HOUSE BILL NO. 1213

AN ACT TO PROVIDE FOR THE REGULATION AND LICENSING OF ELECTRONIC DEVICES BY THE MISSISSIPPI GAMING COMMISSION; TO AUTHORIZE THE MISSISSIPPI GAMING COMMISSION TO PROMULGATE RULES AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT; TO LEGALIZE THE MANUFACTURE, SALE, DISTRIBUTION, OWNERSHIP AND OPERATION OF ELECTRONIC DEVICES; TO DESIGNATE THE TYPES OF ESTABLISHMENTS WHERE SUCH DEVICES MAY BE LOCATED; TO PROVIDE PENALTIES FOR THE VIOLATION OF THIS ACT; TO LEVY A MONTHLY LICENSE FEE ON THE NET REVENUE COLLECTED DURING EACH CALENDAR MONTH BY A LICENSEE UNDER THIS ACT; TO PROVIDE THAT THIRTY PERCENT OF THE MONIES COLLECTED FROM SUCH MONTHLY LICENSE FEES SHALL BE PLACED IN A SPECIAL FUND TO BE USED BY THE GOVERNOR'S OFFICE - DIVISION OF MEDICAID, WITH THE REMAINING AMOUNT DEPOSITED IN THE STATE GENERAL FUND; TO LEVY ANNUAL LICENSE FEES FOR THE ISSUANCE OR CONTINUATION OF A MANUFACTURER'S, DISTRIBUTOR'S, MACHINE OWNER'S AND PERMIT STICKER LICENSE; TO PROVIDE THAT NINETY PERCENT OF THE MONIES COLLECTED FROM THE MANUFACTURER'S ANNUAL LICENSE SHALL BE DISTRIBUTED TO THE COUNTY IN WHICH THE LICENSEE IS LOCATED TO BE USED FOR LAW ENFORCEMENT PURPOSES AND JUVENILE SERVICES, WITH THE REMAINDER DISTRIBUTED TO THE MISSISSIPPI GAMING COMMISSION TO ENFORCE CERTAIN PROVISIONS OF THIS ACT; TO PROVIDE THAT FORTY PERCENT OF THE MONIES COLLECTED FROM ALL OTHER ANNUAL LICENSE FEES SHALL BE DEPOSITED INTO THE SPECIAL FUND TO BE USED BY THE GOVERNOR'S OFFICE - DIVISION OF MEDICAID, WITH THE REMAINING AMOUNT TO BE DEPOSITED IN THE STATE GENERAL FUND; TO AMEND SECTIONS 27-27-3, 75-76-5, 97-33-1, 97-33-7, 95-3-25, 67-1-71, 87-1-5 AND 21-19-19 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

SECTION 1. As used in Sections 1 through 6 of this act, the following definitions shall have the meanings ascribed herein unless the context clearly requires otherwise:

(a) "Commission" means the Mississippi Gaming Commission.

(b) "Distributor" means a partnership or corporation licensed under this act to buy, sell, lease, repair or distribute electronic devices. The term excludes machine owners and manufacturers.

(c) "Gross proceeds" means the total amount of money placed into electronic devices.

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(d) "Incentive" means a consideration, including a premium or bonus in cash or advance commission on merchandise, offered from a machine owner to a licensee in order to solicit its business.

(e) "Licensee" means a partnership or corporation that has been issued a license by the Mississippi Gaming Commission for the placement and operation of devices on the premises of the individual, partnership or corporation.

(f) "Licensed premises" means any restaurant, bar, lounge, tavern, motel, hotel, club, fraternal order (such as the Elks, American Legion, American Veterans and American Veterans of Foreign Wars), or mom and pop operation.

(g) "Machine owner" means a partnership or corporation which is licensed under this act and which owns, operates, leases, services and maintains electronic devices for placement in licensed premises.

(h) "Manufacturer" means a partnership or corporation which is licensed under this act and which manufactures or assembles and programs electronic devices.

(i) "Mom and pop operation" means any corporation having financial statements having an annual gross revenue that is less than Forty Thousand Dollars ($40,000.00).

(j) "Net proceeds" means gross proceeds after awards have been paid.

(k) "Person" means a corporation, partnership and association, as well as a natural person.

