To: Gaming

By: Senator(s) Horhn

SENATE BILL NO. 2425

- 1 AN ACT TO AMEND SECTIONS 67-1-71, 87-1-5, 97-33-1, 97-33-7,
- 2 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO
- 3 AUTHORIZE GAMING TO BE CONDUCTED ON VESSELS AS DEFINED IN SECTION
- 4 27-109-1 WHENEVER SUCH VESSEL IS ON THE PEARL RIVER OR AN
- 5 ADJOINING BODY OF WATER WITHIN THE CORPORATE LIMITS OF A
- 6 MUNICIPALITY WITH A POPULATION OF 145,000 OR MORE ACCORDING TO THE
- 7 MOST RECENT FEDERAL DECENNIAL CENSUS; AND FOR RELATED PURPOSES.
- 8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:
- 9 **SECTION 1.** Section 67-1-71, Mississippi Code of 1972, is
- 10 amended as follows:
- 11 67-1-71. The department may revoke or suspend any permit
- 12 issued by it for a violation by the permittee of any of the
- 13 provisions of this article or of the regulations promulgated under
- 14 it by the department.
- 15 Permits must be revoked or suspended for the following
- 16 causes:
- 17 (a) Conviction of the permittee for the violation of
- 18 any of the provisions of this article;

19		(b)	Will	Lful	failure	or	ref	usal	bу	any	pern	aitt	ee t	10
20	comply wit	th ang	y of	the	provisio	ons	of	this	art	cicle	or	of	any	rule
21	or regulat	tion a	adopt	ted r	oursuant	the	eret	:0;						

- 22 (c) The making of any materially false statement in any 23 application for a permit;
- 24 (d) Conviction of one or more of the clerks, agents or 25 employees of the permittee, of any violation of this article upon 26 the premises covered by such permit within a period of time as 27 designated by the rules or regulations of the department;
- 28 (e) The possession on the premises of any retail
 29 permittee of any alcoholic beverages upon which the tax has not
 30 been paid;
- 31 (f) The willful failure of any permittee to keep the 32 records or make the reports required by this article, or to allow 33 an inspection of such records by any duly authorized person;
- 34 (g) The suspension or revocation of a permit issued to 35 the permittee by the federal government, or conviction of 36 violating any federal law relating to alcoholic beverages;
- 37 (h) The failure to furnish any bond required by Section 38 27-71-21 within fifteen (15) days after notice from the 39 department; and
- 40 (i) The conducting of any form of illegal gambling on 41 the premises of any permittee or on any premises connected 42 therewith or the presence on any such premises of any gambling 43 device with the knowledge of the permittee.

44	The provisions of paragraph (i) of this section shall not
45	apply to gambling or the presence of any gambling devices, with
46	knowledge of the permittee, on board a cruise vessel in the waters
47	within the State of Mississippi, which lie adjacent to the State
48	of Mississippi south of the three (3) most southern counties in
49	the State of Mississippi, or on any vessel as defined in Section
50	27-109-1 whenever such vessel is on the Mississippi River or
51	navigable waters within any county bordering on the Mississippi
52	River, or on any vessel as defined in Section 27-109-1 whenever
53	such vessel is on the Pearl River or an adjoining body of water
54	within the corporate limits of a municipality with a population of
55	one hundred forty-five thousand (145,000) or more according to the
56	latest federal decennial census. The department may, in its
57	discretion, issue on-premises retailer's permits to a common
58	carrier of the nature described in this paragraph.
59	The provisions of paragraph (i) of this section shall not
60	apply to the operation of any game or lottery authorized by Title
61	27, Chapter 115.
62	No permit shall be suspended or revoked until after the
63	permittee has been provided reasonable notice of the charges
64	against him for which suspension or revocation is sought and the
65	opportunity to a hearing before the Board of Tax Appeals to
66	contest such charges and the suspension or revocation proposed.

