

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

To: Gaming; Ports and Marine  
Resources

SENATE BILL NO. 2780

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 CODIFY SECTION  
4 29-15-1.1, MISSISSIPPI CODE OF 1972, TO DECLARE LEGISLATIVE INTENT  
5 RELATIVE TO PUBLIC TRUST TIDELANDS; TO AMEND SECTIONS 29-1-107,  
6 29-15-1, 29-15-3, 29-15-5, 29-15-9, 29-15-10, 29-15-13 AND  
7 59-15-1, MISSISSIPPI CODE OF 1972, AND TO CODIFY SECTION 29-15-2,  
8 MISSISSIPPI CODE OF 1972, TO CLARIFY THE REQUIREMENT OF A SEPARATE  
9 LEASE FROM THE SECRETARY OF STATE TO RENT LAND ON PUBLIC TRUST  
10 TIDELANDS PROPERTY, TO CLARIFY THAT THE LEASE NEEDED TO MOVE ON  
11 SHORE IS ONE WITH THE STATE OR THE STATE PORT AT GULFPORT, TO  
12 REVISE DEFINITIONS, TO PROVIDE THAT STATE-HELD TIDELANDS SUBJECT  
13 TO PUBLIC TRUST ARE PRESCRIBED IN TIDELANDS MAPS AND BOUNDARY  
14 AGREEMENTS AND COURT ORDERS CONFIRMING THE MAPS, TO CONFIRM ALL  
15 AUTHORITY OVER TIDELANDS IN THE STATE UNLESS SPECIFICALLY SEVERED  
16 OR GIVEN TO A SPECIFIC STATE AGENCY OR POLITICAL SUBDIVISION, TO  
17 CONFIRM AUTHORITY, MANAGEMENT AND ADMINISTRATIVE CONTROL OVER  
18 TIDELANDS IN THE SECRETARY OF STATE, TO CLARIFY THAT ONLY SPECIFIC  
19 ACTION BY THE LEGISLATURE CAN DIVEST THE SECRETARY OF STATE OF  
20 SUCH MANAGEMENT AND CONTROL, TO PROVIDE THAT ALL USES OF PUBLIC  
21 TRUST TIDELANDS FOR ANY GAMING PURPOSES BY A PERSON POSSESSING OR  
22 APPLYING FOR A GAMING LICENSE SHALL REQUIRE A TIDELANDS LEASE FROM  
23 THE STATE THROUGH THE SECRETARY OF STATE AND BE SUBJECT TO ANNUAL  
24 RENT, TO FURTHER CLARIFY THAT THE SECRETARY OF STATE IS THE  
25 TRUSTEE OF THE PUBLIC TRUST TIDELANDS, TO FURTHER CLARIFY THAT A  
26 TIDELANDS LEASE WITH THE SECRETARY OF STATE IS REQUIRED FOR USE OF  
27 THE TIDELANDS AND THAT STATE AGENCIES AND POLITICAL SUBDIVISIONS  
28 EXERCISING LITTORAL OR RIPARIAN RIGHTS ALSO REQUIRE A TIDELANDS  
29 LEASE, TO PROVIDE THAT THESE SECTIONS CONTROL ALL OTHER STATUTES,  
30 TO CONFIRM STATE OWNERSHIP AND CONTROL OF TIDELANDS IN THE  
31 SECRETARY OF STATE UNLESS CLEAR TITLE OR CONTROL WAS DIVESTED, TO  
32 PROVIDE THAT ADMINISTRATIVE COSTS, LEGAL FEES AND LOST AD VALOREM  
33 TAXES SHALL BE PAID OUT OF THE PUBLIC TRUST TIDELANDS FUND, TO  
34 CLARIFY THE NEED FOR A TIDELANDS LEASE EVEN IF RENT EXEMPT, TO



35 CLARIFY THAT THE USE OF TIDELANDS FOR MUNICIPAL HARBORS REQUIRES A  
36 TIDELANDS LEASE WITH THE SECRETARY OF STATE, AND IN CONFORMITY  
37 THERETO; TO AMEND SECTIONS 87-1-5, 97-33-1, 97-33-7, 97-33-17,  
38 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, TO DEFINE AND  
39 CLARIFY THE AUTHORITY OF THE MISSISSIPPI GAMING COMMISSION IN  
40 DETERMINING LEGAL GAMING SITES AND PRELIMINARY SITE APPROVAL AND  
41 TO CLARIFY AREAS AUTHORIZED FOR GAMING CASINO OPERATIONS AND THE  
42 AUTHORITY OF THE COMMISSION TO REGULATE MINIMUM SIZE, MINIMUM  
43 IMPROVEMENTS AND OTHER PROJECT REQUIREMENTS; AND FOR RELATED  
44 PURPOSES.

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

46 **SECTION 1.** Section 29-1-107, Mississippi Code of 1972, is  
47 amended as follows:

48 29-1-107. (1) The Secretary of State, with the approval of  
49 the Governor, shall, as far as practicable, rent or lease all  
50 lands belonging to the state, except as otherwise provided  
51 by \* \* \* this section, for a period of not exceeding one (1) year,  
52 and account for the rents therefrom in the same manner as money  
53 received from the sale of state lands, provided that no state land  
54 shall be rented or leased to individuals, corporations,  
55 partnerships, or association of persons for hunting or fishing  
56 purposes. Property belonging to the state in municipalities, even  
57 though it may have been subdivided into lots, blocks, divisions,  
58 or otherwise escheated or was sold to the state by such  
59 description, may likewise be leased or rented by the Secretary of  
60 State under the terms provided above for other state lands, and  
61 the rents accounted for in the same manner. The state shall have  
62 all the liens, rights and remedies accorded to landlords in  
63 Sections 89-7-1 through 89-7-125; said leases and rental contracts  
64 shall automatically terminate on the date provided in said leases



65 or contracts. A person possessing a gaming license under the  
66 Mississippi Gaming Control Act or who wishes to apply for a gaming  
67 license under the Mississippi Gaming Control Act and who further  
68 uses or wishes to use Public Trust Tidelands as part of its  
69 proposed gaming project shall be required to obtain a tidelands  
70 lease from the Secretary of State notwithstanding any statute, law  
71 or other provision providing other authority to municipalities and  
72 counties or any other political subdivision to use the Public  
73 Trust Tidelands and such lease may be conditioned upon the gaming  
74 licensee or license applicant obtaining such other necessary and  
75 required approvals.

76 (2) (a) The Secretary of State, with the approval of the  
77 Governor, may rent or lease surface lands, tidelands or submerged  
78 lands owned or controlled by the State of Mississippi lying in or  
79 adjacent to the Mississippi Sound or Gulf of Mexico or streams  
80 emptying therein, for a period not exceeding forty (40) years for  
81 rental payable to the state annually. However, the term of any  
82 lease of State Public Trust Tidelands to a person possessing a  
83 license under the Mississippi Gaming Control Act shall be governed  
84 by the provisions of subsection (4) of this section.

