

By: Representatives Clarke,
Calhoun

To: Gaming

HOUSE BILL NO. 40

1 AN ACT TO AMEND SECTIONS 67-1-71, 75-76-5, 75-76-29,
2 75-76-33, 75-76-34, 75-76-67, 75-76-73, 75-76-129, 75-76-183,
3 87-1-5, 95-3-25, 97-33-1, 97-33-7, 97-33-17, 97-33-25 AND
4 97-33-27, MISSISSIPPI CODE OF 1972, TO AUTHORIZE LEGAL GAMING IN
5 THE CITY OF JACKSON, MISSISSIPPI; TO IMPOSE CERTAIN CONDITIONS
6 UPON THE ISSUING OF LICENSES OR FINDINGS OF SUITABILITY FOR GAMING
7 LICENSEES OR GAMING ESTABLISHMENTS LOCATED IN THE CITY OF JACKSON;
8 TO PROVIDE THAT ONE-HALF OF THE REVENUE DERIVED FROM GAMING BY THE
9 STATE SHALL BE PAID TO COUNTIES, MUNICIPALITIES AND SCHOOL
10 DISTRICTS; TO REPEAL SECTIONS 75-76-195 AND 75-76-197, MISSISSIPPI
11 CODE OF 1972, WHICH AUTHORIZE COUNTIES AND MUNICIPALITIES TO
12 IMPOSE LOCAL GAMING LICENSE FEES AND WHICH PROVIDE FOR THE
13 DISTRIBUTION OF SUCH FEES; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** Section 67-1-71, Mississippi Code of 1972, is
16 amended as follows:

17 67-1-71. The commission may revoke or suspend any permit
18 issued by it for a violation by the permittee of any of the
19 provisions of this chapter or of the regulations promulgated under
20 it by the commission.

21 Permits must be revoked or suspended for the following
22 causes:

23 (a) Conviction of the permittee for the violation of
24 any of the provisions of this chapter;

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

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

30 (d) Conviction of one or more of the clerks, agents or
31 employees of the permittee, of any violation of this chapter upon

32 the premises covered by such permit within a period of time as
33 designated by the rules or regulations of the commission;

34 (e) The possession on the premises of any retail
35 permittee of any alcoholic beverages upon which the tax has not
36 been paid;

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

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

43 (h) The failure to furnish any bond required by this
44 chapter within fifteen (15) days after notice from the commission;
45 and

46 (i) The conducting of any form of illegal gambling on
47 the premises of any permittee or on any premises connected
48 therewith or the presence on any such premises of any gambling
49 device with the knowledge of the permittee.

50 The provisions of paragraph (i) of this section shall not
51 apply to gambling or the presence of any gambling devices, with
52 knowledge of the permittee, on any premises of a licensed gaming
53 establishment where legal gaming is conducted. The commission
54 may, in its discretion, issue on-premises retailer's permits to a
55 gaming licensee of the nature described in this paragraph.

56 No permit shall be revoked except after a hearing by the
57 commission with reasonable notice to the permittee and an
58 opportunity for him to appear and defend.

59 In addition to the causes specified in this section and other
60 provisions of this chapter, the commission shall be authorized to
61 suspend the permit of any permit holder for being out of
62 compliance with an order for support, as defined in Section
63 93-11-153. The procedure for suspension of a permit for being out
64 of compliance with an order for support, and the procedure for the

65 reissuance or reinstatement of a permit suspended for that
66 purpose, and the payment of any fees for the reissuance or
67 reinstatement of a permit suspended for that purpose, shall be
68 governed by Section 93-11-157 or 93-11-163, as the case may be.
69 If there is any conflict between any provision of Section
70 93-11-157 or 93-11-163 and any provision of this chapter, the
71 provisions of Section 93-11-157 or 93-11-163, as the case may be,
72 shall control.

73 **SECTION 2.** Section 75-76-5, Mississippi Code of 1972, is
74 amended as follows:

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

77 (a) "Applicant" means any person who has applied for or
78 is about to apply for a state gaming license, registration or
79 finding of suitability under the provisions of this chapter or
80 approval of any act or transaction for which approval is required
81 or permitted under the provisions of this chapter.

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

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

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

101 (e) "Commission" or "Mississippi Gaming Commission,"
102 through September 30, 1993, means the State Tax Commission, and
103 thereafter means the Mississippi Gaming Commission.

104 (f) "Commission member," through September 30, 1993,
105 means a member of the State Tax Commission, and thereafter means a
106 member of the Mississippi Gaming Commission.

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

111 (h) "Enforcement division" means a particular division
112 supervised by the executive director that provides enforcement
113 functions.

114 (i) "Establishment" means any premises wherein or
115 whereon any gaming is done.