Opportunity to a hearing is provided without an actual hearing if

the permittee, after receiving reasonable notice, including notice

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- 69 of his right to a hearing, fails to timely request a hearing. The
- 70 permittee may also at any time waive his rights to reasonable
- 71 notice and/or to the opportunity to a hearing by agreeing to a
- 72 suspension or revocation offered by the department.
- Notwithstanding the requirement above that, a permit may not
- 74 be suspended without notice and opportunity to a hearing, sales of
- 75 alcoholic beverages by a permittee under a permit for which the
- 76 bond under Section 27-71-21 has been cancelled shall be suspended
- 77 from and after issuance of the notice provided in paragraph (h)
- 78 above and shall continue to be suspended until the bond is
- 79 reinstated, a new bond is posted or sufficient cash or securities
- 80 as provided under Section 27-71-21 are deposited with the State
- 81 Treasurer for this permit.
- 82 In addition to the causes specified in this section and other
- 83 provisions of this article, the department shall be authorized to
- 84 suspend the permit of any permit holder for being out of
- 85 compliance with an order for support, as defined in Section
- 86 93-11-153. The procedure for suspension of a permit for being out
- 87 of compliance with an order for support, and the procedure for the
- 88 reissuance or reinstatement of a permit suspended for that
- 89 purpose, and the payment of any fees for the reissuance or
- 90 reinstatement of a permit suspended for that purpose, shall be
- 91 governed by Section 93-11-157 or 93-11-163, as the case may be.
- 92 If there is any conflict between any provision of Section
- 93 93 11 157 or 93 11 163 and any provision of this article, the

- 94 provisions of Section 93-11-157 or 93-11-163, as the case may be,
- 95 shall control.
- 96 **SECTION 2.** Section 87-1-5, Mississippi Code of 1972, is
- 97 amended as follows:
- 98 87-1-5. If any person, by playing at any game whatever, or
- 99 by betting on the sides or hands of such as do play at any game,
- 100 or by betting on any horse race or cockfight, or at any other
- 101 sport or pastime, or by any wager whatever, shall lose any money,
- 102 property, or other valuable thing, real or personal, and shall pay
- 103 or deliver the same or any part thereof, the person so losing and
- 104 paying or delivering the same, or his wife or children, may sue
- 105 for and recover such money, property, or other valuable thing so
- 106 lost and paid or delivered, or any part thereof, from the person
- 107 knowingly receiving the same, with costs. However, this section
- 108 shall not apply to betting, gaming or wagering:
- 109 (a) On a cruise vessel as defined in Section 27-109-1
- 110 whenever such vessel is in the waters within the State of
- 111 Mississippi, which lie adjacent to the State of Mississippi south
- 112 of the three (3) most southern counties in the State of
- 113 Mississippi, including the Mississippi Sound, St. Louis Bay,
- 114 Biloxi Bay and Pascagoula Bay;
- 115 (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
- 117 Mississippi in which the registered voters of the county have

118	voted to	allow	such b	etting,	gaming	or	wagering	on	cruise	vessels
119	as provio	ded in	Section	n 19-3-	79, if:					

- (i) The structure is owned, leased or controlled by a person possessing a gaming license, as defined in Section 75-76-5, to conduct legal gaming on a cruise vessel under paragraph (a) of this section;
 - The part of the structure in which licensed (ii) gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and (iii) In the case of a structure that is located in whole or part on shore, the part of the structure in which licensed gaming activities are conducted shall lie adjacent to state waters south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the structure is located consists of a parcel of real property, easements and rights-of-way for public streets and highways shall not be construed to interrupt the contiquous nature of the parcel,

