

By: Representatives Bentz,  
Carlton, Fillingane

To: Gaming; Sel Cmte on  
Hurricane Recovery

HOUSE BILL NO. 48

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

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

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

21 19-3-79. (1) Any person, corporation or other legal entity  
22 required to obtain a state gaming license to conduct legal  
23 gaming \* \* \* as prescribed by the Mississippi Gaming Control Act  
24 shall, before applying for such license, provide the Mississippi  
25 Gaming Commission with a written notice of intent to apply for a  
26 license. The "notice of intent to apply for a gaming license"  
27 shall be on a form prescribed by the executive director of the  
28 commission and shall state the county in which the intending  
29 licensee desires to conduct legal gaming aboard a cruise vessel or  
30 vessel, as the case may be. \* \* \*

31 \* \* \*

32 (2) A statewide general election shall be held on the  
33 proposition of allowing legal gaming on the first Tuesday after  
34 the first Monday of November that is more than sixty (60) days

35 after the written notice of intent has been provided to the gaming  
36 commission. The referendum shall be \* \* \* held, conducted and the  
37 result thereof canvassed in the same manner as a regular general  
38 election.

39 (3) At such election, all qualified electors of the state  
40 may vote. The ballots used at such election shall have printed  
41 thereon a brief statement of the purpose of the election and the  
42 words "FOR LEGAL GAMING \* \* \* IN \* \* \* (insert county name) COUNTY  
43 AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING \* \* \* IN \* \* \*  
44 (insert county name) COUNTY AS PRESCRIBED BY LAW." The voter  
45 shall vote by placing a cross (x) or check (✓) mark opposite his  
46 choice on the proposition. If sixty percent (60%) of the  
47 qualified electors who vote in such election shall vote in favor  
48 of allowing legal gaming to be conducted in the county, then legal  
49 gaming may henceforth be conducted in the county. If less than  
50 sixty percent (60%) of the qualified electors who vote in such  
51 election shall vote in favor of allowing legal gaming to be  
52 conducted in the county, then gaming \* \* \* shall be prohibited in  
53 the county until such time as a subsequent election, held  
54 according to the restrictions specified in subsection (5), may  
55 authorize such legal gaming.

56 (4) In any county in which, on the effective date of this  
57 act, there is located a licensed gaming establishment gaming shall  
58 be legal and no election shall \* \* \* be held in that county  
59 pursuant to this section on the proposition of allowing legal  
60 gaming to be conducted \* \* \* in that county.

61 \* \* \*

62 (5) If an election has been held on the issue of allowing  
63 legal gaming to be conducted in a county aboard cruise vessels or  
64 vessels, as the case may be, \* \* \* and the authority to conduct  
65 such legal gaming has been denied by the electors of the state,  
66 then a subsequent election on such issue may not be held

67 until \* \* \* the date of the next succeeding general election in  
68 which the election for President of the United States occurs.

69 \* \* \*

70 **SECTION 2.** Section 87-1-5, Mississippi Code of 1972, is  
71 amended as follows:

72 87-1-5. If any person, by playing at any game whatever, or  
73 by betting on the sides or hands of such as do play at any game,  
74 or by betting on any horse race or cockfight, or at any other  
75 sport or pastime, or by any wager whatever, shall lose any money,  
76 property, or other valuable thing, real or personal, and shall pay  
77 or deliver the same or any part thereof, the person so losing and  
78 paying or delivering the same, or his wife or children, may sue  
79 for and recover such money, property, or other valuable thing so  
80 lost and paid or delivered, or any part thereof, from the person  
81 knowingly receiving the same, with costs. However, this section  
82 shall not apply to betting, gaming or wagering:

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

89 (b) In a structure on shore in any of the three (3)  
90 most southern counties in the State of Mississippi in which the  
91 registered voters of the county have not voted, before the  
92 effective date of this act, to prohibit such betting, gaming or  
93 wagering on cruise vessels as provided in Section 19-3-79, if:

94 (i) The structure is owned by a person possessing  
95 a gaming license, as defined in Section 75-76-5, to conduct legal  
96 gaming on a cruise vessel under paragraph (a) of this section; and

