

By: Representatives Eure, Hulum

To: Gaming

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1302

1 AN ACT TO CREATE THE MISSISSIPPI MOBILE SPORTS WAGERING ACT;  
2 TO PROVIDE DEFINITIONS FOR THE ACT; TO PROVIDE THAT "ONLINE RACE  
3 BOOK" AND "ONLINE SPORTS POOL" BETTING SHALL BE LEGAL IN THIS  
4 STATE; TO REQUIRE A PLATFORM THAT OPERATES AN ONLINE SPORTS POOL  
5 OR ONLINE RACE BOOK TO A MANUFACTURER'S AND DISTRIBUTOR'S LICENSE;  
6 TO AUTHORIZE LICENSED GAMING ESTABLISHMENTS TO CONTRACT WITH NO  
7 MORE THAN ONE PLATFORM; TO PROVIDE THAT A PLATFORM SHALL ONLY  
8 ACCEPT WAGERS FROM PLAYERS LOCATED IN MISSISSIPPI; TO REQUIRE THE  
9 PLATFORM CONTRACT FOR GEOFENCING AND AGE VERIFICATION; TO PROHIBIT  
10 PLAY BY ANY PERSON UNDER THE AGE OF 21; TO AMEND SECTIONS  
11 97-33-17, 75-76-5 AND 75-76-33, MISSISSIPPI CODE OF 1972, TO  
12 CONFORM TO THE PRECEDING SECTIONS; TO AMEND SECTION 75-76-89,  
13 MISSISSIPPI CODE OF 1972, TO CLARIFY THE INCLUSION OF ONLINE RACE  
14 BOOK AND SPORTS BOOK FOR GAMING LICENSING; TO AMEND SECTION  
15 75-76-91, MISSISSIPPI CODE OF 1972, TO REQUIRE THE LICENSED GAMING  
16 ESTABLISHMENT TO DISPLAY THE LICENSE OF THE PLATFORM IT IS  
17 CONTRACTED WITH; TO AMEND SECTION 75-76-203, MISSISSIPPI CODE OF  
18 1972, TO PROVIDE AN EXCEPTION FOR AN OFFICE IN THIS STATE FOR  
19 PLATFORMS; TO BRING FORWARD SECTIONS 75-76-211, 75-76-55,  
20 75-76-205 AND 75-76-175, MISSISSIPPI CODE OF 1972, WHICH REGULATE  
21 CORPORATE GAMING ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO  
22 AMEND SECTIONS 75-76-177, 75-76-101 AND 97-33-27, MISSISSIPPI CODE  
23 OF 1972, TO CLARIFY CERTAIN PROVISIONS; TO BRING FORWARD SECTIONS  
24 97-33-305 AND 97-33-8, MISSISSIPPI CODE OF 1972, WHICH REGULATE  
25 GAMING ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND  
26 SECTIONS 97-33-25, 75-76-129 AND 75-76-79, MISSISSIPPI CODE OF  
27 1972, TO CLARIFY THE PROVISIONS FOR GAMING; TO BRING FORWARD  
28 SECTIONS 97-33-1 AND 97-33-7, WHICH RESTRICT CERTAIN TYPES OF  
29 WAGERS, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS  
30 7-11-11, 29-1-107, 29-15-1, 29-15-3, 29-15-5, 29-15-9, 29-15-10,  
31 29-15-13 AND 59-7-405, MISSISSIPPI CODE OF 1972, WHICH REGULATE  
32 THE AUTHORITY OF THE SECRETARY OF STATE REGARDING TIDELANDS, FOR  
33 PURPOSES OF AMENDMENT; TO AMEND SECTIONS 59-15-1, 75-76-67,  
34 87-1-5, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, WHICH ARE



35 RELATED TO THE POWERS OF THE GAMING COMMISSION, FOR INTERNAL  
36 STATUTORY UPDATES; AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** This act shall be known and may be cited as the  
39 "Mississippi Mobile Sports Wagering Act".

40 **SECTION 2.** The following terms shall have the meanings  
41 ascribed herein:

42 (a) "Commission" means the Mississippi Gaming  
43 Commission as defined in Section 75-76-7.

44 (b) "Executive director" means the Executive Director  
45 of the Mississippi Gaming Commission as defined in Section  
46 75-76-7.

47 (c) "Game", "Gaming" or "Gambling game" means to deal,  
48 operate, carry on, conduct, maintain or expose for play any game  
49 as defined in Section 75-76-5.

50 (d) "Gaming license" means any license issued by the  
51 state which authorizes the person named therein to engage in  
52 gaming as defined in Section 75-76-5.

53 (e) "Gross revenue" means the same as defined in  
54 Section 75-76-5.

55 (f) "Interactive gaming" means wagering on any  
56 interactive game.

57 (g) "Interactive game" means computerized or virtual  
58 versions of any game as defined in Section 75-76-5 or any other  
59 game of chance or digital simulation thereof, including, but not  
60 limited to, casino themed slot machines or gaming devices, table



61 games or other such games as approved by the commission for play  
62 in a licensed establishment.

63 (h) "Internet" means the term as defined in Section 230  
64 of Title II of the Communications Act of 1934, Chapter 652, 110  
65 Stat. 137, 47 USCS 230.

66 (i) "Licensed gaming establishment" means any premises  
67 licensed by the commission as defined in Section 75-76-5.

68 (j) "Manufacturer's", "seller's", or "distributor's"  
69 license means a license issued pursuant to Section 75-76-79 as  
70 defined in Section 75-76-5.

71 (k) "Online race book" means a race book as defined by  
72 Section 75-76-5 in which wagers are made over the Internet,  
73 including on websites, personal computers, mobile phones, or other  
74 interactive devices used by an individual to place a race book  
75 wager from any location in Mississippi, and accepted by a platform  
76 on behalf of the holder of a Mississippi gaming license.

77 (l) "Online sports pool" means a sports pool as defined  
78 by Section 75-76-5 in which wagers are made over the Internet,  
79 including on websites, personal computers, mobile phones, or other  
80 interactive devices used by an individual to place a sports pool  
81 wager from any location in Mississippi, and accepted by a platform  
82 on behalf of the holder of a Mississippi gaming license.

83 (m) "Platform" means a person or entity that operates  
84 an online sports pool, online race book, or both on behalf of the  
85 holder of a gaming license.



(n) "Race book" means the business of accepting wagers upon the outcome of any event held at a track which uses the pari-mutuel system of wagering as defined in Section 75-76-5.

(o) "Sporting event" means any amateur sport or athletic event, professional sport or athletic event, collegiate sport or athletic event, motor race event, electronic sports event, competitive video game event, or any other event authorized by the Mississippi Gaming Control Act or the commission for wagering under this act.

(p) "Sports pool" means the same as the term is defined in Section 75-76-5 and includes the business of accepting wagers on sporting events by any system of wagering including, but not limited to, single-game bets, teaser bets, parlays, over-under, moneyline, pools, exchange-wagering, in-game wagering, in-play bets, proposition bets, and straight bets. The term does not include fantasy contests as defined in Section 97-33-303.

**SECTION 3.** (1) Online sports pools and online race books shall be legal in the State of Mississippi as provided by this act. The provisions of this act shall not be construed to authorize or legalize interactive gaming in the State of Mississippi rather all forms of interactive gaming are expressly prohibited and are illegal in the State of Mississippi, punishable pursuant to the provisions of Section 97-33-1 and other applicable laws. Further, if any person or platform is found by the commission to have engaged in any form of illegal gaming,



including, but not limited to, any form of interactive gaming, then such person and platform will be subject to action by the Mississippi Gaming Commission in accordance with Section 75-76-67. These restrictions will be applied whether the platform or person is found to have engaged in such illegal activity in Mississippi or in any other jurisdiction.

(2) (a) A platform that operates an online sports pool, online race book, or both on behalf of the holder of a gaming license in this state must obtain a manufacturer's and distributor's license from the commission in order to offer such services, and such license will be conditioned upon platform abiding by all laws and regulations governing such activities. A platform that already possesses a manufacturer's and distributor's license in the state shall be permitted to operate under the existing license subject to any technical approvals required by the commission to operate an online sports pool, online race book, or both.

(b) The licensed gaming establishment, including a platform that operates an online sports pool, online race book or both on behalf of the holder of a gaming licensee, shall report all gaming revenue and pay all taxes for such revenue as provided by state law.

(3) A platform that operates an online sports pool, online race book, or both on behalf of the holder of a gaming license in



135 this state shall be lawfully conducting business in this state in  
136 order to comply with the provisions of this act.

137 (4) Application for licensure shall be made to the executive  
138 director on forms furnished by the executive director and in  
139 accordance with the commission's regulations regarding  
140 manufacturer's and distributor's licenses.

141 No platform will be issued a gaming license, rather it shall  
142 be required to contract with a licensed casino operator in order  
143 to conduct online sports pool or online race book activities in  
144 Mississippi. The commission shall only issue a gaming license to  
145 a legal gaming establishment located on a premises in a county  
146 where gaming may be conducted in accordance with Mississippi law  
147 that is operating a casino in a county that has not prohibited  
148 gaming by a referendum vote of registered voters pursuant to  
149 Section 19-3-79. Should a gaming license expire, be revoked or be  
150 suspended, then all such online activities associated with that  
151 gaming license will cease until such time that the commission  
152 renews the license or issues an order allowing the gaming licensee  
153 to recommence its gaming operations.

154 (5) The contractual terms between a licensed gaming operator  
155 and the licensed platform shall be consistent with Mississippi  
156 law, including, but not limited to, the terms of this Act.

157 (6) The commission shall, from time to time, adopt, amend or  
158 repeal such regulations, consistent with the policy, objects and  
159 purposes of this chapter, as it may deem necessary or desirable in



the public interest in carrying out the policy and provisions of this chapter. The commission shall comply with the Mississippi Administrative Procedures Law when adopting, amending or repealing any regulations authorized under this section or under any other provision of this chapter.

(7) The Commission shall promulgate rules and regulations that require a licensee to implement responsible sport betting programs. Such rules and regulations shall require a licensee to develop a strategic implementation plan with details as to:

(a) The use of player data and technology to aid in identifying potential problem gamblers;

(b) The use of automated triggers to identify and manage accounts or potential problem gamblers; and

(c) The levels of intervention and education provided to identify at-risk players, which shall include at a minimum:

(i) A first phase involving communications with the individual in order to educate him or her on the availability of various responsible gaming features and resources offered by the licensee;

(ii) A second phase that includes a video tutorial displayed to the individual either as one or multiple videos that provides education on the features and resources available; and



(iii) A third phase, when warranted, that includes access to a list of responsible gaming professionals provided by the licensee to advise the individual on possible corrective actions to address at-risk behavior.

(8) The commission shall establish, via administrative order or regulation, a universal start date for all licensed online sports pool platforms and all licensed online race book platforms to commence accepting online wagers outside of a licensed gaming premises. This universal start date shall be no later than December 8, 2025.

**SECTION 4.** (1) Each licensed establishment may enter into contracts with no more than two (2) platforms to operate an online sports pool and no more than two (2) online race book platforms to operate online race book. Each platform may, but is not required to, offer both an online sports pool and an online race book. No platform, individually or collectively with any other platform or other party, shall take any action that would restrict or limit a single casino license holder, or a group of casino license holders, from offering online sports pool or online race book services to customers. The commission shall maintain a list of licensed platforms to be made available to licensed casino operators. If a platform receives a request from a licensed casino operator to discuss business terms related to providing online sports pool or online race book services to its customers, then the platform will engage in good-faith discussions with the





209 licensed casino operator. The platform will be subject to  
210 Sections 75-76-157 through 75-76-173 and subject to regulations  
211 authorized under this act, as well as the Mississippi Gaming  
212 Control Act, which may require a platform to appear before the  
213 commission or in a court proceeding to respond to any player  
214 dispute or an order to show cause issued by the commission.  
215 Notwithstanding any provision of law to the contrary, a platform  
216 may, on behalf of its gaming license holder, determine whether to  
217 accept or reject wagers, determine the results of wagers, and  
218 payout winning wagers.

219 (2) A platform, on behalf of the holder of a gaming license  
220 in this state, may accept online sports pool and online race book  
221 wagers placed over the Internet, including on websites and the use  
222 of a personal computer, mobile phone, or other interactive device  
223 used by an individual to place a sports pool or race book wager,  
224 subject to the following:

225 (a) All players shall establish a wagering account and  
226 an initial identification and age verification shall be conducted  
227 before any wager by the player may be accepted by the platform. A  
228 player may establish a wagering account with a platform in person  
229 at a licensed establishment or over the Internet, including on  
230 websites and mobile or interactive devices.

231 (b) A platform, on behalf of the holder of a gaming  
232 license in this state, shall accept wagers only from players  
233 located in Mississippi. A platform shall maintain geofencing or



geolocating services and pay all costs and responsibilities related to such services required by the commission. Servers, including the use of backup servers, may be located outside of this state, consistent with federal law. To the extent required by federal law, a platform shall maintain in this state the servers it uses to accept wagers on an online sports pool or online race book placed by bettors located in this state. A platform shall comply with all identification verification requirements and will take other commercially reasonable steps to prevent compulsive and problem gaming and to ensure that no person who is restricted or who is ineligible to participate in online gaming is able to use the platform to place bets or wagers on events.

(c) A platform shall take commercially reasonable steps to prevent any person who is self-excluded from entering a gaming property in Mississippi from opening an online wagering account. The Mississippi Gaming Commission shall maintain this list of individuals and provide it to platforms on a regular basis.

(d) A platform, in addition, shall take commercially reasonable steps to ensure that any person who is a player, a coach, umpire, or referee or who is otherwise associated with a collegiate team or a professional team or an athletic event, are prohibited from wagering on sporting events for which they are affiliated. The Mississippi Gaming Commission shall maintain this



list of individuals and provide it to platforms on a regular basis.