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

120 (k) Except as otherwise provided by law, "game," or
121 "gambling game" means any banking or percentage game played with
122 cards, with dice or with any mechanical, electromechanical or
123 electronic device or machine for money, property, checks, credit
124 or any representative of value, including, without limiting the
125 generality of the foregoing, faro, monte, roulette, keno, fan-tan,
126 twenty-one, blackjack, seven-and-a-half, big injun, klondike,
127 craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de
128 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
129 or any other game or device approved by the commission. However,

130 "game" or "gambling game" shall not include bingo games or raffles
131 which are held pursuant to the provisions of Section 97-33-51.

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

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

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

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

- 152 (i) Boxmen;
- 153 (ii) Cashiers;
- 154 (iii) Change personnel;
- 155 (iv) Counting room personnel;
- 156 (v) Dealers;
- 157 (vi) Floormen;
- 158 (vii) Hosts or other persons empowered to extend
159 credit or complimentary services;
- 160 (viii) Keno runners;
- 161 (ix) Keno writers;
- 162 (x) Machine mechanics;

- 163 (xi) Security personnel;
164 (xii) Shift or pit bosses;
165 (xiii) Shills;
166 (xiv) Supervisors or managers; and
167 (xv) Ticket writers.

168 The term "gaming employee" also includes employees of
169 manufacturers or distributors of gaming equipment within this
170 state whose duties are directly involved with the manufacture,
171 repair or distribution of gaming equipment.

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

175 (o) "Gaming license" means any license issued by the
176 state which authorizes the person named therein to engage in
177 gaming.

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

- 183 (i) Cash received as winnings;
184 (ii) Cash received in payment for credit extended
185 by a licensee to a patron for purposes of gaming; and
186 (iii) Compensation received for conducting any
187 game in which the licensee is not party to a wager.

188 For the purposes of this definition, cash or the value of
189 noncash prizes awarded to patrons in a contest or tournament are
190 not losses.

191 The term does not include:

- 192 (i) Counterfeit money or tokens;
193 (ii) Coins of other countries which are received
194 in gaming devices;

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

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

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

202 (r) "Investigation division" means a particular
203 division supervised by the executive director that provides
204 investigative functions.

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

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

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

212 (v) "Licensed gaming establishment" means any premises
213 licensed pursuant to the provisions of this chapter wherein or
214 whereon gaming is done. Premises eligible for licensing pursuant
215 to this chapter are:

216 (i) A cruise vessel as defined in Section 27-109-1
217 whenever such vessel is in the waters within the State of
218 Mississippi, which lie adjacent to the State of Mississippi south
219 of the three (3) most southern counties in the State of
220 Mississippi, and in which the registered voters of the county in
221 which the port is located have not voted to prohibit such betting,
222 gaming or wagering on cruise vessels as provided in Section
223 19-3-79;

224 (ii) A vessel as defined in Section 27-109-1
225 whenever such vessel is on the Mississippi River or navigable
226 waters within any county bordering on the Mississippi River, and
227 in which the registered voters of the county in which the port is

228 located have not voted to prohibit such betting, gaming or
229 wagering on vessels as provided in Section 19-3-79; and
230 (iii) Not to exceed three (3) casinos on or
231 adjacent to the Pearl River in Jackson, Hinds County, Mississippi,
232 within the area bordered and defined by the Pearl River on the
233 east; the intersection of High Street extended and the Pearl River
234 west to Jefferson Street on the north; the intersection of High
235 Street and Jefferson Street south to the intersection of Jefferson
236 Street and the Illinois Central Gulf Railroad track and then south
237 along the Illinois Central Gulf Railroad track east right-of-way
238 line to its intersection with Town Creek on the west; the
239 intersection of the east right-of-way line of the Illinois Central
240 Gulf Railroad track and Town Creek west to the Pearl River on the
241 south.

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

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

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

247 (z) "Party" means the Mississippi Gaming Commission and
248 any licensee or other person appearing of record in any proceeding
249 before the commission; or the Mississippi Gaming Commission and
250 any licensee or other person appearing of record in any proceeding
251 for judicial review of any action, decision or order of the
252 commission.

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

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

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

262 (dd) "Regulation" means a rule, standard, directive or
263 statement of general applicability which effectuates law or policy
264 or which describes the procedure or requirements for practicing
265 before the commission. The term includes a proposed regulation
266 and the amendment or repeal of a prior regulation but does not
267 include:

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

271 (ii) A declaratory ruling;

272 (iii) An interagency memorandum;

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

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

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

279 (ff) "Slot machine" means any mechanical, electrical or
280 other device, contrivance or machine which, upon insertion of a
281 coin, token or similar object, or upon payment of any
282 consideration, is available to play or operate, the play or
283 operation of which, whether by reason of the skill of the operator
284 or application of the element of chance, or both, may deliver or
285 entitle the person playing or operating the machine to receive
286 cash, premiums, merchandise, tokens or anything of value, whether
287 the payoff is made automatically from the machine or in any other
288 manner. The term does not include any antique coin machine as
289 defined in Section 27-27-12.

290 (gg) "Sports pool" means the business of accepting
291 wagers on sporting events, except for athletic events, by any

292 system or method of wagering other than the system known as the
293 "pari-mutuel method of wagering."