97 (ii) The part of the structure in which licensed  
98 gaming activities are conducted is located entirely in an area  
99 which is located no more than eight hundred (800) feet from the

100 mean high-water line (as defined in Section 29-15-1) of the waters  
101 within the State of Mississippi, which lie adjacent to the State  
102 of Mississippi south of the three (3) most southern counties in  
103 the State of Mississippi, including the Mississippi Sound, St.  
104 Louis Bay, Biloxi Bay and Pascagoula Bay, or no farther north than  
105 the southern boundary of the right-of-way for U.S. Highway 90,  
106 whichever is greater;

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

110       (d) That is legal under the laws of the State of  
111 Mississippi.

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

114       95-3-25. Any building, club, vessel, boat, place or room,  
115 wherein is kept or exhibited any game or gaming table, commonly  
116 called A.B.C. or E.O. roulette, or rowley-powley, or rouquetnoir,  
117 roredo, keno, monte, or any faro-bank, dice, or other game, gaming  
118 table, or bank of the same or like kind, or any other kind or  
119 description of gambling device under any other name whatever, and  
120 any such place where information is furnished for the purpose of  
121 making and settling bets or wagers on any horse race, prize fight,  
122 or on the outcome of any like event, or where bets or wagers are  
123 arranged for, made or settled, shall be deemed to be a common  
124 nuisance and may be abated by writ of injunction, issued out of a  
125 court of equity upon a bill filed in the name of the state by the  
126 Attorney General, or any district or county attorney, whose duty  
127 requires him to prosecute criminal cases on behalf of the state in  
128 the county where the nuisance is maintained, or by any citizen or  
129 citizens of such county, such bill to be filed in the county in  
130 which the nuisance exists. And all rules of evidence and of  
131 practice and procedure that pertain to courts of equity generally  
132 in this state may be invoked and applied in any injunction

133 procedure hereunder. The provisions of this section shall not  
134 apply to any form of gaming or gambling that is legal under the  
135 laws of the State of Mississippi or to a licensed gaming  
136 establishment and shall not apply to any licensed gaming  
137 establishment having on its premises any gambling device, machine  
138 or equipment that is owned, possessed, controlled, installed,  
139 procured, repaired or transported in accordance with subsection  
140 (4) of Section 97-33-7.

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

154       **SECTION 4.** Section 97-33-1, Mississippi Code of 1972, is  
155 amended as follows:

156       97-33-1. If any person shall encourage, promote or play at  
157 any game, play or amusement, other than a fight or fighting match  
158 between dogs, for money or other valuable thing, or shall wager or  
159 bet, promote or encourage the wagering or betting of any money or  
160 other valuable things, upon any game, play, amusement, cockfight,  
161 Indian ball play or duel, other than a fight or fighting match  
162 between dogs, or upon the result of any election, event or  
163 contingency whatever, upon conviction thereof, he shall be fined  
164 in a sum not more than Five Hundred Dollars (\$500.00); and, unless  
165 such fine and costs be immediately paid, shall be imprisoned for

166 any period not more than ninety (90) days. However, this section  
167 shall not apply to betting, gaming or wagering:

168 (a) On a cruise vessel as defined in Section 27-109-1  
169 whenever such vessel is in the waters within the State of  
170 Mississippi, which lie adjacent to the State of Mississippi south  
171 of the three (3) most southern counties in the State of  
172 Mississippi, including the Mississippi Sound, St. Louis Bay,  
173 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
174 of the county in which the port is located have not voted to  
175 prohibit such betting, gaming or wagering on cruise vessels as  
176 provided in Section 19-3-79;

177 (b) In a structure on shore in any of the three (3)  
178 most southern counties in the State of Mississippi in which the  
179 registered voters of the county have not voted, before the  
180 effective date of this act, to prohibit such betting, gaming or  
181 wagering on cruise vessels as provided in Section 19-3-79, if:

182 (i) The structure is owned by a person possessing  
183 a gaming license, as defined in Section 75-76-5, to conduct legal  
184 gaming on a cruise vessel under paragraph (a) of this section; and

