

By: Representatives Eure, Hulum

To: Gaming

HOUSE BILL NO. 1302

1 AN ACT TO CREATE THE MISSISSIPPI MOBILE SPORTS WAGERING ACT;
2 TO PROVIDE DEFINITIONS FOR THE ACT; TO PROVIDE THAT "ONLINE RACE
3 BOOK" AND "ONLINE SPORTS POOL" BETTING SHALL BE LEGAL IN THIS
4 STATE; TO REQUIRE A PLATFORM THAT OPERATES AN ONLINE SPORTS POOL
5 OR ONLINE RACE BOOK TO A MANUFACTURER'S AND DISTRIBUTOR'S LICENSE;
6 TO AUTHORIZE LICENSED GAMING ESTABLISHMENTS TO CONTRACT WITH NO
7 MORE THAN ONE PLATFORM; TO PROVIDE THAT A PLATFORM SHALL ONLY
8 ACCEPT WAGERS FROM PLAYERS LOCATED IN MISSISSIPPI; TO REQUIRE THE
9 PLATFORM CONTRACT FOR GEOFENCING AND AGE VERIFICATION; TO PROHIBIT
10 PLAY BY ANY PERSON UNDER THE AGE OF 21; TO AMEND SECTIONS
11 97-33-17, 75-76-5 AND 75-76-33, MISSISSIPPI CODE OF 1972, TO
12 CONFORM TO THE PRECEDING SECTIONS; TO AMEND SECTION 75-76-89,
13 MISSISSIPPI CODE OF 1972, TO CLARIFY THE INCLUSION OF ONLINE RACE
14 BOOK AND SPORTS BOOK FOR GAMING LICENSING; TO AMEND SECTION
15 75-76-91, MISSISSIPPI CODE OF 1972, TO REQUIRE THE LICENSED GAMING
16 ESTABLISHMENT TO DISPLAY THE LICENSE OF THE PLATFORM IT IS
17 CONTRACTED WITH; TO AMEND SECTION 75-76-203, MISSISSIPPI CODE OF
18 1972, TO PROVIDE AN EXCEPTION FOR AN OFFICE IN THIS STATE FOR
19 PLATFORMS; TO BRING FORWARD SECTIONS 75-76-211, 75-76-55,
20 75-76-205 AND 75-76-175, MISSISSIPPI CODE OF 1972, WHICH REGULATE
21 CORPORATE GAMING ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO
22 AMEND SECTIONS 75-76-177, 75-76-101 AND 97-33-27, MISSISSIPPI CODE
23 OF 1972, TO CLARIFY CERTAIN PROVISIONS; TO BRING FORWARD SECTIONS
24 97-33-305 AND 97-33-8, MISSISSIPPI CODE OF 1972, WHICH REGULATE
25 GAMING ESTABLISHMENTS, FOR PURPOSES OF AMENDMENT; TO AMEND
26 SECTIONS 97-33-25 AND 75-76-79, MISSISSIPPI CODE OF 1972, TO
27 CLARIFY THE PROVISIONS; TO BRING FORWARD SECTIONS 97-33-1 AND
28 97-33-7, WHICH RESTRICT CERTAIN TYPES OF WAGERS, FOR PURPOSES OF
29 AMENDMENT; TO BRING FORWARD SECTIONS 7-11-11, 29-1-107, 29-15-1,
30 29-15-3, 29-15-5, 29-15-9, 29-15-10, 29-15-13 AND 59-7-405,
31 MISSISSIPPI CODE OF 1972, WHICH REGULATE THE AUTHORITY OF THE
32 SECRETARY OF STATE REGARDING TIDELANDS, FOR PURPOSES OF AMENDMENT;
33 TO AMEND SECTIONS 59-15-1, 75-76-67, 87-1-5, 97-33-25 AND
34 97-33-27, MISSISSIPPI CODE OF 1972, WHICH ARE RELATED TO THE



35 POWERS OF THE GAMING COMMISSION, FOR INTERNAL STATUTORY UPDATES;
36 AND FOR RELATED PURPOSES.

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

38 **SECTION 1.** This act shall be known and may be cited as the
39 "Mississippi Mobile Sports Wagering Act".

40 **SECTION 2.** The following terms shall have the meanings
41 ascribed herein:

42 (a) "Commission" means the Mississippi Gaming
43 Commission as defined in Section 75-76-7.

44 (b) "Executive director" means the Executive Director
45 of the Mississippi Gaming Commission as defined in Section
46 75-76-7.

47 (c) "Game", "Gaming" or "Gambling game" means to deal,
48 operate, carry on, conduct, maintain or expose for play any game
49 as defined in Section 75-76-5.

50 (d) "Gaming license" means any license issued by the
51 state which authorizes the person named therein to engage in
52 gaming as defined in Section 75-76-5.

53 (e) "Gross revenue" means the same as defined in
54 Section 75-76-5.

55 (f) "Interactive gaming" means wagering on any
56 interactive game.

57 (g) "Interactive game" means computerized or virtual
58 versions of any game as defined in Section 75-76-5 or any other
59 game of chance or digital simulation thereof, including, but not
60 limited to, casino themed slot machines or gaming devices, table



61 games or other such games as approved by the commission for play
62 in a licensed establishment.

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

66 (i) "Licensed gaming establishment" means any premises
67 licensed by the commission as defined in Section 75-76-5.

68 (j) "Manufacturer's", "seller's", or "distributor's"
69 license means a license issued pursuant to Section 75-76-79 as
70 defined in Section 75-76-5.

71 (k) "Online race book" means a race book as defined by
72 Section 75-76-5 in which wagers are made over the Internet,
73 including on websites, personal computers, mobile phones, or other
74 interactive devices used by an individual to place a race book
75 wager from any location in Mississippi, and accepted by a platform
76 on behalf of the holder of a Mississippi gaming license.

77 (l) "Online sports pool" means a sports pool as defined
78 by Section 75-76-5 in which wagers are made over the Internet,
79 including on websites, personal computers, mobile phones, or other
80 interactive devices used by an individual to place a sports pool
81 wager from any location in Mississippi, and accepted by a platform
82 on behalf of the holder of a Mississippi gaming license.

83 (m) "Platform" means a person or entity that operates
84 an online sports pool, online race book, or both on behalf of the
85 holder of a gaming license.



86 (n) "Race book" means the business of accepting wagers
87 upon the outcome of any event held at a track which uses the
88 pari-mutuel system of wagering as defined in Section 75-76-5.

89 (o) "Sporting event" means any amateur sport or
90 athletic event, professional sport or athletic event, collegiate
91 sport or athletic event, motor race event, electronic sports
92 event, competitive video game event, or any other event authorized
93 by the Mississippi Gaming Control Act or the commission for
94 wagering under this act.

95 (p) "Sports pool" means the same as the term is defined
96 in Section 75-76-5 and includes the business of accepting wagers
97 on sporting events by any system of wagering including, but not
98 limited to, single-game bets, teaser bets, parlays, over-under,
99 moneyline, pools, exchange-wagering, in-game wagering, in-play
100 bets, proposition bets, and straight bets. The term does not
101 include fantasy contests as defined in Section 97-33-303.

102 **SECTION 3.** (1) Online sports pools and online race books
103 shall be legal in the State of Mississippi as provided by this
104 act. The provisions of this act shall not be construed to
105 authorize or legalize interactive gaming in the State of
106 Mississippi rather all forms of interactive gaming are expressly
107 prohibited and are illegal in the State of Mississippi, punishable
108 pursuant to the provisions of Section 97-33-1 and other applicable
109 laws. Further, if any person or platform is found by the
110 commission to have engaged in any form of illegal gaming,



111 including, but not limited to, any form of interactive gaming,
112 then such person and platform will be subject to action by the
113 Mississippi Gaming Commission in accordance with Section 75-76-67.
114 These restrictions will be applied whether the platform or person
115 is found to have engaged in such illegal activity in Mississippi
116 or in any other jurisdiction.

117 (2) (a) A platform that operates an online sports pool,
118 online race book, or both on behalf of the holder of a gaming
119 license in this state must obtain a manufacturer's and
120 distributor's license from the commission in order to offer such
121 services, and such license will be conditioned upon platform
122 abiding by all laws and regulations governing such activities. A
123 platform that already possesses a manufacturer's and distributor's
124 license in the state shall be permitted to operate under the
125 existing license subject to any technical approvals required by
126 the commission to operate an online sports pool, online race book,
127 or both.

128 (b) The licensed gaming establishment, including a
129 platform that operates an online sports pool, online race book or
130 both on behalf of the holder of a gaming licensee, shall report
131 all gaming revenue and pay all taxes for such revenue as provided
132 by state law.

133 (3) A platform that operates an online sports pool, online
134 race book, or both on behalf of the holder of a gaming license in



135 this state shall be lawfully conducting business in this state in
136 order to comply with the provisions of this act.

137 (4) Application for licensure shall be made to the executive
138 director on forms furnished by the executive director and in
139 accordance with the commission's regulations regarding
140 manufacturer's and distributor's licenses.

141 No platform will be issued a gaming license, rather it shall
142 be required to contract with a licensed casino operator in order
143 to conduct online sports pool or online race book activities in
144 Mississippi. The commission shall only issue a gaming license to
145 a legal gaming establishment located on a premises in a county
146 where gaming may be conducted in accordance with Mississippi law
147 that is operating a casino in a county that has not prohibited
148 gaming by a referendum vote of registered voters pursuant to
149 Section 19-3-79. Should a gaming license expire, be revoked or be
150 suspended, then all such online activities associated with that
151 gaming license will cease until such time that the commission
152 renews the license or issues an order allowing the gaming licensee
153 to recommence its gaming operations.

154 (5) The contractual terms between a licensed gaming operator
155 and the licensed platform shall be consistent with Mississippi
156 law, including, but not limited to, the terms of this Act.

157 (6) The commission shall, from time to time, adopt, amend or
158 repeal such regulations, consistent with the policy, objects and
159 purposes of this chapter, as it may deem necessary or desirable in



160 the public interest in carrying out the policy and provisions of
161 this chapter. The commission shall comply with the Mississippi
162 Administrative Procedures Law when adopting, amending or repealing
163 any regulations authorized under this section or under any other
164 provision of this chapter.

165 (7) The Commission shall promulgate rules and regulations
166 that require a licensee to implement responsible sport betting
167 programs. Such rules and regulations shall require a licensee to
168 develop a strategic implementation plan with details as to:

169 (a) The use of player data and technology to aid in
170 identifying potential problem gamblers;

171 (b) The use of automated triggers to identify and
172 manage accounts or potential problem gamblers; and

173 (c) The levels of intervention and education
174 provided to identify at-risk players, which shall include at a
175 minimum:

176 (i) A first phase involving communications
177 with the individual in order to educate him or her on the
178 availability of various responsible gaming features and resources
179 offered by the licensee;

180 (ii) A second phase that includes a video
181 tutorial displayed to the individual either as one or multiple
182 videos that provides education on the features and resources
183 available; and



184 (iii) A third phase, when warranted, that includes
185 access to a list of responsible gaming professionals provided by
186 the licensee to advise the individual on possible corrective
187 actions to address at-risk behavior.

188 **SECTION 4.** (1) Each licensed establishment may enter into
189 contracts with no more than two (2) platforms to operate an online
190 sports pool and no more than two (2) online race book platforms to
191 operate online race book. Each platform may, but is not required
192 to, offer both an online sports pool and an online race book. No
193 platform, individually or collectively with any other platform or
194 other party, shall take any action that would restrict or limit a
195 single casino license holder, or a group of casino license
196 holders, from offering online sports pool or online race book
197 services to customers. The commission shall maintain a list of
198 licensed platforms to be made available to licensed casino
199 operators. If a platform receives a request from a licensed
200 casino operator to discuss business terms related to providing
201 online sports pool or online race book services to its customers,
202 then the platform will engage in good-faith discussions with the
203 licensed casino operator. The platform will be subject to
204 Sections 75-76-157 through 75-76-173 and subject to regulations
205 authorized under this act, as well as the Mississippi Gaming
206 Control Act, which may require a platform to appear before the
207 commission or in a court proceeding to respond to any player
208 dispute or an order to show cause issued by the commission.



209 Notwithstanding any provision of law to the contrary, a platform
210 may, on behalf of its gaming license holder, determine whether to
211 accept or reject wagers, determine the results of wagers, and
212 payout winning wagers.

213 (2) A platform, on behalf of the holder of a gaming license
214 in this state, may accept online sports pool and online race book
215 wagers placed over the Internet, including on websites and the use
216 of a personal computer, mobile phone, or other interactive device
217 used by an individual to place a sports pool or race book wager,
218 subject to the following:

219 (a) All players shall establish a wagering account and
220 an initial identification and age verification shall be conducted
221 before any wager by the player may be accepted by the platform. A
222 player may establish a wagering account with a platform in person
223 at a licensed establishment or over the Internet, including on
224 websites and mobile or interactive devices.

225 (b) A platform, on behalf of the holder of a gaming
226 license in this state, shall accept wagers only from players
227 located in Mississippi. A platform shall maintain geofencing or
228 geolocating services and pay all costs and responsibilities
229 related to such services required by the commission. Servers,
230 including the use of backup servers, may be located outside of
231 this state, consistent with federal law. To the extent required
232 by federal law, a platform shall maintain in this state the
233 servers it uses to accept wagers on an online sports pool or



234 online race book placed by bettors located in this state. A
235 platform shall comply with all identification verification
236 requirements and will take other commercially reasonable steps to
237 prevent compulsive and problem gaming and to ensure that no person
238 who is restricted or who is ineligible to participate in online
239 gaming is able to use the platform to place bets or wagers on
240 events.

