

By: Representatives Eure, Hulum

To: Gaming

COMMITTEE SUBSTITUTE
FOR
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, 75-76-129 AND 75-76-79, MISSISSIPPI CODE OF
27 1972, TO CLARIFY THE PROVISIONS FOR GAMING; TO BRING FORWARD
28 SECTIONS 97-33-1 AND 97-33-7, WHICH RESTRICT CERTAIN TYPES OF
29 WAGERS, FOR PURPOSES OF AMENDMENT; TO BRING FORWARD SECTIONS
30 7-11-11, 29-1-107, 29-15-1, 29-15-3, 29-15-5, 29-15-9, 29-15-10,
31 29-15-13 AND 59-7-405, MISSISSIPPI CODE OF 1972, WHICH REGULATE
32 THE AUTHORITY OF THE SECRETARY OF STATE REGARDING TIDELANDS, FOR
33 PURPOSES OF AMENDMENT; TO AMEND SECTIONS 59-15-1, 75-76-67,
34 87-1-5, 97-33-25 AND 97-33-27, MISSISSIPPI CODE OF 1972, WHICH ARE



35 RELATED TO THE POWERS OF THE GAMING COMMISSION, FOR INTERNAL
36 STATUTORY UPDATES; 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 (8) The commission shall establish, via administrative order
189 or regulation, a universal start date for all licensed online
190 sports pool platforms and all licensed online race book platforms
191 to commence accepting online wagers outside of a licensed gaming
192 premises. This universal start date shall be no later than
193 December 8, 2025.

194 **SECTION 4.** (1) Each licensed establishment may enter into
195 contracts with no more than two (2) platforms to operate an online
196 sports pool and no more than two (2) online race book platforms to
197 operate online race book. Each platform may, but is not required
198 to, offer both an online sports pool and an online race book. No
199 platform, individually or collectively with any other platform or
200 other party, shall take any action that would restrict or limit a
201 single casino license holder, or a group of casino license
202 holders, from offering online sports pool or online race book
203 services to customers. The commission shall maintain a list of
204 licensed platforms to be made available to licensed casino
205 operators. If a platform receives a request from a licensed
206 casino operator to discuss business terms related to providing
207 online sports pool or online race book services to its customers,
208 then the platform will engage in good-faith discussions with the



209 licensed casino operator. The platform will be subject to
210 Sections 75-76-157 through 75-76-173 and subject to regulations
211 authorized under this act, as well as the Mississippi Gaming
212 Control Act, which may require a platform to appear before the
213 commission or in a court proceeding to respond to any player
214 dispute or an order to show cause issued by the commission.
215 Notwithstanding any provision of law to the contrary, a platform
216 may, on behalf of its gaming license holder, determine whether to
217 accept or reject wagers, determine the results of wagers, and
218 payout winning wagers.

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

225 (a) All players shall establish a wagering account and
226 an initial identification and age verification shall be conducted
227 before any wager by the player may be accepted by the platform. A
228 player may establish a wagering account with a platform in person
229 at a licensed establishment or over the Internet, including on
230 websites and mobile or interactive devices.

231 (b) A platform, on behalf of the holder of a gaming
232 license in this state, shall accept wagers only from players
233 located in Mississippi. A platform shall maintain geofencing or



234 geolocating services and pay all costs and responsibilities
235 related to such services required by the commission. Servers,
236 including the use of backup servers, may be located outside of
237 this state, consistent with federal law. To the extent required
238 by federal law, a platform shall maintain in this state the
239 servers it uses to accept wagers on an online sports pool or
240 online race book placed by bettors located in this state. A
241 platform shall comply with all identification verification
242 requirements and will take other commercially reasonable steps to
243 prevent compulsive and problem gaming and to ensure that no person
244 who is restricted or who is ineligible to participate in online
245 gaming is able to use the platform to place bets or wagers on
246 events.

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

252 (d) A platform, in addition, shall take commercially
253 reasonable steps to ensure that any person who is a player, a
254 coach, umpire, or referee or who is otherwise associated with a
255 collegiate team or a professional team or an athletic event, are
256 prohibited from wagering on sporting events for which they are
257 affiliated. The Mississippi Gaming Commission shall maintain this



258 list of individuals and provide it to platforms on a regular
259 basis.

260 The platform should further alert customers that violating
261 this restriction or aiding any person who is a minor, a
262 self-excluded person or any other person who is otherwise
263 restricted from wagering online to circumvent such restrictions
264 (either intentionally or in failing to use reasonable steps to
265 properly secure a device), shall be disqualified from
266 participating in any form or online gaming thereafter.

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

271 (f) A platform shall comply with all identification
272 verification and compulsive and problem gambling protections set
273 forth in law or rule.

274 (3) Subject to the regulations of the commission, a platform
275 shall report to the commission:

276 (a) Any criminal proceeding commenced against the
277 platform or its employees in connection with the platform's
278 operations in Mississippi.

279 (b) Any abnormal betting activity or patterns that may
280 indicate a concern about the integrity of a sporting event or
281 athletic event.



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

287 (d) Suspicious or illegal wagering activities,
288 including the use of funds derived from illegal activity, wagers
289 to conceal or launder funds derived from illegal activity, use of
290 agents to place wagers, or use of false identification. In such a
291 case where information reported from paragraphs (a) through (d),
292 the platform shall work together with the licensed casino operator
293 and the commission to investigate such matters and to ensure that
294 the accounts affected by or associated with such circumstances are
295 suspended at least until such time that the commission is able to
296 fully investigate the matters and determine the appropriate
297 enforcement action.

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

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

305 **SECTION 6.** (1) There is hereby created the "Mobile Sports
306 Wagering Tax Fund", which shall consist of taxes and fees



307 generated and collected under the Mobile Sports Wagering Act. The
308 Department of Revenue shall be custodian of the fund. Any
309 interest and monies earned on such investments shall be credited
310 to the fund. The fund shall be a dedicated fund and shall be
311 distributed as follows:

312 (a) (i) Until June 30, 2030, the first Six Million
313 Dollars (\$6,000,000.00) deposited to the Mobile Sports Wagering
314 Tax Fund each year shall be transferred into the Retail Sports
315 Wagering Protection Fund, which is created in subsection (2) of
316 this section. At the end of each calendar year, any licensed
317 gaming establishment without a platform whose total annual sports
318 wagering revenue is below the total annual retail sports wagering
319 revenue the same licensed gaming establishment without a platform
320 received in 2024 may apply for a portion of the funds in the
321 Retail Sports Wagering Protection Fund. The commission shall
322 allocate funds in the Retail Sports Wagering Protection Fund
323 proportionately among eligible applicants, but in no case shall a
324 licensed gaming establishment without a platform receive more
325 funds than the amount of the difference between its current year
326 retail sports wagering revenue and 2024 sports wagering revenue.
327 Any funds remaining in the Retail Sports Wagering Protection Fund
328 after this distribution shall be returned to the Mobile Sports
329 Wagering Tax fund for distribution in compliance with subparagraph
330 (ii).



331 (ii) Until June 30, 2030, the remainder of funds
332 in the Mobile Sports Wagering Tax Fund shall be paid on or before
333 the last day of each month by the Department of Revenue to the
334 State Treasurer to be deposited in the Emergency Road and Bridge
335 Repair Fund created in Section 65-1-179, Mississippi Code of 1972.

336 (b) From and after July 1, 2030, all monies which shall
337 consist of taxes and fees generated and collected under the Mobile
338 Sports Wagering Act and deposited to the Mobile Sports Wagering
339 Tax Fund shall be paid on or before the last day of each month by
340 the Department of Revenue to the State Treasurer to be deposited
341 in the Emergency Road and Bridge Repair Fund created in Section
342 65-1-179, Mississippi Code of 1972.

343 (2) There is hereby created the "Retail Sports Wagering
344 Protection Fund", which shall consist of taxes and fees
345 transferred from the Mobile Sports Wagering Tax Fund as described
346 in subsection (1) of this act.

347 **SECTION 7.** Section 97-33-17, Mississippi Code of 1972, is
348 amended as follows:

349 97-33-17. (1) All monies exhibited for the purpose of
350 betting or alluring persons to bet at any game, and all monies
351 staked or betted, shall be liable to seizure by any sheriff,
352 constable, or police officer, together with all the appliances
353 used or kept for use in gambling, or by any other person; and all
354 the monies so seized shall be accounted for by the person making
355 the seizure, and all appliances seized shall be destroyed;



356 provided, however, this section shall not apply to betting, gaming
357 or wagering * * *:

358 (a) On a cruise vessel as defined in Section 27-109-1
359 whenever such vessel is in the waters within the State of
360 Mississippi, which lie adjacent to the State of Mississippi south
361 of the three (3) most southern counties in the State of
362 Mississippi, including the Mississippi Sound, St. Louis Bay,
363 Biloxi Bay and Pascagoula Bay, and in which the registered voters
364 of the county in which the port is located have not voted to
365 prohibit such betting, gaming or wagering on cruise vessels as
366 provided in Section 19-3-79;

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

372 (i) The structure is owned, leased or controlled
373 by a person possessing a gaming license, as defined in Section
374 75-76-5, to conduct legal gaming on a cruise vessel under
375 paragraph (a) of this subsection;

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



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

386 (iii) In the case of a structure that is located
387 in whole or part on shore, the part of the structure in which
388 licensed gaming activities are conducted shall lie adjacent to
389 state waters south of the three (3) most southern counties in the
390 State of Mississippi, including the Mississippi Sound, St. Louis
391 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
392 structure is located consists of a parcel of real property,
393 easements and rights-of-way for public streets and highways shall
394 not be construed to interrupt the contiguous nature of the parcel,
395 nor shall the footage contained within the easements and
396 rights-of-way be counted in the calculation of the distances
397 specified in subparagraph (ii) * * *;

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

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



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

410 **SECTION 8.** Section 75-76-5, Mississippi Code of 1972, is
411 amended as follows:

412 75-76-5. As used in this chapter, unless the context
413 requires otherwise:

414 (a) "Applicant" means any person who has applied for or
415 is about to apply for a state gaming license, registration or
416 finding of suitability under the provisions of this chapter or
417 approval of any act or transaction for which approval is required
418 or permitted under the provisions of this chapter.

419 (b) "Application" means a request for the issuance of a
420 state gaming license, registration or finding of suitability under
421 the provisions of this chapter or for approval of any act or
422 transaction for which approval is required or permitted under the
423 provisions of this chapter but does not include any supplemental
424 forms or information that may be required with the application.

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



431 affects the proper reporting of gross revenue, computerized
432 systems of betting at a race book or sports pool, computerized
433 systems for monitoring slot machines, and devices for weighing or
434 counting money.

435 (d) "Chairman" means the Chairman of the Mississippi
436 Gaming Commission except when used in the term "Chairman of the
437 State Tax Commission." "Chairman of the State Tax Commission" or
438 "commissioner" means the Commissioner of Revenue of the Department
439 of Revenue.

440 (e) "Commission" or "Mississippi Gaming Commission"
441 means the Mississippi Gaming Commission.

442 (f) "Commission member" means a member of the
443 Mississippi Gaming Commission.

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

448 (h) "Enforcement division" means a particular division
449 supervised by the executive director that provides enforcement
450 functions.

451 (i) "Establishment" means any premises wherein or
452 whereon any gaming is done.

453 (j) "Executive director" means the Executive Director
454 of the Mississippi Gaming Commission.