185 (ii) The part of the structure in which licensed  
186 gaming activities are conducted is located entirely in an area  
187 which is located no more than eight hundred (800) feet from the  
188 mean high-water line (as defined in Section 29-15-1) of the waters  
189 within the State of Mississippi, which lie adjacent to the State  
190 of Mississippi south of the three (3) most southern counties in  
191 the State of Mississippi, including the Mississippi Sound, St.  
192 Louis Bay, Biloxi Bay and Pascagoula Bay, or no farther north than  
193 the southern boundary of the right-of-way for U.S. Highway 90,  
194 whichever is greater;

195 (c) On a vessel as defined in Section 27-109-1 whenever  
196 such vessel is on the Mississippi River or navigable waters within  
197 any county bordering on the Mississippi River, and in which the  
198 registered voters of the county in which the port is located have

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

201           (d) That is legal under the laws of the State of  
202 Mississippi.

203           **SECTION 5.** Section 97-33-7, Mississippi Code of 1972, is  
204 amended as follows:

205           97-33-7. (1) It shall be unlawful for any person or  
206 persons, firm, copartnership or corporation to have in possession,  
207 own, control, display, or operate any cane rack, knife rack,  
208 artful dodger, punch board, roll down, merchandise wheel, slot  
209 machine, pinball machine, or similar device or devices. Provided,  
210 however, that this section shall not be so construed as to make  
211 unlawful the ownership, possession, control, display or operation  
212 of any antique coin machine as defined in Section 27-27-12, or any  
213 music machine or bona fide automatic vending machine where the  
214 purchaser receives exactly the same quantity of merchandise on  
215 each operation of said machine. Any slot machine other than an  
216 antique coin machine as defined in Section 27-27-12 which  
217 delivers, or is so constructed as that by operation thereof it  
218 will deliver to the operator thereof anything of value in varying  
219 quantities, in addition to the merchandise received, and any slot  
220 machine other than an antique coin machine as defined in Section  
221 27-27-12 that is constructed in such manner as that slugs, tokens,  
222 coins or similar devices are, or may be, used and delivered to the  
223 operator thereof in addition to merchandise of any sort contained  
224 in such machine, is hereby declared to be a gambling device, and  
225 shall be deemed unlawful under the provisions of this section.  
226 Provided, however, that pinball machines which do not return to  
227 the operator or player thereof anything but free additional games  
228 or plays shall not be deemed to be gambling devices, and neither  
229 this section nor any other law shall be construed to prohibit  
230 same.

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

240 (3) A first violation of the provisions of this section  
241 shall be deemed a misdemeanor, and the party offending shall, upon  
242 conviction, be fined in any sum not exceeding Five Hundred Dollars  
243 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
244 in the discretion of the court. In the event of a second  
245 conviction for a violation of any of the provisions of this  
246 section, the party offending shall be subject to a sentence of not  
247 less than six (6) months in the county jail, nor more than two (2)  
248 years in the State Penitentiary, in the discretion of the trial  
249 court.

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

255 (a) On a cruise vessel as defined in Section 27-109-1  
256 whenever such vessel is in the waters within the State of  
257 Mississippi, which lie adjacent to the State of Mississippi south  
258 of the three (3) most southern counties in the State of  
259 Mississippi, including the Mississippi Sound, St. Louis Bay,  
260 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
261 of the county in which the port is located have not voted to  
262 prohibit such betting, gaming or wagering on cruise vessels as  
263 provided in Section 19-3-79;



264           (b) In a structure on shore in any of the three (3)  
265 most southern counties in the State of Mississippi in which the  
266 registered voters of the county have not voted, before the  
267 effective date of this act, to prohibit such betting, gaming or  
268 wagering on cruise vessels as provided in Section 19-3-79, if:

269                 (i) The structure is owned by a person possessing  
270 a gaming license, as defined in Section 75-76-5, to conduct legal  
271 gaming on a cruise vessel under paragraph (a) of this subsection;  
272 and

273                 (ii) The part of the structure in which licensed  
274 gaming activities are conducted is located entirely in an area  
275 which is located no more than eight hundred (800) feet from the  
276 mean high-water line (as defined in Section 29-15-1) of the waters  
277 within the State of Mississippi, which lie adjacent to the State  
278 of Mississippi south of the three (3) most southern counties in  
279 the State of Mississippi, including the Mississippi Sound, St.  
280 Louis Bay, Biloxi Bay and Pascagoula Bay, or no farther north than  
281 the southern boundary of the right-of-way for U.S. Highway 90,  
282 whichever is greater;

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

289                 (d) That is legal under the laws of the State of  
290 Mississippi.