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



89           (c) A lessee of record may be given the option to renew  
90 for an additional period not to exceed twenty-five (25) years;  
91 however, the term of a renewal for a lease of State Public Trust  
92 Tidelands to a person possessing a gaming license under the  
93 Mississippi Gaming Control Act shall be governed by the provisions  
94 of subsection (4) of this section. The holder of a lease of  
95 Public Trust Tidelands, at the expiration thereof, shall have a  
96 prior right, exclusive of all other persons, to re-lease as may be  
97 agreed upon between the holder of the lease and the Secretary of  
98 State.

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



114 Mississippi Gaming Control Act who operates a gaming establishment  
115 on such tidelands or submerged lands or to a person who has or  
116 will apply for a gaming license under the Mississippi Gaming  
117 Control Act and to use Public Trust Tidelands or submerged lands  
118 as part of its proposed gaming project.

119           (e) The Secretary of State shall not grant a lease for  
120 gaming purposes whether directly or indirectly on Public Trust  
121 Tidelands on which the sand beach was constructed or which are  
122 adjacent to the sand beach.

123           (3) Provided, however, the current occupants of Public Trust  
124 Tidelands that were developed after the determinable mean  
125 high-water line nearest the effective date of the Coastal Wetlands  
126 Protection Law shall pay an annual rental based on the fair market  
127 value as determined by the assessed valuation of the property.  
128 The holder of a lease of Public Trust Tidelands, at the expiration  
129 thereof, shall have a prior right, exclusive of all other persons,  
130 to re-lease as may be agreed upon between the holder of the lease  
131 and the Secretary of State.

132           (4) (a) This section shall apply to any person possessing a  
133 license under the Mississippi Gaming Control Act or who wishes to  
134 apply for a gaming license under the Mississippi Gaming Control  
135 Act and who operates or proposes to operate a gaming establishment  
136 in any of the three (3) most southern counties of the state. Any  
137 gaming licensee or proposed gaming licensee shall be required to  
138 obtain a lease from the Secretary of State to use any State Public



139 Trust Tidelands notwithstanding any statute, law or other  
140 provision providing other authority to municipalities and counties  
141 or any other political subdivision to use the Public Trust  
142 Tidelands. To locate onshore and qualify to pay the in-lieu  
143 tidelands assessment, a gaming operation must have or show that it  
144 would have been qualified in all respects to obtain prior to  
145 August 29, 2005, a lease of Public Trust Tidelands from the State  
146 of Mississippi through the Secretary of State for a gaming  
147 operation.

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

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

153 (ii) By operation of this section, any lease  
154 executed before August 29, 2005, may, at the option of the lessee,  
155 either remain at the term stated in the original execution of the  
156 lease or be converted to a thirty-year term lease, beginning on  
157 such date after August 29, 2005, that the lessee either resumes or  
158 begins permanent gaming activities as approved by the Mississippi  
159 Gaming Commission, and the lessee shall be required to comply with  
160 all other provisions of the lease. Should the lessee choose to  
161 operate in a structure that is not on State Public Trust Tidelands  
162 and that is on property contiguous to State Public Trust Tidelands  
163 leased by the State of Mississippi to the lessee, the lessee shall



164 be required to comply with all other provisions of the lease with  
165 the State of Mississippi and shall be exempt from the assessment  
166 provided for in paragraph (c) of this subsection. Easements for  
167 and rights-of-way for public streets and highways shall not be  
168 construed to interrupt the contiguous nature of a parcel of  
169 property. In the event that a lessee does not elect either to  
170 remain bound by the original term of the lease with the State of  
171 Mississippi or to convert the lease to a thirty-year term, the  
172 Secretary of State may lease the State Public Trust Tidelands that  
173 are the subject of the lease to any other person or entity.

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

182 (c) (i) Except as otherwise provided in this  
183 paragraph, any person possessing a license under the Mississippi  
184 Gaming Control Act who does not lease for a gaming site Public  
185 Trust Tidelands from the State \* \* \* of Mississippi by and through  
186 the Secretary of State or a state port, and who operates a gaming  
187 establishment in any of the three (3) most southern counties of  
188 the state, shall pay an annual in-lieu tidelands assessment to the



189 Public Trust Tidelands Assessments Fund (hereinafter referred to  
190 as "fund") created in Section 29-15-10, in the amount and manner  
191 provided for in this paragraph.

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

194 1. Four Hundred Thousand Dollars  
195 (\$400,000.00), if the capital investment in the part of the  
196 structure in which licensed gaming activities are conducted is  
197 Fifty Million Dollars (\$50,000,000.00) or less.

198 2. Four Hundred Fifty Thousand Dollars  
199 (\$450,000.00), if the capital investment in the part of the  
200 structure in which licensed gaming activities are conducted is  
201 equal to or more than Fifty Million Dollars (\$50,000,000.00) but  
202 less than Sixty Million Dollars (\$60,000,000.00).

203 3. Five Hundred Thousand Dollars  
204 (\$500,000.00), if the capital investment in the part of the  
205 structure in which licensed gaming activities are conducted is  
206 equal to or more than Sixty Million Dollars (\$60,000,000.00) but  
207 less than Seventy-five Million Dollars (\$75,000,000.00).

208 4. Six Hundred Thousand Dollars  
209 (\$600,000.00), if the capital investment in the part of the  
210 structure in which licensed gaming activities are conducted is  
211 equal to or more than Seventy-five Million Dollars  
212 (\$75,000,000.00) but less than One Hundred Million Dollars  
213 (\$100,000,000.00).





214                   5.   Seven Hundred Thousand Dollars  
215   (\$700,000.00), if the capital investment in the part of the  
216   structure in which licensed gaming activities are conducted is  
217   equal to or more than One Hundred Million Dollars  
218   (\$100,000,000.00) but less than One Hundred Twenty-five Million  
219   Dollars (\$125,000,000.00).

220                   6.   Seven Hundred Fifty Thousand Dollars  
221   (\$750,000.00), if the capital investment in the part of the  
222   structure in which licensed gaming activities are conducted is  
223   equal to or more than One Hundred Twenty-five Million Dollars  
224   (\$125,000,000.00).

225           For each calendar year thereafter, the Secretary of State  
226   shall review and adjust the value of the capital investment and  
227   the annual in-lieu tidelands assessment due. Such review and  
228   adjustment shall be tied to the CPI.

229                   (ii) This paragraph shall not apply to a gaming  
230   licensee if the licensee conducts gaming in a structure that is  
231   located on property that is leased from the Mississippi State Port  
232   at Gulfport or any political subdivision of the state, or to a  
233   licensee who conducts gaming in a structure that is located on  
234   property that is leased to the licensee jointly by the State of  
235   Mississippi and the City of Biloxi; however, with regard to  
236   property owned by a political subdivision of the state, this  
237   exception shall only apply to property owned by the political



238 subdivision on August 29, 2005, if legal gaming could have been  
239 conducted on such property on that date.

240 (iii) This paragraph shall not apply to a gaming  
241 licensee if the licensee conducts gaming in a structure that is  
242 located on property that is not leased from the State of  
243 Mississippi and/or a political subdivision of the State of  
244 Mississippi and is not on State Public Trust Tidelands before  
245 August 29, 2005, and shall not apply to a gaming licensee if the  
246 licensee or a former licensee conducted gaming on \* \* \* contiguous  
247 property through a lease with the State Port at Gulfport before  
248 August 29, 2005.

