

By: Representative Smith (35th)

To: Ways and Means

HOUSE BILL NO. 516

1 AN ACT TO AMEND SECTION 19-3-79, MISSISSIPPI CODE OF 1972, TO
2 AUTHORIZE VOTERS IN COUNTIES IN WHICH LEGAL GAMING IS CONDUCTED TO
3 PETITION FOR AN ELECTION ON THE QUESTION OF CONTINUING LEGAL
4 GAMING IN SUCH COUNTY; TO PROVIDE THE MANNER IN WHICH SUCH
5 ELECTIONS SHALL BE CONDUCTED; TO PROVIDE THAT LEGAL GAMING SHALL
6 BE DISCONTINUED WITHIN SIX MONTHS AFTER SUCH ELECTION IF A
7 MAJORITY OF QUALIFIED ELECTORS WHO VOTE IN SUCH ELECTION VOTE
8 AGAINST CONTINUING LEGAL GAMING; TO PROVIDE THAT AN ELECTION ON
9 THE QUESTION OF CONTINUING LEGAL GAMING IN A COUNTY SHALL NOT BE
10 CONDUCTED UNTIL THE NEXT SUCCEEDING GENERAL ELECTION IN WHICH THE
11 ELECTION FOR PRESIDENT OF THE UNITED STATES OCCURS; AND FOR
12 RELATED PURPOSES. BE IT ENACTED BY THE LEGISLATURE OF THE STATE
13 OF MISSISSIPPI:

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15 SECTION 1. Section 19-3-79, Mississippi Code of 1972, is
16 amended as follows:

17 19-3-79. (1) Any person, corporation or other legal entity
18 required to obtain a state gaming license to conduct legal gaming
19 aboard a cruise vessel or vessel, as defined in Section 27-109-1,
20 as prescribed by the Mississippi Gaming Control Act shall, before
21 applying for such license, provide the Mississippi Gaming
22 Commission with a written notice of intent to apply for a license.
23 The "notice of intent to apply for a gaming license" shall be on a
24 form prescribed by the executive director of the commission and
25 shall state the county in which the intending licensee desires to
26 conduct legal gaming aboard a cruise vessel or vessel, as the case
27 may be. Within ten (10) days after receipt of a notice of intent
28 to apply for a gaming license, the commission shall require such
29 person, corporation or legal entity to publish the notice once
30 each week for three (3) consecutive weeks in a newspaper having
31 general circulation in the county in which the intending licensee
32 desires to conduct legal gaming aboard a cruise vessel or vessel,

33 as the case may be.

34 (2) If no petition as prescribed in subsection (3) of this
35 section is filed with the board of supervisors of the applicable
36 county within thirty (30) days after the date of the last
37 publication, the board of supervisors of such county shall adopt a
38 resolution stating that no petition was timely filed and that
39 legal gaming may henceforth be conducted aboard cruise vessels or
40 vessels, as the case may be, in such county.

41 (3) If a petition signed by twenty percent (20%) or fifteen
42 hundred (1500), whichever is less, of the registered voters of a
43 county in which a notice of intent to apply for a gaming license
44 is published is filed within thirty (30) days of the date of the
45 last publication with the circuit clerk of the applicable county,
46 the board of supervisors of such county shall authorize the
47 circuit clerk to hold an election on the proposition of allowing
48 legal gaming to be conducted aboard cruise vessels or vessels, as
49 the case may be, in the county on the date upon which such an
50 election may be conducted under subsection (7). The referendum
51 shall be advertised, held, conducted and the result thereof
52 canvassed in the manner provided by law for advertising, holding
53 and canvassing county elections.

54 (4) At such election, all qualified electors of such county
55 may vote. The ballots used at such election shall have printed
56 thereon a brief statement of the purpose of the election and the
57 words **"FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE**
58 **COUNTY AS PRESCRIBED BY LAW,"** and **"AGAINST LEGAL GAMING ABOARD**
59 **CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."**
60 The voter shall vote by placing a cross (x) or check () mark
61 opposite his choice on the proposition. If a majority of the
62 qualified electors who vote in such election shall vote in favor
63 of allowing legal gaming to be conducted aboard cruise vessels or
64 vessels, as the case may be, then legal gaming may henceforth be
65 conducted aboard cruise vessels or vessels, as the case may be, in
66 the county. If less than a majority of the qualified electors who
67 vote in such election shall vote in favor of allowing legal gaming
68 to be conducted aboard cruise vessels or vessels, as the case may
69 be, in the county, then gaming aboard cruise vessels or vessels,

70 as the case may be, shall be prohibited in the county until such
71 time as a subsequent election, held according to the restrictions
72 specified in subsection (7), may authorize such legal gaming.