(l) "Electronic device" means any video poker machine or eight-liner machine authorized under the provisions of this act that, upon insertion of cash in the amount of Five Cents (5¢) per play, is available to play or simulate the play of a card game utilizing a video display and microprocessors in which, by the skill of the player or by chance, or both, the player may receive free games or credits that can be redeemed for cash. The term
does not include a machine that directly dispenses coins, cash, tokens or anything of value or any slot amusement machine as defined in Section 27-27-3. All machines must contain electronic information verifying transmitting components as may be required by the Mississippi Gaming Commission.

SECTION 2. (1) The commission shall administer the provisions of this act.

(2) The commission shall:

(a) Provide for licensing requirements under Sections 1 through 6 of this act;

(b) Prescribe all necessary application and reporting forms;

(c) Grant or deny license applications;

(d) Prescribe types of electronic devices to be used;

and

(e) Take all actions necessary to administer and enforce Sections 1 through 6 of this act in the same manner and according to the same procedure, as nearly as is practicable, as provided under Sections 75-76-1 through 75-76-313.

(3) Licenses which may be issued to licensees for the placement of electronic devices at or on licensed premises shall be limited to a minimum of five (5) electronic devices and a maximum of twenty (20) electronic devices per licensed premises with no more than one hundred (100) per county.

SECTION 3. (1) The commission shall levy and collect annual license fees for the following licenses in the amounts listed below:

(a) For the issuance or continuation of a manufacturer's license, One Hundred Thousand Dollars ($100,000.00).

(b) For the issuance or continuation of a distributor's license, Fifty Thousand Dollars ($50,000.00).
(c) For the issuance or continuation of a machine owner's license, One Hundred Fifty Dollars ($150.00) per electronic device or machine for the first fifty (50) individual electronic devices or machines. For each additional electronic device or machines, the annual license fee shall be Fifty Dollars ($50.00) per electronic device or machine. A machine owner's license allows a machine owner to sell used electronic devices that the owner purchased new and operated for at least two (2) years.

(d) A permit sticker license, One Hundred Fifty Dollars ($150.00) for each.

(2) The commission shall refund all license fees if an application is rejected; however, the commission may establish a nonrefundable application fee not to exceed Two Hundred Fifty Dollars ($250.00) per application.

(3) Every electronic device in use in this state must have a current license displayed on the device or machine. Every electronic device licensed under this act must be manufactured by an individual, partnership or corporation licensed under subsection (1)(a).

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

(5) Failure to pay the monthly license fees, based upon the net revenue of the licensee as provided for in this section, when they are due shall be deemed a surrender of the license.

**SECTION 4.** (1) There is imposed and levied on each gaming licensee for electronic devices a license fee based upon all the net revenue of the licensee as follows:

(a) Four percent (4%) of the net revenue of the licensee which does not exceed Fifty Thousand Dollars ($50,000.00) per calendar month;
(b) Six percent (6%) of all the net revenue of the licensee which exceed Fifty Thousand Dollars ($50,000.00) per calendar month and does not exceed One Hundred Thirty-four Thousand Dollars ($134,000.00) per calendar month; and

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

(2) Thirty percent (30%) of the revenue collected under subsection (1) of this section shall be deposited in a special fund which is created in the State Treasury. Unexpended amounts remaining in the special fund at the end of a fiscal year shall not lapse into the State General Fund, and any interest earned on amounts in the special fund shall be deposited to the credit of the special fund. Monies in the fund shall be used by the Governor's Office - Division of Medicaid, to be expended by the division for the purposes authorized under state law governing the Medicaid program. The remainder of the revenue collected from the license fees levied under subsection (1) shall be deposited in the State General Fund.

(3) All revenue received from any game or gaming device which is leased for operation on the premises of the licensee-owner to a person other than the owner thereof or which is located in an area or space on such premise which is leased by the licensee-owner to any such person, must be attributed to the owner for the purposes of this section and be counted as part of the net revenue of the owner. The lessee is liable to the owner for his proportionate share of such license fees as prescribed in subsection (1) of this section.

(4) If the amount of the license fee required to be reported and paid under this subsection (1) is later determined to be greater or less than the amount actually reported and paid by the licensee, the Chairman of the State Tax Commission shall:
(a) Assess and collect the additional licenses fees determined to be due, with interest thereon until paid; or

(b) Refund any overpayment, with interest thereon, to the licensee. Interest must be computed, until paid, at the rate of one percent (1%) per month from the first day of the first month following either the due date of the additional license fees or the date of overpayment.

SECTION 5. (1) Forty percent (40%) of the revenue levied and collected from license fees under Section 3(1)(b), (c) and (d) shall be deposited in a special fund created in Section 4(2) and used as set forth in the subsection. The remainder of the revenue collected from such license fees shall be deposited in the State General Fund.