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- 144 rights-of-way be counted in the calculation of the distances
- 145 specified in subparagraph (ii) * * *;
- 146 (c) On a vessel as defined in Section 27-109-1 whenever
- 147 such vessel is on the Mississippi River or navigable waters within
- 148 any county bordering on the Mississippi River; * * *
- 149 (d) On a vessel as defined in Section 27-109-1 whenever
- 150 such vessel is on the Pearl River or an adjoining body of water
- 151 within the corporate limits of a municipality with a population of
- one hundred forty-five thousand (145,000) or more according to the
- 153 most recent federal decennial census; or
- 154 (* * *e) That is legal under the laws of the State of
- 155 Mississippi.
- 156 **SECTION 3.** Section 97-33-1, Mississippi Code of 1972, is
- 157 amended as follows:
- 158 97-33-1. Except as otherwise provided in Section 97-33-8, if
- 159 any person shall encourage, promote or play at any game, play or
- 160 amusement, other than a fight or fighting match between dogs, for
- 161 money or other valuable thing, or shall wager or bet, promote or
- 162 encourage the wagering or betting of any money or other valuable
- 163 things, upon any game, play, amusement, cockfight, Indian ball
- 164 play or duel, other than a fight or fighting match between dogs,
- or upon the result of any election, event or contingency whatever,
- 166 upon conviction thereof, he shall be fined in a sum not more than
- 167 Five Hundred Dollars (\$500.00); and, unless such fine and costs be

168	immediately	paid,	shall	be	imprisoned	for	any	period	not	more	than

- 169 ninety (90) days. However, this section shall not apply to
- 170 betting, gaming or wagering:
- 171 (a) On a cruise vessel as defined in Section 27-109-1
- 172 whenever such vessel is in the waters within the State of
- 173 Mississippi, which lie adjacent to the State of Mississippi south
- 174 of the three (3) most southern counties in the State of
- 175 Mississippi, including the Mississippi Sound, St. Louis Bay,
- 176 Biloxi Bay and Pascagoula Bay, and in which the registered voters
- 177 of the county in which the port is located have not voted to
- 178 prohibit such betting, gaming or wagering on cruise vessels as
- 179 provided in Section 19-3-79;
- 180 (b) In a structure located, in whole or in part, on
- 181 shore in any of the three (3) most southern counties in the State
- 182 of Mississippi in which the registered voters of the county have
- 183 voted to allow such betting, gaming or wagering on cruise vessels
- 184 as provided in Section 19-3-79, if:
- 185 (i) The structure is owned, leased or controlled
- 186 by a person possessing a gaming license, as defined in Section
- 187 75-76-5, to conduct legal gaming on a cruise vessel under
- 188 paragraph (a) of this section;
- 189 (ii) The part of the structure in which licensed
- 190 gaming activities are conducted is located entirely in an area
- 191 which is located no more than eight hundred (800) feet from the
- 192 mean high-water line (as defined in Section 29-15-1) of the waters

193	within the State of Mississippi, which lie adjacent to the State
194	of Mississippi south of the three (3) most southern counties in
195	the State of Mississippi, including the Mississippi Sound, St.
196	Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
197	Harrison County only, no farther north than the southern boundary
198	of the right-of-way for U.S. Highway 90, whichever is greater; and
199	(iii) In the case of a structure that is located
200	in whole or part on shore, the part of the structure in which
201	licensed gaming activities are conducted shall lie adjacent to
202	state waters south of the three (3) most southern counties in the
203	State of Mississippi, including the Mississippi Sound, St. Louis
204	Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
205	structure is located consists of a parcel of real property,
206	easements and rights-of-way for public streets and highways shall
207	not be construed to interrupt the contiguous nature of the parcel,
208	nor shall the footage contained within the easements and
209	rights-of-way be counted in the calculation of the distances
210	specified in subparagraph (ii);
211	(c) On a vessel as defined in Section 27-109-1 whenever
212	such vessel is on the Mississippi River or navigable waters within
213	any county bordering on the Mississippi River, and in which the
214	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; * * *

