

Senate Amendments to House Bill No. 774

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

7 **SECTION 1.** Section 97-33-17, Mississippi Code of 1972, is
8 brought forward as follows:

9 97-33-17. (1) All monies exhibited for the purpose of
10 betting or alluring persons to bet at any game, and all monies
11 staked or betted, shall be liable to seizure by any sheriff,
12 constable, or police officer, together with all the appliances
13 used or kept for use in gambling, or by any other person; and all
14 the monies so seized shall be accounted for by the person making
15 the seizure, and all appliances seized shall be destroyed;
16 provided, however, this section shall not apply to betting, gaming
17 or wagering on:

18 (a) A cruise vessel as defined in Section 27-109-1
19 whenever such vessel is in the waters within the State of
20 Mississippi, which lie adjacent to the State of Mississippi south
21 of the three (3) most southern counties in the State of
22 Mississippi, including the Mississippi Sound, St. Louis Bay,
23 Biloxi Bay and Pascagoula Bay, and in which the registered voters

24 of the county in which the port is located have not voted to
25 prohibit such betting, gaming or wagering on cruise vessels as
26 provided in Section 19-3-79;

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

32 (i) The structure is owned, leased or controlled
33 by a person possessing a gaming license, as defined in Section
34 75-76-5, to conduct legal gaming on a cruise vessel under
35 paragraph (a) of this subsection;

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

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

50 State of Mississippi, including the Mississippi Sound, St. Louis
51 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
52 structure is located consists of a parcel of real property,
53 easements and rights-of-way for public streets and highways shall
54 not be construed to interrupt the contiguous nature of the parcel,
55 nor shall the footage contained within the easements and
56 rights-of-way be counted in the calculation of the distances
57 specified in subparagraph (ii) * * *;

58 (c) A vessel as defined in Section 27-109-1 whenever
59 such vessel is on the Mississippi River or navigable waters within
60 any county bordering on the Mississippi River, and in which the
61 registered voters of the county in which the port is located have
62 not voted to prohibit such betting, gaming or wagering on vessels
63 as provided in Section 19-3-79; or

64 (d) That is legal under the laws of the State of
65 Mississippi.

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

70 **SECTION 2.** Section 75-76-5, Mississippi Code of 1972, is
71 brought forward as follows:

72 75-76-5. As used in this chapter, unless the context
73 requires otherwise:

74 (a) "Applicant" means any person who has applied for or
75 is about to apply for a state gaming license, registration or

76 finding of suitability under the provisions of this chapter or
77 approval of any act or transaction for which approval is required
78 or permitted under the provisions of this chapter.

79 (b) "Application" means a request for the issuance of a
80 state gaming license, registration or finding of suitability under
81 the provisions of this chapter or for approval of any act or
82 transaction for which approval is required or permitted under the
83 provisions of this chapter but does not include any supplemental
84 forms or information that may be required with the application.

85 (c) "Associated equipment" means any equipment or
86 mechanical, electromechanical or electronic contrivance, component
87 or machine used remotely or directly in connection with gaming or
88 with any game, race book or sports pool that would not otherwise
89 be classified as a gaming device, including dice, playing cards,
90 links which connect to progressive slot machines, equipment which
91 affects the proper reporting of gross revenue, computerized
92 systems of betting at a race book or sports pool, computerized
93 systems for monitoring slot machines, and devices for weighing or
94 counting money.

95 (d) "Chairman" means the Chairman of the Mississippi
96 Gaming Commission except when used in the term "Chairman of the
97 State Tax Commission." "Chairman of the State Tax Commission" or
98 "commissioner" means the Commissioner of Revenue of the Department
99 of Revenue.

100 (e) "Commission" or "Mississippi Gaming Commission"
101 means the Mississippi Gaming Commission.

102 (f) "Commission member" means a member of the
103 Mississippi Gaming Commission.

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

108 (h) "Enforcement division" means a particular division
109 supervised by the executive director that provides enforcement
110 functions.

111 (i) "Establishment" means any premises wherein or
112 whereon any gaming is done.

113 (j) "Executive director" means the Executive Director
114 of the Mississippi Gaming Commission.

115 (k) Except as otherwise provided by law, "game," or
116 "gambling game" means any banking or percentage game played with
117 cards, with dice or with any mechanical, electromechanical or
118 electronic device or machine for money, property, checks, credit
119 or any representative of value, including, without limiting, the
120 generality of the foregoing, faro, monte, roulette, keno, fan tan,
121 twenty one, blackjack, seven and a half, big injun, klondike,
122 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de
123 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
124 or any other game or device approved by the commission. However,
125 "game" or "gambling game" shall not include bingo games or raffles
126 which are held pursuant to the provisions of Section 97-33-51, or
127 the illegal gambling activities described in Section 97-33-8.

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

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

134 (m) "Gaming device" means any mechanical,
135 electromechanical or electronic contrivance, component or machine
136 used in connection with gaming or any game which affects the
137 result of a wager by determining win or loss. The term includes a
138 system for processing information which can alter the normal
139 criteria of random selection, which affects the operation of any
140 game, or which determines the outcome of a game. The term does
141 not include a system or device which affects a game solely by
142 stopping its operation so that the outcome remains undetermined,
143 and does not include any antique coin machine as defined in
144 Section 27-27-12.

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

- 148 (i) Boxmen;
- 149 (ii) Cashiers;
- 150 (iii) Change personnel;
- 151 (iv) Counting room personnel;
- 152 (v) Dealers;
- 153 (vi) Floormen;

- 154 (vii) Hosts or other persons empowered to extend
155 credit or complimentary services;
- 156 (viii) Keno runners;
- 157 (ix) Keno writers;
- 158 (x) Machine mechanics;
- 159 (xi) Security personnel;
- 160 (xii) Shift or pit bosses;
- 161 (xiii) Shills;
- 162 (xiv) Supervisors or managers; and
- 163 (xv) Ticket writers.

164 The term "gaming employee" also includes employees of
165 manufacturers or distributors of gaming equipment within this
166 state whose duties are directly involved with the manufacture,
167 repair or distribution of gaming equipment.

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

171 (o) "Gaming license" means any license issued by the
172 state which authorizes the person named therein to engage in
173 gaming.