(2) Ninety percent (90%) of the revenue levied and collected from the manufacturer's license fee under Section 3(1)(a) shall be distributed to the county in which the licensee is located for any law enforcement purposes and juvenile services. The remainder of the revenue collected from such license fees shall be distributed to the Mississippi Gaming Commission for purposes of enforcing gaming laws and defraying costs incurred by the commission in enforcing Sections 1 though 6 of this act.

SECTION 6. The commission is authorized to establish a procedure for auditing the electronic devices. The procedure will include reports prepared by the machine owners and electronic auditing at a central location designated by the commission. The timing and contents of the reports shall be established by the commission. The commission shall have the authority to contract with an independent auditing firm to establish and operate all or some of the auditing requirements as established by the commission.

SECTION 7. Section 27-27-3, Mississippi Code of 1972, is amended as follows:
27-27-3. The words, terms, and phrases, when used in this article, shall have the meaning ascribed to them herein.

(a) "Slot amusement machine" or "machine" means any mechanical device or contrivance which is operated, played, worked, manipulated, or used by inserting or depositing any coin, slug, token, or thing of value, in which may be seen any picture or heard any music, or wherein any game may be played, or any form of diversion had. "Slot amusement machine" or "machines" does not mean any electronic device described in Sections 1 through 6 of House Bill No. ____, 2003 Regular Session.

(b) "Officer collecting the tax" means the tax collector of the county, or, in the case of a municipality, the person who collects the taxes for the municipality by whatever title he may be known.

(c) "Person" means and includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, or other group or combination acting as a unit and includes the plural as well as the singular in number.

SECTION 8. Section 75-76-5, Mississippi Code of 1972, is amended as follows:

75-76-5. As used in Sections 75-76-1 through 75-76-313, unless the context requires otherwise:

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

(b) "Application" means a request for the issuance of a state gaming license, registration or finding of suitability under the provisions of this chapter or for approval of any act or transaction for which approval is required or permitted under the provisions of this chapter but does not include any supplemental forms or information that may be required with the application.
(c) "Associated equipment" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or with any game, race book or sports pool that would not otherwise be classified as a gaming device, including dice, playing cards, links which connect to progressive slot machines, equipment which affects the proper reporting of gross revenue, computerized systems of betting at a race book or sports pool, computerized systems for monitoring slot machines, and devices for weighing or counting money.

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

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

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

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

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

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

(j) "Executive director," through September 30, 1993, means the director appointed by the State Tax Commission pursuant to Section 75-76-15(1), and thereafter means the Executive Director of the Mississippi Gaming Commission.
(k) Except as otherwise provided by law, "game," or "gambling game" means any banking or percentage game played with cards, with dice or with any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting the generality of the foregoing, faro, monte, roulette, keno, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, or any other game or device approved by the commission. However, "game" or "gambling game" shall not include bingo games or raffles which are held pursuant to the provisions of Section 97-33-51.

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

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

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

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

(i) Boxmen;
(ii) Cashiers;
(iii) Change personnel;
(iv) Counting room personnel;
(v) Dealers;
(vi) Floormen;
(vii) Hosts or other persons empowered to extend
credit or complimentary services;
(viii) Keno runners;
(ix) Keno writers;
(x) Machine mechanics;
(xi) Security personnel;
(xii) Shift or pit bosses;
(xiii) Shills;
(xiv) Supervisors or managers; and
(xv) Ticket writers.

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

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

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

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

(i) Cash received as winnings;
(ii) Cash received in payment for credit extended
by a licensee to a patron for purposes of gaming; and
(iii) Compensation received for conducting any
 game in which the licensee is not party to a wager.
 For the purposes of this definition, cash or the value of
 noncash prizes awarded to patrons in a contest or tournament are
 not losses.

 The term does not include:

   (i) Counterfeit money or tokens;

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

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

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

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

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

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

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

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

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

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

(x) "Navigable waters" shall have the meaning ascribed
 to such term under Section 27-109-1.
(y) "Operation" means the conduct of gaming.

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

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

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

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

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

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

(ii) A declaratory ruling;

(iii) An interagency memorandum;

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

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

(ee) "Respondent" means any licensee or other person against whom a complaint has been filed with the commission.
(ff) "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or anything of value, whether the payoff is made automatically from the machine or in any other manner. The term does not include any antique coin machine as defined in Section 27-27-12.

