

By: Representative Moak

To: Gaming; Sel Cmte on
Hurricane RecoveryCOMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 45

1 AN ACT TO AMEND SECTIONS 87-1-5, 95-3-25, 97-33-1, 97-33-7,
2 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO
3 AUTHORIZE LEGAL GAMING IN A STRUCTURE ON SHORE IN ANY OF THE THREE
4 MOST SOUTHERN COUNTIES IN THE STATE OF MISSISSIPPI IN WHICH
5 BETTING, GAMING OR WAGERING ON CRUISE VESSELS HAS NOT BEEN
6 PROHIBITED AS PROVIDED IN SECTION 19-3-79, IF THE STRUCTURE IS
7 OWNED BY A PERSON POSSESSING A GAMING LICENSE TO CONDUCT LEGAL
8 GAMING ON A CRUISE VESSEL AND NO PART OF THE STRUCTURE IN WHICH
9 LICENSED GAMING ACTIVITIES ARE CONDUCTED IS LOCATED MORE THAN 800
10 FEET FROM THE MEAN HIGH-WATER LINE OF THE WATERS WITHIN THE STATE
11 OF MISSISSIPPI WHICH LIE ADJACENT TO THE STATE OF MISSISSIPPI
12 SOUTH OF SUCH COUNTIES; AND FOR RELATED PURPOSES.

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

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

16 87-1-5. If any person, by playing at any game whatever, or
17 by betting on the sides or hands of such as do play at any game,
18 or by betting on any horse race or cockfight, or at any other
19 sport or pastime, or by any wager whatever, shall lose any money,
20 property, or other valuable thing, real or personal, and shall pay
21 or deliver the same or any part thereof, the person so losing and
22 paying or delivering the same, or his wife or children, may sue
23 for and recover such money, property, or other valuable thing so
24 lost and paid or delivered, or any part thereof, from the person
25 knowingly receiving the same, with costs. However, this section
26 shall not apply to betting, gaming or wagering:

27 (a) On a cruise vessel as defined in Section 27-109-1
28 whenever such vessel is in the waters within the State of
29 Mississippi, which lie adjacent to the State of Mississippi south
30 of the three (3) most southern counties in the State of
31 Mississippi, including the Mississippi Sound, St. Louis Bay,
32 Biloxi Bay and Pascagoula Bay;

33 (b) In a structure located in whole or in part on shore
34 in any of the three (3) most southern counties in the State of
35 Mississippi in which the registered voters of the county have not
36 voted to prohibit such betting, gaming or wagering on cruise
37 vessels as provided in Section 19-3-79, if:

38 (i) The structure is owned, leased or controlled
39 by a person possessing a gaming license, as defined in Section
40 75-76-5, to conduct legal gaming on a cruise vessel under
41 paragraph (a) of this section;

42 (ii) The part of the structure in which licensed
43 gaming activities are conducted is located entirely in an area
44 which is located no more than eight hundred (800) feet from the
45 mean high-water line (as defined in Section 29-15-1) of the waters
46 within the State of Mississippi, which lie adjacent to the State
47 of Mississippi south of the three (3) most southern counties in
48 the State of Mississippi, including the Mississippi Sound, St.
49 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
50 Harrison County only, no farther north than the southern boundary
51 of the right-of-way for U.S. Highway 90, whichever is greater; and

52 (iii) In the case of a structure that is located
53 in whole or part on shore, the part of the structure in which
54 licensed gaming activities are conducted shall lie adjacent to
55 state waters south of the three (3) most southern counties in the
56 State of Mississippi, including the Mississippi Sound, St. Louis
57 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
58 structure is located consists of a parcel of real property,
59 easements and rights-of-way for public streets and highways shall
60 not be construed to interrupt the contiguous nature of the parcel,
61 nor shall the footage contained within the easements and rights-
62 of-way be counted in the calculation of the distances specified in
63 subparagraph (ii).

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

67 (d) That is legal under the laws of the State of
68 Mississippi.

