MISSISSIPPI LEGISLATURE

To: Gaming

HOUSE BILL NO. 967

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

SECTION 1. Section 97-33-301, Mississippi Code of 1972, is amended as follows:

97-33-301. Sections 97-33-301 through 97-33-**317 shall be known as the "Fantasy Contest Act."

SECTION 2. Section 97-33-303, Mississippi Code of 1972, is amended as follows:
97-33-303. As used in Sections 97-33-301 through 97-33-317, the following terms shall have the meanings ascribed unless the context requires otherwise:

(a) "Cash prize" means winnings in the form of cash or cash equivalents and includes credits to a player's account with an operator.

(b) "Commission" means the Mississippi Gaming Commission created in Section 75-76-7.

(c) "Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.

(d) "Entry fee" means cash or cash equivalent that is required to be paid to an operator to participate in a fantasy contest.

(e) "Executive director" means the Executive Director of the Mississippi Gaming Commission.

(f) "Fantasy contest" or "contest" means a simulated game in which:

   (i) Winning outcomes are determined predominately by accumulated statistical results of the performance of individual athletes in actual sporting events; and
Winning outcomes are not based on the score, point spread, or any performance of any single actual sports team or combination of teams or solely on any single performance of an individual athlete in any single actual sporting event.

(g) "Highly experienced player" means an individual who has:

(i) Entered more than one thousand (1,000) contests offered by a particular operator; or

(ii) Won more than three (3) prizes which are each valued at One Thousand Dollars ($1,000.00) or more, from a particular operator.

(h) "Operator" or "fantasy contest operator" means a person or entity that offers fantasy contests requires an entry fee, and offers a cash prize.

(i) "Player" means a person who participates in a fantasy contest offered by an operator.

(j) "Sporting event" means an athletic game or team competition in which an individual athlete's performance is used to accumulate statistical results.

SECTION 3. Section 97-33-305, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

   (e) Ensure that individuals who participate or officiate in a sporting event or who own, manage or coach a team or player who participates in a sporting event will not knowingly be allowed to enter a fantasy contest that is determined, in whole or in part, on accumulated statistical results that include a sporting event in which the individual could be involved as an athlete, official, owner, manager or coach;
(f) Allow individuals to restrict themselves from entering a fantasy contest upon request and provide reasonable steps to prevent the person from entering fantasy contests offered by the operator;

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

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

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

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

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

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

       1. Three percent (3%) of all entries; or

       2. One hundred fifty (150) entries.
For all advertised fantasy contests, the operator must prominently include information about the maximum number of entries that may be submitted for that contest.

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

1. That there are no limits on the number of entries by each player in the contest; and
2. That the cost of participating in such a contest is Fifty Dollars ($50.00) or more per entry;

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

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

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

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

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

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

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

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

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

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

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

SECTION 4. Section 97-33-307, Mississippi Code of 1972, is amended as follows:

97-33-307. (1) An operator offering fantasy contests to be played by persons in this state must obtain a license from the commission to conduct fantasy contests within this state.

(2) An operator offering fantasy contests within this state must be lawfully conducting business within this state.

(3) Application for licensure shall be made to the executive director on forms furnished by the executive director and in accordance with the regulations of the commission. The application shall include:

(a) The name of the proposed licensee.

(b) The location of his place or places of business.

(c) The names of all persons directly or indirectly interested in the business and the nature of such interest.

(d) Complete information and details with respect to the applicant’s antecedents, habits, character, business activities, financial affairs and business associates, covering at
least a ten-year period immediately preceding the date of the application.

(e) The applicant's criminal history.

(f) Evidence of compliance with Section 97-33-305(2).

(g) Such other information and details as the commission or the executive director may require in order to discharge their duties properly.

(4) An application to conduct fantasy contests shall not be granted unless the applicant has satisfied the commission that:

(a) The applicant has adequate business probity, competence and experience; and

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

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

   (ii) From a suitable source; any lender or other source of money or credit which the commission finds does not meet the standards set forth in this paragraph (b) may be deemed unsuitable.

(c) An application for a license to conduct fantasy contests constitutes a request for a determination of the general character, integrity and ability to participate or engage in, or be associated with fantasy contests of any individual associated with the applicant. Any written or oral statement made in the course of an official proceeding of the commission or the
executive director or any testimony of a witness testifying under oath that is relevant to the purpose of the proceeding is absolutely privileged and does not impose liability for defamation or constitute a ground for recovery in any civil action.

(d) The commission, in its discretion, may grant a license to a corporation that has complied with the provisions of Sections 97-33-301 through 97-33-317.