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217	(d) On a vessel as defined in Section 27-109-1 whenever
218	such vessel is on the Pearl River or an adjoining body of water
219	within the corporate limits of a municipality with a population of
220	one hundred forty-five thousand (145,000) or more according to the
221	most recent federal decennial census; or
222	(* * $\star\underline{e}$) That is legal under the laws of the State of
223	Mississippi.
224	SECTION 4. Section 97-33-7, Mississippi Code of 1972, is
225	amended as follows:
226	97-33-7. (1) Except as otherwise provided in Section
227	97-33-8, it shall be unlawful for any person or persons, firm,
228	copartnership or corporation to have in possession, own, control,
229	display, or operate any cane rack, knife rack, artful dodger,
230	punch board, roll down, merchandise wheel, slot machine, pinball
231	machine, or similar device or devices. Provided, however, that
232	this section shall not be so construed as to make unlawful the
233	ownership, possession, control, display or operation of any
234	antique coin machine as defined in Section 27-27-12, or any music
235	machine or bona fide automatic vending machine where the purchaser
236	receives exactly the same quantity of merchandise on each
237	operation of said machine. Any slot machine other than an antique
238	coin machine as defined in Section 27-27-12 which delivers, or is
239	so constructed as that by operation thereof it will deliver to the
240	operator thereof anything of value in varying quantities, in
241	addition to the merchandise received, and any slot machine other

242 than an antique coin machine as defined in Section 27-27-12 that 243 is constructed in such manner as that slugs, tokens, coins or 244 similar devices are, or may be, used and delivered to the operator thereof in addition to merchandise of any sort contained in such 245 246 machine, is hereby declared to be a gambling device, and shall be 247 deemed unlawful under the provisions of this section. Provided, 248 however, that pinball machines which do not return to the operator 249 or player thereof anything but free additional games or plays 250 shall not be deemed to be gambling devices, and neither this 251 section nor any other law shall be construed to prohibit same.

- (2) No property right shall exist in any person, natural or artificial, or be vested in such person, in any or all of the devices described herein that are not exempted from the provisions of this section; and all such devices are hereby declared to be at all times subject to confiscation and destruction, and their possession shall be unlawful, except when in the possession of officers carrying out the provisions of this section. It shall be the duty of all law enforcing officers to seize and immediately destroy all such machines and devices.
- 261 (3) A first violation of the provisions of this section
 262 shall be deemed a misdemeanor, and the party offending shall, upon
 263 conviction, be fined in any sum not exceeding Five Hundred Dollars
 264 (\$500.00), or imprisoned not exceeding three (3) months, or both,
 265 in the discretion of the court. In the event of a second
 266 conviction for a violation of any of the provisions of this

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- 267 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)
- 269 years in the State Penitentiary, in the discretion of the trial
- 270 court.
- 271 (4) Notwithstanding any provision of this section to the
- 272 contrary, it shall not be unlawful to operate any equipment or
- 273 device described in subsection (1) of this section or any gaming,
- 274 gambling or similar device or devices by whatever name called
- 275 while:
- 276 (a) On a cruise vessel as defined in Section 27-109-1
- 277 whenever such vessel is in the waters within the State of
- 278 Mississippi, which lie adjacent to the State of Mississippi south
- 279 of the three (3) most southern counties in the State of
- 280 Mississippi, including the Mississippi Sound, St. Louis Bay,
- 281 Biloxi Bay and Pascagoula Bay, and in which the registered voters
- 282 of the county in which the port is located have not voted to
- 283 prohibit such betting, gaming or wagering on cruise vessels as
- 284 provided in Section 19-3-79;
- 285 (b) In a structure located, in whole or in part, on
- 286 shore in any of the three (3) most southern counties in the State
- 287 of Mississippi in which the registered voters of the county have
- 288 voted to allow such betting, gaming or wagering on cruise vessels
- 289 as provided in Section 19-3-79, if:
- 290 (i) The structure is owned, leased or controlled
- 291 by a person possessing a gaming license, as defined in Section