249 **SECTION 2.** Section 29-15-1, Mississippi Code of 1972, is  
250 amended as follows:

251 29-15-1. (a) "Commission" means the Mississippi Advisory  
252 Commission on Marine Resources.

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

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

258 (d) "Fastlands" means tidelands and submerged lands  
259 waterward of the historic natural mean high-water line but  
260 artificially filled such that the area waterward of that line is  
261 above mean high water.



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

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

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

275 ( \* \* \*h) "National map accuracy standards" means a set of  
276 guidelines published by the Office of Management and Budget of the  
277 United States to which maps produced by the United States  
278 government adhere.

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

282 (j) "Sand beach" means all areas of an artificial or  
283 man-made sand beach constructed on Public Trust Tidelands  
284 waterward of the public trust boundary represented by the natural  
285 mean high-water line or toe of a structure referred to as a  
286 seawall, retaining wall, or bulkhead, or other similar structure



287 used to prevent erosion of uplands or property landward of the  
288 structure.

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

291 (1) "Surface lands" means the same as fastlands.

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

295 **SECTION 3.** The following shall be codified as Section  
296 29-15-1.1, Mississippi Code of 1972:

297 29-15-1.1. Legislative intent. The Legislature passed the  
298 Tidelands Act of 1989, codified at Sections 29-1-107 and 29-15-1  
299 et seq., to provide stability and certainty to the land titles of  
300 riparian and littoral property owners. The Legislature finds that  
301 the management of the Public Trust Tidelands by the Secretary of  
302 State as the trustee agent in accordance with Section 29-15-3  
303 provides certainty and stability of the state ownership of Public  
304 Trust Tidelands for the benefit of all current and future  
305 generations of the citizens of the state.

306 **SECTION 4.** The following shall be codified as Section  
307 29-15-2, Mississippi Code of 1972:

308 29-15-2. Legislative public policy. (1) It is declared  
309 that the state-held tidelands subject to the public trust and the  
310 boundary between trust lands and other lands are shown on the  
311 Final Public Trust Tidelands Map and Public Trust Submerged Land



312 Maps, Final December 1994, created and published pursuant to  
313 Section 29-15-7, as modified by any boundary agreements or court  
314 orders.

315 (2) Absent clear, specific and expressed legislative intent  
316 to sever fee simple title of a specific parcel of Public Trust  
317 Tidelands from the state in favor of a specific state agency or  
318 political subdivision, fee simple title remains in the state.

319 (3) It is declared to be the public policy of this state  
320 that all management and administrative control and authority of  
321 all state-held Public Trust Tidelands is vested solely in the  
322 Secretary of State as the Land Commissioner and Trustee of the  
323 Public Trust Tidelands in accordance with the public policy stated  
324 in Section 29-15-3, Mississippi Code of 1972.

325 (4) Absent clear, specific and expressed legislative intent  
326 to grant management and administrative control and authority,  
327 including leasing authority, of a specific area of Public Trust  
328 Tidelands to a specific state agency or political subdivision, the  
329 Secretary of State is not divested of management and  
330 administrative control and authority, and leasing authority.

331 (5) (a) All proposed uses of Public Trust Tidelands by any  
332 entity, including a private party or a federal, state or local  
333 government, requires review of and approval by the Secretary of  
334 State as the Land Commissioner and Trustee of the Public Trust  
335 Tidelands to confirm such use is consistent with the public trust



336 for which the lands are held for the benefit of all citizens of  
337 the state and the public policy as expressed by the Legislature.

338 (b) Any entity, including a private party or a federal,  
339 state or local government agency or authority, shall submit plans  
340 to the Secretary of State concerning use of the Public Trust  
341 Tidelands for review and approval, and if necessary, a Public  
342 Trust Tidelands lease, prior to any activity on the Public Trust  
343 Tidelands.

344 (c) All state agencies, consistent with the legislative  
345 intent of Section 29-15-3 and Section 57-15-6, shall coordinate  
346 with the Secretary of State concerning activities on the Public  
347 Trust Tidelands, and receive approval prior to conducting or  
348 authorizing activities on the Public Trust Tidelands.

349 (6) (a) All existing and proposed uses of or projects on  
350 Public Trust Tidelands by any commercial activity shall require a  
351 Public Trust Tidelands lease from the state through the Secretary  
352 of State as Trustee of the Public Trust Tidelands and shall be  
353 subject to annual rent pursuant to Section 29-1-107.

354 (b) All existing and proposed public uses of or  
355 projects on Public Trust Tidelands by any federal, state or local  
356 governmental entity and which serve a higher public purpose of  
357 promoting the conservation, reclamation and preservation of the  
358 tidelands and submerged lands; public use for boating, boat  
359 launches, piers, small craft harbors and marinas; fishing,  
360 recreation or navigation; or the enhancement of public access to



361 such lands shall require a Public Trust Tidelands lease from the  
362 state through the Secretary of State as Trustee of the Public  
363 Trust Tidelands pursuant to Section 29-1-107(2) but shall be  
364 exempt from any use, lease or rental fees pursuant to Section  
365 29-15-13.

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

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

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

377 29-15-3. (1) It is declared to be the public policy of this  
378 state to favor the preservation of the natural state of the  
379 state's Public Trust Tidelands and their ecosystems and to prevent  
380 the despoliation and destruction of them, except where a specific  
381 alteration of specific Public Trust Tidelands would serve a higher  
382 public interest in compliance with the public purposes of the  
383 public trust in which such tidelands are held.

384 (2) It is hereby declared to be a higher public purpose of  
385 this state and the public tidelands trust to resolve the



386 uncertainty and disputes which have arisen as to the location of  
387 the boundary between the state's Public Trust Tidelands and the  
388 upland property and to confirm the mean high-water boundary line  
389 as determined by the Mississippi Supreme Court, the laws of this  
390 state and this chapter.

391 (3) Absent clear and specific intent by the Legislature to  
392 sever fee-simple ownership or to grant management and  
393 administrative control and authority, to include, but not be  
394 limited to, leasing authority, of a specific area of Public Trust  
395 Tidelands to a specific state agency or political subdivision,  
396 then fee-simple title, management and administrative control and  
397 authority, and leasing authority to and of the Public Trust  
398 Tidelands is in the State of Mississippi.

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

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

405 29-15-5. (1) Tidelands and submerged lands are held by the  
406 state in trust for use of all the people, and are so held in their  
407 character as the beds and shores of the sea and its tidally  
408 affected arms and tributaries for the purposes defined by common  
409 law and statutory law. Littoral and riparian property owners have  
410 common-law and statutory rights under the Coastal Wetlands





411 Protection Law which extend into the waters and beyond the low  
412 tide line, and the state's responsibilities as trustee extends to  
413 such owners as well as to the other members of the public.

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

419 (3) All existing and proposed uses of or projects on Public  
420 Trust Tidelands by any commercial activity shall require a Public  
421 Trust Tidelands lease from the state through the Secretary of  
422 State as Trustee of the Public Trust Tidelands and shall be  
423 subject to annual rent pursuant to Section 29-1-107.

