

By: Senator(s) Walls

To: Finance

SENATE BILL NO. 2392

1 AN ACT TO PROVIDE FOR THE REGULATION AND LICENSING OF
2 ELECTRONIC DEVICES BY THE MISSISSIPPI GAMING COMMISSION; TO
3 AUTHORIZE THE MISSISSIPPI GAMING COMMISSION TO PROMULGATE RULES
4 AND REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS ACT; TO
5 LEGALIZE THE MANUFACTURE, SALE, DISTRIBUTION, OWNERSHIP AND
6 OPERATION OF ELECTRONIC DEVICES; TO DESIGNATE THE TYPES OF
7 ESTABLISHMENTS WHERE SUCH DEVICES MAY BE LOCATED; TO PROVIDE
8 PENALTIES FOR THE VIOLATION OF THIS ACT; TO LEVY A MONTHLY LICENSE
9 FEE ON THE NET REVENUE COLLECTED DURING EACH CALENDAR MONTH BY A
10 LICENSEE UNDER THIS ACT; TO PROVIDE THAT 30% OF THE MONIES
11 COLLECTED FROM SUCH MONTHLY LICENSE FEES SHALL BE PLACED IN A
12 SPECIAL FUND TO BE USED BY THE GOVERNOR'S OFFICE, DIVISION OF
13 MEDICAID, WITH THE REMAINING AMOUNT DEPOSITED IN THE STATE GENERAL
14 FUND; TO LEVY ANNUAL LICENSE FEES FOR THE ISSUANCE OR CONTINUATION
15 OF A MANUFACTURER'S, DISTRIBUTOR'S, MACHINE OWNER'S AND PERMIT
16 STICKER LICENSE; TO PROVIDE THAT 90% OF THE MONIES COLLECTED FROM
17 THE MANUFACTURER'S ANNUAL LICENSE SHALL BE DISTRIBUTED TO THE
18 COUNTY IN WHICH THE LICENSEE IS LOCATED TO BE USED FOR LAW
19 ENFORCEMENT PURPOSES AND JUVENILE SERVICES, WITH THE REMAINDER
20 DISTRIBUTED TO THE MISSISSIPPI GAMING COMMISSION TO ENFORCE
21 CERTAIN PROVISIONS OF THIS ACT; TO PROVIDE THAT 40% OF THE MONIES
22 COLLECTED FROM ALL OTHER ANNUAL LICENSE FEES SHALL BE DEPOSITED
23 INTO THE SPECIAL FUND TO BE USED BY THE GOVERNOR'S OFFICE,
24 DIVISION OF MEDICAID, WITH THE REMAINING AMOUNT TO BE DEPOSITED IN
25 THE STATE GENERAL FUND; TO AMEND SECTIONS 27-27-3, 97-33-1,
26 97-33-7, 95-3-25, 67-1-71, 87-1-5 AND 21-19-19 MISSISSIPPI CODE OF
27 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED
28 PURPOSES.

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

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

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

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

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

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

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

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

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

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

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

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

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

67 (l) "Electronic device" means any video poker machine
68 or eight-liner machine authorized under the provisions of this act
69 that, upon insertion of cash in the amount of Five Cents (5¢) per
70 play, is available to play or simulate the play of a card game
71 utilizing a video display and microprocessors in which, by the
72 skill of the player or by chance, or both, the player may receive
73 free games or credits that can be redeemed for cash. The term

74 does not include a machine that directly dispenses coins, cash,
75 tokens or anything of value or any slot amusement machine as
76 defined in Section 27-27-3. All machines must contain electronic
77 information verifying transmitting components as may be required
78 by the Mississippi Gaming Commission.

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

81 (2) The commission shall:

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

84 (b) Prescribe all necessary application and reporting
85 forms;

86 (c) Grant or deny license applications;

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

88 and

89 (e) Take all actions necessary to administer and
90 enforce Sections 1 through 6 of this act in the same manner and
91 according to the same procedure, as nearly as is practicable, as
92 provided under the Mississippi Gaming Control Act.

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

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

101 (a) For the issuance or continuation of a
102 manufacturer's license, One Hundred Thousand Dollars
103 (\$100,000.00).

104 (b) For the issuance or continuation of a distributor's
105 license, Fifty Thousand Dollars (\$50,000.00).

106 (c) For the issuance or continuation of a machine
107 owner's license, One Hundred Fifty Dollars (\$150.00) per
108 electronic device or machine for the first fifty (50) individual
109 electronic devices or machines. For each additional electronic
110 device or machines, the annual license fee shall be Fifty Dollars
111 (\$50.00) per electronic device or machine. A machine owner's
112 license allows a machine owner to sell used electronic devices
113 that the owner purchased new and operated for at least two (2)
114 years.