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

294 The part of the structure in which licensed 295 gaming activities are conducted is located entirely in an area 296 which is located no more than eight hundred (800) feet from the 297 mean high-water line (as defined in Section 29-15-1) of the waters 298 within the State of Mississippi, which lie adjacent to the State 299 of Mississippi south of the three (3) most southern counties in 300 the State of Mississippi, including the Mississippi Sound, St. 301 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to 302 Harrison County only, no farther north than the southern boundary 303 of the right-of-way for U.S. Highway 90, whichever is greater; and 304 In the case of a structure that is located (iii) 305 in whole or part on shore, the part of the structure in which 306 licensed gaming activities are conducted shall lie adjacent to 307 state waters south of the three (3) most southern counties in the 308 State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the 309 310 structure is located consists of a parcel of real property, 311 easements and rights-of-way for public streets and highways shall 312 not be construed to interrupt the contiquous nature of the parcel, 313 nor shall the footage contained within the easements and rights-of-way be counted in the calculation of the distances 314 315 specified in subparagraph (ii);

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

- 322 (d) On a vessel as defined in Section 27-109-1 whenever
 323 such vessel is on the Pearl River or an adjoining body of water
 324 within the corporate limits of a municipality with a population of
 325 one hundred forty-five thousand (145,000) or more according to the
 326 most recent federal decennial census; or
- 327 (* * * \underline{e}) That is legal under the laws of the State of 328 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

341 warehouse or other storage facility any gambling device, machine, 342 equipment, or part thereof, regardless of whether the county or municipality in which the warehouse or storage facility is located 343 344 has approved gaming aboard cruise vessels or vessels, provided 345 that such device, machine or equipment is operated only in a 346 county or municipality that has approved gaming aboard cruise 347 vessels or vessels. Any gambling device, machine or equipment that is owned, possessed, controlled, installed, procured, 348 349 repaired, transported or stored in accordance with this subsection 350 shall not be subject to confiscation, seizure or destruction, and 351 any person, firm, partnership or corporation which owns, 352 possesses, controls, installs, procures, repairs, transports or stores any gambling device, machine or equipment in accordance 353 354 with this subsection shall not be subject to any prosecution or 355 penalty under this section. Any person constructing or repairing 356 such cruise vessels or vessels within a municipality shall comply 357 with all municipal ordinances protecting the general health or 358 safety of the residents of the municipality.

359 **SECTION 5.** Section 97-33-17, Mississippi Code of 1972, is 360 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

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366	the	monies	so	seized	shall	be	accounted	for	bv	the	person	maki

- 367 the seizure, and all appliances seized shall be destroyed;
- 368 provided, however, this section shall not apply to betting, gaming
- 369 or wagering on:
- 370 (a) A cruise vessel as defined in Section 27-109-1
- 371 whenever such vessel is in the waters within the State of
- 372 Mississippi, which lie adjacent to the State of Mississippi south
- 373 of the three (3) most southern counties in the State of
- 374 Mississippi, including the Mississippi Sound, St. Louis Bay,
- 375 Biloxi Bay and Pascagoula Bay, and in which the registered voters
- 376 of the county in which the port is located have not voted to
- 377 prohibit such betting, gaming or wagering on cruise vessels as
- 378 provided in Section 19-3-79;
- 379 (b) In a structure located in whole or in part on shore
- 380 in any of the three (3) most southern counties in the State of
- 381 Mississippi in which the registered voters of the county have
- 382 voted to allow such betting, gaming or wagering on cruise vessels
- 383 as provided in Section 19-3-79, if:
- 384 (i) The structure is owned, leased or controlled
- 385 by a person possessing a gaming license, as defined in Section
- 386 75-76-5, to conduct legal gaming on a cruise vessel under
- 387 paragraph (a) of this subsection;
- 388 (ii) The part of the structure in which licensed
- 389 gaming activities are conducted is located entirely in an area
- 390 which is located no more than eight hundred (800) feet from the