The platform should further alert customers that violating this restriction or aiding any person who is a minor, a self-excluded person or any other person who is otherwise restricted from wagering online to circumvent such restrictions (either intentionally or in failing to use reasonable steps to properly secure a device), shall be disqualified from participating in any form or online gaming thereafter.

(e) A person under the age of twenty-one (21) years shall not play, be allowed to play, place wagers, or collect winnings, whether personally or through an agent, from any online sports pool or online race book authorized under this chapter.

(f) A platform shall comply with all identification verification and compulsive and problem gambling protections set forth in law or rule.

(3) Subject to the regulations of the commission, a platform shall report to the commission:

(a) Any criminal proceeding commenced against the platform or its employees in connection with the platform's operations in Mississippi.

(b) Any abnormal betting activity or patterns that may indicate a concern about the integrity of a sporting event or athletic event.



(c) Any other conduct indicating corruption of the betting outcome of a sporting event or athletic event for financial gain, including, but not limited to, match fixing as well as any restricted person wagering on an event in which they are participating or otherwise affiliated.

(d) Suspicious or illegal wagering activities, including the use of funds derived from illegal activity, wagers to conceal or launder funds derived from illegal activity, use of agents to place wagers, or use of false identification. In such a case where information reported from paragraphs (a) through (d), the platform shall work together with the licensed casino operator and the commission to investigate such matters and to ensure that the accounts affected by or associated with such circumstances are suspended at least until such time that the commission is able to fully investigate the matters and determine the appropriate enforcement action.

(4) A dispute over winnings with respect to an online race book or online sports pool shall be resolved under the procedures set forth in Sections 75-76-157 through 75-76-173.

**SECTION 5.** Gross revenue from a platform operating an online race book or an online sports pool on behalf of the holder of a gaming license shall be subject to the license fees and credits under Sections 75-76-177, 75-76-179, 75-76-181 and 75-76-185.

**SECTION 6.** (1) There is hereby created the "Mobile Sports Wagering Tax Fund", which shall consist of taxes and fees



generated and collected under the Mobile Sports Wagering Act. The Department of Revenue shall be custodian of the fund. Any interest and monies earned on such investments shall be credited to the fund. The fund shall be a dedicated fund and shall be distributed as follows:

(a) (i) Until June 30, 2030, the first Six Million Dollars (\$6,000,000.00) deposited to the Mobile Sports Wagering Tax Fund each year shall be transferred into the Retail Sports Wagering Protection Fund, which is created in subsection (2) of this section. At the end of each calendar year, any licensed gaming establishment without a platform whose total annual sports wagering revenue is below the total annual retail sports wagering revenue the same licensed gaming establishment without a platform received in 2024 may apply for a portion of the funds in the Retail Sports Wagering Protection Fund. The commission shall allocate funds in the Retail Sports Wagering Protection Fund proportionately among eligible applicants, but in no case shall a licensed gaming establishment without a platform receive more funds than the amount of the difference between its current year retail sports wagering revenue and 2024 sports wagering revenue. Any funds remaining in the Retail Sports Wagering Protection Fund after this distribution shall be returned to the Mobile Sports Wagering Tax fund for distribution in compliance with subparagraph (ii).



(ii) Until June 30, 2030, the remainder of funds in the Mobile Sports Wagering Tax Fund shall be paid on or before the last day of each month by the Department of Revenue to the State Treasurer to be deposited in the Emergency Road and Bridge Repair Fund created in Section 65-1-179, Mississippi Code of 1972.

(b) From and after July 1, 2030, all monies which shall consist of taxes and fees generated and collected under the Mobile Sports Wagering Act and deposited to the Mobile Sports Wagering Tax Fund shall be paid on or before the last day of each month by the Department of Revenue to the State Treasurer to be deposited in the Emergency Road and Bridge Repair Fund created in Section 65-1-179, Mississippi Code of 1972.

(2) There is hereby created the "Retail Sports Wagering Protection Fund", which shall consist of taxes and fees transferred from the Mobile Sports Wagering Tax Fund as described in subsection (1) of this act.

**SECTION 7.** Section 97-33-17, Mississippi Code of 1972, is amended as follows:

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



provided, however, this section shall not apply to betting, gaming or wagering \* \* \*:

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

(b) In a structure located in whole or in part on shore in any of the three (3) most southern counties in the State of Mississippi in which the registered voters of the county have voted to allow such betting, gaming or wagering on cruise vessels as provided in Section 19-3-79, if:

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

(ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State



of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and

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

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

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





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

**SECTION 8.** Section 75-76-5, Mississippi Code of 1972, is amended as follows:

75-76-5. As used in this chapter, unless the context requires otherwise:

(a) "Applicant" means any person who has applied for or is about to apply for a state gaming license, registration or finding of suitability under the provisions of this chapter or approval of any act or transaction for which approval is required or permitted under the provisions of this chapter.

(b) "Application" means a request for the issuance of a state gaming license, registration or finding of suitability under the provisions of this chapter or for approval of any act or transaction for which approval is required or permitted under the provisions of this chapter but does not include any supplemental forms or information that may be required with the application.

(c) "Associated equipment" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or with any game, race book or sports pool that would not otherwise be classified as a gaming device, including dice, playing cards, links which connect to progressive slot machines, equipment which



431 affects the proper reporting of gross revenue, computerized  
432 systems of betting at a race book or sports pool, computerized  
433 systems for monitoring slot machines, and devices for weighing or  
434 counting money.

435 (d) "Chairman" means the Chairman of the Mississippi  
436 Gaming Commission except when used in the term "Chairman of the  
437 State Tax Commission." "Chairman of the State Tax Commission" or  
438 "commissioner" means the Commissioner of Revenue of the Department  
439 of Revenue.

440 (e) "Commission" or "Mississippi Gaming Commission"  
441 means the Mississippi Gaming Commission.

442 (f) "Commission member" means a member of the  
443 Mississippi Gaming Commission.

444 (g) "Credit instrument" means a writing which evidences  
445 a gaming debt owed to a person who holds a license at the time the  
446 debt is created, and includes any writing taken in consolidation,  
447 redemption or payment of a prior credit instrument.

448 (h) "Enforcement division" means a particular division  
449 supervised by the executive director that provides enforcement  
450 functions.

451 (i) "Establishment" means any premises wherein or  
452 whereon any gaming is done.

453 (j) "Executive director" means the Executive Director  
454 of the Mississippi Gaming Commission.



455 (k) Except as otherwise provided by law, "game," or  
456 "gambling game" means any banking or percentage game played with  
457 cards, with dice or with any mechanical, electromechanical or  
458 electronic device or machine for money, property, checks, credit  
459 or any representative of value, including, without limiting, the  
460 generality of the foregoing, faro, monte, roulette, keno, fan tan,  
461 twenty one, blackjack, seven and a half, big injun, klondike,  
462 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de  
463 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,  
464 or any other game or device approved by the commission. However,  
465 "game" or "gambling game" shall not include bingo games or raffles  
466 which are held pursuant to the provisions of Section 97-33-51, or  
467 the illegal gambling activities described in Section 97-33-8.

468 The commission shall not be required to recognize any game  
469 hereunder with respect to which the commission determines it does  
470 not have sufficient experience or expertise.

471 (l) "Gaming" or "gambling" means to deal, operate,  
472 carry on, conduct, maintain or expose for play any game as defined  
473 in this chapter.

474 (m) "Gaming device" means any mechanical,  
475 electromechanical or electronic contrivance, component or machine  
476 used in connection with gaming or any game which affects the  
477 result of a wager by determining win or loss. The term includes a  
478 system for processing information which can alter the normal  
479 criteria of random selection, which affects the operation of any



480 game, or which determines the outcome of a game. The term does  
481 not include a system or device which affects a game solely by  
482 stopping its operation so that the outcome remains undetermined,  
483 and does not include any antique coin machine as defined in  
484 Section 27-27-12.

485 (n) "Gaming employee" means any person connected  
486 directly with the operation of a gaming establishment licensed to  
487 conduct any game, including:

- 488 (i) Boxmen;
- 489 (ii) Cashiers;
- 490 (iii) Change personnel;
- 491 (iv) Counting room personnel;
- 492 (v) Dealers;
- 493 (vi) Floormen;
- 494 (vii) Hosts or other persons empowered to extend  
495 credit or complimentary services;
- 496 (viii) Keno runners;
- 497 (ix) Keno writers;
- 498 (x) Machine mechanics;
- 499 (xi) Security personnel;
- 500 (xii) Shift or pit bosses;
- 501 (xiii) Shills;
- 502 (xiv) Supervisors or managers; and
- 503 (xv) Ticket writers.



504       The term "gaming employee" also includes employees of  
505 manufacturers or distributors of gaming equipment within this  
506 state whose duties are directly involved with the manufacture,  
507 repair or distribution of gaming equipment.

508       "Gaming employee" does not include bartenders, cocktail  
509 waitresses or other persons engaged in preparing or serving food  
510 or beverages unless acting in some other capacity.

511               (o) "Gaming license" means any license issued by the  
512 state which authorizes the person named therein to engage in  
513 gaming.

514               (p) "Gross revenue" means the total of all of the  
515 following, less the total of all cash paid out as losses to  
516 patrons and those amounts paid to purchase annuities to fund  
517 losses paid to patrons over several years by independent financial  
518 institutions:

519                       (i) Cash received as winnings;

520                       (ii) Cash received in payment for credit extended  
521 by a licensee to a patron for purposes of gaming; and

522                       (iii) Compensation received for conducting any  
523 game in which the licensee is not party to a wager.

524       For the purposes of this definition, cash or the value of  
525 noncash prizes awarded to patrons in a contest or tournament are  
526 not losses.

527       The term does not include:

528               (i) Counterfeit money or tokens;



529                   (ii)   Coins of other countries which are received  
530 in gaming devices;

531                   (iii)   Cash taken in fraudulent acts perpetrated  
532 against a licensee for which the licensee is not reimbursed; or

533                   (iv)   Cash received as entry fees for contests or  
534 tournaments in which the patrons compete for prizes.

535                   (q)   "Hearing examiner" means a member of the  
536 Mississippi Gaming Commission or other person authorized by the  
537 commission to conduct hearings.

538                   (r)   "Investigation division" means a particular  
539 division supervised by the executive director that provides  
540 investigative functions.

541                   (s)   "License" means a gaming license or a  
542 manufacturer's, seller's or distributor's license.

543                   (t)   "Licensee" means any person to whom a valid license  
544 has been issued.

545                   (u)   "License fees" means monies required by law to be  
546 paid to obtain or continue a gaming license or a manufacturer's,  
547 seller's or distributor's license.

548                   (v)   "Licensed gaming establishment" means any premises  
549 licensed pursuant to the provisions of this chapter wherein or  
550 whereon gaming is done.

551                   (w)   "Manufacturer's," "seller's" or "distributor's"  
552 license means a license issued pursuant to Section 75-76-79.



(x) "Navigable waters" shall have the meaning ascribed to such term under Section 27-109-1.

(y) "Operation" means the conduct of gaming.

(z) "Party" means the Mississippi Gaming Commission and any licensee or other person appearing of record in any proceeding before the commission; or the Mississippi Gaming Commission and any licensee or other person appearing of record in any proceeding for judicial review of any action, decision or order of the commission.

(aa) "Person" includes any association, corporation, firm, partnership, trust or other form of business association as well as a natural person.

(bb) "Premises" means land, together with all buildings, improvements and personal property located thereon, and includes all parts of any vessel or cruise vessel.

(cc) "Race book" means the business of accepting wagers upon the outcome of any event held at a track which uses the pari-mutuel system of wagering and includes "online race book" as defined by this act.

(dd) "Regulation" means a rule, standard, directive or statement of general applicability which effectuates law or policy or which describes the procedure or requirements for practicing before the commission. The term includes a proposed regulation and the amendment or repeal of a prior regulation but does not include:



(i) A statement concerning only the internal management of the commission and not affecting the rights or procedures available to any licensee or other person;

(ii) A declaratory ruling;

(iii) An interagency memorandum;

(iv) The commission's decision in a contested case or relating to an application for a license; or

(v) Any notice concerning the fees to be charged which are necessary for the administration of this chapter.

(ee) "Respondent" means any licensee or other person against whom a complaint has been filed with the commission.

(ff) "Slot machine" means any mechanical, electrical or other device, contrivance or machine which, upon insertion of a coin, token or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens or anything of value, whether the payoff is made automatically from the machine or in any other manner. The term does not include any antique coin machine as defined in Section 27-27-12.

(gg) "Sports pool" means the business of accepting wagers on collegiate or professional sporting events or athletic events, by any system or method of wagering other than the system





603 known as the "pari-mutuel method of wagering \* \* \*, and includes  
604 "online sports pool" as defined by this act.

605 (hh) "State Tax Commission" or "department" means the  
606 Department of Revenue of the State of Mississippi.

607 (ii) "Temporary work permit" means a work permit which  
608 is valid only for a period not to exceed ninety (90) days from its  
609 date of issue and which is not renewable.

610 (jj) "Vessel" or "cruise vessel" shall have the  
611 meanings ascribed to such terms under Section 27-109-1.

612 (kk) "Work permit" means any card, certificate or  
613 permit issued by the commission, whether denominated as a work  
614 permit, registration card or otherwise, authorizing the employment  
615 of the holder as a gaming employee. A document issued by any  
616 governmental authority for any employment other than gaming is not  
617 a valid work permit for the purposes of this chapter.

618 (ll) "School or training institution" means any school  
619 or training institution which is licensed by the commission to  
620 teach or train gaming employees pursuant to Section 75-76-34.

621 (mm) "Cheat" means to alter the selection of criteria  
622 that determine:

623 (i) The rules of a game; or

624 (ii) The amount or frequency of payment in a game.