424 (4) All existing or proposed public uses or projects of any  
425 federal, state or local governmental entity, including counties  
426 and municipalities, which serve a higher public purpose of  
427 promoting the conservation, reclamation, preservation of the  
428 tidelands and submerged lands, public use for boating, boat  
429 launches, piers, small craft harbors and marina, fishing,  
430 recreation or navigation, or the enhancement of public access to  
431 such lands shall require a lease of State Public Trust Tidelands  
432 from the state through the Secretary of State as Trustee of the  
433 Public Trust Tidelands pursuant to Section 29-1-107(2). No  
434 federal, state or local governmental entity shall be charged for  
435 such access.



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

438           29-15-9. (1) There is created in the State Treasury a  
439 special fund to be known as the "Public Trust Tidelands Fund."  
440 The fund shall be administered by the Secretary of State as  
441 trustee.

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

458           (3) Any funds that are appropriated as separate line items  
459 in an appropriation bill for tideland programs or projects



460 authorized under this section for political subdivisions or other  
461 agencies shall be disbursed as provided in this subsection.

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

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

473 **SECTION 8.** Section 29-15-10, Mississippi Code of 1972, is  
474 amended as follows:

475 29-15-10. (1) There is created in the State Treasury a  
476 special fund to be known as the "Public Trust Tidelands  
477 Assessments Fund." The purpose of the fund is to ensure that  
478 monies derived from the Public Trust Tidelands assessments shall  
479 be used for the benefit of preserving and protecting the tidelands  
480 and submerged lands found within the three (3) most southern  
481 counties of the state. One (1) specific purpose of the fund is to  
482 ensure that the annual payment made by the state for the purchase  
483 of Deer Island shall continue uninterrupted until the purchase  
484 transaction is completed. The fund shall be administered by the



485 Secretary of State, as trustee. None of the funds that are in the  
486 special fund or that are required to be deposited into the special  
487 fund shall be transferred, diverted or in any other manner  
488 expended or used for any purpose other than those purposes  
489 specified in this section.

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

492 (b) Funds paid pursuant to paragraph (a) of this  
493 subsection may be appropriated by the Legislature in an amount  
494 necessary to cover the administrative cost incurred by the  
495 Mississippi Advisory Commission on Marine Resources. Any  
496 remaining funds shall be disbursed \* \* \* to the \* \* \* Department  
497 of Marine Resources for new and extra programs of tidelands  
498 management, such as conservation, reclamation, preservation,  
499 acquisition, education or the enhancement of public access to the  
500 Public Trust Tidelands or public improvement projects as they  
501 relate to those lands.

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

506 (a) The Department of Marine Resources shall make  
507 progress payments in installments based on the work completed and  
508 material used in the performance of a tidelands project only after  
509 receiving written verification from the political subdivision or



510 agency. The political subdivision or agency shall submit  
511 verification of the work completed or materials in such detail and  
512 form that the department may require.

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

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

519 29-15-13. All existing or proposed public uses or projects  
520 of any federal, state or local governmental entity, including  
521 counties and municipalities, which serve a higher public purpose  
522 of promoting the conservation, reclamation, preservation of the  
523 tidelands and submerged lands, public use for boating, boat  
524 launches, piers, small craft harbors and marinas, fishing,  
525 recreation or navigation, or the enhancement of public access to  
526 such lands shall require a lease of Public Trust Tidelands from  
527 the Secretary of State but shall be exempt from any use, lease or  
528 rental fees.

529 **SECTION 10.** Section 59-15-1, Mississippi Code of 1972, is  
530 amended as follows:

531 59-15-1. The authorities of any city in this state which has  
532 a population of ten thousand (10,000) or more, according to the  
533 last official government census, and the authorities of any  
534 municipality bordering on the Mississippi Sound or Gulf of Mexico



535 are hereby given the authority to acquire by purchase, deed,  
536 donation, gift, grant, \* \* \* lease, dedication, or otherwise, and  
537 if state-owned Public Trust Tidelands by lease subject to Sections  
538 29-1-107(2) and 29-15-13, such land, harbor sites or water  
539 frontage for the purpose of establishing, developing, promoting,  
540 maintaining, and operating harbors for small water crafts and  
541 recreational parks connected therewith within its territorial  
542 limits, or both, and shall have the power to acquire, purchase,  
543 install, rent, lease, mortgage, incumber, construct, own, hold,  
544 maintain, equip, use, control and operate recreational parks and  
545 harbors for small water craft. Any such existing use of State  
546 Public Trust Tidelands shall require a Public Trust Tidelands  
547 lease from the State of Mississippi by and through the Secretary  
548 of State. Any use of State Public Trust Tidelands for gaming as  
549 contemplated by Section 29-1-107(4) will require a direct lease of  
550 the Public Trust Tidelands from the State of Mississippi by and  
551 through the Secretary of State and such lease may be conditioned  
552 upon the gaming licensee or license applicant obtaining such other  
553 necessary and required approvals.

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

556       87-1-5. If any person, by playing at any game whatever, or  
557 by betting on the sides or hands of such as do play at any game,  
558 or by betting on any horse race or cockfight, or at any other  
559 sport or pastime, or by any wager whatever, shall lose any money,



560 property, or other valuable thing, real or personal, and shall pay  
561 or deliver the same or any part thereof, the person so losing and  
562 paying or delivering the same, or his wife or children, may sue  
563 for and recover such money, property, or other valuable thing so  
564 lost and paid or delivered, or any part thereof, from the person  
565 knowingly receiving the same, with costs. However, this section  
566 shall not apply to betting, gaming or wagering:

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

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

578                   (i) The structure is owned, leased or controlled  
579 by a person possessing a gaming license, as defined in Section  
580 75-76-5, to conduct legal gaming on a cruise vessel under  
581 paragraph (a) of this section;

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



585 mean high-water line (as defined in Section 29-15-1) of the waters  
586 within the State of Mississippi, which lie adjacent to the State  
587 of Mississippi south of the three (3) most southern counties in  
588 the State of Mississippi, including the Mississippi Sound, St.  
589 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
590 Mississippi Sound at Harrison County only, no farther north than  
591 the southern boundary of the right-of-way for U.S. Highway 90,  
592 whichever is greater; and in determining the distance to the mean  
593 high-water line, the following considerations apply:

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

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

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





609 licensed gaming activities are conducted shall \* \* \* be located  
610 on:

611 1. Property entirely under the exclusive use  
612 and control of the proposed licensee based on its ownership or  
613 lease thereof and that extends from the gaming floor to the main  
614 high-water line;

615 2. The entire parcel(s) of land used to  
616 establish the necessary ownership and/or lease of the property to  
617 the mean high-water line must be immediately adjacent to waters  
618 which would presently qualify as a legal gaming site for a cruise  
619 vessel under paragraph (a) of this section, and such land is  
620 capable of accommodating the minimum improvement requirements set  
621 forth in rules and regulations adopted by the commission as  
622 authorized by Sections 75-76-33 and 75-76-77, which improvements  
623 shall include, at a minimum, the following:

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

627 b. A hotel with a minimum of three  
628 hundred (300) rooms, with a rating of at least three (3) diamonds  
629 by an acceptable travel publication to be determined by the Gaming  
630 Commission, other than with respect to a licensee which has been  
631 licensed by the commission, or to any person which has received  
632 approval to proceed with development from the commission, prior to  
633 December 31, 2013;



