

By: Representatives Bennett, Ladner,  
Barnett, Dixon, Sykes, Eure

To: Gaming

HOUSE BILL NO. 967

1 AN ACT TO AMEND SECTION 97-33-301, MISSISSIPPI CODE OF 1972,  
 2 TO MAKE A TECHNICAL CORRECTION TO THE SHORT TITLE OF THE FANTASY  
 3 CONTEST ACT; TO AMEND SECTION 97-33-303, MISSISSIPPI CODE OF 1972,  
 4 TO REVISE DEFINITIONS; TO AMEND SECTION 97-33-305, MISSISSIPPI  
 5 CODE OF 1972, TO REVISE REQUIREMENTS THAT APPLY TO FANTASY  
 6 CONTESTS; TO AMEND SECTION 97-33-307, MISSISSIPPI CODE OF 1972, TO  
 7 REVISE LICENSURE OF FANTASY CONTEST OPERATORS; TO AMEND SECTION  
 8 97-33-309, MISSISSIPPI CODE OF 1972, TO REVISE PENALTIES THAT  
 9 APPLY TO VIOLATIONS OF THE ACT; TO AMEND SECTION 97-33-311,  
 10 MISSISSIPPI CODE OF 1972, TO CONFORM; TO AMEND SECTION 97-33-313,  
 11 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR DISCIPLINARY ACTION; TO  
 12 AMEND SECTION 97-33-315, MISSISSIPPI CODE OF 1972, TO CLARIFY THE  
 13 INVESTIGATIVE AND ADMINISTRATIVE AUTHORITY OF THE GAMING  
 14 COMMISSION; TO CREATE NEW CODE SECTION 97-33-317, MISSISSIPPI CODE  
 15 OF 1972, TO IMPOSE A FEE ON FANTASY CONTEST OPERATORS WHO OFFER  
 16 FANTASY CONTESTS IN THIS STATE; TO AMEND SECTIONS 75-76-5 AND  
 17 75-76-33, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR RELATED  
 18 PURPOSES.

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

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

22 97-33-301. Sections 97-33-301 through 97-33- \* \* \*317 shall  
 23 be known as the "Fantasy Contest Act."

24 **SECTION 2.** Section 97-33-303, Mississippi Code of 1972, is  
 25 amended as follows:



26 97-33-303. As used in Sections 97-33-301 through  
27 97-33- \* \* \*317, the following terms shall have the meanings  
28 ascribed unless the context requires otherwise:

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

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

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

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

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

43 ( \* \* \*f) "Fantasy contest" or " \* \* \* contest \* \* \*"  
44 means a \* \* \* simulated game \* \* \* in which:

45 \* \* \*

46 ( \* \* \*i) \* \* \* Winning outcomes \* \* \* are  
47 determined predominately by accumulated statistical results of the  
48 performance of \* \* \* individual athletes in \* \* \* actual sporting  
49 events; and



50 ( \* \* \*ii) Winning outcomes are not based on the  
51 score, point spread, or any performance of any single actual  
52 sports team or combination of \* \* \* teams or solely on any single  
53 performance of an individual athlete in any single actual sporting  
54 event.

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

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

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

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

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

67 \* \* \*

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

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

73 97-33-305. (1) Fantasy contests \* \* \* are legal in this  
74 state. A fantasy contest operator must comply with the provisions



75 of this section if the operator's total player roster for all  
76 fantasy contests consists of one hundred (100) or more members of  
77 the general public.

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

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

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

87 (c) Prevent the \* \* \* operator from participating in a  
88 fantasy contest \* \* \* offered by the operator;

89 (d) Verify that a fantasy contest player \* \* \* is  
90 eighteen (18) years of age or older except as required in Section  
91 97-33-307(5);

92 (e) Ensure that individuals who participate or  
93 officiate in a \* \* \* sporting event or who own, manage or coach a  
94 team or player who participates in a sporting event will \* \* \* not  
95 knowingly be allowed to enter a fantasy contest that is  
96 determined, in whole or in part, on \* \* \* accumulated statistical  
97 results \* \* \* that include a sporting event in which the  
98 individual could be involved as an athlete, official, owner,  
99 manager or coach;



100 (f) Allow individuals to restrict themselves from  
101 entering a fantasy contest upon request and provide reasonable  
102 steps to prevent the person from entering fantasy contests offered  
103 by the operator;

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

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

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

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

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

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

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



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

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

132                             1. That there are no limits on the number of  
133 entries by each player in the contest; and

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

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

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

144                   ( \* \* \* k) Segregate fantasy contest player funds from  
145 operational funds \* \* \* or maintain a reserve in the form of cash,  
146 cash equivalents, payment processor reserves and receivables, an  
147 irrevocable letter of credit, a bond, or a combination thereof, in  
148 the amount of the \* \* \* total account balances of the fantasy



149 contest players for the benefit and protection of the funds held  
150 in the accounts.