73 (5) In any county in which no petition is timely filed after
74 a notice of intent to apply for a gaming license is published, or
75 in which an election is held on the proposition of allowing legal
76 gaming to be conducted aboard cruise vessels or vessels, as the
77 case may be, in the county and a majority of the qualified
78 electors who vote in such election vote in favor of allowing legal
79 gaming to be conducted aboard cruise vessels or vessels, as the
80 case may be, in the county, no election shall * * * be held in
81 that county pursuant to subsection (8) this section on the
82 proposition of continuing to allow legal gaming to be conducted
83 aboard cruise vessels or vessels, as the case may be, in that
84 county until the date of the next succeeding general election in
85 which the election for President of the United States occurs.

86 (6) Notwithstanding any provision of this section or
87 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
88 contrary, if an election is held pursuant to this section which
89 causes the conducting of gaming aboard cruise vessels to be
90 prohibited in any county in which one or more cruise vessels were
91 operating out of a port in the county on the effective date of
92 this chapter, the prohibition on the conducting of gaming aboard
93 cruise vessels in that county shall not apply to the conducting of
94 legal gaming aboard any of those cruise vessels which were still
95 operating out of a port in that county at the time of the
96 election.

97 (7) If an election has been held on the issue of allowing
98 legal gaming to be conducted aboard cruise vessels or vessels, as
99 the case may be, in a county, and the authority to conduct such
100 legal gaming has been denied by the electors of such county, then
101 a subsequent election on such issue may not be held until:

102 (a) The date of the next succeeding general election in

103 which the election for President of the United States occurs; or

104 (b) In the case in which the authority to conduct such
105 legal gaming has been denied by the electors of such county at
106 elections on three (3) different occasions, whether those
107 occasions be successive or not, the date of the next succeeding
108 general election occurring at least eight (8) years after the last
109 of the three (3) occasions on which the electors denied the
110 authority to conduct such legal gaming.

111 (8) Upon petition filed by at least twenty percent (20%) or
112 fifteen hundred (1500), whichever is less, of the qualified
113 electors of a county in which legal gaming has been allowed, an
114 election shall be held on the question of whether legal gaming
115 shall continue in the county.

116 Thirty-days' notice of the election shall be given to the
117 qualified electors of the county, in the manner prescribed by law,
118 upon the question of continuing legal gaming aboard cruise vessels
119 or vessels, as the case may be, in the county. Such notice shall
120 contain a statement of the question to be voted on at the
121 election. Such election shall be held, as far as is practicable,
122 in the same manner as other elections are held in counties. The
123 ballots to be used in the election shall have the following words
124 printed thereon: "FOR CONTINUING LEGAL GAMING ABOARD CRUISE
125 VESSELS (OR VESSELS) IN THE COUNTY," and "AGAINST CONTINUING LEGAL
126 GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE COUNTY." The
127 voter shall vote by placing a cross (x) or check () mark opposite
128 his choice on the proposition.

129 If three-fifths (3/5) of the qualified electors who vote in
130 such election vote against continuing legal gaming aboard cruise
131 vessels or vessels, as the case may be, in the county, legal
132 gaming shall be discontinued in the county within six (6) months
133 after such election. If at such election, less than three-fifths
134 (3/5) of the qualified electors who vote in such election vote
135 against continuing legal gaming aboard cruise vessels or vessels,

136 as the case may be, no election shall be held in that county on
137 the proposition of continuing to allow legal gaming to be
138 conducted aboard cruise vessels or vessels, as the case may be, in
139 that county until the date of the next succeeding general election
140 in which the election for President of the United States occurs.

141 SECTION 2. The Attorney General of the State of Mississippi
142 shall submit this act, immediately upon approval by the Governor,
143 or upon approval by the Legislature subsequent to a veto, to the
144 Attorney General of the United States or to the United States
145 District Court for the District of Columbia in accordance with the
146 provisions of the Voting Rights Act of 1965, as amended and
147 extended.

148 SECTION 3. This act shall take effect and be in force from
149 and after the date it is effectuated under Section 5 of the Voting
150 Rights Act of 1965, as amended and extended.