625 (nn) "Promotional activity" means an activity or event  
626 conducted or held for the purpose of promoting or marketing the  
627 individual licensed gaming establishment that is engaging in the



628 promotional activity. The term includes, but is not limited to, a  
629 game of any kind other than as defined in paragraph (k) of this  
630 section, a tournament, a contest, a drawing, or a promotion of any  
631 kind.

632 **SECTION 9.** Section 75-76-33, Mississippi Code of 1972, is  
633 amended as follows:

634 75-76-33. (1) The commission shall, from time to time,  
635 adopt, amend or repeal such regulations, consistent with the  
636 policy, objects and purposes of this chapter, as it may deem  
637 necessary or desirable in the public interest in carrying out the  
638 policy and provisions of this chapter. The commission shall  
639 comply with the Mississippi Administrative Procedures Law when  
640 adopting, amending or repealing any regulations authorized under  
641 this section or under any other provision of this chapter.

642 (2) These regulations shall, without limiting the general  
643 powers herein conferred, include the following:

644 (a) Prescribing the method and form of application  
645 which any applicant for a license or for a manufacturer's,  
646 seller's or distributor's license must follow and complete before  
647 consideration of his application by the executive director or the  
648 commission.

649 (b) Prescribing the information to be furnished by any  
650 applicant or licensee concerning his antecedents, habits,  
651 character, associates, criminal record, business activities and  
652 financial affairs, past or present.



653           (c) Prescribing the information to be furnished by a  
654 licensee relating to his employees.

655           (d) Requiring fingerprinting of an applicant or  
656 licensee, and gaming employees of a licensee, or other methods of  
657 identification and the forwarding of all fingerprints taken  
658 pursuant to regulation of the Federal Bureau of Investigation.

659           (e) Prescribing the manner and procedure of all  
660 hearings conducted by the commission or any hearing examiner of  
661 the commission, including special rules of evidence applicable  
662 thereto and notices thereof.

663           (f) Requiring any applicant to pay all or any part of  
664 the fees and costs of investigation of such applicant as may be  
665 determined by the commission under paragraph (g) of this  
666 subsection (2).

667           (g) Prescribing the amounts of investigative fees only  
668 as authorized by regulations of the commission under paragraph (f)  
669 of this subsection, and collecting those fees. The commission  
670 shall adopt regulations setting the amounts of those fees at  
671 levels that will provide the commission with sufficient revenue,  
672 when combined with any other monies as may be deposited into the  
673 Mississippi Gaming Commission Fund created in Section 75-76-325,  
674 to carry out the provisions of this chapter without any state  
675 general funds. In calculating the amount of such fees, the  
676 commission shall:



677                   (i) Attempt to set the fees at levels that will  
678 create a balance in the Mississippi Gaming Commission Fund that  
679 does not exceed, at the end of any state fiscal year, two percent  
680 (2%) of the projected amount of funds that will provide the  
681 commission with such sufficient revenue; and

682                   (ii) Demonstrate the reasonableness of the  
683 relationship between a fee and the actual costs of the  
684 investigative activity for which the fee is being prescribed.

685                   (h) Prescribing the manner and method of collection and  
686 payment of fees and issuance of licenses.

687                   (i) Prescribing under what conditions a licensee may be  
688 deemed subject to revocation or suspension of his license.

689                   (j) Requiring any applicant or licensee to waive any  
690 privilege with respect to any testimony at any hearing or meeting  
691 of the commission, except any privilege afforded by the  
692 Constitution of the United States or this state.

693                   (k) Defining and limiting the area, games and devices  
694 permitted, and the method of operation of such games and devices,  
695 for the purposes of this chapter.

696                   (l) Prescribing under what conditions the nonpayment of  
697 a gambling debt by a licensee shall be deemed grounds for  
698 revocation or suspension of his license.

699                   (m) Governing the use and approval of gambling devices  
700 and equipment.



701 (n) Prescribing the qualifications of, and the  
702 conditions under which, attorneys, accountants and others are  
703 permitted to practice before the commission.

704 (o) Restricting access to confidential information  
705 obtained under this chapter and ensuring that the confidentiality  
706 of such information is maintained and protected.

707 (p) Prescribing the manner and procedure by which the  
708 executive director on behalf of the commission shall notify a  
709 county or a municipality wherein an applicant for a license  
710 desires to locate.

711 (q) Prescribing the manner and procedure for an  
712 objection to be filed with the commission and the executive  
713 director by a county or municipality wherein an applicant for a  
714 license desires to locate.

715 (3) Notwithstanding any other provision of law, each  
716 licensee shall be required to comply with the regulation that no  
717 wager may be placed by, or on behalf of, any individual or entity  
718 or group, not present on a licensed vessel or cruise vessel,  
719 except through an online sports pool or online race book, or as  
720 otherwise provided by this act.

721 (4) From and after July 1, 2016, the expenses of this agency  
722 shall be defrayed by appropriation from the State General Fund and  
723 all user charges and fees authorized under this section shall be  
724 deposited into the State General Fund as authorized by law.



(5) From and after July 1, 2016, no state agency shall charge another state agency a fee, assessment, rent or other charge for services or resources received by authority of this section.

**SECTION 10.** Section 75-76-89, Mississippi Code of 1972, is amended as follows:

75-76-89. (1) Except as otherwise provided in subsection ( \* \* \*2) of this section, all licenses issued to the same person, including a wholly owned subsidiary of that person, for the operation of any game, including a sports pool or race book, whether online or in person, which authorize gaming at the same establishment must be merged into a single gaming license. A gaming license may not be issued to any person if the issuance would result in more than one (1) licensed operation at a single establishment, unless authorized by this act whether or not the profits or revenue from gaming are shared between the licensed operations. This shall in no way be interpreted to mean that a platform is the holder of a gaming license.

(2) A person who has been issued a gaming license may establish a sports pool or race book on the premises of the establishment at which he or she conducts a gaming operation only after obtaining permission from the executive director which permission shall be subject to approval of the terms of any contracts to ensure compliance with state gaming laws entered by



749 the gaming licensee with a licensed platform and any other such  
750 third parties providing related services.

751       **SECTION 11.** Section 75-76-91, Mississippi Code of 1972, is  
752 amended as follows:

753       75-76-91. (1) All licenses issued under the provisions of  
754 this chapter must be posted by the licensee and kept posted at all  
755 times in a conspicuous place in the establishment for which issued  
756 until replaced by a succeeding license. The gaming licensee shall  
757 also conspicuously post the license for the platform used in its  
758 establishment.

759       (2) All licenses may be inspected by authorized state,  
760 county and municipal officials.

761       **SECTION 12.** Section 75-76-129, Mississippi Code of 1972, is  
762 amended as follows:

763       **[Through June 30, 2028, this section shall read as follows:]**

764       75-76-129. (1) On or before the last day of each month all  
765 taxes, fees, interest, penalties, damages, fines or other monies  
766 collected by the Department of Revenue during that month under the  
767 provisions of this chapter, with the exception of (a) the local  
768 government fees imposed under Section 75-76-195, and (b) an amount  
769 equal to Three Million Dollars (\$3,000,000.00) of the revenue  
770 collected pursuant to the fee imposed under Section  
771 75-76-177(1)(c), \* \* \* (c) the revenue collected pursuant to the  
772 fee imposed under Section 75-76-177(1)(c) as a result of wagers on  
773 sporting events and (d) the revenue collected pursuant to the



Mobile Sports Wagering Act from online sports pools and online  
racebooks shall be paid by the Department of Revenue to the State  
Treasurer to be deposited in the State General Fund. The local  
government fees shall be distributed by the Department of Revenue  
pursuant to Section 75-76-197.

(2) An amount equal to Three Million Dollars (\$3,000,000.00)  
of the revenue collected during that month pursuant to the fee  
imposed under Section 75-76-177(1)(c) shall be deposited by the  
Department of Revenue into the bond sinking fund created in  
Section 1(3) of Chapter 479, Laws of 2015.

(3) Revenue collected pursuant to the fee imposed under  
Section 75-76-177(1)(c) as a result of wagers on sporting events  
shall be deposited into the State Highway Fund to be used solely  
for the repair and maintenance of highways and bridges of the  
State of Mississippi. This revenue shall be used first for  
matching funds made available to the state for such purposes  
pursuant to any federal highway infrastructure program implemented  
after September 1, 2018.

(4) Revenue collected pursuant to the fee imposed pursuant  
to Section 75-76-177(c) as a result of wagers on online sports  
pools and online race books shall be deposited into the "Mobile  
Sports Wagering Tax Fund" as provided in Section 6 of this act.

**[From and after July 1, 2028, this section shall read as  
follows:]**





798           75-76-129. (1) On or before the last day of each month all  
799 taxes, fees, interest, penalties, damages, fines or other monies  
800 collected by the Department of Revenue during that month under the  
801 provisions of this chapter, with the exception of (a) the local  
802 government fees imposed under Section 75-76-195, \* \* \* (b) an  
803 amount equal to Three Million Dollars (\$3,000,000.00) of the  
804 revenue collected pursuant to the fee imposed under Section  
805 75-76-177(1)(c), and (c) the revenue collected pursuant to the  
806 Mobile Sports Wagering Act from online sports pools and online  
807 racebooks shall be paid by the Department of Revenue to the State  
808 Treasurer to be deposited in the State General Fund. The local  
809 government fees shall be distributed by the Department of Revenue  
810 pursuant to Section 75-76-197. An amount equal to Three Million  
811 Dollars (\$3,000,000.00) of the revenue collected during that month  
812 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be  
813 deposited by the Department of Revenue into the bond sinking fund  
814 created in Section 1(3) of Chapter 479, Laws of 2015.

815           (2) Revenue collected pursuant to the fee imposed  
816 pursuant to Section 75-76-177(c) as a result of wagers on online  
817 sports pools and online race books shall be deposited into the  
818 "Mobile Sports Wagering Tax Fund" as provided in Section 6 of this  
819 act.

820           **SECTION 13.** Section 75-76-203, Mississippi Code of 1972, is  
821 amended as follows:



75-76-203. In order to be eligible to receive a state gaming license, a corporation shall:

(a) Be incorporated:

(i) In the State of Mississippi, although such corporation may be a wholly or partly owned subsidiary of a corporation which is chartered in another state of the United States; or

(ii) In another state of the United States, if all persons having any direct or indirect interest of any nature in such corporation are licensed as required by this chapter and any applicable regulations of the commission;

(b) Maintain an office of the corporation on the licensed premises, except for any platform that operates on behalf of a holder of a gaming license in this state;

(c) Comply with all of the requirements of the laws of the State of Mississippi pertaining to corporations; and

(d) Maintain a ledger in the principal office of the corporation in Mississippi, which shall:

(i) At all times reflect the ownership of every class of security issued by the corporation; and

(ii) Be available for inspection by the commission or the executive director or his employees at all reasonable times without notice.

**SECTION 14.** Section 75-76-205, Mississippi Code of 1972, is brought forward as follows:



847           75-76-205. No domestic corporation is eligible to receive a  
848 gaming license unless it is in good standing in this state. No  
849 foreign corporation is eligible to receive a gaming license unless  
850 it qualifies to do business in this state.

851           **SECTION 15.** Section 75-76-211, Mississippi Code of 1972, is  
852 brought forward as follows:

853           75-76-211. All officers and directors of the corporation  
854 which holds or applies for a state gaming license must be licensed  
855 individually, according to the provisions of this chapter; and if,  
856 in the judgment of the commission, the public interest will be  
857 served by requiring any or all of the corporation's individual  
858 stockholders, lenders, holders of evidences of indebtedness,  
859 underwriters, key executives, agents or employees to be licensed,  
860 the corporation shall require such persons to apply for a license  
861 in accordance with the laws and requirements in effect at the time  
862 the commission requires such licensing. A person who is required  
863 to be licensed by this section shall apply for a license within  
864 thirty (30) days after he becomes an officer or director. A  
865 person who is required to be licensed pursuant to a decision of  
866 the commission shall apply for a license within thirty (30) days  
867 after the executive director requests him to do so.

868           **SECTION 16.** Section 75-76-55, Mississippi Code of 1972, is  
869 brought forward as follows:

870           75-76-55. (1) Except as otherwise provided in Section  
871 75-76-34, it is unlawful for any person, either as owner, lessee



or employee, whether for hire or not, either solely or in conjunction with others, without having first procured and thereafter maintaining in effect a state gaming license:

(a) To deal, operate, carry on, conduct, maintain or expose for play in the State of Mississippi any gambling game, including, without limitation, any gaming device, slot machine, race book or sports pool;

(b) To provide or maintain any information service the primary purpose of which is to aid the placing or making of wagers on events of any kind; or

(c) To receive, directly or indirectly, any compensation or reward or any percentage or share of the money or property played, for keeping, running or carrying on any gambling game, including, without limitation, any slot machine, gaming device, race book or sports pool.

(2) Except as otherwise provided in Section 75-76-34, it is unlawful for any person knowingly to permit any gambling game, including, without limitation, any slot machine, gaming device, race book or sports pool to be conducted, operated, dealt or carried on in any house or building or other premises owned by him, in whole or in part, by a person who is not licensed pursuant to this chapter or by his employee.

**SECTION 17.** Section 75-76-79, Mississippi Code of 1972, is amended as follows:



896           75-76-79. (1) (a) Except as otherwise provided in  
897 paragraphs (b) and (c) of this subsection, it is unlawful for any  
898 person, either as owner, lessee or employee, whether for hire or  
899 not, to operate, carry on, conduct or maintain any form of  
900 manufacture, selling or distribution of any gaming device for use  
901 or play in Mississippi or for distribution outside of Mississippi  
902 without first procuring and maintaining all required federal and  
903 state licenses.

904           (b) A lessor who specifically acquires equipment for a  
905 capital lease is not required to be licensed under this section.