455 (k) Except as otherwise provided by law, "game," or
456 "gambling game" means any banking or percentage game played with
457 cards, with dice or with any mechanical, electromechanical or
458 electronic device or machine for money, property, checks, credit
459 or any representative of value, including, without limiting, the
460 generality of the foregoing, faro, monte, roulette, keno, fan tan,
461 twenty one, blackjack, seven and a half, big injun, klondike,
462 craps, poker, chuck a luck (dai shu), wheel of fortune, chemin de
463 fer, baccarat, pai gow, beat the banker, panguingui, slot machine,
464 or any other game or device approved by the commission. However,
465 "game" or "gambling game" shall not include bingo games or raffles
466 which are held pursuant to the provisions of Section 97-33-51, or
467 the illegal gambling activities described in Section 97-33-8.

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

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

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



480 game, or which determines the outcome of a game. The term does
481 not include a system or device which affects a game solely by
482 stopping its operation so that the outcome remains undetermined,
483 and does not include any antique coin machine as defined in
484 Section 27-27-12.

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

- 488 (i) Boxmen;
- 489 (ii) Cashiers;
- 490 (iii) Change personnel;
- 491 (iv) Counting room personnel;
- 492 (v) Dealers;
- 493 (vi) Floormen;
- 494 (vii) Hosts or other persons empowered to extend
495 credit or complimentary services;
- 496 (viii) Keno runners;
- 497 (ix) Keno writers;
- 498 (x) Machine mechanics;
- 499 (xi) Security personnel;
- 500 (xii) Shift or pit bosses;
- 501 (xiii) Shills;
- 502 (xiv) Supervisors or managers; and
- 503 (xv) Ticket writers.



504 The term "gaming employee" also includes employees of
505 manufacturers or distributors of gaming equipment within this
506 state whose duties are directly involved with the manufacture,
507 repair or distribution of gaming equipment.

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

511 (o) "Gaming license" means any license issued by the
512 state which authorizes the person named therein to engage in
513 gaming.

514 (p) "Gross revenue" means the total of all of the
515 following, less the total of all cash paid out as losses to
516 patrons and those amounts paid to purchase annuities to fund
517 losses paid to patrons over several years by independent financial
518 institutions:

519 (i) Cash received as winnings;

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

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

524 For the purposes of this definition, cash or the value of
525 noncash prizes awarded to patrons in a contest or tournament are
526 not losses.

527 The term does not include:

528 (i) Counterfeit money or tokens;



529 (ii) Coins of other countries which are received
530 in gaming devices;

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

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

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

538 (r) "Investigation division" means a particular
539 division supervised by the executive director that provides
540 investigative functions.

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

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

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

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

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



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

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

556 (z) "Party" means the Mississippi Gaming Commission and
557 any licensee or other person appearing of record in any proceeding
558 before the commission; or the Mississippi Gaming Commission and
559 any licensee or other person appearing of record in any proceeding
560 for judicial review of any action, decision or order of the
561 commission.

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

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

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

572 (dd) "Regulation" means a rule, standard, directive or
573 statement of general applicability which effectuates law or policy
574 or which describes the procedure or requirements for practicing
575 before the commission. The term includes a proposed regulation
576 and the amendment or repeal of a prior regulation but does not
577 include:



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

581 (ii) A declaratory ruling;

582 (iii) An interagency memorandum;

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

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

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

589 (ff) "Slot machine" means any mechanical, electrical or
590 other device, contrivance or machine which, upon insertion of a
591 coin, token or similar object, or upon payment of any
592 consideration, is available to play or operate, the play or
593 operation of which, whether by reason of the skill of the operator
594 or application of the element of chance, or both, may deliver or
595 entitle the person playing or operating the machine to receive
596 cash, premiums, merchandise, tokens or anything of value, whether
597 the payoff is made automatically from the machine or in any other
598 manner. The term does not include any antique coin machine as
599 defined in Section 27-27-12.

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



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

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

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

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

612 (kk) "Work permit" means any card, certificate or
613 permit issued by the commission, whether denominated as a work
614 permit, registration card or otherwise, authorizing the employment
615 of the holder as a gaming employee. A document issued by any
616 governmental authority for any employment other than gaming is not
617 a valid work permit for the purposes of this chapter.

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

621 (mm) "Cheat" means to alter the selection of criteria
622 that determine:

623 (i) The rules of a game; or

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

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



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

632 **SECTION 9.** Section 75-76-33, Mississippi Code of 1972, is
633 amended as follows:

634 75-76-33. (1) The commission shall, from time to time,
635 adopt, amend or repeal such regulations, consistent with the
636 policy, objects and purposes of this chapter, as it may deem
637 necessary or desirable in the public interest in carrying out the
638 policy and provisions of this chapter. The commission shall
639 comply with the Mississippi Administrative Procedures Law when
640 adopting, amending or repealing any regulations authorized under
641 this section or under any other provision of this chapter.

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

644 (a) Prescribing the method and form of application
645 which any applicant for a license or for a manufacturer's,
646 seller's or distributor's license must follow and complete before
647 consideration of his application by the executive director or the
648 commission.

649 (b) Prescribing the information to be furnished by any
650 applicant or licensee concerning his antecedents, habits,
651 character, associates, criminal record, business activities and
652 financial affairs, past or present.



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

655 (d) Requiring fingerprinting of an applicant or
656 licensee, and gaming employees of a licensee, or other methods of
657 identification and the forwarding of all fingerprints taken
658 pursuant to regulation of the Federal Bureau of Investigation.

659 (e) Prescribing the manner and procedure of all
660 hearings conducted by the commission or any hearing examiner of
661 the commission, including special rules of evidence applicable
662 thereto and notices thereof.

663 (f) Requiring any applicant to pay all or any part of
664 the fees and costs of investigation of such applicant as may be
665 determined by the commission under paragraph (g) of this
666 subsection (2).

667 (g) Prescribing the amounts of investigative fees only
668 as authorized by regulations of the commission under paragraph (f)
669 of this subsection, and collecting those fees. The commission
670 shall adopt regulations setting the amounts of those fees at
671 levels that will provide the commission with sufficient revenue,
672 when combined with any other monies as may be deposited into the
673 Mississippi Gaming Commission Fund created in Section 75-76-325,
674 to carry out the provisions of this chapter without any state
675 general funds. In calculating the amount of such fees, the
676 commission shall:



677 (i) Attempt to set the fees at levels that will
678 create a balance in the Mississippi Gaming Commission Fund that
679 does not exceed, at the end of any state fiscal year, two percent
680 (2%) of the projected amount of funds that will provide the
681 commission with such sufficient revenue; and

682 (ii) Demonstrate the reasonableness of the
683 relationship between a fee and the actual costs of the
684 investigative activity for which the fee is being prescribed.

685 (h) Prescribing the manner and method of collection and
686 payment of fees and issuance of licenses.

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

689 (j) Requiring any applicant or licensee to waive any
690 privilege with respect to any testimony at any hearing or meeting
691 of the commission, except any privilege afforded by the
692 Constitution of the United States or this state.

693 (k) Defining and limiting the area, games and devices
694 permitted, and the method of operation of such games and devices,
695 for the purposes of this chapter.

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

699 (m) Governing the use and approval of gambling devices
700 and equipment.



701 (n) Prescribing the qualifications of, and the
702 conditions under which, attorneys, accountants and others are
703 permitted to practice before the commission.

704 (o) Restricting access to confidential information
705 obtained under this chapter and ensuring that the confidentiality
706 of such information is maintained and protected.

707 (p) Prescribing the manner and procedure by which the
708 executive director on behalf of the commission shall notify a
709 county or a municipality wherein an applicant for a license
710 desires to locate.

711 (q) Prescribing the manner and procedure for an
712 objection to be filed with the commission and the executive
713 director by a county or municipality wherein an applicant for a
714 license desires to locate.

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

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



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

729 **SECTION 10.** Section 75-76-89, Mississippi Code of 1972, is
730 amended as follows:

731 75-76-89. (1) Except as otherwise provided in subsection
732 (* * *2) of this section, all licenses issued to the same person,
733 including a wholly owned subsidiary of that person, for the
734 operation of any game, including a sports pool or race book,
735 whether online or in person, which authorize gaming at the same
736 establishment must be merged into a single gaming license. A
737 gaming license may not be issued to any person if the issuance
738 would result in more than one (1) licensed operation at a single
739 establishment, unless authorized by this act whether or not the
740 profits or revenue from gaming are shared between the licensed
741 operations. This shall in no way be interpreted to mean that a
742 platform is the holder of a gaming license.

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



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

751 **SECTION 11.** Section 75-76-91, Mississippi Code of 1972, is
752 amended as follows:

753 75-76-91. (1) All licenses issued under the provisions of
754 this chapter must be posted by the licensee and kept posted at all
755 times in a conspicuous place in the establishment for which issued
756 until replaced by a succeeding license. The gaming licensee shall
757 also conspicuously post the license for the platform used in its
758 establishment.

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

761 **SECTION 12.** Section 75-76-129, Mississippi Code of 1972, is
762 amended as follows:

763 **[Through June 30, 2028, this section shall read as follows:]**

764 75-76-129. (1) On or before the last day of each month all
765 taxes, fees, interest, penalties, damages, fines or other monies
766 collected by the Department of Revenue during that month under the
767 provisions of this chapter, with the exception of (a) the local
768 government fees imposed under Section 75-76-195, and (b) an amount
769 equal to Three Million Dollars (\$3,000,000.00) of the revenue
770 collected pursuant to the fee imposed under Section
771 75-76-177(1)(c), * * * (c) the revenue collected pursuant to the
772 fee imposed under Section 75-76-177(1)(c) as a result of wagers on
773 sporting events and (d) the revenue collected pursuant to the



774 Mobile Sports Wagering Act from online sports pools and online
775 racebooks shall be paid by the Department of Revenue to the State
776 Treasurer to be deposited in the State General Fund. The local
777 government fees shall be distributed by the Department of Revenue
778 pursuant to Section 75-76-197.

779 (2) An amount equal to Three Million Dollars (\$3,000,000.00)
780 of the revenue collected during that month pursuant to the fee
781 imposed under Section 75-76-177(1)(c) shall be deposited by the
782 Department of Revenue into the bond sinking fund created in
783 Section 1(3) of Chapter 479, Laws of 2015.

784 (3) Revenue collected pursuant to the fee imposed under
785 Section 75-76-177(1)(c) as a result of wagers on sporting events
786 shall be deposited into the State Highway Fund to be used solely
787 for the repair and maintenance of highways and bridges of the
788 State of Mississippi. This revenue shall be used first for
789 matching funds made available to the state for such purposes
790 pursuant to any federal highway infrastructure program implemented
791 after September 1, 2018.

792 (4) Revenue collected pursuant to the fee imposed pursuant
793 to Section 75-76-177(c) as a result of wagers on online sports
794 pools and online race books shall be deposited into the "Mobile
795 Sports Wagering Tax Fund" as provided in Section 6 of this act.

796 **[From and after July 1, 2028, this section shall read as**
797 **follows:]**



798 75-76-129. (1) On or before the last day of each month all
799 taxes, fees, interest, penalties, damages, fines or other monies
800 collected by the Department of Revenue during that month under the
801 provisions of this chapter, with the exception of (a) the local
802 government fees imposed under Section 75-76-195, * * * (b) an
803 amount equal to Three Million Dollars (\$3,000,000.00) of the
804 revenue collected pursuant to the fee imposed under Section
805 75-76-177(1)(c), and (c) the revenue collected pursuant to the
806 Mobile Sports Wagering Act from online sports pools and online
807 racebooks shall be paid by the Department of Revenue to the State
808 Treasurer to be deposited in the State General Fund. The local
809 government fees shall be distributed by the Department of Revenue
810 pursuant to Section 75-76-197. An amount equal to Three Million
811 Dollars (\$3,000,000.00) of the revenue collected during that month
812 pursuant to the fee imposed under Section 75-76-177(1)(c) shall be
813 deposited by the Department of Revenue into the bond sinking fund
814 created in Section 1(3) of Chapter 479, Laws of 2015.

