

By: Senator(s) Blount, Thompson, Ladner,  
DeLano, England, Wiggins

To: Gaming; Ports and Marine  
Resources

## SENATE BILL NO. 2381

1           AN ACT TO DEFINE STATE JURISDICTION OVER PUBLIC TRUST  
2 TIDELANDS AND THE AUTHORITY OF THE SECRETARY OF STATE TO APPROVE  
3 LEASES LOCATED ON PUBLIC TRUST TIDELANDS; TO AMEND SECTIONS  
4 29-1-107, 29-15-1, 29-15-3, 29-15-5, 29-15-9 AND 29-15-13,  
5 MISSISSIPPI CODE OF 1972, AND TO CODIFY SECTION 29-15-2,  
6 MISSISSIPPI CODE OF 1972, TO DECLARE LEGISLATIVE INTENT RELATIVE  
7 TO PUBLIC TRUST TIDELANDS, TO CLARIFY THE REQUIREMENT OF A  
8 SEPARATE LEASE FROM THE SECRETARY OF STATE TO RENT LAND ON PUBLIC  
9 TRUST TIDELANDS PROPERTY, TO CLARIFY THAT THE LEASE NEEDED TO MOVE  
10 ON SHORE IS ONE WITH THE STATE OR THE STATE PORT AT GULFPORT, TO  
11 REVISE DEFINITIONS, TO PROVIDE THAT STATE-HELD TIDELANDS SUBJECT  
12 TO PUBLIC TRUST ARE PRESCRIBED IN TIDELANDS MAPS AND BOUNDARY  
13 AGREEMENTS AND COURT ORDERS CONFIRMING THE MAPS, TO CONFIRM ALL  
14 AUTHORITY OVER TIDELANDS IN THE STATE UNLESS SPECIFICALLY SEVERED  
15 OR GIVEN TO A SPECIFIC STATE AGENCY OR POLITICAL SUBDIVISION, TO  
16 CONFIRM AUTHORITY, MANAGEMENT AND ADMINISTRATIVE CONTROL OVER  
17 TIDELANDS IN THE SECRETARY OF STATE, TO CLARIFY THAT ONLY SPECIFIC  
18 ACTION BY THE LEGISLATURE CAN DIVEST THE SECRETARY OF STATE OF  
19 SUCH MANAGEMENT AND CONTROL; TO AMEND SECTIONS 59-7-405 AND  
20 59-15-1, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE LOCAL  
21 GOVERNING AUTHORITY SHALL NOT LEASE, SUBLEASE, RENT OR PROVIDE  
22 ACCESS FOR ANY GAMING PURPOSES UNDER THIS AUTHORITY; TO AMEND  
23 SECTIONS 75-76-67, 87-1-5, 97-33-1, 97-33-7, 97-33-17, 97-33-25  
24 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO DEFINE AND CLARIFY THE  
25 AUTHORITY OF THE MISSISSIPPI GAMING COMMISSION IN DETERMINING  
26 LEGAL GAMING SITES AND PRELIMINARY SITE APPROVAL AND TO CLARIFY  
27 AREAS AUTHORIZED FOR GAMING CASINO OPERATIONS AND THE AUTHORITY OF  
28 THE COMMISSION TO REGULATE MINIMUM SIZE, MINIMUM IMPROVEMENTS AND  
29 OTHER PROJECT REQUIREMENTS; AND FOR RELATED PURPOSES.

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



31           **SECTION 1.** Section 29-1-107, Mississippi Code of 1972, is  
32 amended as follows:

33           29-1-107. (1) (a) The Secretary of State, with the  
34 approval of the Governor, shall, as far as practicable, rent or  
35 lease all lands belonging to the state, except as otherwise  
36 provided by \* \* \* this section, for a period of not exceeding one  
37 (1) year, and account for the rents therefrom in the same manner  
38 as money received from the sale of state lands, provided that no  
39 state land shall be rented or leased to individuals, corporations,  
40 partnerships, or association of persons for hunting or fishing  
41 purposes. Property belonging to the state in municipalities, even  
42 though it may have been subdivided into lots, blocks, divisions,  
43 or otherwise escheated or was sold to the state by such  
44 description, may likewise be leased or rented by the Secretary of  
45 State under the terms provided above for other state lands, and  
46 the rents accounted for in the same manner. The state shall have  
47 all the liens, rights and remedies accorded to landlords in  
48 Sections 89-7-1 through 89-7-125; said leases and rental contracts  
49 shall automatically terminate on the date provided in said leases  
50 or contracts.