906           (c) The holder of a state gaming license or the holding  
907 company of a corporate licensee may, within two (2) years after  
908 cessation of business or upon specific approval by the executive  
909 director, dispose of by sale in a manner approved by the executive  
910 director, any or all of its gaming devices, including slot  
911 machines, without a distributor's license. In cases of bankruptcy  
912 of a state gaming licensee or foreclosure of a lien by a bank or  
913 other person holding a security interest for which gaming devices  
914 are security, in whole or in part, for the lien, the executive  
915 director may authorize the disposition of the gaming devices  
916 without requiring a distributor's license.

917           (d) Any person whom the commission determines is a  
918 suitable person to receive a license under the provisions of this  
919 section may be issued a manufacturer's or distributor's license.  
920 The burden of proving his qualification to receive or hold a



921 license under this section is at all times on the applicant or  
922 licensee.

923 (e) Every person who must be licensed pursuant to this  
924 section is subject to the provisions of Sections 75-76-199 through  
925 75-76-265, unless exempted from those provisions by the  
926 commission.

927 (f) The commission may exempt, for any purpose, a  
928 manufacturer, seller or distributor from the provisions of  
929 Sections 75-76-199 through 75-76-265, if the commission determines  
930 that the exemption is consistent with the purposes of this  
931 chapter.

932 (g) As used in this section, "holding company" has the  
933 meaning ascribed to it in Section 75-76-199.

934 (2) If the commission determines that a manufacturer or  
935 distributor is unsuitable to receive or hold a license:

936 (a) No new gaming device or associated equipment  
937 manufactured by the manufacturer or distributed by the distributor  
938 may be approved;

939 (b) Any previously approved device or associated  
940 equipment manufactured by the manufacturer or distributed by the  
941 distributor is subject to revocation of approval if the reasons  
942 for the denial of the license also apply to that device or  
943 associated equipment;



(c) No new device or associated equipment manufactured by the manufacturer or distributed by the distributor may be sold, transferred or offered for use or play in Mississippi; and

(d) Any association or agreement between the manufacturer or distributor and a licensee must be terminated, unless otherwise provided by the commission. An agreement between such a manufacturer or distributor of gaming devices or associated equipment and a licensee shall be deemed to include a provision for its termination without liability on the part of the licensee upon a finding by the commission that the manufacturer is unsuitable to be associated with a gaming enterprise. Failure to include that condition in the agreement is not a defense in any action brought pursuant to this section to terminate the agreement.

(3) Failure of a licensee to terminate any association or agreement with a manufacturer or distributor of gaming devices or associated equipment after receiving notice of a determination of unsuitability, the denial of a license or failure to file a timely application for a license, is an unsuitable method of operation.

(4) There is hereby imposed and levied on each applicant for a manufacturer's, seller's or distributor's license under this section an annual license fee in the following amount:

(a) For the issuance or continuation of a manufacturer's license, One Thousand Dollars (\$1,000.00).



968 (b) For the issuance or continuation of a seller's or  
969 distributor's license, Five Hundred Dollars (\$500.00).

970 This fee is to be paid by the applicant to the \* \* \*  
971 Department of Revenue on or before the filing of the application  
972 for a manufacturer's, seller's or distributor's license by the  
973 applicant. Upon such payment the \* \* \* Commissioner of Revenue  
974 shall certify to the executive director that such fee has been  
975 paid by the applicant.

976 Except for those amounts that a person issued a  
977 manufacturer's license under this section may charge for goods  
978 supplied or services rendered, the person holding the  
979 manufacturer's license may not be directly reimbursed by a holder  
980 of a gaming license for the cost of any fee paid by the person for  
981 the issuance or continuation of such a license, whether imposed  
982 under this section or any other provision of this chapter.

983 (5) A manufacturer or distributor of associated equipment  
984 who sells, transfers or offers the associated equipment for use or  
985 play in Mississippi may be required by the executive director to  
986 file an application for a finding of suitability to be a  
987 manufacturer or distributor of associated equipment.

988 Any person who directly or indirectly involves himself in the  
989 sale, transfer or offering for use or play in Mississippi of  
990 associated equipment who is not otherwise required to be licensed  
991 as a manufacturer or distributor may be required by the executive





992 director to file an application for a finding of suitability to be  
993 a manufacturer or distributor of associated equipment.

994 If an application for a finding of suitability is not  
995 submitted within thirty (30) days after demand by the executive  
996 director, he may pursue any remedy or combination of remedies  
997 provided in this chapter.

998 (6) The executive director and his employees may inspect  
999 every gaming device which is manufactured, sold or distributed:

1000 (a) For use in this state, before the gaming device is  
1001 put into play.

1002 (b) In this state for use outside this state, before  
1003 the gaming device is shipped out of this state.

1004 The executive director may inspect every gaming device which  
1005 is offered for play within this state by a licensee.

1006 The executive director may inspect all associated equipment  
1007 which is manufactured, sold or distributed for use in this state  
1008 before the equipment is installed or used by a gaming licensee.

1009 In addition to all other fees and charges imposed by this  
1010 chapter, the executive director may determine an inspection fee  
1011 with regard to each manufacturer, seller or distributor which must  
1012 not exceed the actual cost of inspection and investigation. Upon  
1013 such determination, the executive director shall certify to the  
1014 \* \* \* Commissioner of Revenue the amount of the inspection fee  
1015 and the name and address of the applicant. Upon such



certification the \* \* \* Department of Revenue shall proceed to assess and collect such inspection fee from the applicant.

**SECTION 18.** Section 75-76-101, Mississippi Code of 1972, is amended as follows:

75-76-101. (1) All gaming must be conducted with chips, tokens or other instrumentalities approved by the executive director or with the legal tender of the United States.

(2) Except for an online sports pool or online race book, no licensee shall permit participation by a person in a game conducted in the licensed gaming establishment if such person is not physically present in the licensed gaming establishment during the period of time when such game is being conducted, and all games and the participation of patrons therein shall be entirely located and conducted on the licensed premises.

**SECTION 19.** Section 75-76-175, Mississippi Code of 1972, is amended as follows:

75-76-175. (1) A credit instrument accepted on or after June 29, 1991, is valid and may be enforced by legal process.

(2) A licensee or a person acting on the licensee's behalf may accept an incomplete credit instrument which:

(a) Is signed by a patron; and

(b) States the amount of the debt in figures.

Such licensee or person acting on the licensee's behalf \* \* \* may complete the instrument as is necessary for the instrument to be presented for payment.



1041           (3) A licensee or person acting on behalf of a licensee:  
1042               (a) May accept a credit instrument that is dated later  
1043 than the date of its execution if that later date is furnished at  
1044 the time of the execution of the credit instrument by the patron.  
1045               (b) May not accept a credit instrument which is  
1046 incomplete, except as authorized by subsection (2) of this  
1047 section.  
1048               (c) May accept a credit instrument that is payable to  
1049 an affiliated company or may complete a credit instrument in the  
1050 name of an affiliated company as payee if the credit instrument  
1051 otherwise complies with this subsection and the records of the  
1052 affiliated company pertaining to the credit instrument are made  
1053 available to the executive director upon request.  
1054           (4) This section does not prohibit the establishment of an  
1055 account by a deposit of cash, recognized traveler's check, or any  
1056 other instruments which is equivalent to cash.  
1057           (5) Any person who violates the provisions of this section  
1058 is subject only to the penalties provided in Sections 75-76-103  
1059 through 75-76-119, inclusive.  
1060           (6) The commission may adopt regulations prescribing the  
1061 conditions under which a credit instrument may be redeemed or  
1062 presented to a bank for collection or payment.  
1063           **SECTION 20.** Section 75-76-177, Mississippi Code of 1972, is  
1064 amended as follows:



1065           75-76-177. (1) From and after August 1, 1990, there is  
1066 hereby imposed and levied on each gaming licensee a license fee  
1067 based upon all the gross revenue of the licensee as follows:

1068           (a) Four percent (4%) of all the gross revenue of the  
1069 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)  
1070 per calendar month;

1071           (b) Six percent (6%) of all the gross revenue of the  
1072 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per  
1073 calendar month and does not exceed One Hundred Thirty four  
1074 Thousand Dollars (\$134,000.00) per calendar month; and

1075           (c) Eight percent (8%) of all the gross revenue of the  
1076 licensee which exceeds One Hundred Thirty four Thousand Dollars  
1077 (\$134,000.00) per calendar month.

1078           (2) All revenue received from any game \* \* \*, gaming device  
1079 or platform which is leased for operation on the premises of the  
1080 licensee owner to a person other than the owner thereof or which  
1081 is located in an area or space on such premises which is leased by  
1082 the licensee owner to any such person, must be attributed to the  
1083 owner for the purposes of this section and be counted as part of  
1084 the gross revenue of the owner. The lessee is liable to the owner  
1085 for his proportionate share of such license fees.

1086           (3) If the amount of license fees required to be reported  
1087 and paid pursuant to this section is later determined to be  
1088 greater or less than the amount actually reported and paid by the  
1089 licensee, the \* \* \* Commissioner of Revenue shall:



1090           (a) Assess and collect the additional license fees  
1091 determined to be due, with interest thereon until paid; or  
1092           (b) Refund any overpayment, with interest thereon, to  
1093 the licensee.

1094           Interest must be computed, until paid, at the rate of one  
1095 percent (1%) per month from the first day of the first month  
1096 following either the due date of the additional license fees or  
1097 the date of overpayment.

1098           (4) Failure to pay the fees provided for in this section  
1099 when they are due for continuation of a license shall be deemed a  
1100 surrender of the license.

1101           **SECTION 21.** Section 97-33-305, Mississippi Code of 1972, is  
1102 brought forward as follows:

1103           97-33-305. (1) Fantasy contests are legal in this state. A  
1104 fantasy contest operator must comply with the provisions of this  
1105 section if the operator's total player roster for all fantasy  
1106 contests consists of one hundred (100) or more members of the  
1107 general public.

1108           (2) A fantasy contest operator must implement commercially  
1109 reasonable procedures for fantasy contests with an entry fee to:

1110           (a) Prevent employees of the operator, and relatives  
1111 living in the same household with an employee of an operator, from  
1112 competing in fantasy contests offered by an operator in which the  
1113 operator offers a cash prize;



1114           (b) Prevent sharing with third parties of confidential  
1115 information that could affect fantasy contest play until the  
1116 information is made publicly available;

1117           (c) Prevent the operator from participating in a  
1118 fantasy contest offered by the operator;

1119           (d) Verify that a fantasy contest player is eighteen  
1120 (18) years of age or older except as required in Section  
1121 97-33-307(5);

1122           (e) Ensure that individuals who participate or  
1123 officiate in a sporting event or who own, manage or coach a team  
1124 or player who participates in a sporting event will not knowingly  
1125 be allowed to enter a fantasy contest that is determined, in whole  
1126 or in part, on accumulated statistical results that include a  
1127 sporting event in which the individual could be involved as an  
1128 athlete, official, owner, manager or coach;

1129           (f) Allow individuals to restrict themselves from  
1130 entering a fantasy contest upon request and provide reasonable  
1131 steps to prevent the person from entering fantasy contests offered  
1132 by the operator;

1133           (g) Disclose the number of entries that a player may  
1134 submit to each fantasy contest and provide reasonable steps to  
1135 prevent players from submitting more than the allowable number;

1136           (h) Restrict the number of entries submitted by a  
1137 single player for any contest as follows:



1138                   (i) An operator shall not allow a player to submit  
1139 more than one (1) entry in a contest involving twelve (12) or  
1140 fewer players.

1141                   (ii) If the number of players in a contest is more  
1142 than twelve (12) but fewer than thirty seven (37), an operator  
1143 shall not allow a player to submit more than two (2) entries.

1144                   (iii) If the number of players in a contest is at  
1145 least thirty seven (37) but no more than one hundred (100), an  
1146 operator shall not allow a player to submit more than three (3)  
1147 entries.

1148                   (iv) In any contest involving more than one  
1149 hundred (100) players, an operator shall not allow a player to  
1150 submit more than the lesser of:

1151                               1. Three percent (3%) of all entries; or  
1152                               2. One hundred fifty (150) entries.

1153                   (v) For all advertised fantasy contests, the  
1154 operator must prominently include information about the maximum  
1155 number of entries that may be submitted for that contest.

1156                   (vi) An operator may establish fantasy contests in  
1157 which there is no restriction on the number of entries, if those  
1158 contests constitute less than two percent (2%) of the total number  
1159 of contests it offers, and if the operator clearly discloses:

1160                               1. That there are no limits on the number of  
1161 entries by each player in the contest; and



1162                   2. That the cost of participating in such a  
1163 contest is Fifty Dollars (\$50.00) or more per entry;

1164                   (i) Offer introductory procedures for players that are  
1165 prominently displayed on the main page of the operator's platform  
1166 to explain contest play and how to identify a highly experienced  
1167 player;

1168                   (j) Identify all highly experienced players in every  
1169 fantasy contest by a symbol attached to the players' usernames, or  
1170 by other easily visible means, on all platforms supported by the  
1171 operator; and

1172                   (k) Segregate fantasy contest player funds from  
1173 operational funds or maintain a reserve in the form of cash, cash  
1174 equivalents, payment processor reserves and receivables, an  
1175 irrevocable letter of credit, a bond, or a combination thereof, in  
1176 the amount of the total account balances of the fantasy contest  
1177 players for the benefit and protection of the funds held in the  
1178 accounts.

1179                   (3) An operator shall not offer contests based on the  
1180 performance of participants in collegiate, high school or youth  
1181 sports events.

1182                   (4) A fantasy contest operator offering fantasy contests  
1183 with an entry fee in this state shall comply with audit procedures  
1184 adopted by the commission to ensure compliance with this section.





