMEND SECTION 75-76-129, MISSISSIPPI CODE OF 1972, TO CONFORM TO
52 THE PRECEDING PROVISION; AND FOR RELATED PURPOSES.

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

54 **SECTION 1.** This act shall be known and may be cited as the
55 "Public Employees' Retirement System Protection Act of 2021."

56 **SECTION 2.** The provisions of this chapter shall be
57 administered by the Mississippi Lottery Corporation for the
58 protection of the public and in the public interest in accordance
59 with the policy of this state.

60 **SECTION 3.** As used in this chapter, the following terms
61 shall be defined as provided in this section, unless the context
62 clearly indicates otherwise:

63 (a) "Corporation" means the Mississippi Lottery
64 Corporation.

65 (b) "Device operator" means a person that owns,
66 services or maintains skill terminal devices for placement and
67 operation on the premises of a host location licensee.



68 (c) "Gross device revenue" means the total of cash or
69 cash equivalents received by a skill terminal device minus the
70 total of cash or cash equivalents paid out to players as a result
71 of playing a skill terminal device.

72 (d) "Host location" means a qualified truck stop
73 facility.

74 (e) "Manufacturer/distributor" means a person that
75 manufactures or distributes skill terminal devices.

76 (f) "Person" has the same meaning as defined in Section
77 27-115-5.

78 (g) "Qualified truck stop facility" means a premise
79 that:

80 (i) Is equipped with diesel islands used for
81 fueling commercial motor vehicles;

82 (ii) Has sold an average of twenty five thousand
83 (25,000) gallons of diesel or biodiesel fuel each month for the
84 previous twelve (12) months or is projected to sell an average of
85 twenty-five thousand (25,000) gallons of diesel or biodiesel fuel
86 each month for the next twelve (12) months;

87 (iii) Has parking spaces dedicated for commercial
88 motor vehicles;

89 (iv) Has a convenience store; and

90 (v) Is situated on a parcel of land not less than
91 three (3) acres.



92 (h) "Skill terminal device" means a game system with
93 game software (i) in which the outcome is based on an individual's
94 use of strategy and skill rather than any inherent element of
95 chance; (ii) in which, when the rules of the game involve
96 presenting a challenge to the player that cannot be skipped to
97 proceed, the game must allow the player to preview the unsolved
98 challenge free of charge and before any financial
99 commitment; (iii) that enables a player to preview the next game
100 outcome without consideration; (iv) that is such that the general
101 public can learn to score and win prizes; and (v) in which, if a
102 player has the ability, on every play, the player may win more
103 prize money than the player spent to initiate a single game play.
104 The term does not include any device authorized to be used in the
105 conducting of charitable gaming.

106 **SECTION 4.** The corporation may authorize skill terminal
107 devices in this state subject to the following limitations:

108 (a) Skill terminal devices may only be authorized in
109 licensed qualified truck stop facilities; and

110 (b) Not more than ten (10) skill terminal devices may
111 be located on the premises of any licensed qualified truck stop
112 facility.

113 **SECTION 5.** (1) A device operator and a host location shall
114 be required to apply for and obtain a license from the corporation
115 before a skill terminal device may be placed and operated on the
116 premises of a host location.



117 (2) The corporation and its agents may:

118 (a) Inspect and examine all premises of host locations
119 licensed under this chapter.

120 (b) Inspect all equipment and supplies in, upon or
121 about those premises.

122 (c) Summarily seize and remove from those premises and
123 impound any equipment or supplies for the purpose of examination
124 and inspection.

125 (d) Demand access to and inspect, examine, photocopy
126 and audit all papers, books and records of applicants and
127 licensees, on their premises, or elsewhere as practicable, and in
128 the presence of the licensee or his agent, respecting all matters
129 affecting the enforcement of the policy or any of the provisions
130 of this chapter.

131 (3) For the purpose of conducting audits after the cessation
132 of operations by a licensee, the former licensee shall furnish,
133 upon demand of an agent of the corporation, books, papers and
134 records as necessary to conduct the audits. The former licensee
135 shall maintain all books, papers and records necessary for audits
136 for a period of one (1) year after the date of the surrender or
137 revocation of his or her license. If the former licensee seeks
138 judicial review of a deficiency determination or files a petition
139 for a redetermination, he or she must maintain all books, papers
140 and records until a final order is entered on the determination.



141 (4) The corporation may investigate, for the purpose of
142 prosecution, any suspected criminal violation of the provisions of
143 this chapter.

144 (5) The corporation, or members of the board of directors,
145 have full power and authority to issue subpoenas and compel the
146 attendance of witnesses at any place within this state, to
147 administer oaths and to require testimony under oath. Any process
148 or notice may be served in the manner provided for service of
149 process and notices in civil actions. The corporation may pay
150 such transportation and other expense of witnesses as it may deem
151 reasonable and proper. Any person making false oath in any matter
152 before the corporation is guilty of perjury. The corporation, or
153 any member of the board of directors, may appoint hearing
154 examiners who may administer oaths and receive evidence and
155 testimony under oath.

156 **SECTION 6.** (1) The board of directors of the corporation
157 shall, from time to time, adopt, amend or repeal such regulations,
158 consistent with the policy, objects and purposes of this chapter
159 as it may deem necessary or desirable in the public interest in
160 carrying out the policy and provisions of this chapter.

161 (2) These regulations shall, without limiting the general
162 powers conferred in this chapter, include the following:

163 (a) Prescribing the method and form of application that
164 any applicant for a license must follow and complete before
165 consideration of his application by the corporation.



166 (b) Prescribing the information to be furnished by any
167 applicant or licensee concerning his antecedents, habits,
168 character, associates, criminal record, business activities and
169 financial affairs, past or present.

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

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

174 (e) Prescribing the manner and procedure of all
175 hearings conducted by the corporation or any hearing examiner of
176 the corporation, including special rules of evidence applicable
177 thereto and notices thereof.

178 (f) Requiring any applicant to pay all or any part of
179 the fees and costs of investigation of the applicant as may be
180 determined by the corporation.

181 (g) Prescribing the manner and method of collection and
182 payment of fees and issuance of licenses.