115 (d) A permit sticker license, One Hundred Fifty Dollars
116 (\$150.00) for each.

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

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

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

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

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

135 (a) Four percent (4%) of the net revenue of the
136 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)
137 per calendar month;

138 (b) Six percent (6%) of all the net revenue of the
139 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per
140 calendar month and does not exceed One Hundred Thirty-four
141 Thousand Dollars (\$134,000.00) per calendar month; and

142 (c) Eight percent (8%) of all the net revenue of the
143 licensee which exceeds One Hundred Thirty-four Thousand Dollars
144 (\$134,000.00) per calendar month.

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

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

166 (4) If the amount of the license fee required to be reported
167 and paid under this section is later determined to be greater or
168 less than the amount actually reported and paid by the licensee,
169 the Chairman of the State Tax Commission shall:

170 (a) Assess and collect the additional licenses fees
171 determined to be due, with interest thereon until paid; or

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

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

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

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

200 **SECTION 7.** Section 27-27-3, Mississippi Code of 1972, is
201 amended as follows:

202 27-27-3. The words, terms, and phrases, when used in this
203 article, shall have the meaning ascribed to them herein.

204 (a) "Slot amusement machine" or "machine" means any
205 mechanical device or contrivance which is operated, played,
206 worked, manipulated, or used by inserting or depositing any coin,
207 slug, token, or thing of value, in which may be seen any picture
208 or heard any music, or wherein any game may be played, or any form
209 of diversion had. "Slot amusement machine" or "machine" does not
210 mean any electronic device described in Sections 1 through 6 of
211 Senate Bill No. 2392, 2005 Regular Session.

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

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

220 **SECTION 8.** Section 97-33-1, Mississippi Code of 1972, is
221 amended as follows:

222 97-33-1. If any person shall encourage, promote or play at
223 any game, play or amusement, other than a fight or fighting match
224 between dogs, for money or other valuable thing, or shall wager or
225 bet, promote or encourage the wagering or betting of any money or
226 other valuable things, upon any game, play, amusement, cockfight,
227 Indian ball play, or duel, other than a fight or fighting match
228 between dogs, or upon the result of any election, event or
229 contingency whatever, upon conviction thereof, he shall be fined
230 in a sum not more than Five Hundred Dollars (\$500.00); and, unless
231 such fine and costs be immediately paid, shall be imprisoned for
232 any period not more than ninety (90) days. However, this section
233 shall not apply to betting, gaming or wagering:

234 (a) On a cruise vessel as defined in Section 27-109-1
235 whenever such vessel is in the waters within the State of
236 Mississippi, which lie adjacent to the State of Mississippi south
237 of the three (3) most southern counties in the State of
238 Mississippi, and in which the registered voters of the county in
239 which the port is located have not voted to prohibit such betting,
240 gaming or wagering on cruise vessels as provided in Section
241 19-3-79;

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

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

250 This section shall not apply to electronic devices licensed
251 under the provisions of Sections 1 through 6 of Senate Bill No.
252 2392, 2005 Regular Session.

253 **SECTION 9.** Section 97-33-7, Mississippi Code of 1972, is
254 amended as follows:

255 97-33-7. (1) It shall be unlawful for any person or
256 persons, firm, copartnership, or corporation to have in
257 possession, own, control, display, or operate any cane rack, knife
258 rack, artful dodger, punch board, roll down, merchandise wheel,
259 slot machine, pinball machine, or similar device or devices.

260 Provided, however, that this section shall not be so construed as
261 to make unlawful the ownership, possession, control, display or
262 operation of any antique coin machine as defined in Section
263 27-27-12, or any music machine or bona fide automatic vending
264 machine where the purchaser receives exactly the same quantity of
265 merchandise on each operation of said machine. Any slot machine
266 other than an antique coin machine as defined in Section 27-27-12

267 which delivers, or is so constructed as that by operation thereof
268 it will deliver to the operator thereof anything of value in
269 varying quantities, in addition to the merchandise received, and
270 any slot machine other than an antique coin machine as defined in
271 Section 27-27-12 that is constructed in such manner as that slugs,
272 tokens, coins or similar devices are, or may be, used and
273 delivered to the operator thereof in addition to merchandise of
274 any sort contained in such machine, is hereby declared to be a
275 gambling device, and shall be deemed unlawful under the provisions
276 of this section. Provided, however, that pinball machines which
277 do not return to the operator or player thereof anything but free
278 additional games or plays shall not be deemed to be gambling
279 devices, and neither this section nor any other law shall be
280 construed to prohibit same.

