

By: Senator(s) Horhn

To: Gaming; Finance

SENATE BILL NO. 2395

1 AN ACT TO AMEND SECTIONS 67-1-71, 87-1-5, 97-33-1, 97-33-7,
 2 97-33-17, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO
 3 AUTHORIZE GAMING TO BE CONDUCTED ON VESSELS AS DEFINED IN SECTION
 4 27-109-1 WHENEVER SUCH VESSEL IS ON THE PEARL RIVER WITHIN THE
 5 CORPORATE LIMITS OF A MUNICIPALITY WITH A POPULATION OF 150,000 OR
 6 MORE ACCORDING TO THE MOST RECENT FEDERAL DECENNIAL CENSUS; AND
 7 FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 67-1-71, Mississippi Code of 1972, is
 10 amended as follows:

11 67-1-71. The department may revoke or suspend any permit
 12 issued by it for a violation by the permittee of any of the
 13 provisions of this chapter or of the regulations promulgated under
 14 it by the department.

15 Permits must be revoked or suspended for the following
 16 causes:

17 (a) Conviction of the permittee for the violation of
 18 any of the provisions of this chapter;



19 (b) Willful failure or refusal by any permittee to
20 comply with any of the provisions of this chapter or of any rule
21 or regulation adopted pursuant thereto;

22 (c) The making of any materially false statement in any
23 application for a permit;

24 (d) Conviction of one or more of the clerks, agents or
25 employees of the permittee, of any violation of this chapter upon
26 the premises covered by such permit within a period of time as
27 designated by the rules or regulations of the department;

28 (e) The possession on the premises of any retail
29 permittee of any alcoholic beverages upon which the tax has not
30 been paid;

31 (f) The willful failure of any permittee to keep the
32 records or make the reports required by this chapter, or to allow
33 an inspection of such records by any duly authorized person;

34 (g) The suspension or revocation of a permit issued to
35 the permittee by the federal government, or conviction of
36 violating any federal law relating to alcoholic beverages;

37 (h) The failure to furnish any bond required by Section
38 27-71-21 within fifteen (15) days after notice from the
39 department; and

40 (i) The conducting of any form of illegal gambling on
41 the premises of any permittee or on any premises connected
42 therewith or the presence on any such premises of any gambling
43 device with the knowledge of the permittee.



44 The provisions of paragraph (i) of this section shall not
45 apply to gambling or the presence of any gambling devices, with
46 knowledge of the permittee, on board a cruise vessel in the waters
47 within the State of Mississippi, which lie adjacent to the State
48 of Mississippi south of the three (3) most southern counties in
49 the State of Mississippi, or on any vessel as defined in Section
50 27-109-1 whenever such vessel is on the Mississippi River or
51 navigable waters within any county bordering on the Mississippi
52 River, or on any vessel as defined in Section 27-109-1 whenever
53 such vessel is on the Pearl River within the corporate limits of a
54 municipality with a population of one hundred fifty thousand
55 (150,000) or more according to the latest federal decennial
56 census. The department may, in its discretion, issue on-premises
57 retailer's permits to a common carrier of the nature described in
58 this paragraph.

59 The provisions of paragraph (i) of this section shall not
60 apply to the operation of any game or lottery authorized by
61 Chapter 115, Title 27.

62 No permit shall be suspended or revoked until after the
63 permittee has been provided reasonable notice of the charges
64 against him for which suspension or revocation is sought and the
65 opportunity to a hearing before the Board of Tax Appeals to
66 contest such charges and the suspension or revocation proposed.
67 Opportunity to a hearing is provided without an actual hearing if
68 the permittee, after receiving reasonable notice, including notice



69 of his right to a hearing, fails to timely request a hearing. The
70 permittee may also at any time waive his rights to reasonable
71 notice and/or to the opportunity to a hearing by agreeing to a
72 suspension or revocation offered by the department.
73 Notwithstanding the requirement above that a permit may not be
74 suspended without notice and opportunity to a hearing, sales of
75 alcoholic beverages by a permittee under a permit for which the
76 bond under Section 27-71-21 has been cancelled shall be suspended
77 from and after issuance of the notice provided in paragraph (h)
78 above and shall continue to be suspended until the bond is
79 reinstated, a new bond is posted or sufficient cash or securities
80 as provided under Section 27-71-21 are deposited with the State
81 Treasurer for this permit.