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

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

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

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

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

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

169 (6) Operators shall prohibit the use of third-party scripts  
170 or scripting programs for any contest and ensure that measures are  
171 in place to deter, detect and, to the extent reasonably possible,  
172 prevent cheating, including collusion, and the use of cheating



173 devices, including use of software programs that submit entry fees  
174 or adjust the athletes selected by a player.

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

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

180 97-33-307. (1) \* \* \* An operator offering fantasy contests  
181 to be played by persons in this state must \* \* \* obtain a license  
182 from the \* \* \* commission to conduct fantasy contests within this  
183 state.

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

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

190 (a) The name of the proposed licensee.

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

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

194 (d) Complete information and details with respect to  
195 the applicant's antecedents, habits, character, business  
196 activities, financial affairs and business associates, covering at





197 least a ten-year period immediately preceding the date of the  
198 application.

199 (e) The applicant's criminal history.

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

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

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

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

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

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

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

216 (c) An application for a license to conduct fantasy  
217 contests constitutes a request for a determination of the general  
218 character, integrity and ability to participate or engage in, or  
219 be associated with fantasy contests of any individual associated  
220 with the applicant. Any written or oral statement made in the  
221 course of an official proceeding of the commission or the



222 executive director or any testimony of a witness testifying under  
223 oath that is relevant to the purpose of the proceeding is  
224 absolutely privileged and does not impose liability for defamation  
225 or constitute a ground for recovery in any civil action.

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

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

232 (f) No limited partnership, except one whose sole  
233 limited partner is a publicly traded corporation that is licensed  
234 by the commission, or business trust or organization or other  
235 association of a quasi-corporate character is eligible to receive  
236 or hold any license under Sections 97-33-301 through 97-33-317  
237 unless all persons having any direct or indirect interest therein  
238 of any nature whatsoever, whether financial, administrative,  
239 policymaking or supervisory, are individually qualified to be  
240 licensed under the provisions of Sections 97-33-301 through  
241 97-33-317.

242 (5) Only a licensee under the Gaming Control Act may offer  
243 on-premises fantasy contests in the licensee's licensed gaming  
244 establishment. It is illegal to offer on-premises fantasy  
245 contests \* \* \* at any other commercial or business establishment.  
246 An operator offering on-premises fantasy contests under this



247 subsection (5) must verify that a fantasy contest player is  
248 twenty-one (21) years of age or older.

249 (6) Each applicant for licensure as a fantasy contest  
250 operator shall pay an application fee of Five Thousand Dollars  
251 (\$5,000.00). A license is valid for three (3) years.

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

254 97-33-309. A person, firm, corporation, association, agent  
255 or employee violating the Fantasy Contest Act shall be subject to  
256 a civil penalty of not more than \* \* \* One Thousand Dollars  
257 (\$1,000.00) for each separate violation not to exceed Fifty  
258 Thousand Dollars (\$50,000.00), which shall accrue to the  
259 state \* \* \* as an administrative remedy as established in Section  
260 97-33-315.

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

263 97-33-311. The Gaming Control Act shall not apply to fantasy  
264 contests, except as authorized in Sections 97-33-301 through  
265 97-33- \* \* \* 317.

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

268 97-33-313. (1) Disputes over winnings shall be resolved  
269 under the procedures set forth in Sections 75-76-157 through  
270 75-76-173.



271 (2) Failure to notify the executive director or patron as  
272 provided in Section 75-76-159 is grounds for disciplinary action  
273 pursuant to Section 97-33-315.

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

276 97-33-315. \* \* \* (1) The executive director shall make  
277 appropriate investigations:

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

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

284 (c) To aid in adopting regulations.

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

287 (e) To determine annual compliance with Sections  
288 97-33-301 through 97-33-317.

289 (2) If after any investigation the executive director is  
290 satisfied that a license should be limited, conditioned, suspended  
291 or revoked, he shall initiate a hearing by filing a complaint with  
292 the commission and transmit therewith a summary of evidence in his  
293 possession bearing on the matter and the transcript of testimony  
294 at any investigative hearing conducted by or on behalf of the  
295 executive director to the licensee.



296 (3) Upon receipt of the complaint of the executive director,  
297 the commission shall review all matter presented in support  
298 thereof and shall appoint a hearing examiner to conduct further  
299 proceedings.

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

303 (a) As to operations at a licensed gaming establishment  
304 under Section 97-33-307(5):

305 (i) Limit, condition, suspend or revoke the  
306 license of any licensed gaming establishment or the individual  
307 license of any licensee without affecting the license of the  
308 establishment; and

309 (ii) Order an operator to exclude an individual  
310 licensee from the operation of the registered business or not to  
311 pay the licensee any remuneration for services or any profits,  
312 income or accruals on his investment in the licensed gaming  
313 establishment;

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

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

319 (5) The hearing examiner shall prepare a written decision  
320 containing his recommendation to the commission and shall serve it



321 on all parties. Any party disagreeing with the hearing examiner's  
322 recommendation may ask the commission to review the recommendation  
323 within ten (10) days of service of the recommendation. The  
324 commission may hold a hearing to consider the recommendation  
325 whether there has been a request to review the recommendation or  
326 not.