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

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

299 (jj) "Work permit" means any card, certificate or
300 permit issued by the commission, whether denominated as a work
301 permit, registration card or otherwise, authorizing the employment
302 of the holder as a gaming employee. A document issued by any
303 governmental authority for any employment other than gaming is not
304 a valid work permit for the purposes of this chapter.

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

308 (ll) "Cheat" means to alter the selection of criteria
309 that determine:

310 (i) The rules of a game; or

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

312 **SECTION 3.** Section 75-76-29, Mississippi Code of 1972, is
313 amended as follows:

314 75-76-29. (1) The executive director and his employees
315 shall investigate the qualifications of each applicant under this
316 chapter before any license is issued or before any registration,
317 finding of suitability or approval of acts or transactions for
318 which commission approval is required is granted, and the
319 executive director shall continue to observe the conduct of all
320 licensees and other persons having a material involvement directly
321 or indirectly with a licensed gaming operation or registered
322 holding company to ensure that licenses are not issued or held by,
323 nor is there any material involvement directly or indirectly with
324 a licensed gaming operation or registered holding company by,

325 unqualified, disqualified or unsuitable persons or persons whose
326 operations are conducted in an unsuitable manner or in unsuitable
327 or prohibited places or locations.

328 (2) The executive director has the authority to recommend to
329 the commission the denial of any application, the limitation,
330 conditioning or restriction of any license, registration, finding
331 of suitability or approval or the imposition of a fine upon any
332 person licensed, registered or found suitable or approved for any
333 cause deemed reasonable by the executive director. No
334 application, license or registration shall be recommended for
335 approval by the executive director or finding of suitability
336 recommendation be made by the executive director for or relating
337 to the operation of any casino located within the City of Jackson,
338 Hinds County, Mississippi, unless there has been executed a
339 properly authorized agreement between the applicant or prospective
340 licensee, registering party or recipient of a suitability finding
341 and the City of Jackson, Mississippi, approving the proposed
342 casino operation, with such operation contingent upon the
343 construction of other facilities, improvements and/or projects
344 acceptable to the City of Jackson, Mississippi.

345 (3) The commission has full and absolute power and authority
346 to deny any application or limit, condition, restrict, revoke or
347 suspend any license, registration, finding of suitability or
348 approval, or fine any person licensed, registered, found suitable
349 or approved, for any cause deemed reasonable by the commission;
350 except that no application, license or regulation shall be
351 approved by the commission or finding of suitability made by the
352 commission for or relating to the operation of any casino located
353 within the City of Jackson, Hinds County, Mississippi, unless
354 there has been executed a properly authorized agreement between
355 the applicant or prospective licensee, registering party or
356 recipient of a suitability finding and the City of Jackson,
357 Mississippi, approving the proposed casino operation, with such

358 operation contingent upon the construction of other facilities,
359 improvements and/or projects acceptable to the City of Jackson,
360 Mississippi.

361 (4) Any license issued or other commission approval granted
362 pursuant to the provisions of this chapter is a revocable
363 privilege, and no holder acquires any vested right therein or
364 thereunder. The initial decision of the commission to deny, limit,
365 condition or restrict a license shall be final.

366 **SECTION 4.** Section 75-76-33, Mississippi Code of 1972, is
367 amended as follows:

368 75-76-33. (1) The commission shall, from time to time,
369 adopt, amend or repeal such regulations, consistent with the
370 policy, objects and purposes of this chapter, as it may deem
371 necessary or desirable in the public interest in carrying out the
372 policy and provisions of this chapter.

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

375 (a) Prescribing the method and form of application
376 which any applicant for a license or for a manufacturer's,
377 seller's or distributor's license must follow and complete before
378 consideration of his application by the executive director or the
379 commission.

380 (b) Prescribing the information to be furnished by any
381 applicant or licensee concerning his antecedents, habits,
382 character, associates, criminal record, business activities and
383 financial affairs, past or present.

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

386 (d) Requiring fingerprinting of an applicant or
387 licensee, and gaming employees of a licensee, or other methods of
388 identification and the forwarding of all fingerprints taken
389 pursuant to regulation of the Federal Bureau of Investigation.

390 (e) Prescribing the manner and procedure of all
391 hearings conducted by the commission or any hearing examiner of
392 the commission, including special rules of evidence applicable
393 thereto and notices thereof.

394 (f) Requiring any applicant to pay all or any part of
395 the fees and costs of investigation of such applicant as may be
396 determined by the commission, except that no applicant for an
397 initial license shall be required to pay any part of the fees or
398 costs of the investigation of the applicant with regard to the
399 initial license.

400 (g) Prescribing the manner and method of collection and
401 payment of fees and issuance of licenses.

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

404 (i) Requiring any applicant or licensee to waive any
405 privilege with respect to any testimony at any hearing or meeting
406 of the commission, except any privilege afforded by the
407 Constitution of the United States or this state.