241 (c) A platform shall take commercially reasonable steps
242 to prevent any person who is self-excluded from entering a gaming
243 property in Mississippi from opening an online wagering account.
244 The Mississippi Gaming Commission shall maintain this list of
245 individuals and provide it to platforms on a regular basis.

246 (d) A platform, in addition, shall take commercially
247 reasonable steps to ensure that any person who is a player, a
248 coach, umpire, or referee or who is otherwise associated with a
249 collegiate team or a professional team or an athletic event, are
250 prohibited from wagering on sporting events for which they are
251 affiliated. The Mississippi Gaming Commission shall maintain this
252 list of individuals and provide it to platforms on a regular
253 basis.

254 The platform should further alert customers that violating
255 this restriction or aiding any person who is a minor, a
256 self-excluded person or any other person who is otherwise
257 restricted from wagering online to circumvent such restrictions
258 (either intentionally or in failing to use reasonable steps to



259 properly secure a device), shall be disqualified from
260 participating in any form or online gaming thereafter.

261 (e) A person under the age of twenty-one (21) years
262 shall not play, be allowed to play, place wagers, or collect
263 winnings, whether personally or through an agent, from any online
264 sports pool or online race book authorized under this chapter.

265 (f) A platform shall comply with all identification
266 verification and compulsive and problem gambling protections set
267 forth in law or rule.

268 (3) Subject to the regulations of the commission, a platform
269 shall report to the commission:

270 (a) Any criminal proceeding commenced against the
271 platform or its employees in connection with the platform's
272 operations in Mississippi.

273 (b) Any abnormal betting activity or patterns that may
274 indicate a concern about the integrity of a sporting event or
275 athletic event.

276 (c) Any other conduct indicating corruption of the
277 betting outcome of a sporting event or athletic event for
278 financial gain, including, but not limited to, match fixing as
279 well as any restricted person wagering on an event in which they
280 are participating or otherwise affiliated.

281 (d) Suspicious or illegal wagering activities,
282 including the use of funds derived from illegal activity, wagers
283 to conceal or launder funds derived from illegal activity, use of



284 agents to place wagers, or use of false identification. In such a
285 case where information reported from paragraphs (a) through (d),
286 the platform shall work together with the licensed casino operator
287 and the commission to investigate such matters and to ensure that
288 the accounts affected by or associated with such circumstances are
289 suspended at least until such time that the commission is able to
290 fully investigate the matters and determine the appropriate
291 enforcement action.

292 (4) A dispute over winnings with respect to an online race
293 book or online sports pool shall be resolved under the procedures
294 set forth in Sections 75-76-157 through 75-76-173.

295 **SECTION 5.** Gross revenue from a platform operating an online
296 race book or an online sports pool on behalf of the holder of a
297 gaming license shall be subject to the license fees and credits
298 under Sections 75-76-177, 75-76-179, 75-76-181 and 75-76-185.

299 **SECTION 6.** Section 97-33-17, Mississippi Code of 1972, is
300 amended as follows:

301 97-33-17. (1) All monies exhibited for the purpose of
302 betting or alluring persons to bet at any game, and all monies
303 staked or betted, shall be liable to seizure by any sheriff,
304 constable, or police officer, together with all the appliances
305 used or kept for use in gambling, or by any other person; and all
306 the monies so seized shall be accounted for by the person making
307 the seizure, and all appliances seized shall be destroyed;



308 provided, however, this section shall not apply to betting, gaming
309 or wagering * * *:

310 (a) On a cruise vessel as defined in Section 27-109-1
311 whenever such vessel is in the waters within the State of
312 Mississippi, which lie adjacent to the State of Mississippi south
313 of the three (3) most southern counties in the State of
314 Mississippi, including the Mississippi Sound, St. Louis Bay,
315 Biloxi Bay and Pascagoula Bay, and in which the registered voters
316 of the county in which the port is located have not voted to
317 prohibit such betting, gaming or wagering on cruise vessels as
318 provided in Section 19-3-79;

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

324 (i) The structure is owned, leased or controlled
325 by a person possessing a gaming license, as defined in Section
326 75-76-5, to conduct legal gaming on a cruise vessel under
327 paragraph (a) of this subsection;

328 (ii) The part of the structure in which licensed
329 gaming activities are conducted is located entirely in an area
330 which is located no more than eight hundred (800) feet from the
331 mean high water line (as defined in Section 29-15-1) of the waters
332 within the State of Mississippi, which lie adjacent to the State



333 of Mississippi south of the three (3) most southern counties in
334 the State of Mississippi, including the Mississippi Sound, St.
335 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
336 Harrison County only, no farther north than the southern boundary
337 of the right-of-way for U.S. Highway 90, whichever is greater; and

338 (iii) In the case of a structure that is located
339 in whole or part on shore, the part of the structure in which
340 licensed gaming activities are conducted shall lie adjacent to
341 state waters south of the three (3) most southern counties in the
342 State of Mississippi, including the Mississippi Sound, St. Louis
343 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
344 structure is located consists of a parcel of real property,
345 easements and rights-of-way for public streets and highways shall
346 not be construed to interrupt the contiguous nature of the parcel,
347 nor shall the footage contained within the easements and
348 rights-of-way be counted in the calculation of the distances
349 specified in subparagraph (ii) * * *;

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

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



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

362 **SECTION 7.** Section 75-76-5, Mississippi Code of 1972, is
363 amended as follows:

364 75-76-5. As used in this chapter, unless the context
365 requires otherwise:

366 (a) "Applicant" means any person who has applied for or
367 is about to apply for a state gaming license, registration or
368 finding of suitability under the provisions of this chapter or
369 approval of any act or transaction for which approval is required
370 or permitted under the provisions of this chapter.

371 (b) "Application" means a request for the issuance of a
372 state gaming license, registration or finding of suitability under
373 the provisions of this chapter or for approval of any act or
374 transaction for which approval is required or permitted under the
375 provisions of this chapter but does not include any supplemental
376 forms or information that may be required with the application.

377 (c) "Associated equipment" means any equipment or
378 mechanical, electromechanical or electronic contrivance, component
379 or machine used remotely or directly in connection with gaming or
380 with any game, race book or sports pool that would not otherwise
381 be classified as a gaming device, including dice, playing cards,
382 links which connect to progressive slot machines, equipment which



383 affects the proper reporting of gross revenue, computerized
384 systems of betting at a race book or sports pool, computerized
385 systems for monitoring slot machines, and devices for weighing or
386 counting money.

387 (d) "Chairman" means the Chairman of the Mississippi
388 Gaming Commission except when used in the term "Chairman of the
389 State Tax Commission." "Chairman of the State Tax Commission" or
390 "commissioner" means the Commissioner of Revenue of the Department
391 of Revenue.

392 (e) "Commission" or "Mississippi Gaming Commission"
393 means the Mississippi Gaming Commission.

394 (f) "Commission member" means a member of the
395 Mississippi Gaming Commission.

396 (g) "Credit instrument" means a writing which evidences
397 a gaming debt owed to a person who holds a license at the time the
398 debt is created, and includes any writing taken in consolidation,
399 redemption or payment of a prior credit instrument.

400 (h) "Enforcement division" means a particular division
401 supervised by the executive director that provides enforcement
402 functions.

403 (i) "Establishment" means any premises wherein or
404 whereon any gaming is done.

405 (j) "Executive director" means the Executive Director
406 of the Mississippi Gaming Commission.



407 (k) Except as otherwise provided by law, "game," or
408 "gambling game" means any banking or percentage game played with
409 cards, with dice or with any mechanical, electromechanical or
410 electronic device or machine for money, property, checks, credit
411 or any representative of value, including, without limiting, the
412 generality of the foregoing, faro, monte, roulette, keno, fan tan,
413 twenty one, blackjack, seven and a half, big injun, klondike,
414 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de
415 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
416 or any other game or device approved by the commission. However,
417 "game" or "gambling game" shall not include bingo games or raffles
418 which are held pursuant to the provisions of Section 97-33-51, or
419 the illegal gambling activities described in Section 97-33-8.

420 The commission shall not be required to recognize any game
421 hereunder with respect to which the commission determines it does
422 not have sufficient experience or expertise.

423 (1) "Gaming" or "gambling" means to deal, operate,
424 carry on, conduct, maintain or expose for play any game as defined
425 in this chapter.

426 (m) "Gaming device" means any mechanical,
427 electromechanical or electronic contrivance, component or machine
428 used in connection with gaming or any game which affects the
429 result of a wager by determining win or loss. The term includes a
430 system for processing information which can alter the normal
431 criteria of random selection, which affects the operation of any



432 game, or which determines the outcome of a game. The term does
433 not include a system or device which affects a game solely by
434 stopping its operation so that the outcome remains undetermined,
435 and does not include any antique coin machine as defined in
436 Section 27-27-12.

437 (n) "Gaming employee" means any person connected
438 directly with the operation of a gaming establishment licensed to
439 conduct any game, including:

- 440 (i) Boxmen;
- 441 (ii) Cashiers;
- 442 (iii) Change personnel;
- 443 (iv) Counting room personnel;
- 444 (v) Dealers;
- 445 (vi) Floormen;
- 446 (vii) Hosts or other persons empowered to extend
447 credit or complimentary services;
- 448 (viii) Keno runners;
- 449 (ix) Keno writers;
- 450 (x) Machine mechanics;
- 451 (xi) Security personnel;
- 452 (xii) Shift or pit bosses;
- 453 (xiii) Shills;
- 454 (xiv) Supervisors or managers; and
- 455 (xv) Ticket writers.



456 The term "gaming employee" also includes employees of
457 manufacturers or distributors of gaming equipment within this
458 state whose duties are directly involved with the manufacture,
459 repair or distribution of gaming equipment.

460 "Gaming employee" does not include bartenders, cocktail
461 waitresses or other persons engaged in preparing or serving food
462 or beverages unless acting in some other capacity.

463 (o) "Gaming license" means any license issued by the
464 state which authorizes the person named therein to engage in
465 gaming.

466 (p) "Gross revenue" means the total of all of the
467 following, less the total of all cash paid out as losses to
468 patrons and those amounts paid to purchase annuities to fund
469 losses paid to patrons over several years by independent financial
470 institutions:

471 (i) Cash received as winnings;

472 (ii) Cash received in payment for credit extended
473 by a licensee to a patron for purposes of gaming; and

474 (iii) Compensation received for conducting any
475 game in which the licensee is not party to a wager.

476 For the purposes of this definition, cash or the value of
477 noncash prizes awarded to patrons in a contest or tournament are
478 not losses.

479 The term does not include:

480 (i) Counterfeit money or tokens;



481 (ii) Coins of other countries which are received
482 in gaming devices;

483 (iii) Cash taken in fraudulent acts perpetrated
484 against a licensee for which the licensee is not reimbursed; or

485 (iv) Cash received as entry fees for contests or
486 tournaments in which the patrons compete for prizes.

487 (q) "Hearing examiner" means a member of the
488 Mississippi Gaming Commission or other person authorized by the
489 commission to conduct hearings.

490 (r) "Investigation division" means a particular
491 division supervised by the executive director that provides
492 investigative functions.

493 (s) "License" means a gaming license or a
494 manufacturer's, seller's or distributor's license.

495 (t) "Licensee" means any person to whom a valid license
496 has been issued.

497 (u) "License fees" means monies required by law to be
498 paid to obtain or continue a gaming license or a manufacturer's,
499 seller's or distributor's license.

500 (v) "Licensed gaming establishment" means any premises
501 licensed pursuant to the provisions of this chapter wherein or
502 whereon gaming is done.

503 (w) "Manufacturer's," "seller's" or "distributor's"
504 license means a license issued pursuant to Section 75-76-79.



505 (x) "Navigable waters" shall have the meaning ascribed
506 to such term under Section 27-109-1.

507 (y) "Operation" means the conduct of gaming.

508 (z) "Party" means the Mississippi Gaming Commission and
509 any licensee or other person appearing of record in any proceeding
510 before the commission; or the Mississippi Gaming Commission and
511 any licensee or other person appearing of record in any proceeding
512 for judicial review of any action, decision or order of the
513 commission.

514 (aa) "Person" includes any association, corporation,
515 firm, partnership, trust or other form of business association as
516 well as a natural person.

517 (bb) "Premises" means land, together with all
518 buildings, improvements and personal property located thereon, and
519 includes all parts of any vessel or cruise vessel.

520 (cc) "Race book" means the business of accepting wagers
521 upon the outcome of any event held at a track which uses the
522 pari-mutuel system of wagering and includes "online race book" as
523 defined by this act.

524 (dd) "Regulation" means a rule, standard, directive or
525 statement of general applicability which effectuates law or policy
526 or which describes the procedure or requirements for practicing
527 before the commission. The term includes a proposed regulation
528 and the amendment or repeal of a prior regulation but does not
529 include:



530 (i) A statement concerning only the internal
531 management of the commission and not affecting the rights or
532 procedures available to any licensee or other person;

533 (ii) A declaratory ruling;

534 (iii) An interagency memorandum;

535 (iv) The commission's decision in a contested case
536 or relating to an application for a license; or

537 (v) Any notice concerning the fees to be charged
538 which are necessary for the administration of this chapter.

