

## House Amendments to Senate Bill No. 2381

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

43       **SECTION 1.** Section 7-11-11, Mississippi Code of 1972, is  
44 amended as follows:

45       7-11-11. The Secretary of State shall have charge of the  
46 swamp and the overflowed lands and indemnity lands in lieu  
47 thereof, the internal improvement lands, the lands forfeited to  
48 the state for nonpayment of taxes after the time allowed by law  
49 for redemption shall have expired, the Public Trust Tidelands, and  
50 of all other public lands belonging to or under the control of the  
51 state. The regulation, sale and disposition of all such lands  
52 shall be made through the Secretary of State's office.

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

56       **SECTION 2.** Section 29-1-107, Mississippi Code of 1972, is  
57 amended as follows:

58       29-1-107. (1) (a) The Secretary of State, with the  
59 approval of the Governor, shall, as far as practicable, rent or

60 lease all lands belonging to the state, except as otherwise  
61 provided by \* \* \* this section, for a period of not exceeding one  
62 (1) year, and account for the rents therefrom in the same manner  
63 as money received from the sale of state lands, provided that no  
64 state land shall be rented or leased to individuals, corporations,  
65 partnerships, or association of persons for hunting or fishing  
66 purposes. Property belonging to the state in municipalities, even  
67 though it may have been subdivided into lots, blocks, divisions,  
68 or otherwise escheated or was sold to the state by such  
69 description, may likewise be leased or rented by the Secretary of  
70 State under the terms provided above for other state lands, and  
71 the rents accounted for in the same manner. The state shall have  
72 all the liens, rights and remedies accorded to landlords in  
73 Sections 89-7-1 through 89-7-125; said leases and rental contracts  
74 shall automatically terminate on the date provided in said leases  
75 or contracts.

76       (b) A person possessing a gaming license under the  
77 Mississippi Gaming Control Act or who wishes to apply for a gaming  
78 license under the Mississippi Gaming Control Act and who further  
79 uses or wishes to use Public Trust Tidelands as part of its  
80 proposed gaming project shall be required to obtain a tidelands  
81 lease from the Secretary of State notwithstanding any statute, law  
82 or other provision providing other authority to municipalities and  
83 counties or any other political subdivision to use the Public  
84 Trust Tidelands and such lease may be conditioned upon the gaming  
85 licensee or license applicant obtaining such other necessary and

86 required approvals. This paragraph (b) shall not apply to gaming  
87 sites and casino operators approved prior to December 31, 2024.

88       (2)   (a)   The Secretary of State, with the approval of the  
89 Governor, may rent or lease surface lands, tidelands or submerged  
90 lands owned or controlled by the State of Mississippi lying in or  
91 adjacent to the Mississippi Sound or Gulf of Mexico or streams  
92 emptying therein, for a period not exceeding forty (40) years for  
93 rental payable to the state annually. However, the term of any  
94 lease of State Public Trust Tidelands to a person possessing a  
95 license under the Mississippi Gaming Control Act shall be governed  
96 by the provisions of subsection (4) of this section.

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

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

111 (d) Leases shall provide for review and rent  
112 adjustments at each fifth anniversary tied either to the All Urban  
113 Consumer Price Index-All Items (CPI) or to an appraisal which  
114 deducts the value of any improvements by the lessee which  
115 substantially enhance the value of the land. In the case where  
116 the initial rental was based on the value set by the ad valorem  
117 tax rolls, then the rent review and adjustment clause shall be  
118 likewise based on the value set by such tax rolls. In the event  
119 that the lessor and lessee cannot agree on a rental amount, the  
120 lease may be cancelled at the option of the lessor. The lessee  
121 shall, within thirty (30) days after execution of a sublease or  
122 assignment, file a copy thereof, including the total consideration  
123 therefor, with the Secretary of State. This paragraph shall not  
124 apply to a lease of State Public Trust Tidelands or submerged  
125 lands to a person possessing a gaming license under the  
126 Mississippi Gaming Control Act who operates a gaming establishment  
127 on such tidelands or submerged lands or to a person who has or  
128 will apply for a gaming license under the Mississippi Gaming  
129 Control Act and to use Public Trust Tidelands or submerged lands  
130 as part of its proposed gaming project.

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

135 (3) Provided, however, the current occupants of Public Trust  
136 Tidelands that were developed after the determinable mean

high-water line nearest the effective date of the Coastal Wetlands Protection Law shall pay an annual rental based on the fair market value as determined by the assessed valuation of the property.