408 (j) Defining and limiting the area, games and devices
409 permitted, and the method of operation of such games and devices,
410 for the purposes of this chapter.

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

414 (l) Governing the use and approval of gambling devices
415 and equipment.

416 (m) Prescribing the qualifications of, and the
417 conditions under which, attorneys, accountants and others are
418 permitted to practice before the commission.

419 (n) Restricting access to confidential information
420 obtained under this chapter and ensuring that the confidentiality
421 of such information is maintained and protected.

422 (o) Prescribing the manner and procedure by which the
423 executive director on behalf of the commission shall notify a
424 county or a municipality wherein an applicant for a license
425 desires to locate.

426 (p) Prescribing the manner and procedure for an
427 objection to be filed with the commission and the executive
428 director by a county or municipality wherein an applicant for a
429 license desires to locate.

430 (3) Notwithstanding any other provision of law, each
431 licensee shall be required to comply with the following
432 regulations:

433 (a) No wagering shall be allowed on the outcome of any
434 athletic event, nor on any matter to be determined during an
435 athletic event, nor on the outcome of any event which does not
436 take place on the premises.

437 (b) No wager may be placed by, or on behalf of, any
438 individual or entity or group, not present in a licensed gaming
439 establishment.

440 **SECTION 5.** Section 75-76-34, Mississippi Code of 1972, is
441 amended as follows:

442 75-76-34. (1) The Mississippi Gaming Commission is
443 authorized to regulate all schools or training institutions that
444 teach or train gaming employees. Such schools shall only be
445 located in counties or municipalities where gaming is legal aboard
446 a cruise vessel or vessel or in counties where cruise vessels were
447 legally operating out of a port at the time of passage of the
448 Mississippi Gaming Control Act pursuant to Section 19-3-79. No
449 such school shall be located on publicly owned property, and no
450 public school shall teach or train persons to be gaming employees.
451 The gaming activities of schools or training institutions
452 regulated by the commission shall be deemed to be legal under the
453 laws of the State of Mississippi. Any person desiring to operate

454 a school or training institution must file a license application
455 with the executive director to be licensed by the commission.

456 (2) The commission may adopt regulations it deems necessary
457 to regulate schools and training institutions. These regulations
458 shall, without limiting the general powers of the commission,
459 include the following:

460 (a) Prescribing the method and form of application
461 which any applicant for a school or training institution must
462 follow and complete before consideration of his application by the
463 executive director or commission.

464 (b) Prescribing the information to be furnished by the
465 applicant relating to his employees.

466 (c) Requiring fingerprinting of the applicant,
467 employees and students of the school or institution or other
468 methods of identification and the forwarding of all fingerprints
469 taken pursuant to regulation of the Federal Bureau of
470 Investigation.

471 (d) Requiring any applicant to pay all or part of the
472 fees and costs of investigation of the applicant as may be
473 determined by the commission.

474 (e) Prescribing the manner and method of collection and
475 payment of fees and costs and issuance of licenses to schools or
476 training institutions.

477 (f) Prescribing under what conditions a licensee
478 authorized by this section may be deemed subject to revocation or
479 suspension of his license.

480 (g) Defining the curriculum of the school or training
481 institution, the games and devices permitted, the use of tokens
482 only for instruction purposes, and the method of operation of
483 games and devices.

484 (h) Requiring the applicant to submit its location of
485 the school or training institution, which shall be at least four
486 hundred (400) feet from any church, school, kindergarten or

487 funeral home. However, within an area zoned commercial or
488 business, the minimum distance shall not be less than one hundred
489 (100) feet.

490 (i) Requiring that all employees and students of the
491 school or training institution be at least twenty-one (21) years
492 of age and be a resident of the State of Mississippi.

493 (j) Requiring all employees and students of the school
494 or training institution to wear identification cards issued by the
495 commission while on the premises of the school or training
496 institution.

497 (k) Requiring the commission to investigate each
498 applicant, employee and student and determine that the individual
499 does not fall within any one (1) of the following categories:

500 (i) Is under indictment for, or has been convicted
501 in any court of, a felony;

502 (ii) Is a fugitive from justice;

503 (iii) Is an unlawful user of any controlled
504 substance, is addicted to any controlled substance or alcoholic
505 beverage, or is an habitual drunkard;

506 (iv) Is a mental defective, has been committed to
507 a mental institution, or has been voluntarily committed to a
508 mental institution on more than one (1) occasion;

509 (v) Has been discharged from the Armed Forces
510 under dishonorable conditions; or

511 (vi) Has been found at any time by the executive
512 director or commission to have falsified any information.

513 **SECTION 6.** Section 75-76-67, Mississippi Code of 1972, is
514 amended as follows:

515 75-76-67. (1) Any person who the commission determines is
516 qualified to receive a license or be found suitable under the
517 provisions of this chapter, having due consideration for the
518 proper protection of the health, safety, morals, good order and
519 general welfare of the inhabitants of the State of Mississippi and

520 the declared policy of this state, may be issued a state gaming
521 license or found suitable. The burden of proving his
522 qualification to receive any license or be found suitable is on
523 the applicant.