69 **SECTION 2.** Section 95-3-25, Mississippi Code of 1972, is
70 amended as follows:

71 95-3-25. Any building, club, vessel, boat, place or room,
72 wherein is kept or exhibited any game or gaming table, commonly
73 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,
74 roredo, keno, monte, or any faro-bank, dice, or other game, gaming
75 table, or bank of the same or like kind, or any other kind or
76 description of gambling device under any other name whatever, and
77 any such place where information is furnished for the purpose of
78 making and settling bets or wagers on any horse race, prize fight,
79 or on the outcome of any like event, or where bets or wagers are
80 arranged for, made or settled, shall be deemed to be a common
81 nuisance and may be abated by writ of injunction, issued out of a
82 court of equity upon a bill filed in the name of the state by the
83 Attorney General, or any district or county attorney, whose duty
84 requires him to prosecute criminal cases on behalf of the state in
85 the county where the nuisance is maintained, or by any citizen or
86 citizens of such county, such bill to be filed in the county in
87 which the nuisance exists. And all rules of evidence and of
88 practice and procedure that pertain to courts of equity generally
89 in this state may be invoked and applied in any injunction
90 procedure hereunder. The provisions of this section shall not
91 apply to any form of gaming or gambling that is legal under the
92 laws of the State of Mississippi or to a licensed gaming
93 establishment and shall not apply to any licensed gaming
94 establishment having on its premises any gambling device, machine
95 or equipment that is owned, possessed, controlled, installed,

96 procured, repaired or transported in accordance with subsection
97 (4) of Section 97-33-7.

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

111 **SECTION 3.** Section 97-33-1, Mississippi Code of 1972, is
112 amended as follows:

113 97-33-1. If any person shall encourage, promote or play at
114 any game, play or amusement, other than a fight or fighting match
115 between dogs, for money or other valuable thing, or shall wager or
116 bet, promote or encourage the wagering or betting of any money or
117 other valuable things, upon any game, play, amusement, cockfight,
118 Indian ball play or duel, other than a fight or fighting match
119 between dogs, or upon the result of any election, event or
120 contingency whatever, upon conviction thereof, he shall be fined
121 in a sum not more than Five Hundred Dollars (\$500.00); and, unless
122 such fine and costs be immediately paid, shall be imprisoned for
123 any period not more than ninety (90) days. However, this section
124 shall not apply to betting, gaming or wagering:

125 (a) On a cruise vessel as defined in Section 27-109-1
126 whenever such vessel is in the waters within the State of
127 Mississippi, which lie adjacent to the State of Mississippi south
128 of the three (3) most southern counties in the State of

129 Mississippi, including the Mississippi Sound, St. Louis Bay,
130 Biloxi Bay and Pascagoula Bay, and in which the registered voters
131 of the county in which the port is located have not voted to
132 prohibit such betting, gaming or wagering on cruise vessels as
133 provided in Section 19-3-79;

134 (b) In a structure located in whole or in part on shore
135 in any of the three (3) most southern counties in the State of
136 Mississippi in which the registered voters of the county have not
137 voted to prohibit such betting, gaming or wagering on cruise
138 vessels as provided in Section 19-3-79, if:

139 (i) The structure is owned, leased or controlled
140 by a person possessing a gaming license, as defined in Section
141 75-76-5, to conduct legal gaming on a cruise vessel under
142 paragraph (a) of this section;

143 (ii) The part of the structure in which licensed
144 gaming activities are conducted is located entirely in an area
145 which is located no more than eight hundred (800) feet from the
146 mean high-water line (as defined in Section 29-15-1) of the waters
147 within the State of Mississippi, which lie adjacent to the State
148 of Mississippi south of the three (3) most southern counties in
149 the State of Mississippi, including the Mississippi Sound, St.
150 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
151 Harrison County only, no farther north than the southern boundary
152 of the right-of-way for U.S. Highway 90, whichever is greater; and

153 (iii) In the case of a structure that is located
154 in whole or part on shore, the part of the structure in which
155 licensed gaming activities are conducted shall lie adjacent to
156 state waters south of the three (3) most southern counties in the
157 State of Mississippi, including the Mississippi Sound, St. Louis
158 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
159 structure is located consists of a parcel of real property,
160 easements and rights-of-way for public streets and highways shall
161 not be construed to interrupt the contiguous nature of the parcel,

162 nor shall the footage contained within the easements and rights-
163 of-way be counted in the calculation of the distances specified in
164 subparagraph (ii).