51           (b) A person possessing a gaming license under the  
52 Mississippi Gaming Control Act or who wishes to apply for a gaming  
53 license under the Mississippi Gaming Control Act and who further  
54 uses or wishes to use Public Trust Tidelands as part of its  
55 proposed gaming project shall be required to obtain a tidelands



56 lease from the Secretary of State notwithstanding any statute, law  
57 or other provision providing other authority to municipalities and  
58 counties or any other political subdivision to use the Public  
59 Trust Tidelands and such lease may be conditioned upon the gaming  
60 licensee or license applicant obtaining such other necessary and  
61 required approvals. This paragraph (b) shall not apply to gaming  
62 sites and casino operators approved prior to December 31, 2024.

63       (2)   (a)   The Secretary of State, with the approval of the  
64 Governor, may rent or lease surface lands, tidelands or submerged  
65 lands owned or controlled by the State of Mississippi lying in or  
66 adjacent to the Mississippi Sound or Gulf of Mexico or streams  
67 emptying therein, for a period not exceeding forty (40) years for  
68 rental payable to the state annually. However, the term of any  
69 lease of State Public Trust Tidelands to a person possessing a  
70 license under the Mississippi Gaming Control Act shall be governed  
71 by the provisions of subsection (4) of this section.

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

76       (c)   A lessee of record may be given the option to renew  
77 for an additional period not to exceed twenty-five (25) years;  
78 however, the term of a renewal for a lease of State Public Trust  
79 Tidelands to a person possessing a gaming license under the  
80 Mississippi Gaming Control Act shall be governed by the provisions



81 of subsection (4) of this section. The holder of a lease of  
82 Public Trust Tidelands, at the expiration thereof, shall have a  
83 prior right, exclusive of all other persons, to re-lease as may be  
84 agreed upon between the holder of the lease and the Secretary of  
85 State.

86 (d) Leases shall provide for review and rent  
87 adjustments at each fifth anniversary tied either to the All Urban  
88 Consumer Price Index-All Items (CPI) or to an appraisal which  
89 deducts the value of any improvements by the lessee which  
90 substantially enhance the value of the land. In the case where  
91 the initial rental was based on the value set by the ad valorem  
92 tax rolls, then the rent review and adjustment clause shall be  
93 likewise based on the value set by such tax rolls. In the event  
94 that the lessor and lessee cannot agree on a rental amount, the  
95 lease may be cancelled at the option of the lessor. The lessee  
96 shall, within thirty (30) days after execution of a sublease or  
97 assignment, file a copy thereof, including the total consideration  
98 therefor, with the Secretary of State. This paragraph shall not  
99 apply to a lease of State Public Trust Tidelands or submerged  
100 lands to a person possessing a gaming license under the  
101 Mississippi Gaming Control Act who operates a gaming establishment  
102 on such tidelands or submerged lands or to a person who has or  
103 will apply for a gaming license under the Mississippi Gaming  
104 Control Act and to use Public Trust Tidelands or submerged lands  
105 as part of its proposed gaming project.



106           (e) The Secretary of State shall not grant a lease for  
107 gaming purposes whether directly or indirectly on Public Trust  
108 Tidelands on which the sand beach was constructed, as defined in  
109 Section 29-15-1.

110           (3) Provided, however, the current occupants of Public Trust  
111 Tidelands that were developed after the determinable mean  
112 high-water line nearest the effective date of the Coastal Wetlands  
113 Protection Law shall pay an annual rental based on the fair market  
114 value as determined by the assessed valuation of the property.  
115 The holder of a lease of Public Trust Tidelands, at the expiration  
116 thereof, shall have a prior right, exclusive of all other persons,  
117 to re-lease as may be agreed upon between the holder of the lease  
118 and the Secretary of State.

119           (4) (a) This section shall apply to any person possessing a  
120 license under the Mississippi Gaming Control Act or who wishes to  
121 apply for a gaming license under the Mississippi Gaming Control  
122 Act and who operates or proposes to operate a gaming establishment  
123 in any of the three (3) most southern counties of the state. Any  
124 gaming licensee or proposed gaming licensee shall be required to  
125 obtain a lease from the State of Mississippi through the Secretary  
126 of State to use any State Public Trust Tidelands notwithstanding  
127 any statute, law or other provision providing other authority to  
128 municipalities and counties or any other political subdivision to  
129 use the Public Trust Tidelands.



(b) The following shall apply to all leases of State Public Trust Tidelands executed by such a licensee:

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

(ii) By operation of this section, any lease executed before August 29, 2005, may, at the option of the lessee, either remain at the term stated in the original execution of the lease or be converted to a thirty-year term lease, beginning on such date after August 29, 2005, that the lessee either resumes or begins permanent gaming activities as approved by the Mississippi Gaming Commission, and the lessee shall be required to comply with all other provisions of the lease. Should the lessee choose to operate in a structure that is not on State Public Trust Tidelands and that is on property contiguous to State Public Trust Tidelands leased by the State of Mississippi to the lessee, the lessee shall be required to comply with all other provisions of the lease with the State of Mississippi and shall be exempt from the assessment provided for in paragraph (c) of this subsection. Easements for and rights-of-way for public streets and highways shall not be construed to interrupt the contiguous nature of a parcel of property. In the event that a lessee does not elect either to remain bound by the original term of the lease with the State of Mississippi or to convert the lease to a thirty-year term, the



Secretary of State may lease the State Public Trust Tidelands that are the subject of the lease to any other person or entity.

