

**Lost
AMENDMENT NO 1 PROPOSED TO**

House Bill No. 45

**BY: Senator(s) Ross, Burton, Davis, Flowers, Clarke,
Kirby**

1 **AMEND** lines 37, 133, 138, 170, 233, 238, 270, 322, 327, 359,
2 383, 388, 420, 439, 444 and 476 by inserting the following after
3 19-3-79:

4 prior to the effective date of this act

5 **AMEND** by inserting the following after line 478 and
6 renumbering subsequent sections accordingly:

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

9 19-3-79. (1) Any person, corporation or other legal entity
10 required to obtain a state gaming license to conduct legal gaming
11 aboard a cruise vessel or vessel, as defined in Section 27-109-1,
12 as prescribed by the Mississippi Gaming Control Act shall, before
13 applying for such license, provide the Mississippi Gaming
14 Commission with a written notice of intent to apply for a license.
15 The "notice of intent to apply for a gaming license" shall be on a
16 form prescribed by the executive director of the commission and
17 shall state the county in which the intending licensee desires to
18 conduct legal gaming aboard a cruise vessel or vessel, as the case
19 may be. Within ten (10) days after receipt of a notice of intent
20 to apply for a gaming license, the commission shall require such
21 person, corporation or legal entity to publish the notice once
22 each week for three (3) consecutive weeks in a newspaper having
23 general circulation in the county in which the intending licensee

24 desires to conduct legal gaming aboard a cruise vessel or vessel,
25 as the case may be.

26 (2) If no petition as prescribed in subsection (3) of this
27 section is filed with the board of supervisors of the applicable
28 county within thirty (30) days after the date of the last
29 publication, the board of supervisors of such county shall adopt a
30 resolution stating that no petition was timely filed and that
31 legal gaming may henceforth be conducted aboard cruise vessels or
32 vessels, as the case may be, in such county in accordance with
33 other applicable provisions of law.

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

47 (4) At such election, all qualified electors of such county
48 may vote. The ballots used at such election shall have printed
49 thereon a brief statement of the purpose of the election and the
50 words "FOR LEGAL GAMING ABOARD CRUISE VESSELS (OR VESSELS) IN THE
51 COUNTY AS PRESCRIBED BY LAW" and "AGAINST LEGAL GAMING ABOARD
52 CRUISE VESSELS (OR VESSELS) IN THE COUNTY AS PRESCRIBED BY LAW."
53 The voter shall vote by placing a cross (x) or check (✓) mark
54 opposite his choice on the proposition. If a majority of the
55 qualified electors who vote in such election shall vote in favor

56 of allowing legal gaming to be conducted aboard cruise vessels or
57 vessels, as the case may be, then legal gaming may henceforth be
58 conducted aboard cruise vessels or vessels, as the case may be, in
59 the county in accordance with other applicable provisions of law.

60 If less than a majority of the qualified electors who vote in such
61 election shall vote in favor of allowing legal gaming to be
62 conducted aboard cruise vessels or vessels, as the case may be, in
63 the county, then gaming aboard cruise vessels or vessels, as the
64 case may be, shall be prohibited in the county until such time as
65 a subsequent election, held according to the restrictions
66 specified in subsection (7), may authorize such legal gaming.

67 (5) In any county in which no petition is timely filed after
68 a notice of intent to apply for a gaming license is published, or
69 in which an election is held on the proposition of allowing legal
70 gaming to be conducted aboard cruise vessels or vessels, as the
71 case may be, in the county and a majority of the qualified
72 electors who vote in such election vote in favor of allowing legal
73 gaming to be conducted aboard cruise vessels or vessels, as the
74 case may be, in the county, no election shall thereafter be held
75 in that county pursuant to this section on the proposition of
76 allowing legal gaming to be conducted aboard cruise vessels or
77 vessels, as the case may be, in that county.

78 (6) Notwithstanding any provision of this section or
79 Sections 97-33-1, 97-33-7, 97-33-17, 97-33-25 and 97-33-27 to the
80 contrary, if an election is held pursuant to this section which
81 causes the conducting of gaming aboard cruise vessels to be
82 prohibited in any county in which one or more cruise vessels were
83 operating out of a port in the county on the effective date of
84 this chapter, the prohibition on the conducting of gaming aboard
85 cruise vessels in that county shall not apply to the conducting of
86 legal gaming aboard any of those cruise vessels which were still

87 operating out of a port in that county at the time of the
88 election.

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

94 (a) The date of the next succeeding general election in
95 which the election for President of the United States occurs; or

96 (b) In the case in which the authority to conduct such
97 legal gaming has been denied by the electors of such county at
98 elections on three (3) different occasions, whether those
99 occasions be successive or not, the date of the next succeeding
100 general election occurring at least eight (8) years after the last
101 of the three (3) occasions on which the electors denied the
102 authority to conduct such legal gaming.

103 (8) From and after the effective date of House Bill No. 45,
104 2005 Fifth Extraordinary Session, no person, corporation or other
105 legal entity may file a notice of intent to apply for a gaming
106 license under this section, no petition may be filed pursuant to
107 this section and no election may be conducted pursuant to this
108 section.

109 **SECTION *.** (1) Before any expansion of legal gaming may
110 become effective outside of the counties and areas in which legal
111 gaming is authorized to be conducted on the effective date of this
112 act, a statewide special election shall be held on the matter as
113 provided in this section.

114 (2) Upon the adoption of legislation allowing expanding of
115 legal gaming outside of the counties in which legal gaming is
116 authorized to be conducted after the effective date of this act, a
117 statewide special election shall be held on the proposition of
118 allowing such expansion of legal gaming on the first Tuesday after

119 the first Monday of November that is more than sixty (60) days
120 after the passage of the act. The election shall be held,
121 conducted and the result thereof canvassed in the same manner as a
122 regular general election.

123 (3) At such election, all qualified electors of the state
124 may vote. The ballots used at such election shall have printed
125 thereon a brief statement of the purpose of the election and the
126 words "FOR THE EXPANSION OF LEGAL GAMING" and "AGAINST THE
127 EXPANSION OF LEGAL GAMING." The voter shall vote by placing a
128 cross (x) or check (√) mark opposite his choice on the
129 proposition. If a majority of the qualified electors who vote in
130 such election shall vote in favor of allowing the expansion of
131 legal gaming, then legal gaming may henceforth be conducted in the
132 areas that the act of the Legislature designates. If less than a
133 majority of the qualified electors who vote in such election shall
134 vote in favor of allowing the expansion of legal gaming to be
135 conducted in the areas that the act of the Legislature designated,
136 then the act of the Legislature shall not become effective.

137 (4) The county election commissioners shall transmit to the
138 Secretary of State, in the same manner as the vote for state
139 officers is transmitted, a statement of the total number of votes
140 cast for each proposition in the statewide special election. The
141 Secretary of State shall tabulate such returns and certify the
142 results to the Governor and to each house of the Legislature.

143 (5) The brief statement of the purpose of the election shall
144 be prepared by the Secretary of State and approved by the Attorney
145 General.

146 **FURTHER, AMEND the title to conform.**