815 (2) Revenue collected pursuant to the fee imposed
816 pursuant to Section 75-76-177(c) as a result of wagers on online
817 sports pools and online race books shall be deposited into the
818 "Mobile Sports Wagering Tax Fund" as provided in Section 6 of this
819 act.

820 **SECTION 13.** Section 75-76-203, Mississippi Code of 1972, is
821 amended as follows:



822 75-76-203. In order to be eligible to receive a state gaming
823 license, a corporation shall:

824 (a) Be incorporated:

825 (i) In the State of Mississippi, although such
826 corporation may be a wholly or partly owned subsidiary of a
827 corporation which is chartered in another state of the United
828 States; or

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

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

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

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

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

842 (ii) Be available for inspection by the commission
843 or the executive director or his employees at all reasonable times
844 without notice.

845 **SECTION 14.** Section 75-76-205, Mississippi Code of 1972, is
846 brought forward as follows:



847 75-76-205. No domestic corporation is eligible to receive a
848 gaming license unless it is in good standing in this state. No
849 foreign corporation is eligible to receive a gaming license unless
850 it qualifies to do business in this state.

851 **SECTION 15.** Section 75-76-211, Mississippi Code of 1972, is
852 brought forward as follows:

853 75-76-211. All officers and directors of the corporation
854 which holds or applies for a state gaming license must be licensed
855 individually, according to the provisions of this chapter; and if,
856 in the judgment of the commission, the public interest will be
857 served by requiring any or all of the corporation's individual
858 stockholders, lenders, holders of evidences of indebtedness,
859 underwriters, key executives, agents or employees to be licensed,
860 the corporation shall require such persons to apply for a license
861 in accordance with the laws and requirements in effect at the time
862 the commission requires such licensing. A person who is required
863 to be licensed by this section shall apply for a license within
864 thirty (30) days after he becomes an officer or director. A
865 person who is required to be licensed pursuant to a decision of
866 the commission shall apply for a license within thirty (30) days
867 after the executive director requests him to do so.

868 **SECTION 16.** Section 75-76-55, Mississippi Code of 1972, is
869 brought forward as follows:

870 75-76-55. (1) Except as otherwise provided in Section
871 75-76-34, it is unlawful for any person, either as owner, lessee



872 or employee, whether for hire or not, either solely or in
873 conjunction with others, without having first procured and
874 thereafter maintaining in effect a state gaming license:

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

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

882 (c) To receive, directly or indirectly, any
883 compensation or reward or any percentage or share of the money or
884 property played, for keeping, running or carrying on any gambling
885 game, including, without limitation, any slot machine, gaming
886 device, race book or sports pool.

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

894 **SECTION 17.** Section 75-76-79, Mississippi Code of 1972, is
895 amended as follows:



896 75-76-79. (1) (a) Except as otherwise provided in
897 paragraphs (b) and (c) of this subsection, it is unlawful for any
898 person, either as owner, lessee or employee, whether for hire or
899 not, to operate, carry on, conduct or maintain any form of
900 manufacture, selling or distribution of any gaming device for use
901 or play in Mississippi or for distribution outside of Mississippi
902 without first procuring and maintaining all required federal and
903 state licenses.

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

906 (c) The holder of a state gaming license or the holding
907 company of a corporate licensee may, within two (2) years after
908 cessation of business or upon specific approval by the executive
909 director, dispose of by sale in a manner approved by the executive
910 director, any or all of its gaming devices, including slot
911 machines, without a distributor's license. In cases of bankruptcy
912 of a state gaming licensee or foreclosure of a lien by a bank or
913 other person holding a security interest for which gaming devices
914 are security, in whole or in part, for the lien, the executive
915 director may authorize the disposition of the gaming devices
916 without requiring a distributor's license.

917 (d) Any person whom the commission determines is a
918 suitable person to receive a license under the provisions of this
919 section may be issued a manufacturer's or distributor's license.
920 The burden of proving his qualification to receive or hold a



921 license under this section is at all times on the applicant or
922 licensee.

923 (e) Every person who must be licensed pursuant to this
924 section is subject to the provisions of Sections 75-76-199 through
925 75-76-265, unless exempted from those provisions by the
926 commission.

927 (f) The commission may exempt, for any purpose, a
928 manufacturer, seller or distributor from the provisions of
929 Sections 75-76-199 through 75-76-265, if the commission determines
930 that the exemption is consistent with the purposes of this
931 chapter.

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

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

936 (a) No new gaming device or associated equipment
937 manufactured by the manufacturer or distributed by the distributor
938 may be approved;

939 (b) Any previously approved device or associated
940 equipment manufactured by the manufacturer or distributed by the
941 distributor is subject to revocation of approval if the reasons
942 for the denial of the license also apply to that device or
943 associated equipment;



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

947 (d) Any association or agreement between the
948 manufacturer or distributor and a licensee must be terminated,
949 unless otherwise provided by the commission. An agreement between
950 such a manufacturer or distributor of gaming devices or associated
951 equipment and a licensee shall be deemed to include a provision
952 for its termination without liability on the part of the licensee
953 upon a finding by the commission that the manufacturer is
954 unsuitable to be associated with a gaming enterprise. Failure to
955 include that condition in the agreement is not a defense in any
956 action brought pursuant to this section to terminate the
957 agreement.

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

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

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



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

970 This fee is to be paid by the applicant to the * * *
971 Department of Revenue on or before the filing of the application
972 for a manufacturer's, seller's or distributor's license by the
973 applicant. Upon such payment the * * * Commissioner of Revenue
974 shall certify to the executive director that such fee has been
975 paid by the applicant.

976 Except for those amounts that a person issued a
977 manufacturer's license under this section may charge for goods
978 supplied or services rendered, the person holding the
979 manufacturer's license may not be directly reimbursed by a holder
980 of a gaming license for the cost of any fee paid by the person for
981 the issuance or continuation of such a license, whether imposed
982 under this section or any other provision of this chapter.

983 (5) A manufacturer or distributor of associated equipment
984 who sells, transfers or offers the associated equipment for use or
985 play in Mississippi may be required by the executive director to
986 file an application for a finding of suitability to be a
987 manufacturer or distributor of associated equipment.

988 Any person who directly or indirectly involves himself in the
989 sale, transfer or offering for use or play in Mississippi of
990 associated equipment who is not otherwise required to be licensed
991 as a manufacturer or distributor may be required by the executive



992 director to file an application for a finding of suitability to be
993 a manufacturer or distributor of associated equipment.

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

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

1000 (a) For use in this state, before the gaming device is
1001 put into play.

1002 (b) In this state for use outside this state, before
1003 the gaming device is shipped out of this state.

1004 The executive director may inspect every gaming device which
1005 is offered for play within this state by a licensee.

1006 The executive director may inspect all associated equipment
1007 which is manufactured, sold or distributed for use in this state
1008 before the equipment is installed or used by a gaming licensee.

1009 In addition to all other fees and charges imposed by this
1010 chapter, the executive director may determine an inspection fee
1011 with regard to each manufacturer, seller or distributor which must
1012 not exceed the actual cost of inspection and investigation. Upon
1013 such determination, the executive director shall certify to the
1014 * * * Commissioner of Revenue the amount of the inspection fee
1015 and the name and address of the applicant. Upon such



1016 certification the * * * Department of Revenue shall proceed to
1017 assess and collect such inspection fee from the applicant.

1018 **SECTION 18.** Section 75-76-101, Mississippi Code of 1972, is
1019 amended as follows:

1020 75-76-101. (1) All gaming must be conducted with chips,
1021 tokens or other instrumentalities approved by the executive
1022 director or with the legal tender of the United States.

1023 (2) Except for an online sports pool or online race book, no
1024 licensee shall permit participation by a person in a game
1025 conducted in the licensed gaming establishment if such person is
1026 not physically present in the licensed gaming establishment during
1027 the period of time when such game is being conducted, and all
1028 games and the participation of patrons therein shall be entirely
1029 located and conducted on the licensed premises.

1030 **SECTION 19.** Section 75-76-175, Mississippi Code of 1972, is
1031 amended as follows:

1032 75-76-175. (1) A credit instrument accepted on or after
1033 June 29, 1991, is valid and may be enforced by legal process.

1034 (2) A licensee or a person acting on the licensee's behalf
1035 may accept an incomplete credit instrument which:

1036 (a) Is signed by a patron; and

1037 (b) States the amount of the debt in figures.

1038 Such licensee or person acting on the licensee's behalf * * *
1039 may complete the instrument as is necessary for the instrument to
1040 be presented for payment.



1041 (3) A licensee or person acting on behalf of a licensee:
1042 (a) May accept a credit instrument that is dated later
1043 than the date of its execution if that later date is furnished at
1044 the time of the execution of the credit instrument by the patron.
1045 (b) May not accept a credit instrument which is
1046 incomplete, except as authorized by subsection (2) of this
1047 section.
1048 (c) May accept a credit instrument that is payable to
1049 an affiliated company or may complete a credit instrument in the
1050 name of an affiliated company as payee if the credit instrument
1051 otherwise complies with this subsection and the records of the
1052 affiliated company pertaining to the credit instrument are made
1053 available to the executive director upon request.
1054 (4) This section does not prohibit the establishment of an
1055 account by a deposit of cash, recognized traveler's check, or any
1056 other instruments which is equivalent to cash.
1057 (5) Any person who violates the provisions of this section
1058 is subject only to the penalties provided in Sections 75-76-103
1059 through 75-76-119, inclusive.
1060 (6) The commission may adopt regulations prescribing the
1061 conditions under which a credit instrument may be redeemed or
1062 presented to a bank for collection or payment.
1063 **SECTION 20.** Section 75-76-177, Mississippi Code of 1972, is
1064 amended as follows:



1065 75-76-177. (1) From and after August 1, 1990, there is
1066 hereby imposed and levied on each gaming licensee a license fee
1067 based upon all the gross revenue of the licensee as follows:

1068 (a) Four percent (4%) of all the gross revenue of the
1069 licensee which does not exceed Fifty Thousand Dollars (\$50,000.00)
1070 per calendar month;

1071 (b) Six percent (6%) of all the gross revenue of the
1072 licensee which exceeds Fifty Thousand Dollars (\$50,000.00) per
1073 calendar month and does not exceed One Hundred Thirty four
1074 Thousand Dollars (\$134,000.00) per calendar month; and

1075 (c) Eight percent (8%) of all the gross revenue of the
1076 licensee which exceeds One Hundred Thirty four Thousand Dollars
1077 (\$134,000.00) per calendar month.

1078 (2) All revenue received from any game * * *, gaming device
1079 or platform which is leased for operation on the premises of the
1080 licensee owner to a person other than the owner thereof or which
1081 is located in an area or space on such premises which is leased by
1082 the licensee owner to any such person, must be attributed to the
1083 owner for the purposes of this section and be counted as part of
1084 the gross revenue of the owner. The lessee is liable to the owner
1085 for his proportionate share of such license fees.

1086 (3) If the amount of license fees required to be reported
1087 and paid pursuant to this section is later determined to be
1088 greater or less than the amount actually reported and paid by the
1089 licensee, the * * * Commissioner of Revenue shall:



1090 (a) Assess and collect the additional license fees
1091 determined to be due, with interest thereon until paid; or
1092 (b) Refund any overpayment, with interest thereon, to
1093 the licensee.

1094 Interest must be computed, until paid, at the rate of one
1095 percent (1%) per month from the first day of the first month
1096 following either the due date of the additional license fees or
1097 the date of overpayment.

1098 (4) Failure to pay the fees provided for in this section
1099 when they are due for continuation of a license shall be deemed a
1100 surrender of the license.