(iii) Leases shall provide for review and rent adjustments at each annual anniversary tied to the All Urban Consumer Price Index-All Items (CPI). In the case of the renewal of a lease after the expiration of the original thirty-year term under this subsection, each renewal shall be for a term of thirty (30) years. The base rate to which the CPI shall apply for purposes of executing the subsequent lease shall be negotiated by the lessee with the Secretary of State.

(c) (i) Except as otherwise provided in this paragraph, any person possessing a license under the Mississippi Gaming Control Act who does not lease for a gaming site Public Trust Tidelands from the State \* \* \* of Mississippi by and through the Secretary of State or a state port, and who operates a gaming establishment in any of the three (3) most southern counties of the state, shall pay an annual in-lieu tidelands assessment to the Public Trust Tidelands Assessments Fund (hereinafter referred to as "fund") created in Section 29-15-10, in the amount and manner provided for in this paragraph.

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

1. Four Hundred Thousand Dollars (\$400,000.00), if the capital investment in the part of the



structure in which licensed gaming activities are conducted is  
Fifty Million Dollars (\$50,000,000.00) or less.

2. Four Hundred Fifty Thousand Dollars  
(\$450,000.00), if the capital investment in the part of the  
structure in which licensed gaming activities are conducted is  
equal to or more than Fifty Million Dollars (\$50,000,000.00) but  
less than Sixty Million Dollars (\$60,000,000.00).

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

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

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





202                   6.   Seven Hundred Fifty Thousand Dollars  
203   (\$750,000.00), if the capital investment in the part of the  
204   structure in which licensed gaming activities are conducted is  
205   equal to or more than One Hundred Twenty-five Million Dollars  
206   (\$125,000,000.00).

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

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

222                   (iii) This paragraph shall not apply to a gaming  
223   licensee if the licensee conducts gaming in a structure that is  
224   located on property that is not leased from the State of  
225   Mississippi \* \* \*, and is not on State Public Trust  
226   Tidelands \* \* \*.



227           **SECTION 2.** Section 29-15-1, Mississippi Code of 1972, is  
228 amended as follows:

229           29-15-1. (a) "Commission" means the Mississippi Advisory  
230 Commission on Marine Resources.

231           (b) "Local tidal datum" means the datum established for a  
232 specific tide station through the use of tidal observations made  
233 at that station.

234           (c) "Department" means the Mississippi Department of Marine  
235 Resources.

236           ( \* \* \*d) "Mean high water" means the arithmetic mean of all  
237 the high waters occurring in a particular nineteen-year tidal  
238 epoch period; or for a shorter period of time after corrections  
239 are applied to the short-term observations to reduce these values  
240 to the equivalent nineteen-year value.

241           ( \* \* \*e) "Mean high-water line" means the intersection of  
242 the tidal datum plane of mean high water with the shore.

243           ( \* \* \*f) "Mean high-water survey" means a survey of the  
244 intersection of the shoreline with the tidal datum plane of mean  
245 high water using local tidal datums and surveying methodologies  
246 approved by the commission. Methodologies shall include, but not  
247 be limited to, the "staking method," "the topographic method" and  
248 "tide coordinated aerial photography."

249           ( \* \* \*g) "National map accuracy standards" means a set of  
250 guidelines published by the Office of Management and Budget of the



United States to which maps produced by the United States government adhere.

(h) "Public Trust Tidelands" means those surface lands, tidelands and submerged lands owned by the state and held in trust for the citizens of the State of Mississippi.

(i) "Sand beach" means all areas of an artificial or man-made sand beach constructed on Public Trust Tidelands waterward of the public trust boundary.

( \* \* \*j) "Submerged lands" means lands which remain covered by waters, where the tides ebb and flow, at ordinary low tides.

( \* \* \*k) "Tidelands" means those lands which are daily covered and uncovered by water by the action of the tides, up to the mean high-water line \* \* \*.

**SECTION 3.** The following shall be codified as Section 29-15-2, Mississippi Code of 1972:

29-15-2. Legislative public policy. (1) It is declared that the state-held tidelands subject to the public trust and the boundary between trust lands and other lands are shown on the Final Public Trust Tidelands Map and Public Trust Submerged Land Maps, Final December 1994, created and published pursuant to Section 29-15-7, as modified by any boundary agreements or court orders.