(e) The commission, in its discretion, may grant a license to a limited partnership that has complied with the provisions of Sections 97-33-301 through 97-33-317.

(f) No limited partnership, except one whose sole limited partner is a publicly traded corporation that is licensed by the commission, or business trust or organization or other association of a quasi-corporate character is eligible to receive or hold any license under Sections 97-33-301 through 97-33-317 unless all persons having any direct or indirect interest therein of any nature whatsoever, whether financial, administrative, policymaking or supervisory, are individually qualified to be licensed under the provisions of Sections 97-33-301 through 97-33-317.

(5) Only a licensee under the Gaming Control Act may offer on-premises fantasy contests in the licensee's licensed gaming establishment. It is illegal to offer on-premises fantasy contests at any other commercial or business establishment.
subsection (5) must verify that a fantasy contest player is twenty-one (21) years of age or older.

(6) Each applicant for licensure as a fantasy contest operator shall pay an application fee of Five Thousand Dollars ($5,000.00). A license is valid for three (3) years.

SECTION 5. Section 97-33-309, Mississippi Code of 1972, is amended as follows:

97-33-309. A person, firm, corporation, association, agent or employee violating the Fantasy Contest Act shall be subject to a civil penalty of not more than Two Thousand Dollars ($2,000.00) for each separate violation not to exceed Fifty Thousand Dollars ($50,000.00), which shall accrue to the state as an administrative remedy as established in Section 97-33-315.

SECTION 6. Section 97-33-311, Mississippi Code of 1972, is amended as follows:

97-33-311. The Gaming Control Act shall not apply to fantasy contests, except as authorized in Sections 97-33-301 through 97-33-317.

SECTION 7. Section 97-33-313, Mississippi Code of 1972, is amended as follows:

97-33-313. (1) Disputes over winnings shall be resolved under the procedures set forth in Sections 75-76-157 through 75-76-173.
(2) Failure to notify the executive director or patron as provided in Section 75-76-159 is grounds for disciplinary action pursuant to Section 97-33-315.

SECTION 8. Section 97-33-315, Mississippi Code of 1972, is amended as follows:

97-33-315. * * * (1) The executive director shall make appropriate investigations:

(a) To determine whether there has been any violation of Sections 97-33-301 through 97-33-317 or of any regulations adopted thereunder.

(b) To determine any facts, conditions, practices or matters which it may deem necessary or proper to aid in the enforcement of any such law or regulation.

(c) To aid in adopting regulations.

(d) To secure information as a basis for recommending legislation relating to Sections 97-33-301 through 97-33-317.

(e) To determine annual compliance with Sections 97-33-301 through 97-33-317.

(2) If after any investigation the executive director is satisfied that a license should be limited, conditioned, suspended or revoked, he shall initiate a hearing by filing a complaint with the commission and transmit therewith a summary of evidence in his possession bearing on the matter and the transcript of testimony at any investigative hearing conducted by or on behalf of the executive director to the licensee.
(3) Upon receipt of the complaint of the executive director, the commission shall review all matter presented in support thereof and shall appoint a hearing examiner to conduct further proceedings.

(4) After proceedings required by Sections 97-33-301 through 97-33-317, the hearing examiner may recommend that the commission take any or all of the following actions:

(a) As to operations at a licensed gaming establishment under Section 97-33-307(5):
   (i) Limit, condition, suspend or revoke the license of any licensed gaming establishment or the individual license of any licensee without affecting the license of the establishment; and
   (ii) Order an operator to exclude an individual licensee from the operation of the registered business or not to pay the licensee any remuneration for services or any profits, income or accruals on his investment in the licensed gaming establishment;

(b) Limit, condition, suspend or revoke any license granted to any applicant by the commission;

(c) Fine each licensee for any act or transaction for which commission approval was required or permitted, as provided in Section 97-33-309.

(5) The hearing examiner shall prepare a written decision containing his recommendation to the commission and shall serve it
on all parties. Any party disagreeing with the hearing examiner's recommendation may ask the commission to review the recommendation within ten (10) days of service of the recommendation. The commission may hold a hearing to consider the recommendation whether there has been a request to review the recommendation or not.

(6) If the commission decides to review the recommendation, it shall give notice of that fact to all parties within thirty (30) days of the recommendation and shall schedule a hearing to review the recommendation. The commission's review shall be de novo but shall be based upon the evidence presented before the hearing examiner. The commission may remand the case to the hearing examiner for the presentation of additional evidence upon a showing of good cause why the evidence could not have been presented at the previous hearing.