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

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

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

343 (9) Any limitation, condition, revocation, suspension or  
344 fine is effective until reversed upon judicial review, except that



345 the commission may stay its order pending a rehearing or judicial  
346 review upon such terms and conditions as it deems proper.

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

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

357 **SECTION 9.** The following shall be codified as Section  
358 97-33-317, Mississippi Code of 1972:

359 97-33-317. (1) For the privilege of conducting fantasy  
360 sports contests in Mississippi, licensees shall pay to the  
361 Department of Revenue a fee equivalent to eight percent (8%) of  
362 the operator's net Mississippi revenue.

363 (2) "Net Mississippi revenue" means the amount equal to the  
364 total of all fantasy contest entry fees that an operator collects  
365 from all players, less the total of all sums paid out as cash  
366 prizes to all fantasy contest players, multiplied by the location  
367 percentage for Mississippi. "Location percentage" means, for each  
368 fantasy contest, the percentage of the total entry fees collected  
369 from players located in Mississippi, divided by the total entry



370 fees collected by that operator from all players in fantasy  
371 contests, rounded to the nearest one-hundredth of a percent  
372 (0.01%).

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

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

388 (c) All administrative provisions of the sales tax law,  
389 and amendments thereto, including those which provide for  
390 collection and administrative appeals procedures, fix damages,  
391 penalties and interest for failure to comply with the provisions  
392 of said sales tax law, and all other requirements and duties  
393 imposed upon any licensee or taxpayer, shall apply to all persons  
394 liable for taxes, fees and all other monies imposed under the





395 provisions of this chapter. However, fines or other assessments  
396 levied by the Mississippi Gaming Commission or the executive  
397 director will not be considered due and payable until thirty (30)  
398 days after final determination of the fines or assessments. The  
399 Commissioner of Revenue shall exercise all power and authority and  
400 perform all duties with respect to licensees or taxpayers under  
401 this chapter as are provided in the sales tax law, except where  
402 there is conflict, then the provisions of this chapter shall  
403 control.

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

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

- 489                   (i) Boxmen;  
490                   (ii) Cashiers;  
491                   (iii) Change personnel;  
492                   (iv) Counting room personnel;  
493                   (v) Dealers;



- 494 (vi) Floormen;
- 495 (vii) Hosts or other persons empowered to extend  
496 credit or complimentary services;
- 497 (viii) Keno runners;
- 498 (ix) Keno writers;
- 499 (x) Machine mechanics;
- 500 (xi) Security personnel;
- 501 (xii) Shift or pit bosses;
- 502 (xiii) Shills;
- 503 (xiv) Supervisors or managers; and
- 504 (xv) Ticket writers.

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

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

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

515 (p) "Gross revenue" means the total of all of the  
516 following, less the total of all cash paid out as losses to  
517 patrons and those amounts paid to purchase annuities to fund



518 losses paid to patrons over several years by independent financial  
519 institutions:

520 (i) Cash received as winnings;

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

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

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

528 The term does not include:

529 (i) Counterfeit money or tokens;

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

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

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

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

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



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

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

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

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

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

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

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

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

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



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

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

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  
602 athletic events, by any system or method of wagering other than  
603 the system known as the "pari-mutuel method of wagering."

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

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

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

611 (kk) "Work permit" means any card, certificate or  
612 permit issued by the commission, whether denominated as a work  
613 permit, registration card or otherwise, authorizing the employment  
614 of the holder as a gaming employee. A document issued by any



615 governmental authority for any employment other than gaming is not  
616 a valid work permit for the purposes of this chapter.

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

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

622 (i) The rules of a game; or

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

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

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

633 75-76-33. (1) The commission shall, from time to time,  
634 adopt, amend or repeal such regulations, consistent with the  
635 policy, objects and purposes of this chapter, as it may deem  
636 necessary or desirable in the public interest in carrying out the  
637 policy and provisions of this chapter. The commission shall  
638 comply with the Mississippi Administrative Procedures Law when



639 adopting, amending or repealing any regulations authorized under  
640 this section or under any other provision of this chapter.

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

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

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

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

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

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

662 (f) Requiring any applicant to pay all or any part of  
663 the fees and costs of investigation of such applicant as may be



664 determined by the commission under paragraph (g) of this  
665 subsection (2).

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

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

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

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

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



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

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

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

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

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

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

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

710 (q) Prescribing the manner and procedure for an  
711 objection to be filed with the commission and the executive



712 director by a county or municipality wherein an applicant for a  
713 license desires to locate.

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

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

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

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

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