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

171 (d) That is legal under the laws of the State of
172 Mississippi.

173 **SECTION 4.** Section 97-33-7, Mississippi Code of 1972, is
174 amended as follows:

175 97-33-7. (1) It shall be unlawful for any person or
176 persons, firm, copartnership or corporation to have in possession,
177 own, control, display, or operate any cane rack, knife rack,
178 artful dodger, punch board, roll down, merchandise wheel, slot
179 machine, pinball machine, or similar device or devices. Provided,
180 however, that this section shall not be so construed as to make
181 unlawful the ownership, possession, control, display or operation
182 of any antique coin machine as defined in Section 27-27-12, or any
183 music machine or bona fide automatic vending machine where the
184 purchaser receives exactly the same quantity of merchandise on
185 each operation of said machine. Any slot machine other than an
186 antique coin machine as defined in Section 27-27-12 which
187 delivers, or is so constructed as that by operation thereof it
188 will deliver to the operator thereof anything of value in varying
189 quantities, in addition to the merchandise received, and any slot
190 machine other than an antique coin machine as defined in Section
191 27-27-12 that is constructed in such manner as that slugs, tokens,
192 coins or similar devices are, or may be, used and delivered to the
193 operator thereof in addition to merchandise of any sort contained
194 in such machine, is hereby declared to be a gambling device, and

195 shall be deemed unlawful under the provisions of this section.
196 Provided, however, that pinball machines which do not return to
197 the operator or player thereof anything but free additional games
198 or plays shall not be deemed to be gambling devices, and neither
199 this section nor any other law shall be construed to prohibit
200 same.

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

210 (3) A first violation of the provisions of this section
211 shall be deemed a misdemeanor, and the party offending shall, upon
212 conviction, be fined in any sum not exceeding Five Hundred Dollars
213 (\$500.00), or imprisoned not exceeding three (3) months, or both,
214 in the discretion of the court. In the event of a second
215 conviction for a violation of any of the provisions of this
216 section, the party offending shall be subject to a sentence of not
217 less than six (6) months in the county jail, nor more than two (2)
218 years in the State Penitentiary, in the discretion of the trial
219 court.

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

225 (a) On a cruise vessel as defined in Section 27-109-1
226 whenever such vessel is in the waters within the State of
227 Mississippi, which lie adjacent to the State of Mississippi south

228 of the three (3) most southern counties in the State of
229 Mississippi, including the Mississippi Sound, St. Louis Bay,
230 Biloxi Bay and Pascagoula Bay, and in which the registered voters
231 of the county in which the port is located have not voted to
232 prohibit such betting, gaming or wagering on cruise vessels as
233 provided in Section 19-3-79;

234 (b) In a structure located in whole or in part on shore
235 in any of the three (3) most southern counties in the State of
236 Mississippi in which the registered voters of the county have not
237 voted to prohibit such betting, gaming or wagering on cruise
238 vessels as provided in Section 19-3-79, if:

239 (i) The structure is owned, leased or controlled
240 by a person possessing a gaming license, as defined in Section
241 75-76-5, to conduct legal gaming on a cruise vessel under
242 paragraph (a) of this subsection;

243 (ii) The part of the structure in which licensed
244 gaming activities are conducted is located entirely in an area
245 which is located no more than eight hundred (800) feet from the
246 mean high-water line (as defined in Section 29-15-1) of the waters
247 within the State of Mississippi, which lie adjacent to the State
248 of Mississippi south of the three (3) most southern counties in
249 the State of Mississippi, including the Mississippi Sound, St.
250 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
251 Harrison County only, no farther north than the southern boundary
252 of the right-of-way for U.S. Highway 90, whichever is greater; and