(2) Absent clear, specific and expressed legislative intent to grant management and administrative control and authority, including leasing authority, of a specific area of Public Trust



Tidelands to a specific state agency or political subdivision, the Secretary of State is not divested of management and administrative control and authority, and leasing authority.

(3) All uses of Public Trust Tidelands for any gaming purpose or purpose related to a gaming operation shall require a Public Trust Tidelands lease from the state through the Secretary of State as Trustee of the Public Trust Tidelands and shall be subject to annual rent pursuant to Section 29-1-107.

**SECTION 4.** Section 29-15-3, Mississippi Code of 1972, is amended as follows:

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

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



(3) It is hereby declared that Public Trust Tidelands held by the state will be managed and administered by the Secretary of State as the Land Commissioner and Trustee of the Public Trust Tidelands.

**SECTION 5.** Section 29-15-5, Mississippi Code of 1972, is amended as follows:

29-15-5. (1) Tidelands and submerged lands are held by the state in trust for use of all the people, and are so held in their character as the beds and shores of the sea and its tidally affected arms and tributaries for the purposes defined by common law and statutory law. Littoral and riparian property owners have common-law and statutory rights under the Coastal Wetlands 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 Public Trust Tidelands lease from the state for exercising their common-law and statutory littoral and riparian rights attached to residential property for personal noncommercial use.

**SECTION 6.** Section 29-15-9, Mississippi Code of 1972, is amended 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. \* \* \* Funds derived from lease rentals \* \* \* shall be used to cover the administrative cost, including legal expenses, incurred by the Secretary of State in administering the Public Trust Tidelands. Any remaining funds derived from lease rentals shall then 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 \* \* \* Department of Marine Resources 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.

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

(a) The Department of Marine Resources shall make progress payments in installments based on the work completed and material used in the performance of a tidelands project only after receiving written verification from the political subdivision or



349 agency. The political subdivision or agency shall submit  
350 verification of the work completed or materials in such detail and  
351 form that the department may require.

352 (b) The Department of Marine Resources shall make funds  
353 available for the purpose of using such funds as a match or  
354 leverage for federal or other funds that are available for the  
355 designated tidelands project.

356 **SECTION 7.** Section 29-15-13, Mississippi Code of 1972, is  
357 amended as follows:

358 29-15-13. (1) All public projects of any federal, state or  
359 local governmental entity which serve a higher public purpose of  
360 promoting the conservation, reclamation, preservation of the  
361 tidelands and submerged lands, public use for fishing, recreation  
362 navigation, or the enhancement of public access to such lands  
363 shall be exempt from any use or rental fees.

364 (2) The federal, state or local governmental entity,  
365 including counties and municipalities, shall not lease, sublease,  
366 rent, or provide access for any gaming purpose or purpose related  
367 to a gaming operation.

368 **SECTION 8.** Section 59-7-405, Mississippi Code of 1972, is  
369 amended as follows:

370 59-7-405. (1) (a) The governing authorities of any  
371 municipality in which there is situated and located, in whole or  
372 in part, a port or harbor through which commerce flows, and having  
373 not less than eight (8) industries engaged in the seafood



industry, which maintains a channel and/or harbor to a depth of not less than eight (8) feet, may engage in, either directly or through the commission hereinafter provided and designated, and such other agencies as hereafter may be provided by law, works of internal improvement, or promoting, developing, constructing, maintaining and operating harbors or seaports within the state and its jurisdiction, and either directly or through the commission hereinafter provided for, with the power and authority to acquire, purchase, install, rent, lease, mortgage and/or otherwise encumber, to construct, own, hold, maintain, equip, use, control and operate at seaports or harbors, wharves, piers, docks, warehouses, cold storage facilities, water and rail terminals, airplane landing fields and strips, and other structures and facilities, needful for the convenient use of the same in the aid of commerce and navigation, and including the dredging of channels and approaches to the facilities, and being authorized to fill in \* \* \* bottomlands where incidental and necessary to the foregoing development.

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

(2) The municipal authorities or commission, in connection with the exercise of the foregoing works of improvement and development, may as an adjunct to any such work of improvement or





development to erect or construct such bridges, causeways or structures as may be required for access to and from the harbors or facilities provided as aforesaid by the municipal authorities or the commission, and including any necessary bridge or causeway or combination of the same, connecting with any island or islands lying within three (3) leagues of the main shoreline of the Mississippi Sound or the Gulf of Mexico, and whether the same be within or without the limits of the municipality concerned.

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

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

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



(6) The municipal authorities or commission have the power and authority to carry out the provisions of this article, to employ engineers, attorneys, and such employees as may be 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.

(7) The municipal authorities or commission shall not lease, sublease, rent, or provide access for any gaming purpose or purpose related to a gaming operation.