The holder of a lease of Public Trust Tidelands, at the expiration thereof, shall have a prior right, exclusive of all other persons, to re-lease as may be agreed upon between the holder of the lease and the Secretary of State.

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

163 lease or be converted to a thirty-year term lease, beginning on  
164 such date after August 29, 2005, that the lessee either resumes or  
165 begins permanent gaming activities as approved by the Mississippi  
166 Gaming Commission, and the lessee shall be required to comply with  
167 all other provisions of the lease. Should the lessee choose to  
168 operate in a structure that is not on State Public Trust Tidelands  
169 and that is on property contiguous to State Public Trust Tidelands  
170 leased by the State of Mississippi to the lessee, the lessee shall  
171 be required to comply with all other provisions of the lease with  
172 the State of Mississippi and shall be exempt from the assessment  
173 provided for in paragraph (c) of this subsection. Easements for  
174 and rights-of-way for public streets and highways shall not be  
175 construed to interrupt the contiguous nature of a parcel of  
176 property. In the event that a lessee does not elect either to  
177 remain bound by the original term of the lease with the State of  
178 Mississippi or to convert the lease to a thirty-year term, the  
179 Secretary of State may lease the State Public Trust Tidelands that  
180 are the subject of the lease to any other person or entity.

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

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

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

201                       1.   Four Hundred Thousand Dollars  
202   (\$400,000.00), if the capital investment in the part of the  
203 structure in which licensed gaming activities are conducted is  
204 Fifty Million Dollars (\$50,000,000.00) or less.

205                       2.   Four Hundred Fifty Thousand Dollars  
206   (\$450,000.00), if the capital investment in the part of the  
207 structure in which licensed gaming activities are conducted is  
208 equal to or more than Fifty Million Dollars (\$50,000,000.00) but  
209 less than Sixty Million Dollars (\$60,000,000.00).

210                       3.   Five Hundred Thousand Dollars  
211   (\$500,000.00), if the capital investment in the part of the  
212 structure in which licensed gaming activities are conducted is  
213 equal to or more than Sixty Million Dollars (\$60,000,000.00) but  
214 less than Seventy-five Million Dollars (\$75,000,000.00).

215                   4.   Six Hundred Thousand Dollars  
216   (\$600,000.00), if the capital investment in the part of the  
217   structure in which licensed gaming activities are conducted is  
218   equal to or more than Seventy-five Million Dollars  
219   (\$75,000,000.00) but less than One Hundred Million Dollars  
220   (\$100,000,000.00) .

221                   5.   Seven Hundred Thousand Dollars  
222   (\$700,000.00), if the capital investment in the part of the  
223   structure in which licensed gaming activities are conducted is  
224   equal to or more than One Hundred Million Dollars  
225   (\$100,000,000.00) but less than One Hundred Twenty-five Million  
226   Dollars (\$125,000,000.00) .

227                   6.   Seven Hundred Fifty Thousand Dollars  
228   (\$750,000.00), if the capital investment in the part of the  
229   structure in which licensed gaming activities are conducted is  
230   equal to or more than One Hundred Twenty-five Million Dollars  
231   (\$125,000,000.00) .

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

236                   (ii) This paragraph shall not apply to a gaming  
237   licensee if the licensee conducts gaming in a structure that is  
238   located on property that is leased from the Mississippi State Port  
239   at Gulfport or any political subdivision of the state, or to a  
240   licensee who conducts gaming in a structure that is located on



property that is leased to the licensee jointly by the State of Mississippi and the City of Biloxi; however, with regard to property owned by a political subdivision of the state, this exception shall only apply to property owned by the political subdivision on August 29, 2005, if legal gaming could have been conducted on such property on that date.

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

**SECTION 3.** 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 highwater line" means the intersection of the tidal datum plane of mean high water with the shore.

( \* \* \*f) "Mean highwater 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 4.** The following shall be codified as Section 29-15-2, Mississippi Code of 1972:

291        29-15-2.    **Legislative public policy.**    (1)    It is declared

292    that the state-held tidelands subject to the public trust and the  
293    boundary between trust lands and other lands are shown on the  
294    Final Public Trust Tidelands Map and Public Trust Submerged Land  
295    Maps, Final December 1994, created and published pursuant to  
296    Section 29-15-7, as modified by any boundary agreements or court  
297    orders.

298        (2)    Absent clear, specific and expressed legislative intent  
299    to grant management and administrative control and authority,  
300    including leasing authority, of a specific area of Public Trust  
301    Tidelands to a specific state agency or political subdivision, the  
302    Secretary of State is not divested of management and  
303    administrative control and authority, and leasing authority.