1185           (5)   (a)   Advertisements for contests and prizes offered by  
1186 an operator shall not target prohibited participants, minors, or  
1187 self excluded persons.

1188           (b)   Representations or implications about average  
1189 winnings from contests shall not be unfair or misleading. Such  
1190 representations shall include, at a minimum:

1191                   (i)   The median and mean net winnings of all  
1192 players participating in contests offered by the operator; and

1193                   (ii)   The percentage of winnings awarded by the  
1194 operator to highly experienced players participating in contests  
1195 offered by the operator within the preceding calendar year.

1196           (6)   Operators shall prohibit the use of third party scripts  
1197 or scripting programs for any contest and ensure that measures are  
1198 in place to deter, detect and, to the extent reasonably possible,  
1199 prevent cheating, including collusion, and the use of cheating  
1200 devices, including use of software programs that submit entry fees  
1201 or adjust the athletes selected by a player.

1202           (7)   The values of all prizes and awards offered to winning  
1203 players must be established and made known to the players in  
1204 advance of the contest.

1205           **SECTION 22.** Section 97-33-27, Mississippi Code of 1972, is  
1206 amended as follows:

1207           97-33-27. If any person shall bet on a horse race or a yacht  
1208 race or on a shooting match, he shall be fined not more than Five  
1209 Hundred Dollars (\$500.00), and, unless the fine and costs be



1210 immediately paid, he shall be imprisoned in the county jail not  
1211 more than ninety (90) days; provided, however, this section shall  
1212 not apply to betting, gaming or wagering:

1213           (a) On a cruise vessel as defined in Section 27-109-1  
1214 whenever such vessel is in the waters within the State of  
1215 Mississippi, which lie adjacent to the State of Mississippi south  
1216 of the three (3) most southern counties in the State of  
1217 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1218 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1219 of the county in which the port is located have not voted to  
1220 prohibit such betting, gaming or wagering on cruise vessels as  
1221 provided in Section 19-3-79;

1222           (b) In a structure located in whole or in part on shore  
1223 in any of the three (3) most southern counties in the State of  
1224 Mississippi in which the registered voters of the county have  
1225 voted to allow such betting, gaming or wagering on cruise vessels  
1226 as provided in Section 19-3-79, if:

1227           (i) The structure is owned, leased or controlled  
1228 by a person possessing a gaming license, as defined in Section  
1229 75-76-5, to conduct legal gaming on a cruise vessel under  
1230 paragraph (a) of this section;

1231           (ii) The part of the structure in which licensed  
1232 gaming activities are conducted is located entirely in an area  
1233 which is located no more than eight hundred (800) feet from the  
1234 mean high-water line (as defined in Section 29-15-1) of the waters



1235 within the State of Mississippi, which lie adjacent to the State  
1236 of Mississippi south of the three (3) most southern counties in  
1237 the State of Mississippi, including the Mississippi Sound, St.  
1238 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
1239 Harrison County only, no farther north than the southern boundary  
1240 of the right-of-way for U.S. Highway 90, whichever is greater; and

1241 (iii) In the case of a structure that is located  
1242 in whole or part on shore, the part of the structure in which  
1243 licensed gaming activities are conducted shall lie adjacent to  
1244 state waters south of the three (3) most southern counties in the  
1245 State of Mississippi, including the Mississippi Sound, St. Louis  
1246 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
1247 structure is located consists of a parcel of real property,  
1248 easements and rights-of-way for public streets and highways shall  
1249 not be construed to interrupt the contiguous nature of the parcel,  
1250 nor shall the footage contained within the easements and  
1251 rights-of-way be counted in the calculation of the distances  
1252 specified in subparagraph (ii) \* \* \*;

1253 (c) On a vessel as defined in Section 27-109-1 whenever  
1254 such vessel is on the Mississippi River or navigable waters within  
1255 any county bordering on the Mississippi River, and in which the  
1256 registered voters of the county in which the port is located have  
1257 not voted to prohibit such betting, gaming or wagering on vessels  
1258 as provided in Section 19-3-79; or



1259           (d) That is legal under the laws of the State of  
1260 Mississippi.

1261           **SECTION 23.** Section 97-33-8, Mississippi Code of 1972, is  
1262 amended as follows:

1263           97-33-8. (1) The provisions of this section are intended to  
1264 clarify that the operation of "Internet sweepstakes cafes" is an  
1265 illegal gambling activity under Mississippi state law.

1266           (2) It shall be unlawful for any person or entity to  
1267 possess, own, control, display, operate or have a financial  
1268 interest in an electronic video monitor that:

1269           (a) Is offered or made available to a person to play or  
1270 participate in a simulated gambling program in return for direct  
1271 or indirect consideration, including consideration associated with  
1272 a product, service or activity other than the simulated gambling  
1273 program; and

1274           (b) The person who plays or participates in the  
1275 simulated gambling program may become eligible to win, redeem or  
1276 otherwise obtain a cash or cash-equivalent prize, whether or not  
1277 the eligibility for or value of the prize is determined by or has  
1278 any relationship to the outcome or play of the program.

1279           (3) As used in this section, the following words and phrases  
1280 shall have the meanings ascribed in this subsection, unless the  
1281 context clearly indicates otherwise:

1282           (a) "Simulated gambling program" means any method  
1283 intended to be used by a person playing, participating or



1284 interacting with an electronic video monitor that is offered by  
1285 another person or entity; that directly or indirectly implements  
1286 the predetermination of a cash or cash-equivalent prize, or  
1287 otherwise connects the player with the cash or cash-equivalent  
1288 prize; and that is not legal under the Mississippi Gaming Control  
1289 Act.

1290 (b) "Consideration associated with a product, service  
1291 or activity other than the simulated gambling program" means money  
1292 or other value collected for a product, service or activity that  
1293 is offered in any direct or indirect relationship to playing or  
1294 participating in the simulated gambling program. The term  
1295 includes consideration paid for Internet access or computer time,  
1296 or a sweepstakes entry.

1297 (c) "Electronic video monitor" means any unit,  
1298 mechanism, computer or other terminal, or device that is capable  
1299 of displaying moving or still images.

1300 (4) Any person or entity violating the provisions of this  
1301 section, upon conviction, shall be guilty of a misdemeanor and  
1302 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned  
1303 for not less than one (1) year, or both.

1304 (5) The provisions of this section shall not apply to:

1305 (a) Any lawful activity that is conducted for the  
1306 primary purpose of entertaining children under the age of eighteen  
1307 (18) years, during which money is paid for a token or chip that is



1308 used to play an electronic or other game, with the winner of the  
1309 game earning tickets that can be exchanged for prizes;

1310 (b) Any lawful marketing promotion, contest, prize or  
1311 sweepstakes that is designed to attract consumer attention to a  
1312 specific product or service which is offered for sale by the  
1313 manufacturer, distributor, vendor or retailer of the product or  
1314 service; or

1315 (c) Any promotional activity as defined in Section  
1316 75-76-5 that is conducted by a gaming licensee.

1317 **SECTION 24.** Section 97-33-25, Mississippi Code of 1972, is  
1318 amended as follows:

1319 97-33-25. If any person shall sell or buy, either directly  
1320 or indirectly, any chance in what is commonly called pool, upon  
1321 any event whatever, or shall in any manner engage in such business  
1322 or pastime, he shall be fined not more than Five Hundred Dollars  
1323 (\$500.00) or shall be imprisoned in the county jail not more than  
1324 ninety (90) days; provided, however, this section shall not apply  
1325 to betting, gaming or wagering:

1326 (a) On a cruise vessel as defined in Section 27-109-1  
1327 whenever such vessel is in the waters within the State of  
1328 Mississippi, which lie adjacent to the State of Mississippi south  
1329 of the three (3) most southern counties in the State of  
1330 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1331 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1332 of the county in which the port is located have not voted to



1333 prohibit such betting, gaming or wagering on cruise vessels as  
1334 provided in Section 19-3-79;

1335           (b) In a structure located in whole or in part on shore  
1336 in any of the three (3) most southern counties in the State of  
1337 Mississippi in which the registered voters of the county have  
1338 voted to allow such betting, gaming or wagering on cruise vessels  
1339 as provided in Section 19-3-79, if:

1340           (i) The structure is owned, leased or controlled  
1341 by a person possessing a gaming license, as defined in Section  
1342 75-76-5, to conduct legal gaming on a cruise vessel under  
1343 paragraph (a) of this section;

1344           (ii) The part of the structure in which licensed  
1345 gaming activities are conducted is located entirely in an area  
1346 which is located no more than eight hundred (800) feet from the  
1347 mean high-water line (as defined in Section 29-15-1) of the waters  
1348 within the State of Mississippi, which lie adjacent to the State  
1349 of Mississippi south of the three (3) most southern counties in  
1350 the State of Mississippi, including the Mississippi Sound, St.  
1351 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
1352 Harrison County only, no farther north than the southern boundary  
1353 of the right-of-way for U.S. Highway 90, whichever is greater; and

1354           (iii) In the case of a structure that is located  
1355 in whole or part on shore, the part of the structure in which  
1356 licensed gaming activities are conducted shall lie adjacent to  
1357 state waters south of the three (3) most southern counties in the



1358 State of Mississippi, including the Mississippi Sound, St. Louis  
1359 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
1360 structure is located consists of a parcel of real property,  
1361 easements and rights-of-way for public streets and highways shall  
1362 not be construed to interrupt the contiguous nature of the parcel,  
1363 nor shall the footage contained within the easements and  
1364 rights-of-way be counted in the calculation of the distances  
1365 specified in subparagraph (ii) \* \* \*;

1366 (c) On a vessel as defined in Section 27-109-1 whenever  
1367 such vessel is on the Mississippi River or navigable waters within  
1368 any county bordering on the Mississippi River, and in which the  
1369 registered voters of the county in which the port is located have  
1370 not voted to prohibit such betting, gaming or wagering on vessels  
1371 as provided in Section 19-3-79; or

1372 (d) That is legal under the laws of the State of  
1373 Mississippi.

1374 **SECTION 25.** Section 97-33-1, Mississippi Code of 1972, is  
1375 brought forward as follows:

1376 97-33-1. Except as otherwise provided in Section 97-33-8, if  
1377 any person shall encourage, promote or play at any game, play or  
1378 amusement, other than a fight or fighting match between dogs, for  
1379 money or other valuable thing, or shall wager or bet, promote or  
1380 encourage the wagering or betting of any money or other valuable  
1381 things, upon any game, play, amusement, cockfight, Indian ball  
1382 play or duel, other than a fight or fighting match between dogs,





1383 or upon the result of any election, event or contingency whatever,  
1384 upon conviction thereof, he shall be fined in a sum not more than  
1385 Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
1386 immediately paid, shall be imprisoned for any period not more than  
1387 ninety (90) days. However, this section shall not apply to  
1388 betting, gaming or wagering:

1389           (a) On a cruise vessel as defined in Section 27-109-1  
1390 whenever such vessel is in the waters within the State of  
1391 Mississippi, which lie adjacent to the State of Mississippi south  
1392 of the three (3) most southern counties in the State of  
1393 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1394 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1395 of the county in which the port is located have not voted to  
1396 prohibit such betting, gaming or wagering on cruise vessels as  
1397 provided in Section 19-3-79;

1398           (b) In a structure located, in whole or in part, on  
1399 shore in any of the three (3) most southern counties in the State  
1400 of Mississippi in which the registered voters of the county have  
1401 voted to allow such betting, gaming or wagering on cruise vessels  
1402 as provided in Section 19-3-79, if:

1403           (i) The structure is owned, leased or controlled  
1404 by a person possessing a gaming license, as defined in Section  
1405 75-76-5, to conduct legal gaming on a cruise vessel under  
1406 paragraph (a) of this section;



1407                   (ii) The part of the structure in which licensed  
1408 gaming activities are conducted is located entirely in an area  
1409 which is located no more than eight hundred (800) feet from the  
1410 mean high-water line (as defined in Section 29-15-1) of the waters  
1411 within the State of Mississippi, which lie adjacent to the State  
1412 of Mississippi south of the three (3) most southern counties in  
1413 the State of Mississippi, including the Mississippi Sound, St.  
1414 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
1415 Harrison County only, no farther north than the southern boundary  
1416 of the right-of-way for U.S. Highway 90, whichever is greater; and

1417                   (iii) In the case of a structure that is located  
1418 in whole or part on shore, the part of the structure in which  
1419 licensed gaming activities are conducted shall lie adjacent to  
1420 state waters south of the three (3) most southern counties in the  
1421 State of Mississippi, including the Mississippi Sound, St. Louis  
1422 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
1423 structure is located consists of a parcel of real property,  
1424 easements and rights-of-way for public streets and highways shall  
1425 not be construed to interrupt the contiguous nature of the parcel,  
1426 nor shall the footage contained within the easements and  
1427 rights-of-way be counted in the calculation of the distances  
1428 specified in subparagraph (ii);

1429                   (c) On a vessel as defined in Section 27-109-1 whenever  
1430 such vessel is on the Mississippi River or navigable waters within  
1431 any county bordering on the Mississippi River, and in which the



1432 registered voters of the county in which the port is located have  
1433 not voted to prohibit such betting, gaming or wagering on vessels  
1434 as provided in Section 19-3-79; or

1435 (d) That is legal under the laws of the State of  
1436 Mississippi.