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

185 (i) Requiring any applicant or licensee to waive any
186 privilege with respect to any testimony at any hearing or meeting
187 of the corporation, except any privilege afforded by the
188 Constitution of the United States or this state.

189 (j) Requiring that any licensee or owner of ten percent
190 (10%) or more of the operation shall not sell all or part of his



191 or her ownership to a purchasing party until the purchasing party
192 has met the requirements of this chapter.

193 (k) Requiring that host location licensees shall not
194 advertise themselves as casinos.

195 **SECTION 7.** (1) Any person who the corporation determines is
196 qualified to receive a license or is found suitable under the
197 provisions of this chapter, having due consideration for the
198 proper protection of the health, safety, morals, good order and
199 general welfare of the inhabitants of the State of Mississippi and
200 the declared policy of this state, may be issued a license as a
201 device operator, host location or manufacturer/distributor;
202 however, the burden of proving his or her qualification to receive
203 any license or be found suitable is on the applicant.

204 (2) An application to receive a license shall not be granted
205 unless the corporation is satisfied that the applicant is:

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

207 (b) A person whose prior activities, criminal record,
208 if any, reputation, habits and associations do not pose a threat
209 to the public interest of this state or to the effective
210 regulation and control of a licensed host location, or create or
211 enhance the dangers of unsuitable, unfair or illegal practices,
212 methods and activities in the operation of skill terminal devices
213 at a licensed host location, or the carrying on of the business
214 and financial arrangements incidental thereto; and



215 (c) In all other respects qualified to be licensed or
216 found suitable consistently with the declared policy of the state.

217 **SECTION 8.** (1) The corporation shall evaluate and consider
218 any application for a license as a device operator, host location
219 or manufacturer/distributor under this section.

220 (2) The corporation may:

221 (a) Deny the application;

222 (b) Remand the matter for such further investigation
223 and reconsideration as the corporation may order; or

224 (c) By majority vote of the members of the board of
225 directors who are present, grant the application for a license.

226 For the purposes of this section, a tie vote of the members of the
227 board upon an application does not constitute a recommendation of
228 denial of the application.

229 (3) The license granted under this chapter is specific to
230 the applicant. A licensee may not transfer its license, or assign
231 responsibility for compliance with the conditions of its license,
232 to any party, including a transfer of effective control of the
233 licensee, without approval by the corporation.

234 (4) If the corporation is not satisfied that an applicant is
235 qualified to be licensed under this chapter, the corporation may
236 cause to be made such investigation into and conduct such hearings
237 concerning the qualifications of the applicant in accordance with
238 its regulations as it may deem necessary.



239 (5) If the corporation desires further investigation be made
240 or to conduct any hearings, it shall so notify the applicant and
241 set a date for hearing, if a hearing is requested by the
242 applicant.

243 (6) The corporation has full and absolute power and
244 authority to deny any application for any cause it deems
245 reasonable. If an application is denied, the corporation shall
246 prepare and file its written decision upon which its order denying
247 the application is based. The applicant may file with the
248 corporation a written response to the denial of the application
249 within forty-five (45) days from the date of the denial, and the
250 corporation shall respond to the applicant within thirty (30) days
251 after receipt of the applicant's response.

252 **SECTION 9.** (1) If it is satisfied that an applicant is
253 eligible to receive a license as a device operator, host location
254 or manufacturer/distributor, and upon tender of all license fees
255 as required by law or regulation of the corporation and the
256 faithful performance of all requirements imposed by law or
257 regulation or the conditions of the license, the corporation shall
258 issue to the applicant named, under the name or style designated,
259 such license as may be appropriate or as is provided by law.

260 (2) No person who has been issued a device operator license
261 shall be issued a manufacturer/distributor license or host
262 location license, or have any interest in a
263 manufacturer/distributor licensee or host location licensee.



264 (3) No person who has been issued a host location license
265 shall be issued a manufacturer/distributor license or device
266 operator license, or have any interest in a
267 manufacturer/distributor licensee or device operator licensee.

268 (4) No person who has been issued a manufacturer/distributor
269 license shall be issued a device operator license or host location
270 license, or have any interest in a device operator licensee or
271 host location licensee.

272 (5) For purposes of this section, "interest" means an equity
273 ownership interest or a partial equity ownership interest or any
274 other type of financial interest, including being an investor.

275 **SECTION 10.** (1) Within ninety (90) days after the effective
276 date of this act, the corporation shall make applications for
277 device operator licenses, host location licenses and
278 manufacturer/distributor licenses available to applicants.

279 (2) The corporation shall issue a conditional license to an
280 applicant for a device operator license, host location license or
281 manufacturer/distributor license if the applicant satisfies, as
282 determined by the corporation, all of the following criteria:

283 (a) The applicant has never been convicted of a felony
284 in any jurisdiction.

285 (b) The applicant is current on all state taxes.

286 (c) The applicant has submitted a completed application
287 for a device operator license, host location license or
288 manufacturer/distributor license in accordance with this chapter,



289 which may be submitted concurrently with the applicant's request
290 for a conditional license.

291 (3) The corporation shall issue a conditional license to an
292 applicant for a device operator license, host location license or
293 manufacturer/distributor license within sixty (60) days after the
294 completed application has been received by the corporation,
295 provided that the corporation determines that the criteria
296 contained in subsection (2) of this section have been satisfied.

297 **SECTION 11.** (1) The corporation shall charge and collect
298 the following fees for applications and licenses under this
299 chapter:

- 300 (a) Device operator license:
- 301 (i) Application fee.....\$2,000.00
- 302 (ii) Initial license fee.....\$500.00
- 303 (iii) Renewal license fee.....\$250.00
- 304 (b) Host location license:
- 305 (i) Application fee.....\$250.00
- 306 (ii) Initial license fee.....\$250.00
- 307 (iii) Renewal license fee.....\$250.00
- 308 (c) Manufacturer/distributor license:
- 309 (i) Application fee.....\$3,000.00
- 310 (ii) Initial license fee.....\$1,000.00
- 311 (iii) Renewal license fee.....\$1,000.00

312 (2) In addition to the fees prescribed in subsection (1) of
313 this section, the corporation shall charge and collect from each



314 licensed device operator an annual fee of Two Hundred Fifty
315 Dollars (\$250.00) for each skill terminal device operated by the
316 licensee.