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

309        (4)    All previous or prior statutory provisions which affect  
310    the Public Trust Tidelands shall be construed and interpreted  
311    subject to and consistent with the provisions contained in this  
312    statute.

313        **SECTION 5.**    Section 29-15-3, Mississippi Code of 1972, is  
314    amended as follows:

315        29-15-3.    (1)    It is declared to be the public policy of this  
316    state to favor the preservation of the natural state of the

317 state's Public Trust Tidelands and their ecosystems and to prevent  
318 the despoliation and destruction of them, except where a specific  
319 alteration of specific Public Trust Tidelands would serve a higher  
320 public interest in compliance with the public purposes of the  
321 public trust in which such tidelands are held.

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

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

333 **SECTION 6.** Section 29-15-5, Mississippi Code of 1972, is  
334 amended as follows:

335 29-15-5. (1) Tidelands and submerged lands are held by the  
336 state in trust for use of all the people, and are so held in their  
337 character as the beds and shores of the sea and its tidally  
338 affected arms and tributaries for the purposes defined by common  
339 law and statutory law. Littoral and riparian property owners have  
340 common-law and statutory rights under the Coastal Wetlands  
341 Protection Law which extend into the waters and beyond the low

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

344 (2) Residential property owners shall not be required to  
345 obtain a Public Trust Tidelands lease from the state for  
346 exercising their common-law and statutory littoral and riparian  
347 rights attached to residential property for personal noncommercial  
348 use.

349 **SECTION 7.** Section 29-15-9, Mississippi Code of 1972, is  
350 amended as follows:

351 29-15-9. (1) There is created in the State Treasury a  
352 special fund to be known as the "Public Trust Tidelands Fund."  
353 The fund shall be administered by the Secretary of State as  
354 trustee.

355 (2) Any funds derived from lease rentals of tidelands and  
356 submerged lands, except those funds derived from mineral leases,  
357 or funds previously specifically designated to be applied to other  
358 agencies, shall be transferred to the special fund. \* \* \* Subject  
359 to legislative authorization, funds derived from lease  
360 rentals \* \* \* will be used to cover the administrative cost,  
361 including legal expenses, incurred by the Secretary of State in  
362 administering the Public Trust Tidelands. Any remaining funds  
363 derived from lease rentals shall then be disbursed pro rata to the  
364 local taxing authorities for the replacement of lost ad valorem  
365 taxes, if any. Then, any remaining funds shall be disbursed to  
366 the \* \* \* Department of Marine Resources for new and extra  
367 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 8.** Section 29-15-10, Mississippi Code of 1972, is amended as follows:

29-15-10. (1) There is created in the State Treasury a special fund to be known as the "Public Trust Tidelands Assessments Fund." The purpose of the fund is to ensure that monies derived from the Public Trust Tidelands assessments shall be used for the benefit of preserving and protecting the tidelands and submerged lands found within the three (3) most southern

counties of the state. One (1) specific purpose of the fund is to ensure that the annual payment made by the state for the purchase of Deer Island shall continue uninterrupted until the purchase transaction is completed. The fund shall be administered by the Secretary of State, as trustee. None of the funds that are in the special fund or that are required to be deposited into the special fund shall be transferred, diverted or in any other manner expended or used for any purpose other than those purposes specified in this section.

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

(b) Funds paid pursuant to paragraph (a) of this subsection may be appropriated by the Legislature in an amount necessary to cover the administrative cost incurred by the Mississippi Advisory Commission on Marine Resources. 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 9.** 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 \* \* \* enter into a rent-exempt lease with the Secretary of State's office.

(2) Absent an existing, valid and court confirmed sublease of public trust tidelands, which is subject to an existing public trust tidelands lease from the State by and through the Secretary of State, to a federal, state or local government entity, including counties and municipalities, and as of December 31,



2024, the entity shall not lease, sublease, rent or provide access for any gaming purpose or purpose related to a gaming operation.

(3) 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 purposes related to a gaming operation.

