

(CLEAN COPY) MISSISSIPPI GAMING COMMISSION REGULATIONS

II. LICENSING

A. APPLICATIONS.

Approval to proceed with development

With respect to obtaining the Commission's approval to proceed with development, the following information, together with documentation to support this information, shall be submitted to the Commission:

- (1) Architectural plans or renderings showing details of all proposed construction and renovation for the project, together with a footprint of the project. Include a description of the construction and type of parking facilities, as well as parking lot capacity.

Commission approval requires that the facility include a 500 car, or larger parking facility in close proximity to the casino complex and infrastructure facilities which will amount to at least 100% of the higher of the appraised value or construction cost of the casino. Such infrastructure shall include any of the following: 250 room, or larger hotel of at least a two star rating as defined by the current edition of the Mobil Travel Guide, a theme park, golf course, marinas, tennis complex, entertainment facilities, or any other such facility as approved by the Commission as infrastructure. As used herein, infrastructure facilities are not such items as parking facilities, roads, sewage and water systems, or civic facilities normally provided by cities and/or counties. The Commission may in its discretion reduce the number of rooms required, where it is shown to the Commission's satisfaction that sufficient rooms are available to accommodate the anticipated visitor load and parking spaces may also be reduced as needed for small casinos, provided that the 100% infrastructure requirement is otherwise met.

The qualifying infrastructure must be owned or leased by (i) the holder of the site approval, or (ii) an affiliated company of the holder of the site approval where both the affiliated company and the holder of the site approval have identical direct or indirect equity ownership.

In cases where casinos that are not in operation are purchased which do not meet the parking and infrastructure requirements subsequent to February 20, 1999, the infrastructure requirement will be calculated on the higher of the appraised value of the casino barge or acquisition cost of the casino barge. For the purpose of determining compliance with this regulation, the Commission will, in its discretion, determine a fair and equitable method for calculating the construction

cost of new casinos and acquisition costs for existing casinos. This regulation shall apply to any new applicant for a gaming license for a new gaming facility and to the acquisition or purchase of a licensee for which gaming operations have ceased prior to the time of acquisition or purchase. This regulation, however, shall not apply to any licensee which has been licensed by the Commission, or received a finding of site suitability from the Commission, prior to February 20, 1999 (or to any such licensee upon any licensing renewal after such date). For purposes of compliance with this regulation, the appraised value of any casino will be determined by an appraisal completed by an appraiser approved by the Executive Director prior to the appraisal. The Commission may require more than one appraisal and may obtain its own appraisal with the reasonable cost of same to be paid by the applicant.

Any change to the plan, or placement or design of the establishment, cruise vessel or vessel, shall be submitted in advance to the Executive Director for a determination of whether such a change constitutes a material change. If the Executive Director determines that a material change has occurred, Commission approval is required for the same.

- (2) Statements reflecting the total estimated cost of construction or renovation of the establishment, vessel, or cruise vessel and shore and dock facilities, distinguishing between known costs and projections, and separately identifying:
 - i. Facility design expense;
 - ii. Land acquisition costs;
 - iii. Site preparation costs;
 - iv. Construction costs or renovation costs;
 - v. Equipment acquisition costs;
 - vi. Cost of interim financing;
 - vii. Organization, administrative and legal expenses;
 - viii. Projected permanent financing costs;
 - ix. Qualified infrastructure costs; and
 - x. Non-qualifying infrastructure costs.

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Commission approval requires that the project include a 500-car or larger parking facility in close proximity to the casino complex, and infrastructure facilities shall include a 300 room, or larger hotel of at least a four star rating as defined by the current edition of the Forbes Travel Guide. In addition, infrastructure facilities must include a restaurant capable of seating at least 200 people and a fine dining facility capable of seating at least 75 people, and the casino floor must be at least 40,000 square feet. The project will also have an amenity that will be unique to the market and will encourage economic development and promote tourism. The Commission will have authority in determining the quality of the amenity and the ultimate approval of the amenity, and may in its discretion reduce the requirements above should it determine that there is a justification to do so in certain markets. The Commission will further determine, in its discretion, if the prerequisite hotel and dining facilities may be supplanted by an amenity of high

value to the overall tourism market in that the amenity will likely encourage economic development and promote tourism. As used herein, infrastructure facilities are not such items as parking facilities, roads, sewage and water systems, or civic facilities normally provided by cities and/or counties.

The qualifying infrastructure must be owned or leased by (i) the holder of the site approval, or (ii) an affiliated company of the holder of the site approval where both the affiliated company and the holder of the site approval have identical direct or indirect equity ownership.

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This regulation shall apply to any new applicant for a gaming license for a new gaming facility and to the acquisition or purchase of a licensee or gaming facility for which gaming operations have ceased prior to the time of acquisition or purchase. This regulation, however, shall not apply to any licensee which is currently licensed by the Commission, or to any entity which currently holds a site approval and receives Approval to Proceed With Development from the Commission prior to September 30, 2013. (or to such licensee upon any licensing renewal after such date).

Any change to the plan, or placement or design of the establishment, cruise vessel or vessel, shall be submitted in advance to the Executive Director for a determination of whether such a change constitutes a material change. If the Executive Director determines that a material change has occurred, Commission approval is required for the same.

- (2) Statements reflecting the total estimated cost of construction or renovation of the establishment, vessel, or cruise vessel and shore and dock facilities, distinguishing between known costs and projections, and separately identifying:
- xi. Facility design expense;
 - xii. Land acquisition costs;
 - xiii. Site preparation costs;
 - xiv. Construction costs or renovation costs;
 - xv. Equipment acquisition costs;
 - xvi. Cost of interim financing;
 - xvii. Organization, administrative and legal expenses;
 - xviii. Projected permanent financing costs;
 - xix. Qualified infrastructure costs; and
 - xx. Non-qualifying infrastructure costs.
- (3) A construction schedule for completion of the project, including an estimated date of project completion. Indicate whether a performance bond will be required by the applicant to be furnished by the contractor.
- (4) Current financial statements, including, at a minimum, a balance sheet and profit and loss statement for the proposed licensee.
- (5) A detailed statement of the sources of funds for all construction and renovation proposed by the site development plans. Any funding, whether equity or debt, to be obtained must be supported by firm written commitments satisfactory to the Commission. The applicant will have 90 days in which to close all financing and start construction or the approval is deemed void.
- (6) Evidence that the following agencies (if applicable) were notified of the development and/or do not oppose the site development:
- a. U.S. Corps of Engineers
 - b. U.S. Coast Guard
 - c. Mississippi Department of Transportation

- d. Mississippi Department of Environmental Quality
- e. Department of Marine Resources
- f. Port and Harbor Commission
- g. Levee Board
- h. City and County government
- i. Such other agencies as the Executive Director deems appropriate.