524 (2) An application to receive a license or be found suitable
525 shall not be granted unless the commission is satisfied that the
526 applicant is:

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

528 (b) A person whose prior activities, criminal record,
529 if any, reputation, habits and associations do not pose a threat
530 to the public interest of this state or to the effective
531 regulation and control of gaming, or create or enhance the dangers
532 of unsuitable, unfair or illegal practices, methods and activities
533 in the conduct of gaming or the carrying on of the business and
534 financial arrangements incidental thereto; and

535 (c) In all other respects qualified to be licensed or
536 found suitable consistent with the declared laws of the state.

537 (3) No person shall be granted a license or found suitable
538 under the provisions of this chapter who has been convicted of a
539 felony in any court of this state, another state, or the United
540 States; and no person shall be granted a license or found suitable
541 hereunder who has been convicted of a crime in any court of
542 another state or the United States which, if committed in this
543 state, would be a felony; and no person shall be granted a license
544 or found suitable under the provisions of this chapter who has
545 been convicted of a misdemeanor in any court of this state or of
546 another state, when such conviction was for gambling, sale of
547 alcoholic beverages to minors, prostitution, or procuring or
548 inducing individuals to engage in prostitution.

549 (4) A license to operate a gaming establishment shall not be
550 granted unless the applicant has satisfied the commission that:

551 (a) He has adequate business probity, competence and
552 experience, in gaming or generally; and

553 (b) The proposed financing of the entire operation is:

554 (i) Adequate for the nature of the proposed
555 operation; and

556 (ii) From a suitable source. Any lender or other
557 source of money or credit which the commission finds does not meet
558 the standards set forth in subsection (2) may be deemed
559 unsuitable.

560 (5) An application to receive a license or be found suitable
561 constitutes a request for a determination of the applicant's
562 general character, integrity and ability to participate or engage
563 in, or be associated with gaming. Any written or oral statement
564 made in the course of an official proceeding of the commission or
565 the executive director or any witness testifying under oath which
566 is relevant to the purpose of the proceeding is absolutely
567 privileged and does not impose liability for defamation or
568 constitute a ground for recovery in any civil action.

569 (6) The commission may, in its discretion, grant a license
570 to a corporation which has complied with the provisions of this
571 chapter.

572 (7) The commission may, in its discretion, grant a license
573 to a limited partnership which has complied with the provisions of
574 this chapter.

575 (8) No limited partnership, except one whose sole limited
576 partner is a publicly traded corporation which has registered with
577 the commission, or business trust or organization or other
578 association of a quasi-corporate character is eligible to receive
579 or hold any license under this chapter unless all persons having
580 any direct or indirect interest therein of any nature whatsoever,
581 whether financial, administrative, policymaking or supervisory,
582 are individually qualified to be licensed under the provisions of
583 this chapter.

584 (9) The commission may, by regulation, limit the number of
585 persons who may be financially interested and the nature of their

586 interest in any corporation or other organization or association
587 licensed under this chapter, and may establish such other
588 qualifications of licenses as the commission, in its discretion,
589 deems to be in the public interest and consistent with the
590 declared policy of the state.

591 (10) No license may be issued or finding of suitability made
592 pursuant to subsections (1) through (9) of this section unless, as
593 a condition precedent thereto, there has been executed a properly
594 authorized agreement between the applicant, prospective licensee,
595 registering party or recipient of a suitability finding and the
596 City of Jackson, Mississippi, approving the proposed casino
597 operation with such operation contingent upon the construction of
598 other facilities, improvements and/or projects acceptable to the
599 City of Jackson, Mississippi.

600 **SECTION 7.** Section 75-76-73, Mississippi Code of 1972, is
601 amended as follows:

602 75-76-73. (1) Application for a gaming license or other
603 commission action shall be made to the executive director on forms
604 furnished by the executive director and in accordance with the
605 regulations of the commission.

606 (2) The application for a license shall include:

607 (a) The name of the proposed licensee.

608 (b) The location of his place or places of business.

609 (c) The gambling games, gaming devices or slot machines
610 to be operated.

611 (d) The names of all persons directly or indirectly
612 interested in the business and the nature of such interest.

613 (e) Such other information and details as the
614 commission or the executive director may require in order to
615 discharge their duties properly.

616 (f) With respect to applications relating to premises
617 described in Section 75-76-5(v)(iii), a true and correct copy of a
618 duly authorized and executed agreement by and between the City of

619 Jackson, Mississippi, and the applicant for a gaming license
620 within Jackson, Hinds County, Mississippi, with such agreement
621 approving the proposed casino operation contingent upon the
622 construction of other facilities, improvements and/or projects
623 acceptable to the City of Jackson, Mississippi.