174 (p) "Gross revenue" means the total of all of the
175 following, less the total of all cash paid out as losses to
176 patrons and those amounts paid to purchase annuities to fund
177 losses paid to patrons over several years by independent financial
178 institutions:

- 179 (i) Cash received as winnings;

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

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

184 For the purposes of this definition, cash or the value of
185 noncash prizes awarded to patrons in a contest or tournament are
186 not losses.

187 The term does not include:

188 (i) Counterfeit money or tokens;

189 (ii) Coins of other countries which are received
190 in gaming devices;

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

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

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

198 (r) "Investigation division" means a particular
199 division supervised by the executive director that provides
200 investigative functions.

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

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

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

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

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

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

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

216 (z) "Party" means the Mississippi Gaming Commission and
217 any licensee or other person appearing of record in any proceeding
218 before the commission; or the Mississippi Gaming Commission and
219 any licensee or other person appearing of record in any proceeding
220 for judicial review of any action, decision or order of the
221 commission.

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

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

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

231 (dd) "Regulation" means a rule, standard, directive or
232 statement of general applicability which effectuates law or policy
233 or which describes the procedure or requirements for practicing
234 before the commission. The term includes a proposed regulation
235 and the amendment or repeal of a prior regulation but does not
236 include:

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

240 (ii) A declaratory ruling;

241 (iii) An interagency memorandum;

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

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

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

248 (ff) "Slot machine" means any mechanical, electrical or
249 other device, contrivance or machine which, upon insertion of a
250 coin, token or similar object, or upon payment of any
251 consideration, is available to play or operate, the play or
252 operation of which, whether by reason of the skill of the operator
253 or application of the element of chance, or both, may deliver or
254 entitle the person playing or operating the machine to receive
255 cash, premiums, merchandise, tokens or anything of value, whether
256 the payoff is made automatically from the machine or in any other

257 manner. The term does not include any antique coin machine as
258 defined in Section 27-27-12.

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

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

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

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

270 (kk) "Work permit" means any card, certificate or
271 permit issued by the commission, whether denominated as a work
272 permit, registration card or otherwise, authorizing the employment
273 of the holder as a gaming employee. A document issued by any
274 governmental authority for any employment other than gaming is not
275 a valid work permit for the purposes of this chapter.

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

279 (mm) "Cheat" means to alter the selection of criteria
280 that determine:

281 (i) The rules of a game; or

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

283 (nn) "Promotional activity" means an activity or event
284 conducted or held for the purpose of promoting or marketing the
285 individual licensed gaming establishment that is engaging in the
286 promotional activity. The term includes, but is not limited to, a
287 game of any kind other than as defined in paragraph (k) of this
288 section, a tournament, a contest, a drawing, or a promotion of any
289 kind.

290 **SECTION 3.** Section 75-76-33, Mississippi Code of 1972, is
291 brought forward as follows:

292 75-76-33. (1) The commission shall, from time to time,
293 adopt, amend or repeal such regulations, consistent with the
294 policy, objects and purposes of this chapter, as it may deem
295 necessary or desirable in the public interest in carrying out the
296 policy and provisions of this chapter. The commission shall
297 comply with the Mississippi Administrative Procedures Law when
298 adopting, amending or repealing any regulations authorized under
299 this section or under any other provision of this chapter.

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

302 (a) Prescribing the method and form of application
303 which any applicant for a license or for a manufacturer's,
304 seller's or distributor's license must follow and complete before
305 consideration of his application by the executive director or the
306 commission.

307 (b) Prescribing the information to be furnished by any
308 applicant or licensee concerning his antecedents, habits,

309 character, associates, criminal record, business activities and
310 financial affairs, past or present.

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

313 (d) Requiring fingerprinting of an applicant or
314 licensee, and gaming employees of a licensee, or other methods of
315 identification and the forwarding of all fingerprints taken
316 pursuant to regulation of the Federal Bureau of Investigation.

317 (e) Prescribing the manner and procedure of all
318 hearings conducted by the commission or any hearing examiner of
319 the commission, including special rules of evidence applicable
320 thereto and notices thereof.

321 (f) Requiring any applicant to pay all or any part of
322 the fees and costs of investigation of such applicant as may be
323 determined by the commission under paragraph (g) of this
324 subsection (2).

325 (g) Prescribing the amounts of investigative fees only
326 as authorized by regulations of the commission under paragraph (f)
327 of this subsection, and collecting those fees. The commission
328 shall adopt regulations setting the amounts of those fees at
329 levels that will provide the commission with sufficient revenue,
330 when combined with any other monies as may be deposited into the
331 Mississippi Gaming Commission Fund created in Section 75-76-325,
332 to carry out the provisions of this chapter without any state
333 general funds. In calculating the amount of such fees, the
334 commission shall:

335 (i) Attempt to set the fees at levels that will
336 create a balance in the Mississippi Gaming Commission Fund that
337 does not exceed, at the end of any state fiscal year, two percent
338 (2%) of the projected amount of funds that will provide the
339 commission with such sufficient revenue; and

340 (ii) Demonstrate the reasonableness of the
341 relationship between a fee and the actual costs of the
342 investigative activity for which the fee is being prescribed.

343 (h) Prescribing the manner and method of collection and
344 payment of fees and issuance of licenses.

345 (i) Prescribing under what conditions a licensee may be
346 deemed subject to revocation or suspension of his license.

347 (j) Requiring any applicant or licensee to waive any
348 privilege with respect to any testimony at any hearing or meeting
349 of the commission, except any privilege afforded by the
350 Constitution of the United States or this state.

351 (k) Defining and limiting the area, games and devices
352 permitted, and the method of operation of such games and devices,
353 for the purposes of this chapter.

354 (l) Prescribing under what conditions the nonpayment of
355 a gambling debt by a licensee shall be deemed grounds for
356 revocation or suspension of his license.

357 (m) Governing the use and approval of gambling devices
358 and equipment.

359 (n) Prescribing the qualifications of, and the
360 conditions under which, attorneys, accountants and others are
361 permitted to practice before the commission.

362 (o) Restricting access to confidential information
363 obtained under this chapter and ensuring that the confidentiality
364 of such information is maintained and protected.

365 (p) Prescribing the manner and procedure by which the
366 executive director on behalf of the commission shall notify a
367 county or a municipality wherein an applicant for a license
368 desires to locate.