539 (ee) "Respondent" means any licensee or other person
540 against whom a complaint has been filed with the commission.

541 (ff) "Slot machine" means any mechanical, electrical or
542 other device, contrivance or machine which, upon insertion of a
543 coin, token or similar object, or upon payment of any
544 consideration, is available to play or operate, the play or
545 operation of which, whether by reason of the skill of the operator
546 or application of the element of chance, or both, may deliver or
547 entitle the person playing or operating the machine to receive
548 cash, premiums, merchandise, tokens or anything of value, whether
549 the payoff is made automatically from the machine or in any other
550 manner. The term does not include any antique coin machine as
551 defined in Section 27-27-12.

552 (gg) "Sports pool" means the business of accepting
553 wagers on collegiate or professional sporting events or athletic
554 events, by any system or method of wagering other than the system



555 known as the "pari-mutuel method of wagering * * *, and includes
556 "online sports pool" as defined by this act.

557 (hh) "State Tax Commission" or "department" means the
558 Department of Revenue of the State of Mississippi.

559 (ii) "Temporary work permit" means a work permit which
560 is valid only for a period not to exceed ninety (90) days from its
561 date of issue and which is not renewable.

562 (jj) "Vessel" or "cruise vessel" shall have the
563 meanings ascribed to such terms under Section 27-109-1.

564 (kk) "Work permit" means any card, certificate or
565 permit issued by the commission, whether denominated as a work
566 permit, registration card or otherwise, authorizing the employment
567 of the holder as a gaming employee. A document issued by any
568 governmental authority for any employment other than gaming is not
569 a valid work permit for the purposes of this chapter.

570 (ll) "School or training institution" means any school
571 or training institution which is licensed by the commission to
572 teach or train gaming employees pursuant to Section 75-76-34.

573 (mm) "Cheat" means to alter the selection of criteria
574 that determine:

575 (i) The rules of a game; or

576 (ii) The amount or frequency of payment in a game.

577 (nn) "Promotional activity" means an activity or event
578 conducted or held for the purpose of promoting or marketing the
579 individual licensed gaming establishment that is engaging in the



580 promotional activity. The term includes, but is not limited to, a
581 game of any kind other than as defined in paragraph (k) of this
582 section, a tournament, a contest, a drawing, or a promotion of any
583 kind.

584 **SECTION 8.** Section 75-76-33, Mississippi Code of 1972, is
585 amended as follows:

586 75-76-33. (1) The commission shall, from time to time,
587 adopt, amend or repeal such regulations, consistent with the
588 policy, objects and purposes of this chapter, as it may deem
589 necessary or desirable in the public interest in carrying out the
590 policy and provisions of this chapter. The commission shall
591 comply with the Mississippi Administrative Procedures Law when
592 adopting, amending or repealing any regulations authorized under
593 this section or under any other provision of this chapter.

594 (2) These regulations shall, without limiting the general
595 powers herein conferred, include the following:

596 (a) Prescribing the method and form of application
597 which any applicant for a license or for a manufacturer's,
598 seller's or distributor's license must follow and complete before
599 consideration of his application by the executive director or the
600 commission.

601 (b) Prescribing the information to be furnished by any
602 applicant or licensee concerning his antecedents, habits,
603 character, associates, criminal record, business activities and
604 financial affairs, past or present.



605 (c) Prescribing the information to be furnished by a
606 licensee relating to his employees.

607 (d) Requiring fingerprinting of an applicant or
608 licensee, and gaming employees of a licensee, or other methods of
609 identification and the forwarding of all fingerprints taken
610 pursuant to regulation of the Federal Bureau of Investigation.

611 (e) Prescribing the manner and procedure of all
612 hearings conducted by the commission or any hearing examiner of
613 the commission, including special rules of evidence applicable
614 thereto and notices thereof.

615 (f) Requiring any applicant to pay all or any part of
616 the fees and costs of investigation of such applicant as may be
617 determined by the commission under paragraph (g) of this
618 subsection (2).

619 (g) Prescribing the amounts of investigative fees only
620 as authorized by regulations of the commission under paragraph (f)
621 of this subsection, and collecting those fees. The commission
622 shall adopt regulations setting the amounts of those fees at
623 levels that will provide the commission with sufficient revenue,
624 when combined with any other monies as may be deposited into the
625 Mississippi Gaming Commission Fund created in Section 75-76-325,
626 to carry out the provisions of this chapter without any state
627 general funds. In calculating the amount of such fees, the
628 commission shall:



629 (i) Attempt to set the fees at levels that will
630 create a balance in the Mississippi Gaming Commission Fund that
631 does not exceed, at the end of any state fiscal year, two percent
632 (2%) of the projected amount of funds that will provide the
633 commission with such sufficient revenue; and

634 (ii) Demonstrate the reasonableness of the
635 relationship between a fee and the actual costs of the
636 investigative activity for which the fee is being prescribed.

637 (h) Prescribing the manner and method of collection and
638 payment of fees and issuance of licenses.

639 (i) Prescribing under what conditions a licensee may be
640 deemed subject to revocation or suspension of his license.

641 (j) Requiring any applicant or licensee to waive any
642 privilege with respect to any testimony at any hearing or meeting
643 of the commission, except any privilege afforded by the
644 Constitution of the United States or this state.

645 (k) Defining and limiting the area, games and devices
646 permitted, and the method of operation of such games and devices,
647 for the purposes of this chapter.

648 (l) Prescribing under what conditions the nonpayment of
649 a gambling debt by a licensee shall be deemed grounds for
650 revocation or suspension of his license.

651 (m) Governing the use and approval of gambling devices
652 and equipment.



653 (n) Prescribing the qualifications of, and the
654 conditions under which, attorneys, accountants and others are
655 permitted to practice before the commission.

656 (o) Restricting access to confidential information
657 obtained under this chapter and ensuring that the confidentiality
658 of such information is maintained and protected.

659 (p) Prescribing the manner and procedure by which the
660 executive director on behalf of the commission shall notify a
661 county or a municipality wherein an applicant for a license
662 desires to locate.

663 (q) Prescribing the manner and procedure for an
664 objection to be filed with the commission and the executive
665 director by a county or municipality wherein an applicant for a
666 license desires to locate.

667 (3) Notwithstanding any other provision of law, each
668 licensee shall be required to comply with the regulation that no
669 wager may be placed by, or on behalf of, any individual or entity
670 or group, not present on a licensed vessel or cruise vessel,
671 except through an online sports pool or online race book, or as
672 otherwise provided by this act.

673 (4) From and after July 1, 2016, the expenses of this agency
674 shall be defrayed by appropriation from the State General Fund and
675 all user charges and fees authorized under this section shall be
676 deposited into the State General Fund as authorized by law.



677 (5) From and after July 1, 2016, no state agency shall
678 charge another state agency a fee, assessment, rent or other
679 charge for services or resources received by authority of this
680 section.

681 **SECTION 9.** Section 75-76-89, Mississippi Code of 1972, is
682 amended as follows:

683 75-76-89. (1) Except as otherwise provided in subsection
684 (* * *2) of this section, all licenses issued to the same person,
685 including a wholly owned subsidiary of that person, for the
686 operation of any game, including a sports pool or race book,
687 whether online or in person, which authorize gaming at the same
688 establishment must be merged into a single gaming license. A
689 gaming license may not be issued to any person if the issuance
690 would result in more than one (1) licensed operation at a single
691 establishment, unless authorized by this act whether or not the
692 profits or revenue from gaming are shared between the licensed
693 operations. This shall in no way be interpreted to mean that a
694 platform is the holder of a gaming license.

695 (2) A person who has been issued a gaming license may
696 establish a sports pool or race book on the premises of the
697 establishment at which he or she conducts a gaming operation only
698 after obtaining permission from the executive director which
699 permission shall be subject to approval of the terms of any
700 contracts to ensure compliance with state gaming laws entered by



701 the gaming licensee with a licensed platform and any other such
702 third parties providing related services.

703 **SECTION 10.** Section 75-76-91, Mississippi Code of 1972, is
704 amended as follows:

705 75-76-91. (1) All licenses issued under the provisions of
706 this chapter must be posted by the licensee and kept posted at all
707 times in a conspicuous place in the establishment for which issued
708 until replaced by a succeeding license. The gaming licensee shall
709 also conspicuously post the license for the platform used in its
710 establishment.

711 (2) All licenses may be inspected by authorized state,
712 county and municipal officials.

713 **SECTION 11.** Section 75-76-203, Mississippi Code of 1972, is
714 amended as follows:

715 75-76-203. In order to be eligible to receive a state gaming
716 license, a corporation shall:

717 (a) Be incorporated:

718 (i) In the State of Mississippi, although such
719 corporation may be a wholly or partly owned subsidiary of a
720 corporation which is chartered in another state of the United
721 States; or

722 (ii) In another state of the United States, if all
723 persons having any direct or indirect interest of any nature in
724 such corporation are licensed as required by this chapter and any
725 applicable regulations of the commission;



726 (b) Maintain an office of the corporation on the
727 licensed premises, except for any platform that operates on behalf
728 of a holder of a gaming license in this state;

729 (c) Comply with all of the requirements of the laws of
730 the State of Mississippi pertaining to corporations; and

731 (d) Maintain a ledger in the principal office of the
732 corporation in Mississippi, which shall:

733 (i) At all times reflect the ownership of every
734 class of security issued by the corporation; and

735 (ii) Be available for inspection by the commission
736 or the executive director or his employees at all reasonable times
737 without notice.

738 **SECTION 12.** Section 75-76-205, Mississippi Code of 1972, is
739 brought forward as follows:

740 75-76-205. No domestic corporation is eligible to receive a
741 gaming license unless it is in good standing in this state. No
742 foreign corporation is eligible to receive a gaming license unless
743 it qualifies to do business in this state.

744 **SECTION 13.** Section 75-76-211, Mississippi Code of 1972, is
745 brought forward as follows:

746 75-76-211. All officers and directors of the corporation
747 which holds or applies for a state gaming license must be licensed
748 individually, according to the provisions of this chapter; and if,
749 in the judgment of the commission, the public interest will be
750 served by requiring any or all of the corporation's individual



751 stockholders, lenders, holders of evidences of indebtedness,
752 underwriters, key executives, agents or employees to be licensed,
753 the corporation shall require such persons to apply for a license
754 in accordance with the laws and requirements in effect at the time
755 the commission requires such licensing. A person who is required
756 to be licensed by this section shall apply for a license within
757 thirty (30) days after he becomes an officer or director. A
758 person who is required to be licensed pursuant to a decision of
759 the commission shall apply for a license within thirty (30) days
760 after the executive director requests him to do so.

761 **SECTION 14.** Section 75-76-55, Mississippi Code of 1972, is
762 brought forward as follows:

763 75-76-55. (1) Except as otherwise provided in Section
764 75-76-34, it is unlawful for any person, either as owner, lessee
765 or employee, whether for hire or not, either solely or in
766 conjunction with others, without having first procured and
767 thereafter maintaining in effect a state gaming license:

768 (a) To deal, operate, carry on, conduct, maintain or
769 expose for play in the State of Mississippi any gambling game,
770 including, without limitation, any gaming device, slot machine,
771 race book or sports pool;

772 (b) To provide or maintain any information service the
773 primary purpose of which is to aid the placing or making of wagers
774 on events of any kind; or



775 (c) To receive, directly or indirectly, any
776 compensation or reward or any percentage or share of the money or
777 property played, for keeping, running or carrying on any gambling
778 game, including, without limitation, any slot machine, gaming
779 device, race book or sports pool.

780 (2) Except as otherwise provided in Section 75-76-34, it is
781 unlawful for any person knowingly to permit any gambling game,
782 including, without limitation, any slot machine, gaming device,
783 race book or sports pool to be conducted, operated, dealt or
784 carried on in any house or building or other premises owned by
785 him, in whole or in part, by a person who is not licensed pursuant
786 to this chapter or by his employee.

787 **SECTION 15.** Section 75-76-79, Mississippi Code of 1972, is
788 amended as follows:

789 75-76-79. (1) (a) Except as otherwise provided in
790 paragraphs (b) and (c) of this subsection, it is unlawful for any
791 person, either as owner, lessee or employee, whether for hire or
792 not, to operate, carry on, conduct or maintain any form of
793 manufacture, selling or distribution of any gaming device for use
794 or play in Mississippi or for distribution outside of Mississippi
795 without first procuring and maintaining all required federal and
796 state licenses.

797 (b) A lessor who specifically acquires equipment for a
798 capital lease is not required to be licensed under this section.



799 (c) The holder of a state gaming license or the holding
800 company of a corporate licensee may, within two (2) years after
801 cessation of business or upon specific approval by the executive
802 director, dispose of by sale in a manner approved by the executive
803 director, any or all of its gaming devices, including slot
804 machines, without a distributor's license. In cases of bankruptcy
805 of a state gaming licensee or foreclosure of a lien by a bank or
806 other person holding a security interest for which gaming devices
807 are security, in whole or in part, for the lien, the executive
808 director may authorize the disposition of the gaming devices
809 without requiring a distributor's license.

810 (d) Any person whom the commission determines is a
811 suitable person to receive a license under the provisions of this
812 section may be issued a manufacturer's or distributor's license.
813 The burden of proving his qualification to receive or hold a
814 license under this section is at all times on the applicant or
815 licensee.

816 (e) Every person who must be licensed pursuant to this
817 section is subject to the provisions of Sections 75-76-199 through
818 75-76-265, unless exempted from those provisions by the
819 commission.