82 In addition to the causes specified in this section and other
83 provisions of this chapter, the department shall be authorized to
84 suspend the permit of any permit holder for being out of
85 compliance with an order for support, as defined in Section
86 93-11-153. The procedure for suspension of a permit for being out
87 of compliance with an order for support, and the procedure for the
88 reissuance or reinstatement of a permit suspended for that
89 purpose, and the payment of any fees for the reissuance or
90 reinstatement of a permit suspended for that purpose, shall be
91 governed by Section 93-11-157 or 93-11-163, as the case may be.
92 If there is any conflict between any provision of Section
93 93-11-157 or 93-11-163 and any provision of this chapter, the



94 provisions of Section 93-11-157 or 93-11-163, as the case may be,
95 shall control.

96 **SECTION 2.** Section 87-1-5, Mississippi Code of 1972, is
97 amended as follows:

98 87-1-5. If any person, by playing at any game whatever, or
99 by betting on the sides or hands of such as do play at any game,
100 or by betting on any horse race or cockfight, or at any other
101 sport or pastime, or by any wager whatever, shall lose any money,
102 property, or other valuable thing, real or personal, and shall pay
103 or deliver the same or any part thereof, the person so losing and
104 paying or delivering the same, or his wife or children, may sue
105 for and recover such money, property, or other valuable thing so
106 lost and paid or delivered, or any part thereof, from the person
107 knowingly receiving the same, with costs. However, this section
108 shall not apply to betting, gaming or wagering:

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

115 (b) In a structure located in whole or in part on shore
116 in any of the three (3) most southern counties in the State of
117 Mississippi in which the registered voters of the county have



118 voted to allow such betting, gaming or wagering on cruise vessels
119 as provided in Section 19-3-79, if:

120 (i) The structure is owned, leased or controlled
121 by a person possessing a gaming license, as defined in Section
122 75-76-5, to conduct legal gaming on a cruise vessel under
123 paragraph (a) of this section;

124 (ii) The part of the structure in which licensed
125 gaming activities are conducted is located entirely in an area
126 which is located no more than eight hundred (800) feet from the
127 mean high-water line (as defined in Section 29-15-1) of the waters
128 within the State of Mississippi, which lie adjacent to the State
129 of Mississippi south of the three (3) most southern counties in
130 the State of Mississippi, including the Mississippi Sound, St.
131 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
132 Harrison County only, no farther north than the southern boundary
133 of the right-of-way for U.S. Highway 90, whichever is greater; and

134 (iii) In the case of a structure that is located
135 in whole or part on shore, the part of the structure in which
136 licensed gaming activities are conducted shall lie adjacent to
137 state waters south of the three (3) most southern counties in the
138 State of Mississippi, including the Mississippi Sound, St. Louis
139 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
140 structure is located consists of a parcel of real property,
141 easements and rights-of-way for public streets and highways shall
142 not be construed to interrupt the contiguous nature of the parcel,



143 nor shall the footage contained within the easements and
144 rights-of-way be counted in the calculation of the distances
145 specified in subparagraph (ii) * * *~~;~~;

146 (c) On a vessel as defined in Section 27-109-1 whenever
147 such vessel is on the Mississippi River or navigable waters within
148 any county bordering on the Mississippi River; * * *~~or~~

149 (d) On a vessel as defined in Section 27-109-1 whenever
150 such vessel is on the Pearl River within the corporate limits of a
151 municipality with a population of one hundred fifty thousand
152 (150,000) or more according to the most recent federal decennial
153 census; or

154 (* * *~~de~~) That is legal under the laws of the State of
155 Mississippi.