**SECTION 9.** 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. The



municipal authorities or commission shall not lease, sublease, rent, or provide access for any gaming purpose or purpose related to a gaming operation.

**SECTION 10.** Section 75-76-67, Mississippi Code of 1972, is amended 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 the declared policy of this state, may be issued a state gaming license or found suitable. The burden of proving his qualification to receive any license or be found suitable is on the applicant.

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

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



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

(3) No person shall be granted a license or found suitable under the provisions of this chapter who has been convicted of a felony in any court of this state, another state, or the United States; and no person shall be granted a license or found suitable hereunder who has been convicted of a crime in any court of another state or the United States which, if committed in this state, would be a felony; and no person shall be granted a license or found suitable under the provisions of this chapter who has been convicted of a misdemeanor in any court of this state or of another state, when such conviction was for gambling, sale of alcoholic beverages to minors, prostitution, or procuring or inducing individuals to engage in prostitution.

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

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

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

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

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



498           (c) Other than with respect to a licensee who has been  
499 licensed by the commission prior to December 31, 2024, or to such  
500 licensee upon any licensing renewal after such date, a proposed  
501 project shall meet, at a minimum, the following:

502           (i) A parking facility in close proximity to the  
503 casino complex to accommodate a minimum of five hundred (500)  
504 cars;

505           (ii) A hotel with a minimum of three hundred (300)  
506 rooms;

507           (iii) A restaurant capable of seating at least two  
508 hundred (200) people;

509           (iv) A fine dining establishment capable of  
510 seating at least seventy-five (75) people;

511           (v) A casino floor of at least forty thousand  
512 (40,000) square feet; and

513           (vi) An amenity unique to the licensee's market in  
514 order to encourage economic development and promote tourism; and

515           (d) The commission shall not adopt any rule or  
516 regulation that would reduce the requirements in paragraph (c) of  
517 this subsection; however, the commission may exercise discretion  
518 with respect to such requirements as to proposed projects if  
519 located in a gaming market along the Mississippi River; but, in  
520 all other areas where a project is proposed to be located, these  
521 shall be deemed minimum requirements.



522           (5) An application to receive a license or be found suitable  
523 constitutes a request for a determination of the applicant's  
524 general character, integrity and ability to participate or engage  
525 in, or be associated with gaming. Any written or oral statement  
526 made in the course of an official proceeding of the commission or  
527 the executive director or any witness testifying under oath which  
528 is relevant to the purpose of the proceeding is absolutely  
529 privileged and does not impose liability for defamation or  
530 constitute a ground for recovery in any civil action.

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

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

537           (8) No limited partnership, except one whose sole limited  
538 partner is a publicly traded corporation which has registered with  
539 the commission, or business trust or organization or other  
540 association of a quasi-corporate character is eligible to receive  
541 or hold any license under this chapter unless all persons having  
542 any direct or indirect interest therein of any nature whatsoever,  
543 whether financial, administrative, policymaking or supervisory,  
544 are individually qualified to be licensed under the provisions of  
545 this chapter.



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

**SECTION 11.** Section 87-1-5, Mississippi Code of 1972, is amended as follows:

87-1-5. If any person, by playing at any game whatever, or by betting on the sides or hands of such as do play at any game, or by betting on any horse race or cockfight, or at any other sport or pastime, or by any wager whatever, shall lose any money, property, or other valuable thing, real or personal, and shall pay or deliver the same or any part thereof, the person so losing and paying or delivering the same, or his wife or children, may sue for and recover such money, property, or other valuable thing so lost and paid or delivered, or any part thereof, from the person knowingly receiving the same, with costs. 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;

(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 \* \* \*;

(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 the  
Mississippi Sound at Harrison County only, no farther north than  
the southern boundary of the right-of-way for U.S. Highway 90,  
whichever is greater; and in determining the distance to the mean  
high-water line, the following considerations apply to any  
application for site approval after December 31, 2024, whether an  
initial or renewal application:





594                   1. Rights-of-way and easements for public  
595 streets and highways shall not be construed to interrupt the  
596 contiguous nature of a parcel of property, nor shall the footage  
597 contained within such easements and rights-of-way be considered in  
598 the calculation of the distances specified in subparagraph (ii) of  
599 this paragraph; and

600                   2. An imaginary line drawn from any point  
601 along the mean high-water line referenced and utilized pursuant to  
602 subparagraph (ii) of this paragraph to any other point of  
603 reference must cross only property under the exclusive use and  
604 control of the gaming licensee or proposed licensee based on its  
605 ownership or lease thereof, except for rights-of-way and easements  
606 for public streets and highways; and

