

By: Senator(s) Brown

To: Finance

SENATE BILL NO. 2673

1 AN ACT TO AMEND SECTION 75-76-5, MISSISSIPPI CODE OF 1972, TO
2 EXCLUDE CRANE GAMES OR DEVICES FROM THE TERMS "GAME" AND "GAMING
3 DEVICE" UNDER THE GAMING CONTROL ACT; TO DEFINE THE TERM CRANE
4 GAME OR DEVICE; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 75-76-5, Mississippi Code of 1972, is
7 amended as follows:

8 75-76-5. As used in this chapter, unless the context
9 requires otherwise:

10 (a) "Applicant" means any person who has applied for or
11 is about to apply for a state gaming license, registration or
12 finding of suitability under the provisions of this chapter or
13 approval of any act or transaction for which approval is required
14 or permitted under the provisions of this chapter.

15 (b) "Application" means a request for the issuance of a
16 state gaming license, registration or finding of suitability under
17 the provisions of this chapter or for approval of any act or
18 transaction for which approval is required or permitted under the
19 provisions of this chapter but does not include any supplemental
20 forms or information that may be required with the application.

21 (c) "Associated equipment" means any equipment or
22 mechanical, electromechanical or electronic contrivance, component
23 or machine used remotely or directly in connection with gaming or
24 with any game, race book or sports pool that would not otherwise
25 be classified as a gaming device, including dice, playing cards,
26 links which connect to progressive slot machines, equipment which
27 affects the proper reporting of gross revenue, computerized
28 systems of betting at a race book or sports pool, computerized

29 systems for monitoring slot machines, and devices for weighing or
30 counting money.

31 (d) "Chairman," through September 30, 1993, means the
32 Chairman of the State Tax Commission, and thereafter means the
33 Chairman of the Mississippi Gaming Commission.

34 (e) "Commission" or "Mississippi Gaming Commission,"
35 through September 30, 1993, means the State Tax Commission, and
36 thereafter means the Mississippi Gaming Commission.

37 (f) "Commission member," through September 30, 1993,
38 means a member of the State Tax Commission, and thereafter means a
39 member of the Mississippi Gaming Commission.

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

44 (h) "Enforcement division" means a particular division
45 supervised by the executive director that provides enforcement
46 functions.

47 (i) "Establishment" means any premises wherein or
48 whereon any gaming is done.

49 (j) "Executive director," through September 30, 1993,
50 means the director appointed by the State Tax Commission pursuant
51 to Section 75-76-15(1), and thereafter means the Executive
52 Director of the Mississippi Gaming Commission.

53 (k) Except as otherwise provided by law, "game," or
54 "gambling game" means any banking or percentage game played with
55 cards, with dice or with any mechanical, electromechanical or
56 electronic device or machine for money, property, checks, credit
57 or any representative of value, including, without limiting the
58 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
59 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
60 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
61 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,

62 or any other game or device approved by the commission. However,
63 "game" or "gambling game" shall not include bingo games or raffles
64 which are held pursuant to the provisions of Section 97-33-51, or
65 crane games.

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

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

72 (m) "Gaming device" means any mechanical,
73 electromechanical or electronic contrivance, component or machine
74 used in connection with gaming or any game which affects the
75 result of a wager by determining win or loss. The term includes a
76 system for processing information which can alter the normal
77 criteria of random selection, which affects the operation of any
78 game, or which determines the outcome of a game. The term does
79 not include:

80 (i) A system or device which affects a game solely
81 by stopping its operation so that the outcome remains
82 undetermined * * *;

83 (ii) Any antique coin machine as defined in
84 Section 27-27-12; or

85 (iii) Any crane game machine or device.

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

89 (i) Boxmen;

90 (ii) Cashiers;

91 (iii) Change personnel;

92 (iv) Counting room personnel;

93 (v) Dealers;

94 (vi) Floormen;

- 95 (vii) Hosts or other persons empowered to extend
96 credit or complimentary services;
- 97 (viii) Keno runners;
- 98 (ix) Keno writers;
- 99 (x) Machine mechanics;
- 100 (xi) Security personnel;
- 101 (xii) Shift or pit bosses;
- 102 (xiii) Shills;
- 103 (xiv) Supervisors or managers; and
- 104 (xv) Ticket writers.