624 (3) The executive director shall furnish to the applicant
625 supplemental forms which the applicant shall complete and file
626 with the application. Such supplemental forms shall require, but
627 shall not be limited to, complete information and details with
628 respect to the applicant's antecedents, habits, character,
629 criminal record, business activities, financial affairs and
630 business associates, covering at least a ten-year period
631 immediately preceding the date of filing of the application.

632 **SECTION 8.** Section 75-76-129, Mississippi Code of 1972, is
633 amended as follows:

634 **[Through June 30, 2022, this section shall read as follows:]**

635 75-76-129. On or before the last day of each month fifty
636 percent (50%) of all taxes, fees, interest, penalties, damages,
637 finances or other monies collected by the State Tax Commission during
638 that month under the provisions of this chapter, with the
639 exception of (a) the local government fees imposed under Section
640 75-76-195, and (b) an amount equal to Three Million Dollars
641 (\$3,000,000.00) of the revenue collected pursuant to the fee
642 imposed under Section 75-76-177(1)(c) shall be paid by the State
643 Tax Commission to the State Treasurer to be deposited in the State
644 General Fund. The remainder of such collections shall be
645 distributed as follows: each county shall be allocated an amount
646 in the proportion that the population of the county bears to the
647 population of the state as a whole. Based upon that allocation,
648 the State Tax Commission shall, on or before the last day of each
649 month, make the following distributions:

650 (a) Fifteen percent (15%) shall be paid to school
651 districts in the county in the proportion that the average daily

652 attendance for the preceding scholastic year of each school
653 district bears to the total average daily attendance of the county
654 for the preceding scholastic year. For purposes of the
655 distribution of funds under this paragraph (a), the portion of a
656 line district located within a county shall be counted as an
657 entire district, and the home county shall be paid the appropriate
658 amount based on the average daily attendance of that portion of
659 the district;

660 (b) Ten percent (10%) shall be paid to the credit of
661 the county general fund;

662 (c) The remainder shall be paid as follows:

663 (i) To the county general fund, a percentage of
664 the remainder equal to the percentage of the population of the
665 county residing in areas of the county that are not also within
666 incorporated municipalities; and

667 (ii) After the payment made pursuant to item (i),
668 the remainder shall be paid to the general fund of each
669 incorporated municipality in the county based on the proportion
670 that population of the municipality bears to the total population
671 of the county.

672 The population upon which distributions are made pursuant to
673 this section shall be the population determined in the most recent
674 federal census.

675 **[From and after July 1, 2022, this section shall read as**
676 **follows:]**

677 75-76-129. On or before the last day of each month, fifty
678 percent (50%) of all taxes, fees, interest, penalties, damages,
679 finances or other monies collected by the State Tax Commission during
680 that month under the provisions of this chapter, with the
681 exception of the local government fees imposed under Section
682 75-76-195, shall be paid by the State Tax Commission to the State
683 Treasurer to be deposited in the State General Fund. The
684 remainder of such collections shall be distributed as follows:

685 each county shall be allocated an amount in the proportion that
686 the population of the county bears to the population of the state
687 as a whole. Based upon that allocation, the State Tax Commission
688 shall, on or before the last day of each month, make the following
689 distributions:

690 (a) Fifteen percent (15%) shall be paid to school
691 districts in the county in the proportion that the average daily
692 attendance for the preceding scholastic year of each school
693 district bears to the total average daily attendance of the county
694 for the preceding scholastic year. For purposes of the
695 distribution of funds under this paragraph (a), the portion of a
696 line district located within a county shall be counted as an
697 entire district, and the home county shall be paid the appropriate
698 amount based on the average daily attendance of that portion of
699 the district;

700 (b) Ten percent (10%) shall be paid to the credit of
701 the county general fund;

702 (c) The remainder shall be paid as follows:

703 (i) To the county general fund, a percentage of
704 the remainder equal to the percentage of the population of the
705 county residing in areas of the county that are not also within
706 incorporated municipalities; and

707 (ii) After the payment made pursuant to item (i),
708 the remainder shall be paid to the general fund of each
709 incorporated municipality in the county based on the proportion
710 that population of the municipality bears to the total population
711 of the county.

712 The population upon which distributions are made pursuant to
713 this section shall be the population determined in the most recent
714 federal census.

715 **SECTION 9.** Section 75-76-183, Mississippi Code of 1972, is
716 amended as follows:

717 75-76-183. (1) Each applicant for a license to conduct
718 gaming * * * shall pay an application fee of Five Thousand Dollars
719 (\$5,000.00).

720 (2) Each licensee who is licensed to conduct gaming * * *
721 shall pay an annual license fee of Five Thousand Dollars
722 (\$5,000.00).