634 c. A restaurant capable of seating at  
635 least two hundred (200) people;

636 d. A fine dining establishment capable  
637 of seating at least seventy-five (75) people;

638 e. A casino floor of at least forty  
639 thousand (40,000) square feet; and

640 f. An amenity unique to the licensee's  
641 market in order to encourage economic development and promote  
642 tourism;

643 3. The commission shall not adopt any rule or  
644 regulation that would reduce these requirements; and

645 4. A proposed licensee must demonstrate all  
646 financing is in place to construct the entire proposed project  
647 meeting the foregoing requirements before the Mississippi Gaming  
648 Commission will grant the proposed licensee approval to proceed  
649 with development;

650 (c) On a vessel as defined in Section 27-109-1 whenever  
651 such vessel is on the Mississippi River or navigable waters within  
652 any county bordering on the Mississippi River; or

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

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

657 97-33-1. Except as otherwise provided in Section 97-33-8, if  
658 any person shall encourage, promote or play at any game, play or



659 amusement, other than a fight or fighting match between dogs, for  
660 money or other valuable thing, or shall wager or bet, promote or  
661 encourage the wagering or betting of any money or other valuable  
662 things, upon any game, play, amusement, cockfight, Indian ball  
663 play or duel, other than a fight or fighting match between dogs,  
664 or upon the result of any election, event or contingency whatever,  
665 upon conviction thereof, he shall be fined in a sum not more than  
666 Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
667 immediately paid, shall be imprisoned for any period not more than  
668 ninety (90) days. However, this section shall not apply to  
669 betting, gaming or wagering:

670 (a) On a cruise vessel as defined in Section 27-109-1  
671 whenever such vessel is in the waters within the State of  
672 Mississippi, which lie adjacent to the State of Mississippi south  
673 of the three (3) most southern counties in the State of  
674 Mississippi, including the Mississippi Sound, St. Louis Bay,  
675 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
676 of the county in which the port is located have not voted to  
677 prohibit such betting, gaming or wagering on cruise vessels as  
678 provided in Section 19-3-79;

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



684 (i) The structure is owned, leased or controlled  
685 by a person possessing a gaming license, as defined in Section  
686 75-76-5, to conduct legal gaming on a cruise vessel under  
687 paragraph (a) of this section;

688 (ii) The part of the structure in which licensed  
689 gaming activities are conducted is located entirely in an area  
690 which is located no more than eight hundred (800) feet from the  
691 mean high-water line (as defined in Section 29-15-1) of the waters  
692 within the State of Mississippi, which lie adjacent to the State  
693 of Mississippi south of the three (3) most southern counties in  
694 the State of Mississippi, including the Mississippi Sound, St.  
695 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
696 Mississippi Sound at Harrison County only, no farther north than  
697 the southern boundary of the right-of-way for U.S. Highway 90,  
698 whichever is greater; and in determining the distance to the mean  
699 high-water line, the following considerations apply:

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

706 2. An imaginary line drawn from any point  
707 along the mean high-water line referenced and utilized pursuant to  
708 subparagraph (ii) of this paragraph to any other point of



709 reference, except for rights-of-way and easements for public  
710 streets and highways, must cross only property under the exclusive  
711 use and control of the proposed licensee based on its ownership or  
712 lease thereof; and

713 (iii) In the case of a structure that is located  
714 in whole or part on shore, the part of the structure in which  
715 licensed gaming activities are conducted shall \* \* \* be located  
716 on:

717 1. Property entirely under the exclusive use  
718 and control of the proposed licensee based on its ownership or  
719 lease thereof;

720 2. The entire parcel(s) of land used to  
721 establish the necessary ownership and/or lease of the mean  
722 high-water line must presently qualify as a legal gaming site for  
723 a cruise vessel under paragraph (a) of this section, and such land  
724 is capable of accommodating the minimum improvement requirements  
725 set forth in rules and regulations adopted by the commission as  
726 authorized by Sections 75-76-33 and 75-76-77, which improvements  
727 shall include, at a minimum, the following:

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

731 b. A hotel with a minimum of three  
732 hundred (300) rooms, with a rating of at least three (3) diamonds  
733 by an acceptable travel publication to be determined by the Gaming



734 Commission, other than with respect to a licensee which has been  
735 licensed by the commission, or to any person which has received  
736 approval to proceed with development from the commission, prior to  
737 December 31, 2013;

738 c. A restaurant capable of seating at  
739 least two hundred (200) people;

740 d. A fine dining establishment capable  
741 of seating at least seventy-five (75) people;

742 e. A casino floor of at least forty  
743 thousand (40,000) square feet; and

744 f. An amenity unique to the licensee's  
745 market in order to encourage economic development and promote  
746 tourism;

747 3. The commission shall not adopt any rule or  
748 regulation that would reduce these requirements; and

749 4. A proposed licensee must demonstrate all  
750 financing is in place to construct the entire proposed project  
751 meeting the foregoing requirements before the Mississippi Gaming  
752 Commission will grant the proposed licensee approval to proceed  
753 with development;

754 (c) On a vessel as defined in Section 27-109-1 whenever  
755 such vessel is on the Mississippi River or navigable waters within  
756 any county bordering on the Mississippi River, and in which the  
757 registered voters of the county in which the port is located have



758 not voted to prohibit such betting, gaming or wagering on vessels  
759 as provided in Section 19-3-79; or

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

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

764 97-33-7. (1) Except as otherwise provided in Section  
765 97-33-8, it shall be unlawful for any person or persons, firm,  
766 copartnership or corporation to have in possession, own, control,  
767 display, or operate any cane rack, knife rack, artful dodger,  
768 punch board, roll down, merchandise wheel, slot machine, pinball  
769 machine, or similar device or devices. Provided, however, that  
770 this section shall not be so construed as to make unlawful the  
771 ownership, possession, control, display or operation of any  
772 antique coin machine as defined in Section 27-27-12, or any music  
773 machine or bona fide automatic vending machine where the purchaser  
774 receives exactly the same quantity of merchandise on each  
775 operation of said machine. Any slot machine other than an antique  
776 coin machine as defined in Section 27-27-12 which delivers, or is  
777 so constructed as that by operation thereof it will deliver to the  
778 operator thereof anything of value in varying quantities, in  
779 addition to the merchandise received, and any slot machine other  
780 than an antique coin machine as defined in Section 27-27-12 that  
781 is constructed in such manner as that slugs, tokens, coins or  
782 similar devices are, or may be, used and delivered to the operator



783 thereof in addition to merchandise of any sort contained in such  
784 machine, is hereby declared to be a gambling device, and shall be  
785 deemed unlawful under the provisions of this section. Provided,  
786 however, that pinball machines which do not return to the operator  
787 or player thereof anything but free additional games or plays  
788 shall not be deemed to be gambling devices, and neither this  
789 section nor any other law shall be construed to prohibit same.

790 (2) No property right shall exist in any person, natural or  
791 artificial, or be vested in such person, in any or all of the  
792 devices described herein that are not exempted from the provisions  
793 of this section; and all such devices are hereby declared to be at  
794 all times subject to confiscation and destruction, and their  
795 possession shall be unlawful, except when in the possession of  
796 officers carrying out the provisions of this section. It shall be  
797 the duty of all law enforcing officers to seize and immediately  
798 destroy all such machines and devices.