1437 **SECTION 26.** Section 97-33-7, Mississippi Code of 1972, is  
1438 brought forward as follows:

1439 97-33-7. (1) Except as otherwise provided in Section  
1440 97-33-8, it shall be unlawful for any person or persons, firm,  
1441 copartnership or corporation to have in possession, own, control,  
1442 display, or operate any cane rack, knife rack, artful dodger,  
1443 punch board, roll down, merchandise wheel, slot machine, pinball  
1444 machine, or similar device or devices. Provided, however, that  
1445 this section shall not be so construed as to make unlawful the  
1446 ownership, possession, control, display or operation of any  
1447 antique coin machine as defined in Section 27-27-12, or any music  
1448 machine or bona fide automatic vending machine where the purchaser  
1449 receives exactly the same quantity of merchandise on each  
1450 operation of said machine. Any slot machine other than an antique  
1451 coin machine as defined in Section 27-27-12 which delivers, or is  
1452 so constructed as that by operation thereof it will deliver to the  
1453 operator thereof anything of value in varying quantities, in  
1454 addition to the merchandise received, and any slot machine other  
1455 than an antique coin machine as defined in Section 27-27-12 that  
1456 is constructed in such manner as that slugs, tokens, coins or



1457 similar devices are, or may be, used and delivered to the operator  
1458 thereof in addition to merchandise of any sort contained in such  
1459 machine, is hereby declared to be a gambling device, and shall be  
1460 deemed unlawful under the provisions of this section. Provided,  
1461 however, that pinball machines which do not return to the operator  
1462 or player thereof anything but free additional games or plays  
1463 shall not be deemed to be gambling devices, and neither this  
1464 section nor any other law shall be construed to prohibit same.

1465 (2) No property right shall exist in any person, natural or  
1466 artificial, or be vested in such person, in any or all of the  
1467 devices described herein that are not exempted from the provisions  
1468 of this section; and all such devices are hereby declared to be at  
1469 all times subject to confiscation and destruction, and their  
1470 possession shall be unlawful, except when in the possession of  
1471 officers carrying out the provisions of this section. It shall be  
1472 the duty of all law enforcing officers to seize and immediately  
1473 destroy all such machines and devices.

1474 (3) A first violation of the provisions of this section  
1475 shall be deemed a misdemeanor, and the party offending shall, upon  
1476 conviction, be fined in any sum not exceeding Five Hundred Dollars  
1477 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
1478 in the discretion of the court. In the event of a second  
1479 conviction for a violation of any of the provisions of this  
1480 section, the party offending shall be subject to a sentence of not  
1481 less than six (6) months in the county jail, nor more than two (2)



1482 years in the State Penitentiary, in the discretion of the trial  
1483 court.

1484 (4) Notwithstanding any provision of this section to the  
1485 contrary, it shall not be unlawful to operate any equipment or  
1486 device described in subsection (1) of this section or any gaming,  
1487 gambling or similar device or devices by whatever name called  
1488 while:

1489 (a) On a cruise vessel as defined in Section 27-109-1  
1490 whenever such vessel is in the waters within the State of  
1491 Mississippi, which lie adjacent to the State of Mississippi south  
1492 of the three (3) most southern counties in the State of  
1493 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1494 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1495 of the county in which the port is located have not voted to  
1496 prohibit such betting, gaming or wagering on cruise vessels as  
1497 provided in Section 19-3-79;

1498 (b) In a structure located, in whole or in part, on  
1499 shore in any of the three (3) most southern counties in the State  
1500 of Mississippi in which the registered voters of the county have  
1501 voted to allow such betting, gaming or wagering on cruise vessels  
1502 as provided in Section 19-3-79, if:

1503 (i) The structure is owned, leased or controlled  
1504 by a person possessing a gaming license, as defined in Section  
1505 75-76-5, to conduct legal gaming on a cruise vessel under  
1506 paragraph (a) of this subsection;



1507                   (ii) The part of the structure in which licensed  
1508 gaming activities are conducted is located entirely in an area  
1509 which is located no more than eight hundred (800) feet from the  
1510 mean high-water line (as defined in Section 29-15-1) of the waters  
1511 within the State of Mississippi, which lie adjacent to the State  
1512 of Mississippi south of the three (3) most southern counties in  
1513 the State of Mississippi, including the Mississippi Sound, St.  
1514 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
1515 Harrison County only, no farther north than the southern boundary  
1516 of the right-of-way for U.S. Highway 90, whichever is greater; and

1517                   (iii) In the case of a structure that is located  
1518 in whole or part on shore, the part of the structure in which  
1519 licensed gaming activities are conducted shall lie adjacent to  
1520 state waters south of the three (3) most southern counties in the  
1521 State of Mississippi, including the Mississippi Sound, St. Louis  
1522 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
1523 structure is located consists of a parcel of real property,  
1524 easements and rights-of-way for public streets and highways shall  
1525 not be construed to interrupt the contiguous nature of the parcel,  
1526 nor shall the footage contained within the easements and  
1527 rights-of-way be counted in the calculation of the distances  
1528 specified in subparagraph (ii);

1529                   (c) On a vessel as defined in Section 27-109-1 whenever  
1530 such vessel is on the Mississippi River or navigable waters within  
1531 any county bordering on the Mississippi River, and in which the



1532 registered voters of the county in which the port is located have  
1533 not voted to prohibit such betting, gaming or wagering on vessels  
1534 as provided in Section 19-3-79; or

1535 (d) That is legal under the laws of the State of  
1536 Mississippi.

1537 (5) Notwithstanding any provision of this section to the  
1538 contrary, it shall not be unlawful (a) to own, possess, repair or  
1539 control any gambling device, machine or equipment in a licensed  
1540 gaming establishment or on the business premises appurtenant to  
1541 any such licensed gaming establishment during any period of time  
1542 in which such licensed gaming establishment is being constructed,  
1543 repaired, maintained or operated in this state; (b) to install any  
1544 gambling device, machine or equipment in any licensed gaming  
1545 establishment; (c) to possess or control any gambling device,  
1546 machine or equipment during the process of procuring or  
1547 transporting such device, machine or equipment for installation on  
1548 any such licensed gaming establishment; or (d) to store in a  
1549 warehouse or other storage facility any gambling device, machine,  
1550 equipment, or part thereof, regardless of whether the county or  
1551 municipality in which the warehouse or storage facility is located  
1552 has approved gaming aboard cruise vessels or vessels, provided  
1553 that such device, machine or equipment is operated only in a  
1554 county or municipality that has approved gaming aboard cruise  
1555 vessels or vessels. Any gambling device, machine or equipment  
1556 that is owned, possessed, controlled, installed, procured,



1557 repaired, transported or stored in accordance with this subsection  
1558 shall not be subject to confiscation, seizure or destruction, and  
1559 any person, firm, partnership or corporation which owns,  
1560 possesses, controls, installs, procures, repairs, transports or  
1561 stores any gambling device, machine or equipment in accordance  
1562 with this subsection shall not be subject to any prosecution or  
1563 penalty under this section. Any person constructing or repairing  
1564 such cruise vessels or vessels within a municipality shall comply  
1565 with all municipal ordinances protecting the general health or  
1566 safety of the residents of the municipality.

1567       **SECTION 27.** Section 7-11-11, Mississippi Code of 1972, is  
1568 brought forward as follows:

1569       7-11-11. The Secretary of State shall have charge of the  
1570 swamp and the overflowed lands and indemnity lands in lieu  
1571 thereof, the internal improvement lands, the lands forfeited to  
1572 the state for nonpayment of taxes after the time allowed by law  
1573 for redemption shall have expired, and of all other public lands  
1574 belonging to or under the control of the state. The regulation,  
1575 sale and disposition of all such lands shall be made through the  
1576 Secretary of State's office.

1577       The Secretary of State shall sign all conveyances and leases  
1578 of any and all state-owned lands and shall record same in a book  
1579 kept in his office for such purposes.

1580       **SECTION 28.** Section 29-1-107, Mississippi Code of 1972, is  
1581 brought forward as follows:





1582           29-1-107. (1) The Secretary of State with the approval of  
1583 the Governor shall, as far as practicable, rent or lease all lands  
1584 belonging to the state, except as otherwise provided by law for a  
1585 period of not exceeding one (1) year, and account for the rents  
1586 therefrom in the same manner as money received from the sale of  
1587 state lands, provided that no state land shall be rented or leased  
1588 to individuals, corporations, partnerships, or association of  
1589 persons for hunting or fishing purposes. Property belonging to  
1590 the state in municipalities, even though it may have been  
1591 subdivided into lots, blocks, divisions, or otherwise escheated or  
1592 was sold to the state by such description, may likewise be leased  
1593 or rented by the Secretary of State under the terms provided above  
1594 for other state lands, and the rents accounted for in the same  
1595 manner. The state shall have all the liens, rights and remedies  
1596 accorded to landlords in Sections 89-7-1 through 89-7-125; said  
1597 leases and rental contracts shall automatically terminate on the  
1598 date provided in said leases or contracts.

1599           (2) (a) The Secretary of State, with the approval of the  
1600 Governor, may rent or lease surface lands, tidelands or submerged  
1601 lands owned or controlled by the State of Mississippi lying in or  
1602 adjacent to the Mississippi Sound or Gulf of Mexico or streams  
1603 emptying therein, for a period not exceeding forty (40) years for  
1604 rental payable to the state annually. However, the term of any  
1605 lease of state public trust tidelands to a person possessing a



license under the Mississippi Gaming Control Act shall be governed by the provisions of subsection (4) of this section.

(b) The lessee under such agreement may construct such necessary items for marking channels, docking, wharfing, mooring or fleeting vessels which shall be in aid of navigation and not obstructions thereto.

(c) A lessee of record may be given the option to renew for an additional period not to exceed twenty-five (25) years; however, the term of a renewal for a lease of state public trust tidelands to a person possessing a gaming license under the Mississippi Gaming Control Act shall be governed by the provisions of subsection (4) of this section. The holder of a lease of Public Trust Tidelands, at the expiration thereof, shall have a prior right, exclusive of all other persons, to re-lease as may be agreed upon between the holder of the lease and the Secretary of State.

(d) Leases shall provide for review and rent adjustments at each fifth anniversary tied either to the All Urban Consumer Price Index-All Items (CPI) or to an appraisal which deducts the value of any improvements by the lessee which substantially enhance the value of the land. In the case where the initial rental was based on the value set by the ad valorem tax rolls, then the rent review and adjustment clause shall be likewise based on the value set by such tax rolls. In the event that the lessor and lessee cannot agree on a rental amount, the



1631 lease may be cancelled at the option of the lessor. The lessee  
1632 shall, within thirty (30) days after execution of a sublease or  
1633 assignment, file a copy thereof, including the total consideration  
1634 therefor, with the Secretary of State. This paragraph shall not  
1635 apply to a lease of state public trust tidelands or submerged  
1636 lands to a person possessing a gaming license under the  
1637 Mississippi Gaming Control Act who operates a gaming establishment  
1638 on such tidelands.

1639 (3) Provided, however, the current occupants of public trust  
1640 tidelands that were developed after the determinable mean  
1641 high-water line nearest the effective date of the Coastal Wetlands  
1642 Protection Law shall pay an annual rental based on the fair market  
1643 value as determined by the assessed valuation of the property.  
1644 The holder of a lease of Public Trust Tidelands, at the expiration  
1645 thereof, shall have a prior right, exclusive of all other persons,  
1646 to re-lease as may be agreed upon between the holder of the lease  
1647 and the Secretary of State.

1648 (4) (a) This section shall apply to any person possessing a  
1649 license under the Mississippi Gaming Control Act who operates a  
1650 gaming establishment in any of the three (3) most southern  
1651 counties of the state.

1652 (b) The following shall apply to all leases of state  
1653 public trust tidelands executed by such a licensee:



1654                   (i) Every lease executed after August 29, 2005,  
1655 shall be for a period of thirty (30) years for rental payable to  
1656 the state annually.

1657                   (ii) By operation of this section, any lease  
1658 executed before August 29, 2005, may, at the option of the lessee,  
1659 either remain at the term stated in the original execution of the  
1660 lease or be converted to a thirty-year term lease, beginning on  
1661 such date after August 29, 2005, that the lessee either resumes or  
1662 begins permanent gaming activities as approved by the Mississippi  
1663 Gaming Commission, and the lessee shall be required to comply with  
1664 all other provisions of the lease. Should the lessee choose to  
1665 operate in a structure that is not on state public trust tidelands  
1666 and that is on property contiguous to tidelands leased by the  
1667 lessee, the lessee shall be required to comply with all other  
1668 provisions of the lease and shall be exempt from the assessment  
1669 provided for in paragraph (c) of this subsection. Easements for  
1670 and rights-of-way for public streets and highways shall not be  
1671 construed to interrupt the contiguous nature of a parcel of  
1672 property. In the event that a lessee does not elect either to  
1673 remain bound by the original term of the lease or to convert the  
1674 lease to a thirty-year term, the Secretary of State may lease the  
1675 state public trust tidelands that are the subject of the lease to  
1676 any other person or entity.

1677                   (iii) Leases shall provide for review and rent  
1678 adjustments at each annual anniversary tied to the All Urban



1679 Consumer Price Index-All Items (CPI). In the case of the renewal  
1680 of a lease after the expiration of the original thirty-year term  
1681 under this subsection, each renewal shall be for a term of thirty  
1682 (30) years. The base rate to which the CPI shall apply for  
1683 purposes of executing the subsequent lease shall be negotiated by  
1684 the lessee with the Secretary of State.

1685 (c) (i) Except as otherwise provided in this  
1686 paragraph, any person possessing a license under the Mississippi  
1687 Gaming Control Act who does not lease public trust tidelands from  
1688 the state or any of its political subdivisions, and who operates a  
1689 gaming establishment in any of the three (3) most southern  
1690 counties of the state, shall pay an annual in-lieu tidelands  
1691 assessment to the Public Trust Tidelands Assessments Fund  
1692 (hereinafter referred to as "fund") created in Section 29-15-10,  
1693 in the amount and manner provided for in this paragraph.

1694 For calendar year 2006, the annual in-lieu tidelands  
1695 assessment paid by the licensee to the fund shall be:

1696 1. Four Hundred Thousand Dollars  
1697 (\$400,000.00), if the capital investment in the part of the  
1698 structure in which licensed gaming activities are conducted is  
1699 Fifty Million Dollars (\$50,000,000.00) or less.