317 (3) All fees charged and collected under this section are a
318 non-refundable expense to any applicant or licensee.

319 **SECTION 12.** (1) No manufacturer/distributor may distribute
320 a skill terminal device to a device operator licensee unless the
321 manufacturer/distributor licensee and the device operator licensee
322 have entered into a written agreement that sets forth the terms
323 and conditions of those devices. A copy of the written agreement
324 shall be maintained in the business office of the
325 manufacturer/distributor licensee and the device operator
326 licensee.

327 (2) No device operator licensee may place or maintain a
328 skill terminal device on the premises of a licensed host location
329 unless the device operator licensee and the host location licensee
330 have entered into a written agreement that sets forth the terms
331 and conditions for the placement and maintenance of those devices.
332 A copy of the written agreement shall be maintained in the
333 business office of the device operator licensee and the host
334 location licensee.

335 (3) The written agreements shall be valid for a minimum of
336 three (3) years.

337 (4) The written agreements between the
338 manufacturer/distributor licensee and the device operator



339 licensee, and between the device operator licensee and the host
340 location licensee shall establish the allocation of all gross
341 device revenue from the play of skill terminal devices.

342 (5) Any agreement described under this section that was
343 executed before the effective date of this act shall be null and
344 void. However, agreements that are expressly conditioned upon
345 both parties becoming licensed shall be valid, so long as and
346 effective at the time that, both parties are ultimately licensed.

347 (6) The written agreement between the
348 manufacturer/distributor licensees and its associated device
349 operator licensees and host location licensees shall provide for
350 the following allocation of gross device revenues:

351 (a) The host location licensee shall receive
352 twenty-four percent (24%) of the gross device revenue received
353 from the play of skill terminal devices at its location.

354 (b) The device operator licensee shall receive
355 twenty-four percent (24%) of the gross device revenue received
356 from the play of skill terminal devices; and

357 (c) The manufacturer/distributor shall receive
358 twenty-nine percent (29%) of the gross device revenue received
359 from the skill terminal devices that the manufacturer/distributor
360 has manufactured and distributed to device operator licensees.

361 **SECTION 13.** (1) No skill terminal device shall be offered
362 for play by the public unless the device has first been approved
363 by the corporation.



364 (2) Before selling, leasing, or otherwise providing a skill
365 terminal device to a device operator, a manufacturer/distributor
366 shall provide a prototype or production sample of the device to an
367 independent testing laboratory that has been approved by the
368 corporation, which shall evaluate and certify whether the device
369 meets the definition of a skill terminal device under this
370 chapter.

371 **SECTION 14.** (1) Along with the prototype or production
372 sample of the skill terminal device, the manufacturer/distributor
373 shall provide the following information to the independent testing
374 laboratory, to the extent applicable:

- 375 (a) The method of determining the game outcome;
376 (b) The available play denominations;
377 (c) The minimum play amount;
378 (d) The maximum play amount; and
379 (e) Any other information requested by the independent
380 testing laboratory or required by the corporation for use in the
381 testing of the device.

382 (2) The report of the independent testing laboratory shall
383 be submitted by the manufacturer/distributor to the corporation.
384 The corporation shall use the report in evaluating whether the
385 skill terminal device will be approved under chapter.

386 (3) If at any time a manufacturer makes a substantive change
387 to any skill terminal device that has previously been approved by
388 the corporation, the manufacturer shall resubmit the skill



389 terminal device to the corporation in a manner prescribed by
390 regulation of the corporation.

391 **SECTION 15.** In addition to any other requirements
392 established for skill terminal devices, the devices must:

393 (a) Show the rules of play for each game in a way that
394 adequately describes or displays such information so that a
395 reasonable person could understand the game before playing it;

396 (b) Clearly indicate that the outcome of the game is
397 affected by skill;

398 (c) Accept cash, game credits, or player credits;

399 (d) Prohibit the modification of the rules of play for
400 a game, including the probability and award of a game outcome,
401 once a game is initiated;

402 (e) Prohibit the remote modification or manipulation of
403 games;

404 (f) Pay out no more than Five Thousand Dollars
405 (\$5,000.00) in winnings for a single play of a game;

406 (g) Be designed such that power and data cables into
407 and out of the game are routed so that they are not accessible by
408 the general public;

409 (h) Have an identification badge affixed to the
410 exterior of the game by the manufacturer that is not removable
411 without leaving evidence of tampering. Such badge shall include
412 the following information:

413 (i) The name of the manufacturer;



- 414 (ii) A unique serial number;
- 415 (iii) The game model number; and
- 416 (iv) The date of manufacture;
- 417 (i) Be constructed of materials that are designed to
- 418 allow only authorized access to the interior of the game. Those
- 419 materials shall be designed to show evidence of tampering if
- 420 unauthorized access does occur;
- 421 (j) Have a currency storage area that is secured by two
- 422 (2) locks before the currency can be removed and that is only
- 423 accessible by the device operator licensee and/or the host
- 424 location licensee;
- 425 (k) Make payments to successful players by issuing a
- 426 bearer scrip that can be redeemed for cash only at the host
- 427 location; and
- 428 (l) Have the ability to allow for an independent
- 429 integrity check by an independent testing laboratory approved by
- 430 the corporation of all software that may affect the integrity of
- 431 the game.

432 **SECTION 16.** (1) Each skill terminal device shall be tested

433 by an independent testing laboratory approved by the corporation

434 to ensure its integrity and proper working order. This evaluation

435 shall include a review of installed software periodically within a

436 timeframe established by the corporation. The independent testing

437 laboratory's software may be embedded within the game software,



438 use an interface port to communicate with the device, or require
439 the removal of device media for external verification.

440 (2) The manufacturer/distributor licensee shall pay the cost
441 of the independent testing laboratory's review and testing, and
442 the reports of the same shall be delivered to the licensee and the
443 corporation.