369 (q) Prescribing the manner and procedure for an
370 objection to be filed with the commission and the executive
371 director by a county or municipality wherein an applicant for a
372 license desires to locate.

373 (3) Notwithstanding any other provision of law, each
374 licensee shall be required to comply with the regulation that no
375 wager may be placed by, or on behalf of, any individual or entity
376 or group, not present on a licensed vessel or cruise vessel.

377 (4) From and after July 1, 2016, the expenses of this agency
378 shall be defrayed by appropriation from the State General Fund and
379 all user charges and fees authorized under this section shall be
380 deposited into the State General Fund as authorized by law.

381 (5) From and after July 1, 2016, no state agency shall
382 charge another state agency a fee, assessment, rent or other
383 charge for services or resources received by authority of this
384 section.

385 **SECTION 4.** Section 75-76-89, Mississippi Code of 1972, is
386 brought forward as follows:

387 75-76-89. (1) Except as otherwise provided in subsection
388 (3) of this section, all licenses issued to the same person,
389 including a wholly owned subsidiary of that person, for the
390 operation of any game, including a sports pool or race book, which
391 authorize gaming at the same establishment must be merged into a
392 single gaming license. A gaming license may not be issued to any
393 person if the issuance would result in more than one (1) licensed
394 operation at a single establishment, whether or not the profits or
395 revenue from gaming are shared between the licensed operations.

396 (2) A person who has been issued a gaming license may
397 establish a sports pool or race book on the premises of the
398 establishment at which he or she conducts a gaming operation only
399 after obtaining permission from the executive director.

400 **SECTION 5.** Section 75-76-91, Mississippi Code of 1972, is
401 brought forward as follows:

402 75-76-91. (1) All licenses issued under the provisions of
403 this chapter must be posted by the licensee and kept posted at all
404 times in a conspicuous place in the establishment for which issued
405 until replaced by a succeeding license.

406 (2) All licenses may be inspected by authorized state,
407 county and municipal officials.

408 **SECTION 6.** Section 75-76-203, Mississippi Code of 1972, is
409 brought forward as follows:

410 75-76-203. In order to be eligible to receive a state gaming
411 license, a corporation shall:

412 (a) Be incorporated:

413 (i) In the State of Mississippi, although such
414 corporation may be a wholly or partly owned subsidiary of a
415 corporation which is chartered in another state of the United
416 States; or

417 (ii) In another state of the United States, if all
418 persons having any direct or indirect interest of any nature in
419 such corporation are licensed as required by this chapter and any
420 applicable regulations of the commission;

421 (b) Maintain an office of the corporation on the
422 licensed premises;

423 (c) Comply with all of the requirements of the laws of
424 the State of Mississippi pertaining to corporations; and

425 (d) Maintain a ledger in the principal office of the
426 corporation in Mississippi, which shall:

427 (i) At all times reflect the ownership of every
428 class of security issued by the corporation; and

429 (ii) Be available for inspection by the commission
430 or the executive director or his employees at all reasonable times
431 without notice.

432 **SECTION 7.** Section 75-76-205, Mississippi Code of 1972, is
433 brought forward as follows:

434 75-76-205. No domestic corporation is eligible to receive a
435 gaming license unless it is in good standing in this state. No

436 foreign corporation is eligible to receive a gaming license unless
437 it qualifies to do business in this state.

438 **SECTION 8.** Section 75-76-211, Mississippi Code of 1972, is
439 brought forward as follows:

440 75-76-211. All officers and directors of the corporation
441 which holds or applies for a state gaming license must be licensed
442 individually, according to the provisions of this chapter; and if,
443 in the judgment of the commission, the public interest will be
444 served by requiring any or all of the corporation's individual
445 stockholders, lenders, holders of evidences of indebtedness,
446 underwriters, key executives, agents or employees to be licensed,
447 the corporation shall require such persons to apply for a license
448 in accordance with the laws and requirements in effect at the time
449 the commission requires such licensing. A person who is required
450 to be licensed by this section shall apply for a license within
451 thirty (30) days after he becomes an officer or director. A
452 person who is required to be licensed pursuant to a decision of
453 the commission shall apply for a license within thirty (30) days
454 after the executive director requests him to do so.

455 **SECTION 9.** Section 75-76-55, Mississippi Code of 1972, is
456 brought forward as follows:

457 75-76-55. (1) Except as otherwise provided in Section
458 75-76-34, it is unlawful for any person, either as owner, lessee
459 or employee, whether for hire or not, either solely or in
460 conjunction with others, without having first procured and
461 thereafter maintaining in effect a state gaming license:

462 (a) To deal, operate, carry on, conduct, maintain or
463 expose for play in the State of Mississippi any gambling game,
464 including, without limitation, any gaming device, slot machine,
465 race book or sports pool;

466 (b) To provide or maintain any information service the
467 primary purpose of which is to aid the placing or making of wagers
468 on events of any kind; or

469 (c) To receive, directly or indirectly, any
470 compensation or reward or any percentage or share of the money or
471 property played, for keeping, running or carrying on any gambling
472 game, including, without limitation, any slot machine, gaming
473 device, race book or sports pool.

474 (2) Except as otherwise provided in Section 75-76-34, it is
475 unlawful for any person knowingly to permit any gambling game,
476 including, without limitation, any slot machine, gaming device,
477 race book or sports pool to be conducted, operated, dealt or
478 carried on in any house or building or other premises owned by
479 him, in whole or in part, by a person who is not licensed pursuant
480 to this chapter or by his employee.

481 **SECTION 10.** Section 75-76-79, Mississippi Code of 1972, is
482 brought forward as follows:

483 75-76-79. (1) (a) Except as otherwise provided in
484 paragraphs (b) and (c) of this subsection, it is unlawful for any
485 person, either as owner, lessee or employee, whether for hire or
486 not, to operate, carry on, conduct or maintain any form of
487 manufacture, selling or distribution of any gaming device for use

488 or play in Mississippi or for distribution outside of Mississippi
489 without first procuring and maintaining all required federal and
490 state licenses.

491 (b) A lessor who specifically acquires equipment for a
492 capital lease is not required to be licensed under this section.

