

By: Representative Moak

To: Gaming

HOUSE BILL NO. 1449

1 AN ACT TO AUTHORIZE THE MISSISSIPPI GAMING COMMISSION TO
2 PURCHASE INSURANCE TO COVER LOST GAMING TAX REVENUE AS THE RESULT
3 OF NATURAL DISASTERS; TO AMEND SECTIONS 75-76-21 AND 75-76-33,
4 MISSISSIPPI CODE OF 1972, IN CONFORMITY; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** The Mississippi Gaming Commission and the
7 executive director of the commission are authorized to purchase
8 insurance to cover gaming tax revenue losses caused as the result
9 of any natural disaster. The coverage shall be in an amount
10 determined by the commission to be adequate. The cost of such
11 insurance shall be paid by the commission from funds appropriated
12 by the Legislature for that purpose.

13 **SECTION 2.** Section 75-76-21, Mississippi Code of 1972, is
14 amended as follows:

15 75-76-21. (1) The executive director in pursuit of the
16 attainment of the objectives and the purposes of this chapter may:

17 (a) Sue and be sued on behalf of the commission;

18 (b) Acquire real property in accordance with statutory
19 procedure and make improvements thereon on behalf of the
20 commission;

21 (c) Make, execute and effectuate any and all agreements
22 or contracts, including contracts for the purchase of goods and
23 services as are necessary;

24 (d) Employ the services of such persons as he considers
25 necessary for the purposes of consultation or investigation and
26 fix the salaries of or contract for the services of such legal,
27 professional, technical and operational personnel and consultants,
28 subject to applicable provisions of the State Personnel Board. For

29 the purpose of implementing the provisions of this chapter,
30 additional legal assistance may be retained only with the approval
31 of the Attorney General;

32 (e) Acquire such furnishings, equipment, supplies,
33 stationery, books, and all other things as he may deem necessary
34 or desirable in carrying out his functions; and

35 (f) Perform such other duties which he may deem
36 necessary to effectuate the purposes of this chapter.

37 (2) Except as otherwise provided in this chapter, all costs
38 of administration incurred by the executive director and his
39 employees shall be paid out on claims from the State Treasury in
40 the same manner as other claims against the state are paid.

41 (3) The executive director is authorized to employ up to
42 twenty-five (25) time-limited employees. Such employees shall be
43 employed under authority and with approval of the State Tax
44 Commission. This subsection shall stand repealed on October 1,
45 1993.

46 (4) The executive director, with the approval of the
47 Mississippi Gaming Commission, is authorized to purchase insurance
48 to cover gaming tax revenue losses which are the result of
49 natural disasters as provided in Section 1 of House Bill No. 1449,
50 2005 Regular Session.

51 **SECTION 3.** Section 75-76-33, Mississippi Code of 1972, is
52 amended as follows:

53 75-76-33. (1) The commission shall, from time to time,
54 adopt, amend or repeal such regulations, consistent with the
55 policy, objects and purposes of this chapter, as it may deem
56 necessary or desirable in the public interest in carrying out the
57 policy and provisions of this chapter.

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

60 (a) Prescribing the method and form of application
61 which any applicant for a license or for a manufacturer's,

62 seller's or distributor's license must follow and complete before
63 consideration of his application by the executive director or the
64 commission.

65 (b) Prescribing the information to be furnished by any
66 applicant or licensee concerning his antecedents, habits,
67 character, associates, criminal record, business activities and
68 financial affairs, past or present.

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

71 (d) Requiring fingerprinting of an applicant or
72 licensee, and gaming employees of a licensee, or other methods of
73 identification and the forwarding of all fingerprints taken
74 pursuant to regulation of the Federal Bureau of Investigation.

75 (e) Prescribing the manner and procedure of all
76 hearings conducted by the commission or any hearing examiner of
77 the commission, including special rules of evidence applicable
78 thereto and notices thereof.

79 (f) Requiring any applicant to pay all or any part of
80 the fees and costs of investigation of such applicant as may be
81 determined by the commission, except that no applicant for an
82 initial license shall be required to pay any part of the fees or
83 costs of the investigation of the applicant with regard to the
84 initial license.

85 (g) Prescribing the manner and method of collection and
86 payment of fees and issuance of licenses.

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

89 (i) Requiring any applicant or licensee to waive any
90 privilege with respect to any testimony at any hearing or meeting
91 of the commission, except any privilege afforded by the
92 Constitution of the United States or this state.

93 (j) Defining and limiting the area, games and devices
94 permitted, and the method of operation of such games and devices,
95 for the purposes of this chapter.

96 (k) Prescribing under what conditions the nonpayment of
97 a gambling debt by a licensee shall be deemed grounds for
98 revocation or suspension of his license.

99 (l) Governing the use and approval of gambling devices
100 and equipment.

101 (m) Prescribing the qualifications of, and the
102 conditions under which, attorneys, accountants and others are
103 permitted to practice before the commission.

104 (n) Restricting access to confidential information
105 obtained under this chapter and ensuring that the confidentiality
106 of such information is maintained and protected.

107 (o) Prescribing the manner and procedure by which the
108 executive director on behalf of the commission shall notify a
109 county or a municipality wherein an applicant for a license
110 desires to locate.

111 (p) Prescribing the manner and procedure for an
112 objection to be filed with the commission and the executive
113 director by a county or municipality wherein an applicant for a
114 license desires to locate.

115 (q) Purchasing insurance to cover gaming tax revenue
116 losses as provided in Section 1 of House Bill No. 1449, 2005
117 Regular Session.

118 (3) Notwithstanding any other provision of law, each
119 licensee shall be required to comply with the following
120 regulations:

121 (a) No wagering shall be allowed on the outcome of any
122 athletic event, nor on any matter to be determined during an
123 athletic event, nor on the outcome of any event which does not
124 take place on the premises.

125 (b) No wager may be placed by, or on behalf of, any
126 individual or entity or group, not present on a licensed vessel or
127 cruise vessel.

128 **SECTION 4.** This act shall take effect and be in force from
129 and after July 1, 2005.