(7) If the commission does not decide to review the recommendation within thirty (30) days, the recommendation becomes the final order of the commission.

(8) If the commission limits, conditions, suspends or revokes any license, or imposes a fine, it shall issue its written order therefor after causing to be prepared and filed the hearing examiner's written decision upon which the order is based.

(9) Any limitation, condition, revocation, suspension or fine is effective until reversed upon judicial review, except that
the commission may stay its order pending a rehearing or judicial
review upon such terms and conditions as it deems proper.

(10) Judicial review of an order or decision of the
commission may be had to the Chancery Court of the First Judicial
District of Hinds County, Mississippi, as a case in equity.

(11) A license is automatically revoked if the individual is
convicted of a felony in any court of this state, another state,
or the United States or if the individual is convicted of a crime
in any court of another state or the United States which, if
committed in this state, would be a felony. An appeal from the
conviction shall not act as a supersedeas to the revocation
required by this subsection.

SECTION 9. The following shall be codified as Section
97-33-317, Mississippi Code of 1972:

97-33-317. (1) For the privilege of conducting fantasy
sports contests in Mississippi, licensees shall pay to the
Department of Revenue a fee equivalent to eight percent (8%) of
the operator's net Mississippi revenue.

(2) "Net Mississippi revenue" means the amount equal to the
total of all fantasy contest entry fees that an operator collects
from all players, less the total of all sums paid out as cash
prizes to all fantasy contest players, multiplied by the location
percentage for Mississippi. "Location percentage" means, for each
fantasy contest, the percentage of the total entry fees collected
from players located in Mississippi, divided by the total entry
fees collected by that operator from all players in fantasy contests, rounded to the nearest one-hundredth of a percent (0.01%).

(3) (a) The Commissioner of Revenue shall assess and collect all taxes, fees, interest, penalties, damages and fines imposed by this chapter, and is hereby empowered to promulgate rules and regulations to administer collection of the amounts due. Records or other documents submitted by the licensee, or on behalf of the licensee, to the Mississippi Gaming Commission or executive director shall be made available to the Commissioner of Revenue or his authorized agent upon written request.

(b) The license fees levied by this chapter shall be due quarterly for the periods January through March, April through June, July through September and October through December, and payable on or before the twentieth day of the month next succeeding the month in which the fees accrue. The licensee shall make a return showing the net Mississippi revenue and compute the fee due for the period.

(c) All administrative provisions of the sales tax law, and amendments thereto, including those which provide for collection and administrative appeals procedures, fix damages, penalties and interest for failure to comply with the provisions of said sales tax law, and all other requirements and duties imposed upon any licensee or taxpayer, shall apply to all persons liable for taxes, fees and all other monies imposed under the
provisions of this chapter. However, fines or other assessments
levied by the Mississippi Gaming Commission or the executive
director will not be considered due and payable until thirty (30)
days after final determination of the fines or assessments. The
Commissioner of Revenue shall exercise all power and authority and
perform all duties with respect to licensees or taxpayers under
this chapter as are provided in the sales tax law, except where
there is conflict, then the provisions of this chapter shall
control.

(d) Determination and assessment of taxes, fees, licenses, interest, penalties, damages and fines under this chapter by the Commissioner of Revenue, the Executive Director of the Mississippi Gaming Commission or the Mississippi Gaming Commission shall be prima facie correct.

(e) Fees authorized under this section shall be deposited into the State General Fund as authorized by law.

SECTION 10. Section 75-76-5, Mississippi Code of 1972, is amended as follows:

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

(a) "Applicant" means any person who has applied for or is about to apply for a state gaming license, registration or finding of suitability under the provisions of this chapter or approval of any act or transaction for which approval is required or permitted under the provisions of this chapter.
(b) "Application" means a request for the issuance of a state gaming license, registration or finding of suitability under the provisions of this chapter or for approval of any act or transaction for which approval is required or permitted under the provisions of this chapter but does not include any supplemental forms or information that may be required with the application.

(c) "Associated equipment" means any equipment or mechanical, electromechanical or electronic contrivance, component or machine used remotely or directly in connection with gaming or with any game, race book or sports pool that would not otherwise be classified as a gaming device, including dice, playing cards, links which connect to progressive slot machines, equipment which affects the proper reporting of gross revenue, computerized systems of betting at a race book or sports pool, computerized systems for monitoring slot machines, and devices for weighing or counting money.