291           (5) Notwithstanding any provision of this section to the  
292 contrary, it shall not be unlawful (a) to own, possess, repair or  
293 control any gambling device, machine or equipment in a licensed  
294 gaming establishment or on the business premises appurtenant to  
295 any such licensed gaming establishment during any period of time  
296 in which such licensed gaming establishment is being constructed,

297 repaired, maintained or operated in this state; (b) to install any  
298 gambling device, machine or equipment in any licensed gaming  
299 establishment; (c) to possess or control any gambling device,  
300 machine or equipment during the process of procuring or  
301 transporting such device, machine or equipment for installation on  
302 any such licensed gaming establishment; or (d) to store in a  
303 warehouse or other storage facility any gambling device, machine,  
304 equipment, or part thereof, regardless of whether the county or  
305 municipality in which the warehouse or storage facility is located  
306 has approved gaming aboard cruise vessels or vessels, provided  
307 that such device, machine or equipment is operated only in a  
308 county or municipality that has approved gaming aboard cruise  
309 vessels or vessels. Any gambling device, machine or equipment  
310 that is owned, possessed, controlled, installed, procured,  
311 repaired, transported or stored in accordance with this subsection  
312 shall not be subject to confiscation, seizure or destruction, and  
313 any person, firm, partnership or corporation which owns,  
314 possesses, controls, installs, procures, repairs, transports or  
315 stores any gambling device, machine or equipment in accordance  
316 with this subsection shall not be subject to any prosecution or  
317 penalty under this section. Any person constructing or repairing  
318 such cruise vessels or vessels within a municipality shall comply  
319 with all municipal ordinances protecting the general health or  
320 safety of the residents of the municipality.

321 **SECTION 6.** Section 97-33-17, Mississippi Code of 1972, is  
322 amended as follows:

323 97-33-17. (1) All monies exhibited for the purpose of  
324 betting or alluring persons to bet at any game, and all monies  
325 staked or betted, shall be liable to seizure by any sheriff,  
326 constable, or police officer, together with all the appliances  
327 used or kept for use in gambling, or by any other person; and all  
328 the monies so seized shall be accounted for by the person making  
329 the seizure, and all appliances seized shall be destroyed;

330 provided, however, this section shall not apply to betting, gaming  
331 or wagering on:

332 (a) A cruise vessel as defined in Section 27-109-1  
333 whenever such vessel is in the waters within the State of  
334 Mississippi, which lie adjacent to the State of Mississippi south  
335 of the three (3) most southern counties in the State of  
336 Mississippi, including the Mississippi Sound, St. Louis Bay,  
337 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
338 of the county in which the port is located have not voted to  
339 prohibit such betting, gaming or wagering on cruise vessels as  
340 provided in Section 19-3-79;

341 (b) In a structure on shore in any of the three (3)  
342 most southern counties in the State of Mississippi in which the  
343 registered voters of the county have not voted, before the  
344 effective date of this act, to prohibit such betting, gaming or  
345 wagering on cruise vessels as provided in Section 19-3-79, if:

346 (i) The structure is owned by a person possessing  
347 a gaming license, as defined in Section 75-76-5, to conduct legal  
348 gaming on a cruise vessel under paragraph (a) of this subsection;  
349 and

350 (ii) The part of the structure in which licensed  
351 gaming activities are conducted is located entirely in an area  
352 which is located no more than eight hundred (800) feet from the  
353 mean high-water line (as defined in Section 29-15-1) of the waters  
354 within the State of Mississippi, which lie adjacent to the State  
355 of Mississippi south of the three (3) most southern counties in  
356 the State of Mississippi, including the Mississippi Sound, St.  
357 Louis Bay, Biloxi Bay and Pascagoula Bay, or no farther north than  
358 the southern boundary of the right-of-way for U.S. Highway 90,  
359 whichever is greater;

360 (c) A vessel as defined in Section 27-109-1 whenever  
361 such vessel is on the Mississippi River or navigable waters within  
362 any county bordering on the Mississippi River, and in which the

363 registered voters of the county in which the port is located have  
364 not voted to prohibit such betting, gaming or wagering on vessels  
365 as provided in Section 19-3-79; or

366           (d) That is legal under the laws of the State of  
367 Mississippi.