799 (3) A first violation of the provisions of this section  
800 shall be deemed a misdemeanor, and the party offending shall, upon  
801 conviction, be fined in any sum not exceeding Five Hundred Dollars  
802 (\$500.00), or imprisoned not exceeding three (3) months, or both,  
803 in the discretion of the court. In the event of a second  
804 conviction for a violation of any of the provisions of this  
805 section, the party offending shall be subject to a sentence of not  
806 less than six (6) months in the county jail, nor more than two (2)





807 years in the State Penitentiary, in the discretion of the trial  
808 court.

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

814 (a) On a cruise vessel as defined in Section 27-109-1  
815 whenever such vessel is in the waters within the State of  
816 Mississippi, which lie adjacent to the State of Mississippi south  
817 of the three (3) most southern counties in the State of  
818 Mississippi, including the Mississippi Sound, St. Louis Bay,  
819 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
820 of the county in which the port is located have not voted to  
821 prohibit such betting, gaming or wagering on cruise vessels as  
822 provided in Section 19-3-79;

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

828 (i) The structure is owned, leased or controlled  
829 by a person possessing a gaming license, as defined in Section  
830 75-76-5, to conduct legal gaming on a cruise vessel under  
831 paragraph (a) of this subsection;



832 (ii) The part of the structure in which licensed  
833 gaming activities are conducted is located entirely in an area  
834 which is located no more than eight hundred (800) feet from the  
835 mean high-water line (as defined in Section 29-15-1) of the waters  
836 within the State of Mississippi, which lie adjacent to the State  
837 of Mississippi south of the three (3) most southern counties in  
838 the State of Mississippi, including the Mississippi Sound, St.  
839 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
840 Mississippi Sound at Harrison County only, no farther north than  
841 the southern boundary of the right-of-way for U.S. Highway 90,  
842 whichever is greater; and in determining the distance to the mean  
843 high-water line, the following considerations apply:

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

850 2. An imaginary line drawn from any point  
851 along the mean high-water line referenced and utilized pursuant to  
852 subparagraph (ii) of this paragraph to any other point of  
853 reference, except for rights-of-way and easements for public  
854 streets and highways, must cross only property under the exclusive  
855 use and control of the proposed licensee based on its ownership or  
856 lease thereof; and



857 (iii) In the case of a structure that is located  
858 in whole or part on shore, the part of the structure in which  
859 licensed gaming activities are conducted shall \* \* \* be located  
860 on:

861 1. Property entirely under the exclusive use  
862 and control of the proposed licensee based on its ownership or  
863 lease thereof;

864 2. The entire parcel(s) of land used to  
865 establish the necessary ownership and/or lease of the mean  
866 high-water line must presently qualify as a legal gaming site for  
867 a cruise vessel under paragraph (a) of this subsection, and such  
868 land is capable of accommodating the minimum improvement  
869 requirements set forth in rules and regulations adopted by the  
870 commission as authorized by Sections 75-76-33 and 75-76-77, which  
871 improvements shall include, at a minimum, the following:

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

875 b. A hotel with a minimum of three  
876 hundred (300) rooms, with a rating of at least three (3) diamonds  
877 by an acceptable travel publication to be determined by the Gaming  
878 Commission, other than with respect to a licensee which has been  
879 licensed by the commission, or to any person which has received  
880 approval to proceed with development from the commission, prior to  
881 December 31, 2013;



882 c. A restaurant capable of seating at  
883 least two hundred (200) people;

884 d. A fine dining establishment capable  
885 of seating at least seventy-five (75) people;

886 e. A casino floor of at least forty  
887 thousand (40,000) square feet; and

888 f. An amenity unique to the licensee's  
889 market in order to encourage economic development and promote  
890 tourism;

891 3. The commission shall not adopt any rule or  
892 regulation that would reduce these requirements; and

893 4. A proposed licensee must demonstrate all  
894 financing is in place to construct the entire proposed project  
895 meeting the foregoing requirements before the Mississippi Gaming  
896 Commission will grant the proposed licensee approval to proceed  
897 with development;

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

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



906 (5) Notwithstanding any provision of this section to the  
907 contrary, it shall not be unlawful (a) to own, possess, repair or  
908 control any gambling device, machine or equipment in a licensed  
909 gaming establishment or on the business premises appurtenant to  
910 any such licensed gaming establishment during any period of time  
911 in which such licensed gaming establishment is being constructed,  
912 repaired, maintained or operated in this state; (b) to install any  
913 gambling device, machine or equipment in any licensed gaming  
914 establishment; (c) to possess or control any gambling device,  
915 machine or equipment during the process of procuring or  
916 transporting such device, machine or equipment for installation on  
917 any such licensed gaming establishment; or (d) to store in a  
918 warehouse or other storage facility any gambling device, machine,  
919 equipment, or part thereof, regardless of whether the county or  
920 municipality in which the warehouse or storage facility is located  
921 has approved gaming aboard cruise vessels or vessels, provided  
922 that such device, machine or equipment is operated only in a  
923 county or municipality that has approved gaming aboard cruise  
924 vessels or vessels. Any gambling device, machine or equipment  
925 that is owned, possessed, controlled, installed, procured,  
926 repaired, transported or stored in accordance with this subsection  
927 shall not be subject to confiscation, seizure or destruction, and  
928 any person, firm, partnership or corporation which owns,  
929 possesses, controls, installs, procures, repairs, transports or  
930 stores any gambling device, machine or equipment in accordance



931 with this subsection shall not be subject to any prosecution or  
932 penalty under this section. Any person constructing or repairing  
933 such cruise vessels or vessels within a municipality shall comply  
934 with all municipal ordinances protecting the general health or  
935 safety of the residents of the municipality.

936 **SECTION 14.** Section 97-33-17, Mississippi Code of 1972, is  
937 amended as follows:

938 97-33-17. (1) All monies exhibited for the purpose of  
939 betting or alluring persons to bet at any game, and all monies  
940 staked or betted, shall be liable to seizure by any sheriff,  
941 constable, or police officer, together with all the appliances  
942 used or kept for use in gambling, or by any other person; and all  
943 the monies so seized shall be accounted for by the person making  
944 the seizure, and all appliances seized shall be destroyed;  
945 provided, however, this section shall not apply to betting, gaming  
946 or wagering on:

947 (a) A cruise vessel as defined in Section 27-109-1  
948 whenever such vessel is in the waters within the State of  
949 Mississippi, which lie adjacent to the State of Mississippi south  
950 of the three (3) most southern counties in the State of  
951 Mississippi, including the Mississippi Sound, St. Louis Bay,  
952 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
953 of the county in which the port is located have not voted to  
954 prohibit such betting, gaming or wagering on cruise vessels as  
955 provided in Section 19-3-79;



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

961 (i) The structure is owned, leased or controlled  
962 by a person possessing a gaming license, as defined in Section  
963 75-76-5, to conduct legal gaming on a cruise vessel under  
964 paragraph (a) of this subsection;