444 **SECTION 17.** Each skill terminal device being operated shall
445 be connected to an online data collection and control system
446 established and accessible by the corporation. The online data
447 collection and control system shall collect the following
448 information from each electronic gaming device: (a) cash in, (b)
449 payouts, (c) points played, (d) points won, (e) gross terminal
450 income, (f) net terminal income, (g) the number of plays of the
451 game, (h) the amounts paid to play the game, (i) all taxes accrued
452 and paid, and (j) any other information required by regulations of
453 the corporation.

454 **SECTION 18.** (1) Each manufacturer/distributor licensee
455 shall:

456 (a) Monitor and manage all market activities of the
457 device operator and host location licensees with which the
458 manufacturer/distributor has entered into a written agreement
459 pursuant to Section 12 of this act.

460 (b) Collect and remit the tax owed under Section 23 of
461 this act.



462 (c) Report such information as required by the
463 regulations of the corporation on behalf of all such licensees.

464 (2) No device operator licensee shall place or maintain a
465 skill terminal device at any establishment where it is offered to
466 the public for play for a charge, directly or indirectly, unless
467 the establishment is a licensed host location.

468 (3) Each device operator licensee that places or maintains a
469 skill terminal device at any host location where it is offered to
470 the public for play for a charge, directly or indirectly, shall
471 submit or confirm a report to the corporation, on a frequency
472 established by the corporation, detailing:

473 (a) The gross device revenue of each skill terminal
474 device that the device operator owns and maintains; and

475 (b) The gross profits of each skill terminal device
476 that the device operator owns and maintains.

477 **SECTION 19.** (1) No host location licensee shall allow a
478 skill terminal device to be placed upon the premises of the
479 licensee's establishment unless the device is owned or leased and
480 maintained by a manufacturer/distributor licensee or a device
481 operator licensee.

482 (2) The primary business of a host location licensee shall
483 not be the offering for play of skill terminal devices.

484 (3) No host location licensee shall offer more than ten (10)
485 skill terminal devices to the public for play at the establishment
486 of the host location licensee.



487 (4) Each host location licensee shall submit or confirm a
488 report to the corporation, on a frequency established by the
489 corporation, detailing:

490 (a) The gross receipts of the location;

491 (b) The gross device revenue of each skill terminal
492 device; and

493 (c) The gross profits of each skill terminal device.

494 (5) All host location licensees and all players of skill
495 terminal devices at licensed host locations must follow the
496 standards for responsible gaming prescribed by regulations of the
497 corporation.

498 **SECTION 20.** (1) Except as otherwise authorized in
499 subsection (3) of this section, no host location licensee shall
500 request, demand, or accept anything of value, including a loan or
501 financing arrangement, gift, procurement fee, lease payments,
502 revenue sharing, or payment of license fees or permit fees, from a
503 manufacturer/distributor or device operator as an incentive,
504 inducement, or any other consideration to locate skill terminal
505 devices in the establishment of the host location licensee.

506 (2) No manufacturer/distributor or device operator shall
507 provide anything of value, including, but not limited to, a loan
508 or financing arrangement, gift, procurement fee, lease payments,
509 revenue sharing, or payment of license fees or permit fees, to a
510 host location licensee as an incentive, inducement or any other



511 consideration to locate skill terminal devices in the
512 establishment of the host location licensee.

513 (3) A device operator licensee that has a written agreement
514 with a host location licensee to place or maintain skill terminal
515 devices on the premises of the licensed host location may make
516 improvements to the room of the host location where the skill
517 terminal devices are located or to be located, and the device
518 operator licensee and the host location licensee may share the
519 costs of making those improvements, and such sharing of the costs
520 is not a violation of this section.

521 (4) Any host location licensee or manufacturer/distributor
522 licensee that is found by the corporation to have engaged in
523 conduct prohibited by this section shall be subject to a fine of
524 up to Fifty Thousand Dollars (\$50,000.00) per incident and license
525 revocation for up to five (5) years per incident.

526 **SECTION 21.** (1) If the corporation determines that a
527 licensee has not complied with or has violated any provision of
528 this chapter or any regulation of the corporation, the corporation
529 may, with at least fifteen (15) days' notice and a hearing, (a)
530 assess a civil penalty against the licensee in a sum not to exceed
531 Twenty-five Thousand Dollars (\$25,000.00) and (b) suspend or
532 revoke the license of the licensee. If any license is suspended
533 or revoked, the corporation shall state its reasons for doing so,
534 which shall be entered of record.



535 (2) Any person aggrieved by a refusal of the corporation to
536 issue any license, the suspension or revocation of a license, the
537 imposition of a fine, or any other action of the corporation may
538 seek review of such action.

539 (3) Suspension or revocation of a license by the corporation
540 for any violation shall not preclude criminal liability for that
541 violation.

542 **SECTION 22.** Any person who violates any provision of this
543 chapter is guilty of a misdemeanor and, upon conviction thereof,
544 shall be punished by a fine of not more than Five Thousand Dollars
545 (\$5,000.00), or by confinement in the county jail or not more than
546 six (6) months, or by both fine and imprisonment.

547 **SECTION 23.** In any county in which the holder of a gaming
548 license under the Mississippi Gaming Control Act is operating a
549 gambling game or gaming device, as defined in Section 75-76-5,
550 upon July 1, 2021, the board of supervisors of the county is
551 authorized to prohibit the location and operation of skill
552 terminal devices in the county, by a majority vote of the board
553 entered on its minutes.

554 **SECTION 24.** (1) There shall be imposed a tax of
555 twenty-three percent (23%) on all gross device revenue from the
556 play of skill terminal devices. Political subdivisions are
557 prohibited from imposing any additional taxes or fees on gross
558 device revenue from the play of those devices.



559 (2) The tax imposed under this section shall be remitted by
560 the manufacturer/distributor licensee to the corporation at a
561 frequency established by regulations of the corporation. If the
562 manufacturer/distributor licensee's accounting necessitates
563 corrections to a previously remitted tax, the licensee shall
564 document those corrections when remitting the next tax
565 installment.

566 (3) The corporation shall transmit the proceeds of the tax
567 collected under this section to the Department of Finance and
568 Administration, which shall:

569 (a) Remit ninety-eight percent (98%) of those proceeds
570 to the Public Employees' Retirement System for deposit into the
571 employer's accumulation account to provide additional funds to pay
572 the cost of retirement benefits for the members of the system.