607                   (iii) In the case of a structure that is located  
608 in whole or part on shore, the part of the structure in which  
609 licensed gaming activities are conducted shall \* \* \* be located on  
610 property entirely under the exclusive use and control of the  
611 proposed licensee based on its ownership or lease thereof that  
612 extends from the gaming floor to the mean high-water line and such  
613 land is capable of accommodating the minimum improvement  
614 requirements set forth in Section 75-76-67(4);

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



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

620           **SECTION 12.** Section 97-33-1, Mississippi Code of 1972, is  
621 amended as follows:

622           97-33-1. Except as otherwise provided in Section 97-33-8, if  
623 any person shall encourage, promote or play at any game, play or  
624 amusement, other than a fight or fighting match between dogs, for  
625 money or other valuable thing, or shall wager or bet, promote or  
626 encourage the wagering or betting of any money or other valuable  
627 things, upon any game, play, amusement, cockfight, Indian ball  
628 play or duel, other than a fight or fighting match between dogs,  
629 or upon the result of any election, event or contingency whatever,  
630 upon conviction thereof, he shall be fined in a sum not more than  
631 Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
632 immediately paid, shall be imprisoned for any period not more than  
633 ninety (90) days. However, this section shall not apply to  
634 betting, gaming or wagering:

635           (a) On a cruise vessel as defined in Section 27-109-1  
636 whenever such vessel is in the waters within the State of  
637 Mississippi, which lie adjacent to the State of Mississippi south  
638 of the three (3) most southern counties in the State of  
639 Mississippi, including the Mississippi Sound, St. Louis Bay,  
640 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
641 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 \* \* \*;

(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 the Mississippi Sound at Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and in determining the distance to the mean high-water line, the following considerations apply to any application for site approval after December 31, 2024, whether an initial or renewal application:



666                   1. Rights-of-way and easements for public  
667 streets and highways shall not be construed to interrupt the  
668 contiguous nature of a parcel of property, nor shall the footage  
669 contained within such easements and rights-of-way be considered in  
670 the calculation of the distances specified in subparagraph (ii) of  
671 this paragraph; and

672                   2. An imaginary line drawn from any point  
673 along the mean high-water line referenced and utilized pursuant to  
674 subparagraph (ii) of this paragraph to any other point of  
675 reference must cross only property under the exclusive use and  
676 control of the gaming licensee or proposed licensee based on its  
677 ownership or lease thereof, except for rights-of-way and easements  
678 for public streets and highways; and

679                   (iii) In the case of a structure that is located  
680 in whole or part on shore, the part of the structure in which  
681 licensed gaming activities are conducted shall \* \* \* be located on  
682 property entirely under the exclusive use and control of the  
683 gaming licensee or proposed licensee based on its ownership or  
684 lease thereof that extends from the gaming floor to the mean  
685 high-water line and such land is capable of accommodating the  
686 minimum improvement requirements set forth in Section 75-76-67(4);

687                   (c) On a vessel as defined in Section 27-109-1 whenever  
688 such vessel is on the Mississippi River or navigable waters within  
689 any county bordering on the Mississippi River, and in which the  
690 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.

**SECTION 13.** Section 97-33-7, Mississippi Code of 1972, is  
amended as follows:

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



716 thereof in addition to merchandise of any sort contained in such  
717 machine, is hereby declared to be a gambling device, and shall be  
718 deemed unlawful under the provisions of this section. Provided,  
719 however, that pinball machines which do not return to the operator  
720 or player thereof anything but free additional games or plays  
721 shall not be deemed to be gambling devices, and neither this  
722 section nor any other law shall be construed to prohibit same.

723       (2) No property right shall exist in any person, natural or  
724 artificial, or be vested in such person, in any or all of the  
725 devices described herein that are not exempted from the provisions  
726 of this section; and all such devices are hereby declared to be at  
727 all times subject to confiscation and destruction, and their  
728 possession shall be unlawful, except when in the possession of  
729 officers carrying out the provisions of this section. It shall be  
730 the duty of all law enforcing officers to seize and immediately  
731 destroy all such machines and devices.

732       (3) A first violation of the provisions of this section  
733 shall be deemed a misdemeanor, and the party offending shall, upon  
734 conviction, be fined in any sum not exceeding Five Hundred Dollars  
735 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
736 in the discretion of the court. In the event of a second  
737 conviction for a violation of any of the provisions of this  
738 section, the party offending shall be subject to a sentence of not  
739 less than six (6) months in the county jail, nor more than two (2)



740 years in the State Penitentiary, in the discretion of the trial  
741 court.