1700 2. Four Hundred Fifty Thousand Dollars  
1701 (\$450,000.00), if the capital investment in the part of the  
1702 structure in which licensed gaming activities are conducted is



1703 equal to or more than Fifty Million Dollars (\$50,000,000.00) but  
1704 less than Sixty Million Dollars (\$60,000,000.00).

1705                   3. Five Hundred Thousand Dollars  
1706 (\$500,000.00), if the capital investment in the part of the  
1707 structure in which licensed gaming activities are conducted is  
1708 equal to or more than Sixty Million Dollars (\$60,000,000.00) but  
1709 less than Seventy-five Million Dollars (\$75,000,000.00).

1710                   4. Six Hundred Thousand Dollars  
1711 (\$600,000.00), if the capital investment in the part of the  
1712 structure in which licensed gaming activities are conducted is  
1713 equal to or more than Seventy-five Million Dollars  
1714 (\$75,000,000.00) but less than One Hundred Million Dollars  
1715 (\$100,000,000.00).

1716                   5. Seven Hundred Thousand Dollars  
1717 (\$700,000.00), if the capital investment in the part of the  
1718 structure in which licensed gaming activities are conducted is  
1719 equal to or more than One Hundred Million Dollars  
1720 (\$100,000,000.00) but less than One Hundred Twenty-five Million  
1721 Dollars (\$125,000,000.00).

1722                   6. Seven Hundred Fifty Thousand Dollars  
1723 (\$750,000.00), if the capital investment in the part of the  
1724 structure in which licensed gaming activities are conducted is  
1725 equal to or more than One Hundred Twenty-five Million Dollars  
1726 (\$125,000,000.00).



For each calendar year thereafter, the Secretary of State shall review and adjust the value of the capital investment and the annual in-lieu tidelands assessment due. Such review and adjustment shall be tied to the CPI.

(ii) This paragraph shall not apply to a gaming licensee if the licensee conducts gaming in a structure that is located on property that is leased from the Mississippi State Port at Gulfport or any political subdivision of the state, or to a licensee who conducts gaming in a structure that is located on property that is leased to the licensee jointly by the State of Mississippi and the City of Biloxi; however, with regard to property owned by a political subdivision of the state, this exception shall only apply to property owned by the political subdivision on August 29, 2005, if legal gaming could have been conducted on such property on that date.

(iii) This paragraph shall not apply to a gaming licensee if the licensee conducts gaming in a structure that is located on property that is not leased from the State of Mississippi and/or a political subdivision of the State of Mississippi and is not on state public trust tidelands, and if the licensee conducted gaming on that property before August 29, 2005.

**SECTION 29.** Section 29-15-1, Mississippi Code of 1972, is brought forward as follows:

29-15-1. (a) "Commission" means the Mississippi Commission on Marine Resources.



1752           (b) "Local tidal datum" means the datum established for a  
1753 specific tide station through the use of tidal observations made  
1754 at that station.

1755           (c) "Mean high water" means the arithmetic mean of all the  
1756 high waters occurring in a particular nineteen-year tidal epoch  
1757 period; or for a shorter period of time after corrections are  
1758 applied to the short term observations to reduce these values to  
1759 the equivalent nineteen-year value.

1760           (d) "Mean high water line" means the intersection of the  
1761 tidal datum plane of mean high water with the shore.

1762           (e) "Mean high water survey" means a survey of the  
1763 intersection of the shoreline with the tidal datum plane of mean  
1764 high water using local tidal datums and surveying methodologies  
1765 approved by the commission. Methodologies shall include but not  
1766 be limited to the "staking method," "the topographic method" and  
1767 "tide coordinated aerial photography."

1768           (f) "National map accuracy standards" means a set of  
1769 guidelines published by the Office of Management and Budget of the  
1770 United States to which maps produced by the United States  
1771 government adhere.

1772           (g) "Submerged lands" means lands which remain covered by  
1773 waters, where the tides ebb and flow, at ordinary low tides.

1774           (h) "Tidelands" means those lands which are daily covered  
1775 and uncovered by water by the action of the tides, up to the mean  
1776 line of the ordinary high tides.





1777           **SECTION 30.** Section 29-15-3, Mississippi Code of 1972, is  
1778 brought forward as follows:

1779           29-15-3. (1) It is declared to be the public policy of this  
1780 state to favor the preservation of the natural state of the public  
1781 trust tidelands and their ecosystems and to prevent the  
1782 despoliation and destruction of them, except where a specific  
1783 alteration of specific public trust tidelands would serve a higher  
1784 public interest in compliance with the public purposes of the  
1785 public trust in which such tidelands are held.

1786           (2) It is hereby declared to be a higher public purpose of  
1787 this state and the public tidelands trust to resolve the  
1788 uncertainty and disputes which have arisen as to the location of  
1789 the boundary between the state's public trust tidelands and the  
1790 upland property and to confirm the mean high water boundary line  
1791 as determined by the Mississippi Supreme Court, the laws of this  
1792 state and this chapter.

1793           **SECTION 31.** Section 29-15-5, Mississippi Code of 1972, is  
1794 brought forward as follows:

1795           29-15-5. (1) Tidelands and submerged lands are held by the  
1796 state in trust for use of all the people, and are so held in their  
1797 character as the beds and shores of the sea and its tidally  
1798 affected arms and tributaries for the purposes defined by common  
1799 law and statutory law. Littoral and riparian property owners have  
1800 common law and statutory rights under the Coastal Wetlands  
1801 Protection Law which extend into the waters and beyond the low



tide line, and the state's responsibilities as trustee extends to such owners as well as to the other members of the public.

(2) Residential property owners shall not be required to obtain a tidelands lease for exercising their common law and statutory littoral and riparian rights.

**SECTION 32.** Section 29-15-9, Mississippi Code of 1972, is brought forward as follows:

29-15-9. (1) There is created in the State Treasury a special fund to be known as the "Public Trust Tidelands Fund." The fund shall be administered by the Secretary of State as trustee.

(2) Any funds derived from lease rentals of tidelands and submerged lands, except those funds derived from mineral leases, or funds previously specifically designated to be applied to other agencies, shall be transferred to the special fund. However, funds derived from lease rentals may be used to cover the administrative cost incurred by the Secretary of State. Any remaining funds derived from lease rentals shall be disbursed pro rata to the local taxing authorities for the replacement of lost ad valorem taxes, if any. Then, any remaining funds shall be disbursed to the commission for new and extra programs of tidelands management, such as conservation, reclamation, preservation, acquisition, education or the enhancement of public access to the public trust tidelands or public improvement projects as they relate to those lands.



1827           (3) Any funds that are appropriated as separate line items  
1828 in an appropriation bill for tideland programs or projects  
1829 authorized under this section for political subdivisions or other  
1830 agencies shall be disbursed as provided in this subsection.

1831           (a) The Department of Marine Resources shall make  
1832 progress payments in installments based on the work completed and  
1833 material used in the performance of a tidelands project only after  
1834 receiving written verification from the political subdivision or  
1835 agency. The political subdivision or agency shall submit  
1836 verification of the work completed or materials in such detail and  
1837 form that the department may require.

1838           (b) The Department of Marine Resources shall make funds  
1839 available for the purpose of using such funds as a match or  
1840 leverage for federal or other funds that are available for the  
1841 designated tidelands project.

1842           **SECTION 33.** Section 29-15-10, Mississippi Code of 1972, is  
1843 brought forward as follows:

1844           29-15-10. (1) There is created in the State Treasury a  
1845 special fund to be known as the "Public Trust Tidelands  
1846 Assessments Fund." The purpose of the fund is to ensure that  
1847 monies derived from the public trust tidelands assessments shall  
1848 be used for the benefit of preserving and protecting the tidelands  
1849 and submerged lands found within the three (3) most southern  
1850 counties of the state. One (1) specific purpose of the fund is to  
1851 ensure that the annual payment made by the state for the purchase



1852 of Deer Island shall continue uninterrupted until the purchase  
1853 transaction is completed. The fund shall be administered by the  
1854 Secretary of State, as trustee. None of the funds that are in the  
1855 special fund or that are required to be deposited into the special  
1856 fund shall be transferred, diverted or in any other manner  
1857 expended or used for any purpose other than those purposes  
1858 specified in this section.

1859 (2) (a) Any funds derived from assessments made pursuant to  
1860 Section 29-1-107(4)(c) shall be deposited into the special fund.

1861 (b) Funds paid pursuant to paragraph (a) of this  
1862 subsection may be appropriated by the Legislature in an amount  
1863 necessary to cover the administrative cost incurred by the  
1864 Mississippi Commission on Marine Resources. Any remaining funds  
1865 shall be disbursed by the commission for new and extra programs of  
1866 tidelands management, such as conservation, reclamation,  
1867 preservation, acquisition, education or the enhancement of public  
1868 access to the public trust tidelands or public improvement  
1869 projects as they relate to those lands.

1870 (3) Any funds that are appropriated as separate line items  
1871 in an appropriation bill for tideland programs or projects  
1872 authorized under this section for political subdivisions or other  
1873 agencies shall be disbursed as provided in this subsection.

1874 (a) The Department of Marine Resources shall make  
1875 progress payments in installments based on the work completed and  
1876 material used in the performance of a tidelands project only after



1877 receiving written verification from the political subdivision or  
1878 agency. The political subdivision or agency shall submit  
1879 verification of the work completed or materials in such detail and  
1880 form that the department may require.

1881 (b) The Department of Marine Resources shall make funds  
1882 available for the purpose of using such funds as a match or  
1883 leverage for federal or other funds that are available for the  
1884 designated tidelands project.

1885 **SECTION 34.** Section 29-15-13, Mississippi Code of 1972, is  
1886 brought forward as follows:

1887 29-15-13. All public projects of any federal, state or local  
1888 governmental entity which serve a higher public purpose of  
1889 promoting the conservation, reclamation, preservation of the  
1890 tidelands and submerged lands, public use for fishing, recreation  
1891 or navigation, or the enhancement of public access to such lands  
1892 shall be exempt from any use or rental fees.

1893 **SECTION 35.** Section 59-7-405, Mississippi Code of 1972, is  
1894 brought forward as follows:

1895 59-7-405. (1) (a) The governing authorities of any  
1896 municipality in which there is situated and located, in whole or  
1897 in part, a port or harbor through which commerce flows, and having  
1898 not less than eight (8) industries engaged in the seafood  
1899 industry, which maintains a channel and/or harbor to a depth of  
1900 not less than eight (8) feet, may engage in, either directly or  
1901 through the commission hereinafter provided and designated, and



1902 such other agencies as hereafter may be provided by law, works of  
1903 internal improvement, or promoting, developing, constructing,  
1904 maintaining and operating harbors or seaports within the state and  
1905 its jurisdiction, and either directly or through the commission  
1906 hereinafter provided for, with the power and authority to acquire,  
1907 purchase, install, rent, lease, mortgage and/or otherwise  
1908 encumber, to construct, own, hold, maintain, equip, use, control  
1909 and operate at seaports or harbors, wharves, piers, docks,  
1910 warehouses, cold storage facilities, water and rail terminals,  
1911 airplane landing fields and strips, and other structures and  
1912 facilities, needful for the convenient use of the same in the aid  
1913 of commerce and navigation, and including the dredging of channels  
1914 and approaches to the facilities, and being authorized to fill in  
1915 and reclaim bottomlands where incidental and necessary to the  
1916 foregoing development.

1917 (b) A municipality, which is operating a port through a  
1918 port commission under this section, may dissolve the port  
1919 commission as provided in Section 59-7-408 and directly operate  
1920 and maintain the port as provided under this article.

1921 (2) The municipal authorities or commission, in connection  
1922 with the exercise of the foregoing works of improvement and  
1923 development, may as an adjunct to any such work of improvement or  
1924 development to erect or construct such bridges, causeways or  
1925 structures as may be required for access to and from the harbors  
1926 or facilities provided as aforesaid by the municipal authorities



1927 or the commission, and including any necessary bridge or causeway  
1928 or combination of the same, connecting with any island or islands  
1929 lying within three (3) leagues of the main shoreline of the  
1930 Mississippi Sound or the Gulf of Mexico, and whether the same be  
1931 within or without the limits of the municipality concerned.

1932 (3) The municipal authorities or commission may procure, by  
1933 gift, grant, purchase, or by the exercise of eminent domain, and  
1934 for the public purposes and uses herein provided for, such land or  
1935 interest therein as may be required for the purposes of this  
1936 article, and regardless of whether the land be within or without  
1937 the limits of the municipality involved.

1938 (4) The municipal authorities or commission, in the exercise  
1939 of the powers granted hereunder, may provide any of the aforesaid  
1940 facilities alone or in collaboration and in conjunction with any  
1941 other public bodies, entities or commissions, as may now or  
1942 hereafter be established by law.

1943 (5) The municipal authorities or commission may provide,  
1944 among other harbor facilities, small craft and pleasure craft  
1945 harbors and facilities needed therefor, including park and  
1946 recreational facilities as an adjunct thereto, and in order to  
1947 develop and promote tourist and recreational trade in the port.

1948 (6) The municipal authorities or commission have the power  
1949 and authority to carry out the provisions of this article, to  
1950 employ engineers, attorneys, and such employees as may be  
1951 necessary in carrying out the provisions of this article, from



time to time, and for the purpose of operating the facilities herein provided for, and may prescribe reasonable compensation in connection with such employment.