391	mean high-water line (as defined in Section 29-15-1) of the waters
392	within the State of Mississippi, which lie adjacent to the State
393	of Mississippi south of the three (3) most southern counties in
394	the State of Mississippi, including the Mississippi Sound, St.
395	Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
396	Harrison County only, no farther north than the southern boundary
397	of the right-of-way for U.S. Highway 90, whichever is greater; and
398	(iii) In the case of a structure that is located
399	in whole or part on shore, the part of the structure in which
400	licensed gaming activities are conducted shall lie adjacent to
401	state waters south of the three (3) most southern counties in the
402	State of Mississippi, including the Mississippi Sound, St. Louis
403	Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
404	structure is located consists of a parcel of real property,
405	easements and rights-of-way for public streets and highways shall
406	not be construed to interrupt the contiguous nature of the parcel,
407	nor shall the footage contained within the easements and
408	rights-of-way be counted in the calculation of the distances
409	specified in subparagraph (ii) * * *;
410	(c) A vessel as defined in Section 27-109-1 whenever
411	such vessel is on the Mississippi River or navigable waters within
412	any county bordering on the Mississippi River, and in which the
413	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; * * *

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416	(d)	On a vessel as defined in Section 27-109-1 whenever
417	such vessel is	on the Pearl River or an adjoining body of water
418	within the corp	porate limits of a municipality with a population of
419	one hundred for	rty-five thousand (145,000) or more according to the

- 420 most recent federal decennial census; or
- 421 (* * * \underline{e}) That is legal under the laws of the State of 422 Mississippi.
- 423 (2) Nothing in this section shall apply to any gambling 424 device, machine or equipment that is owned, possessed, controlled, 425 installed, procured, repaired or transported in accordance with 426 subsection (4) of Section 97-33-7.
- SECTION 6. 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:
- 436 (a) On a cruise vessel as defined in Section 27-109-1
 437 whenever such vessel is in the waters within the State of
 438 Mississippi, which lie adjacent to the State of Mississippi south
 439 of the three (3) most southern counties in the State of
 440 Mississippi, including the Mississippi Sound, St. Louis Bay,

441	Biloxi	Bay	and	Pascagoula	a Bay,	and	in	which	the	registered	voters
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- 442 of the county in which the port is located have not voted to
- 443 prohibit such betting, gaming or wagering on cruise vessels as
- 444 provided in Section 19-3-79;
- (b) In a structure located in whole or in part on shore
- 446 in any of the three (3) most southern counties in the State of
- 447 Mississippi in which the registered voters of the county have
- 448 voted to allow such betting, gaming or wagering on cruise vessels
- 449 as provided in Section 19-3-79, if:
- 450 (i) The structure is owned, leased or controlled
- 451 by a person possessing a gaming license, as defined in Section
- 452 75-76-5, to conduct legal gaming on a cruise vessel under
- 453 paragraph (a) of this section;
- 454 (ii) The part of the structure in which licensed
- 455 gaming activities are conducted is located entirely in an area
- 456 which is located no more than eight hundred (800) feet from the
- 457 mean high-water line (as defined in Section 29-15-1) of the waters
- 458 within the State of Mississippi, which lie adjacent to the State
- 459 of Mississippi south of the three (3) most southern counties in
- 460 the State of Mississippi, including the Mississippi Sound, St.
- 461 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
- 462 Harrison County only, no farther north than the southern boundary
- 463 of the right-of-way for U.S. Highway 90, whichever is greater; and
- 464 (iii) In the case of a structure that is located
- 465 in whole or part on shore, the part of the structure in which