156 **SECTION 3.** Section 97-33-1, Mississippi Code of 1972, is
157 amended as follows:

158 97-33-1. Except as otherwise provided in Section 97-33-8, if
159 any person shall encourage, promote or play at any game, play or
160 amusement, other than a fight or fighting match between dogs, for
161 money or other valuable thing, or shall wager or bet, promote or
162 encourage the wagering or betting of any money or other valuable
163 things, upon any game, play, amusement, cockfight, Indian ball
164 play or duel, other than a fight or fighting match between dogs,
165 or upon the result of any election, event or contingency whatever,
166 upon conviction thereof, he shall be fined in a sum not more than
167 Five Hundred Dollars (\$500.00); and, unless such fine and costs be



168 immediately paid, shall be imprisoned for any period not more than
169 ninety (90) days. However, this section shall not apply to
170 betting, gaming or wagering:

171 (a) On a cruise vessel as defined in Section 27-109-1
172 whenever such vessel is in the waters within the State of
173 Mississippi, which lie adjacent to the State of Mississippi south
174 of the three (3) most southern counties in the State of
175 Mississippi, including the Mississippi Sound, St. Louis Bay,
176 Biloxi Bay and Pascagoula Bay, and in which the registered voters
177 of the county in which the port is located have not voted to
178 prohibit such betting, gaming or wagering on cruise vessels as
179 provided in Section 19-3-79;

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

185 (i) The structure is owned, leased or controlled
186 by a person possessing a gaming license, as defined in Section
187 75-76-5, to conduct legal gaming on a cruise vessel under
188 paragraph (a) of this section;

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



193 within the State of Mississippi, which lie adjacent to the State
194 of Mississippi south of the three (3) most southern counties in
195 the State of Mississippi, including the Mississippi Sound, St.
196 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
197 Harrison County only, no farther north than the southern boundary
198 of the right-of-way for U.S. Highway 90, whichever is greater; and

199 (iii) In the case of a structure that is located
200 in whole or part on shore, the part of the structure in which
201 licensed gaming activities are conducted shall lie adjacent to
202 state waters south of the three (3) most southern counties in the
203 State of Mississippi, including the Mississippi Sound, St. Louis
204 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
205 structure is located consists of a parcel of real property,
206 easements and rights-of-way for public streets and highways shall
207 not be construed to interrupt the contiguous nature of the parcel,
208 nor shall the footage contained within the easements and
209 rights-of-way be counted in the calculation of the distances
210 specified in subparagraph (ii);

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



217 (d) On a vessel as defined in Section 27-109-1 whenever
218 such vessel is on the Pearl River within the corporate limits of a
219 municipality with a population of one hundred fifty thousand
220 (150,000) or more according to the most recent federal decennial
221 census; or

222 (* * *~~de~~) That is legal under the laws of the State of
223 Mississippi.

224 **SECTION 4.** Section 97-33-7, Mississippi Code of 1972, is
225 amended as follows:

226 97-33-7. (1) Except as otherwise provided in Section
227 97-33-8,, it shall be unlawful for any person or persons, firm,
228 copartnership or corporation to have in possession, own, control,
229 display, or operate any cane rack, knife rack, artful dodger,
230 punch board, roll down, merchandise wheel, slot machine, pinball
231 machine, or similar device or devices. Provided, however, that
232 this section shall not be so construed as to make unlawful the
233 ownership, possession, control, display or operation of any
234 antique coin machine as defined in Section 27-27-12, or any music
235 machine or bona fide automatic vending machine where the purchaser
236 receives exactly the same quantity of merchandise on each
237 operation of said machine. Any slot machine other than an antique
238 coin machine as defined in Section 27-27-12 which delivers, or is
239 so constructed as that by operation thereof it will deliver to the
240 operator thereof anything of value in varying quantities, in
241 addition to the merchandise received, and any slot machine other



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

252 (2) No property right shall exist in any person, natural or
253 artificial, or be vested in such person, in any or all of the
254 devices described herein that are not exempted from the provisions
255 of this section; and all such devices are hereby declared to be at
256 all times subject to confiscation and destruction, and their
257 possession shall be unlawful, except when in the possession of
258 officers carrying out the provisions of this section. It shall be
259 the duty of all law enforcing officers to seize and immediately
260 destroy all such machines and devices.