493 (c) The holder of a state gaming license or the holding
494 company of a corporate licensee may, within two (2) years after
495 cessation of business or upon specific approval by the executive
496 director, dispose of by sale in a manner approved by the executive
497 director, any or all of its gaming devices, including slot
498 machines, without a distributor's license. In cases of bankruptcy
499 of a state gaming licensee or foreclosure of a lien by a bank or
500 other person holding a security interest for which gaming devices
501 are security, in whole or in part, for the lien, the executive
502 director may authorize the disposition of the gaming devices
503 without requiring a distributor's license.

504 (d) Any person whom the commission determines is a
505 suitable person to receive a license under the provisions of this
506 section may be issued a manufacturer's or distributor's license.
507 The burden of proving his qualification to receive or hold a
508 license under this section is at all times on the applicant or
509 licensee.

510 (e) Every person who must be licensed pursuant to this
511 section is subject to the provisions of Sections 75-76-199 through
512 75-76-265, unless exempted from those provisions by the
513 commission.

514 (f) The commission may exempt, for any purpose, a
515 manufacturer, seller or distributor from the provisions of
516 Sections 75-76-199 through 75-76-265, if the commission determines
517 that the exemption is consistent with the purposes of this
518 chapter.

519 (g) As used in this section, "holding company" has the
520 meaning ascribed to it in Section 75-76-199.

521 (2) If the commission determines that a manufacturer or
522 distributor is unsuitable to receive or hold a license:

523 (a) No new gaming device or associated equipment
524 manufactured by the manufacturer or distributed by the distributor
525 may be approved;

526 (b) Any previously approved device or associated
527 equipment manufactured by the manufacturer or distributed by the
528 distributor is subject to revocation of approval if the reasons
529 for the denial of the license also apply to that device or
530 associated equipment;

531 (c) No new device or associated equipment manufactured
532 by the manufacturer or distributed by the distributor may be sold,
533 transferred or offered for use or play in Mississippi; and

534 (d) Any association or agreement between the
535 manufacturer or distributor and a licensee must be terminated,
536 unless otherwise provided by the commission. An agreement between
537 such a manufacturer or distributor of gaming devices or associated
538 equipment and a licensee shall be deemed to include a provision
539 for its termination without liability on the part of the licensee

540 upon a finding by the commission that the manufacturer is
541 unsuitable to be associated with a gaming enterprise. Failure to
542 include that condition in the agreement is not a defense in any
543 action brought pursuant to this section to terminate the
544 agreement.

545 (3) Failure of a licensee to terminate any association or
546 agreement with a manufacturer or distributor of gaming devices or
547 associated equipment after receiving notice of a determination of
548 unsuitability, the denial of a license or failure to file a timely
549 application for a license, is an unsuitable method of operation.

550 (4) There is hereby imposed and levied on each applicant for
551 a manufacturer's, seller's or distributor's license under this
552 section an annual license fee in the following amount:

553 (a) For the issuance or continuation of a
554 manufacturer's license, One Thousand Dollars (\$1,000.00).

555 (b) For the issuance or continuation of a seller's or
556 distributor's license, Five Hundred Dollars (\$500.00).

557 This fee is to be paid by the applicant to the * * *
558 Department of Revenue on or before the filing of the application
559 for a manufacturer's, seller's or distributor's license by the
560 applicant. Upon such payment the * * * Commissioner of Revenue
561 shall certify to the executive director that such fee has been
562 paid by the applicant.

563 Except for those amounts that a person issued a
564 manufacturer's license under this section may charge for goods
565 supplied or services rendered, the person holding the

566 manufacturer's license may not be directly reimbursed by a holder
567 of a gaming license for the cost of any fee paid by the person for
568 the issuance or continuation of such a license, whether imposed
569 under this section or any other provision of this chapter.

570 (5) A manufacturer or distributor of associated equipment
571 who sells, transfers or offers the associated equipment for use or
572 play in Mississippi may be required by the executive director to
573 file an application for a finding of suitability to be a
574 manufacturer or distributor of associated equipment.

575 Any person who directly or indirectly involves himself in the
576 sale, transfer or offering for use or play in Mississippi of
577 associated equipment who is not otherwise required to be licensed
578 as a manufacturer or distributor may be required by the executive
579 director to file an application for a finding of suitability to be
580 a manufacturer or distributor of associated equipment.

581 If an application for a finding of suitability is not
582 submitted within thirty (30) days after demand by the executive
583 director, he may pursue any remedy or combination of remedies
584 provided in this chapter.

585 (6) The executive director and his employees may inspect
586 every gaming device which is manufactured, sold or distributed:

587 (a) For use in this state, before the gaming device is
588 put into play.

589 (b) In this state for use outside this state, before
590 the gaming device is shipped out of this state.

591 The executive director may inspect every gaming device which
592 is offered for play within this state by a licensee.

593 The executive director may inspect all associated equipment
594 which is manufactured, sold or distributed for use in this state
595 before the equipment is installed or used by a gaming licensee.

596 In addition to all other fees and charges imposed by this
597 chapter, the executive director may determine an inspection fee
598 with regard to each manufacturer, seller or distributor which must
599 not exceed the actual cost of inspection and investigation. Upon
600 such determination, the executive director shall certify to
601 the * * * Commissioner of Revenue the amount of the inspection fee
602 and the name and address of the applicant. Upon such
603 certification the * * * Department of Revenue shall proceed to
604 assess and collect such inspection fee from the applicant.

605 **SECTION 11.** Section 75-76-101, Mississippi Code of 1972, is
606 brought forward as follows:

607 75-76-101. (1) All gaming must be conducted with chips,
608 tokens or other instrumentalities approved by the executive
609 director or with the legal tender of the United States.

610 (2) No licensee shall permit participation by a person in a
611 game conducted in the licensed gaming establishment if such person
612 is not physically present in the licensed gaming establishment
613 during the period of time when such game is being conducted, and
614 all games and the participation of patrons therein shall be
615 entirely located and conducted on the licensed premises.

616 **SECTION 12.** Section 75-76-175, Mississippi Code of 1972, is
617 brought forward as follows:

618 75-76-175. (1) A credit instrument accepted on or after
619 June 29, 1991, is valid and may be enforced by legal process.

620 (2) A licensee or a person acting on the licensee's behalf
621 may accept an incomplete credit instrument which:

622 (a) Is signed by a patron; and

623 (b) States the amount of the debt in figures.