(4) Municipalities or only those counties that operate a harbor within the city limits of a municipality as of July 1, 2025, may sublease any leased property consistent with a higher public purpose for which the Public Trust Tidelands are held as provided by Mississippi case law and statutory law, except gaming. The higher public purpose shall be expressed in a sublease document. That higher public purpose is subject to review by the land commissioner/tidelands trustee. The land commissioner/tidelands trustee may only challenge the sufficiency of the higher public purpose by legal action upon consent of the Attorney General. If challenged, an expressed higher public purpose shall be prima facie evidence that it is sufficient. Once permission to use the Public Trust Tidelands has been established, the tidelands shall be under the management and control of the municipality or only that county that operates a harbor within the city limits of a municipality as of July 1, 2025, and the revenues generated shall be used for the maintenance and upkeep and operation of the harbor.

**SECTION 10.** 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.

496           (2) The municipal authorities or commission, in connection  
497 with the exercise of the foregoing works of improvement and  
498 development, may as an adjunct to any such work of improvement or  
499 development to erect or construct such bridges, causeways or  
500 structures as may be required for access to and from the harbors  
501 or facilities provided as aforesaid by the municipal authorities  
502 or the commission, and including any necessary bridge or causeway  
503 or combination of the same, connecting with any island or islands  
504 lying within three (3) leagues of the main shoreline of the  
505 Mississippi Sound or the Gulf of Mexico, and whether the same be  
506 within or without the limits of the municipality concerned.

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

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

518           (5) The municipal authorities or commission may provide,  
519 among other harbor facilities, small craft and pleasure craft  
520 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 11.** Section 59-15-1, Mississippi Code of 1972, is amended as follows:

59-15-1. (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, \* \* \* 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.

(2) Municipalities or only those counties that operate a harbor within the city limits of a municipality as of July 1, 2025, may sublease any leased property consistent with a higher public purpose for which the Public Trust Tidelands are held as provided by Mississippi case law and statutory law, except gaming. The higher public purpose shall be expressed in a sublease document. That higher public purpose is subject to review by the land commissioner/tidelands trustee. The land commissioner/tidelands trustee may only challenge the sufficiency of the higher public purpose by legal action upon consent of the Attorney General. If challenged, an expressed higher public purpose shall be prima facie evidence that it is sufficient. Once permission to use the Public Trust Tidelands has been established, the tidelands shall be under the management and control of the municipality or only that county that operates a harbor within the city limits of a municipality as of July 1, 2025, and the revenues generated shall be used for the maintenance and upkeep and operation of the harbor.

**SECTION 12.** Section 75-76-67, Mississippi Code of 1972, is amended as follows:

75-76-67. (1) Any person who the commission determines is qualified to receive a license or be found suitable under the provisions of this chapter, having due consideration for the proper protection of the health, safety, morals, good order and general welfare of the inhabitants of the State of Mississippi and the declared policy of this state, may be issued a state gaming license or found suitable. The burden of proving his qualification to receive any license or be found suitable is on the applicant.

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

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

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

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

(3) No person shall be granted a license or found suitable under the provisions of this chapter who has been convicted of a felony in any court of this state, another state, or the United States; and no person shall be granted a license or found suitable

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

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

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

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

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

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

(c) Other than with respect to a licensee which 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;

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

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

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

631                   (v) A casino floor of at least forty thousand  
632 (40,000) square feet;

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

635                   (vii) A determination, in writing, by the  
636 Secretary of State, that the proposed project is consistent with  
637 the higher public purpose for which the Public Trust Tidelands are  
638 held, as provided by Mississippi case law and statutory law,  
639 except gaming; and

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

647           (5) An application to receive a license or be found suitable  
648 constitutes a request for a determination of the applicant's  
649 general character, integrity and ability to participate or engage  
650 in, or be associated with gaming. Any written or oral statement



made in the course of an official proceeding of the commission or the executive director or any witness testifying under oath which is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

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

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

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

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

676 deems to be in the public interest and consistent with the  
677 declared policy of the state.

678       **SECTION 13.** Section 87-1-5, Mississippi Code of 1972, is  
679 amended as follows:

680       87-1-5. If any person, by playing at any game whatever, or  
681 by betting on the sides or hands of such as do play at any game,  
682 or by betting on any horse race or cockfight, or at any other  
683 sport or pastime, or by any wager whatever, shall lose any money,  
684 property, or other valuable thing, real or personal, and shall pay  
685 or deliver the same or any part thereof, the person so losing and  
686 paying or delivering the same, or his wife or children, may sue  
687 for and recover such money, property, or other valuable thing so  
688 lost and paid or delivered, or any part thereof, from the person  
689 knowingly receiving the same, with costs. However, this section  
690 shall not apply to betting, gaming or wagering:

691           (a) On a cruise vessel as defined in Section 27-109-1  
692 whenever such vessel is in the waters within the State of  
693 Mississippi, which lie adjacent to the State of Mississippi south  
694 of the three (3) most southern counties in the State of  
695 Mississippi, including the Mississippi Sound, St. Louis Bay,  
696 Biloxi Bay and Pascagoula Bay;

697           (b) In a structure located in whole or in part on shore  
698 in any of the three (3) most southern counties in the State of  
699 Mississippi in which the registered voters of the county have  
700 voted to allow such betting, gaming or wagering on cruise vessels  
701 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 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 14.** 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);

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

97-33-7. (1) Except as otherwise provided in Section 97-33-8, it shall be unlawful for any person or persons, firm, copartnership or corporation to have in possession, own, control, display, or operate any cane rack, knife rack, artful dodger, punch board, roll down, merchandise wheel, slot machine, pinball machine, or similar device or devices. Provided, however, that this section shall not be so construed as to make unlawful the ownership, possession, control, display or operation of any antique coin machine as defined in Section 27-27-12, or any music machine or bona fide automatic vending machine where the purchaser

832 receives exactly the same quantity of merchandise on each  
833 operation of said machine. Any slot machine other than an antique  
834 coin machine as defined in Section 27-27-12 which delivers, or is  
835 so constructed as that by operation thereof it will deliver to the  
836 operator thereof anything of value in varying quantities, in  
837 addition to the merchandise received, and any slot machine other  
838 than an antique coin machine as defined in Section 27-27-12 that  
839 is constructed in such manner as that slugs, tokens, coins or  
840 similar devices are, or may be, used and delivered to the operator  
841 thereof in addition to merchandise of any sort contained in such  
842 machine, is hereby declared to be a gambling device, and shall be  
843 deemed unlawful under the provisions of this section. Provided,  
844 however, that pinball machines which do not return to the operator  
845 or player thereof anything but free additional games or plays  
846 shall not be deemed to be gambling devices, and neither this  
847 section nor any other law shall be construed to prohibit same.

848 (2) No property right shall exist in any person, natural or  
849 artificial, or be vested in such person, in any or all of the  
850 devices described herein that are not exempted from the provisions  
851 of this section; and all such devices are hereby declared to be at  
852 all times subject to confiscation and destruction, and their  
853 possession shall be unlawful, except when in the possession of  
854 officers carrying out the provisions of this section. It shall be  
855 the duty of all law enforcing officers to seize and immediately  
856 destroy all such machines and devices.



857           (3) A first violation of the provisions of this section  
858 shall be deemed a misdemeanor, and the party offending shall, upon  
859 conviction, be fined in any sum not exceeding Five Hundred Dollars  
860 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
861 in the discretion of the court. In the event of a second  
862 conviction for a violation of any of the provisions of this  
863 section, the party offending shall be subject to a sentence of not  
864 less than six (6) months in the county jail, nor more than two (2)  
865 years in the State Penitentiary, in the discretion of the trial  
866 court.

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

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

881                   (b) In a structure located, in whole or in part, on  
882 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

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

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

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

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

932                   (5) Notwithstanding any provision of this section to the  
933 contrary, it shall not be unlawful (a) to own, possess, repair or  
934 control any gambling device, machine or equipment in a licensed

935 gaming establishment or on the business premises appurtenant to  
936 any such licensed gaming establishment during any period of time  
937 in which such licensed gaming establishment is being constructed,  
938 repaired, maintained or operated in this state; (b) to install any  
939 gambling device, machine or equipment in any licensed gaming  
940 establishment; (c) to possess or control any gambling device,  
941 machine or equipment during the process of procuring or  
942 transporting such device, machine or equipment for installation on  
943 any such licensed gaming establishment; or (d) to store in a  
944 warehouse or other storage facility any gambling device, machine,  
945 equipment, or part thereof, regardless of whether the county or  
946 municipality in which the warehouse or storage facility is located  
947 has approved gaming aboard cruise vessels or vessels, provided  
948 that such device, machine or equipment is operated only in a  
949 county or municipality that has approved gaming aboard cruise  
950 vessels or vessels. Any gambling device, machine or equipment  
951 that is owned, possessed, controlled, installed, procured,  
952 repaired, transported or stored in accordance with this subsection  
953 shall not be subject to confiscation, seizure or destruction, and  
954 any person, firm, partnership or corporation which owns,  
955 possesses, controls, installs, procures, repairs, transports or  
956 stores any gambling device, machine or equipment in accordance  
957 with this subsection shall not be subject to any prosecution or  
958 penalty under this section. Any person constructing or repairing  
959 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 16.** 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