820 (f) The commission may exempt, for any purpose, a
821 manufacturer, seller or distributor from the provisions of
822 Sections 75-76-199 through 75-76-265, if the commission determines



823 that the exemption is consistent with the purposes of this
824 chapter.

825 (g) As used in this section, "holding company" has the
826 meaning ascribed to it in Section 75-76-199.

827 (2) If the commission determines that a manufacturer or
828 distributor is unsuitable to receive or hold a license:

829 (a) No new gaming device or associated equipment
830 manufactured by the manufacturer or distributed by the distributor
831 may be approved;

832 (b) Any previously approved device or associated
833 equipment manufactured by the manufacturer or distributed by the
834 distributor is subject to revocation of approval if the reasons
835 for the denial of the license also apply to that device or
836 associated equipment;

837 (c) No new device or associated equipment manufactured
838 by the manufacturer or distributed by the distributor may be sold,
839 transferred or offered for use or play in Mississippi; and

840 (d) Any association or agreement between the
841 manufacturer or distributor and a licensee must be terminated,
842 unless otherwise provided by the commission. An agreement between
843 such a manufacturer or distributor of gaming devices or associated
844 equipment and a licensee shall be deemed to include a provision
845 for its termination without liability on the part of the licensee
846 upon a finding by the commission that the manufacturer is
847 unsuitable to be associated with a gaming enterprise. Failure to



848 include that condition in the agreement is not a defense in any
849 action brought pursuant to this section to terminate the
850 agreement.

851 (3) Failure of a licensee to terminate any association or
852 agreement with a manufacturer or distributor of gaming devices or
853 associated equipment after receiving notice of a determination of
854 unsuitability, the denial of a license or failure to file a timely
855 application for a license, is an unsuitable method of operation.

856 (4) There is hereby imposed and levied on each applicant for
857 a manufacturer's, seller's or distributor's license under this
858 section an annual license fee in the following amount:

859 (a) For the issuance or continuation of a
860 manufacturer's license, One Thousand Dollars (\$1,000.00).

861 (b) For the issuance or continuation of a seller's or
862 distributor's license, Five Hundred Dollars (\$500.00).

863 This fee is to be paid by the applicant to the * * *
864 Department of Revenue on or before the filing of the application
865 for a manufacturer's, seller's or distributor's license by the
866 applicant. Upon such payment the * * * Commissioner of Revenue
867 shall certify to the executive director that such fee has been
868 paid by the applicant.

869 Except for those amounts that a person issued a
870 manufacturer's license under this section may charge for goods
871 supplied or services rendered, the person holding the
872 manufacturer's license may not be directly reimbursed by a holder



873 of a gaming license for the cost of any fee paid by the person for
874 the issuance or continuation of such a license, whether imposed
875 under this section or any other provision of this chapter.

876 (5) A manufacturer or distributor of associated equipment
877 who sells, transfers or offers the associated equipment for use or
878 play in Mississippi may be required by the executive director to
879 file an application for a finding of suitability to be a
880 manufacturer or distributor of associated equipment.

881 Any person who directly or indirectly involves himself in the
882 sale, transfer or offering for use or play in Mississippi of
883 associated equipment who is not otherwise required to be licensed
884 as a manufacturer or distributor may be required by the executive
885 director to file an application for a finding of suitability to be
886 a manufacturer or distributor of associated equipment.

887 If an application for a finding of suitability is not
888 submitted within thirty (30) days after demand by the executive
889 director, he may pursue any remedy or combination of remedies
890 provided in this chapter.

891 (6) The executive director and his employees may inspect
892 every gaming device which is manufactured, sold or distributed:

893 (a) For use in this state, before the gaming device is
894 put into play.

895 (b) In this state for use outside this state, before
896 the gaming device is shipped out of this state.



897 The executive director may inspect every gaming device which
898 is offered for play within this state by a licensee.

899 The executive director may inspect all associated equipment
900 which is manufactured, sold or distributed for use in this state
901 before the equipment is installed or used by a gaming licensee.

902 In addition to all other fees and charges imposed by this
903 chapter, the executive director may determine an inspection fee
904 with regard to each manufacturer, seller or distributor which must
905 not exceed the actual cost of inspection and investigation. Upon
906 such determination, the executive director shall certify to the
907 * * * Commissioner of Revenue the amount of the inspection fee
908 and the name and address of the applicant. Upon such
909 certification the * * * Department of Revenue shall proceed to
910 assess and collect such inspection fee from the applicant.

911 **SECTION 16.** Section 75-76-101, Mississippi Code of 1972, is
912 amended as follows:

913 75-76-101. (1) All gaming must be conducted with chips,
914 tokens or other instrumentalities approved by the executive
915 director or with the legal tender of the United States.

916 (2) Except for an online sports pool or online race book, no
917 licensee shall permit participation by a person in a game
918 conducted in the licensed gaming establishment if such person is
919 not physically present in the licensed gaming establishment during
920 the period of time when such game is being conducted, and all



921 games and the participation of patrons therein shall be entirely
922 located and conducted on the licensed premises.

923 **SECTION 17.** Section 75-76-175, Mississippi Code of 1972, is
924 amended as follows:

925 75-76-175. (1) A credit instrument accepted on or after
926 June 29, 1991, is valid and may be enforced by legal process.

927 (2) A licensee or a person acting on the licensee's behalf
928 may accept an incomplete credit instrument which:

929 (a) Is signed by a patron; and

930 (b) States the amount of the debt in figures.

931 Such licensee or person acting on the licensee's behalf * * *
932 may complete the instrument as is necessary for the instrument to
933 be presented for payment.

934 (3) A licensee or person acting on behalf of a licensee:

935 (a) May accept a credit instrument that is dated later
936 than the date of its execution if that later date is furnished at
937 the time of the execution of the credit instrument by the patron.

938 (b) May not accept a credit instrument which is
939 incomplete, except as authorized by subsection (2) of this
940 section.

941 (c) May accept a credit instrument that is payable to
942 an affiliated company or may complete a credit instrument in the
943 name of an affiliated company as payee if the credit instrument
944 otherwise complies with this subsection and the records of the



945 affiliated company pertaining to the credit instrument are made
946 available to the executive director upon request.

947 (4) This section does not prohibit the establishment of an
948 account by a deposit of cash, recognized traveler's check, or any
949 other instruments which is equivalent to cash.

950 (5) Any person who violates the provisions of this section
951 is subject only to the penalties provided in Sections 75-76-103
952 through 75-76-119, inclusive.

953 (6) The commission may adopt regulations prescribing the
954 conditions under which a credit instrument may be redeemed or
955 presented to a bank for collection or payment.

956 **SECTION 18.** Section 75-76-177, Mississippi Code of 1972, is
957 amended as follows:

958 75-76-177. (1) From and after August 1, 1990, there is
959 hereby imposed and levied on each gaming licensee a license fee
960 based upon all the gross revenue of the licensee as follows:

961 (a) Four percent (4%) of all the gross revenue of the
962 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)
963 per calendar month;

964 (b) Six percent (6%) of all the gross revenue of the
965 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per
966 calendar month and does not exceed One Hundred Thirty four
967 Thousand Dollars (\$134,000.00) per calendar month; and



968 (c) Eight percent (8%) of all the gross revenue of the
969 licensee which exceeds One Hundred Thirty four Thousand Dollars
970 (\$134,000.00) per calendar month.

971 (2) All revenue received from any game or gaming device
972 which is leased for operation on the premises of the licensee
973 owner to a person other than the owner thereof or which is located
974 in an area or space on such premises which is leased by the
975 licensee owner to any such person, must be attributed to the owner
976 for the purposes of this section and be counted as part of the
977 gross revenue of the owner. The lessee is liable to the owner for
978 his proportionate share of such license fees.

979 (3) If the amount of license fees required to be reported
980 and paid pursuant to this section is later determined to be
981 greater or less than the amount actually reported and paid by the
982 licensee, the * * * Commissioner of Revenue shall:

983 (a) Assess and collect the additional license fees
984 determined to be due, with interest thereon until paid; or

985 (b) Refund any overpayment, with interest thereon, to
986 the licensee.

987 Interest must be computed, until paid, at the rate of one
988 percent (1%) per month from the first day of the first month
989 following either the due date of the additional license fees or
990 the date of overpayment.



991 (4) Failure to pay the fees provided for in this section
992 when they are due for continuation of a license shall be deemed a
993 surrender of the license.

994 **SECTION 19.** Section 97-33-305, Mississippi Code of 1972, is
995 brought forward as follows:

996 97-33-305. (1) Fantasy contests are legal in this state. A
997 fantasy contest operator must comply with the provisions of this
998 section if the operator's total player roster for all fantasy
999 contests consists of one hundred (100) or more members of the
1000 general public.

1001 (2) A fantasy contest operator must implement commercially
1002 reasonable procedures for fantasy contests with an entry fee to:

1003 (a) Prevent employees of the operator, and relatives
1004 living in the same household with an employee of an operator, from
1005 competing in fantasy contests offered by an operator in which the
1006 operator offers a cash prize;

1007 (b) Prevent sharing with third parties of confidential
1008 information that could affect fantasy contest play until the
1009 information is made publicly available;

1010 (c) Prevent the operator from participating in a
1011 fantasy contest offered by the operator;

1012 (d) Verify that a fantasy contest player is eighteen
1013 (18) years of age or older except as required in Section
1014 97-33-307(5);



1015 (e) Ensure that individuals who participate or
1016 officiate in a sporting event or who own, manage or coach a team
1017 or player who participates in a sporting event will not knowingly
1018 be allowed to enter a fantasy contest that is determined, in whole
1019 or in part, on accumulated statistical results that include a
1020 sporting event in which the individual could be involved as an
1021 athlete, official, owner, manager or coach;

1022 (f) Allow individuals to restrict themselves from
1023 entering a fantasy contest upon request and provide reasonable
1024 steps to prevent the person from entering fantasy contests offered
1025 by the operator;

1026 (g) Disclose the number of entries that a player may
1027 submit to each fantasy contest and provide reasonable steps to
1028 prevent players from submitting more than the allowable number;

1029 (h) Restrict the number of entries submitted by a
1030 single player for any contest as follows:

1031 (i) An operator shall not allow a player to submit
1032 more than one (1) entry in a contest involving twelve (12) or
1033 fewer players.

1034 (ii) If the number of players in a contest is more
1035 than twelve (12) but fewer than thirty seven (37), an operator
1036 shall not allow a player to submit more than two (2) entries.

1037 (iii) If the number of players in a contest is at
1038 least thirty seven (37) but no more than one hundred (100), an



1039 operator shall not allow a player to submit more than three (3)
1040 entries.

1041 (iv) In any contest involving more than one
1042 hundred (100) players, an operator shall not allow a player to
1043 submit more than the lesser of:

- 1044 1. Three percent (3%) of all entries; or
- 1045 2. One hundred fifty (150) entries.

1046 (v) For all advertised fantasy contests, the
1047 operator must prominently include information about the maximum
1048 number of entries that may be submitted for that contest.

1049 (vi) An operator may establish fantasy contests in
1050 which there is no restriction on the number of entries, if those
1051 contests constitute less than two percent (2%) of the total number
1052 of contests it offers, and if the operator clearly discloses:

- 1053 1. That there are no limits on the number of
1054 entries by each player in the contest; and

- 1055 2. That the cost of participating in such a
1056 contest is Fifty Dollars (\$50.00) or more per entry;

- 1057 (i) Offer introductory procedures for players that are
1058 prominently displayed on the main page of the operator's platform
1059 to explain contest play and how to identify a highly experienced
1060 player;

- 1061 (j) Identify all highly experienced players in every
1062 fantasy contest by a symbol attached to the players' usernames, or



1063 by other easily visible means, on all platforms supported by the
1064 operator; and

1065 (k) Segregate fantasy contest player funds from
1066 operational funds or maintain a reserve in the form of cash, cash
1067 equivalents, payment processor reserves and receivables, an
1068 irrevocable letter of credit, a bond, or a combination thereof, in
1069 the amount of the total account balances of the fantasy contest
1070 players for the benefit and protection of the funds held in the
1071 accounts.

1072 (3) An operator shall not offer contests based on the
1073 performance of participants in collegiate, high school or youth
1074 sports events.

1075 (4) A fantasy contest operator offering fantasy contests
1076 with an entry fee in this state shall comply with audit procedures
1077 adopted by the commission to ensure compliance with this section.

1078 (5) (a) Advertisements for contests and prizes offered by
1079 an operator shall not target prohibited participants, minors, or
1080 self excluded persons.

1081 (b) Representations or implications about average
1082 winnings from contests shall not be unfair or misleading. Such
1083 representations shall include, at a minimum:

1084 (i) The median and mean net winnings of all
1085 players participating in contests offered by the operator; and



1086 (ii) The percentage of winnings awarded by the
1087 operator to highly experienced players participating in contests
1088 offered by the operator within the preceding calendar year.

1089 (6) Operators shall prohibit the use of third party scripts
1090 or scripting programs for any contest and ensure that measures are
1091 in place to deter, detect and, to the extent reasonably possible,
1092 prevent cheating, including collusion, and the use of cheating
1093 devices, including use of software programs that submit entry fees
1094 or adjust the athletes selected by a player.

1095 (7) The values of all prizes and awards offered to winning
1096 players must be established and made known to the players in
1097 advance of the contest.

