

**Adopted
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 215

BY: Representative Moak

1 **AMEND** by inserting the following language after line 778 and
2 renumbering the succeeding section:

3 "**SECTION 6.** Section 75-76-5, Mississippi Code of 1972, is
4 amended as follows:

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

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

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

18 (c) "Associated equipment" means any equipment or
19 mechanical, electromechanical or electronic contrivance, component
20 or machine used remotely or directly in connection with gaming or
21 with any game, race book or sports pool that would not otherwise
22 be classified as a gaming device, including dice, playing cards,

23 links which connect to progressive slot machines, equipment which
24 affects the proper reporting of gross revenue, computerized
25 systems of betting at a race book or sports pool, computerized
26 systems for monitoring slot machines, and devices for weighing or
27 counting money.

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

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

34 (f) "Commission member," through September 30, 1993,
35 means a member of the State Tax Commission, and thereafter means a
36 member of the Mississippi Gaming Commission.

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

41 (h) "Enforcement division" means a particular division
42 supervised by the executive director that provides enforcement
43 functions.

44 (i) "Establishment" means any premises wherein or
45 whereon any gaming is done.

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

50 (k) Except as otherwise provided by law, "game," or
51 "gambling game" means any banking or percentage game played with
52 cards, with dice or with any mechanical, electromechanical or
53 electronic device or machine for money, property, checks, credit
54 or any representative of value, including, without limiting the

55 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
56 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
57 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
58 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
59 or any other game or device approved by the commission. However,
60 "game" or "gambling game" shall not include bingo games or raffles
61 which are held pursuant to the provisions of Section 97-33-51.

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

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

68 (m) "Gaming device" means any mechanical,
69 electromechanical or electronic contrivance, component or machine
70 used in connection with gaming or any game which affects the
71 result of a wager by determining win or loss. The term includes a
72 system for processing information which can alter the normal
73 criteria of random selection, which affects the operation of any
74 game, or which determines the outcome of a game. The term does
75 not include a system or device which affects a game solely by
76 stopping its operation so that the outcome remains undetermined,
77 and does not include any antique coin machine as defined in
78 Section 27-27-12.

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

- 82 (i) Boxmen;
- 83 (ii) Cashiers;
- 84 (iii) Change personnel;
- 85 (iv) Counting room personnel;
- 86 (v) Dealers;

- 87 (vi) Floormen;
- 88 (vii) Hosts or other persons empowered to extend
- 89 credit or complimentary services;
- 90 (viii) Keno runners;
- 91 (ix) Keno writers;
- 92 (x) Machine mechanics;
- 93 (xi) Security personnel;
- 94 (xii) Shift or pit bosses;
- 95 (xiii) Shills;
- 96 (xiv) Supervisors or managers; and
- 97 (xv) Ticket writers.

98 The term "gaming employee" also includes employees of
99 manufacturers or distributors of gaming equipment within this
100 state whose duties are directly involved with the manufacture,
101 repair or distribution of gaming equipment.

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

105 (o) "Gaming license" means any license issued by the
106 state which authorizes the person named therein to engage in
107 gaming.

108 (p) "Gross revenue" means the total of all of the
109 following, less the total of all cash paid out as losses to
110 patrons and those amounts paid to purchase annuities to fund
111 losses paid to patrons over several years by independent financial
112 institutions:

- 113 (i) Cash received as winnings;
- 114 (ii) Cash received in payment for credit extended
- 115 by a licensee to a patron for purposes of gaming; and
- 116 (iii) Compensation received for conducting any
- 117 game in which the licensee is not party to a wager.

118 For the purposes of this definition, cash or the value of
119 noncash prizes awarded to patrons in a contest or tournament are
120 not losses.

121 The term does not include:

122 (i) Counterfeit money or tokens;

123 (ii) Coins of other countries which are received
124 in gaming devices;

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

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

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

132 (r) "Investigation division" means a particular
133 division supervised by the executive director that provides
134 investigative functions.

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

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

139 (u) "License fees" means monies required by law to be
140 paid to obtain or continue a gaming license or a manufacturer's,
141 seller's or distributor's license including, but not limited to,
142 any fees required under Section 75-76-33.

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

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

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

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

151 (z) "Party" means the Mississippi Gaming Commission and
152 any licensee or other person appearing of record in any proceeding
153 before the commission; or the Mississippi Gaming Commission and
154 any licensee or other person appearing of record in any proceeding
155 for judicial review of any action, decision or order of the
156 commission.