573 (b) Deposit one percent (1%) of those proceeds into the
574 special fund in the State Treasury of the Department of Wildlife,
575 Fisheries and Parks, which shall be expended by the department,
576 upon appropriation by the Legislature, for the support of the
577 state parks.

578 (c) Deposit one percent (1%) of those proceeds into the
579 special fund in the State Treasury of the Department of Child
580 Protection Services, which shall be expended by the department,
581 upon appropriation by the Legislature, for the support of foster
582 care services.



583 **SECTION 25.** Section 27-115-5, Mississippi Code of 1972, is
584 amended as follows:

585 27-115-5. As used in this chapter, the following words and
586 phrases shall have the following meanings unless the context
587 clearly requires otherwise:

588 (a) "Corporation" means the Mississippi Lottery
589 Corporation.

590 (b) "Lottery" means any game of chance approved by the
591 corporation and operated pursuant to this chapter, which utilizes
592 the sale of paper tickets for various intrastate and multistate or
593 multisovereign lottery games (such as Pick-3, Pick-4, Mega
594 Millions, Powerball), and "instant tickets" as defined, but
595 specifically excluding any form of "video lottery" or use of
596 "video lottery terminal" as defined.

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

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

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



606 (f) "President" means the President of the Mississippi
607 Lottery Corporation, who shall also serve as chief executive
608 officer of the corporation.

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

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

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

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

620 (k) "Board" means the Mississippi Lottery Corporation
621 Board of Directors.

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

626 (m) "Video lottery" and "video lottery terminal" means
627 any electronic interactive computerized game machine or device
628 equipped with a video screen and buttons, keys, a keyboard,
629 touchscreen or other input device allowing input by an individual
630 player and into which the player inserts coins, tokens, currency



631 or other representation of value (including, but not limited to,
632 an electronic card, ticket or other thing on which value is
633 recorded electronically) as consideration in order for play of a
634 game to be available, and through which, as a result of the play
635 of a game, the player may receive free games, credits redeemable
636 for cash or a noncash prize, or some other thing of value, whether
637 or not received directly from the device, or nothing, determined
638 wholly or predominantly by chance. As used in this chapter, the
639 terms "video lottery" and "video lottery device" shall not apply
640 to any skill terminal device authorized under the Public
641 Employees' Retirement Protection Act of 2021.

642 **SECTION 26.** Section 75-76-5, Mississippi Code of 1972, is
643 amended as follows:

644 75-76-5. As used in this chapter, unless the context
645 requires otherwise:

646 (a) "Applicant" means any person who has applied for or
647 is about to apply for a state gaming license, registration or
648 finding of suitability under the provisions of this chapter or
649 approval of any act or transaction for which approval is required
650 or permitted under the provisions of this chapter.

651 (b) "Application" means a request for the issuance of a
652 state gaming license, registration or finding of suitability under
653 the provisions of this chapter or for approval of any act or
654 transaction for which approval is required or permitted under the



655 provisions of this chapter but does not include any supplemental
656 forms or information that may be required with the application.

657 (c) "Associated equipment" means any equipment or
658 mechanical, electromechanical or electronic contrivance, component
659 or machine used remotely or directly in connection with gaming or
660 with any game, race book or sports pool that would not otherwise
661 be classified as a gaming device, including dice, playing cards,
662 links which connect to progressive slot machines, equipment which
663 affects the proper reporting of gross revenue, computerized
664 systems of betting at a race book or sports pool, computerized
665 systems for monitoring slot machines, and devices for weighing or
666 counting money.

667 (d) "Chairman" means the Chairman of the Mississippi
668 Gaming Commission except when used in the term "Chairman of the
669 State Tax Commission." "Chairman of the State Tax Commission" or
670 "commissioner" means the Commissioner of Revenue of the Department
671 of Revenue.

672 (e) "Commission" or "Mississippi Gaming Commission"
673 means the Mississippi Gaming Commission.

674 (f) "Commission member" means a member of the
675 Mississippi Gaming Commission.

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



680 (h) "Enforcement division" means a particular division
681 supervised by the executive director that provides enforcement
682 functions.

683 (i) "Establishment" means any premises wherein or
684 whereon any gaming is done.

685 (j) "Executive director" means the Executive Director
686 of the Mississippi Gaming Commission.

687 (k) Except as otherwise provided by law, "game," or
688 "gambling game" means any banking or percentage game played with
689 cards, with dice or with any mechanical, electromechanical or
690 electronic device or machine for money, property, checks, credit
691 or any representative of value, including, without limiting, the
692 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
693 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
694 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
695 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
696 or any other game or device approved by the commission. However,
697 "game" or "gambling game" shall not include bingo games or raffles
698 which are held pursuant to the provisions of Section 97-33-51, or
699 the illegal gambling activities described in Section 97-33-8, or
700 skill terminal devices authorized under the Public Employees'
701 Retirement Protection Act of 2021.

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



705 (1) "Gaming" or "gambling" means to deal, operate,
706 carry on, conduct, maintain or expose for play any game as defined
707 in this chapter.

708 (m) "Gaming device" means any mechanical,
709 electromechanical or electronic contrivance, component or machine
710 used in connection with gaming or any game which affects the
711 result of a wager by determining win or loss. The term includes a
712 system for processing information which can alter the normal
713 criteria of random selection, which affects the operation of any
714 game, or which determines the outcome of a game. The term does
715 not include a system or device which affects a game solely by
716 stopping its operation so that the outcome remains
717 undetermined, * * * does not include any antique coin machine as
718 defined in Section 27-27-12, and does not include any skill
719 terminal device authorized under the Public Employees' Retirement
720 Protection Act of 2021.

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

- 724 (i) Boxmen;
725 (ii) Cashiers;
726 (iii) Change personnel;
727 (iv) Counting room personnel;
728 (v) Dealers;
729 (vi) Floormen;



730 (vii) Hosts or other persons empowered to extend
731 credit or complimentary services;
732 (viii) Keno runners;
733 (ix) Keno writers;
734 (x) Machine mechanics;
735 (xi) Security personnel;
736 (xii) Shift or pit bosses;
737 (xiii) Shills;
738 (xiv) Supervisors or managers; and
739 (xv) Ticket writers.