1101 **SECTION 21.** Section 97-33-305, Mississippi Code of 1972, is
1102 brought forward as follows:

1103 97-33-305. (1) Fantasy contests are legal in this state. A
1104 fantasy contest operator must comply with the provisions of this
1105 section if the operator's total player roster for all fantasy
1106 contests consists of one hundred (100) or more members of the
1107 general public.

1108 (2) A fantasy contest operator must implement commercially
1109 reasonable procedures for fantasy contests with an entry fee to:

1110 (a) Prevent employees of the operator, and relatives
1111 living in the same household with an employee of an operator, from
1112 competing in fantasy contests offered by an operator in which the
1113 operator offers a cash prize;



1114 (b) Prevent sharing with third parties of confidential
1115 information that could affect fantasy contest play until the
1116 information is made publicly available;

1117 (c) Prevent the operator from participating in a
1118 fantasy contest offered by the operator;

1119 (d) Verify that a fantasy contest player is eighteen
1120 (18) years of age or older except as required in Section
1121 97-33-307(5);

1122 (e) Ensure that individuals who participate or
1123 officiate in a sporting event or who own, manage or coach a team
1124 or player who participates in a sporting event will not knowingly
1125 be allowed to enter a fantasy contest that is determined, in whole
1126 or in part, on accumulated statistical results that include a
1127 sporting event in which the individual could be involved as an
1128 athlete, official, owner, manager or coach;

1129 (f) Allow individuals to restrict themselves from
1130 entering a fantasy contest upon request and provide reasonable
1131 steps to prevent the person from entering fantasy contests offered
1132 by the operator;

1133 (g) Disclose the number of entries that a player may
1134 submit to each fantasy contest and provide reasonable steps to
1135 prevent players from submitting more than the allowable number;

1136 (h) Restrict the number of entries submitted by a
1137 single player for any contest as follows:



1138 (i) An operator shall not allow a player to submit
1139 more than one (1) entry in a contest involving twelve (12) or
1140 fewer players.

1141 (ii) If the number of players in a contest is more
1142 than twelve (12) but fewer than thirty seven (37), an operator
1143 shall not allow a player to submit more than two (2) entries.

1144 (iii) If the number of players in a contest is at
1145 least thirty seven (37) but no more than one hundred (100), an
1146 operator shall not allow a player to submit more than three (3)
1147 entries.

1148 (iv) In any contest involving more than one
1149 hundred (100) players, an operator shall not allow a player to
1150 submit more than the lesser of:

- 1151 1. Three percent (3%) of all entries; or
- 1152 2. One hundred fifty (150) entries.

1153 (v) For all advertised fantasy contests, the
1154 operator must prominently include information about the maximum
1155 number of entries that may be submitted for that contest.

1156 (vi) An operator may establish fantasy contests in
1157 which there is no restriction on the number of entries, if those
1158 contests constitute less than two percent (2%) of the total number
1159 of contests it offers, and if the operator clearly discloses:

- 1160 1. That there are no limits on the number of
1161 entries by each player in the contest; and



1162 2. That the cost of participating in such a
1163 contest is Fifty Dollars (\$50.00) or more per entry;

1164 (i) Offer introductory procedures for players that are
1165 prominently displayed on the main page of the operator's platform
1166 to explain contest play and how to identify a highly experienced
1167 player;

1168 (j) Identify all highly experienced players in every
1169 fantasy contest by a symbol attached to the players' usernames, or
1170 by other easily visible means, on all platforms supported by the
1171 operator; and

1172 (k) Segregate fantasy contest player funds from
1173 operational funds or maintain a reserve in the form of cash, cash
1174 equivalents, payment processor reserves and receivables, an
1175 irrevocable letter of credit, a bond, or a combination thereof, in
1176 the amount of the total account balances of the fantasy contest
1177 players for the benefit and protection of the funds held in the
1178 accounts.

1179 (3) An operator shall not offer contests based on the
1180 performance of participants in collegiate, high school or youth
1181 sports events.

1182 (4) A fantasy contest operator offering fantasy contests
1183 with an entry fee in this state shall comply with audit procedures
1184 adopted by the commission to ensure compliance with this section.



1185 (5) (a) Advertisements for contests and prizes offered by
1186 an operator shall not target prohibited participants, minors, or
1187 self excluded persons.

1188 (b) Representations or implications about average
1189 winnings from contests shall not be unfair or misleading. Such
1190 representations shall include, at a minimum:

1191 (i) The median and mean net winnings of all
1192 players participating in contests offered by the operator; and

1193 (ii) The percentage of winnings awarded by the
1194 operator to highly experienced players participating in contests
1195 offered by the operator within the preceding calendar year.

1196 (6) Operators shall prohibit the use of third party scripts
1197 or scripting programs for any contest and ensure that measures are
1198 in place to deter, detect and, to the extent reasonably possible,
1199 prevent cheating, including collusion, and the use of cheating
1200 devices, including use of software programs that submit entry fees
1201 or adjust the athletes selected by a player.

1202 (7) The values of all prizes and awards offered to winning
1203 players must be established and made known to the players in
1204 advance of the contest.

1205 **SECTION 22.** Section 97-33-27, Mississippi Code of 1972, is
1206 amended as follows:

1207 97-33-27. If any person shall bet on a horse race or a yacht
1208 race or on a shooting match, he shall be fined not more than Five
1209 Hundred Dollars (\$500.00), and, unless the fine and costs be



1210 immediately paid, he shall be imprisoned in the county jail not
1211 more than ninety (90) days; provided, however, this section shall
1212 not apply to betting, gaming or wagering:

1213 (a) On a cruise vessel as defined in Section 27-109-1
1214 whenever such vessel is in the waters within the State of
1215 Mississippi, which lie adjacent to the State of Mississippi south
1216 of the three (3) most southern counties in the State of
1217 Mississippi, including the Mississippi Sound, St. Louis Bay,
1218 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1219 of the county in which the port is located have not voted to
1220 prohibit such betting, gaming or wagering on cruise vessels as
1221 provided in Section 19-3-79;

1222 (b) In a structure located in whole or in part on shore
1223 in any of the three (3) most southern counties in the State of
1224 Mississippi in which the registered voters of the county have
1225 voted to allow such betting, gaming or wagering on cruise vessels
1226 as provided in Section 19-3-79, if:

1227 (i) The structure is owned, leased or controlled
1228 by a person possessing a gaming license, as defined in Section
1229 75-76-5, to conduct legal gaming on a cruise vessel under
1230 paragraph (a) of this section;

1231 (ii) The part of the structure in which licensed
1232 gaming activities are conducted is located entirely in an area
1233 which is located no more than eight hundred (800) feet from the
1234 mean high-water line (as defined in Section 29-15-1) of the waters



1235 within the State of Mississippi, which lie adjacent to the State
1236 of Mississippi south of the three (3) most southern counties in
1237 the State of Mississippi, including the Mississippi Sound, St.
1238 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1239 Harrison County only, no farther north than the southern boundary
1240 of the right-of-way for U.S. Highway 90, whichever is greater; and

1241 (iii) In the case of a structure that is located
1242 in whole or part on shore, the part of the structure in which
1243 licensed gaming activities are conducted shall lie adjacent to
1244 state waters south of the three (3) most southern counties in the
1245 State of Mississippi, including the Mississippi Sound, St. Louis
1246 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1247 structure is located consists of a parcel of real property,
1248 easements and rights-of-way for public streets and highways shall
1249 not be construed to interrupt the contiguous nature of the parcel,
1250 nor shall the footage contained within the easements and
1251 rights-of-way be counted in the calculation of the distances
1252 specified in subparagraph (ii) * * *;

1253 (c) On a vessel as defined in Section 27-109-1 whenever
1254 such vessel is on the Mississippi River or navigable waters within
1255 any county bordering on the Mississippi River, and in which the
1256 registered voters of the county in which the port is located have
1257 not voted to prohibit such betting, gaming or wagering on vessels
1258 as provided in Section 19-3-79; or



1259 (d) That is legal under the laws of the State of
1260 Mississippi.

1261 **SECTION 23.** Section 97-33-8, Mississippi Code of 1972, is
1262 amended as follows:

1263 97-33-8. (1) The provisions of this section are intended to
1264 clarify that the operation of "Internet sweepstakes cafes" is an
1265 illegal gambling activity under Mississippi state law.

1266 (2) It shall be unlawful for any person or entity to
1267 possess, own, control, display, operate or have a financial
1268 interest in an electronic video monitor that:

1269 (a) Is offered or made available to a person to play or
1270 participate in a simulated gambling program in return for direct
1271 or indirect consideration, including consideration associated with
1272 a product, service or activity other than the simulated gambling
1273 program; and

1274 (b) The person who plays or participates in the
1275 simulated gambling program may become eligible to win, redeem or
1276 otherwise obtain a cash or cash-equivalent prize, whether or not
1277 the eligibility for or value of the prize is determined by or has
1278 any relationship to the outcome or play of the program.

1279 (3) As used in this section, the following words and phrases
1280 shall have the meanings ascribed in this subsection, unless the
1281 context clearly indicates otherwise:

1282 (a) "Simulated gambling program" means any method
1283 intended to be used by a person playing, participating or



1284 interacting with an electronic video monitor that is offered by
1285 another person or entity; that directly or indirectly implements
1286 the predetermination of a cash or cash-equivalent prize, or
1287 otherwise connects the player with the cash or cash-equivalent
1288 prize; and that is not legal under the Mississippi Gaming Control
1289 Act.

1290 (b) "Consideration associated with a product, service
1291 or activity other than the simulated gambling program" means money
1292 or other value collected for a product, service or activity that
1293 is offered in any direct or indirect relationship to playing or
1294 participating in the simulated gambling program. The term
1295 includes consideration paid for Internet access or computer time,
1296 or a sweepstakes entry.

1297 (c) "Electronic video monitor" means any unit,
1298 mechanism, computer or other terminal, or device that is capable
1299 of displaying moving or still images.

1300 (4) Any person or entity violating the provisions of this
1301 section, upon conviction, shall be guilty of a misdemeanor and
1302 fined not more than One Thousand Dollars (\$1,000.00) or imprisoned
1303 for not less than one (1) year, or both.

1304 (5) The provisions of this section shall not apply to:

1305 (a) Any lawful activity that is conducted for the
1306 primary purpose of entertaining children under the age of eighteen
1307 (18) years, during which money is paid for a token or chip that is



1308 used to play an electronic or other game, with the winner of the
1309 game earning tickets that can be exchanged for prizes;

1310 (b) Any lawful marketing promotion, contest, prize or
1311 sweepstakes that is designed to attract consumer attention to a
1312 specific product or service which is offered for sale by the
1313 manufacturer, distributor, vendor or retailer of the product or
1314 service; or

1315 (c) Any promotional activity as defined in Section
1316 75-76-5 that is conducted by a gaming licensee.