1098 **SECTION 20.** Section 97-33-27, Mississippi Code of 1972, is
1099 amended as follows:

1100 97-33-27. If any person shall bet on a horse race or a yacht
1101 race or on a shooting match, he shall be fined not more than Five
1102 Hundred Dollars (\$500.00), and, unless the fine and costs be
1103 immediately paid, he shall be imprisoned in the county jail not
1104 more than ninety (90) days; provided, however, this section shall
1105 not apply to betting, gaming or wagering:

1106 (a) On a cruise vessel as defined in Section 27-109-1
1107 whenever such vessel is in the waters within the State of
1108 Mississippi, which lie adjacent to the State of Mississippi south
1109 of the three (3) most southern counties in the State of
1110 Mississippi, including the Mississippi Sound, St. Louis Bay,



1111 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1112 of the county in which the port is located have not voted to
1113 prohibit such betting, gaming or wagering on cruise vessels as
1114 provided in Section 19-3-79;

1115 (b) In a structure located in whole or in part on shore
1116 in any of the three (3) most southern counties in the State of
1117 Mississippi in which the registered voters of the county have
1118 voted to allow such betting, gaming or wagering on cruise vessels
1119 as provided in Section 19-3-79, if:

1120 (i) The structure is owned, leased or controlled
1121 by a person possessing a gaming license, as defined in Section
1122 75-76-5, to conduct legal gaming on a cruise vessel under
1123 paragraph (a) of this section;

1124 (ii) The part of the structure in which licensed
1125 gaming activities are conducted is located entirely in an area
1126 which is located no more than eight hundred (800) feet from the
1127 mean high-water line (as defined in Section 29-15-1) of the waters
1128 within the State of Mississippi, which lie adjacent to the State
1129 of Mississippi south of the three (3) most southern counties in
1130 the State of Mississippi, including the Mississippi Sound, St.
1131 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1132 Harrison County only, no farther north than the southern boundary
1133 of the right-of-way for U.S. Highway 90, whichever is greater; and

1134 (iii) In the case of a structure that is located
1135 in whole or part on shore, the part of the structure in which



1136 licensed gaming activities are conducted shall lie adjacent to
1137 state waters south of the three (3) most southern counties in the
1138 State of Mississippi, including the Mississippi Sound, St. Louis
1139 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1140 structure is located consists of a parcel of real property,
1141 easements and rights-of-way for public streets and highways shall
1142 not be construed to interrupt the contiguous nature of the parcel,
1143 nor shall the footage contained within the easements and
1144 rights-of-way be counted in the calculation of the distances
1145 specified in subparagraph (ii) * * *;

1146 (c) On a vessel as defined in Section 27-109-1 whenever
1147 such vessel is on the Mississippi River or navigable waters within
1148 any county bordering on the Mississippi River, and in which the
1149 registered voters of the county in which the port is located have
1150 not voted to prohibit such betting, gaming or wagering on vessels
1151 as provided in Section 19-3-79; or

1152 (d) That is legal under the laws of the State of
1153 Mississippi.

1154 **SECTION 21.** Section 97-33-8, Mississippi Code of 1972, is
1155 amended as follows:

1156 97-33-8. (1) The provisions of this section are intended to
1157 clarify that the operation of "Internet sweepstakes cafes" is an
1158 illegal gambling activity under Mississippi state law.

1159 (2) It shall be unlawful for any person or entity to



1160 possess, own, control, display, operate or have a financial
1161 interest in an electronic video monitor that:

1162 (a) Is offered or made available to a person to play or
1163 participate in a simulated gambling program in return for direct
1164 or indirect consideration, including consideration associated with
1165 a product, service or activity other than the simulated gambling
1166 program; and

1167 (b) The person who plays or participates in the
1168 simulated gambling program may become eligible to win, redeem or
1169 otherwise obtain a cash or cash-equivalent prize, whether or not
1170 the eligibility for or value of the prize is determined by or has
1171 any relationship to the outcome or play of the program.

1172 (3) As used in this section, the following words and phrases
1173 shall have the meanings ascribed in this subsection, unless the
1174 context clearly indicates otherwise:

1175 (a) "Simulated gambling program" means any method
1176 intended to be used by a person playing, participating or
1177 interacting with an electronic video monitor that is offered by
1178 another person or entity; that directly or indirectly implements
1179 the predetermination of a cash or cash-equivalent prize, or
1180 otherwise connects the player with the cash or cash-equivalent
1181 prize; and that is not legal under the Mississippi Gaming Control
1182 Act.

1183 (b) "Consideration associated with a product, service
1184 or activity other than the simulated gambling program" means money



1185 or other value collected for a product, service or activity that
1186 is offered in any direct or indirect relationship to playing or
1187 participating in the simulated gambling program. The term
1188 includes consideration paid for Internet access or computer time,
1189 or a sweepstakes entry.

1190 (c) "Electronic video monitor" means any unit,
1191 mechanism, computer or other terminal, or device that is capable
1192 of displaying moving or still images.

1193 (4) Any person or entity violating the provisions of this
1194 section, upon conviction, shall be guilty of a misdemeanor and
1195 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
1196 for not less than one (1) year, or both.

1197 (5) The provisions of this section shall not apply to:

1198 (a) Any lawful activity that is conducted for the
1199 primary purpose of entertaining children under the age of eighteen
1200 (18) years, during which money is paid for a token or chip that is
1201 used to play an electronic or other game, with the winner of the
1202 game earning tickets that can be exchanged for prizes;

1203 (b) Any lawful marketing promotion, contest, prize or
1204 sweepstakes that is designed to attract consumer attention to a
1205 specific product or service which is offered for sale by the
1206 manufacturer, distributor, vendor or retailer of the product or
1207 service; or

1208 (c) Any promotional activity as defined in Section
1209 75-76-5 that is conducted by a gaming licensee.



1210 **SECTION 22.** Section 97-33-25, Mississippi Code of 1972, is
1211 amended as follows:

1212 97-33-25. If any person shall sell or buy, either directly
1213 or indirectly, any chance in what is commonly called pool, upon
1214 any event whatever, or shall in any manner engage in such business
1215 or pastime, he shall be fined not more than Five Hundred Dollars
1216 (\$500.00) or shall be imprisoned in the county jail not more than
1217 ninety (90) days; provided, however, this section shall not apply
1218 to betting, gaming or wagering:

1219 (a) On a cruise vessel as defined in Section 27-109-1
1220 whenever such vessel is in the waters within the State of
1221 Mississippi, which lie adjacent to the State of Mississippi south
1222 of the three (3) most southern counties in the State of
1223 Mississippi, including the Mississippi Sound, St. Louis Bay,
1224 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1225 of the county in which the port is located have not voted to
1226 prohibit such betting, gaming or wagering on cruise vessels as
1227 provided in Section 19-3-79;

1228 (b) In a structure located in whole or in part on shore
1229 in any of the three (3) most southern counties in the State of
1230 Mississippi in which the registered voters of the county have
1231 voted to allow such betting, gaming or wagering on cruise vessels
1232 as provided in Section 19-3-79, if:

1233 (i) The structure is owned, leased or controlled
1234 by a person possessing a gaming license, as defined in Section



1235 75-76-5, to conduct legal gaming on a cruise vessel under
1236 paragraph (a) of this section;

1237 (ii) The part of the structure in which licensed
1238 gaming activities are conducted is located entirely in an area
1239 which is located no more than eight hundred (800) feet from the
1240 mean high-water line (as defined in Section 29-15-1) of the waters
1241 within the State of Mississippi, which lie adjacent to the State
1242 of Mississippi south of the three (3) most southern counties in
1243 the State of Mississippi, including the Mississippi Sound, St.
1244 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1245 Harrison County only, no farther north than the southern boundary
1246 of the right-of-way for U.S. Highway 90, whichever is greater; and

1247 (iii) In the case of a structure that is located
1248 in whole or part on shore, the part of the structure in which
1249 licensed gaming activities are conducted shall lie adjacent to
1250 state waters south of the three (3) most southern counties in the
1251 State of Mississippi, including the Mississippi Sound, St. Louis
1252 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1253 structure is located consists of a parcel of real property,
1254 easements and rights-of-way for public streets and highways shall
1255 not be construed to interrupt the contiguous nature of the parcel,
1256 nor shall the footage contained within the easements and
1257 rights-of-way be counted in the calculation of the distances
1258 specified in subparagraph (ii) * * *;



1259 (c) On a vessel as defined in Section 27-109-1 whenever
1260 such vessel is on the Mississippi River or navigable waters within
1261 any county bordering on the Mississippi River, and in which the
1262 registered voters of the county in which the port is located have
1263 not voted to prohibit such betting, gaming or wagering on vessels
1264 as provided in Section 19-3-79; or

1265 (d) That is legal under the laws of the State of
1266 Mississippi.

1267 **SECTION 23.** Section 97-33-1, Mississippi Code of 1972, is
1268 brought forward as follows:

1269 97-33-1. Except as otherwise provided in Section 97-33-8, if
1270 any person shall encourage, promote or play at any game, play or
1271 amusement, other than a fight or fighting match between dogs, for
1272 money or other valuable thing, or shall wager or bet, promote or
1273 encourage the wagering or betting of any money or other valuable
1274 things, upon any game, play, amusement, cockfight, Indian ball
1275 play or duel, other than a fight or fighting match between dogs,
1276 or upon the result of any election, event or contingency whatever,
1277 upon conviction thereof, he shall be fined in a sum not more than
1278 Five Hundred Dollars (\$500.00); and, unless such fine and costs be
1279 immediately paid, shall be imprisoned for any period not more than
1280 ninety (90) days. However, this section shall not apply to
1281 betting, gaming or wagering:

1282 (a) On a cruise vessel as defined in Section 27-109-1
1283 whenever such vessel is in the waters within the State of



1284 Mississippi, which lie adjacent to the State of Mississippi south
1285 of the three (3) most southern counties in the State of
1286 Mississippi, including the Mississippi Sound, St. Louis Bay,
1287 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1288 of the county in which the port is located have not voted to
1289 prohibit such betting, gaming or wagering on cruise vessels as
1290 provided in Section 19-3-79;

1291 (b) In a structure located, in whole or in part, on
1292 shore in any of the three (3) most southern counties in the State
1293 of Mississippi in which the registered voters of the county have
1294 voted to allow such betting, gaming or wagering on cruise vessels
1295 as provided in Section 19-3-79, if:

1296 (i) The structure is owned, leased or controlled
1297 by a person possessing a gaming license, as defined in Section
1298 75-76-5, to conduct legal gaming on a cruise vessel under
1299 paragraph (a) of this section;

1300 (ii) The part of the structure in which licensed
1301 gaming activities are conducted is located entirely in an area
1302 which is located no more than eight hundred (800) feet from the
1303 mean high-water line (as defined in Section 29-15-1) of the waters
1304 within the State of Mississippi, which lie adjacent to the State
1305 of Mississippi south of the three (3) most southern counties in
1306 the State of Mississippi, including the Mississippi Sound, St.
1307 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to



1308 Harrison County only, no farther north than the southern boundary
1309 of the right-of-way for U.S. Highway 90, whichever is greater; and

1310 (iii) In the case of a structure that is located
1311 in whole or part on shore, the part of the structure in which
1312 licensed gaming activities are conducted shall lie adjacent to
1313 state waters south of the three (3) most southern counties in the
1314 State of Mississippi, including the Mississippi Sound, St. Louis
1315 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1316 structure is located consists of a parcel of real property,
1317 easements and rights-of-way for public streets and highways shall
1318 not be construed to interrupt the contiguous nature of the parcel,
1319 nor shall the footage contained within the easements and
1320 rights-of-way be counted in the calculation of the distances
1321 specified in subparagraph (ii);

1322 (c) On a vessel as defined in Section 27-109-1 whenever
1323 such vessel is on the Mississippi River or navigable waters within
1324 any county bordering on the Mississippi River, and in which the
1325 registered voters of the county in which the port is located have
1326 not voted to prohibit such betting, gaming or wagering on vessels
1327 as provided in Section 19-3-79; or

1328 (d) That is legal under the laws of the State of
1329 Mississippi.

1330 **SECTION 24.** Section 97-33-7, Mississippi Code of 1972, is
1331 brought forward as follows:



1332 97-33-7. (1) Except as otherwise provided in Section
1333 97-33-8, it shall be unlawful for any person or persons, firm,
1334 copartnership or corporation to have in possession, own, control,
1335 display, or operate any cane rack, knife rack, artful dodger,
1336 punch board, roll down, merchandise wheel, slot machine, pinball
1337 machine, or similar device or devices. Provided, however, that
1338 this section shall not be so construed as to make unlawful the
1339 ownership, possession, control, display or operation of any
1340 antique coin machine as defined in Section 27-27-12, or any music
1341 machine or bona fide automatic vending machine where the purchaser
1342 receives exactly the same quantity of merchandise on each
1343 operation of said machine. Any slot machine other than an antique
1344 coin machine as defined in Section 27-27-12 which delivers, or is
1345 so constructed as that by operation thereof it will deliver to the
1346 operator thereof anything of value in varying quantities, in
1347 addition to the merchandise received, and any slot machine other
1348 than an antique coin machine as defined in Section 27-27-12 that
1349 is constructed in such manner as that slugs, tokens, coins or
1350 similar devices are, or may be, used and delivered to the operator
1351 thereof in addition to merchandise of any sort contained in such
1352 machine, is hereby declared to be a gambling device, and shall be
1353 deemed unlawful under the provisions of this section. Provided,
1354 however, that pinball machines which do not return to the operator
1355 or player thereof anything but free additional games or plays



1356 shall not be deemed to be gambling devices, and neither this
1357 section nor any other law shall be construed to prohibit same.