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

372           **SECTION 7.** Section 97-33-25, Mississippi Code of 1972, is  
373 amended as follows:

374           97-33-25. If any person shall sell or buy, either directly  
375 or indirectly, any chance in what is commonly called pool, upon  
376 any event whatever, or shall in any manner engage in such business  
377 or pastime, he shall be fined not more than Five Hundred Dollars  
378 (\$500.00) or shall be imprisoned in the county jail not more than  
379 ninety (90) days; provided, however, this section shall not apply  
380 to betting, gaming or wagering:

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

390           (b) In a structure on shore in any of the three (3)  
391 most southern counties in the State of Mississippi in which the  
392 registered voters of the county have not voted, before the  
393 effective date of this act, to prohibit such betting, gaming or  
394 wagering on cruise vessels as provided in Section 19-3-79, if:

395                   (i) The structure is owned by a person possessing  
396 a gaming license, as defined in Section 75-76-5, to conduct legal  
397 gaming on a cruise vessel under paragraph (a) of this section; and

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

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

414                   (d) That is legal under the laws of the State of  
415 Mississippi.

416                   **SECTION 8.** Section 97-33-27, Mississippi Code of 1972, is  
417 amended as follows:

418                   97-33-27. If any person shall bet on a horse race or a yacht  
419 race or on a shooting match, he shall be fined not more than Five  
420 Hundred Dollars (\$500.00), and, unless the fine and costs be  
421 immediately paid, he shall be imprisoned in the county jail not  
422 more than ninety (90) days; provided, however, this section shall  
423 not apply to betting, gaming or wagering:

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

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

433 (b) In a structure on shore in any of the three (3)  
434 most southern counties in the State of Mississippi in which the  
435 registered voters of the county have not voted, before the  
436 effective date of this act, to prohibit such betting, gaming or  
437 wagering on cruise vessels as provided in Section 19-3-79, if:

438 (i) The structure is owned by a person possessing  
439 a gaming license, as defined in Section 75-76-5, to conduct legal  
440 gaming on a cruise vessel under paragraph (a) of this section; and

441 (ii) The part of the structure in which licensed  
442 gaming activities are conducted is located entirely in an area  
443 which is located no more than eight hundred (800) feet from the  
444 mean high-water line (as defined in Section 29-15-1) of the waters  
445 within the State of Mississippi, which lie adjacent to the State  
446 of Mississippi south of the three (3) most southern counties in  
447 the State of Mississippi, including the Mississippi Sound, St.  
448 Louis Bay, Biloxi Bay and Pascagoula Bay, or no farther north than  
449 the southern boundary of the right-of-way for U.S. Highway 90,  
450 whichever is greater;

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

457 (d) That is legal under the laws of the State of  
458 Mississippi.

459 **SECTION 9.** Every entity possessing a gaming license, as  
460 defined in Section 75-76-5, that reconstructs, constructs, repairs

461 or renovates properties affected by Hurricane Katrina is urged and  
462 encouraged to set aside at least twenty percent (20%) of such  
463 reconstruction, construction, repair or renovation contracts for  
464 expenditure with small business concerns owned and controlled by  
465 socially and economically disadvantaged individuals, and is urged  
466 and encouraged to set aside at least thirty percent (30%) of such  
467 contracts for expenditure with other Mississippi domiciled  
468 businesses. The term "socially and economically disadvantaged  
469 individuals" shall have the meaning ascribed to such term under  
470 Section 8(d) of the Small Business Act (15 USCS, Section 637(d))  
471 and relevant subcontracting regulations promulgated pursuant  
472 thereto; except that women shall be presumed to be socially and  
473 economically disadvantaged individuals for the purposes of this  
474 section.

475       **SECTION 10.** This act shall take effect and be in force from  
476 and after its passage.