

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

To: Gaming; Ports and Marine
Resources

SENATE BILL NO. 2381
(As Passed the Senate)

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/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 2. Section 29-15-1, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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



(* * *g) "National map accuracy standards" means a set of 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 agency. The political subdivision or agency shall submit verification of the work completed or materials in such detail and form that the department may require.

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

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

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

(2) Except for gaming sites and casino operations approved prior to December 31, 2024, the federal, state or local governmental entity, including counties and municipalities, shall not lease, sublease, rent, or provide access for any gaming purpose or purpose related to a gaming operation.

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



59-7-405. (1) (a) The governing authorities of any municipality in which there is situated and located, in whole or in part, a port or harbor through which commerce flows, and having 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) Except for gaming sites and casino operations approved prior to December 31, 2024, 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.

Except for gaming sites and casino operations approved prior to December 31, 2024, 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;



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

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

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

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

493 (a) He has adequate business probity, competence and
494 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 * * *;

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

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

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

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

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

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

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



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

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

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

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

541 (8) No limited partnership, except one whose sole limited
542 partner is a publicly traded corporation which has registered with
543 the commission, or business trust or organization or other



544 association of a quasi-corporate character is eligible to receive
545 or hold any license under this chapter unless all persons having
546 any direct or indirect interest therein of any nature whatsoever,
547 whether financial, administrative, policymaking or supervisory,
548 are individually qualified to be licensed under the provisions of
549 this chapter.

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

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

559 87-1-5. If any person, by playing at any game whatever, or
560 by betting on the sides or hands of such as do play at any game,
561 or by betting on any horse race or cockfight, or at any other
562 sport or pastime, or by any wager whatever, shall lose any money,
563 property, or other valuable thing, real or personal, and shall pay
564 or deliver the same or any part thereof, the person so losing and
565 paying or delivering the same, or his wife or children, may sue
566 for and recover such money, property, or other valuable thing so
567 lost and paid or delivered, or any part thereof, from the person



568 knowingly receiving the same, with costs. However, this section
569 shall not apply to betting, gaming or wagering:

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

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

581 (i) The structure is owned, leased or controlled
582 by a person possessing a gaming license, as defined in Section
583 75-76-5, to conduct legal gaming * * *;

584 (ii) The part of the structure in which licensed
585 gaming activities are conducted is located entirely in an area
586 which is located no more than eight hundred (800) feet from the
587 mean high-water line (as defined in Section 29-15-1) of the waters
588 within the State of Mississippi, which lie adjacent to the State
589 of Mississippi south of the three (3) most southern counties in
590 the State of Mississippi, including the Mississippi Sound, St.
591 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the
592 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
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; or

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

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

97-33-1. Except as otherwise provided in Section 97-33-8, if
any person shall encourage, promote or play at any game, play or
amusement, other than a fight or fighting match between dogs, for
money or other valuable thing, or shall wager or bet, promote or
encourage the wagering or betting of any money or other valuable
things, upon any game, play, amusement, cockfight, Indian ball
play or duel, other than a fight or fighting match between dogs,
or upon the result of any election, event or contingency whatever,
upon conviction thereof, he shall be fined in a sum not more than
Five Hundred Dollars (\$500.00); and, unless such fine and costs be
immediately paid, shall be imprisoned for any period not more than
ninety (90) days. 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 * * *;

(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);



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

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

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

701 97-33-7. (1) Except as otherwise provided in Section
702 97-33-8, it shall be unlawful for any person or persons, firm,
703 copartnership or corporation to have in possession, own, control,
704 display, or operate any cane rack, knife rack, artful dodger,
705 punch board, roll down, merchandise wheel, slot machine, pinball
706 machine, or similar device or devices. Provided, however, that
707 this section shall not be so construed as to make unlawful the
708 ownership, possession, control, display or operation of any
709 antique coin machine as defined in Section 27-27-12, or any music
710 machine or bona fide automatic vending machine where the purchaser
711 receives exactly the same quantity of merchandise on each
712 operation of said machine. Any slot machine other than an antique
713 coin machine as defined in Section 27-27-12 which delivers, or is
714 so constructed as that by operation thereof it will deliver to the
715 operator thereof anything of value in varying quantities, in



716 addition to the merchandise received, and any slot machine other
717 than an antique coin machine as defined in Section 27-27-12 that
718 is constructed in such manner as that slugs, tokens, coins or
719 similar devices are, or may be, used and delivered to the operator
720 thereof in addition to merchandise of any sort contained in such
721 machine, is hereby declared to be a gambling device, and shall be
722 deemed unlawful under the provisions of this section. Provided,
723 however, that pinball machines which do not return to the operator
724 or player thereof anything but free additional games or plays
725 shall not be deemed to be gambling devices, and neither this
726 section nor any other law shall be construed to prohibit same.