723 **SECTION 10.** Section 87-1-5, Mississippi Code of 1972, is
724 amended as follows:

725 87-1-5. If any person, by playing at any game whatever, or
726 by betting on the sides or hands of such as do play at any game,
727 or by betting on any horse race or cockfight, or at any other
728 sport or pastime, or by any wager whatever, shall lose any money,
729 property, or other valuable thing, real or personal, and shall pay
730 or deliver the same or any part thereof, the person so losing and
731 paying or delivering the same, or his wife or children, may sue
732 for and recover such money, property, or other valuable thing so
733 lost and paid or delivered, or any part thereof, from the person
734 knowingly receiving the same, with costs. However, this section
735 shall not apply to betting, gaming or wagering * * * that is legal
736 under the laws of the State of Mississippi.

737 **SECTION 11.** Section 95-3-25, Mississippi Code of 1972, is
738 amended as follows:

739 95-3-25. Any building, club, vessel, boat, place or room,
740 wherein is kept or exhibited any game or gaming table, commonly
741 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,
742 roredo, keno, monte, or any faro-bank, dice, or other game, gaming
743 table, or bank of the same or like kind, or any other kind or
744 description of gambling device under any other name whatever, and
745 any such place where information is furnished for the purpose of
746 making and settling bets or wagers on any horse race, prize fight,
747 or on the outcome of any like event, or where bets or wagers are
748 arranged for, made or settled, shall be deemed to be a common
749 nuisance and may be abated by writ of injunction, issued out of a

750 court of equity upon a bill filed in the name of the state by the
751 Attorney General, or any district or county attorney, whose duty
752 requires him to prosecute criminal cases on behalf of the state in
753 the county where the nuisance is maintained, or by any citizen or
754 citizens of such county, such bill to be filed in the county in
755 which the nuisance exists. And all rules of evidence and of
756 practice and procedure that pertain to courts of equity generally
757 in this state may be invoked and applied in any injunction
758 procedure hereunder. The provisions of this section shall not
759 apply to any form of gaming or gambling that is legal under the
760 laws of the State of Mississippi or to a licensed gaming
761 establishment having on board any gambling device, machine or
762 equipment that is owned, possessed, controlled, installed,
763 procured, repaired or transported in accordance with subsection
764 (4) of Section 97-33-7.

765 Upon the abatement of any such nuisance, any person found to
766 be the owner, operator or exhibitor of any gambling device
767 described in the first paragraph of this section may be required
768 by the court to enter into a good and sufficient bond in such
769 amount as may be deemed proper by the court, to be conditioned
770 that the obligor therein will not violate any of the laws of
771 Mississippi pertaining to gaming or gambling for a period of not
772 to exceed two (2) years from the date thereof. The failure to
773 make such bond shall be a contempt of court and for such contempt
774 the person or party shall be confined in the county jail until
775 such bond is made, but not longer than two (2) years. Said bond
776 shall be approved by the clerk of the court where the proceedings
777 were had and shall be filed as a part of the record of such case.

778 **SECTION 12.** Section 97-33-1, Mississippi Code of 1972, is
779 amended as follows:

780 97-33-1. If any person shall encourage, promote or play at
781 any game, play or amusement, other than a fight or fighting match
782 between dogs, for money or other valuable thing, or shall wager or

783 bet, promote or encourage the wagering or betting of any money or
784 other valuable things, upon any game, play, amusement, cockfight,
785 Indian ball play, or duel, other than a fight or fighting match
786 between dogs, or upon the result of any election, event or
787 contingency whatever, upon conviction thereof, he shall be fined
788 in a sum not more than Five Hundred Dollars (\$500.00); and, unless
789 such fine and costs be immediately paid, shall be imprisoned for
790 any period not more than ninety (90) days. However, this section
791 shall not apply to betting, gaming or wagering * * * that is legal
792 under the laws of the State of Mississippi.

793 **SECTION 13.** Section 97-33-7, Mississippi Code of 1972, is
794 amended as follows:

795 97-33-7. (1) It shall be unlawful for any person or
796 persons, firm, copartnership, or corporation to have in
797 possession, own, control, display, or operate any cane rack, knife
798 rack, artful dodger, punch board, roll down, merchandise wheel,
799 slot machine, pinball machine, or similar device or devices.
800 Provided, however, that this section shall not be so construed as
801 to make unlawful the ownership, possession, control, display or
802 operation of any antique coin machine as defined in Section
803 27-27-12, or any music machine or bona fide automatic vending
804 machine where the purchaser receives exactly the same quantity of
805 merchandise on each operation of said machine. Any slot machine
806 other than an antique coin machine as defined in Section 27-27-12
807 which delivers, or is so constructed as that by operation thereof
808 it will deliver to the operator thereof anything of value in
809 varying quantities, in addition to the merchandise received, and
810 any slot machine other than an antique coin machine as defined in
811 Section 27-27-12 that is constructed in such manner as that slugs,
812 tokens, coins or similar devices are, or may be, used and
813 delivered to the operator thereof in addition to merchandise of
814 any sort contained in such machine, is hereby declared to be a
815 gambling device, and shall be deemed unlawful under the provisions

816 of this section. Provided, however, that pinball machines which
817 do not return to the operator or player thereof anything but free
818 additional games or plays shall not be deemed to be gambling
819 devices, and neither this section nor any other law shall be
820 construed to prohibit same.