1317 **SECTION 24.** Section 97-33-25, Mississippi Code of 1972, is
1318 amended as follows:

1319 97-33-25. If any person shall sell or buy, either directly
1320 or indirectly, any chance in what is commonly called pool, upon
1321 any event whatever, or shall in any manner engage in such business
1322 or pastime, he shall be fined not more than Five Hundred Dollars
1323 (\$500.00) or shall be imprisoned in the county jail not more than
1324 ninety (90) days; provided, however, this section shall not apply
1325 to betting, gaming or wagering:

1326 (a) On a cruise vessel as defined in Section 27-109-1
1327 whenever such vessel is in the waters within the State of
1328 Mississippi, which lie adjacent to the State of Mississippi south
1329 of the three (3) most southern counties in the State of
1330 Mississippi, including the Mississippi Sound, St. Louis Bay,
1331 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1332 of the county in which the port is located have not voted to



1333 prohibit such betting, gaming or wagering on cruise vessels as
1334 provided in Section 19-3-79;

1335 (b) In a structure located in whole or in part on shore
1336 in any of the three (3) most southern counties in the State of
1337 Mississippi in which the registered voters of the county have
1338 voted to allow such betting, gaming or wagering on cruise vessels
1339 as provided in Section 19-3-79, if:

1340 (i) The structure is owned, leased or controlled
1341 by a person possessing a gaming license, as defined in Section
1342 75-76-5, to conduct legal gaming on a cruise vessel under
1343 paragraph (a) of this section;

1344 (ii) The part of the structure in which licensed
1345 gaming activities are conducted is located entirely in an area
1346 which is located no more than eight hundred (800) feet from the
1347 mean high-water line (as defined in Section 29-15-1) of the waters
1348 within the State of Mississippi, which lie adjacent to the State
1349 of Mississippi south of the three (3) most southern counties in
1350 the State of Mississippi, including the Mississippi Sound, St.
1351 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1352 Harrison County only, no farther north than the southern boundary
1353 of the right-of-way for U.S. Highway 90, whichever is greater; and

1354 (iii) In the case of a structure that is located
1355 in whole or part on shore, the part of the structure in which
1356 licensed gaming activities are conducted shall lie adjacent to
1357 state waters south of the three (3) most southern counties in the



1358 State of Mississippi, including the Mississippi Sound, St. Louis
1359 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1360 structure is located consists of a parcel of real property,
1361 easements and rights-of-way for public streets and highways shall
1362 not be construed to interrupt the contiguous nature of the parcel,
1363 nor shall the footage contained within the easements and
1364 rights-of-way be counted in the calculation of the distances
1365 specified in subparagraph (ii) * * *;

1366 (c) On a vessel as defined in Section 27-109-1 whenever
1367 such vessel is on the Mississippi River or navigable waters within
1368 any county bordering on the Mississippi River, and in which the
1369 registered voters of the county in which the port is located have
1370 not voted to prohibit such betting, gaming or wagering on vessels
1371 as provided in Section 19-3-79; or

1372 (d) That is legal under the laws of the State of
1373 Mississippi.

1374 **SECTION 25.** Section 97-33-1, Mississippi Code of 1972, is
1375 brought forward as follows:

1376 97-33-1. Except as otherwise provided in Section 97-33-8, if
1377 any person shall encourage, promote or play at any game, play or
1378 amusement, other than a fight or fighting match between dogs, for
1379 money or other valuable thing, or shall wager or bet, promote or
1380 encourage the wagering or betting of any money or other valuable
1381 things, upon any game, play, amusement, cockfight, Indian ball
1382 play or duel, other than a fight or fighting match between dogs,



1383 or upon the result of any election, event or contingency whatever,
1384 upon conviction thereof, he shall be fined in a sum not more than
1385 Five Hundred Dollars (\$500.00); and, unless such fine and costs be
1386 immediately paid, shall be imprisoned for any period not more than
1387 ninety (90) days. However, this section shall not apply to
1388 betting, gaming or wagering:

1389 (a) On a cruise vessel as defined in Section 27-109-1
1390 whenever such vessel is in the waters within the State of
1391 Mississippi, which lie adjacent to the State of Mississippi south
1392 of the three (3) most southern counties in the State of
1393 Mississippi, including the Mississippi Sound, St. Louis Bay,
1394 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1395 of the county in which the port is located have not voted to
1396 prohibit such betting, gaming or wagering on cruise vessels as
1397 provided in Section 19-3-79;

1398 (b) In a structure located, in whole or in part, on
1399 shore in any of the three (3) most southern counties in the State
1400 of Mississippi in which the registered voters of the county have
1401 voted to allow such betting, gaming or wagering on cruise vessels
1402 as provided in Section 19-3-79, if:

1403 (i) The structure is owned, leased or controlled
1404 by a person possessing a gaming license, as defined in Section
1405 75-76-5, to conduct legal gaming on a cruise vessel under
1406 paragraph (a) of this section;



1407 (ii) The part of the structure in which licensed
1408 gaming activities are conducted is located entirely in an area
1409 which is located no more than eight hundred (800) feet from the
1410 mean high-water line (as defined in Section 29-15-1) of the waters
1411 within the State of Mississippi, which lie adjacent to the State
1412 of Mississippi south of the three (3) most southern counties in
1413 the State of Mississippi, including the Mississippi Sound, St.
1414 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1415 Harrison County only, no farther north than the southern boundary
1416 of the right-of-way for U.S. Highway 90, whichever is greater; and

1417 (iii) In the case of a structure that is located
1418 in whole or part on shore, the part of the structure in which
1419 licensed gaming activities are conducted shall lie adjacent to
1420 state waters south of the three (3) most southern counties in the
1421 State of Mississippi, including the Mississippi Sound, St. Louis
1422 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1423 structure is located consists of a parcel of real property,
1424 easements and rights-of-way for public streets and highways shall
1425 not be construed to interrupt the contiguous nature of the parcel,
1426 nor shall the footage contained within the easements and
1427 rights-of-way be counted in the calculation of the distances
1428 specified in subparagraph (ii);

1429 (c) On a vessel as defined in Section 27-109-1 whenever
1430 such vessel is on the Mississippi River or navigable waters within
1431 any county bordering on the Mississippi River, and in which the



1432 registered voters of the county in which the port is located have
1433 not voted to prohibit such betting, gaming or wagering on vessels
1434 as provided in Section 19-3-79; or

1435 (d) That is legal under the laws of the State of
1436 Mississippi.

1437 **SECTION 26.** Section 97-33-7, Mississippi Code of 1972, is
1438 brought forward as follows:

1439 97-33-7. (1) Except as otherwise provided in Section
1440 97-33-8, it shall be unlawful for any person or persons, firm,
1441 copartnership or corporation to have in possession, own, control,
1442 display, or operate any cane rack, knife rack, artful dodger,
1443 punch board, roll down, merchandise wheel, slot machine, pinball
1444 machine, or similar device or devices. Provided, however, that
1445 this section shall not be so construed as to make unlawful the
1446 ownership, possession, control, display or operation of any
1447 antique coin machine as defined in Section 27-27-12, or any music
1448 machine or bona fide automatic vending machine where the purchaser
1449 receives exactly the same quantity of merchandise on each
1450 operation of said machine. Any slot machine other than an antique
1451 coin machine as defined in Section 27-27-12 which delivers, or is
1452 so constructed as that by operation thereof it will deliver to the
1453 operator thereof anything of value in varying quantities, in
1454 addition to the merchandise received, and any slot machine other
1455 than an antique coin machine as defined in Section 27-27-12 that
1456 is constructed in such manner as that slugs, tokens, coins or



1457 similar devices are, or may be, used and delivered to the operator
1458 thereof in addition to merchandise of any sort contained in such
1459 machine, is hereby declared to be a gambling device, and shall be
1460 deemed unlawful under the provisions of this section. Provided,
1461 however, that pinball machines which do not return to the operator
1462 or player thereof anything but free additional games or plays
1463 shall not be deemed to be gambling devices, and neither this
1464 section nor any other law shall be construed to prohibit same.

1465 (2) No property right shall exist in any person, natural or
1466 artificial, or be vested in such person, in any or all of the
1467 devices described herein that are not exempted from the provisions
1468 of this section; and all such devices are hereby declared to be at
1469 all times subject to confiscation and destruction, and their
1470 possession shall be unlawful, except when in the possession of
1471 officers carrying out the provisions of this section. It shall be
1472 the duty of all law enforcing officers to seize and immediately
1473 destroy all such machines and devices.

1474 (3) A first violation of the provisions of this section
1475 shall be deemed a misdemeanor, and the party offending shall, upon
1476 conviction, be fined in any sum not exceeding Five Hundred Dollars
1477 (\$500.00), or imprisoned not exceeding three (3) months, or both,
1478 in the discretion of the court. In the event of a second
1479 conviction for a violation of any of the provisions of this
1480 section, the party offending shall be subject to a sentence of not
1481 less than six (6) months in the county jail, nor more than two (2)



1482 years in the State Penitentiary, in the discretion of the trial
1483 court.

1484 (4) Notwithstanding any provision of this section to the
1485 contrary, it shall not be unlawful to operate any equipment or
1486 device described in subsection (1) of this section or any gaming,
1487 gambling or similar device or devices by whatever name called
1488 while:

1489 (a) On a cruise vessel as defined in Section 27-109-1
1490 whenever such vessel is in the waters within the State of
1491 Mississippi, which lie adjacent to the State of Mississippi south
1492 of the three (3) most southern counties in the State of
1493 Mississippi, including the Mississippi Sound, St. Louis Bay,
1494 Biloxi Bay and Pascagoula Bay, and in which the registered voters
1495 of the county in which the port is located have not voted to
1496 prohibit such betting, gaming or wagering on cruise vessels as
1497 provided in Section 19-3-79;

1498 (b) In a structure located, in whole or in part, on
1499 shore in any of the three (3) most southern counties in the State
1500 of Mississippi in which the registered voters of the county have
1501 voted to allow such betting, gaming or wagering on cruise vessels
1502 as provided in Section 19-3-79, if:

1503 (i) The structure is owned, leased or controlled
1504 by a person possessing a gaming license, as defined in Section
1505 75-76-5, to conduct legal gaming on a cruise vessel under
1506 paragraph (a) of this subsection;



1507 (ii) The part of the structure in which licensed
1508 gaming activities are conducted is located entirely in an area
1509 which is located no more than eight hundred (800) feet from the
1510 mean high-water line (as defined in Section 29-15-1) of the waters
1511 within the State of Mississippi, which lie adjacent to the State
1512 of Mississippi south of the three (3) most southern counties in
1513 the State of Mississippi, including the Mississippi Sound, St.
1514 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
1515 Harrison County only, no farther north than the southern boundary
1516 of the right-of-way for U.S. Highway 90, whichever is greater; and

1517 (iii) In the case of a structure that is located
1518 in whole or part on shore, the part of the structure in which
1519 licensed gaming activities are conducted shall lie adjacent to
1520 state waters south of the three (3) most southern counties in the
1521 State of Mississippi, including the Mississippi Sound, St. Louis
1522 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
1523 structure is located consists of a parcel of real property,
1524 easements and rights-of-way for public streets and highways shall
1525 not be construed to interrupt the contiguous nature of the parcel,
1526 nor shall the footage contained within the easements and
1527 rights-of-way be counted in the calculation of the distances
1528 specified in subparagraph (ii);

1529 (c) On a vessel as defined in Section 27-109-1 whenever
1530 such vessel is on the Mississippi River or navigable waters within
1531 any county bordering on the Mississippi River, and in which the



1532 registered voters of the county in which the port is located have
1533 not voted to prohibit such betting, gaming or wagering on vessels
1534 as provided in Section 19-3-79; or

1535 (d) That is legal under the laws of the State of
1536 Mississippi.

1537 (5) Notwithstanding any provision of this section to the
1538 contrary, it shall not be unlawful (a) to own, possess, repair or
1539 control any gambling device, machine or equipment in a licensed
1540 gaming establishment or on the business premises appurtenant to
1541 any such licensed gaming establishment during any period of time
1542 in which such licensed gaming establishment is being constructed,
1543 repaired, maintained or operated in this state; (b) to install any
1544 gambling device, machine or equipment in any licensed gaming
1545 establishment; (c) to possess or control any gambling device,
1546 machine or equipment during the process of procuring or
1547 transporting such device, machine or equipment for installation on
1548 any such licensed gaming establishment; or (d) to store in a
1549 warehouse or other storage facility any gambling device, machine,
1550 equipment, or part thereof, regardless of whether the county or
1551 municipality in which the warehouse or storage facility is located
1552 has approved gaming aboard cruise vessels or vessels, provided
1553 that such device, machine or equipment is operated only in a
1554 county or municipality that has approved gaming aboard cruise
1555 vessels or vessels. Any gambling device, machine or equipment
1556 that is owned, possessed, controlled, installed, procured,



1557 repaired, transported or stored in accordance with this subsection
1558 shall not be subject to confiscation, seizure or destruction, and
1559 any person, firm, partnership or corporation which owns,
1560 possesses, controls, installs, procures, repairs, transports or
1561 stores any gambling device, machine or equipment in accordance
1562 with this subsection shall not be subject to any prosecution or
1563 penalty under this section. Any person constructing or repairing
1564 such cruise vessels or vessels within a municipality shall comply
1565 with all municipal ordinances protecting the general health or
1566 safety of the residents of the municipality.