1010                   2. An imaginary line drawn from any point  
1011 along the mean high-water line referenced and utilized pursuant to  
1012 subparagraph (ii) of this paragraph to any other point of  
1013 reference must cross only property under the exclusive use and  
1014 control of the gaming licensee or proposed licensee based on its  
1015 ownership or lease thereof, except for rights-of-way and easements  
1016 for public streets and highways; and

1017                   (iii) In the case of a structure that is located  
1018 in whole or part on shore, the part of the structure in which  
1019 licensed gaming activities are conducted shall \* \* \* be located on  
1020 property entirely under the exclusive use and control of the  
1021 gaming licensee or proposed licensee based on its ownership or  
1022 lease thereof that extends from the gaming floor to the mean  
1023 high-water line and such land is capable of accommodating the  
1024 minimum improvement requirements set forth in Section 75-76-67(4);

1025                   (c) A vessel as defined in Section 27-109-1 whenever  
1026 such vessel is on the Mississippi River or navigable waters within  
1027 any county bordering on the Mississippi River, and in which the  
1028 registered voters of the county in which the port is located have  
1029 not voted to prohibit such betting, gaming or wagering on vessels  
1030 as provided in Section 19-3-79; or

1031                   (d) That is legal under the laws of the State of  
1032 Mississippi.

1033                   (2) Nothing in this section shall apply to any gambling  
1034 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 17.** 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 18.** 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

1112 more than ninety (90) days; provided, however, this section shall  
1113 not apply to betting, gaming or wagering:

1114           (a) On a cruise vessel as defined in Section 27-109-1  
1115 whenever such vessel is in the waters within the State of  
1116 Mississippi, which lie adjacent to the State of Mississippi south  
1117 of the three (3) most southern counties in the State of  
1118 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1119 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1120 of the county in which the port is located have not voted to  
1121 prohibit such betting, gaming or wagering on cruise vessels as  
1122 provided in Section 19-3-79;

1123           (b) In a structure located in whole or in part on shore  
1124 in any of the three (3) most southern counties in the State of  
1125 Mississippi in which the registered voters of the county have  
1126 voted to allow such betting, gaming or wagering on cruise vessels  
1127 as provided in Section 19-3-79, if:

1128                   (i) The structure is owned, leased or controlled  
1129 by a person possessing a gaming license, as defined in Section  
1130 75-76-5, to conduct legal gaming \* \* \*;

1131                   (ii) The part of the structure in which licensed  
1132 gaming activities are conducted is located entirely in an area  
1133 which is located no more than eight hundred (800) feet from the  
1134 mean high-water line (as defined in Section 29-15-1) of the waters  
1135 within the State of Mississippi, which lie adjacent to the State  
1136 of Mississippi south of the three (3) most southern counties in  
1137 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

1164 high-water line and such land is capable of accommodating the  
1165 minimum improvement requirements set forth in Section 75-76-67(4);

1166 (c) On a vessel as defined in Section 27-109-1 whenever  
1167 such vessel is on the Mississippi River or navigable waters within  
1168 any county bordering on the Mississippi River, and in which the  
1169 registered voters of the county in which the port is located have  
1170 not voted to prohibit such betting, gaming or wagering on vessels  
1171 as provided in Section 19-3-79; or

1172 (d) That is legal under the laws of the State of  
1173 Mississippi.

1174 **SECTION 19.** Sections 19 through 23 of this act shall be  
1175 known as the "Mississippi Mobile Sports Wagering Act" and the  
1176 sections shall be codified in Sections 97-33-401, et seq. of  
1177 the Mississippi Code of 1972.

1178 **SECTION 20.** The following terms shall have the  
1179 meanings ascribed herein:

1180 (a) "Commission" means the Mississippi Gaming  
1181 Commission created in Section 75-76-7, Mississippi Code of  
1182 1972.

1183 (b) "Executive director" means the Executive  
1184 Director of the Mississippi Gaming Commission.

1185 (c) "Gaming" means to deal, operate, carry on,  
1186 maintain, or expose for play any game as defined in Section  
1187 75-76-5 (k), Mississippi Code of 1972, including any game  
1188 approved by the commission.

1189           (d) "Gaming license" means any license issued by  
1190 the commission pursuant to the Mississippi Gaming Control  
1191 Act which authorizes the person named therein to engage in  
1192 gaming.

1193           (e) "Gross revenue" means that term as defined in  
1194 Section 75-76-5 (p), Mississippi Code of 1972.