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

290 (3) A first violation of the provisions of this section
291 shall be deemed a misdemeanor, and the party offending shall, upon
292 conviction, be fined in any sum not exceeding Five Hundred Dollars
293 (\$500.00), or imprisoned not exceeding three (3) months, or both,
294 in the discretion of the court. In the event of a second
295 conviction for a violation of any of the provisions of this
296 section, the party offending shall be subject to a sentence of not
297 less than six (6) months in the county jail, nor more than two (2)
298 years in the State Penitentiary, in the discretion of the trial
299 court.

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

305 (a) On a cruise vessel as defined in Section 27-109-1
306 whenever such vessel is in the waters within the State of
307 Mississippi, which lie adjacent to the State of Mississippi south
308 of the three (3) most southern counties in the State of
309 Mississippi, and in which the registered voters of the county in
310 which the port is located have not voted to prohibit such betting,
311 gaming or wagering on cruise vessels as provided in Section
312 19-3-79;

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

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

321 (5) Notwithstanding any provision of this section to the
322 contrary, it shall not be unlawful (a) to own, possess, repair or
323 control any gambling device, machine or equipment on board any
324 cruise vessel in this state of not less than one hundred fifty
325 (150) feet in overall length or vessel in this state of not less
326 than one hundred fifty (150) feet in overall length or on the
327 business premises appurtenant to any such cruise vessel or vessel
328 during any period of time in which such cruise vessel or vessel is
329 being constructed, repaired, maintained or operated in this state;
330 (b) to install any gambling device, machine or equipment on board
331 any cruise vessel in this state of not less than one hundred fifty
332 (150) feet in overall length or vessel in this state of not less

333 than one hundred fifty (150) feet in overall length; (c) to
334 possess or control any gambling device, machine or equipment
335 during the process of procuring or transporting such device,
336 machine or equipment for installation on any such cruise vessel or
337 vessel; or (d) to store in a warehouse or other storage facility
338 any gambling device, machine, equipment, or part thereof,
339 regardless of whether the county or municipality in which the
340 warehouse or storage facility is located has approved gaming
341 aboard cruise vessels or vessels, provided that such device,
342 machine or equipment is operated only in a county or municipality
343 that has approved gaming aboard cruise vessels or vessels. Any
344 gambling device, machine or equipment that is owned, possessed,
345 controlled, installed, procured, repaired, transported or stored
346 in accordance with this subsection shall not be subject to
347 confiscation, seizure or destruction, and any person, firm,
348 partnership or corporation which owns, possesses, controls,
349 installs, procures, repairs, transports or stores any gambling
350 device, machine or equipment in accordance with this subsection
351 shall not be subject to any prosecution or penalty under this
352 section. Any person constructing or repairing such cruise vessels
353 or vessels within a municipality shall comply with all municipal
354 ordinances protecting the general health or safety of the
355 residents of the municipality.

356 (6) This section shall not apply to electronic devices
357 licensed under the provisions of Sections 1 through 6 of Senate
358 Bill No. 2392, 2005 Regular Session.

359 **SECTION 10.** Section 95-3-25, Mississippi Code of 1972, is
360 amended as follows:

361 95-3-25. Any building, club, vessel, boat, place or room,
362 wherein is kept or exhibited any game or gaming table, commonly
363 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,
364 roredo, keno, monte, or any faro-bank, dice, or other game, gaming
365 table, or bank of the same or like kind, or any other kind or

366 description of gambling device under any other name whatever, and
367 any such place where information is furnished for the purpose of
368 making and settling bets or wagers on any horse race, prize fight,
369 or on the outcome of any like event, or where bets or wagers are
370 arranged for, made or settled, shall be deemed to be a common
371 nuisance and may be abated by writ of injunction, issued out of a
372 court of equity upon a bill filed in the name of the state by the
373 Attorney General, or any district or county attorney, whose duty
374 requires him to prosecute criminal cases on behalf of the state in
375 the county where the nuisance is maintained, or by any citizen or
376 citizens of such county, such bill to be filed in the county in
377 which the nuisance exists. * * * All rules of evidence and of
378 practice and procedure that pertain to courts of equity generally
379 in this state may be invoked and applied in any injunction
380 procedure hereunder. The provisions of this section shall not
381 apply to any form of gaming or gambling that is legal under the
382 laws of the State of Mississippi or to a cruise vessel or vessel
383 as defined in Section 27-109-1 and shall not apply to any cruise
384 vessel or vessel having on board any gambling device, machine or
385 equipment that is owned, possessed, controlled, installed,
386 procured, repaired or transported in accordance with subsection
387 (4) of Section 97-33-7. The provisions of this section shall not
388 apply to the legal operation of gaming electronic devices
389 authorized under Sections 1 through 6 of Senate Bill No. 2392,
390 2005 Regular Session.