253 (iii) In the case of a structure that is located
254 in whole or part on shore, the part of the structure in which
255 licensed gaming activities are conducted shall lie adjacent to
256 state waters south of the three (3) most southern counties in the
257 State of Mississippi, including the Mississippi Sound, St. Louis
258 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
259 structure is located consists of a parcel of real property,
260 easements and rights-of-way for public streets and highways shall

261 not be construed to interrupt the contiguous nature of the parcel,
262 nor shall the footage contained within the easements and rights-
263 of-way be counted in the calculation of the distances specified in
264 subparagraph (ii).

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

271 (d) That is legal under the laws of the State of
272 Mississippi.

273 (5) Notwithstanding any provision of this section to the
274 contrary, it shall not be unlawful (a) to own, possess, repair or
275 control any gambling device, machine or equipment in a licensed
276 gaming establishment or on the business premises appurtenant to
277 any such licensed gaming establishment during any period of time
278 in which such licensed gaming establishment is being constructed,
279 repaired, maintained or operated in this state; (b) to install any
280 gambling device, machine or equipment in any licensed gaming
281 establishment; (c) to possess or control any gambling device,
282 machine or equipment during the process of procuring or
283 transporting such device, machine or equipment for installation on
284 any such licensed gaming establishment; or (d) to store in a
285 warehouse or other storage facility any gambling device, machine,
286 equipment, or part thereof, regardless of whether the county or
287 municipality in which the warehouse or storage facility is located
288 has approved gaming aboard cruise vessels or vessels, provided
289 that such device, machine or equipment is operated only in a
290 county or municipality that has approved gaming aboard cruise
291 vessels or vessels. Any gambling device, machine or equipment
292 that is owned, possessed, controlled, installed, procured,
293 repaired, transported or stored in accordance with this subsection

294 shall not be subject to confiscation, seizure or destruction, and
295 any person, firm, partnership or corporation which owns,
296 possesses, controls, installs, procures, repairs, transports or
297 stores any gambling device, machine or equipment in accordance
298 with this subsection shall not be subject to any prosecution or
299 penalty under this section. Any person constructing or repairing
300 such cruise vessels or vessels within a municipality shall comply
301 with all municipal ordinances protecting the general health or
302 safety of the residents of the municipality.

303 **SECTION 5.** Section 97-33-17, Mississippi Code of 1972, is
304 amended as follows:

305 97-33-17. (1) All monies exhibited for the purpose of
306 betting or alluring persons to bet at any game, and all monies
307 staked or betted, shall be liable to seizure by any sheriff,
308 constable, or police officer, together with all the appliances
309 used or kept for use in gambling, or by any other person; and all
310 the monies so seized shall be accounted for by the person making
311 the seizure, and all appliances seized shall be destroyed;
312 provided, however, this section shall not apply to betting, gaming
313 or wagering on:

314 (a) A cruise vessel as defined in Section 27-109-1
315 whenever such vessel is in the waters within the State of
316 Mississippi, which lie adjacent to the State of Mississippi south
317 of the three (3) most southern counties in the State of
318 Mississippi, including the Mississippi Sound, St. Louis Bay,
319 Biloxi Bay and Pascagoula Bay, and in which the registered voters
320 of the county in which the port is located have not voted to
321 prohibit such betting, gaming or wagering on cruise vessels as
322 provided in Section 19-3-79;

323 (b) In a structure located in whole or in part on shore
324 in any of the three (3) most southern counties in the State of
325 Mississippi in which the registered voters of the county have not

326 voted to prohibit such betting, gaming or wagering on cruise
327 vessels as provided in Section 19-3-79, if:

328 (i) The structure is owned, leased or controlled
329 by a person possessing a gaming license, as defined in Section
330 75-76-5, to conduct legal gaming on a cruise vessel under
331 paragraph (a) of this subsection;

332 (ii) The part of the structure in which licensed
333 gaming activities are conducted is located entirely in an area
334 which is located no more than eight hundred (800) feet from the
335 mean high-water line (as defined in Section 29-15-1) of the waters
336 within the State of Mississippi, which lie adjacent to the State
337 of Mississippi south of the three (3) most southern counties in
338 the State of Mississippi, including the Mississippi Sound, St.
339 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
340 Harrison County only, no farther north than the southern boundary
341 of the right-of-way for U.S. Highway 90, whichever is greater; and

342 (iii) In the case of a structure that is located
343 in whole or part on shore, the part of the structure in which
344 licensed gaming activities are conducted shall lie adjacent to
345 state waters south of the three (3) most southern counties in the
346 State of Mississippi, including the Mississippi Sound, St. Louis
347 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
348 structure is located consists of a parcel of real property,
349 easements and rights-of-way for public streets and highways shall
350 not be construed to interrupt the contiguous nature of the parcel,
351 nor shall the footage contained within the easements and rights-
352 of-way be counted in the calculation of the distances specified in
353 subparagraph (ii).

354 (c) A vessel as defined in Section 27-109-1 whenever
355 such vessel is on the Mississippi River or navigable waters within
356 any county bordering on the Mississippi River, and in which the
357 registered voters of the county in which the port is located have

358 not voted to prohibit such betting, gaming or wagering on vessels
359 as provided in Section 19-3-79; or

360 (d) That is legal under the laws of the State of
361 Mississippi.

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

366 **SECTION 6.** Section 97-33-25, Mississippi Code of 1972, is
367 amended as follows:

368 97-33-25. If any person shall sell or buy, either directly
369 or indirectly, any chance in what is commonly called pool, upon
370 any event whatever, or shall in any manner engage in such business
371 or pastime, he shall be fined not more than Five Hundred Dollars
372 (\$500.00) or shall be imprisoned in the county jail not more than
373 ninety (90) days; provided, however, this section shall not apply
374 to betting, gaming or wagering:

375 (a) On a cruise vessel as defined in Section 27-109-1
376 whenever such vessel is in the waters within the State of
377 Mississippi, which lie adjacent to the State of Mississippi south
378 of the three (3) most southern counties in the State of
379 Mississippi, including the Mississippi Sound, St. Louis Bay,
380 Biloxi Bay and Pascagoula Bay, and in which the registered voters
381 of the county in which the port is located have not voted to
382 prohibit such betting, gaming or wagering on cruise vessels as
383 provided in Section 19-3-79;

384 (b) In a structure located in whole or in part on shore
385 in any of the three (3) most southern counties in the State of
386 Mississippi in which the registered voters of the county have not
387 voted to prohibit such betting, gaming or wagering on cruise
388 vessels as provided in Section 19-3-79, if:

389 (i) The structure is owned, leased or controlled
390 by a person possessing a gaming license, as defined in Section

391 75-76-5, to conduct legal gaming on a cruise vessel under
392 paragraph (a) of this section;

393 (ii) The part of the structure in which licensed
394 gaming activities are conducted is located entirely in an area
395 which is located no more than eight hundred (800) feet from the
396 mean high-water line (as defined in Section 29-15-1) of the waters
397 within the State of Mississippi, which lie adjacent to the State
398 of Mississippi south of the three (3) most southern counties in
399 the State of Mississippi, including the Mississippi Sound, St.
400 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
401 Harrison County only, no farther north than the southern boundary
402 of the right-of-way for U.S. Highway 90, whichever is greater; and

403 (iii) In the case of a structure that is located
404 in whole or part on shore, the part of the structure in which
405 licensed gaming activities are conducted shall lie adjacent to
406 state waters south of the three (3) most southern counties in the
407 State of Mississippi, including the Mississippi Sound, St. Louis
408 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
409 structure is located consists of a parcel of real property,
410 easements and rights-of-way for public streets and highways shall
411 not be construed to interrupt the contiguous nature of the parcel,
412 nor shall the footage contained within the easements and rights-
413 of-way be counted in the calculation of the distances specified in
414 subparagraph (ii).