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

736 (3) A first violation of the provisions of this section
737 shall be deemed a misdemeanor, and the party offending shall, upon
738 conviction, be fined in any sum not exceeding Five Hundred Dollars
739 (\$500.00), or imprisoned not exceeding three (3) months, or both,
740 in the discretion of the court. In the event of a second



conviction for a violation of any of the provisions of this section, the party offending shall be subject to a sentence of not less than six (6) months in the county jail, nor more than two (2) years in the State Penitentiary, in the discretion of the trial court.

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

(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 * * *;

(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



815 any such licensed gaming establishment during any period of time
816 in which such licensed gaming establishment is being constructed,
817 repaired, maintained or operated in this state; (b) to install any
818 gambling device, machine or equipment in any licensed gaming
819 establishment; (c) to possess or control any gambling device,
820 machine or equipment during the process of procuring or
821 transporting such device, machine or equipment for installation on
822 any such licensed gaming establishment; or (d) to store in a
823 warehouse or other storage facility any gambling device, machine,
824 equipment, or part thereof, regardless of whether the county or
825 municipality in which the warehouse or storage facility is located
826 has approved gaming aboard cruise vessels or vessels, provided
827 that such device, machine or equipment is operated only in a
828 county or municipality that has approved gaming aboard cruise
829 vessels or vessels. Any gambling device, machine or equipment
830 that is owned, possessed, controlled, installed, procured,
831 repaired, transported or stored in accordance with this subsection
832 shall not be subject to confiscation, seizure or destruction, and
833 any person, firm, partnership or corporation which owns,
834 possesses, controls, installs, procures, repairs, transports or
835 stores any gambling device, machine or equipment in accordance
836 with this subsection shall not be subject to any prosecution or
837 penalty under this section. Any person constructing or repairing
838 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:

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 on:

(a) 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 * * *;

(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 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) 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 15. Section 97-33-25, Mississippi Code of 1972, is amended as follows:

97-33-25. If any person shall sell or buy, either directly or indirectly, any chance in what is commonly called pool, upon any event whatever, or shall in any manner engage in such business or pastime, he shall be fined not more than Five Hundred Dollars (\$500.00) or shall be imprisoned in the county jail not more than ninety (90) days; 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 * * *;

(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



Hundred Dollars (\$500.00), and, unless the fine and costs be immediately paid, he shall be imprisoned in the county jail not more than ninety (90) days; 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 * * *;

(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



1014 within the State of Mississippi, which lie adjacent to the State
1015 of Mississippi south of the three (3) most southern counties in
1016 the State of Mississippi, including the Mississippi Sound, St.
1017 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the
1018 Mississippi Sound at Harrison County only, no farther north than
1019 the southern boundary of the right-of-way for U.S. Highway 90,
1020 whichever is greater; and in determining the distance to the mean
1021 high-water line, the following considerations apply to any
1022 application for site approval after December 31, 2024, whether an
1023 initial or renewal application:

1024 1. Rights-of-way and easements for public
1025 streets and highways shall not be construed to interrupt the
1026 contiguous nature of a parcel of property, nor shall the footage
1027 contained within such easements and rights-of-way be considered in
1028 the calculation of the distances specified in subparagraph (ii) of
1029 this paragraph; and

1030 2. An imaginary line drawn from any point
1031 along the mean high-water line referenced and utilized pursuant to
1032 subparagraph (ii) of this paragraph to any other point of
1033 reference must cross only property under the exclusive use and
1034 control of the gaming licensee or proposed licensee based on its
1035 ownership or lease thereof, except for rights-of-way and easements
1036 for public streets and highways; and

1037 (iii) In the case of a structure that is located
1038 in whole or part on shore, the part of the structure in which



1039 licensed gaming activities are conducted shall * * * be located on
1040 property entirely under the exclusive use and control of the
1041 gaming licensee or proposed licensee based on its ownership or
1042 lease thereof that extends from the gaming floor to the mean
1043 high-water line and such land is capable of accommodating the
1044 minimum improvement requirements set forth in Section 75-76-67(4);

1045 (c) On a vessel as defined in Section 27-109-1 whenever
1046 such vessel is on the Mississippi River or navigable waters within
1047 any county bordering on the Mississippi River, and in which the
1048 registered voters of the county in which the port is located have
1049 not voted to prohibit such betting, gaming or wagering on vessels
1050 as provided in Section 19-3-79; or

1051 (d) That is legal under the laws of the State of
1052 Mississippi.

1053 **SECTION 17.** This act shall take effect and be in force from
1054 and after July 1, 2025.