1358 (2) No property right shall exist in any person, natural or
1359 artificial, or be vested in such person, in any or all of the
1360 devices described herein that are not exempted from the provisions
1361 of this section; and all such devices are hereby declared to be at
1362 all times subject to confiscation and destruction, and their
1363 possession shall be unlawful, except when in the possession of
1364 officers carrying out the provisions of this section. It shall be
1365 the duty of all law enforcing officers to seize and immediately
1366 destroy all such machines and devices.

1367 (3) A first violation of the provisions of this section
1368 shall be deemed a misdemeanor, and the party offending shall, upon
1369 conviction, be fined in any sum not exceeding Five Hundred Dollars
1370 (\$500.00), or imprisoned not exceeding three (3) months, or both,
1371 in the discretion of the court. In the event of a second
1372 conviction for a violation of any of the provisions of this
1373 section, the party offending shall be subject to a sentence of not
1374 less than six (6) months in the county jail, nor more than two (2)
1375 years in the State Penitentiary, in the discretion of the trial
1376 court.

1377 (4) Notwithstanding any provision of this section to the
1378 contrary, it shall not be unlawful to operate any equipment or
1379 device described in subsection (1) of this section or any gaming,



1380 gambling or similar device or devices by whatever name called
1381 while:

1382 (a) On a cruise vessel as defined in Section 27-109-1
1383 whenever such vessel is in the waters within the State of
1384 Mississippi, which lie adjacent to the State of Mississippi south
1385 of the three (3) most southern counties in the State of
1386 Mississippi, including the Mississippi Sound, St. Louis Bay,
1387 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1388 of the county in which the port is located have not voted to
1389 prohibit such betting, gaming or wagering on cruise vessels as
1390 provided in Section 19-3-79;

1391 (b) In a structure located, in whole or in part, on
1392 shore in any of the three (3) most southern counties in the State
1393 of Mississippi in which the registered voters of the county have
1394 voted to allow such betting, gaming or wagering on cruise vessels
1395 as provided in Section 19-3-79, if:

1396 (i) The structure is owned, leased or controlled
1397 by a person possessing a gaming license, as defined in Section
1398 75-76-5, to conduct legal gaming on a cruise vessel under
1399 paragraph (a) of this subsection;

1400 (ii) The part of the structure in which licensed
1401 gaming activities are conducted is located entirely in an area
1402 which is located no more than eight hundred (800) feet from the
1403 mean high-water line (as defined in Section 29-15-1) of the waters
1404 within the State of Mississippi, which lie adjacent to the State



1405 of Mississippi south of the three (3) most southern counties in
1406 the State of Mississippi, including the Mississippi Sound, St.
1407 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1408 Harrison County only, no farther north than the southern boundary
1409 of the right-of-way for U.S. Highway 90, whichever is greater; and

1410 (iii) In the case of a structure that is located
1411 in whole or part on shore, the part of the structure in which
1412 licensed gaming activities are conducted shall lie adjacent to
1413 state waters south of the three (3) most southern counties in the
1414 State of Mississippi, including the Mississippi Sound, St. Louis
1415 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1416 structure is located consists of a parcel of real property,
1417 easements and rights-of-way for public streets and highways shall
1418 not be construed to interrupt the contiguous nature of the parcel,
1419 nor shall the footage contained within the easements and
1420 rights-of-way be counted in the calculation of the distances
1421 specified in subparagraph (ii);

1422 (c) On a vessel as defined in Section 27-109-1 whenever
1423 such vessel is on the Mississippi River or navigable waters within
1424 any county bordering on the Mississippi River, and in which the
1425 registered voters of the county in which the port is located have
1426 not voted to prohibit such betting, gaming or wagering on vessels
1427 as provided in Section 19-3-79; or

1428 (d) That is legal under the laws of the State of
1429 Mississippi.



1430 (5) Notwithstanding any provision of this section to the
1431 contrary, it shall not be unlawful (a) to own, possess, repair or
1432 control any gambling device, machine or equipment in a licensed
1433 gaming establishment or on the business premises appurtenant to
1434 any such licensed gaming establishment during any period of time
1435 in which such licensed gaming establishment is being constructed,
1436 repaired, maintained or operated in this state; (b) to install any
1437 gambling device, machine or equipment in any licensed gaming
1438 establishment; (c) to possess or control any gambling device,
1439 machine or equipment during the process of procuring or
1440 transporting such device, machine or equipment for installation on
1441 any such licensed gaming establishment; or (d) to store in a
1442 warehouse or other storage facility any gambling device, machine,
1443 equipment, or part thereof, regardless of whether the county or
1444 municipality in which the warehouse or storage facility is located
1445 has approved gaming aboard cruise vessels or vessels, provided
1446 that such device, machine or equipment is operated only in a
1447 county or municipality that has approved gaming aboard cruise
1448 vessels or vessels. Any gambling device, machine or equipment
1449 that is owned, possessed, controlled, installed, procured,
1450 repaired, transported or stored in accordance with this subsection
1451 shall not be subject to confiscation, seizure or destruction, and
1452 any person, firm, partnership or corporation which owns,
1453 possesses, controls, installs, procures, repairs, transports or
1454 stores any gambling device, machine or equipment in accordance



1455 with this subsection shall not be subject to any prosecution or
1456 penalty under this section. Any person constructing or repairing
1457 such cruise vessels or vessels within a municipality shall comply
1458 with all municipal ordinances protecting the general health or
1459 safety of the residents of the municipality.

1460 **SECTION 25.** Section 7-11-11, Mississippi Code of 1972, is
1461 brought forward as follows:

1462 7-11-11. The Secretary of State shall have charge of the
1463 swamp and the overflowed lands and indemnity lands in lieu
1464 thereof, the internal improvement lands, the lands forfeited to
1465 the state for nonpayment of taxes after the time allowed by law
1466 for redemption shall have expired, and of all other public lands
1467 belonging to or under the control of the state. The regulation,
1468 sale and disposition of all such lands shall be made through the
1469 Secretary of State's office.

1470 The Secretary of State shall sign all conveyances and leases
1471 of any and all state-owned lands and shall record same in a book
1472 kept in his office for such purposes.

1473 **SECTION 26.** Section 29-1-107, Mississippi Code of 1972, is
1474 brought forward as follows:

1475 29-1-107. (1) The Secretary of State with the approval of
1476 the Governor shall, as far as practicable, rent or lease all lands
1477 belonging to the state, except as otherwise provided by law for a
1478 period of not exceeding one (1) year, and account for the rents
1479 therefrom in the same manner as money received from the sale of



1480 state lands, provided that no state land shall be rented or leased
1481 to individuals, corporations, partnerships, or association of
1482 persons for hunting or fishing purposes. Property belonging to
1483 the state in municipalities, even though it may have been
1484 subdivided into lots, blocks, divisions, or otherwise escheated or
1485 was sold to the state by such description, may likewise be leased
1486 or rented by the Secretary of State under the terms provided above
1487 for other state lands, and the rents accounted for in the same
1488 manner. The state shall have all the liens, rights and remedies
1489 accorded to landlords in Sections 89-7-1 through 89-7-125; said
1490 leases and rental contracts shall automatically terminate on the
1491 date provided in said leases or contracts.

1492 (2) (a) The Secretary of State, with the approval of the
1493 Governor, may rent or lease surface lands, tidelands or submerged
1494 lands owned or controlled by the State of Mississippi lying in or
1495 adjacent to the Mississippi Sound or Gulf of Mexico or streams
1496 emptying therein, for a period not exceeding forty (40) years for
1497 rental payable to the state annually. However, the term of any
1498 lease of state public trust tidelands to a person possessing a
1499 license under the Mississippi Gaming Control Act shall be governed
1500 by the provisions of subsection (4) of this section.

1501 (b) The lessee under such agreement may construct such
1502 necessary items for marking channels, docking, wharfing, mooring
1503 or fleeting vessels which shall be in aid of navigation and not
1504 obstructions thereto.



1505 (c) A lessee of record may be given the option to renew
1506 for an additional period not to exceed twenty-five (25) years;
1507 however, the term of a renewal for a lease of state public trust
1508 tidelands to a person possessing a gaming license under the
1509 Mississippi Gaming Control Act shall be governed by the provisions
1510 of subsection (4) of this section. The holder of a lease of
1511 Public Trust Tidelands, at the expiration thereof, shall have a
1512 prior right, exclusive of all other persons, to re-lease as may be
1513 agreed upon between the holder of the lease and the Secretary of
1514 State.

1515 (d) Leases shall provide for review and rent
1516 adjustments at each fifth anniversary tied either to the All Urban
1517 Consumer Price Index-All Items (CPI) or to an appraisal which
1518 deducts the value of any improvements by the lessee which
1519 substantially enhance the value of the land. In the case where
1520 the initial rental was based on the value set by the ad valorem
1521 tax rolls, then the rent review and adjustment clause shall be
1522 likewise based on the value set by such tax rolls. In the event
1523 that the lessor and lessee cannot agree on a rental amount, the
1524 lease may be cancelled at the option of the lessor. The lessee
1525 shall, within thirty (30) days after execution of a sublease or
1526 assignment, file a copy thereof, including the total consideration
1527 therefor, with the Secretary of State. This paragraph shall not
1528 apply to a lease of state public trust tidelands or submerged
1529 lands to a person possessing a gaming license under the



1530 Mississippi Gaming Control Act who operates a gaming establishment
1531 on such tidelands.

1532 (3) Provided, however, the current occupants of public trust
1533 tidelands that were developed after the determinable mean
1534 high-water line nearest the effective date of the Coastal Wetlands
1535 Protection Law shall pay an annual rental based on the fair market
1536 value as determined by the assessed valuation of the property.
1537 The holder of a lease of Public Trust Tidelands, at the expiration
1538 thereof, shall have a prior right, exclusive of all other persons,
1539 to re-lease as may be agreed upon between the holder of the lease
1540 and the Secretary of State.

1541 (4) (a) This section shall apply to any person possessing a
1542 license under the Mississippi Gaming Control Act who operates a
1543 gaming establishment in any of the three (3) most southern
1544 counties of the state.

1545 (b) The following shall apply to all leases of state
1546 public trust tidelands executed by such a licensee:

1547 (i) Every lease executed after August 29, 2005,
1548 shall be for a period of thirty (30) years for rental payable to
1549 the state annually.

1550 (ii) By operation of this section, any lease
1551 executed before August 29, 2005, may, at the option of the lessee,
1552 either remain at the term stated in the original execution of the
1553 lease or be converted to a thirty-year term lease, beginning on
1554 such date after August 29, 2005, that the lessee either resumes or



1555 begins permanent gaming activities as approved by the Mississippi
1556 Gaming Commission, and the lessee shall be required to comply with
1557 all other provisions of the lease. Should the lessee choose to
1558 operate in a structure that is not on state public trust tidelands
1559 and that is on property contiguous to tidelands leased by the
1560 lessee, the lessee shall be required to comply with all other
1561 provisions of the lease and shall be exempt from the assessment
1562 provided for in paragraph (c) of this subsection. Easements for
1563 and rights-of-way for public streets and highways shall not be
1564 construed to interrupt the contiguous nature of a parcel of
1565 property. In the event that a lessee does not elect either to
1566 remain bound by the original term of the lease or to convert the
1567 lease to a thirty-year term, the Secretary of State may lease the
1568 state public trust tidelands that are the subject of the lease to
1569 any other person or entity.

1570 (iii) Leases shall provide for review and rent
1571 adjustments at each annual anniversary tied to the All Urban
1572 Consumer Price Index-All Items (CPI). In the case of the renewal
1573 of a lease after the expiration of the original thirty-year term
1574 under this subsection, each renewal shall be for a term of thirty
1575 (30) years. The base rate to which the CPI shall apply for
1576 purposes of executing the subsequent lease shall be negotiated by
1577 the lessee with the Secretary of State.

1578 (c) (i) Except as otherwise provided in this
1579 paragraph, any person possessing a license under the Mississippi



1580 Gaming Control Act who does not lease public trust tidelands from
1581 the state or any of its political subdivisions, and who operates a
1582 gaming establishment in any of the three (3) most southern
1583 counties of the state, shall pay an annual in-lieu tidelands
1584 assessment to the Public Trust Tidelands Assessments Fund
1585 (hereinafter referred to as "fund") created in Section 29-15-10,
1586 in the amount and manner provided for in this paragraph.

1587 For calendar year 2006, the annual in-lieu tidelands
1588 assessment paid by the licensee to the fund shall be:

1589 1. Four Hundred Thousand Dollars
1590 (\$400,000.00), if the capital investment in the part of the
1591 structure in which licensed gaming activities are conducted is
1592 Fifty Million Dollars (\$50,000,000.00) or less.

1593 2. Four Hundred Fifty Thousand Dollars
1594 (\$450,000.00), if the capital investment in the part of the
1595 structure in which licensed gaming activities are conducted is
1596 equal to or more than Fifty Million Dollars (\$50,000,000.00) but
1597 less than Sixty Million Dollars (\$60,000,000.00).

1598 3. Five Hundred Thousand Dollars
1599 (\$500,000.00), if the capital investment in the part of the
1600 structure in which licensed gaming activities are conducted is
1601 equal to or more than Sixty Million Dollars (\$60,000,000.00) but
1602 less than Seventy-five Million Dollars (\$75,000,000.00).