261 (3) A first violation of the provisions of this section
262 shall be deemed a misdemeanor, and the party offending shall, upon
263 conviction, be fined in any sum not exceeding Five Hundred Dollars
264 (\$500.00), or imprisoned not exceeding three (3) months, or both,
265 in the discretion of the court. In the event of a second
266 conviction for a violation of any of the provisions of this



267 section, the party offending shall be subject to a sentence of not
268 less than six (6) months in the county jail, nor more than two (2)
269 years in the State Penitentiary, in the discretion of the trial
270 court.

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

276 (a) On a cruise vessel as defined in Section 27-109-1
277 whenever such vessel is in the waters within the State of
278 Mississippi, which lie adjacent to the State of Mississippi south
279 of the three (3) most southern counties in the State of
280 Mississippi, including the Mississippi Sound, St. Louis Bay,
281 Biloxi Bay and Pascagoula Bay, and in which the registered voters
282 of the county in which the port is located have not voted to
283 prohibit such betting, gaming or wagering on cruise vessels as
284 provided in Section 19-3-79;

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

290 (i) The structure is owned, leased or controlled
291 by a person possessing a gaming license, as defined in Section



292 75-76-5, to conduct legal gaming on a cruise vessel under
293 paragraph (a) of this subsection;

294 (ii) The part of the structure in which licensed
295 gaming activities are conducted is located entirely in an area
296 which is located no more than eight hundred (800) feet from the
297 mean high-water line (as defined in Section 29-15-1) of the waters
298 within the State of Mississippi, which lie adjacent to the State
299 of Mississippi south of the three (3) most southern counties in
300 the State of Mississippi, including the Mississippi Sound, St.
301 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
302 Harrison County only, no farther north than the southern boundary
303 of the right-of-way for U.S. Highway 90, whichever is greater; and

304 (iii) In the case of a structure that is located
305 in whole or part on shore, the part of the structure in which
306 licensed gaming activities are conducted shall lie adjacent to
307 state waters south of the three (3) most southern counties in the
308 State of Mississippi, including the Mississippi Sound, St. Louis
309 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
310 structure is located consists of a parcel of real property,
311 easements and rights-of-way for public streets and highways shall
312 not be construed to interrupt the contiguous nature of the parcel,
313 nor shall the footage contained within the easements and
314 rights-of-way be counted in the calculation of the distances
315 specified in subparagraph (ii);



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

322 (d) On a vessel as defined in Section 27-109-1 whenever
323 such vessel is on the Pearl River within the corporate limits of a
324 municipality with a population of one hundred fifty thousand
325 (150,000) or more according to the most recent federal decennial
326 census; or

327 (* * *~~de~~) That is legal under the laws of the State of
328 Mississippi.

329 (5) Notwithstanding any provision of this section to the
330 contrary, it shall not be unlawful (a) to own, possess, repair or
331 control any gambling device, machine or equipment in a licensed
332 gaming establishment or on the business premises appurtenant to
333 any such licensed gaming establishment during any period of time
334 in which such licensed gaming establishment is being constructed,
335 repaired, maintained or operated in this state; (b) to install any
336 gambling device, machine or equipment in any licensed gaming
337 establishment; (c) to possess or control any gambling device,
338 machine or equipment during the process of procuring or
339 transporting such device, machine or equipment for installation on
340 any such licensed gaming establishment; or (d) to store in a



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

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

361 97-33-17. (1) All monies exhibited for the purpose of
362 betting or alluring persons to bet at any game, and all monies
363 staked or betted, shall be liable to seizure by any sheriff,
364 constable, or police officer, together with all the appliances
365 used or kept for use in gambling, or by any other person; and all