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

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

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

166 (dd) "Regulation" means a rule, standard, directive or
167 statement of general applicability which effectuates law or policy
168 or which describes the procedure or requirements for practicing
169 before the commission. The term includes a proposed regulation
170 and the amendment or repeal of a prior regulation but does not
171 include:

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

175 (ii) A declaratory ruling;

176 (iii) An interagency memorandum;

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

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

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

183 (ff) "Slot machine" means any mechanical, electrical or
184 other device, contrivance or machine which, upon insertion of a
185 coin, token or similar object, or upon payment of any
186 consideration, is available to play or operate, the play or
187 operation of which, whether by reason of the skill of the operator
188 or application of the element of chance, or both, may deliver or
189 entitle the person playing or operating the machine to receive
190 cash, premiums, merchandise, tokens or anything of value, whether
191 the payoff is made automatically from the machine or in any other
192 manner. The term does not include any antique coin machine as
193 defined in Section 27-27-12.

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

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

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

203 (jj) "Work permit" means any card, certificate or
204 permit issued by the commission, whether denominated as a work
205 permit, registration card or otherwise, authorizing the employment
206 of the holder as a gaming employee. A document issued by any
207 governmental authority for any employment other than gaming is not
208 a valid work permit for the purposes of this chapter.

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

212 (11) "Cheat" means to alter the selection of criteria
213 that determine:

214 (i) The rules of a game; or

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

216 **SECTION 7.** Section 75-76-33, Mississippi Code of 1972, is
217 amended as follows:

218 75-76-33. (1) The commission shall, from time to time,
219 adopt, amend or repeal such regulations, consistent with the
220 policy, objects and purposes of this chapter, as it may deem
221 necessary or desirable in the public interest in carrying out the
222 policy and provisions of this chapter.

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

225 (a) Prescribing the method and form of application
226 which any applicant for a license or for a manufacturer's,
227 seller's or distributor's license must follow and complete before
228 consideration of his application by the executive director or the
229 commission.

230 (b) Prescribing the information to be furnished by any
231 applicant or licensee concerning his antecedents, habits,
232 character, associates, criminal record, business activities and
233 financial affairs, past or present.

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

236 (d) Requiring fingerprinting of an applicant or
237 licensee, and gaming employees of a licensee, or other methods of
238 identification and the forwarding of all fingerprints taken
239 pursuant to regulation of the Federal Bureau of Investigation.

240 (e) Prescribing the manner and procedure of all
241 hearings conducted by the commission or any hearing examiner of
242 the commission, including special rules of evidence applicable
243 thereto and notices thereof.

244 (f) Requiring any applicant to pay all or any part of
245 the fees and costs of investigation of such applicant as may be
246 determined by the commission, except that no applicant for an
247 initial license shall be required to pay any part of the fees or
248 costs of the investigation of the applicant with regard to the
249 initial license. The proceeds derived from such fees shall be
250 distributed pursuant to Section 75-76-129.

251 (g) Prescribing the manner and method of collection and
252 payment of fees and issuance of licenses.

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

255 (i) Requiring any applicant or licensee to waive any
256 privilege with respect to any testimony at any hearing or meeting
257 of the commission, except any privilege afforded by the
258 Constitution of the United States or this state.

259 (j) Defining and limiting the area, games and devices
260 permitted, and the method of operation of such games and devices,
261 for the purposes of this chapter.

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

265 (l) Governing the use and approval of gambling devices
266 and equipment.

267 (m) Prescribing the qualifications of, and the
268 conditions under which, attorneys, accountants and others are
269 permitted to practice before the commission.

270 (n) Restricting access to confidential information
271 obtained under this chapter and ensuring that the confidentiality
272 of such information is maintained and protected.

273 (o) Prescribing the manner and procedure by which the
274 executive director on behalf of the commission shall notify a

275 county or a municipality wherein an applicant for a license
276 desires to locate.

277 (p) Prescribing the manner and procedure for an
278 objection to be filed with the commission and the executive
279 director by a county or municipality wherein an applicant for a
280 license desires to locate.

281 (3) Notwithstanding any other provision of law, each
282 licensee shall be required to comply with the following
283 regulations:

284 (a) No wagering shall be allowed on the outcome of any
285 athletic event, nor on any matter to be determined during an
286 athletic event, nor on the outcome of any event which does not
287 take place on the premises.

288 (b) No wager may be placed by, or on behalf of, any
289 individual or entity or group, not present on a licensed vessel or
290 cruise vessel."

291 **AMEND FURTHER** the title to conform.