965 (ii) The part of the structure in which licensed  
966 gaming activities are conducted is located entirely in an area  
967 which is located no more than eight hundred (800) feet from the  
968 mean high-water line (as defined in Section 29-15-1) of the waters  
969 within the State of Mississippi, which lie adjacent to the State  
970 of Mississippi south of the three (3) most southern counties in  
971 the State of Mississippi, including the Mississippi Sound, St.  
972 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
973 Mississippi Sound at Harrison County only, no farther north than  
974 the southern boundary of the right-of-way for U.S. Highway 90,  
975 whichever is greater; and in determining the distance to the mean  
976 high-water line, the following considerations apply:

977 1. Rights-of-way and easements for public  
978 streets and highways shall not be construed to interrupt the  
979 contiguous nature of a parcel of property, nor shall the footage  
980 contained within such easements and rights-of-way be counted in



981 the calculation of the distances specified in subparagraph (ii) of  
982 this paragraph; and

983 2. An imaginary line drawn from any point  
984 along the mean high-water line referenced and utilized pursuant to  
985 subparagraph (ii) of this paragraph to any other point of  
986 reference, except for rights-of-way and easements for public  
987 streets and highways, must cross only property under the exclusive  
988 use and control of the proposed licensee based on its ownership or  
989 lease thereof; and

990 (iii) In the case of a structure that is located  
991 in whole or part on shore, the part of the structure in which  
992 licensed gaming activities are conducted shall \* \* \* be located  
993 on:

994 1. Property entirely under the exclusive use  
995 and control of the proposed licensee based on its ownership or  
996 lease thereof;

997 2. The entire parcel(s) of land used to  
998 establish the necessary ownership and/or lease of the mean  
999 high-water line must presently qualify as a legal gaming site for  
1000 a cruise vessel under paragraph (a) of this subsection, and such  
1001 land is capable of accommodating the minimum improvement  
1002 requirements set forth in rules and regulations adopted by the  
1003 commission as authorized by Sections 75-76-33 and 75-76-77, which  
1004 improvements shall include, at a minimum, the following:





1005 a. A parking facility in close proximity  
1006 to the casino complex to accommodate a minimum of five hundred  
1007 (500) cars;

1008 b. A hotel with a minimum of three  
1009 hundred (300) rooms, with a rating of at least three (3) diamonds  
1010 by an acceptable travel publication to be determined by the Gaming  
1011 Commission, other than with respect to a licensee which has been  
1012 licensed by the commission, or to any person which has received  
1013 approval to proceed with development from the commission, prior to  
1014 December 31, 2013;

1015 c. A restaurant capable of seating at  
1016 least two hundred (200) people;

1017 d. A fine dining establishment capable  
1018 of seating at least seventy-five (75) people;

1019 e. A casino floor of at least forty  
1020 thousand (40,000) square feet; and

1021 f. An amenity unique to the licensee's  
1022 market in order to encourage economic development and promote  
1023 tourism;

1024 3. The commission shall not adopt any rule or  
1025 regulation that would reduce these requirements; and

1026 4. A proposed licensee must demonstrate all  
1027 financing is in place to construct the entire proposed project  
1028 meeting the foregoing requirements before the Mississippi Gaming



1029 Commission will grant the proposed licensee approval to proceed  
1030 with development;

1031 (c) A vessel as defined in Section 27-109-1 whenever  
1032 such vessel is on the Mississippi River or navigable waters within  
1033 any county bordering on the Mississippi River, and in which the  
1034 registered voters of the county in which the port is located have  
1035 not voted to prohibit such betting, gaming or wagering on vessels  
1036 as provided in Section 19-3-79; or

1037 (d) That is legal under the laws of the State of  
1038 Mississippi.

1039 (2) Nothing in this section shall apply to any gambling  
1040 device, machine or equipment that is owned, possessed, controlled,  
1041 installed, procured, repaired or transported in accordance with  
1042 subsection (4) of Section 97-33-7.

1043 **SECTION 15.** Section 97-33-25, Mississippi Code of 1972, is  
1044 amended as follows:

1045 97-33-25. If any person shall sell or buy, either directly  
1046 or indirectly, any chance in what is commonly called pool, upon  
1047 any event whatever, or shall in any manner engage in such business  
1048 or pastime, he shall be fined not more than Five Hundred Dollars  
1049 (\$500.00) or shall be imprisoned in the county jail not more than  
1050 ninety (90) days; provided, however, this section shall not apply  
1051 to betting, gaming or wagering:

1052 (a) On a cruise vessel as defined in Section 27-109-1  
1053 whenever such vessel is in the waters within the State of



1054 Mississippi, which lie adjacent to the State of Mississippi south  
1055 of the three (3) most southern counties in the State of  
1056 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1057 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1058 of the county in which the port is located have not voted to  
1059 prohibit such betting, gaming or wagering on cruise vessels as  
1060 provided in Section 19-3-79;

1061 (b) In a structure located in whole or in part on shore  
1062 in any of the three (3) most southern counties in the State of  
1063 Mississippi in which the registered voters of the county have  
1064 voted to allow such betting, gaming or wagering on cruise vessels  
1065 as provided in Section 19-3-79, if:

1066 (i) The structure is owned, leased or controlled  
1067 by a person possessing a gaming license, as defined in Section  
1068 75-76-5, to conduct legal gaming on a cruise vessel under  
1069 paragraph (a) of this section;

1070 (ii) The part of the structure in which licensed  
1071 gaming activities are conducted is located entirely in an area  
1072 which is located no more than eight hundred (800) feet from the  
1073 mean high-water line (as defined in Section 29-15-1) of the waters  
1074 within the State of Mississippi, which lie adjacent to the State  
1075 of Mississippi south of the three (3) most southern counties in  
1076 the State of Mississippi, including the Mississippi Sound, St.  
1077 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1078 Mississippi Sound at Harrison County only, no farther north than



1079 the southern boundary of the right-of-way for U.S. Highway 90,  
1080 whichever is greater; and in determining the distance to the mean  
1081 high-water line, the following considerations apply:

1082 1. Rights-of-way and easements for public  
1083 streets and highways shall not be construed to interrupt the  
1084 contiguous nature of a parcel of property, nor shall the footage  
1085 contained within such easements and rights-of-way be counted in  
1086 the calculation of the distances specified in subparagraph (ii) of  
1087 this paragraph; and

1088 2. An imaginary line drawn from any point  
1089 along the mean high-water line referenced and utilized pursuant to  
1090 subparagraph (ii) of this paragraph to any other point of  
1091 reference, except for rights-of-way and easements for public  
1092 streets and highways, must cross only property under the exclusive  
1093 use and control of the proposed licensee based on its ownership or  
1094 lease thereof; and

1095 (iii) In the case of a structure that is located  
1096 in whole or part on shore, the part of the structure in which  
1097 licensed gaming activities are conducted shall \* \* \* be located  
1098 on:

1099 1. Property entirely under the exclusive use  
1100 and control of the proposed licensee based on its ownership or  
1101 lease thereof;

1102 2. The entire parcel(s) of land used to  
1103 establish the necessary ownership and/or lease of the mean



1104 high-water line must presently qualify as a legal gaming site for  
1105 a cruise vessel under paragraph (a) of this section, and such land  
1106 is capable of accommodating the minimum improvement requirements  
1107 set forth in rules and regulations adopted by the commission as  
1108 authorized by Sections 75-76-33 and 75-76-77, which improvements  
1109 shall include, at a minimum, the following:

1110 a. A parking facility in close proximity  
1111 to the casino complex to accommodate a minimum of five hundred  
1112 (500) cars;

1113 b. A hotel with a minimum of three  
1114 hundred (300) rooms, with a rating of at least three (3) diamonds  
1115 by an acceptable travel publication to be determined by the Gaming  
1116 Commission, other than with respect to a licensee which has been  
1117 licensed by the commission, or to any person which has received  
1118 approval to proceed with development from the commission, prior to  
1119 December 31, 2013;

1120 c. A restaurant capable of seating at  
1121 least two hundred (200) people;

1122 d. A fine dining establishment capable  
1123 of seating at least seventy-five (75) people;

1124 e. A casino floor of at least forty  
1125 thousand (40,000) square feet; and

1126 f. An amenity unique to the licensee's  
1127 market in order to encourage economic development and promote  
1128 tourism;



1129                   3. The commission shall not adopt any rule or  
1130 regulation that would reduce these requirements; and

1131                   4. A proposed licensee must demonstrate all  
1132 financing is in place to construct the entire proposed project  
1133 meeting the foregoing requirements before the Mississippi Gaming  
1134 Commission will grant the proposed licensee approval to proceed  
1135 with development;

1136                   (c) On a vessel as defined in Section 27-109-1 whenever  
1137 such vessel is on the Mississippi River or navigable waters within  
1138 any county bordering on the Mississippi River, and in which the  
1139 registered voters of the county in which the port is located have  
1140 not voted to prohibit such betting, gaming or wagering on vessels  
1141 as provided in Section 19-3-79; or

1142                   (d) That is legal under the laws of the State of  
1143 Mississippi.

1144                   **SECTION 16.** Section 97-33-27, Mississippi Code of 1972, is  
1145 amended as follows:

1146                   97-33-27. If any person shall bet on a horse race or a yacht  
1147 race or on a shooting match, he shall be fined not more than Five  
1148 Hundred Dollars (\$500.00), and, unless the fine and costs be  
1149 immediately paid, he shall be imprisoned in the county jail not  
1150 more than ninety (90) days; provided, however, this section shall  
1151 not apply to betting, gaming or wagering:

1152                   (a) On a cruise vessel as defined in Section 27-109-1  
1153 whenever such vessel is in the waters within the State of



1154 Mississippi, which lie adjacent to the State of Mississippi south  
1155 of the three (3) most southern counties in the State of  
1156 Mississippi, including the Mississippi Sound, St. Louis Bay,  
1157 Biloxi Bay and Pascagoula Bay, and in which the registered voters  
1158 of the county in which the port is located have not voted to  
1159 prohibit such betting, gaming or wagering on cruise vessels as  
1160 provided in Section 19-3-79;

1161 (b) In a structure located in whole or in part on shore  
1162 in any of the three (3) most southern counties in the State of  
1163 Mississippi in which the registered voters of the county have  
1164 voted to allow such betting, gaming or wagering on cruise vessels  
1165 as provided in Section 19-3-79, if:

1166 (i) The structure is owned, leased or controlled  
1167 by a person possessing a gaming license, as defined in Section  
1168 75-76-5, to conduct legal gaming on a cruise vessel under  
1169 paragraph (a) of this section;

1170 (ii) The part of the structure in which licensed  
1171 gaming activities are conducted is located entirely in an area  
1172 which is located no more than eight hundred (800) feet from the  
1173 mean high-water line (as defined in Section 29-15-1) of the waters  
1174 within the State of Mississippi, which lie adjacent to the State  
1175 of Mississippi south of the three (3) most southern counties in  
1176 the State of Mississippi, including the Mississippi Sound, St.  
1177 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to the  
1178 Mississippi Sound at Harrison County only, no farther north than



1179 the southern boundary of the right-of-way for U.S. Highway 90,  
1180 whichever is greater; and in determining the distance to the mean  
1181 high-water line, the following considerations apply:

1182 1. Rights-of-way and easements for public  
1183 streets and highways shall not be construed to interrupt the  
1184 contiguous nature of a parcel of property, nor shall the footage  
1185 contained within such easements and rights-of-way be counted in  
1186 the calculation of the distances specified in subparagraph (ii) of  
1187 this paragraph; and

1188 2. An imaginary line drawn from any point  
1189 along the mean high-water line referenced and utilized pursuant to  
1190 subparagraph (ii) of this paragraph to any other point of  
1191 reference, except for rights-of-way and easements for public  
1192 streets and highways, must cross only property under the exclusive  
1193 use and control of the proposed licensee based on its ownership or  
1194 lease thereof; and

1195 (iii) In the case of a structure that is located  
1196 in whole or part on shore, the part of the structure in which  
1197 licensed gaming activities are conducted shall \* \* \* be located  
1198 on:

1199 1. Property entirely under the exclusive use  
1200 and control of the proposed licensee based on its ownership or  
1201 lease thereof;

1202 2. The entire parcel(s) of land used to  
1203 establish the necessary ownership and/or lease of the mean





1204 high-water line must presently qualify as a legal gaming site for  
1205 a cruise vessel under paragraph (a) of this section, and such land  
1206 is capable of accommodating the minimum improvement requirements  
1207 set forth in rules and regulations adopted by the commission as  
1208 authorized by Sections 75-76-33 and 75-76-77, which improvements  
1209 shall include, at a minimum, the following:

1210 a. A parking facility in close proximity  
1211 to the casino complex to accommodate a minimum of five hundred  
1212 (500) cars;

1213 b. A hotel with a minimum of three  
1214 hundred (300) rooms, with a rating of at least three (3) diamonds  
1215 by an acceptable travel publication to be determined by the Gaming  
1216 Commission, other than with respect to a licensee which has been  
1217 licensed by the commission, or to any person which has received  
1218 approval to proceed with development from the commission, prior to  
1219 December 31, 2013;

1220 c. A restaurant capable of seating at  
1221 least two hundred (200) people;

1222 d. A fine dining establishment capable  
1223 of seating at least seventy-five (75) people;

1224 e. A casino floor of at least forty  
1225 thousand (40,000) square feet; and

1226 f. An amenity unique to the licensee's  
1227 market in order to encourage economic development and promote  
1228 tourism;



1229                   3. The commission shall not adopt any rule or  
1230 regulation that would reduce these requirements; and

1231                   4. A proposed licensee must demonstrate all  
1232 financing is in place to construct the entire proposed project  
1233 meeting the foregoing requirements before the Mississippi Gaming  
1234 Commission will grant the proposed licensee approval to proceed  
1235 with development;

1236                   (c) On a vessel as defined in Section 27-109-1 whenever  
1237 such vessel is on the Mississippi River or navigable waters within  
1238 any county bordering on the Mississippi River, and in which the  
1239 registered voters of the county in which the port is located have  
1240 not voted to prohibit such betting, gaming or wagering on vessels  
1241 as provided in Section 19-3-79; or

1242                   (d) That is legal under the laws of the State of  
1243 Mississippi.

1244                   **SECTION 17.** This act shall take effect and be in force from  
1245 and after its passage.