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

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

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

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

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

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

(k) Except as otherwise provided by law, "game," or "gambling game" means any banking or percentage game played with cards, with dice or with any mechanical, electromechanical or electronic device or machine for money, property, checks, credit or any representative of value, including, without limiting, the generality of the foregoing, faro, monte, roulette, keno, fan-tan, twenty-one, blackjack, seven-and-a-half, big injun, klondike, craps, poker, chuck-a-luck (dai shu), wheel of fortune, chemin de fer, baccarat, pai gow, beat the banker, panguingui, slot machine, or any other game or device approved by the commission. However, "game" or "gambling game" shall not include bingo games or raffles which are held pursuant to the provisions of Section 97-33-51, or the illegal gambling activities described in Section 97-33-8.
The commission shall not be required to recognize any game hereunder with respect to which the commission determines it does not have sufficient experience or expertise.

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

(m) "Gaming device" means any mechanical, electromechanical or electronic contrivance, component or machine used in connection with gaming or any game which affects the result of a wager by determining win or loss. The term includes a system for processing information which can alter the normal criteria of random selection, which affects the operation of any game, or which determines the outcome of a game. The term does not include a system or device which affects a game solely by stopping its operation so that the outcome remains undetermined, and does not include any antique coin machine as defined in Section 27-27-12.

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

(i) Boxmen;
(ii) Cashiers;
(iii) Change personnel;
(iv) Counting room personnel;
(v) Dealers;
(vi) Floormen;
(vii) Hosts or other persons empowered to extend credit or complimentary services;
(viii) Keno runners;
(ix) Keno writers;
(x) Machine mechanics;
(xi) Security personnel;
(xii) Shift or pit bosses;
(xiii) Shills;
(xiv) Supervisors or managers; and
(xv) Ticket writers.

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

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

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

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

(i) Cash received as winnings;

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

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

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

The term does not include:

(i) Counterfeit money or tokens;

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

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

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

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

(r) "Investigation division" means a particular division supervised by the executive director that provides investigative functions.
(s) "License" means a gaming license or a manufacturer's, seller's or distributor's license.
(t) "Licensee" means any person to whom a valid license has been issued.
(u) "License fees" means monies required by law to be paid to obtain or continue a gaming license or a manufacturer's, seller's or distributor's license.
(v) "Licensed gaming establishment" means any premises licensed pursuant to the provisions of this chapter wherein or whereon gaming is done.
(w) "Manufacturer's," "seller's" or "distributor's" license means a license issued pursuant to Section 75-76-79.
(x) "Navigable waters" shall have the meaning ascribed to such term under Section 27-109-1.
(y) "Operation" means the conduct of gaming.
(z) "Party" means the Mississippi Gaming Commission and any licensee or other person appearing of record in any proceeding before the commission; or the Mississippi Gaming Commission and any licensee or other person appearing of record in any proceeding for judicial review of any action, decision or order of the commission.
(aa) "Person" includes any association, corporation, firm, partnership, trust or other form of business association as well as a natural person.
(bb) "Premises" means land, together with all buildings, improvements and personal property located thereon, and includes all parts of any vessel or cruise vessel.

(cc) "Race book" means the business of accepting wagers upon the outcome of any event held at a track which uses the pari-mutuel system of wagering.

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

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

(ii) A declaratory ruling;

(iii) An interagency memorandum;

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

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

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

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

(gg) "Sports pool" means the business of accepting wagers on collegiate or professional sporting events or athletic events, by any system or method of wagering other than the system known as the "pari-mutuel method of wagering."

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

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

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

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

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

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

(i) The rules of a game; or

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

(nn) "Promotional activity" means an activity or event conducted or held for the purpose of promoting or marketing the individual licensed gaming establishment that is engaging in the promotional activity. The term includes, but is not limited to, a game of any kind other than as defined in paragraph (k) of this section, a tournament, a contest, a drawing, or a promotion of any kind.

SECTION 11. Section 75-76-33, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

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

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

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

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

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

   (i) Prescribing under what conditions a licensee may be deemed subject to revocation or suspension of his license.
(j) Requiring any applicant or licensee to waive any privilege with respect to any testimony at any hearing or meeting of the commission, except any privilege afforded by the Constitution of the United States or this state.

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

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

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

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

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

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

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

(3) Notwithstanding any other provision of law, each licensee shall be required to comply with the regulation that no wager may be placed by, or on behalf of, any individual or entity or group, not present on a licensed vessel or cruise vessel.

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

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

**SECTION 12.** Application for licensure as a fantasy contest operator may be made at any time.

**SECTION 13.** Section 12 of this act is not included to be codified and is effective from and after its passage; the remainder of this act shall take effect and be in force from and after July 1, 2017.