1567 **SECTION 27.** Section 7-11-11, Mississippi Code of 1972, is
1568 brought forward as follows:

1569 7-11-11. The Secretary of State shall have charge of the
1570 swamp and the overflowed lands and indemnity lands in lieu
1571 thereof, the internal improvement lands, the lands forfeited to
1572 the state for nonpayment of taxes after the time allowed by law
1573 for redemption shall have expired, and of all other public lands
1574 belonging to or under the control of the state. The regulation,
1575 sale and disposition of all such lands shall be made through the
1576 Secretary of State's office.

1577 The Secretary of State shall sign all conveyances and leases
1578 of any and all state-owned lands and shall record same in a book
1579 kept in his office for such purposes.

1580 **SECTION 28.** Section 29-1-107, Mississippi Code of 1972, is
1581 brought forward as follows:



1582 29-1-107. (1) The Secretary of State with the approval of
1583 the Governor shall, as far as practicable, rent or lease all lands
1584 belonging to the state, except as otherwise provided by law for a
1585 period of not exceeding one (1) year, and account for the rents
1586 therefrom in the same manner as money received from the sale of
1587 state lands, provided that no state land shall be rented or leased
1588 to individuals, corporations, partnerships, or association of
1589 persons for hunting or fishing purposes. Property belonging to
1590 the state in municipalities, even though it may have been
1591 subdivided into lots, blocks, divisions, or otherwise escheated or
1592 was sold to the state by such description, may likewise be leased
1593 or rented by the Secretary of State under the terms provided above
1594 for other state lands, and the rents accounted for in the same
1595 manner. The state shall have all the liens, rights and remedies
1596 accorded to landlords in Sections 89-7-1 through 89-7-125; said
1597 leases and rental contracts shall automatically terminate on the
1598 date provided in said leases or contracts.

1599 (2) (a) The Secretary of State, with the approval of the
1600 Governor, may rent or lease surface lands, tidelands or submerged
1601 lands owned or controlled by the State of Mississippi lying in or
1602 adjacent to the Mississippi Sound or Gulf of Mexico or streams
1603 emptying therein, for a period not exceeding forty (40) years for
1604 rental payable to the state annually. However, the term of any
1605 lease of state public trust tidelands to a person possessing a



1606 license under the Mississippi Gaming Control Act shall be governed
1607 by the provisions of subsection (4) of this section.

1608 (b) The lessee under such agreement may construct such
1609 necessary items for marking channels, docking, wharfing, mooring
1610 or fleeting vessels which shall be in aid of navigation and not
1611 obstructions thereto.

1612 (c) A lessee of record may be given the option to renew
1613 for an additional period not to exceed twenty-five (25) years;
1614 however, the term of a renewal for a lease of state public trust
1615 tidelands to a person possessing a gaming license under the
1616 Mississippi Gaming Control Act shall be governed by the provisions
1617 of subsection (4) of this section. The holder of a lease of
1618 Public Trust Tidelands, at the expiration thereof, shall have a
1619 prior right, exclusive of all other persons, to re-lease as may be
1620 agreed upon between the holder of the lease and the Secretary of
1621 State.

1622 (d) Leases shall provide for review and rent
1623 adjustments at each fifth anniversary tied either to the All Urban
1624 Consumer Price Index-All Items (CPI) or to an appraisal which
1625 deducts the value of any improvements by the lessee which
1626 substantially enhance the value of the land. In the case where
1627 the initial rental was based on the value set by the ad valorem
1628 tax rolls, then the rent review and adjustment clause shall be
1629 likewise based on the value set by such tax rolls. In the event
1630 that the lessor and lessee cannot agree on a rental amount, the



1631 lease may be cancelled at the option of the lessor. The lessee
1632 shall, within thirty (30) days after execution of a sublease or
1633 assignment, file a copy thereof, including the total consideration
1634 therefor, with the Secretary of State. This paragraph shall not
1635 apply to a lease of state public trust tidelands or submerged
1636 lands to a person possessing a gaming license under the
1637 Mississippi Gaming Control Act who operates a gaming establishment
1638 on such tidelands.

1639 (3) Provided, however, the current occupants of public trust
1640 tidelands that were developed after the determinable mean
1641 high-water line nearest the effective date of the Coastal Wetlands
1642 Protection Law shall pay an annual rental based on the fair market
1643 value as determined by the assessed valuation of the property.
1644 The holder of a lease of Public Trust Tidelands, at the expiration
1645 thereof, shall have a prior right, exclusive of all other persons,
1646 to re-lease as may be agreed upon between the holder of the lease
1647 and the Secretary of State.

1648 (4) (a) This section shall apply to any person possessing a
1649 license under the Mississippi Gaming Control Act who operates a
1650 gaming establishment in any of the three (3) most southern
1651 counties of the state.

1652 (b) The following shall apply to all leases of state
1653 public trust tidelands executed by such a licensee:



1654 (i) Every lease executed after August 29, 2005,
1655 shall be for a period of thirty (30) years for rental payable to
1656 the state annually.

1657 (ii) By operation of this section, any lease
1658 executed before August 29, 2005, may, at the option of the lessee,
1659 either remain at the term stated in the original execution of the
1660 lease or be converted to a thirty-year term lease, beginning on
1661 such date after August 29, 2005, that the lessee either resumes or
1662 begins permanent gaming activities as approved by the Mississippi
1663 Gaming Commission, and the lessee shall be required to comply with
1664 all other provisions of the lease. Should the lessee choose to
1665 operate in a structure that is not on state public trust tidelands
1666 and that is on property contiguous to tidelands leased by the
1667 lessee, the lessee shall be required to comply with all other
1668 provisions of the lease and shall be exempt from the assessment
1669 provided for in paragraph (c) of this subsection. Easements for
1670 and rights-of-way for public streets and highways shall not be
1671 construed to interrupt the contiguous nature of a parcel of
1672 property. In the event that a lessee does not elect either to
1673 remain bound by the original term of the lease or to convert the
1674 lease to a thirty-year term, the Secretary of State may lease the
1675 state public trust tidelands that are the subject of the lease to
1676 any other person or entity.

1677 (iii) Leases shall provide for review and rent
1678 adjustments at each annual anniversary tied to the All Urban



1679 Consumer Price Index-All Items (CPI). In the case of the renewal
1680 of a lease after the expiration of the original thirty-year term
1681 under this subsection, each renewal shall be for a term of thirty
1682 (30) years. The base rate to which the CPI shall apply for
1683 purposes of executing the subsequent lease shall be negotiated by
1684 the lessee with the Secretary of State.

1685 (c) (i) Except as otherwise provided in this
1686 paragraph, any person possessing a license under the Mississippi
1687 Gaming Control Act who does not lease public trust tidelands from
1688 the state or any of its political subdivisions, and who operates a
1689 gaming establishment in any of the three (3) most southern
1690 counties of the state, shall pay an annual in-lieu tidelands
1691 assessment to the Public Trust Tidelands Assessments Fund
1692 (hereinafter referred to as "fund") created in Section 29-15-10,
1693 in the amount and manner provided for in this paragraph.

1694 For calendar year 2006, the annual in-lieu tidelands
1695 assessment paid by the licensee to the fund shall be:

1696 1. Four Hundred Thousand Dollars
1697 (\$400,000.00), if the capital investment in the part of the
1698 structure in which licensed gaming activities are conducted is
1699 Fifty Million Dollars (\$50,000,000.00) or less.

1700 2. Four Hundred Fifty Thousand Dollars
1701 (\$450,000.00), if the capital investment in the part of the
1702 structure in which licensed gaming activities are conducted is



1703 equal to or more than Fifty Million Dollars (\$50,000,000.00) but
1704 less than Sixty Million Dollars (\$60,000,000.00).

1705 3. Five Hundred Thousand Dollars
1706 (\$500,000.00), if the capital investment in the part of the
1707 structure in which licensed gaming activities are conducted is
1708 equal to or more than Sixty Million Dollars (\$60,000,000.00) but
1709 less than Seventy-five Million Dollars (\$75,000,000.00).

1710 4. Six Hundred Thousand Dollars
1711 (\$600,000.00), if the capital investment in the part of the
1712 structure in which licensed gaming activities are conducted is
1713 equal to or more than Seventy-five Million Dollars
1714 (\$75,000,000.00) but less than One Hundred Million Dollars
1715 (\$100,000,000.00).

1716 5. Seven Hundred Thousand Dollars
1717 (\$700,000.00), if the capital investment in the part of the
1718 structure in which licensed gaming activities are conducted is
1719 equal to or more than One Hundred Million Dollars
1720 (\$100,000,000.00) but less than One Hundred Twenty-five Million
1721 Dollars (\$125,000,000.00).

1722 6. Seven Hundred Fifty Thousand Dollars
1723 (\$750,000.00), if the capital investment in the part of the
1724 structure in which licensed gaming activities are conducted is
1725 equal to or more than One Hundred Twenty-five Million Dollars
1726 (\$125,000,000.00).



1727 For each calendar year thereafter, the Secretary of State
1728 shall review and adjust the value of the capital investment and
1729 the annual in-lieu tidelands assessment due. Such review and
1730 adjustment shall be tied to the CPI.

1731 (ii) This paragraph shall not apply to a gaming
1732 licensee if the licensee conducts gaming in a structure that is
1733 located on property that is leased from the Mississippi State Port
1734 at Gulfport or any political subdivision of the state, or to a
1735 licensee who conducts gaming in a structure that is located on
1736 property that is leased to the licensee jointly by the State of
1737 Mississippi and the City of Biloxi; however, with regard to
1738 property owned by a political subdivision of the state, this
1739 exception shall only apply to property owned by the political
1740 subdivision on August 29, 2005, if legal gaming could have been
1741 conducted on such property on that date.

1742 (iii) This paragraph shall not apply to a gaming
1743 licensee if the licensee conducts gaming in a structure that is
1744 located on property that is not leased from the State of
1745 Mississippi and/or a political subdivision of the State of
1746 Mississippi and is not on state public trust tidelands, and if the
1747 licensee conducted gaming on that property before August 29, 2005.

1748 **SECTION 29.** Section 29-15-1, Mississippi Code of 1972, is
1749 brought forward as follows:

1750 29-15-1. (a) "Commission" means the Mississippi Commission
1751 on Marine Resources.



1752 (b) "Local tidal datum" means the datum established for a
1753 specific tide station through the use of tidal observations made
1754 at that station.

1755 (c) "Mean high water" means the arithmetic mean of all the
1756 high waters occurring in a particular nineteen-year tidal epoch
1757 period; or for a shorter period of time after corrections are
1758 applied to the short term observations to reduce these values to
1759 the equivalent nineteen-year value.

1760 (d) "Mean high water line" means the intersection of the
1761 tidal datum plane of mean high water with the shore.

1762 (e) "Mean high water survey" means a survey of the
1763 intersection of the shoreline with the tidal datum plane of mean
1764 high water using local tidal datums and surveying methodologies
1765 approved by the commission. Methodologies shall include but not
1766 be limited to the "staking method," "the topographic method" and
1767 "tide coordinated aerial photography."