821 (2) No property right shall exist in any person, natural or
822 artificial, or be vested in such person, in any or all of the
823 devices described herein that are not exempted from the provisions
824 of this section; and all such devices are hereby declared to be at
825 all times subject to confiscation and destruction, and their
826 possession shall be unlawful, except when in the possession of
827 officers carrying out the provisions of this section. It shall be
828 the duty of all law-enforcing officers to seize and immediately
829 destroy all such machines and devices.

830 (3) A first violation of the provisions of this section
831 shall be deemed a misdemeanor, and the party offending shall, upon
832 conviction, be fined in any sum not exceeding Five Hundred Dollars
833 (\$500.00), or imprisoned not exceeding three (3) months, or both,
834 in the discretion of the court. In the event of a second
835 conviction for a violation of any of the provisions of this
836 section, the party offending shall be subject to a sentence of not
837 less than six (6) months in the county jail, nor more than two (2)
838 years in the State Penitentiary, in the discretion of the trial
839 court.

840 (4) Notwithstanding any provision of this section to the
841 contrary, it shall not be unlawful to operate any equipment or
842 device described in subsection (1) of this section or any gaming,
843 gambling or similar device or devices by whatever name called
844 while in a licensed gaming establishment.

845 (5) Notwithstanding any provision of this section to the
846 contrary, it shall not be unlawful (a) to own, possess, repair or
847 control any gambling device, machine or equipment on the premises
848 of any licensed gaming establishment or on board any cruise vessel

849 in this state of not less than one hundred fifty (150) feet in
850 overall length or on board any vessel in this state of not less
851 than one hundred fifty (150) feet in overall length or on the
852 business premises appurtenant to any such licensed gaming
853 establishment, cruise vessel or vessel during any period of time
854 in which such licensed gaming establishment is being constructed,
855 repaired, maintained or operated in this state; (b) to install any
856 gambling device, machine or equipment on the premises of any
857 licensed gaming establishment, or to possess or control any
858 gambling device, machine or equipment during the process of
859 procuring or transporting such device, machine or equipment for
860 installation on the premises of any licensed gaming establishment.
861 Any gambling device, machine or equipment that is owned,
862 possessed, controlled, installed, procured, repaired, transported
863 or stored in accordance with this subsection shall not be subject
864 to confiscation, seizure or destruction, and any person, firm,
865 partnership or corporation which owns, possesses, controls,
866 installs, procures, repairs, transports or stores any gambling
867 device, machine or equipment in accordance with this subsection
868 shall not be subject to any prosecution or penalty under this
869 section. Any person constructing or repairing licensed gaming
870 establishments or such cruise vessels or vessels within a
871 municipality shall comply with all municipal ordinances protecting
872 the general health or safety of the residents of the municipality.

873 **SECTION 14.** Section 97-33-17, Mississippi Code of 1972, is
874 amended as follows:

875 97-33-17. (1) All monies exhibited for the purpose of
876 betting or alluring persons to bet at any game, and all monies
877 staked or betted, shall be liable to seizure by any sheriff,
878 constable, or police officer, together with all the appliances
879 used or kept for use in gambling, or by any other person; and all
880 the monies so seized shall be accounted for by the person making
881 the seizure, and all appliances seized shall be destroyed;

882 provided, however, this section shall not apply to betting, gaming
883 or wagering * * * that is legal under the laws of the State of
884 Mississippi.

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

889 **SECTION 15.** Section 97-33-25, Mississippi Code of 1972, is
890 amended as follows:

891 97-33-25. If any person shall sell or buy, either directly
892 or indirectly, any chance in what is commonly called pool, upon
893 any event whatever, or shall in any manner engage in such business
894 or pastime, he shall be fined not more than Five Hundred Dollars
895 (\$500.00) or shall be imprisoned in the county jail not more than
896 ninety (90) days; provided, however, this section shall not apply
897 to betting, gaming or wagering * * * that is legal under the laws
898 of the State of Mississippi.

899 **SECTION 16.** Section 97-33-27, Mississippi Code of 1972, is
900 amended as follows:

901 97-33-27. If any person shall bet on a horse race or a yacht
902 race or on a shooting match, he shall be fined not more than Five
903 Hundred Dollars (\$500.00), and, unless the fine and costs be
904 immediately paid, he shall be imprisoned in the county jail not
905 more than ninety (90) days; provided, however, this section shall
906 not apply to betting, gaming or wagering * * * that is legal under
907 the laws of the State of Mississippi.

908 **SECTION 17.** Sections 75-76-195 and 75-76-197, Mississippi
909 Code of 1972, which authorize counties and municipalities to
910 impose local gaming license fees and which provide for the
911 distribution of such fees, are hereby repealed.

912 **SECTION 18.** This act shall take effect and be in force from
913 and after its passage.