624 and may complete the instrument as is necessary for the
625 instrument to be presented for payment.

626 (3) A licensee or person acting on behalf of a licensee:

627 (a) May accept a credit instrument that is dated later
628 than the date of its execution if that later date is furnished at
629 the time of the execution of the credit instrument by the patron.

630 (b) May not accept a credit instrument which is
631 incomplete, except as authorized by subsection (2) of this
632 section.

633 (c) May accept a credit instrument that is payable to
634 an affiliated company or may complete a credit instrument in the
635 name of an affiliated company as payee if the credit instrument
636 otherwise complies with this subsection and the records of the
637 affiliated company pertaining to the credit instrument are made
638 available to the executive director upon request.

639 (4) This section does not prohibit the establishment of an
640 account by a deposit of cash, recognized traveler's check, or any
641 other instruments which is equivalent to cash.

642 (5) Any person who violates the provisions of this section
643 is subject only to the penalties provided in Sections 75-76-103
644 through 75-76-119, inclusive.

645 (6) The commission may adopt regulations prescribing the
646 conditions under which a credit instrument may be redeemed or
647 presented to a bank for collection or payment.

648 **SECTION 13.** Section 75-76-177, Mississippi Code of 1972, is
649 brought forward as follows:

650 75-76-177. (1) From and after August 1, 1990, there is
651 hereby imposed and levied on each gaming licensee a license fee
652 based upon all the gross revenue of the licensee as follows:

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

656 (b) Six percent (6%) of all the gross revenue of the
657 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per
658 calendar month and does not exceed One Hundred Thirty four
659 Thousand Dollars (\$134,000.00) per calendar month; and

660 (c) Eight percent (8%) of all the gross revenue of the
661 licensee which exceeds One Hundred Thirty four Thousand Dollars
662 (\$134,000.00) per calendar month.

663 (2) All revenue received from any game or gaming device
664 which is leased for operation on the premises of the licensee
665 owner to a person other than the owner thereof or which is located
666 in an area or space on such premises which is leased by the
667 licensee owner to any such person, must be attributed to the owner

668 for the purposes of this section and be counted as part of the
669 gross revenue of the owner. The lessee is liable to the owner for
670 his proportionate share of such license fees.

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

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

677 (b) Refund any overpayment, with interest thereon, to
678 the licensee.

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

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

686 **SECTION 14.** Section 97-33-305, Mississippi Code of 1972, is
687 brought forward as follows:

688 97-33-305. (1) Fantasy contests are legal in this state. A
689 fantasy contest operator must comply with the provisions of this
690 section if the operator's total player roster for all fantasy
691 contests consists of one hundred (100) or more members of the
692 general public.

693 (2) A fantasy contest operator must implement commercially
694 reasonable procedures for fantasy contests with an entry fee to:

695 (a) Prevent employees of the operator, and relatives
696 living in the same household with an employee of an operator, from
697 competing in fantasy contests offered by an operator in which the
698 operator offers a cash prize;

699 (b) Prevent sharing with third parties of confidential
700 information that could affect fantasy contest play until the
701 information is made publicly available;

702 (c) Prevent the operator from participating in a
703 fantasy contest offered by the operator;

704 (d) Verify that a fantasy contest player is eighteen
705 (18) years of age or older except as required in Section
706 97-33-307(5);

707 (e) Ensure that individuals who participate or
708 officiate in a sporting event or who own, manage or coach a team
709 or player who participates in a sporting event will not knowingly
710 be allowed to enter a fantasy contest that is determined, in whole
711 or in part, on accumulated statistical results that include a
712 sporting event in which the individual could be involved as an
713 athlete, official, owner, manager or coach;

714 (f) Allow individuals to restrict themselves from
715 entering a fantasy contest upon request and provide reasonable
716 steps to prevent the person from entering fantasy contests offered
717 by the operator;

718 (g) Disclose the number of entries that a player may
719 submit to each fantasy contest and provide reasonable steps to
720 prevent players from submitting more than the allowable number;

721 (h) Restrict the number of entries submitted by a
722 single player for any contest as follows:

723 (i) An operator shall not allow a player to submit
724 more than one (1) entry in a contest involving twelve (12) or
725 fewer players.

726 (ii) If the number of players in a contest is more
727 than twelve (12) but fewer than thirty seven (37), an operator
728 shall not allow a player to submit more than two (2) entries.

729 (iii) If the number of players in a contest is at
730 least thirty seven (37) but no more than one hundred (100), an
731 operator shall not allow a player to submit more than three (3)
732 entries.

733 (iv) In any contest involving more than one
734 hundred (100) players, an operator shall not allow a player to
735 submit more than the lesser of:

- 736 1. Three percent (3%) of all entries; or
737 2. One hundred fifty (150) entries.

738 (v) For all advertised fantasy contests, the
739 operator must prominently include information about the maximum
740 number of entries that may be submitted for that contest.

741 (vi) An operator may establish fantasy contests in
742 which there is no restriction on the number of entries, if those

743 contests constitute less than two percent (2%) of the total number
744 of contests it offers, and if the operator clearly discloses:

745 1. That there are no limits on the number of
746 entries by each player in the contest; and

747 2. That the cost of participating in such a
748 contest is Fifty Dollars (\$50.00) or more per entry;

749 (i) Offer introductory procedures for players that are
750 prominently displayed on the main page of the operator's platform
751 to explain contest play and how to identify a highly experienced
752 player;

753 (j) Identify all highly experienced players in every
754 fantasy contest by a symbol attached to the players' usernames, or
755 by other easily visible means, on all platforms supported by the
756 operator; and

757 (k) Segregate fantasy contest player funds from
758 operational funds or maintain a reserve in the form of cash, cash
759 equivalents, payment processor reserves and receivables, an
760 irrevocable letter of credit, a bond, or a combination thereof, in
761 the amount of the total account balances of the fantasy contest
762 players for the benefit and protection of the funds held in the
763 accounts.

764 (3) An operator shall not offer contests based on the
765 performance of participants in collegiate, high school or youth
766 sports events.

767 (4) A fantasy contest operator offering fantasy contests
768 with an entry fee in this state shall comply with audit procedures
769 adopted by the commission to ensure compliance with this section.

