

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

Senate Bill No. 2381

BY: Committee

**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;



however, the term of a renewal for a lease of State Public Trust
Tidelands to a person possessing a gaming license under the
Mississippi Gaming Control Act shall be governed by the provisions
of subsection (4) of this section. The holder of a lease of
Public Trust Tidelands, at the expiration thereof, shall have a
prior right, exclusive of all other persons, to re-lease as may be
agreed upon between the holder of the lease and the Secretary of
State.

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



will apply for a gaming license under the Mississippi Gaming Control Act and to use Public Trust Tidelands or submerged lands as part of its proposed gaming project.

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

(3) Provided, however, the current occupants of Public Trust 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



153 municipalities and counties or any other political subdivision to
154 use the Public Trust Tidelands.

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

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

160 (ii) By operation of this section, any lease
161 executed before August 29, 2005, may, at the option of the lessee,
162 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



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

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

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

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

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



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

247 (iii) This paragraph shall not apply to a gaming
248 licensee if the licensee conducts gaming in a structure that is
249 located on property that is not leased from the State of
250 Mississippi * * *, and is not on State Public Trust
251 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 high-water line" means the intersection of the tidal datum plane of mean high water with the shore.

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

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



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

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

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

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

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

SECTION 4. The following shall be codified as Section 29-15-2, Mississippi Code of 1972:

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

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



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

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

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

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

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

(2) It is hereby declared to be a higher public purpose of this state and the public tidelands trust to resolve the uncertainty and disputes which have arisen as to the location of the boundary between the state's Public Trust Tidelands and the



upland property and to confirm the mean high-water boundary line as determined by the Mississippi Supreme Court, the laws of this state and this chapter.

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

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

29-15-5. (1) Tidelands and submerged lands are held by the state in trust for use of all the people, and are so held in their character as the beds and shores of the sea and its tidally affected arms and tributaries for the purposes defined by common law and statutory law. Littoral and riparian property owners have common-law and statutory rights under the Coastal Wetlands Protection Law which extend into the waters and beyond the low tide line, and the state's responsibilities as trustee extends to such owners as well as to the other members of the public.

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

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



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

(2) Any funds derived from lease rentals of tidelands and submerged lands, except those funds derived from mineral leases, or funds previously specifically designated to be applied to other agencies, shall be transferred to the special fund. * * * Subject to legislative authorization, funds derived from lease rentals * * * will be used to cover the administrative cost, including legal expenses, incurred by the Secretary of State in administering the Public Trust Tidelands. Any remaining funds derived from lease rentals shall then be disbursed pro rata to the local taxing authorities for the replacement of lost ad valorem taxes, if any. Then, any remaining funds shall be disbursed to the * * * Department of Marine Resources for new and extra programs of tidelands management, such as conservation, reclamation, preservation, acquisition, education or the enhancement of public access to the Public Trust Tidelands or public improvement projects as they relate to those lands.

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



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

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

SECTION 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



424 verification of the work completed or materials in such detail and
425 form that the department may require.

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

430 **SECTION 9.** Section 29-15-13, Mississippi Code of 1972, is
431 amended as follows:

432 29-15-13. (1) All public projects of any federal, state or
433 local governmental entity which serve a higher public purpose of
434 promoting the conservation, reclamation, preservation of the
435 tidelands and submerged lands, public use for fishing, recreation
436 navigation, or the enhancement of public access to such lands
437 shall * * * enter into a rent-exempt lease with the Secretary of
438 State's office.

439 (2) Absent an existing, valid and court confirmed sublease
440 of public trust tidelands, which is subject to an existing public
441 trust tidelands lease from the State by and through the Secretary
442 of State, to a federal, state or local government entity,
443 including counties and municipalities, and as of December 31,
444 2024, the entity shall not lease, sublease, rent or provide access
445 for any gaming purpose or purpose related to a gaming operation.

446 (3) Except for gaming sites and casino operations approved
447 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.

(2) The municipal authorities or commission, in connection with the exercise of the foregoing works of improvement and



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

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

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

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



(6) The municipal authorities or commission have the power and authority to carry out the provisions of this article, to employ engineers, attorneys, and such employees as may be necessary in carrying out the provisions of this article, from time to time, and for the purpose of operating the facilities herein provided for, and may prescribe reasonable compensation in connection with such employment.

(7) Except for gaming sites and casino operations approved prior to December 31, 2024, the municipal authorities or commission shall not lease, sublease, rent or provide access for any gaming purpose or purpose related to a gaming operation.

SECTION 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:



622 (i) A parking facility in close proximity to the
623 casino complex to accommodate a minimum of five hundred (500)
624 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
651 made in the course of an official proceeding of the commission or
652 the executive director or any witness testifying under oath which
653 is relevant to the purpose of the proceeding is absolutely
654 privileged and does not impose liability for defamation or
655 constitute a ground for recovery in any civil action.