740 The term "gaming employee" also includes employees of
741 manufacturers or distributors of gaming equipment within this
742 state whose duties are directly involved with the manufacture,
743 repair or distribution of gaming equipment.

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

747 (o) "Gaming license" means any license issued by the
748 state which authorizes the person named therein to engage in
749 gaming.

750 (p) "Gross revenue" means the total of all of the
751 following, less the total of all cash paid out as losses to
752 patrons and those amounts paid to purchase annuities to fund
753 losses paid to patrons over several years by independent financial
754 institutions:



755 (i) Cash received as winnings;
756 (ii) Cash received in payment for credit extended
757 by a licensee to a patron for purposes of gaming; and
758 (iii) Compensation received for conducting any
759 game in which the licensee is not party to a wager.

760 For the purposes of this definition, cash or the value of
761 noncash prizes awarded to patrons in a contest or tournament are
762 not losses.

763 The term does not include:

764 (i) Counterfeit money or tokens;
765 (ii) Coins of other countries which are received
766 in gaming devices;
767 (iii) Cash taken in fraudulent acts perpetrated
768 against a licensee for which the licensee is not reimbursed; or
769 (iv) Cash received as entry fees for contests or
770 tournaments in which the patrons compete for prizes.

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

774 (r) "Investigation division" means a particular
775 division supervised by the executive director that provides
776 investigative functions.

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



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

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

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

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

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

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

792 (z) "Party" means the Mississippi Gaming Commission and
793 any licensee or other person appearing of record in any proceeding
794 before the commission; or the Mississippi Gaming Commission and
795 any licensee or other person appearing of record in any proceeding
796 for judicial review of any action, decision or order of the
797 commission.

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

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



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

807 (dd) "Regulation" means a rule, standard, directive or
808 statement of general applicability which effectuates law or policy
809 or which describes the procedure or requirements for practicing
810 before the commission. The term includes a proposed regulation
811 and the amendment or repeal of a prior regulation but does not
812 include:

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

816 (ii) A declaratory ruling;

817 (iii) An interagency memorandum;

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

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

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

824 (ff) "Slot machine" means any mechanical, electrical or
825 other device, contrivance or machine which, upon insertion of a
826 coin, token or similar object, or upon payment of any
827 consideration, is available to play or operate, the play or
828 operation of which, whether by reason of the skill of the operator



829 or application of the element of chance, or both, may deliver or
830 entitle the person playing or operating the machine to receive
831 cash, premiums, merchandise, tokens or anything of value, whether
832 the payoff is made automatically from the machine or in any other
833 manner. The term does not include any antique coin machine as
834 defined in Section 27-27-12.

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

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

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

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

846 (kk) "Work permit" means any card, certificate or
847 permit issued by the commission, whether denominated as a work
848 permit, registration card or otherwise, authorizing the employment
849 of the holder as a gaming employee. A document issued by any
850 governmental authority for any employment other than gaming is not
851 a valid work permit for the purposes of this chapter.



852 (11) "School or training institution" means any school
853 or training institution which is licensed by the commission to
854 teach or train gaming employees pursuant to Section 75-76-34.

855 (mm) "Cheat" means to alter the selection of criteria
856 that determine:

857 (i) The rules of a game; or

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

859 (nn) "Promotional activity" means an activity or event
860 conducted or held for the purpose of promoting or marketing the
861 individual licensed gaming establishment that is engaging in the
862 promotional activity. The term includes, but is not limited to, a
863 game of any kind other than as defined in paragraph (k) of this
864 section, a tournament, a contest, a drawing, or a promotion of any
865 kind.

866 **SECTION 27.** Section 67-1-71, Mississippi Code of 1972, is
867 amended as follows:

868 67-1-71. The department may revoke or suspend any permit
869 issued by it for a violation by the permittee of any of the
870 provisions of this chapter or of the regulations promulgated under
871 it by the department.

872 Permits must be revoked or suspended for the following
873 causes:

874 (a) Conviction of the permittee for the violation of
875 any of the provisions of this chapter;



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

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

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

885 (e) The possession on the premises of any retail
886 permittee of any alcoholic beverages upon which the tax has not
887 been paid;

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

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

894 (h) The failure to furnish any bond required by Section
895 27-71-21 within fifteen (15) days after notice from the
896 department; and

897 (i) The conducting of any form of illegal gambling on
898 the premises of any permittee or on any premises connected
899 therewith or the presence on any such premises of any gambling
900 device with the knowledge of the permittee.



901 The provisions of paragraph (i) of this section shall not
902 apply to gambling or the presence of any gambling devices, with
903 knowledge of the permittee, on board a cruise vessel in the waters
904 within the State of Mississippi, which lie adjacent to the State
905 of Mississippi south of the three (3) most southern counties in
906 the State of Mississippi, or on any vessel as defined in Section
907 27-109-1 whenever such vessel is on the Mississippi River or
908 navigable waters within any county bordering on the Mississippi
909 River. The department may, in its discretion, issue on-premises
910 retailer's permits to a common carrier of the nature described in
911 this paragraph.

912 The provisions of paragraph (i) of this section shall not
913 apply to the operation of any game or lottery authorized by
914 Chapter 115, Title 27, or to the operation of any skill terminal
915 device authorized under the Public Employees' Retirement
916 Protection Act of 2021.

917 No permit shall be suspended or revoked until after the
918 permittee has been provided reasonable notice of the charges
919 against him for which suspension or revocation is sought and the
920 opportunity to a hearing before the Board of Tax Appeals to
921 contest such charges and the suspension or revocation proposed.
922 Opportunity to a hearing is provided without an actual hearing if
923 the permittee, after receiving reasonable notice, including notice
924 of his right to a hearing, fails to timely request a hearing. The
925 permittee may also at any time waive his rights to reasonable



926 notice and/or to the opportunity to a hearing by agreeing to a
927 suspension or revocation offered by the department.