770 (5) (a) Advertisements for contests and prizes offered by
771 an operator shall not target prohibited participants, minors, or
772 self excluded persons.

773 (b) Representations or implications about average
774 winnings from contests shall not be unfair or misleading. Such
775 representations shall include, at a minimum:

776 (i) The median and mean net winnings of all
777 players participating in contests offered by the operator; and

778 (ii) The percentage of winnings awarded by the
779 operator to highly experienced players participating in contests
780 offered by the operator within the preceding calendar year.

781 (6) Operators shall prohibit the use of third party scripts
782 or scripting programs for any contest and ensure that measures are
783 in place to deter, detect and, to the extent reasonably possible,
784 prevent cheating, including collusion, and the use of cheating
785 devices, including use of software programs that submit entry fees
786 or adjust the athletes selected by a player.

787 (7) The values of all prizes and awards offered to winning
788 players must be established and made known to the players in
789 advance of the contest.

790 **SECTION 15.** Section 97-33-27, Mississippi Code of 1972, is
791 brought forward as follows:

792 97-33-27. If any person shall bet on a horse race or a yacht
793 race or on a shooting match, he shall be fined not more than Five
794 Hundred Dollars (\$500.00), and, unless the fine and costs be
795 immediately paid, he shall be imprisoned in the county jail not
796 more than ninety (90) days; provided, however, this section shall
797 not apply to betting, gaming or wagering:

798 (a) On a cruise vessel as defined in Section 27-109-1
799 whenever such vessel is in the waters within the State of
800 Mississippi, which lie adjacent to the State of Mississippi south
801 of the three (3) most southern counties in the State of
802 Mississippi, including the Mississippi Sound, St. Louis Bay,
803 Biloxi Bay and Pascagoula Bay, and in which the registered voters
804 of the county in which the port is located have not voted to
805 prohibit such betting, gaming or wagering on cruise vessels as
806 provided in Section 19-3-79;

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

812 (i) The structure is owned, leased or controlled
813 by a person possessing a gaming license, as defined in Section
814 75-76-5, to conduct legal gaming on a cruise vessel under
815 paragraph (a) of this section;

816 (ii) The part of the structure in which licensed
817 gaming activities are conducted is located entirely in an area

818 which is located no more than eight hundred (800) feet from the
819 mean high-water line (as defined in Section 29-15-1) of the waters
820 within the State of Mississippi, which lie adjacent to the State
821 of Mississippi south of the three (3) most southern counties in
822 the State of Mississippi, including the Mississippi Sound, St.
823 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
824 Harrison County only, no farther north than the southern boundary
825 of the right-of-way for U.S. Highway 90, whichever is greater; and

826 (iii) In the case of a structure that is located
827 in whole or part on shore, the part of the structure in which
828 licensed gaming activities are conducted shall lie adjacent to
829 state waters south of the three (3) most southern counties in the
830 State of Mississippi, including the Mississippi Sound, St. Louis
831 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
832 structure is located consists of a parcel of real property,
833 easements and rights-of-way for public streets and highways shall
834 not be construed to interrupt the contiguous nature of the parcel,
835 nor shall the footage contained within the easements and
836 rights-of-way be counted in the calculation of the distances
837 specified in subparagraph (ii) * * *;

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

844 (d) That is legal under the laws of the State of
845 Mississippi.

846 **SECTION 16.** Section 97-33-8, Mississippi Code of 1972, is
847 brought forward as follows:

848 97-33-8. (1) The provisions of this section are intended to
849 clarify that the operation of "Internet sweepstakes cafes" is an
850 illegal gambling activity under state law.

851 (2) It shall be unlawful for any person or entity to
852 possess, own, control, display, operate or have a financial
853 interest in an electronic video monitor that:

854 (a) Is offered or made available to a person to play or
855 participate in a simulated gambling program in return for direct
856 or indirect consideration, including consideration associated with
857 a product, service or activity other than the simulated gambling
858 program; and

859 (b) The person who plays or participates in the
860 simulated gambling program may become eligible to win, redeem or
861 otherwise obtain a cash or cash-equivalent prize, whether or not
862 the eligibility for or value of the prize is determined by or has
863 any relationship to the outcome or play of the program.

864 (3) As used in this section, the following words and phrases
865 shall have the meanings ascribed in this subsection, unless the
866 context clearly indicates otherwise:

867 (a) "Simulated gambling program" means any method
868 intended to be used by a person playing, participating or
869 interacting with an electronic video monitor that is offered by

870 another person or entity; that directly or indirectly implements
871 the predetermination of a cash or cash-equivalent prize, or
872 otherwise connects the player with the cash or cash-equivalent
873 prize; and that is not legal under the Mississippi Gaming Control
874 Act.

875 (b) "Consideration associated with a product, service
876 or activity other than the simulated gambling program" means money
877 or other value collected for a product, service or activity that
878 is offered in any direct or indirect relationship to playing or
879 participating in the simulated gambling program. The term
880 includes consideration paid for Internet access or computer time,
881 or a sweepstakes entry.

882 (c) "Electronic video monitor" means any unit,
883 mechanism, computer or other terminal, or device that is capable
884 of displaying moving or still images.

885 (4) Any person or entity violating the provisions of this
886 section, upon conviction, shall be guilty of a misdemeanor and
887 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
888 for not less than one (1) year, or both.

889 (5) The provisions of this section shall not apply to:

890 (a) Any lawful activity that is conducted for the
891 primary purpose of entertaining children under the age of eighteen
892 (18) years, during which money is paid for a token or chip that is
893 used to play an electronic or other game, with the winner of the
894 game earning tickets that can be exchanged for prizes;

895 (b) Any lawful marketing promotion, contest, prize or
896 sweepstakes that is designed to attract consumer attention to a
897 specific product or service which is offered for sale by the
898 manufacturer, distributor, vendor or retailer of the product or
899 service; or

900 (c) Any promotional activity as defined in Section
901 75-76-5 that is conducted by a gaming licensee.