105 The term "gaming employee" also includes employees of
106 manufacturers or distributors of gaming equipment within this
107 state whose duties are directly involved with the manufacture,
108 repair or distribution of gaming equipment.

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

112 (o) "Gaming license" means any license issued by the
113 state which authorizes the person named therein to engage in
114 gaming.

115 (p) "Gross revenue" means the total of all of the
116 following, less the total of all cash paid out as losses to
117 patrons and those amounts paid to purchase annuities to fund
118 losses paid to patrons over several years by independent financial
119 institutions:

- 120 (i) Cash received as winnings;
- 121 (ii) Cash received in payment for credit extended
122 by a licensee to a patron for purposes of gaming; and
- 123 (iii) Compensation received for conducting any
124 game in which the licensee is not party to a wager.

125 For the purposes of this definition, cash or the value of
126 noncash prizes awarded to patrons in a contest or tournament are
127 not losses.

128 The term does not include:

129 (i) Counterfeit money or tokens;

130 (ii) Coins of other countries which are received
131 in gaming devices;

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

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

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

139 (r) "Investigation division" means a particular
140 division supervised by the executive director that provides
141 investigative functions.

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

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

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

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

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

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

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

157 (z) "Party" means the Mississippi Gaming Commission and
158 any licensee or other person appearing of record in any proceeding
159 before the commission; or the Mississippi Gaming Commission and
160 any licensee or other person appearing of record in any proceeding

161 for judicial review of any action, decision or order of the
162 commission.

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

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

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

172 (dd) "Regulation" means a rule, standard, directive or
173 statement of general applicability which effectuates law or policy
174 or which describes the procedure or requirements for practicing
175 before the commission. The term includes a proposed regulation
176 and the amendment or repeal of a prior regulation but does not
177 include:

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

181 (ii) A declaratory ruling;

182 (iii) An interagency memorandum;

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

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

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

189 (ff) "Slot machine" means any mechanical, electrical or
190 other device, contrivance or machine which, upon insertion of a
191 coin, token or similar object, or upon payment of any
192 consideration, is available to play or operate, the play or
193 operation of which, whether by reason of the skill of the operator

194 or application of the element of chance, or both, may deliver or
195 entitle the person playing or operating the machine to receive
196 cash, premiums, merchandise, tokens or anything of value, whether
197 the payoff is made automatically from the machine or in any other
198 manner. The term does not include any antique coin machine as
199 defined in Section 27-27-12.

200 (gg) "Sports pool" means the business of accepting
201 wagers on sporting events, except for athletic events, by any
202 system or method of wagering other than the system known as the
203 "pari-mutuel method of wagering."

204 (hh) "Temporary work permit" means a work permit which
205 is valid only for a period not to exceed ninety (90) days from its
206 date of issue and which is not renewable.

207 (ii) "Vessel" or "cruise vessel" shall have the
208 meanings ascribed to such terms under Section 27-109-1.

209 (jj) "Work permit" means any card, certificate or
210 permit issued by the commission, whether denominated as a work
211 permit, registration card or otherwise, authorizing the employment
212 of the holder as a gaming employee. A document issued by any
213 governmental authority for any employment other than gaming is not
214 a valid work permit for the purposes of this chapter.

215 (kk) "School or training institution" means any school
216 or training institution which is licensed by the commission to
217 teach or train gaming employees pursuant to Section 75-76-34.

218 (ll) "Cheat" means to alter the selection of criteria
219 that determine:

220 (i) The rules of a game; or

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

222 (mm) "Crane game or device" means an amusement device
223 involving skill, if it rewards the player exclusively with
224 merchandise contained within the amusement device and limited to
225 noncash toys, novelties and prizes, each having a wholesale value

226 of not more than ten (10) times the cost of playing the amusement
227 device once or Ten Dollars (\$10.00), whichever is less.

228 **SECTION 2.** This act shall take effect and be in force from
229 and after July 1, 2005.