928 Notwithstanding the requirement above that a permit may not be
929 suspended without notice and opportunity to a hearing, sales of
930 alcoholic beverages by a permittee under a permit for which the
931 bond under Section 27-71-21 has been cancelled shall be suspended
932 from and after issuance of the notice provided in paragraph (h)
933 above and shall continue to be suspended until the bond is
934 reinstated, a new bond is posted or sufficient cash or securities
935 as provided under Section 27-71-21 are deposited with the State
936 Treasurer for this permit.

937 In addition to the causes specified in this section and other
938 provisions of this chapter, the department shall be authorized to
939 suspend the permit of any permit holder for being out of
940 compliance with an order for support, as defined in Section
941 93-11-153. The procedure for suspension of a permit for being out
942 of compliance with an order for support, and the procedure for the
943 reissuance or reinstatement of a permit suspended for that
944 purpose, and the payment of any fees for the reissuance or
945 reinstatement of a permit suspended for that purpose, shall be
946 governed by Section 93-11-157 or 93-11-163, as the case may be.
947 If there is any conflict between any provision of Section
948 93-11-157 or 93-11-163 and any provision of this chapter, the
949 provisions of Section 93-11-157 or 93-11-163, as the case may be,
950 shall control.



951 **SECTION 28.** Section 97-33-9, Mississippi Code of 1972, is
952 amended as follows:

953 97-33-9. Except as otherwise provided in Section 97-33-8, if
954 any person shall be guilty of keeping or exhibiting any game or
955 gaming table commonly called A.B.C. or E.O. roulette or
956 rowley-powley, or rouge et noir, roredo, keno, monte, or any
957 faro-bank, or other game, gaming table, or bank of the same or
958 like kind or any other kind or description under any other name
959 whatever, or shall be in any manner either directly or indirectly
960 interested or concerned in any gaming tables, banks, or games,
961 either by furnishing money or articles for the purpose of carrying
962 on the same, being interested in the loss or gain of said table,
963 bank or games, or employed in any manner in conducting, carrying
964 on, or exhibiting said gaming tables, games, or banks, every
965 person so offending and being thereof convicted, shall be fined
966 not less than Twenty-five Dollars (\$25.00) nor more than Two
967 Thousand Dollars (\$2,000.00), or be imprisoned in the county jail
968 not longer than two (2) months, or by both such fine and
969 imprisonment, in the discretion of the court. Nothing in this
970 section shall apply to any person who owns, possesses, controls,
971 installs, procures, repairs or transports any gambling device,
972 machine or equipment in accordance with subsection (4) of Section
973 97-33-7 or Section 75-76-34.

974 This section shall not apply to the operation of any game or
975 lottery authorized by Chapter 115, Title 27, or to the operation



976 of any skill terminal device authorized under the Public
977 Employees' Retirement Protection Act of 2021.

978 **SECTION 29.** Section 97-33-11, Mississippi Code of 1972, is
979 amended as follows:

980 97-33-11. It shall not be lawful for any association of
981 persons of the character commonly known as a "club," whether such
982 association be incorporated or not, in any manner, either directly
983 or indirectly, to have any interest or concern in any gambling
984 tables, banks, or games, by means of what is sometimes called a
985 "rake-off" or "take-out," or by means of an assessment upon
986 certain combinations, or hands at cards, or by means of a
987 percentage extracted from players, or an assessment made upon, or
988 a contribution from them, or by any other means, device or
989 contrivance whatsoever. It shall not be lawful for such an
990 association to lend or advance money or any other valuable thing
991 to any person engaged or about to engage in playing any game of
992 chance prohibited by law, or to become responsible directly or
993 indirectly for any money or other valuable thing lost, or which
994 may be lost, by any player in any such game. If any such
995 association shall violate any of the provisions of this section
996 each and every member thereof shall be guilty of a misdemeanor
997 and, upon conviction thereof, shall be fined in a sum not more
998 than Five Hundred Dollars (\$500.00); and unless such fine and
999 costs be immediately paid, shall be imprisoned in the county jail
1000 for not less than five (5) nor more than twenty (20) days. Each



1001 grand jury shall cause such of the members of such an association
1002 as it may choose to appear before them and submit to examination
1003 touching the observance or nonobservance by such association of
1004 the provisions hereof.

1005 This section shall not apply to the operation of any game or
1006 lottery authorized by Chapter 115, Title 27, or to the operation
1007 of any skill terminal device authorized under the Public
1008 Employees' Retirement Protection Act of 2021.

1009 **SECTION 30.** Section 97-33-13, Mississippi Code of 1972, is
1010 amended as follows:

1011 97-33-13. Any owner, lessee, or occupant of any outhouse or
1012 other building, who shall knowingly permit or suffer any of the
1013 before mentioned tables, banks, or games, or any other game
1014 prohibited by law, to be carried on, kept, or exhibited in his
1015 said house or other building, or on his lot or premises, being
1016 thereof convicted, shall be fined not less than One Hundred
1017 Dollars (\$100.00) nor more than Two Thousand Dollars (\$2,000.00).

1018 This section shall not apply to the operation of any game or
1019 lottery authorized by Chapter 115, Title 27, or to the operation
1020 of any skill terminal device authorized under the Public
1021 Employees' Retirement Protection Act of 2021.

1022 **SECTION 31.** Section 97-33-21, Mississippi Code of 1972, is
1023 amended as follows:

1024 97-33-21. Any person of full age who shall bet any money or
1025 thing of any value with a minor, or allow a minor to bet at any



1026 game or gaming-table exhibited by him, or in which he is
1027 interested or in any manner concerned, on conviction thereof,
1028 shall be fined not less than Three Hundred Dollars (\$300.00) and
1029 imprisoned not less than three (3) months.

1030 This section shall apply to minors under the age of
1031 twenty-one (21) as it might apply to the operation of any game or
1032 lottery authorized by Chapter 115, Title 27, or to the operation
1033 of any skill terminal device authorized under the Public
1034 Employees' Retirement Protection Act of 2021.