391 Upon the abatement of any such nuisance, any person found to
392 be the owner, operator or exhibitor of any gambling device
393 described in the first paragraph of this section may be required
394 by the court to enter into a good and sufficient bond in such
395 amount as may be deemed proper by the court, to be conditioned
396 that the obligor therein will not violate any of the laws of
397 Mississippi pertaining to gaming or gambling for a period of not
398 to exceed two (2) years from the date thereof. The failure to

399 make such bond shall be a contempt of court and for such contempt
400 the person or party shall be confined in the county jail until
401 such bond is made, but not longer than two (2) years. Said bond
402 shall be approved by the clerk of the court where the proceedings
403 were had and shall be filed as a part of the record of such case.

404 **SECTION 11.** Section 67-1-71, Mississippi Code of 1972, is
405 amended as follows:

406 67-1-71. The commission may revoke or suspend any permit
407 issued by it for a violation by the permittee of any of the
408 provisions of this chapter or of the regulations promulgated under
409 it by the commission.

410 Permits must be revoked or suspended for the following
411 causes:

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

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

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

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

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

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

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

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

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

439 The provisions of paragraph (i) of this section shall not
440 apply to gambling or the presence of any gambling devices, with
441 knowledge of the permittee, on board a cruise vessel in the waters
442 within the State of Mississippi, which lie adjacent to the State
443 of Mississippi south of the three (3) most southern counties in
444 the State of Mississippi, or on any vessel as defined in Section
445 27-109-1 whenever such vessel is on the Mississippi River or
446 navigable waters within any county bordering on the Mississippi
447 River. The commission may, in its discretion, issue on-premises
448 retailer's permits to a common carrier of the nature described in
449 this paragraph. The provisions of paragraph (i) of this section
450 shall not apply to electronic devices licensed under the
451 provisions of Sections 1 through 6 of Senate Bill No. 2392, 2005
452 Regular Session.

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

456 In addition to the causes specified in this section and other
457 provisions of this chapter, the commission shall be authorized to
458 suspend the permit of any permit holder for being out of
459 compliance with an order for support, as defined in Section
460 93-11-153. The procedure for suspension of a permit for being out
461 of compliance with an order for support, and the procedure for the
462 reissuance or reinstatement of a permit suspended for that
463 purpose, and the payment of any fees for the reissuance or
464 reinstatement of a permit suspended for that purpose, shall be

465 governed by Section 93-11-157 or 93-11-163, as the case may be.
466 If there is any conflict between any provision of Section
467 93-11-157 or 93-11-163 and any provision of this chapter, the
468 provisions of Section 93-11-157 or 93-11-163, as the case may be,
469 shall control.

470 **SECTION 12.** Section 87-1-5, Mississippi Code of 1972, is
471 amended as follows:

472 87-1-5. If any person, by playing at any game whatever, or
473 by betting on the sides or hands of such as do play at any game,
474 or by betting on any horse race or cockfight, or at any other
475 sport or pastime, or by any wager whatever, shall lose any money,
476 property, or other valuable thing, real or personal, and shall pay
477 or deliver the same or any part thereof, the person so losing and
478 paying or delivering the same, or his wife or children, may sue
479 for and recover such money, property, or other valuable thing so
480 lost and paid or delivered, or any part thereof, from the person
481 knowingly receiving the same, with costs. However, this section
482 shall not apply to betting, gaming or wagering:

483 (a) On a cruise vessel as defined in Section 27-109-1
484 whenever such vessel is in the waters within the State of
485 Mississippi, which lie adjacent to the State of Mississippi south
486 of the three (3) most southern counties in the State of
487 Mississippi;

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

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

493 (d) In connection with the legal operation of gaming
494 electronic devices licensed under the provisions of Sections 1
495 through 6 of Senate Bill No. 2392, 2005 Regular Session.

496 **SECTION 13.** Section 21-19-19, Mississippi Code of 1972, is
497 amended as follows:

498 21-19-19. Except as otherwise provided in this section, the
499 governing authorities of municipalities shall have the power to
500 restrain, prohibit and suppress blind-tigers, bucket-shops,
501 slaughterhouses, houses of prostitution, disreputable houses,
502 games and gambling houses and rooms, dance houses and rooms, keno
503 rooms, and all kinds of indecency and other disorderly practices,
504 and disturbance of the peace, and to provide for the punishment of
505 the persons engaged therein.

506 This section shall not apply to the legal operation of
507 devices licensed under the provisions of Sections 1 through 6 of
508 Senate Bill No. 2392, 2005 Regular Session.

509 **SECTION 14.** This act shall take effect and be in force from
510 and after July 1, 2005.