1195           (f) "Interactive gaming" means wagering on any  
1196 interactive game.

1197           (g) "Interactive game" means computerized or  
1198 virtual versions of any game as defined in Section 75-76-5  
1199 (k), Mississippi Code of 1972, or any other game of chance  
1200 or digital simulation thereof, including, but not limited  
1201 to, casino themed slot machines or gaming devices, table  
1202 games or other such games as approved by the commission for  
1203 play in a licensed establishment.

1204           (h) "Internet" means that term as defined in  
1205 Section 230 of Title II of the Communications Act of 1934,  
1206 Chapter 652, 110 Stat. 137, 47 USCS 230.

1207           (i) "Licensed establishment" means any premises  
1208 for which the commission has issued a gaming license  
1209 pursuant to the provisions of the Mississippi Gaming Control  
1210 Act.

1211           (j) "Manufacturer's," or "distributor's" license  
1212 means a license issued pursuant to Section 75-76-79,  
1213 Mississippi Code of 1972.

1214           (k) "Online race book" means a race book operation  
1215 in which wagers are made over the Internet, including on  
1216 websites and mobile or interactive devices, and accepted by  
1217 a platform on behalf of the holder of a gaming license.

1218           (l) "Online sports pool" means a sports wagering  
1219 operation in which wagers on collegiate or professional  
1220 sporting events or athletic events are made over the  
1221 Internet, including on websites and mobile or interactive  
1222 devices, and accepted by a platform on behalf of the holder  
1223 of a gaming license.

1224           (m) "Platform" means a person or entity that  
1225 operates an online sports pool or online race book on behalf  
1226 of the holder of a gaming license. Each licensed  
1227 establishment may enter into contracts with no more than two  
1228 (2) platforms to operate an online sports pool and/or online  
1229 race book on behalf of the holder of the gaming license.

1230           (n) "Race book" means the business of accepting  
1231 wagers upon the outcome of any event held at a track which  
1232 uses the pari-mutuel system of wagering.

1233           (o) "Sports pool" means the business of accepting  
1234 wagers on collegiate or professional sporting events or  
1235 athletic events, by any system of wagering other than the  
1236 system known as the "pari-mutuel system of wagering." The  
1237 term includes, but is not limited to, single-game bets,  
1238 teaser bets, parlays, over-under, moneyline, pools, exchange  
1239 wagering, in-game wagering, in-play bets, proposition bets,

and straight bets. The term does not include fantasy contests as defined in Section 97-33-303.

**SECTION 21.** (1) Online sports pools and online race books are legal in the State of Mississippi; provided, however, that nothing in this act shall authorize any other form of interactive gaming in the State of Mississippi.

(2) A platform that operates an online sports pool or online race book on behalf of the holder of a gaming license in this state must apply for and obtain a manufacturer's and distributor's license from the commission.

(3) The commission shall, from time to time, adopt, amend or repeal such regulations, consistent with the policy, objects and purposes of this chapter, as it may deem necessary or desirable in the public interest in carrying out the policy and provisions of this chapter, including but not limited to such matters as identification and age verification of players, establishing wagering accounts, geolocation of players, compulsive and problem gambling verifications and protections, types of wagers eligible to be offered, and reporting to the commission of any abnormal betting activity or patterns that may indicate a concern about the integrity of a sporting event or athletic event or any other conduct with the potential to corrupt the betting outcome of a sporting event or athletic event for financial gain, such as match fixing or suspicious or illegal wagering activities.



1266        **SECTION 22.**    (1)    A platform may accept on behalf of  
1267    the holder of a gaming license in this state wagers placed  
1268    over the Internet, including on websites and mobile or  
1269    interactive devices, only from players located in  
1270    Mississippi, subject to the rules and regulations of the  
1271    commission.

1272        (2)    A person under the age of twenty-one (21) years  
1273    shall not play, be allowed to play, place wagers, or collect  
1274    winnings, whether personally or through an agent, from any  
1275    gaming or wagers authorized under this chapter.

1276        (3)    A dispute over winnings with respect to an online  
1277    race book or online sports pool shall be resolved under the  
1278    procedures set forth in Sections 75-76-157 through 75-76-173  
1279    Mississippi Code of 1972.

1280        **SECTION 23.**    Gross revenue from a platform operating an  
1281    online race book or an online sports pool on behalf of the  
1282    holder of a gaming license shall be subject to the license  
1283    fees and credits under Section 75-76-177, 75-76-179,  
1284    75-76-181 and 75-76-185 Mississippi Code of 1972.