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

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

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



671 (9) The commission may, by regulation, limit the number of
672 persons who may be financially interested and the nature of their
673 interest in any corporation or other organization or association
674 licensed under this chapter, and may establish such other
675 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:

702 (i) The structure is owned, leased or controlled
703 by a person possessing a gaming license, as defined in Section
704 75-76-5, to conduct legal gaming * * *;

705 (ii) The part of the structure in which licensed
706 gaming activities are conducted is located entirely in an area
707 which is located no more than eight hundred (800) feet from the
708 mean high-water line (as defined in Section 29-15-1) of the waters
709 within the State of Mississippi, which lie adjacent to the State
710 of Mississippi south of the three (3) most southern counties in
711 the State of Mississippi, including the Mississippi Sound, St.
712 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the
713 Mississippi Sound at Harrison County only, no farther north than
714 the southern boundary of the right-of-way for U.S. Highway 90,
715 whichever is greater; and in determining the distance to the mean
716 high-water line, the following considerations apply to any
717 application for site approval after December 31, 2024, whether an
718 initial or renewal application:



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

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

732 (iii) In the case of a structure that is located
733 in whole or part on shore, the part of the structure in which
734 licensed gaming activities are conducted shall * * * be located on
735 property entirely under the exclusive use and control of the
736 proposed licensee based on its ownership or lease thereof that
737 extends from the gaming floor to the mean high-water line and such
738 land is capable of accommodating the minimum improvement
739 requirements set forth in Section 75-76-67(4);

740 (c) On a vessel as defined in Section 27-109-1 whenever
741 such vessel is on the Mississippi River or navigable waters within
742 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:



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

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

804 (iii) In the case of a structure that is located
805 in whole or part on shore, the part of the structure in which
806 licensed gaming activities are conducted shall * * * be located on
807 property entirely under the exclusive use and control of the
808 gaming licensee or proposed licensee based on its ownership or
809 lease thereof that extends from the gaming floor to the mean
810 high-water line and such land is capable of accommodating the
811 minimum improvement requirements set forth in Section 75-76-67(4);

812 (c) On a vessel as defined in Section 27-109-1 whenever
813 such vessel is on the Mississippi River or navigable waters within
814 any county bordering on the Mississippi River, and in which the
815 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 receives exactly the same quantity of merchandise on each operation of said machine. Any slot machine other than an antique coin machine as defined in Section 27-27-12 which delivers, or is so constructed as that by operation thereof it will deliver to the operator thereof anything of value in varying quantities, in addition to the merchandise received, and any slot machine other than an antique coin machine as defined in Section 27-27-12 that is constructed in such manner as that slugs, tokens, coins or similar devices are, or may be, used and delivered to the operator



thereof in addition to merchandise of any sort contained in such machine, is hereby declared to be a gambling device, and shall be deemed unlawful under the provisions of this section. Provided, however, that pinball machines which do not return to the operator or player thereof anything but free additional games or plays shall not be deemed to be gambling devices, and neither this 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.

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



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

886 (i) The structure is owned, leased or controlled
887 by a person possessing a gaming license, as defined in Section
888 75-76-5, to conduct legal gaming * * *;



(ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi Sound at Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and in determining the distance to the mean high-water line, the following considerations apply to any application for site approval after December 31, 2024, whether an initial or renewal application:

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

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



ownership or lease thereof, except for rights-of-way and easements
for public streets and highways; and

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

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

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

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



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
960 with all municipal ordinances protecting the general health or
961 safety of the residents of the municipality.

962 **SECTION 16.** Section 97-33-17, Mississippi Code of 1972, is
963 amended as follows:



964 97-33-17. (1) All monies exhibited for the purpose of
965 betting or alluring persons to bet at any game, and all monies
966 staked or betted, shall be liable to seizure by any sheriff,
967 constable, or police officer, together with all the appliances
968 used or kept for use in gambling, or by any other person; and all
969 the monies so seized shall be accounted for by the person making
970 the seizure, and all appliances seized shall be destroyed;
971 provided, however, this section shall not apply to betting, gaming
972 or wagering on:

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

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



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

(ii) The part of the structure in which licensed gaming activities are conducted is located entirely in an area which is located no more than eight hundred (800) feet from the mean high-water line (as defined in Section 29-15-1) of the waters within the State of Mississippi, which lie adjacent to the State of Mississippi south of the three (3) most southern counties in the State of Mississippi, including the Mississippi Sound, St. Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the Mississippi Sound at Harrison County only, no farther north than the southern boundary of the right-of-way for U.S. Highway 90, whichever is greater; and in determining the distance to the mean high-water line, the following considerations apply to any application for site approval after December 31, 2024, whether an initial or renewal application:

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

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



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

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

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

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

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



1037 **SECTION 17.** Section 97-33-25, Mississippi Code of 1972, is
1038 amended as follows:

1039 97-33-25. If any person shall sell or buy, either directly
1040 or indirectly, any chance in what is commonly called pool, upon
1041 any event whatever, or shall in any manner engage in such business
1042 or pastime, he shall be fined not more than Five Hundred Dollars
1043 (\$500.00) or shall be imprisoned in the county jail not more than
1044 ninety (90) days; provided, however, this section shall not apply
1045 to betting, gaming or wagering:

1046 (a) On a cruise vessel as defined in Section 27-109-1
1047 whenever such vessel is in the waters within the State of
1048 Mississippi, which lie adjacent to the State of Mississippi south
1049 of the three (3) most southern counties in the State of
1050 Mississippi, including the Mississippi Sound, St. Louis Bay,
1051 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1052 of the county in which the port is located have not voted to
1053 prohibit such betting, gaming or wagering on cruise vessels as
1054 provided in Section 19-3-79;

1055 (b) In a structure located in whole or in part on shore
1056 in any of the three (3) most southern counties in the State of
1057 Mississippi in which the registered voters of the county have
1058 voted to allow such betting, gaming or wagering on cruise vessels
1059 as provided in Section 19-3-79, if:



1060 (i) The structure is owned, leased or controlled
1061 by a person possessing a gaming license, as defined in Section
1062 75-76-5, to conduct legal gaming * * *;

1063 (ii) The part of the structure in which licensed
1064 gaming activities are conducted is located entirely in an area
1065 which is located no more than eight hundred (800) feet from the
1066 mean high-water line (as defined in Section 29-15-1) of the waters
1067 within the State of Mississippi, which lie adjacent to the State
1068 of Mississippi south of the three (3) most southern counties in
1069 the State of Mississippi, including the Mississippi Sound, St.
1070 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the
1071 Mississippi Sound at Harrison County only, no farther north than
1072 the southern boundary of the right-of-way for U.S. Highway 90,
1073 whichever is greater; and in determining the distance to the mean
1074 high-water line, the following considerations apply to any
1075 application for site approval after December 31, 2024, whether an
1076 initial or renewal application:

1077 1. Rights-of-way and easements for public
1078 streets and highways shall not be construed to interrupt the
1079 contiguous nature of a parcel of property, nor shall the footage
1080 contained within such easements and rights-of-way be considered in
1081 the calculation of the distances specified in subparagraph (ii) of
1082 this paragraph; and

1083 2. An imaginary line drawn from any point
1084 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



1110 Hundred Dollars (\$500.00), and, unless the fine and costs be
1111 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.
1138 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the
1139 Mississippi Sound at Harrison County only, no farther north than
1140 the southern boundary of the right-of-way for U.S. Highway 90,
1141 whichever is greater; and in determining the distance to the mean
1142 high-water line, the following considerations apply to any
1143 application for site approval after December 31, 2024, whether an
1144 initial or renewal application:

1145 1. Rights-of-way and easements for public
1146 streets and highways shall not be construed to interrupt the
1147 contiguous nature of a parcel of property, nor shall the footage
1148 contained within such easements and rights-of-way be considered in
1149 the calculation of the distances specified in subparagraph (ii) of
1150 this paragraph; and

1151 2. An imaginary line drawn from any point
1152 along the mean high-water line referenced and utilized pursuant to
1153 subparagraph (ii) of this paragraph to any other point of
1154 reference must cross only property under the exclusive use and
1155 control of the gaming licensee or proposed licensee based on its
1156 ownership or lease thereof, except for rights-of-way and easements
1157 for public streets and highways; and

1158 (iii) In the case of a structure that is located
1159 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 19. Sections 19 through 23 of this act shall be known as the "Mississippi Mobile Sports Wagering Act" and the sections shall be codified in Sections 97-33-401, et seq. of the Mississippi Code of 1972.

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

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

(b) "Executive director" means the Executive 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,
1240 and straight bets. The term does not include fantasy
1241 contests as defined in Section 97-33-303.

1242 **SECTION 21.** (1) Online sports pools and online race
1243 books are legal in the State of Mississippi; provided,
1244 however, that nothing in this act shall authorize any other
1245 form of interactive gaming in the State of Mississippi.

1246 (2) A platform that operates an online sports pool or
1247 online race book on behalf of the holder of a gaming license
1248 in this state must apply for and obtain a manufacturer's and
1249 distributor's license from the commission.

1250 (3) The commission shall, from time to time, adopt,
1251 amend or repeal such regulations, consistent with the
1252 policy, objects and purposes of this chapter, as it may deem
1253 necessary or desirable in the public interest in carrying
1254 out the policy and provisions of this chapter, including but
1255 not limited to such matters as identification and age
1256 verification of players, establishing wagering accounts,
1257 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.

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

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

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

SECTION 23. Gross revenue from a platform operating an online race book or an online sports pool on behalf of the holder of a gaming license shall be subject to the license



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.