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

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

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

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

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

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

(i) The rules of a game; or

(ii) The amount or frequency of payment in a game.
SECTION 9. Section 97-33-1, Mississippi Code of 1972, is amended as follows:

97-33-1. If any person shall encourage, promote or play at any game, play or amusement, other than a fight or fighting match between dogs, for money or other valuable thing, or shall wager or bet, promote or encourage the wagering or betting of any money or other valuable things, upon any game, play, amusement, cockfight, Indian ball play, or duel, other than a fight or fighting match between dogs, or upon the result of any election, event or contingency whatever, upon conviction thereof, he shall be fined in a sum not more than Five Hundred Dollars ($500.00); and, unless such fine and costs be immediately paid, shall be imprisoned for any period not more than ninety (90) days. However, this section shall not apply to betting, gaming or wagering:

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

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

(c) That is legal under the laws of the State of Mississippi.

This section shall not apply to electronic devices licensed under the provisions of Section 1 through 6 of House Bill No. _____, 2003 Regular Session.
SECTION 10. Section 97-33-7, Mississippi Code of 1972, is amended as follows:

97-33-7. (1) It shall be unlawful for any person or persons, firm, copartnership, or corporation to have in possession, own, control, display, or operate any cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, or similar device or devices.

Provided, however, that this section shall not be so construed as to make unlawful the ownership, possession, control, display or operation of any antique coin machine as defined in Section 27-27-12, or any music machine or bona fide automatic vending machine where the purchaser receives exactly the same quantity of merchandise on each operation of said machine. Any slot machine other than an antique coin machine as defined in Section 27-27-12 which delivers, or is so constructed as that by operation thereof it will deliver to the operator thereof anything of value in varying quantities, in addition to the merchandise received, and any slot machine other than an antique coin machine as defined in Section 27-27-12 that is constructed in such manner as that slugs, tokens, coins or similar devices are, or may be, used and delivered to the operator thereof in addition to merchandise of any sort contained in such machine, is hereby declared to be a gambling device, and shall be deemed unlawful under the provisions of this section. Provided, however, that pinball machines which do not return to the operator or player thereof anything but free additional games or plays shall not be deemed to be gambling devices, and neither this section nor any other law shall be construed to prohibit same.

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

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

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

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

(b) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River, and in which the registered voters of the county in which the port is located have not voted to prohibit such betting, gaming or wagering on vessels as provided in Section 19-3-79; or
(c) That is legal under the laws of the State of Mississippi.

(5) Notwithstanding any provision of this section to the contrary, it shall not be unlawful (a) to own, possess, repair or control any gambling device, machine or equipment on board any cruise vessel in this state of not less than one hundred fifty (150) feet in overall length or vessel in this state of not less than one hundred fifty (150) feet in overall length or on the business premises appurtenant to any such cruise vessel or vessel during any period of time in which such cruise vessel or vessel is being constructed, repaired, maintained or operated in this state; (b) to install any gambling device, machine or equipment on board any cruise vessel in this state of not less than one hundred fifty (150) feet in overall length or vessel in this state of not less than one hundred fifty (150) feet in overall length; (c) to possess or control any gambling device, machine or equipment during the process of procuring or transporting such device, machine or equipment for installation on any such cruise vessel or vessel; or (d) to store in a warehouse or other storage facility any gambling device, machine, equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located has approved gaming aboard cruise vessels or vessels, provided that such device, machine or equipment is operated only in a county or municipality that has approved gaming aboard cruise vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired, transported or stored in accordance with this subsection shall not be subject to confiscation, seizure or destruction, and any person, firm, partnership or corporation which owns, possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance with this subsection shall not be subject to any prosecution or penalty under this
section. Any person constructing or repairing such cruise vessels or vessels within a municipality shall comply with all municipal ordinances protecting the general health or safety of the residents of the municipality.

(6) This section shall not apply to electronic devices licensed under the provisions of Sections 1 through 6 of House Bill No. ____, 2003 Regular Session.