1768 (f) "National map accuracy standards" means a set of
1769 guidelines published by the Office of Management and Budget of the
1770 United States to which maps produced by the United States
1771 government adhere.

1772 (g) "Submerged lands" means lands which remain covered by
1773 waters, where the tides ebb and flow, at ordinary low tides.

1774 (h) "Tidelands" means those lands which are daily covered
1775 and uncovered by water by the action of the tides, up to the mean
1776 line of the ordinary high tides.



1777 **SECTION 30.** Section 29-15-3, Mississippi Code of 1972, is
1778 brought forward as follows:

1779 29-15-3. (1) It is declared to be the public policy of this
1780 state to favor the preservation of the natural state of the public
1781 trust tidelands and their ecosystems and to prevent the
1782 despoliation and destruction of them, except where a specific
1783 alteration of specific public trust tidelands would serve a higher
1784 public interest in compliance with the public purposes of the
1785 public trust in which such tidelands are held.

1786 (2) It is hereby declared to be a higher public purpose of
1787 this state and the public tidelands trust to resolve the
1788 uncertainty and disputes which have arisen as to the location of
1789 the boundary between the state's public trust tidelands and the
1790 upland property and to confirm the mean high water boundary line
1791 as determined by the Mississippi Supreme Court, the laws of this
1792 state and this chapter.

1793 **SECTION 31.** Section 29-15-5, Mississippi Code of 1972, is
1794 brought forward as follows:

1795 29-15-5. (1) Tidelands and submerged lands are held by the
1796 state in trust for use of all the people, and are so held in their
1797 character as the beds and shores of the sea and its tidally
1798 affected arms and tributaries for the purposes defined by common
1799 law and statutory law. Littoral and riparian property owners have
1800 common law and statutory rights under the Coastal Wetlands
1801 Protection Law which extend into the waters and beyond the low



1802 tide line, and the state's responsibilities as trustee extends to
1803 such owners as well as to the other members of the public.

1804 (2) Residential property owners shall not be required to
1805 obtain a tidelands lease for exercising their common law and
1806 statutory littoral and riparian rights.

1807 **SECTION 32.** Section 29-15-9, Mississippi Code of 1972, is
1808 brought forward as follows:

1809 29-15-9. (1) There is created in the State Treasury a
1810 special fund to be known as the "Public Trust Tidelands Fund."
1811 The fund shall be administered by the Secretary of State as
1812 trustee.

1813 (2) Any funds derived from lease rentals of tidelands and
1814 submerged lands, except those funds derived from mineral leases,
1815 or funds previously specifically designated to be applied to other
1816 agencies, shall be transferred to the special fund. However,
1817 funds derived from lease rentals may be used to cover the
1818 administrative cost incurred by the Secretary of State. Any
1819 remaining funds derived from lease rentals shall be disbursed pro
1820 rata to the local taxing authorities for the replacement of lost
1821 ad valorem taxes, if any. Then, any remaining funds shall be
1822 disbursed to the commission for new and extra programs of
1823 tidelands management, such as conservation, reclamation,
1824 preservation, acquisition, education or the enhancement of public
1825 access to the public trust tidelands or public improvement
1826 projects as they relate to those lands.



1827 (3) Any funds that are appropriated as separate line items
1828 in an appropriation bill for tideland programs or projects
1829 authorized under this section for political subdivisions or other
1830 agencies shall be disbursed as provided in this subsection.

1831 (a) The Department of Marine Resources shall make
1832 progress payments in installments based on the work completed and
1833 material used in the performance of a tidelands project only after
1834 receiving written verification from the political subdivision or
1835 agency. The political subdivision or agency shall submit
1836 verification of the work completed or materials in such detail and
1837 form that the department may require.

1838 (b) The Department of Marine Resources shall make funds
1839 available for the purpose of using such funds as a match or
1840 leverage for federal or other funds that are available for the
1841 designated tidelands project.

1842 **SECTION 33.** Section 29-15-10, Mississippi Code of 1972, is
1843 brought forward as follows:

1844 29-15-10. (1) There is created in the State Treasury a
1845 special fund to be known as the "Public Trust Tidelands
1846 Assessments Fund." The purpose of the fund is to ensure that
1847 monies derived from the public trust tidelands assessments shall
1848 be used for the benefit of preserving and protecting the tidelands
1849 and submerged lands found within the three (3) most southern
1850 counties of the state. One (1) specific purpose of the fund is to
1851 ensure that the annual payment made by the state for the purchase



1852 of Deer Island shall continue uninterrupted until the purchase
1853 transaction is completed. The fund shall be administered by the
1854 Secretary of State, as trustee. None of the funds that are in the
1855 special fund or that are required to be deposited into the special
1856 fund shall be transferred, diverted or in any other manner
1857 expended or used for any purpose other than those purposes
1858 specified in this section.

1859 (2) (a) Any funds derived from assessments made pursuant to
1860 Section 29-1-107(4) (c) shall be deposited into the special fund.

1861 (b) Funds paid pursuant to paragraph (a) of this
1862 subsection may be appropriated by the Legislature in an amount
1863 necessary to cover the administrative cost incurred by the
1864 Mississippi Commission on Marine Resources. Any remaining funds
1865 shall be disbursed by the commission for new and extra programs of
1866 tidelands management, such as conservation, reclamation,
1867 preservation, acquisition, education or the enhancement of public
1868 access to the public trust tidelands or public improvement
1869 projects as they relate to those lands.

1870 (3) Any funds that are appropriated as separate line items
1871 in an appropriation bill for tideland programs or projects
1872 authorized under this section for political subdivisions or other
1873 agencies shall be disbursed as provided in this subsection.

1874 (a) The Department of Marine Resources shall make
1875 progress payments in installments based on the work completed and
1876 material used in the performance of a tidelands project only after



1877 receiving written verification from the political subdivision or
1878 agency. The political subdivision or agency shall submit
1879 verification of the work completed or materials in such detail and
1880 form that the department may require.

1881 (b) The Department of Marine Resources shall make funds
1882 available for the purpose of using such funds as a match or
1883 leverage for federal or other funds that are available for the
1884 designated tidelands project.

1885 **SECTION 34.** Section 29-15-13, Mississippi Code of 1972, is
1886 brought forward as follows:

1887 29-15-13. All public projects of any federal, state or local
1888 governmental entity which serve a higher public purpose of
1889 promoting the conservation, reclamation, preservation of the
1890 tidelands and submerged lands, public use for fishing, recreation
1891 or navigation, or the enhancement of public access to such lands
1892 shall be exempt from any use or rental fees.

1893 **SECTION 35.** Section 59-7-405, Mississippi Code of 1972, is
1894 brought forward as follows:

1895 59-7-405. (1) (a) The governing authorities of any
1896 municipality in which there is situated and located, in whole or
1897 in part, a port or harbor through which commerce flows, and having
1898 not less than eight (8) industries engaged in the seafood
1899 industry, which maintains a channel and/or harbor to a depth of
1900 not less than eight (8) feet, may engage in, either directly or
1901 through the commission hereinafter provided and designated, and



1902 such other agencies as hereafter may be provided by law, works of
1903 internal improvement, or promoting, developing, constructing,
1904 maintaining and operating harbors or seaports within the state and
1905 its jurisdiction, and either directly or through the commission
1906 hereinafter provided for, with the power and authority to acquire,
1907 purchase, install, rent, lease, mortgage and/or otherwise
1908 encumber, to construct, own, hold, maintain, equip, use, control
1909 and operate at seaports or harbors, wharves, piers, docks,
1910 warehouses, cold storage facilities, water and rail terminals,
1911 airplane landing fields and strips, and other structures and
1912 facilities, needful for the convenient use of the same in the aid
1913 of commerce and navigation, and including the dredging of channels
1914 and approaches to the facilities, and being authorized to fill in
1915 and reclaim bottomlands where incidental and necessary to the
1916 foregoing development.

1917 (b) A municipality, which is operating a port through a
1918 port commission under this section, may dissolve the port
1919 commission as provided in Section 59-7-408 and directly operate
1920 and maintain the port as provided under this article.

1921 (2) The municipal authorities or commission, in connection
1922 with the exercise of the foregoing works of improvement and
1923 development, may as an adjunct to any such work of improvement or
1924 development to erect or construct such bridges, causeways or
1925 structures as may be required for access to and from the harbors
1926 or facilities provided as aforesaid by the municipal authorities



1927 or the commission, and including any necessary bridge or causeway
1928 or combination of the same, connecting with any island or islands
1929 lying within three (3) leagues of the main shoreline of the
1930 Mississippi Sound or the Gulf of Mexico, and whether the same be
1931 within or without the limits of the municipality concerned.

1932 (3) The municipal authorities or commission may procure, by
1933 gift, grant, purchase, or by the exercise of eminent domain, and
1934 for the public purposes and uses herein provided for, such land or
1935 interest therein as may be required for the purposes of this
1936 article, and regardless of whether the land be within or without
1937 the limits of the municipality involved.

1938 (4) The municipal authorities or commission, in the exercise
1939 of the powers granted hereunder, may provide any of the aforesaid
1940 facilities alone or in collaboration and in conjunction with any
1941 other public bodies, entities or commissions, as may now or
1942 hereafter be established by law.

1943 (5) The municipal authorities or commission may provide,
1944 among other harbor facilities, small craft and pleasure craft
1945 harbors and facilities needed therefor, including park and
1946 recreational facilities as an adjunct thereto, and in order to
1947 develop and promote tourist and recreational trade in the port.

1948 (6) The municipal authorities or commission have the power
1949 and authority to carry out the provisions of this article, to
1950 employ engineers, attorneys, and such employees as may be
1951 necessary in carrying out the provisions of this article, from



1952 time to time, and for the purpose of operating the facilities
1953 herein provided for, and may prescribe reasonable compensation in
1954 connection with such employment.

1955 **SECTION 36.** Section 59-15-1, Mississippi Code of 1972, is
1956 amended as follows:

1957 59-15-1. The authorities of any city in this state which has
1958 a population of ten thousand (10,000) or more, according to the
1959 last official government census, and the authorities of any
1960 municipality bordering on the Mississippi Sound or Gulf of Mexico
1961 are hereby given the authority to acquire by purchase, deed,
1962 donation, gift, grant, reclamation, lease, dedication, or
1963 otherwise, land, harbor sites or water frontage for the purpose of
1964 establishing, developing, promoting, maintaining, and operating
1965 harbors for small water crafts and recreational parks connected
1966 therewith within its territorial limits, or both, and shall have
1967 the power to acquire, purchase, install, rent, lease, mortgage,
1968 incumber, construct, own, hold, maintain, equip, use, control and
1969 operate recreational parks and harbors for small water craft.

1970 **SECTION 37.** Section 75-76-67, Mississippi Code of 1972, is
1971 brought forward as follows:

1972 75-76-67. (1) Any person who the commission determines is
1973 qualified to receive a license or be found suitable under the
1974 provisions of this chapter, having due consideration for the
1975 proper protection of the health, safety, morals, good order and
1976 general welfare of the inhabitants of the State of Mississippi and



1977 the declared policy of this state, may be issued a state gaming
1978 license or found suitable. The burden of proving his
1979 qualification to receive any license or be found suitable is on
1980 the applicant.

1981 (2) An application to receive a license or be found suitable
1982 shall not be granted unless the commission is satisfied that the
1983 applicant is:

1984 (a) A person of good character, honesty and integrity;

1985 (b) A person whose prior activities, criminal record,
1986 if any, reputation, habits and associations do not pose a threat
1987 to the public interest of this state or to the effective
1988 regulation and control of gaming, or create or enhance the dangers
1989 of unsuitable, unfair or illegal practices, methods and activities
1990 in the conduct of gaming or the carrying on of the business and
1991 financial arrangements incidental thereto; and

1992 (c) In all other respects qualified to be licensed or
1993 found suitable consistent with the declared laws of the state.