1035 **SECTION 32.** Section 97-33-23, Mississippi Code of 1972, is
1036 amended as follows:

1037 97-33-23. Any person of full age who shall bet any money or
1038 thing of value with a minor, knowing such minor to be under the
1039 age of twenty-one (21) years, or allowing any such minor to bet at
1040 any game or games, or at any gaming table exhibited by him, or in
1041 which he is interested or in any manner concerned, on conviction
1042 thereof, shall be punished by imprisonment in the Penitentiary not
1043 exceeding two (2) years.

1044 This section shall apply to minors under the age of
1045 twenty-one (21) as it might apply to the operation of any game or
1046 lottery authorized by Chapter 115, Title 27, or to the operation
1047 of any skill terminal device authorized under the Public
1048 Employees' Retirement Protection Act of 2021.

1049 **SECTION 33.** Section 97-33-49, Mississippi Code of 1972, is
1050 amended as follows:



1051 97-33-49. Except as otherwise provided in Section 97-33-51,
1052 if any person, in order to raise money for himself or another,
1053 shall publicly or privately put up or in any way offer any prize
1054 or thing to be raffled or played for, he shall, on conviction, be
1055 fined not more than Twenty Dollars (\$20.00), or be imprisoned not
1056 more than one (1) month in the county jail.

1057 This section shall not apply to the operation of any game or
1058 lottery authorized by Chapter 115, Title 27, or to the operation
1059 of any skill terminal device authorized under the Public
1060 Employees' Retirement Protection Act of 2021.

1061 **SECTION 34.** Section 75-76-177, Mississippi Code of 1972, is
1062 amended as follows:

1063 75-76-177. (1) From and after August 1, 1990, there is
1064 hereby imposed and levied on each gaming licensee a license fee
1065 based upon all the gross revenue of the licensee as follows:

1066 (a) Four percent (4%) of all the gross revenue of the
1067 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)
1068 per calendar month; and

1069 (b) Six percent (6%) of all the gross revenue of the
1070 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per
1071 calendar month * * *.

1072 (2) All revenue received from any game or gaming device
1073 which is leased for operation on the premises of the
1074 licensee-owner to a person other than the owner thereof or which
1075 is located in an area or space on such premises which is leased by



1076 the licensee-owner to any such person, must be attributed to the
1077 owner for the purposes of this section and be counted as part of
1078 the gross revenue of the owner. The lessee is liable to the owner
1079 for his proportionate share of such license fees.

1080 (3) If the amount of license fees required to be reported
1081 and paid pursuant to this section is later determined to be
1082 greater or less than the amount actually reported and paid by the
1083 licensee, the * * * Commissioner of Revenue shall:

1084 (a) Assess and collect the additional license fees
1085 determined to be due, with interest thereon until paid; or

1086 (b) Refund any overpayment, with interest thereon, to
1087 the licensee.

1088 Interest must be computed, until paid, at the rate of one
1089 percent (1%) per month from the first day of the first month
1090 following either the due date of the additional license fees or
1091 the date of overpayment.

1092 (4) Failure to pay the fees provided for in this section
1093 when they are due for continuation of a license shall be deemed a
1094 surrender of the license.

1095 **SECTION 35.** Section 75-76-129, Mississippi Code of 1972, is
1096 amended as follows:

1097 **[Through June 30, 2028, this section shall read as follows:]**

1098 75-76-129. (1) On or before the last day of each month all
1099 taxes, fees, interest, penalties, damages, fines or other monies
1100 collected by the Department of Revenue during that month under the



1101 provisions of this chapter, with the exception of (a) the local
1102 government fees imposed under Section 75-76-195, and (b) an amount
1103 equal to Three Million Dollars (\$3,000,000.00) of the revenue
1104 collected pursuant to the fee imposed under Section
1105 75-76-177(1) (* * *b), and (c) the revenue collected pursuant to
1106 the fee imposed under Section 75-76-177(1) (* * *b) as a result of
1107 wagers on sporting events shall be paid by the Department of
1108 Revenue to the State Treasurer to be deposited in the State
1109 General Fund. The local government fees shall be distributed by
1110 the Department of Revenue pursuant to Section 75-76-197.

1111 (2) An amount equal to Three Million Dollars (\$3,000,000.00)
1112 of the revenue collected during that month pursuant to the fee
1113 imposed under Section 75-76-177(1) (* * *b) shall be deposited by
1114 the Department of Revenue into the bond sinking fund created in
1115 Section 1(3) of Chapter 479, Laws of 2015.

1116 (3) Revenue collected pursuant to the fee imposed under
1117 Section 75-76-177(1) (* * *b) as a result of wagers on sporting
1118 events shall be deposited into the State Highway Fund to be used
1119 solely for the repair and maintenance of highways and bridges of
1120 the State of Mississippi. This revenue shall be used first for
1121 matching funds made available to the state for such purposes
1122 pursuant to any federal highway infrastructure program implemented
1123 after September 1, 2018.

1124 **[From and after July 1, 2028, this section shall read as**
1125 **follows:]**



1126 75-76-129. On or before the last day of each month all
1127 taxes, fees, interest, penalties, damages, fines or other monies
1128 collected by the Department of Revenue during that month under the
1129 provisions of this chapter, with the exception of (a) the local
1130 government fees imposed under Section 75-76-195, and (b) an amount
1131 equal to Three Million Dollars (\$3,000,000.00) of the revenue
1132 collected pursuant to the fee imposed under Section
1133 75-76-177(1) (* * *b) shall be paid by the Department of Revenue
1134 to the State Treasurer to be deposited in the State General Fund.
1135 The local government fees shall be distributed by the Department
1136 of Revenue pursuant to Section 75-76-197. An amount equal to
1137 Three Million Dollars (\$3,000,000.00) of the revenue collected
1138 during that month pursuant to the fee imposed under Section
1139 75-76-177(1) (* * *b) shall be deposited by the Department of
1140 Revenue into the bond sinking fund created in Section 1(3) of
1141 Chapter 479, Laws of 2015.

1142 **SECTION 36.** Section 1 through 24 of this act shall be
1143 codified as a new chapter in Title 27 of the Mississippi Code of
1144 1972.

1145 **SECTION 37.** This act shall take effect and be in force from
1146 and after July 1, 2021.