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

95-3-25. Any building, club, vessel, boat, place or room, wherein is kept or exhibited any game or gaming table, commonly called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir, roredo, keno, monte, or any faro-bank, dice, or other game, gaming table, or bank of the same or like kind, or any other kind or description of gambling device under any other name whatever, and any such place where information is furnished for the purpose of making and settling bets or wagers on any horse race, prize fight, or on the outcome of any like event, or where bets or wagers are arranged for, made or settled, shall be deemed to be a common nuisance and may be abated by writ of injunction, issued out of a court of equity upon a bill filed in the name of the state by the Attorney General, or any district or county attorney, whose duty requires him to prosecute criminal cases on behalf of the state in the county where the nuisance is maintained, or by any citizen or citizens of such county, such bill to be filed in the county in which the nuisance exists. And all rules of evidence and of practice and procedure that pertain to courts of equity generally in this state may be invoked and applied in any injunction procedure hereunder. The provisions of this section shall not apply to any form of gaming or gambling that is legal under the laws of the State of Mississippi or to a cruise vessel or vessel as defined in Section 27-109-1 and shall not apply to any cruise vessel or vessel having on board any gambling device, machine or
equipment that is owned, possessed, controlled, installed, procured, repaired or transported in accordance with subsection (4) of Section 97-33-7. The provisions of this section shall not apply to the legal operation of gaming electronic devices authorized under Sections 1 through 6 of House Bill No. ____, 2003 Regular Session.

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

SECTION 12. Section 67-1-71, Mississippi Code of 1972, is amended as follows:

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

Permits must be revoked or suspended for the following causes:

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

(b) Willful failure or refusal by any permittee to comply with any of the provisions of this chapter or of any rule or regulation adopted pursuant thereto;
(c) The making of any materially false statement in any application for a permit;

(d) Conviction of one or more of the clerks, agents or employees of the permittee, of any violation of this chapter upon the premises covered by such permit within a period of time as designated by the rules or regulations of the commission;

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

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

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

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

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

The provisions of paragraph (i) of this section shall not apply to gambling or the presence of any gambling devices, with knowledge of the permittee, on board a cruise vessel in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, or on any vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River. The commission may, in its discretion, issue on-premises retailer's permits to a common carrier of the nature described in this paragraph. The provisions of paragraph (i) of this section...
shall not apply to electronic devices licensed under the provisions of Sections 1 through 6 of House Bill No. ____, 2003 Regular Session.

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

In addition to the causes specified in this section and other provisions of this chapter, the commission shall be authorized to suspend the permit of any permit holder for being out of compliance with an order for support, as defined in Section 93-11-153. The procedure for suspension of a permit for being out of compliance with an order for support, and the procedure for the reissuance or reinstatement of a permit suspended for that purpose, and the payment of any fees for the reissuance or reinstatement of a permit suspended for that purpose, shall be governed by Section 93-11-157 or 93-11-163, as the case may be.

If there is any conflict between any provision of Section 93-11-157 or 93-11-163 and any provision of this chapter, the provisions of Section 93-11-157 or 93-11-163, as the case may be, shall control.

SECTION 13. Section 87-1-5, Mississippi Code of 1972, is amended as follows:

87-1-5. If any person, by playing at any game whatever, or by betting on the sides or hands of such as do play at any game, or by betting on any horse race or cockfight, or at any other sport or pastime, or by any wager whatever, shall lose any money, property, or other valuable thing, real or personal, and shall pay or deliver the same or any part thereof, the person so losing and paying or delivering the same, or his wife or children, may sue for and recover such money, property, or other valuable thing so lost and paid or delivered, or any part thereof, from the person knowingly receiving the same, with costs. However, this section shall not apply to betting, gaming or wagering:
(a) On a cruise vessel as defined in Section 27-109-1 whenever such vessel is in the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi;

(b) On a vessel as defined in Section 27-109-1 whenever such vessel is on the Mississippi River or navigable waters within any county bordering on the Mississippi River; * * *

(c) That is legal under the laws of the State of Mississippi; or

(d) In connection with the legal operation of gaming electronic devices licensed under the provisions of Sections 1 through 6 of House Bill No. ____, 2003 Regular Session.

SECTION 14. Section 21-19-19, Mississippi Code of 1972, is amended as follows:

21-19-19. Except as otherwise provided in this section, the governing authorities of municipalities shall have the power to restrain, prohibit and suppress blind-tigers, bucket-shops, slaughterhouses, houses of prostitution, disreputable houses, games and gambling houses and rooms, dance houses and rooms, keno rooms, and all kinds of indecency and other disorderly practices, and disturbance of the peace, and to provide for the punishment of the persons engaged therein.

This section shall not apply to the legal operation of devices licensed under the provisions of Sections 1 through 6 of House Bill No. ____, 2003 Regular Session.

SECTION 15. This act shall take effect and be in force from and after July 1, 2003.