366 the monies so seized shall be accounted for by the person making
367 the seizure, and all appliances seized shall be destroyed;
368 provided, however, this section shall not apply to betting, gaming
369 or wagering on:

370 (a) A cruise vessel as defined in Section 27-109-1
371 whenever such vessel is in the waters within the State of
372 Mississippi, which lie adjacent to the State of Mississippi south
373 of the three (3) most southern counties in the State of
374 Mississippi, including the Mississippi Sound, St. Louis Bay,
375 Biloxi Bay and Pascagoula Bay, and in which the registered voters
376 of the county in which the port is located have not voted to
377 prohibit such betting, gaming or wagering on cruise vessels as
378 provided in Section 19-3-79;

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

384 (i) The structure is owned, leased or controlled
385 by a person possessing a gaming license, as defined in Section
386 75-76-5, to conduct legal gaming on a cruise vessel under
387 paragraph (a) of this subsection;

388 (ii) The part of the structure in which licensed
389 gaming activities are conducted is located entirely in an area
390 which is located no more than eight hundred (800) feet from the



391 mean high-water line (as defined in Section 29-15-1) of the waters
392 within the State of Mississippi, which lie adjacent to the State
393 of Mississippi south of the three (3) most southern counties in
394 the State of Mississippi, including the Mississippi Sound, St.
395 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
396 Harrison County only, no farther north than the southern boundary
397 of the right-of-way for U.S. Highway 90, whichever is greater; and

398 (iii) In the case of a structure that is located
399 in whole or part on shore, the part of the structure in which
400 licensed gaming activities are conducted shall lie adjacent to
401 state waters south of the three (3) most southern counties in the
402 State of Mississippi, including the Mississippi Sound, St. Louis
403 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
404 structure is located consists of a parcel of real property,
405 easements and rights-of-way for public streets and highways shall
406 not be construed to interrupt the contiguous nature of the parcel,
407 nor shall the footage contained within the easements and
408 rights-of-way be counted in the calculation of the distances
409 specified in subparagraph (ii) * * *;

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



416 (d) On a vessel as defined in Section 27-109-1 whenever
417 such vessel is on the Pearl River within the corporate limits of a
418 municipality with a population of one hundred fifty thousand
419 (150,000) or more according to the most recent federal decennial
420 census; or

421 (* * *de) That is legal under the laws of the State of
422 Mississippi.

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

427 **SECTION 6.** Section 97-33-25, Mississippi Code of 1972, is
428 amended as follows:

429 97-33-25. If any person shall sell or buy, either directly
430 or indirectly, any chance in what is commonly called pool, upon
431 any event whatever, or shall in any manner engage in such business
432 or pastime, he shall be fined not more than Five Hundred Dollars
433 (\$500.00) or shall be imprisoned in the county jail not more than
434 ninety (90) days; provided, however, this section shall not apply
435 to betting, gaming or wagering:

436 (a) On a cruise vessel as defined in Section 27-109-1
437 whenever such vessel is in the waters within the State of
438 Mississippi, which lie adjacent to the State of Mississippi south
439 of the three (3) most southern counties in the State of
440 Mississippi, including the Mississippi Sound, St. Louis Bay,



441 Biloxi Bay and Pascagoula Bay, and in which the registered voters
442 of the county in which the port is located have not voted to
443 prohibit such betting, gaming or wagering on cruise vessels as
444 provided in Section 19-3-79;

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

450 (i) The structure is owned, leased or controlled
451 by a person possessing a gaming license, as defined in Section
452 75-76-5, to conduct legal gaming on a cruise vessel under
453 paragraph (a) of this section;

454 (ii) The part of the structure in which licensed
455 gaming activities are conducted is located entirely in an area
456 which is located no more than eight hundred (800) feet from the
457 mean high-water line (as defined in Section 29-15-1) of the waters
458 within the State of Mississippi, which lie adjacent to the State
459 of Mississippi south of the three (3) most southern counties in
460 the State of Mississippi, including the Mississippi Sound, St.
461 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
462 Harrison County only, no farther north than the southern boundary
463 of the right-of-way for U.S. Highway 90, whichever is greater; and