1603 4. Six Hundred Thousand Dollars
1604 (\$600,000.00), if the capital investment in the part of the



1605 structure in which licensed gaming activities are conducted is
1606 equal to or more than Seventy-five Million Dollars
1607 (\$75,000,000.00) but less than One Hundred Million Dollars
1608 (\$100,000,000.00).

1609 5. Seven Hundred Thousand Dollars
1610 (\$700,000.00), if the capital investment in the part of the
1611 structure in which licensed gaming activities are conducted is
1612 equal to or more than One Hundred Million Dollars
1613 (\$100,000,000.00) but less than One Hundred Twenty-five Million
1614 Dollars (\$125,000,000.00).

1615 6. Seven Hundred Fifty Thousand Dollars
1616 (\$750,000.00), if the capital investment in the part of the
1617 structure in which licensed gaming activities are conducted is
1618 equal to or more than One Hundred Twenty-five Million Dollars
1619 (\$125,000,000.00).

1620 For each calendar year thereafter, the Secretary of State
1621 shall review and adjust the value of the capital investment and
1622 the annual in-lieu tidelands assessment due. Such review and
1623 adjustment shall be tied to the CPI.

1624 (ii) This paragraph shall not apply to a gaming
1625 licensee if the licensee conducts gaming in a structure that is
1626 located on property that is leased from the Mississippi State Port
1627 at Gulfport or any political subdivision of the state, or to a
1628 licensee who conducts gaming in a structure that is located on
1629 property that is leased to the licensee jointly by the State of



1630 Mississippi and the City of Biloxi; however, with regard to
1631 property owned by a political subdivision of the state, this
1632 exception shall only apply to property owned by the political
1633 subdivision on August 29, 2005, if legal gaming could have been
1634 conducted on such property on that date.

1635 (iii) This paragraph shall not apply to a gaming
1636 licensee if the licensee conducts gaming in a structure that is
1637 located on property that is not leased from the State of
1638 Mississippi and/or a political subdivision of the State of
1639 Mississippi and is not on state public trust tidelands, and if the
1640 licensee conducted gaming on that property before August 29, 2005.

1641 **SECTION 27.** Section 29-15-1, Mississippi Code of 1972, is
1642 brought forward as follows:

1643 29-15-1. (a) "Commission" means the Mississippi Commission
1644 on Marine Resources.

1645 (b) "Local tidal datum" means the datum established for a
1646 specific tide station through the use of tidal observations made
1647 at that station.

1648 (c) "Mean high water" means the arithmetic mean of all the
1649 high waters occurring in a particular nineteen-year tidal epoch
1650 period; or for a shorter period of time after corrections are
1651 applied to the short term observations to reduce these values to
1652 the equivalent nineteen-year value.

1653 (d) "Mean high water line" means the intersection of the
1654 tidal datum plane of mean high water with the shore.



1655 (e) "Mean high water survey" means a survey of the
1656 intersection of the shoreline with the tidal datum plane of mean
1657 high water using local tidal datums and surveying methodologies
1658 approved by the commission. Methodologies shall include but not
1659 be limited to the "staking method," "the topographic method" and
1660 "tide coordinated aerial photography."

1661 (f) "National map accuracy standards" means a set of
1662 guidelines published by the Office of Management and Budget of the
1663 United States to which maps produced by the United States
1664 government adhere.

1665 (g) "Submerged lands" means lands which remain covered by
1666 waters, where the tides ebb and flow, at ordinary low tides.

1667 (h) "Tidelands" means those lands which are daily covered
1668 and uncovered by water by the action of the tides, up to the mean
1669 line of the ordinary high tides.

1670 **SECTION 28.** Section 29-15-3, Mississippi Code of 1972, is
1671 brought forward as follows:

1672 29-15-3. (1) It is declared to be the public policy of this
1673 state to favor the preservation of the natural state of the public
1674 trust tidelands and their ecosystems and to prevent the
1675 despoliation and destruction of them, except where a specific
1676 alteration of specific public trust tidelands would serve a higher
1677 public interest in compliance with the public purposes of the
1678 public trust in which such tidelands are held.



1679 (2) It is hereby declared to be a higher public purpose of
1680 this state and the public tidelands trust to resolve the
1681 uncertainty and disputes which have arisen as to the location of
1682 the boundary between the state's public trust tidelands and the
1683 upland property and to confirm the mean high water boundary line
1684 as determined by the Mississippi Supreme Court, the laws of this
1685 state and this chapter.

1686 **SECTION 29.** Section 29-15-5, Mississippi Code of 1972, is
1687 brought forward as follows:

1688 29-15-5. (1) Tidelands and submerged lands are held by the
1689 state in trust for use of all the people, and are so held in their
1690 character as the beds and shores of the sea and its tidally
1691 affected arms and tributaries for the purposes defined by common
1692 law and statutory law. Littoral and riparian property owners have
1693 common law and statutory rights under the Coastal Wetlands
1694 Protection Law which extend into the waters and beyond the low
1695 tide line, and the state's responsibilities as trustee extends to
1696 such owners as well as to the other members of the public.

1697 (2) Residential property owners shall not be required to
1698 obtain a tidelands lease for exercising their common law and
1699 statutory littoral and riparian rights.

1700 **SECTION 30.** Section 29-15-9, Mississippi Code of 1972, is
1701 brought forward as follows:

1702 29-15-9. (1) There is created in the State Treasury a
1703 special fund to be known as the "Public Trust Tidelands Fund."



1704 The fund shall be administered by the Secretary of State as
1705 trustee.

1706 (2) Any funds derived from lease rentals of tidelands and
1707 submerged lands, except those funds derived from mineral leases,
1708 or funds previously specifically designated to be applied to other
1709 agencies, shall be transferred to the special fund. However,
1710 funds derived from lease rentals may be used to cover the
1711 administrative cost incurred by the Secretary of State. Any
1712 remaining funds derived from lease rentals shall be disbursed pro
1713 rata to the local taxing authorities for the replacement of lost
1714 ad valorem taxes, if any. Then, any remaining funds shall be
1715 disbursed to the commission for new and extra programs of
1716 tidelands management, such as conservation, reclamation,
1717 preservation, acquisition, education or the enhancement of public
1718 access to the public trust tidelands or public improvement
1719 projects as they relate to those lands.

1720 (3) Any funds that are appropriated as separate line items
1721 in an appropriation bill for tideland programs or projects
1722 authorized under this section for political subdivisions or other
1723 agencies shall be disbursed as provided in this subsection.

1724 (a) The Department of Marine Resources shall make
1725 progress payments in installments based on the work completed and
1726 material used in the performance of a tidelands project only after
1727 receiving written verification from the political subdivision or
1728 agency. The political subdivision or agency shall submit



1729 verification of the work completed or materials in such detail and
1730 form that the department may require.

1731 (b) The Department of Marine Resources shall make funds
1732 available for the purpose of using such funds as a match or
1733 leverage for federal or other funds that are available for the
1734 designated tidelands project.

1735 **SECTION 31.** Section 29-15-10, Mississippi Code of 1972, is
1736 brought forward as follows:

1737 29-15-10. (1) There is created in the State Treasury a
1738 special fund to be known as the "Public Trust Tidelands
1739 Assessments Fund." The purpose of the fund is to ensure that
1740 monies derived from the public trust tidelands assessments shall
1741 be used for the benefit of preserving and protecting the tidelands
1742 and submerged lands found within the three (3) most southern
1743 counties of the state. One (1) specific purpose of the fund is to
1744 ensure that the annual payment made by the state for the purchase
1745 of Deer Island shall continue uninterrupted until the purchase
1746 transaction is completed. The fund shall be administered by the
1747 Secretary of State, as trustee. None of the funds that are in the
1748 special fund or that are required to be deposited into the special
1749 fund shall be transferred, diverted or in any other manner
1750 expended or used for any purpose other than those purposes
1751 specified in this section.

1752 (2) (a) Any funds derived from assessments made pursuant to
1753 Section 29-1-107(4) (c) shall be deposited into the special fund.



1754 (b) Funds paid pursuant to paragraph (a) of this
1755 subsection may be appropriated by the Legislature in an amount
1756 necessary to cover the administrative cost incurred by the
1757 Mississippi Commission on Marine Resources. Any remaining funds
1758 shall be disbursed by the commission for new and extra programs of
1759 tidelands management, such as conservation, reclamation,
1760 preservation, acquisition, education or the enhancement of public
1761 access to the public trust tidelands or public improvement
1762 projects as they relate to those lands.

1763 (3) Any funds that are appropriated as separate line items
1764 in an appropriation bill for tideland programs or projects
1765 authorized under this section for political subdivisions or other
1766 agencies shall be disbursed as provided in this subsection.

1767 (a) The Department of Marine Resources shall make
1768 progress payments in installments based on the work completed and
1769 material used in the performance of a tidelands project only after
1770 receiving written verification from the political subdivision or
1771 agency. The political subdivision or agency shall submit
1772 verification of the work completed or materials in such detail and
1773 form that the department may require.

1774 (b) The Department of Marine Resources shall make funds
1775 available for the purpose of using such funds as a match or
1776 leverage for federal or other funds that are available for the
1777 designated tidelands project.



1778 **SECTION 32.** Section 29-15-13, Mississippi Code of 1972, is
1779 brought forward as follows:

1780 29-15-13. All public projects of any federal, state or local
1781 governmental entity which serve a higher public purpose of
1782 promoting the conservation, reclamation, preservation of the
1783 tidelands and submerged lands, public use for fishing, recreation
1784 or navigation, or the enhancement of public access to such lands
1785 shall be exempt from any use or rental fees.

1786 **SECTION 33.** Section 59-7-405, Mississippi Code of 1972, is
1787 brought forward as follows:

1788 59-7-405. (1) (a) The governing authorities of any
1789 municipality in which there is situated and located, in whole or
1790 in part, a port or harbor through which commerce flows, and having
1791 not less than eight (8) industries engaged in the seafood
1792 industry, which maintains a channel and/or harbor to a depth of
1793 not less than eight (8) feet, may engage in, either directly or
1794 through the commission hereinafter provided and designated, and
1795 such other agencies as hereafter may be provided by law, works of
1796 internal improvement, or promoting, developing, constructing,
1797 maintaining and operating harbors or seaports within the state and
1798 its jurisdiction, and either directly or through the commission
1799 hereinafter provided for, with the power and authority to acquire,
1800 purchase, install, rent, lease, mortgage and/or otherwise
1801 encumber, to construct, own, hold, maintain, equip, use, control
1802 and operate at seaports or harbors, wharves, piers, docks,



1803 warehouses, cold storage facilities, water and rail terminals,
1804 airplane landing fields and strips, and other structures and
1805 facilities, needful for the convenient use of the same in the aid
1806 of commerce and navigation, and including the dredging of channels
1807 and approaches to the facilities, and being authorized to fill in
1808 and reclaim bottomlands where incidental and necessary to the
1809 foregoing development.

1810 (b) A municipality, which is operating a port through a
1811 port commission under this section, may dissolve the port
1812 commission as provided in Section 59-7-408 and directly operate
1813 and maintain the port as provided under this article.

1814 (2) The municipal authorities or commission, in connection
1815 with the exercise of the foregoing works of improvement and
1816 development, may as an adjunct to any such work of improvement or
1817 development to erect or construct such bridges, causeways or
1818 structures as may be required for access to and from the harbors
1819 or facilities provided as aforesaid by the municipal authorities
1820 or the commission, and including any necessary bridge or causeway
1821 or combination of the same, connecting with any island or islands
1822 lying within three (3) leagues of the main shoreline of the
1823 Mississippi Sound or the Gulf of Mexico, and whether the same be
1824 within or without the limits of the municipality concerned.

1825 (3) The municipal authorities or commission may procure, by
1826 gift, grant, purchase, or by the exercise of eminent domain, and
1827 for the public purposes and uses herein provided for, such land or



1828 interest therein as may be required for the purposes of this
1829 article, and regardless of whether the land be within or without
1830 the limits of the municipality involved.

1831 (4) The municipal authorities or commission, in the exercise
1832 of the powers granted hereunder, may provide any of the aforesaid
1833 facilities alone or in collaboration and in conjunction with any
1834 other public bodies, entities or commissions, as may now or
1835 hereafter be established by law.

1836 (5) The municipal authorities or commission may provide,
1837 among other harbor facilities, small craft and pleasure craft
1838 harbors and facilities needed therefor, including park and
1839 recreational facilities as an adjunct thereto, and in order to
1840 develop and promote tourist and recreational trade in the port.

1841 (6) The municipal authorities or commission have the power
1842 and authority to carry out the provisions of this article, to
1843 employ engineers, attorneys, and such employees as may be
1844 necessary in carrying out the provisions of this article, from
1845 time to time, and for the purpose of operating the facilities
1846 herein provided for, and may prescribe reasonable compensation in
1847 connection with such employment.

1848 **SECTION 34.** Section 59-15-1, Mississippi Code of 1972, is
1849 amended as follows:

1850 59-15-1. The authorities of any city in this state which has
1851 a population of ten thousand (10,000) or more, according to the
1852 last official government census, and the authorities of any



1853 municipality bordering on the Mississippi Sound or Gulf of Mexico
1854 are hereby given the authority to acquire by purchase, deed,
1855 donation, gift, grant, reclamation, lease, dedication, or
1856 otherwise, land, harbor sites or water frontage for the purpose of
1857 establishing, developing, promoting, maintaining, and operating
1858 harbors for small water crafts and recreational parks connected
1859 therewith within its territorial limits, or both, and shall have
1860 the power to acquire, purchase, install, rent, lease, mortgage,
1861 incumber, construct, own, hold, maintain, equip, use, control and
1862 operate recreational parks and harbors for small water craft.