1285        **SECTION 24.**    This act shall take effect and be in force from  
1286    and after July 1, 2025.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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    7-11-11, 29-1-107, 29-15-1, 29-15-3, 29-15-5, 29-15-9, 29-15-10

5 AND 29-15-13, MISSISSIPPI CODE OF 1972, AND TO CODIFY SECTION  
6 29-15-2, MISSISSIPPI CODE OF 1972, TO DECLARE LEGISLATIVE INTENT  
7 RELATIVE TO PUBLIC TRUST TIDELANDS, TO CLARIFY THE REQUIREMENT OF  
8 A SEPARATE LEASE FROM THE SECRETARY OF STATE TO RENT LAND ON  
9 PUBLIC TRUST TIDELANDS PROPERTY, TO CLARIFY THAT THE LEASE NEEDED  
10 TO MOVE ON SHORE IS ONE WITH THE STATE OR THE STATE PORT AT  
11 GULFPORT, TO REVISE DEFINITIONS, TO PROVIDE THAT STATE-HELD  
12 TIDELANDS SUBJECT TO PUBLIC TRUST ARE PRESCRIBED IN TIDELANDS MAPS  
13 AND BOUNDARY AGREEMENTS AND COURT ORDERS CONFIRMING THE MAPS, TO  
14 CONFIRM ALL AUTHORITY OVER TIDELANDS IN THE STATE UNLESS  
15 SPECIFICALLY SEVERED OR GIVEN TO A SPECIFIC STATE AGENCY OR  
16 POLITICAL SUBDIVISION, TO CONFIRM AUTHORITY, MANAGEMENT AND  
17 ADMINISTRATIVE CONTROL OVER TIDELANDS IN THE SECRETARY OF STATE,  
18 TO CLARIFY THAT ONLY SPECIFIC ACTION BY THE LEGISLATURE CAN DIVEST  
19 THE SECRETARY OF STATE OF SUCH MANAGEMENT AND CONTROL; TO AMEND  
20 SECTIONS 59-7-405 AND 59-15-1, MISSISSIPPI CODE OF 1972, TO  
21 PROVIDE THAT THE LOCAL GOVERNING AUTHORITY SHALL NOT LEASE,  
22 SUBLEASE, RENT OR PROVIDE ACCESS FOR ANY GAMING PURPOSES UNDER  
23 THIS AUTHORITY; TO AMEND SECTIONS 75-76-67, 87-1-5, 97-33-1,  
24 97-33-7, 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF  
25 1972, TO DEFINE AND CLARIFY THE AUTHORITY OF THE MISSISSIPPI  
26 GAMING COMMISSION IN DETERMINING LEGAL GAMING SITES AND  
27 PRELIMINARY SITE APPROVAL AND TO CLARIFY AREAS AUTHORIZED FOR  
28 GAMING CASINO OPERATIONS AND THE AUTHORITY OF THE COMMISSION TO  
29 REGULATE MINIMUM SIZE, MINIMUM IMPROVEMENTS AND OTHER PROJECT  
30 REQUIREMENTS; TO CREATE THE MISSISSIPPI MOBILE SPORTS WAGERING  
31 ACT; TO PROVIDE DEFINITIONS FOR THE ACT; TO LEGALIZE ONLINE  
32 SPORTS POOLS AND ONLINE RACE BOOKS; TO CLARIFY THAT THIS ACT  
33 DOES NOT AUTHORIZE INTERACTIVE GAMING IN THE STATE OF  
34 MISSISSIPPI; TO REQUIRE ANY AUTHORIZED ONLINE PLATFORM THAT  
35 OPERATES AN ONLINE SPORTS POOL OR ONLINE RACE BOOK ON BEHALF  
36 OF THE HOLDER OF A GAMING LICENSE IN THIS STATE TO APPLY FOR  
37 AND OBTAIN A MANUFACTURER'S AND DISTRIBUTOR'S LICENSE FROM  
38 THE COMMISSION; TO AUTHORIZE THE GAMING COMMISSION TO ADOPT,  
39 AMEND OR REPEAL REGULATIONS CONSISTENT WITH THE REQUIREMENTS  
40 OF THE ACT, INCLUDING IDENTIFICATION AND AGE VERIFICATION OF  
41 PLAYERS; AND FOR RELATED PURPOSES.

HR26\SB2381A.4J

Andrew Ketchings  
Clerk of the House of Representatives