1994 (3) No person shall be granted a license or found suitable
1995 under the provisions of this chapter who has been convicted of a
1996 felony in any court of this state, another state, or the United
1997 States; and no person shall be granted a license or found suitable
1998 hereunder who has been convicted of a crime in any court of
1999 another state or the United States which, if committed in this
2000 state, would be a felony; and no person shall be granted a license
2001 or found suitable under the provisions of this chapter who has



2002 been convicted of a misdemeanor in any court of this state or of
2003 another state, when such conviction was for gambling, sale of
2004 alcoholic beverages to minors, prostitution, or procuring or
2005 inducing individuals to engage in prostitution.

2006 (4) A license to operate a gaming establishment shall not be
2007 granted unless the applicant has satisfied the commission that:

2008 (a) He has adequate business probity, competence and
2009 experience, in gaming or generally; and

2010 (b) The proposed financing of the entire operation is:

2011 (i) Adequate for the nature of the proposed
2012 operation; and

2013 (ii) From a suitable source. Any lender or other
2014 source of money or credit which the commission finds does not meet
2015 the standards set forth in subsection (2) may be deemed
2016 unsuitable.

2017 (5) An application to receive a license or be found suitable
2018 constitutes a request for a determination of the applicant's
2019 general character, integrity and ability to participate or engage
2020 in, or be associated with gaming. Any written or oral statement
2021 made in the course of an official proceeding of the commission or
2022 the executive director or any witness testifying under oath which
2023 is relevant to the purpose of the proceeding is absolutely
2024 privileged and does not impose liability for defamation or
2025 constitute a ground for recovery in any civil action.



2026 (6) The commission may, in its discretion, grant a license
2027 to a corporation which has complied with the provisions of this
2028 chapter.

2029 (7) The commission may, in its discretion, grant a license
2030 to a limited partnership which has complied with the provisions of
2031 this chapter.

2032 (8) No limited partnership, except one whose sole limited
2033 partner is a publicly traded corporation which has registered with
2034 the commission, or business trust or organization or other
2035 association of a quasi-corporate character is eligible to receive
2036 or hold any license under this chapter unless all persons having
2037 any direct or indirect interest therein of any nature whatsoever,
2038 whether financial, administrative, policymaking or supervisory,
2039 are individually qualified to be licensed under the provisions of
2040 this chapter.

2041 (9) The commission may, by regulation, limit the number of
2042 persons who may be financially interested and the nature of their
2043 interest in any corporation or other organization or association
2044 licensed under this chapter, and may establish such other
2045 qualifications of licenses as the commission, in its discretion,
2046 deems to be in the public interest and consistent with the
2047 declared policy of the state.

2048 **SECTION 38.** Section 87-1-5, Mississippi Code of 1972, is
2049 amended as follows:



2050 87-1-5. If any person, by playing at any game whatever, or
2051 by betting on the sides or hands of such as do play at any game,
2052 or by betting on any horse race or cockfight, or at any other
2053 sport or pastime, or by any wager whatever, shall lose any money,
2054 property, or other valuable thing, real or personal, and shall pay
2055 or deliver the same or any part thereof, the person so losing and
2056 paying or delivering the same, or his wife or children, may sue
2057 for and recover such money, property, or other valuable thing so
2058 lost and paid or delivered, or any part thereof, from the person
2059 knowingly receiving the same, with costs. However, this section
2060 shall 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;

2067 (b) In a structure located in whole or in part on shore
2068 in any of the three (3) most southern counties in the State of
2069 Mississippi in which the registered voters of the county have
2070 voted to allow such betting, gaming or wagering on cruise vessels
2071 as provided in Section 19-3-79, if:

2072 (i) The structure is owned, leased or controlled
2073 by a person possessing a gaming license, as defined in Section



2074 75-76-5, to conduct legal gaming on a cruise vessel under
2075 paragraph (a) of this section;

2076 (ii) The part of the structure in which licensed
2077 gaming activities are conducted is located entirely in an area
2078 which is located no more than eight hundred (800) feet from the
2079 mean high-water line (as defined in Section 29-15-1) of the waters
2080 within the State of Mississippi, which lie adjacent to the State
2081 of Mississippi south of the three (3) most southern counties in
2082 the State of Mississippi, including the Mississippi Sound, St.
2083 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
2084 Harrison County only, no farther north than the southern boundary
2085 of the right-of-way for U.S. Highway 90, whichever is greater; and

2086 (iii) In the case of a structure that is located
2087 in whole or part on shore, the part of the structure in which
2088 licensed gaming activities are conducted shall lie adjacent to
2089 state waters south of the three (3) most southern counties in the
2090 State of Mississippi, including the Mississippi Sound, St. Louis
2091 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
2092 structure is located consists of a parcel of real property,
2093 easements and rights-of-way for public streets and highways shall
2094 not be construed to interrupt the contiguous nature of the parcel,
2095 nor shall the footage contained within the easements and
2096 rights-of-way be counted in the calculation of the distances
2097 specified in subparagraph (ii) * * *;



2098 (c) On a vessel as defined in Section 27-109-1 whenever
2099 such vessel is on the Mississippi River or navigable waters within
2100 any county bordering on the Mississippi River; or

2101 (d) That is legal under the laws of the State of
2102 Mississippi.

2103 **SECTION 39.** Section 97-33-25, Mississippi Code of 1972, is
2104 amended as follows:

2105 97-33-25. If any person shall sell or buy, either directly
2106 or indirectly, any chance in what is commonly called pool, upon
2107 any event whatever, or shall in any manner engage in such business
2108 or pastime, he shall be fined not more than Five Hundred Dollars
2109 (\$500.00) or shall be imprisoned in the county jail not more than
2110 ninety (90) days; provided, however, this section shall not apply
2111 to betting, gaming or wagering:

2112 (a) On a cruise vessel as defined in Section 27-109-1
2113 whenever such vessel is in the waters within the State of
2114 Mississippi, which lie adjacent to the State of Mississippi south
2115 of the three (3) most southern counties in the State of
2116 Mississippi, including the Mississippi Sound, St. Louis Bay,
2117 Biloxi Bay and Pascagoula Bay, and in which the registered voters
2118 of the county in which the port is located have not voted to
2119 prohibit such betting, gaming or wagering on cruise vessels as
2120 provided in Section 19-3-79;

2121 (b) In a structure located in whole or in part on shore
2122 in any of the three (3) most southern counties in the State of



2123 Mississippi in which the registered voters of the county have
2124 voted to allow such betting, gaming or wagering on cruise vessels
2125 as provided in Section 19-3-79, if:

2126 (i) The structure is owned, leased or controlled
2127 by a person possessing a gaming license, as defined in Section
2128 75-76-5, to conduct legal gaming on a cruise vessel under
2129 paragraph (a) of this section;

2130 (ii) The part of the structure in which licensed
2131 gaming activities are conducted is located entirely in an area
2132 which is located no more than eight hundred (800) feet from the
2133 mean high-water line (as defined in Section 29-15-1) of the waters
2134 within the State of Mississippi, which lie adjacent to the State
2135 of Mississippi south of the three (3) most southern counties in
2136 the State of Mississippi, including the Mississippi Sound, St.
2137 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
2138 Harrison County only, no farther north than the southern boundary
2139 of the right-of-way for U.S. Highway 90, whichever is greater; and

2140 (iii) In the case of a structure that is located
2141 in whole or part on shore, the part of the structure in which
2142 licensed gaming activities are conducted shall lie adjacent to
2143 state waters south of the three (3) most southern counties in the
2144 State of Mississippi, including the Mississippi Sound, St. Louis
2145 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
2146 structure is located consists of a parcel of real property,
2147 easements and rights-of-way for public streets and highways shall



2148 not be construed to interrupt the contiguous nature of the parcel,
2149 nor shall the footage contained within the easements and
2150 rights-of-way be counted in the calculation of the distances
2151 specified in subparagraph (ii) * * *;

2152 (c) On a vessel as defined in Section 27-109-1 whenever
2153 such vessel is on the Mississippi River or navigable waters within
2154 any county bordering on the Mississippi River, and in which the
2155 registered voters of the county in which the port is located have
2156 not voted to prohibit such betting, gaming or wagering on vessels
2157 as provided in Section 19-3-79; or

2158 (d) That is legal under the laws of the State of
2159 Mississippi.

2160 **SECTION 40.** Section 97-33-27, Mississippi Code of 1972, is
2161 amended as follows:

2162 97-33-27. If any person shall bet on a horse race or a yacht
2163 race or on a shooting match, he shall be fined not more than Five
2164 Hundred Dollars (\$500.00), and, unless the fine and costs be
2165 immediately paid, he shall be imprisoned in the county jail not
2166 more than ninety (90) days; provided, however, this section shall
2167 not apply to betting, gaming or wagering:

2168 (a) On a cruise vessel as defined in Section 27-109-1
2169 whenever such vessel is in the waters within the State of
2170 Mississippi, which lie adjacent to the State of Mississippi south
2171 of the three (3) most southern counties in the State of
2172 Mississippi, including the Mississippi Sound, St. Louis Bay,



2173 Biloxi Bay and Pascagoula Bay, and in which the registered voters
2174 of the county in which the port is located have not voted to
2175 prohibit such betting, gaming or wagering on cruise vessels as
2176 provided in Section 19-3-79;

2177 (b) In a structure located in whole or in part on shore
2178 in any of the three (3) most southern counties in the State of
2179 Mississippi in which the registered voters of the county have
2180 voted to allow such betting, gaming or wagering on cruise vessels
2181 as provided in Section 19-3-79, if:

2182 (i) The structure is owned, leased or controlled
2183 by a person possessing a gaming license, as defined in Section
2184 75-76-5, to conduct legal gaming on a cruise vessel under
2185 paragraph (a) of this section;

2186 (ii) The part of the structure in which licensed
2187 gaming activities are conducted is located entirely in an area
2188 which is located no more than eight hundred (800) feet from the
2189 mean high-water line (as defined in Section 29-15-1) of the waters
2190 within the State of Mississippi, which lie adjacent to the State
2191 of Mississippi south of the three (3) most southern counties in
2192 the State of Mississippi, including the Mississippi Sound, St.
2193 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to
2194 Harrison County only, no farther north than the southern boundary
2195 of the right-of-way for U.S. Highway 90, whichever is greater; and

2196 (iii) In the case of a structure that is located
2197 in whole or part on shore, the part of the structure in which



2198 licensed gaming activities are conducted shall lie adjacent to
2199 state waters south of the three (3) most southern counties in the
2200 State of Mississippi, including the Mississippi Sound, St. Louis
2201 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
2202 structure is located consists of a parcel of real property,
2203 easements and rights-of-way for public streets and highways shall
2204 not be construed to interrupt the contiguous nature of the parcel,
2205 nor shall the footage contained within the easements and
2206 rights-of-way be counted in the calculation of the distances
2207 specified in subparagraph (ii) * * *;

2208 (c) On a vessel as defined in Section 27-109-1 whenever
2209 such vessel is on the Mississippi River or navigable waters within
2210 any county bordering on the Mississippi River, and in which the
2211 registered voters of the county in which the port is located have
2212 not voted to prohibit such betting, gaming or wagering on vessels
2213 as provided in Section 19-3-79; or

2214 (d) That is legal under the laws of the State of
2215 Mississippi.

2216 **SECTION 41.** This act shall take effect and be in force from
2217 and after July 1, 2025, however, online sports pool or online race
2218 book activities shall commence outside of a licensed gaming
2219 premises not later than December 8, 2025.