902 **SECTION 17.** Section 97-33-25, Mississippi Code of 1972, is
903 brought forward as follows:

904 97-33-25. If any person shall sell or buy, either directly
905 or indirectly, any chance in what is commonly called pool, upon
906 any event whatever, or shall in any manner engage in such business
907 or pastime, he shall be fined not more than Five Hundred Dollars
908 (\$500.00) or shall be imprisoned in the county jail not more than
909 ninety (90) days; provided, however, this section shall not apply
910 to betting, gaming or wagering:

911 (a) On a cruise vessel as defined in Section 27-109-1
912 whenever such vessel is in the waters within the State of
913 Mississippi, which lie adjacent to the State of Mississippi south
914 of the three (3) most southern counties in the State of
915 Mississippi, including the Mississippi Sound, St. Louis Bay,
916 Biloxi Bay and Pascagoula Bay, and in which the registered voters
917 of the county in which the port is located have not voted to
918 prohibit such betting, gaming or wagering on cruise vessels as
919 provided in Section 19-3-79;

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

925 (i) The structure is owned, leased or controlled
926 by a person possessing a gaming license, as defined in Section
927 75-76-5, to conduct legal gaming on a cruise vessel under
928 paragraph (a) of this section;

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

939 (iii) In the case of a structure that is located
940 in whole or part on shore, the part of the structure in which
941 licensed gaming activities are conducted shall lie adjacent to
942 state waters south of the three (3) most southern counties in the
943 State of Mississippi, including the Mississippi Sound, St. Louis
944 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
945 structure is located consists of a parcel of real property,

946 easements and rights-of-way for public streets and highways shall
947 not be construed to interrupt the contiguous nature of the parcel,
948 nor shall the footage contained within the easements and
949 rights-of-way be counted in the calculation of the distances
950 specified in subparagraph (ii) * * *;

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

957 (d) That is legal under the laws of the State of
958 Mississippi.

959 **SECTION 18.** Section 97-33-1, Mississippi Code of 1972, is
960 brought forward as follows:

961 97-33-1. Except as otherwise provided in Section 97-33-8, if
962 any person shall encourage, promote or play at any game, play or
963 amusement, other than a fight or fighting match between dogs, for
964 money or other valuable thing, or shall wager or bet, promote or
965 encourage the wagering or betting of any money or other valuable
966 things, upon any game, play, amusement, cockfight, Indian ball
967 play or duel, other than a fight or fighting match between dogs,
968 or upon the result of any election, event or contingency whatever,
969 upon conviction thereof, he shall be fined in a sum not more than
970 Five Hundred Dollars (\$500.00); and, unless such fine and costs be
971 immediately paid, shall be imprisoned for any period not more than

972 ninety (90) days. However, this section shall not apply to
973 betting, gaming or wagering:

974 (a) On a cruise vessel as defined in Section 27-109-1
975 whenever such vessel is in the waters within the State of
976 Mississippi, which lie adjacent to the State of Mississippi south
977 of the three (3) most southern counties in the State of
978 Mississippi, including the Mississippi Sound, St. Louis Bay,
979 Biloxi Bay and Pascagoula Bay, and in which the registered voters
980 of the county in which the port is located have not voted to
981 prohibit such betting, gaming or wagering on cruise vessels as
982 provided in Section 19-3-79;

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

988 (i) The structure is owned, leased or controlled
989 by a person possessing a gaming license, as defined in Section
990 75-76-5, to conduct legal gaming on a cruise vessel under
991 paragraph (a) of this section;

992 (ii) The part of the structure in which licensed
993 gaming activities are conducted is located entirely in an area
994 which is located no more than eight hundred (800) feet from the
995 mean high-water line (as defined in Section 29-15-1) of the waters
996 within the State of Mississippi, which lie adjacent to the State
997 of Mississippi south of the three (3) most southern counties in

998 the State of Mississippi, including the Mississippi Sound, St.
999 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1000 Harrison County only, no farther north than the southern boundary
1001 of the right-of-way for U.S. Highway 90, whichever is greater; and

1002 (iii) In the case of a structure that is located
1003 in whole or part on shore, the part of the structure in which
1004 licensed gaming activities are conducted shall lie adjacent to
1005 state waters south of the three (3) most southern counties in the
1006 State of Mississippi, including the Mississippi Sound, St. Louis
1007 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1008 structure is located consists of a parcel of real property,
1009 easements and rights-of-way for public streets and highways shall
1010 not be construed to interrupt the contiguous nature of the parcel,
1011 nor shall the footage contained within the easements and
1012 rights-of-way be counted in the calculation of the distances
1013 specified in subparagraph (ii);

1014 (c) On a vessel as defined in Section 27-109-1 whenever
1015 such vessel is on the Mississippi River or navigable waters within
1016 any county bordering on the Mississippi River, and in which the
1017 registered voters of the county in which the port is located have
1018 not voted to prohibit such betting, gaming or wagering on vessels
1019 as provided in Section 19-3-79; or

1020 (d) That is legal under the laws of the State of
1021 Mississippi.

1022 **SECTION 19.** Section 97-33-7, Mississippi Code of 1972, is
1023 brought forward as follows:

1024 97-33-7. (1) Except as otherwise provided in Section
1025 97-33-8, it shall be unlawful for any person or persons, firm,
1026 copartnership or corporation to have in possession, own, control,
1027 display, or operate any cane rack, knife rack, artful dodger,
1028 punch board, roll down, merchandise wheel, slot machine, pinball
1029 machine, or similar device or devices. Provided, however, that
1030 this section shall not be so construed as to make unlawful the
1031 ownership, possession, control, display or operation of any
1032 antique coin machine as defined in Section 27-27-12, or any music
1033 machine or bona fide automatic vending machine where the purchaser
1034 receives exactly the same quantity of merchandise on each
1035 operation of said machine. Any slot machine other than an antique
1036 coin machine as defined in Section 27-27-12 which delivers, or is
1037 so constructed as that by operation thereof it will deliver to the
1038 operator thereof anything of value in varying quantities, in
1039 addition to the merchandise received, and any slot machine other
1040 than an antique coin machine as defined in Section 27-27-12 that
1041 is constructed in such manner as that slugs, tokens, coins or
1042 similar devices are, or may be, used and delivered to the operator
1043 thereof in addition to merchandise of any sort contained in such
1044 machine, is hereby declared to be a gambling device, and shall be
1045 deemed unlawful under the provisions of this section. Provided,
1046 however, that pinball machines which do not return to the operator
1047 or player thereof anything but free additional games or plays
1048 shall not be deemed to be gambling devices, and neither this
1049 section nor any other law shall be construed to prohibit same.