**SECTION 36.** Section 59-15-1, Mississippi Code of 1972, is amended as follows:

59-15-1. The authorities of any city in this state which has a population of ten thousand (10,000) or more, according to the last official government census, and the authorities of any municipality bordering on the Mississippi Sound or Gulf of Mexico are hereby given the authority to acquire by purchase, deed, donation, gift, grant, reclamation, lease, dedication, or otherwise, land, harbor sites or water frontage for the purpose of establishing, developing, promoting, maintaining, and operating harbors for small water crafts and recreational parks connected therewith within its territorial limits, or both, and shall have the power to acquire, purchase, install, rent, lease, mortgage, incumber, construct, own, hold, maintain, equip, use, control and operate recreational parks and harbors for small water craft.

**SECTION 37.** Section 75-76-67, Mississippi Code of 1972, is brought forward as follows:

75-76-67. (1) Any person who the commission determines is qualified to receive a license or be found suitable under the provisions of this chapter, having due consideration for the proper protection of the health, safety, morals, good order and general welfare of the inhabitants of the State of Mississippi and





1977 the declared policy of this state, may be issued a state gaming  
1978 license or found suitable. The burden of proving his  
1979 qualification to receive any license or be found suitable is on  
1980 the applicant.

1981 (2) An application to receive a license or be found suitable  
1982 shall not be granted unless the commission is satisfied that the  
1983 applicant is:

1984 (a) A person of good character, honesty and integrity;

1985 (b) A person whose prior activities, criminal record,  
1986 if any, reputation, habits and associations do not pose a threat  
1987 to the public interest of this state or to the effective  
1988 regulation and control of gaming, or create or enhance the dangers  
1989 of unsuitable, unfair or illegal practices, methods and activities  
1990 in the conduct of gaming or the carrying on of the business and  
1991 financial arrangements incidental thereto; and

1992 (c) In all other respects qualified to be licensed or  
1993 found suitable consistent with the declared laws of the state.

1994 (3) No person shall be granted a license or found suitable  
1995 under the provisions of this chapter who has been convicted of a  
1996 felony in any court of this state, another state, or the United  
1997 States; and no person shall be granted a license or found suitable  
1998 hereunder who has been convicted of a crime in any court of  
1999 another state or the United States which, if committed in this  
2000 state, would be a felony; and no person shall be granted a license  
2001 or found suitable under the provisions of this chapter who has



2002 been convicted of a misdemeanor in any court of this state or of  
2003 another state, when such conviction was for gambling, sale of  
2004 alcoholic beverages to minors, prostitution, or procuring or  
2005 inducing individuals to engage in prostitution.

2006 (4) A license to operate a gaming establishment shall not be  
2007 granted unless the applicant has satisfied the commission that:

2008 (a) He has adequate business probity, competence and  
2009 experience, in gaming or generally; and

2010 (b) The proposed financing of the entire operation is:

2011 (i) Adequate for the nature of the proposed  
2012 operation; and

2013 (ii) From a suitable source. Any lender or other  
2014 source of money or credit which the commission finds does not meet  
2015 the standards set forth in subsection (2) may be deemed  
2016 unsuitable.

2017 (5) An application to receive a license or be found suitable  
2018 constitutes a request for a determination of the applicant's  
2019 general character, integrity and ability to participate or engage  
2020 in, or be associated with gaming. Any written or oral statement  
2021 made in the course of an official proceeding of the commission or  
2022 the executive director or any witness testifying under oath which  
2023 is relevant to the purpose of the proceeding is absolutely  
2024 privileged and does not impose liability for defamation or  
2025 constitute a ground for recovery in any civil action.



2026           (6) The commission may, in its discretion, grant a license  
2027 to a corporation which has complied with the provisions of this  
2028 chapter.

2029           (7) The commission may, in its discretion, grant a license  
2030 to a limited partnership which has complied with the provisions of  
2031 this chapter.

2032           (8) No limited partnership, except one whose sole limited  
2033 partner is a publicly traded corporation which has registered with  
2034 the commission, or business trust or organization or other  
2035 association of a quasi-corporate character is eligible to receive  
2036 or hold any license under this chapter unless all persons having  
2037 any direct or indirect interest therein of any nature whatsoever,  
2038 whether financial, administrative, policymaking or supervisory,  
2039 are individually qualified to be licensed under the provisions of  
2040 this chapter.

2041           (9) The commission may, by regulation, limit the number of  
2042 persons who may be financially interested and the nature of their  
2043 interest in any corporation or other organization or association  
2044 licensed under this chapter, and may establish such other  
2045 qualifications of licenses as the commission, in its discretion,  
2046 deems to be in the public interest and consistent with the  
2047 declared policy of the state.

2048           **SECTION 38.** Section 87-1-5, Mississippi Code of 1972, is  
2049 amended as follows:



2050           87-1-5. If any person, by playing at any game whatever, or  
2051 by betting on the sides or hands of such as do play at any game,  
2052 or by betting on any horse race or cockfight, or at any other  
2053 sport or pastime, or by any wager whatever, shall lose any money,  
2054 property, or other valuable thing, real or personal, and shall pay  
2055 or deliver the same or any part thereof, the person so losing and  
2056 paying or delivering the same, or his wife or children, may sue  
2057 for and recover such money, property, or other valuable thing so  
2058 lost and paid or delivered, or any part thereof, from the person  
2059 knowingly receiving the same, with costs. However, this section  
2060 shall not apply to betting, gaming or wagering:

2061           (a) On a cruise vessel as defined in Section 27-109-1  
2062 whenever such vessel is in the waters within the State of  
2063 Mississippi, which lie adjacent to the State of Mississippi south  
2064 of the three (3) most southern counties in the State of  
2065 Mississippi, including the Mississippi Sound, St. Louis Bay,  
2066 Biloxi Bay and Pascagoula Bay;

2067           (b) In a structure located in whole or in part on shore  
2068 in any of the three (3) most southern counties in the State of  
2069 Mississippi in which the registered voters of the county have  
2070 voted to allow such betting, gaming or wagering on cruise vessels  
2071 as provided in Section 19-3-79, if:

2072           (i) The structure is owned, leased or controlled  
2073 by a person possessing a gaming license, as defined in Section



2074 75-76-5, to conduct legal gaming on a cruise vessel under  
2075 paragraph (a) of this section;

2076 (ii) The part of the structure in which licensed  
2077 gaming activities are conducted is located entirely in an area  
2078 which is located no more than eight hundred (800) feet from the  
2079 mean high-water line (as defined in Section 29-15-1) of the waters  
2080 within the State of Mississippi, which lie adjacent to the State  
2081 of Mississippi south of the three (3) most southern counties in  
2082 the State of Mississippi, including the Mississippi Sound, St.  
2083 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2084 Harrison County only, no farther north than the southern boundary  
2085 of the right-of-way for U.S. Highway 90, whichever is greater; and

2086 (iii) In the case of a structure that is located  
2087 in whole or part on shore, the part of the structure in which  
2088 licensed gaming activities are conducted shall lie adjacent to  
2089 state waters south of the three (3) most southern counties in the  
2090 State of Mississippi, including the Mississippi Sound, St. Louis  
2091 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2092 structure is located consists of a parcel of real property,  
2093 easements and rights-of-way for public streets and highways shall  
2094 not be construed to interrupt the contiguous nature of the parcel,  
2095 nor shall the footage contained within the easements and  
2096 rights-of-way be counted in the calculation of the distances  
2097 specified in subparagraph (ii) \* \* \*;



2098           (c) On a vessel as defined in Section 27-109-1 whenever  
2099 such vessel is on the Mississippi River or navigable waters within  
2100 any county bordering on the Mississippi River; or

2101           (d) That is legal under the laws of the State of  
2102 Mississippi.

2103           **SECTION 39.** Section 97-33-25, Mississippi Code of 1972, is  
2104 amended as follows:

2105           97-33-25. If any person shall sell or buy, either directly  
2106 or indirectly, any chance in what is commonly called pool, upon  
2107 any event whatever, or shall in any manner engage in such business  
2108 or pastime, he shall be fined not more than Five Hundred Dollars  
2109 (\$500.00) or shall be imprisoned in the county jail not more than  
2110 ninety (90) days; provided, however, this section shall not apply  
2111 to betting, gaming or wagering:

2112           (a) On a cruise vessel as defined in Section 27-109-1  
2113 whenever such vessel is in the waters within the State of  
2114 Mississippi, which lie adjacent to the State of Mississippi south  
2115 of the three (3) most southern counties in the State of  
2116 Mississippi, including the Mississippi Sound, St. Louis Bay,  
2117 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
2118 of the county in which the port is located have not voted to  
2119 prohibit such betting, gaming or wagering on cruise vessels as  
2120 provided in Section 19-3-79;

2121           (b) In a structure located in whole or in part on shore  
2122 in any of the three (3) most southern counties in the State of



2123 Mississippi in which the registered voters of the county have  
2124 voted to allow such betting, gaming or wagering on cruise vessels  
2125 as provided in Section 19-3-79, if:

2126                   (i) The structure is owned, leased or controlled  
2127 by a person possessing a gaming license, as defined in Section  
2128 75-76-5, to conduct legal gaming on a cruise vessel under  
2129 paragraph (a) of this section;

2130                   (ii) The part of the structure in which licensed  
2131 gaming activities are conducted is located entirely in an area  
2132 which is located no more than eight hundred (800) feet from the  
2133 mean high-water line (as defined in Section 29-15-1) of the waters  
2134 within the State of Mississippi, which lie adjacent to the State  
2135 of Mississippi south of the three (3) most southern counties in  
2136 the State of Mississippi, including the Mississippi Sound, St.  
2137 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2138 Harrison County only, no farther north than the southern boundary  
2139 of the right-of-way for U.S. Highway 90, whichever is greater; and

2140                   (iii) In the case of a structure that is located  
2141 in whole or part on shore, the part of the structure in which  
2142 licensed gaming activities are conducted shall lie adjacent to  
2143 state waters south of the three (3) most southern counties in the  
2144 State of Mississippi, including the Mississippi Sound, St. Louis  
2145 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2146 structure is located consists of a parcel of real property,  
2147 easements and rights-of-way for public streets and highways shall



2148 not be construed to interrupt the contiguous nature of the parcel,  
2149 nor shall the footage contained within the easements and  
2150 rights-of-way be counted in the calculation of the distances  
2151 specified in subparagraph (ii) \* \* \*;

2152 (c) On a vessel as defined in Section 27-109-1 whenever  
2153 such vessel is on the Mississippi River or navigable waters within  
2154 any county bordering on the Mississippi River, and in which the  
2155 registered voters of the county in which the port is located have  
2156 not voted to prohibit such betting, gaming or wagering on vessels  
2157 as provided in Section 19-3-79; or

2158 (d) That is legal under the laws of the State of  
2159 Mississippi.

2160 **SECTION 40.** Section 97-33-27, Mississippi Code of 1972, is  
2161 amended as follows:

2162 97-33-27. If any person shall bet on a horse race or a yacht  
2163 race or on a shooting match, he shall be fined not more than Five  
2164 Hundred Dollars (\$500.00), and, unless the fine and costs be  
2165 immediately paid, he shall be imprisoned in the county jail not  
2166 more than ninety (90) days; provided, however, this section shall  
2167 not apply to betting, gaming or wagering:

2168 (a) On a cruise vessel as defined in Section 27-109-1  
2169 whenever such vessel is in the waters within the State of  
2170 Mississippi, which lie adjacent to the State of Mississippi south  
2171 of the three (3) most southern counties in the State of  
2172 Mississippi, including the Mississippi Sound, St. Louis Bay,





2173 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
2174 of the county in which the port is located have not voted to  
2175 prohibit such betting, gaming or wagering on cruise vessels as  
2176 provided in Section 19-3-79;

2177           (b) In a structure located in whole or in part on shore  
2178 in any of the three (3) most southern counties in the State of  
2179 Mississippi in which the registered voters of the county have  
2180 voted to allow such betting, gaming or wagering on cruise vessels  
2181 as provided in Section 19-3-79, if:

2182                   (i) The structure is owned, leased or controlled  
2183 by a person possessing a gaming license, as defined in Section  
2184 75-76-5, to conduct legal gaming on a cruise vessel under  
2185 paragraph (a) of this section;

2186                   (ii) The part of the structure in which licensed  
2187 gaming activities are conducted is located entirely in an area  
2188 which is located no more than eight hundred (800) feet from the  
2189 mean high-water line (as defined in Section 29-15-1) of the waters  
2190 within the State of Mississippi, which lie adjacent to the State  
2191 of Mississippi south of the three (3) most southern counties in  
2192 the State of Mississippi, including the Mississippi Sound, St.  
2193 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
2194 Harrison County only, no farther north than the southern boundary  
2195 of the right-of-way for U.S. Highway 90, whichever is greater; and

2196                   (iii) In the case of a structure that is located  
2197 in whole or part on shore, the part of the structure in which



2198 licensed gaming activities are conducted shall lie adjacent to  
2199 state waters south of the three (3) most southern counties in the  
2200 State of Mississippi, including the Mississippi Sound, St. Louis  
2201 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
2202 structure is located consists of a parcel of real property,  
2203 easements and rights-of-way for public streets and highways shall  
2204 not be construed to interrupt the contiguous nature of the parcel,  
2205 nor shall the footage contained within the easements and  
2206 rights-of-way be counted in the calculation of the distances  
2207 specified in subparagraph (ii) \* \* \*;

2208 (c) On a vessel as defined in Section 27-109-1 whenever  
2209 such vessel is on the Mississippi River or navigable waters within  
2210 any county bordering on the Mississippi River, and in which the  
2211 registered voters of the county in which the port is located have  
2212 not voted to prohibit such betting, gaming or wagering on vessels  
2213 as provided in Section 19-3-79; or

2214 (d) That is legal under the laws of the State of  
2215 Mississippi.

2216 **SECTION 41.** This act shall take effect and be in force from  
2217 and after July 1, 2025, however, online sports pool or online race  
2218 book activities shall commence outside of a licensed gaming  
2219 premises not later than December 8, 2025.