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

421 (d) That is legal under the laws of the State of
422 Mississippi.

423 **SECTION 7.** Section 97-33-27, Mississippi Code of 1972, is
424 amended as follows:

425 97-33-27. If any person shall bet on a horse race or a yacht
426 race or on a shooting match, he shall be fined not more than Five
427 Hundred Dollars (\$500.00), and, unless the fine and costs be
428 immediately paid, he shall be imprisoned in the county jail not
429 more than ninety (90) days; provided, however, this section shall
430 not apply to betting, gaming or wagering:

431 (a) On a cruise vessel as defined in Section 27-109-1
432 whenever such vessel is in the waters within the State of
433 Mississippi, which lie adjacent to the State of Mississippi south
434 of the three (3) most southern counties in the State of
435 Mississippi, including the Mississippi Sound, St. Louis Bay,
436 Biloxi Bay and Pascagoula Bay, and in which the registered voters
437 of the county in which the port is located have not voted to
438 prohibit such betting, gaming or wagering on cruise vessels as
439 provided in Section 19-3-79;

440 (b) In a structure located in whole or in part on shore
441 in any of the three (3) most southern counties in the State of
442 Mississippi in which the registered voters of the county have not
443 voted to prohibit such betting, gaming or wagering on cruise
444 vessels as provided in Section 19-3-79, if:

445 (i) The structure is owned, leased or controlled
446 by a person possessing a gaming license, as defined in Section
447 75-76-5, to conduct legal gaming on a cruise vessel under
448 paragraph (a) of this section;

449 (ii) The part of the structure in which licensed
450 gaming activities are conducted is located entirely in an area
451 which is located no more than eight hundred (800) feet from the
452 mean high-water line (as defined in Section 29-15-1) of the waters
453 within the State of Mississippi, which lie adjacent to the State
454 of Mississippi south of the three (3) most southern counties in
455 the State of Mississippi, including the Mississippi Sound, St.

456 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
457 Harrison County only, no farther north than the southern boundary
458 of the right-of-way for U.S. Highway 90, whichever is greater; and

459 (iii) In the case of a structure that is located
460 in whole or part on shore, the part of the structure in which
461 licensed gaming activities are conducted shall lie adjacent to
462 state waters south of the three (3) most southern counties in the
463 State of Mississippi, including the Mississippi Sound, St. Louis
464 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
465 structure is located consists of a parcel of real property,
466 easements and rights-of-way for public streets and highways shall
467 not be construed to interrupt the contiguous nature of the parcel,
468 nor shall the footage contained within the easements and rights-
469 of-way be counted in the calculation of the distances specified in
470 subparagraph (ii).

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

477 (d) That is legal under the laws of the State of
478 Mississippi.

479 **SECTION 8.** Every entity possessing a gaming license, as
480 defined in Section 75-76-5, that reconstructs, constructs, repairs
481 or renovates properties affected by Hurricane Katrina is urged and
482 encouraged to set aside at least twenty percent (20%) of such
483 reconstruction, construction, repair or renovation contracts for
484 expenditure with small business concerns owned and controlled by
485 socially and economically disadvantaged individuals, and is urged
486 and encouraged to set aside at least thirty percent (30%) of such
487 contracts for expenditure with other Mississippi domiciled
488 businesses. The term "socially and economically disadvantaged

489 individuals" shall have the meaning ascribed to such term under
490 Section 8(d) of the Small Business Act (15 USCS, Section 637(d))
491 and relevant subcontracting regulations promulgated pursuant
492 thereto; except that women shall be presumed to be socially and
493 economically disadvantaged individuals for the purposes of this
494 section.

495 **SECTION 9.** This act shall take effect and be in force from
496 and after its passage.