742 (4) Notwithstanding any provision of this section to the  
743 contrary, it shall not be unlawful to operate any equipment or  
744 device described in subsection (1) of this section or any gaming,  
745 gambling or similar device or devices by whatever name called  
746 while:

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

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

761 (i) The structure is owned, leased or controlled  
762 by a person possessing a gaming license, as defined in Section  
763 75-76-5, to conduct legal gaming \* \* \*;



(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 the Mississippi Sound at Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and in determining the distance to the mean high-water line, the following considerations apply to any application for site approval after December 31, 2024, whether an initial or renewal application:

1. Rights-of-way and easements for public streets and highways shall not be construed to interrupt the contiguous nature of a parcel of property, nor shall the footage contained within such easements and rights-of-way be considered in the calculation of the distances specified in subparagraph (ii) of this paragraph; and

2. An imaginary line drawn from any point along the mean high-water line referenced and utilized pursuant to subparagraph (ii) of this paragraph to any other point of reference must cross only property under the exclusive use and control of the gaming licensee or proposed licensee based on its





ownership or lease thereof, except for rights-of-way and easements  
for public streets and highways; 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 \* \* \* be located on  
property entirely under the exclusive use and control of the  
gaming licensee or proposed licensee based on its ownership or  
lease thereof that extends from the gaming floor to the mean  
high-water line and such land is capable of accommodating the  
minimum improvement requirements set forth in Section 75-76-67(4);

(c) On 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.

(5) Notwithstanding any provision of this section to the  
contrary, it shall not be unlawful (a) to own, possess, repair or  
control any gambling device, machine or equipment in a licensed  
gaming establishment or on the business premises appurtenant to  
any such licensed gaming establishment during any period of time  
in which such licensed gaming establishment is being constructed,  
repaired, maintained or operated in this state; (b) to install any



gambling device, machine or equipment in any licensed gaming establishment; (c) to possess or control any gambling device, machine or equipment during the process of procuring or transporting such device, machine or equipment for installation on any such licensed gaming establishment; or (d) to store in a warehouse or other storage facility any gambling device, machine, equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located has approved gaming aboard cruise vessels or vessels, provided that such device, machine or equipment is operated only in a county or municipality that has approved gaming aboard cruise vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, repaired, transported or stored in accordance with this subsection shall not be subject to confiscation, seizure or destruction, and any person, firm, partnership or corporation which owns, possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance with this subsection shall not be subject to any prosecution or penalty under this section. Any person constructing or repairing such cruise vessels or vessels within a municipality shall comply with all municipal ordinances protecting the general health or safety of the residents of the municipality.

**SECTION 14.** Section 97-33-17, Mississippi Code of 1972, is amended as follows:



839           97-33-17. (1) All monies exhibited for the purpose of  
840 betting or alluring persons to bet at any game, and all monies  
841 staked or betted, shall be liable to seizure by any sheriff,  
842 constable, or police officer, together with all the appliances  
843 used or kept for use in gambling, or by any other person; and all  
844 the monies so seized shall be accounted for by the person making  
845 the seizure, and all appliances seized shall be destroyed;  
846 provided, however, this section shall not apply to betting, gaming  
847 or wagering on:

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

857           (b) In a structure located in whole or in part on shore  
858 in any of the three (3) most southern counties in the State of  
859 Mississippi in which the registered voters of the county have  
860 voted to allow such betting, gaming or wagering on cruise vessels  
861 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 \* \* \*;

(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 the Mississippi Sound at Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and in determining the distance to the mean high-water line, the following considerations apply to any application for site approval after December 31, 2024, whether an initial or renewal application:

1. Rights-of-way and easements for public streets and highways shall not be construed to interrupt the contiguous nature of a parcel of property, nor shall the footage contained within such easements and rights-of-way be counted in the calculation of the distances specified in subparagraph (ii) of this paragraph; and

2. An imaginary line drawn from any point along the mean high-water line referenced and utilized pursuant to



887 subparagraph (ii) of this paragraph to any other point of  
888 reference must cross only property under the exclusive use and  
889 control of the gaming licensee or proposed licensee based on its  
890 ownership or lease thereof, except for rights-of-way and easements  
891 for public streets and highways; and

892 (iii) In the case of a structure that is located  
893 in whole or part on shore, the part of the structure in which  
894 licensed gaming activities are conducted shall \* \* \* be located on  
895 property entirely under the exclusive use and control of the  
896 gaming licensee or proposed licensee based on its ownership or  
897 lease thereof that extends from the gaming floor to the mean  
898 high-water line and such land is capable of accommodating the  
899 minimum improvement requirements set forth in Section 75-76-67(4);

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

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

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



912           **SECTION 15.** Section 97-33-25, Mississippi Code of 1972, is  
913 amended as follows:

914           97-33-25. If any person shall sell or buy, either directly  
915 or indirectly, any chance in what is commonly called pool, upon  
916 any event whatever, or shall in any manner engage in such business  
917 or pastime, he shall be fined not more than Five Hundred Dollars  
918 (\$500.00) or shall be imprisoned in the county jail not more than  
919 ninety (90) days; provided, however, this section shall not apply  
920 to betting, gaming or wagering:

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

930           (b) In a structure located in whole or in part on shore  
931 in any of the three (3) most southern counties in the State of  
932 Mississippi in which the registered voters of the county have  
933 voted to allow such betting, gaming or wagering on cruise vessels  
934 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 \* \* \*;

(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 the Mississippi Sound at Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and in determining the distance to the mean high-water line, the following considerations apply to any application for site approval after December 31, 2024, whether an initial or renewal application:

1. Rights-of-way and easements for public streets and highways shall not be construed to interrupt the contiguous nature of a parcel of property, nor shall the footage contained within such easements and rights-of-way be considered in the calculation of the distances specified in subparagraph (ii) of this paragraph; and

2. An imaginary line drawn from any point along the mean high-water line referenced and utilized pursuant to



subparagraph (ii) of this paragraph to any other point of reference must cross only property under the exclusive use and control of the gaming licensee or proposed licensee based on its ownership or lease thereof, except for rights-of-way and easements for public streets and highways; 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 \* \* \* be located on property entirely under the exclusive use and control of the gaming licensee or proposed licensee based on its ownership or lease thereof that extends from the gaming floor to the mean high-water line and such land is capable of accommodating the minimum improvement requirements set forth in Section 75-76-67(4);

(c) On 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.

**SECTION 16.** Section 97-33-27, Mississippi Code of 1972, is amended as follows:

97-33-27. If any person shall bet on a horse race or a yacht race or on a shooting match, he shall be fined not more than Five





985 Hundred Dollars (\$500.00), and, unless the fine and costs be  
986 immediately paid, he shall be imprisoned in the county jail not  
987 more than ninety (90) days; provided, however, this section shall  
988 not apply to betting, gaming or wagering:

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

998 (b) In a structure located in whole or in part on shore  
999 in any of the three (3) most southern counties in the State of  
1000 Mississippi in which the registered voters of the county have  
1001 voted to allow such betting, gaming or wagering on cruise vessels  
1002 as provided in Section 19-3-79, if:

1003 (i) The structure is owned, leased or controlled  
1004 by a person possessing a gaming license, as defined in Section  
1005 75-76-5, to conduct legal gaming \* \* \*;

1006 (ii) The part of the structure in which licensed  
1007 gaming activities are conducted is located entirely in an area  
1008 which is located no more than eight hundred (800) feet from the  
1009 mean high-water line (as defined in Section 29-15-1) of the waters



1010 within the State of Mississippi, which lie adjacent to the State  
1011 of Mississippi south of the three (3) most southern counties in  
1012 the State of Mississippi, including the Mississippi Sound, St.  
1013 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1014 Mississippi Sound at Harrison County only, no farther north than  
1015 the southern boundary of the right-of-way for U.S. Highway 90,  
1016 whichever is greater; and in determining the distance to the mean  
1017 high-water line, the following considerations apply to any  
1018 application for site approval after December 31, 2024, whether an  
1019 initial or renewal application:

1020                   1. Rights-of-way and easements for public  
1021 streets and highways shall not be construed to interrupt the  
1022 contiguous nature of a parcel of property, nor shall the footage  
1023 contained within such easements and rights-of-way be considered in  
1024 the calculation of the distances specified in subparagraph (ii) of  
1025 this paragraph; and

1026                   2. An imaginary line drawn from any point  
1027 along the mean high-water line referenced and utilized pursuant to  
1028 subparagraph (ii) of this paragraph to any other point of  
1029 reference must cross only property under the exclusive use and  
1030 control of the gaming licensee or proposed licensee based on its  
1031 ownership or lease thereof, except for rights-of-way and easements  
1032 for public streets and highways; and

1033                   (iii) In the case of a structure that is located  
1034 in whole or part on shore, the part of the structure in which



1035 licensed gaming activities are conducted shall \* \* \* be located on  
1036 property entirely under the exclusive use and control of the  
1037 gaming licensee or proposed licensee based on its ownership or  
1038 lease thereof that extends from the gaming floor to the mean  
1039 high-water line and such land is capable of accommodating the  
1040 minimum improvement requirements set forth in Section 75-76-67(4);

1041 (c) On a vessel as defined in Section 27-109-1 whenever  
1042 such vessel is on the Mississippi River or navigable waters within  
1043 any county bordering on the Mississippi River, and in which the  
1044 registered voters of the county in which the port is located have  
1045 not voted to prohibit such betting, gaming or wagering on vessels  
1046 as provided in Section 19-3-79; or

1047 (d) That is legal under the laws of the State of  
1048 Mississippi.

1049 **SECTION 17.** This act shall take effect and be in force from  
1050 and after July 1, 2025.