1863 **SECTION 35.** Section 75-76-67, Mississippi Code of 1972, is
1864 brought forward as follows:

1865 75-76-67. (1) Any person who the commission determines is
1866 qualified to receive a license or be found suitable under the
1867 provisions of this chapter, having due consideration for the
1868 proper protection of the health, safety, morals, good order and
1869 general welfare of the inhabitants of the State of Mississippi and
1870 the declared policy of this state, may be issued a state gaming
1871 license or found suitable. The burden of proving his
1872 qualification to receive any license or be found suitable is on
1873 the applicant.

1874 (2) An application to receive a license or be found suitable
1875 shall not be granted unless the commission is satisfied that the
1876 applicant is:

1877 (a) A person of good character, honesty and integrity;



1878 (b) A person whose prior activities, criminal record,
1879 if any, reputation, habits and associations do not pose a threat
1880 to the public interest of this state or to the effective
1881 regulation and control of gaming, or create or enhance the dangers
1882 of unsuitable, unfair or illegal practices, methods and activities
1883 in the conduct of gaming or the carrying on of the business and
1884 financial arrangements incidental thereto; and

1885 (c) In all other respects qualified to be licensed or
1886 found suitable consistent with the declared laws of the state.

1887 (3) No person shall be granted a license or found suitable
1888 under the provisions of this chapter who has been convicted of a
1889 felony in any court of this state, another state, or the United
1890 States; and no person shall be granted a license or found suitable
1891 hereunder who has been convicted of a crime in any court of
1892 another state or the United States which, if committed in this
1893 state, would be a felony; and no person shall be granted a license
1894 or found suitable under the provisions of this chapter who has
1895 been convicted of a misdemeanor in any court of this state or of
1896 another state, when such conviction was for gambling, sale of
1897 alcoholic beverages to minors, prostitution, or procuring or
1898 inducing individuals to engage in prostitution.

1899 (4) A license to operate a gaming establishment shall not be
1900 granted unless the applicant has satisfied the commission that:

1901 (a) He has adequate business probity, competence and
1902 experience, in gaming or generally; and



1903 (b) The proposed financing of the entire operation is:

1904 (i) Adequate for the nature of the proposed
1905 operation; and

1906 (ii) From a suitable source. Any lender or other
1907 source of money or credit which the commission finds does not meet
1908 the standards set forth in subsection (2) may be deemed
1909 unsuitable.

1910 (5) An application to receive a license or be found suitable
1911 constitutes a request for a determination of the applicant's
1912 general character, integrity and ability to participate or engage
1913 in, or be associated with gaming. Any written or oral statement
1914 made in the course of an official proceeding of the commission or
1915 the executive director or any witness testifying under oath which
1916 is relevant to the purpose of the proceeding is absolutely
1917 privileged and does not impose liability for defamation or
1918 constitute a ground for recovery in any civil action.

1919 (6) The commission may, in its discretion, grant a license
1920 to a corporation which has complied with the provisions of this
1921 chapter.

1922 (7) The commission may, in its discretion, grant a license
1923 to a limited partnership which has complied with the provisions of
1924 this chapter.

1925 (8) No limited partnership, except one whose sole limited
1926 partner is a publicly traded corporation which has registered with
1927 the commission, or business trust or organization or other



1928 association of a quasi-corporate character is eligible to receive
1929 or hold any license under this chapter unless all persons having
1930 any direct or indirect interest therein of any nature whatsoever,
1931 whether financial, administrative, policymaking or supervisory,
1932 are individually qualified to be licensed under the provisions of
1933 this chapter.

1934 (9) The commission may, by regulation, limit the number of
1935 persons who may be financially interested and the nature of their
1936 interest in any corporation or other organization or association
1937 licensed under this chapter, and may establish such other
1938 qualifications of licenses as the commission, in its discretion,
1939 deems to be in the public interest and consistent with the
1940 declared policy of the state.

1941 **SECTION 36.** Section 87-1-5, Mississippi Code of 1972, is
1942 amended as follows:

1943 87-1-5. If any person, by playing at any game whatever, or
1944 by betting on the sides or hands of such as do play at any game,
1945 or by betting on any horse race or cockfight, or at any other
1946 sport or pastime, or by any wager whatever, shall lose any money,
1947 property, or other valuable thing, real or personal, and shall pay
1948 or deliver the same or any part thereof, the person so losing and
1949 paying or delivering the same, or his wife or children, may sue
1950 for and recover such money, property, or other valuable thing so
1951 lost and paid or delivered, or any part thereof, from the person



1952 knowingly receiving the same, with costs. However, this section
1953 shall not apply to betting, gaming or wagering:

1954 (a) On a cruise vessel as defined in Section 27-109-1
1955 whenever such vessel is in the waters within the State of
1956 Mississippi, which lie adjacent to the State of Mississippi south
1957 of the three (3) most southern counties in the State of
1958 Mississippi, including the Mississippi Sound, St. Louis Bay,
1959 Biloxi Bay and Pascagoula Bay;

1960 (b) In a structure located in whole or in part on shore
1961 in any of the three (3) most southern counties in the State of
1962 Mississippi in which the registered voters of the county have
1963 voted to allow such betting, gaming or wagering on cruise vessels
1964 as provided in Section 19-3-79, if:

1965 (i) The structure is owned, leased or controlled
1966 by a person possessing a gaming license, as defined in Section
1967 75-76-5, to conduct legal gaming on a cruise vessel under
1968 paragraph (a) of this section;

1969 (ii) The part of the structure in which licensed
1970 gaming activities are conducted is located entirely in an area
1971 which is located no more than eight hundred (800) feet from the
1972 mean high-water line (as defined in Section 29-15-1) of the waters
1973 within the State of Mississippi, which lie adjacent to the State
1974 of Mississippi south of the three (3) most southern counties in
1975 the State of Mississippi, including the Mississippi Sound, St.
1976 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to



1977 Harrison County only, no farther north than the southern boundary
1978 of the right-of-way for U.S. Highway 90, whichever is greater; and

1979 (iii) In the case of a structure that is located
1980 in whole or part on shore, the part of the structure in which
1981 licensed gaming activities are conducted shall lie adjacent to
1982 state waters south of the three (3) most southern counties in the
1983 State of Mississippi, including the Mississippi Sound, St. Louis
1984 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1985 structure is located consists of a parcel of real property,
1986 easements and rights-of-way for public streets and highways shall
1987 not be construed to interrupt the contiguous nature of the parcel,
1988 nor shall the footage contained within the easements and
1989 rights-of-way be counted in the calculation of the distances
1990 specified in subparagraph (ii) * * *;

1991 (c) On a vessel as defined in Section 27-109-1 whenever
1992 such vessel is on the Mississippi River or navigable waters within
1993 any county bordering on the Mississippi River; or

1994 (d) That is legal under the laws of the State of
1995 Mississippi.

1996 **SECTION 37.** Section 97-33-25, Mississippi Code of 1972, is
1997 amended as follows:

1998 97-33-25. If any person shall sell or buy, either directly
1999 or indirectly, any chance in what is commonly called pool, upon
2000 any event whatever, or shall in any manner engage in such business
2001 or pastime, he shall be fined not more than Five Hundred Dollars



2002 (\$500.00) or shall be imprisoned in the county jail not more than
2003 ninety (90) days; provided, however, this section shall not apply
2004 to betting, gaming or wagering:

2005 (a) On a cruise vessel as defined in Section 27-109-1
2006 whenever such vessel is in the waters within the State of
2007 Mississippi, which lie adjacent to the State of Mississippi south
2008 of the three (3) most southern counties in the State of
2009 Mississippi, including the Mississippi Sound, St. Louis Bay,
2010 Biloxi Bay and Pascagoula Bay, and in which the registered voters
2011 of the county in which the port is located have not voted to
2012 prohibit such betting, gaming or wagering on cruise vessels as
2013 provided in Section 19-3-79;

2014 (b) In a structure located in whole or in part on shore
2015 in any of the three (3) most southern counties in the State of
2016 Mississippi in which the registered voters of the county have
2017 voted to allow such betting, gaming or wagering on cruise vessels
2018 as provided in Section 19-3-79, if:

2019 (i) The structure is owned, leased or controlled
2020 by a person possessing a gaming license, as defined in Section
2021 75-76-5, to conduct legal gaming on a cruise vessel under
2022 paragraph (a) of this section;

2023 (ii) The part of the structure in which licensed
2024 gaming activities are conducted is located entirely in an area
2025 which is located no more than eight hundred (800) feet from the
2026 mean high-water line (as defined in Section 29-15-1) of the waters



2027 within the State of Mississippi, which lie adjacent to the State
2028 of Mississippi south of the three (3) most southern counties in
2029 the State of Mississippi, including the Mississippi Sound, St.
2030 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
2031 Harrison County only, no farther north than the southern boundary
2032 of the right-of-way for U.S. Highway 90, whichever is greater; and

2033 (iii) In the case of a structure that is located
2034 in whole or part on shore, the part of the structure in which
2035 licensed gaming activities are conducted shall lie adjacent to
2036 state waters south of the three (3) most southern counties in the
2037 State of Mississippi, including the Mississippi Sound, St. Louis
2038 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
2039 structure is located consists of a parcel of real property,
2040 easements and rights-of-way for public streets and highways shall
2041 not be construed to interrupt the contiguous nature of the parcel,
2042 nor shall the footage contained within the easements and
2043 rights-of-way be counted in the calculation of the distances
2044 specified in subparagraph (ii) * * *;

2045 (c) On a vessel as defined in Section 27-109-1 whenever
2046 such vessel is on the Mississippi River or navigable waters within
2047 any county bordering on the Mississippi River, and in which the
2048 registered voters of the county in which the port is located have
2049 not voted to prohibit such betting, gaming or wagering on vessels
2050 as provided in Section 19-3-79; or



2051 (d) That is legal under the laws of the State of
2052 Mississippi.

2053 **SECTION 38.** Section 97-33-27, Mississippi Code of 1972, is
2054 amended as follows:

2055 97-33-27. If any person shall bet on a horse race or a yacht
2056 race or on a shooting match, he shall be fined not more than Five
2057 Hundred Dollars (\$500.00), and, unless the fine and costs be
2058 immediately paid, he shall be imprisoned in the county jail not
2059 more than ninety (90) days; provided, however, this section shall
2060 not apply to betting, gaming or wagering:

2061 (a) On a cruise vessel as defined in Section 27-109-1
2062 whenever such vessel is in the waters within the State of
2063 Mississippi, which lie adjacent to the State of Mississippi south
2064 of the three (3) most southern counties in the State of
2065 Mississippi, including the Mississippi Sound, St. Louis Bay,
2066 Biloxi Bay and Pascagoula Bay, and in which the registered voters
2067 of the county in which the port is located have not voted to
2068 prohibit such betting, gaming or wagering on cruise vessels as
2069 provided in Section 19-3-79;

2070 (b) In a structure located in whole or in part on shore
2071 in any of the three (3) most southern counties in the State of
2072 Mississippi in which the registered voters of the county have
2073 voted to allow such betting, gaming or wagering on cruise vessels
2074 as provided in Section 19-3-79, if:



2075 (i) The structure is owned, leased or controlled
2076 by a person possessing a gaming license, as defined in Section
2077 75-76-5, to conduct legal gaming on a cruise vessel under
2078 paragraph (a) of this section;

2079 (ii) The part of the structure in which licensed
2080 gaming activities are conducted is located entirely in an area
2081 which is located no more than eight hundred (800) feet from the
2082 mean high-water line (as defined in Section 29-15-1) of the waters
2083 within the State of Mississippi, which lie adjacent to the State
2084 of Mississippi south of the three (3) most southern counties in
2085 the State of Mississippi, including the Mississippi Sound, St.
2086 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
2087 Harrison County only, no farther north than the southern boundary
2088 of the right-of-way for U.S. Highway 90, whichever is greater; and

2089 (iii) In the case of a structure that is located
2090 in whole or part on shore, the part of the structure in which
2091 licensed gaming activities are conducted shall lie adjacent to
2092 state waters south of the three (3) most southern counties in the
2093 State of Mississippi, including the Mississippi Sound, St. Louis
2094 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
2095 structure is located consists of a parcel of real property,
2096 easements and rights-of-way for public streets and highways shall
2097 not be construed to interrupt the contiguous nature of the parcel,
2098 nor shall the footage contained within the easements and



2099 rights-of-way be counted in the calculation of the distances
2100 specified in subparagraph (ii) * * *;

2101 (c) On a vessel as defined in Section 27-109-1 whenever
2102 such vessel is on the Mississippi River or navigable waters within
2103 any county bordering on the Mississippi River, and in which the
2104 registered voters of the county in which the port is located have
2105 not voted to prohibit such betting, gaming or wagering on vessels
2106 as provided in Section 19-3-79; or

2107 (d) That is legal under the laws of the State of
2108 Mississippi.

2109 **SECTION 39.** This act shall take effect and be in force from
2110 and after July 1, 2025, however, online sports pool or online race
2111 book activities shall commence outside of a licensed gaming
2112 premises not later than December 1, 2025.