1050 (2) No property right shall exist in any person, natural or
1051 artificial, or be vested in such person, in any or all of the
1052 devices described herein that are not exempted from the provisions
1053 of this section; and all such devices are hereby declared to be at
1054 all times subject to confiscation and destruction, and their
1055 possession shall be unlawful, except when in the possession of
1056 officers carrying out the provisions of this section. It shall be
1057 the duty of all law enforcing officers to seize and immediately
1058 destroy all such machines and devices.

1059 (3) A first violation of the provisions of this section
1060 shall be deemed a misdemeanor, and the party offending shall, upon
1061 conviction, be fined in any sum not exceeding Five Hundred Dollars
1062 (\$500.00), or imprisoned not exceeding three (3) months, or both,
1063 in the discretion of the court. In the event of a second
1064 conviction for a violation of any of the provisions of this
1065 section, the party offending shall be subject to a sentence of not
1066 less than six (6) months in the county jail, nor more than two (2)
1067 years in the State Penitentiary, in the discretion of the trial
1068 court.

1069 (4) Notwithstanding any provision of this section to the
1070 contrary, it shall not be unlawful to operate any equipment or
1071 device described in subsection (1) of this section or any gaming,
1072 gambling or similar device or devices by whatever name called
1073 while:

1074 (a) On a cruise vessel as defined in Section 27-109-1
1075 whenever such vessel is in the waters within the State of

1076 Mississippi, which lie adjacent to the State of Mississippi south
1077 of the three (3) most southern counties in the State of
1078 Mississippi, including the Mississippi Sound, St. Louis Bay,
1079 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1080 of the county in which the port is located have not voted to
1081 prohibit such betting, gaming or wagering on cruise vessels as
1082 provided in Section 19-3-79;

1083 (b) In a structure located, in whole or in part, on
1084 shore in any of the three (3) most southern counties in the State
1085 of Mississippi in which the registered voters of the county have
1086 voted to allow such betting, gaming or wagering on cruise vessels
1087 as provided in Section 19-3-79, if:

1088 (i) The structure is owned, leased or controlled
1089 by a person possessing a gaming license, as defined in Section
1090 75-76-5, to conduct legal gaming on a cruise vessel under
1091 paragraph (a) of this subsection;

1092 (ii) The part of the structure in which licensed
1093 gaming activities are conducted is located entirely in an area
1094 which is located no more than eight hundred (800) feet from the
1095 mean high-water line (as defined in Section 29-15-1) of the waters
1096 within the State of Mississippi, which lie adjacent to the State
1097 of Mississippi south of the three (3) most southern counties in
1098 the State of Mississippi, including the Mississippi Sound, St.
1099 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1100 Harrison County only, no farther north than the southern boundary
1101 of the right-of-way for U.S. Highway 90, whichever is greater; and

1102 (iii) In the case of a structure that is located
1103 in whole or part on shore, the part of the structure in which
1104 licensed gaming activities are conducted shall lie adjacent to
1105 state waters south of the three (3) most southern counties in the
1106 State of Mississippi, including the Mississippi Sound, St. Louis
1107 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1108 structure is located consists of a parcel of real property,
1109 easements and rights-of-way for public streets and highways shall
1110 not be construed to interrupt the contiguous nature of the parcel,
1111 nor shall the footage contained within the easements and
1112 rights-of-way be counted in the calculation of the distances
1113 specified in subparagraph (ii);

1114 (c) On a vessel as defined in Section 27-109-1 whenever
1115 such vessel is on the Mississippi River or navigable waters within
1116 any county bordering on the Mississippi River, and in which the
1117 registered voters of the county in which the port is located have
1118 not voted to prohibit such betting, gaming or wagering on vessels
1119 as provided in Section 19-3-79; or

1120 (d) That is legal under the laws of the State of
1121 Mississippi.

1122 (5) Notwithstanding any provision of this section to the
1123 contrary, it shall not be unlawful (a) to own, possess, repair or
1124 control any gambling device, machine or equipment in a licensed
1125 gaming establishment or on the business premises appurtenant to
1126 any such licensed gaming establishment during any period of time
1127 in which such licensed gaming establishment is being constructed,

1128 repaired, maintained or operated in this state; (b) to install any
1129 gambling device, machine or equipment in any licensed gaming
1130 establishment; (c) to possess or control any gambling device,
1131 machine or equipment during the process of procuring or
1132 transporting such device, machine or equipment for installation on
1133 any such licensed gaming establishment; or (d) to store in a
1134 warehouse or other storage facility any gambling device, machine,
1135 equipment, or part thereof, regardless of whether the county or
1136 municipality in which the warehouse or storage facility is located
1137 has approved gaming aboard cruise vessels or vessels, provided
1138 that such device, machine or equipment is operated only in a
1139 county or municipality that has approved gaming aboard cruise
1140 vessels or vessels. Any gambling device, machine or equipment
1141 that is owned, possessed, controlled, installed, procured,
1142 repaired, transported or stored in accordance with this subsection
1143 shall not be subject to confiscation, seizure or destruction, and
1144 any person, firm, partnership or corporation which owns,
1145 possesses, controls, installs, procures, repairs, transports or
1146 stores any gambling device, machine or equipment in accordance
1147 with this subsection shall not be subject to any prosecution or
1148 penalty under this section. Any person constructing or repairing
1149 such cruise vessels or vessels within a municipality shall comply
1150 with all municipal ordinances protecting the general health or
1151 safety of the residents of the municipality.

1152 **SECTION 20.** This act shall take effect and be in force from
1153 and after July 1, 2024.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO BRING FORWARD SECTIONS 97-33-17, 75-76-5, 75-76-33,
2 75-76-89, 75-76-91, 75-76-203, 75-76-211, 75-76-55, 75-76-205,
3 75-76-175, 75-76-177, 75-76-101, 97-33-27, 97-33-305, 97-33-8,
4 97-33-25, 75-76-79, 97-33-1 AND 97-33-7, RELATING TO GAMING
5 ESTABLISHMENTS; AND FOR RELATED PURPOSES.

SS26\HB774A.J

Amanda White
Secretary of the Senate