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



466 licensed gaming activities are conducted shall lie adjacent to
467 state waters south of the three (3) most southern counties in the
468 State of Mississippi, including the Mississippi Sound, St. Louis
469 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
470 structure is located consists of a parcel of real property,
471 easements and rights-of-way for public streets and highways shall
472 not be construed to interrupt the contiguous nature of the parcel,
473 nor shall the footage contained within the easements and
474 rights-of-way be counted in the calculation of the distances
475 specified in subparagraph (ii) * * *;

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

482 (d) On a vessel as defined in Section 27-109-1 whenever
483 such vessel is on the Pearl River within the corporate limits of a
484 municipality with a population of one hundred fifty thousand
485 (150,000) or more according to the most recent federal decennial
486 census; or

487 (* * *de) That is legal under the laws of the State of
488 Mississippi.

489 **SECTION 7.** Section 97-33-27, Mississippi Code of 1972, is
490 amended as follows:



491 97-33-27. If any person shall bet on a horse race or a yacht
492 race or on a shooting match, he shall be fined not more than Five
493 Hundred Dollars (\$500.00), and, unless the fine and costs be
494 immediately paid, he shall be imprisoned in the county jail not
495 more than ninety (90) days; provided, however, this section shall
496 not apply to betting, gaming or wagering:

497 (a) On a cruise vessel as defined in Section 27-109-1
498 whenever such vessel is in the waters within the State of
499 Mississippi, which lie adjacent to the State of Mississippi south
500 of the three (3) most southern counties in the State of
501 Mississippi, including the Mississippi Sound, St. Louis Bay,
502 Biloxi Bay and Pascagoula Bay, and in which the registered voters
503 of the county in which the port is located have not voted to
504 prohibit such betting, gaming or wagering on cruise vessels as
505 provided in Section 19-3-79;

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

511 (i) The structure is owned, leased or controlled
512 by a person possessing a gaming license, as defined in Section
513 75-76-5, to conduct legal gaming on a cruise vessel under
514 paragraph (a) of this section;



515 (ii) The part of the structure in which licensed
516 gaming activities are conducted is located entirely in an area
517 which is located no more than eight hundred (800) feet from the
518 mean high-water line (as defined in Section 29-15-1) of the waters
519 within the State of Mississippi, which lie adjacent to the State
520 of Mississippi south of the three (3) most southern counties in
521 the State of Mississippi, including the Mississippi Sound, St.
522 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
523 Harrison County only, no farther north than the southern boundary
524 of the right-of-way for U.S. Highway 90, whichever is greater; and

525 (iii) In the case of a structure that is located
526 in whole or part on shore, the part of the structure in which
527 licensed gaming activities are conducted shall lie adjacent to
528 state waters south of the three (3) most southern counties in the
529 State of Mississippi, including the Mississippi Sound, St. Louis
530 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
531 structure is located consists of a parcel of real property,
532 easements and rights-of-way for public streets and highways shall
533 not be construed to interrupt the contiguous nature of the parcel,
534 nor shall the footage contained within the easements and
535 rights-of-way be counted in the calculation of the distances
536 specified in subparagraph (ii) * * *;

537 (c) On a vessel as defined in Section 27-109-1 whenever
538 such vessel is on the Mississippi River or navigable waters within
539 any county bordering on the Mississippi River, and in which the



540 registered voters of the county in which the port is located have
541 not voted to prohibit such betting, gaming or wagering on vessels
542 as provided in Section 19-3-79; * * *~~or~~

543 (d) On a vessel as defined in Section 27-109-1 whenever
544 such vessel is on the Pearl River within the corporate limits of a
545 municipality with a population of one hundred fifty thousand
546 (150,000) or more according to the most recent federal decennial
547 census; or

548 (* * *~~de~~) That is legal under the laws of the State of
549 Mississippi.

550 **SECTION 8.** This act shall take effect and be in force from
551 and after July 1, 2021.

