

By: Smith (35th)

To: Ways and Means

## HOUSE BILL NO. 1147

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 ELECTION SHALL BE CONDUCTED; TO PROVIDE THAT LEGAL GAMING SHALL BE  
6 DISCONTINUED WITHIN SIX MONTHS AFTER SUCH ELECTION IF A MAJORITY  
7 OF QUALIFIED ELECTORS WHO VOTE IN SUCH ELECTION VOTE AGAINST  
8 CONTINUING LEGAL GAMING; TO PROVIDE THAT AN ELECTION ON THE  
9 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.

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

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

16 19-3-79. (1) Any person, corporation or other legal entity  
17 required to obtain a state gaming license to conduct legal gaming  
18 aboard a cruise vessel or vessel, as defined in Section 27-109-1,  
19 as prescribed by the Mississippi Gaming Control Act shall, before  
20 applying for such license, provide the Mississippi Gaming  
21 Commission with a written notice of intent to apply for a license.  
22 The "notice of intent to apply for a gaming license" shall be on a  
23 form prescribed by the executive director of the commission and  
24 shall state the county in which the intending licensee desires to  
25 conduct legal gaming aboard a cruise vessel or vessel, as the case  
26 may be. Within ten (10) days after receipt of a notice of intent  
27 to apply for a gaming license, the commission shall require such  
28 person, corporation or legal entity to publish the notice once  
29 each week for three (3) consecutive weeks in a newspaper having  
30 general circulation in the county in which the intending licensee  
31 desires to conduct legal gaming aboard a cruise vessel or vessel,

32 as the case may be.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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