- 466 licensed gaming activities are conducted shall lie adjacent to
- 467 state waters south of the three (3) most southern counties in the
- 468 State of Mississippi, including the Mississippi Sound, St. Louis
- 469 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
- 470 structure is located consists of a parcel of real property,
- 471 easements and rights-of-way for public streets and highways shall
- 472 not be construed to interrupt the contiguous nature of the parcel,
- 473 nor shall the footage contained within the easements and
- 474 rights-of-way be counted in the calculation of the distances
- 475 specified in subparagraph (ii) * * *;
- 476 (c) On a vessel as defined in Section 27-109-1 whenever
- 477 such vessel is on the Mississippi River or navigable waters within
- 478 any county bordering on the Mississippi River, and in which the
- 479 registered voters of the county in which the port is located have
- 480 not voted to prohibit such betting, gaming or wagering on vessels
- 481 as provided in Section 19-3-79; * * *
- (d) On a vessel as defined in Section 27-109-1 whenever
- 483 such vessel is on the Pearl River or an adjoining body of water
- 484 within the corporate limits of a municipality with a population of
- 485 one hundred forty-five thousand (145,000) or more according to the
- 486 most recent federal decennial census; or
- 487 (* * *e) That is legal under the laws of the State of
- 488 Mississippi.
- SECTION 7. Section 97-33-27, Mississippi Code of 1972, is
- 490 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:
- 497 On a cruise vessel as defined in Section 27-109-1 498 whenever such vessel is in the waters within the State of 499 Mississippi, which lie adjacent to the State of Mississippi south 500 of the three (3) most southern counties in the State of 501 Mississippi, including the Mississippi Sound, St. Louis Bay, 502 Biloxi Bay and Pascagoula Bay, and in which the registered voters 503 of the county in which the port is located have not voted to 504 prohibit such betting, gaming or wagering on cruise vessels as 505 provided in Section 19-3-79;
- 506 (b) In a structure located in whole or in part on shore 507 in any of the three (3) most southern counties in the State of 508 Mississippi in which the registered voters of the county have 509 voted to allow such betting, gaming or wagering on cruise vessels 510 as provided in Section 19-3-79, if:
- 511 (i) The structure is owned, leased or controlled 512 by a person possessing a gaming license, as defined in Section 513 75-76-5, to conduct legal gaming on a cruise vessel under 514 paragraph (a) of this section;

515	(ii) The part of the structure in which licensed
516	gaming activities are conducted is located entirely in an area
517	which is located no more than eight hundred (800) feet from the
518	mean high-water line (as defined in Section 29-15-1) of the waters
519	within the State of Mississippi, which lie adjacent to the State
520	of Mississippi south of the three (3) most southern counties in
521	the State of Mississippi, including the Mississippi Sound, St.
522	Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
523	Harrison County only, no farther north than the southern boundary
524	of the right-of-way for U.S. Highway 90, whichever is greater; and
525	(iii) In the case of a structure that is located
526	in whole or part on shore, the part of the structure in which
527	licensed gaming activities are conducted shall lie adjacent to
528	state waters south of the three (3) most southern counties in the
529	State of Mississippi, including the Mississippi Sound, St. Louis
530	Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
531	structure is located consists of a parcel of real property,
532	easements and rights-of-way for public streets and highways shall
533	not be construed to interrupt the contiguous nature of the parcel,
534	nor shall the footage contained within the easements and
535	rights-of-way be counted in the calculation of the distances
536	specified in subparagraph (ii) * * * <u>;</u>
537	(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

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540	registered voters of the county in which the port is located have
541	not voted to prohibit such betting, gaming or wagering on vessels
542	as provided in Section 19-3-79; * * *
543	(d) On a vessel as defined in Section 27-109-1 whenever

- 543 (d) On a vessel as defined in Section 27-109-1 whenever
 544 such vessel is on the Pearl River or an adjoining body of water
 545 within the corporate limits of a municipality with a population of
 546 one hundred forty-five thousand (145,000) or more according to the
 547 most recent federal decennial census; or
- 548 (* * * \underline{e}) That is legal under the laws of the State of 549 Mississippi.
- 550 **SECTION 8.** This act shall take effect and be in force from 551 and after July 1, 2025.