

By: Representative Smith (27th)

To: Gaming; Ways and Means

## HOUSE BILL NO. 387

1 AN ACT TO LEGALIZE PARI-MUTUEL WAGERING ON HORSE RACES; TO  
2 CREATE THE MISSISSIPPI HORSE RACING COMMISSION; TO PROVIDE FOR A  
3 LOCAL ELECTION ON THE ISSUE OF WHETHER HORSE RACING MAY BE  
4 CONDUCTED IN THE LOCALITY; TO SET FORTH THE DUTIES OF THE  
5 COMMISSION; TO PROVIDE FOR THE OPERATION OF A RACETRACK OR RACE  
6 MEETING SCHEDULE; TO AUTHORIZE THE COMMISSION TO PROMULGATE RULES  
7 ON PARI-MUTUEL WAGERING; TO PROVIDE THAT THE PROVISIONS OF THIS  
8 ACT SHALL NOT APPLY TO CERTAIN RACES; TO PROVIDE FOR THE METHOD OF  
9 PARI-MUTUEL WAGERING; TO PROVIDE FOR DISTRIBUTION OF FUNDS; TO  
10 AUTHORIZE CERTAIN FUNDS TO BE DEPOSITED IN A TRUST FUND; TO  
11 PROVIDE THAT A PERSON SHALL BE GUILTY OF A MISDEMEANOR FOR  
12 CONDUCTING WAGERING NOT AUTHORIZED BY THIS ACT; TO PROVIDE THAT  
13 ANY PERSON WHO ENGAGES IN THE PRACTICE OF GAMBLING SHALL BE  
14 INELIGIBLE TO OPERATE A RACETRACK; TO PROVIDE THAT A PERSON SHALL  
15 BE GUILTY OF A FELONY FOR PREARRANGING RESULTS OF A RACE; TO  
16 PROVIDE THAT A PERSON SHALL BE GUILTY OF A FELONY FOR UNLAWFUL  
17 TRANSMISSION OF RACE RESULTS; TO PROVIDE THAT A PERSON SHALL BE  
18 GUILTY OF A MISDEMEANOR FOR UNLAWFULLY PURCHASING PARI-MUTUEL  
19 TICKETS; TO RESTRICT MINORS FROM RACES; TO AUTHORIZE THE  
20 COMMISSION TO APPROVE COMPUTATIONAL EQUIPMENT; TO ALLOW THE  
21 COMMISSION TO EMPLOY SECURITY FORCES; TO ALLOW THE COMMISSION TO  
22 ADOPT REGULATIONS PROHIBITING THE USE OF DRUGS ON THE ANIMALS; TO  
23 PROVIDE THAT CERTAIN INDIVIDUALS ARE NOT LIABLE FOR ENFORCEMENT OF  
24 THIS ACT; TO AUTHORIZE THE COMMISSION TO REVOKE OR SUSPEND AN  
25 ASSOCIATION'S CERTIFICATION FOR FAILURE TO COOPERATE WITH THE  
26 COMMISSION; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** This act legalizes wagering on horse races under  
29 the form of mutuel wagering by patrons known as "pari-mutuel  
30 wagering" to the extent that the wagering is conducted strictly in  
31 conformity with this act.

32 **SECTION 2.** (1) There is created the Mississippi Horse  
33 Racing Commission, referred to in this act as "commission,"  
34 composed of three (3) commissioners, each being residents of the  
35 state for at least ten (10) consecutive years immediately before  
36 appointment. The Governor, Lieutenant Governor and State Auditor  
37 shall each appoint one (1) commissioner. The Governor's initial  
38 appointee shall serve a term of two (2) years; the Lieutenant  
39 Governor's initial appointee shall serve a term of four (4) years;

40 and the State Auditor's initial appointee shall serve a term of  
41 six (6) years. Commissioners appointed upon the expiration of the  
42 initial terms of service shall serve for a term of six (6) years.  
43 Commissioners are eligible for reappointment to the commission.  
44 Vacancies on the commission shall be filled by the appointing  
45 authority for the unexpired term. Any person who owns any  
46 financial interest in a racetrack or its operation is ineligible  
47 to serve on the commission. The commission shall cease to exist  
48 if the local option referendum on horse racing is disapproved in  
49 all counties.

50 (2) Each commissioner is entitled to per diem compensation  
51 in accordance with Section 25-3-69 for each day or portion thereof  
52 in performing his duties and to reimbursement for actual and  
53 necessary expenses incurred in performing his duties.

54 (3) The commission shall elect one (1) of the members as  
55 chairman for a two-year period. The commission shall hold at  
56 least six (6) regular meetings per year and may adopt rules  
57 providing for special meetings. A majority of the members  
58 constitutes a quorum for the transaction of business. All votes  
59 by the commission shall be recorded on its minutes.

60 (4) The commission may employ an executive secretary and  
61 other necessary personnel. No person who owns a financial  
62 interest in a racetrack, who accepts any remuneration from a  
63 racetrack or who owns a horse that races in Mississippi, may be  
64 employed by the commission, and no person related to any such  
65 person may be employed by the commission. The executive secretary  
66 shall serve at the will and pleasure of the commission. The  
67 Office of the Attorney General may counsel and represent the  
68 commission in legal proceedings.

69 **SECTION 3.** Upon the submission of a petition signed by at  
70 least two thousand (2,000) or fifteen percent (15%), whichever is  
71 less, of the qualified electors of a county, the commission shall  
72 authorize the circuit clerk of the county to hold an election on

73 the proposition of horse racing in the county. The referendum  
74 shall be held not less than thirty (30) days nor more than sixty  
75 (60) days after the legally obtained signatures or percentages are  
76 presented to the commission. The referendum shall be advertised,  
77 held, conducted and the result thereof canvassed in the manner  
78 provided by law for advertising, holding and canvassing county  
79 elections. The question to be voted on shall be stated on the  
80 ballots or voting machine tabs substantially as follows: "Do you  
81 favor the creation of a pari-mutuel racing of horses?"

82 If the majority of the votes cast in the referendum is "Yes,"  
83 (a) horse racing is legal in that county and this act is operative  
84 therein; and (b) a three-person county commission shall be  
85 appointed by the board of supervisors for a term concurrent with  
86 the term of the board of supervisors to assist the commission in  
87 operational matters. If the vote is "No," this act has no further  
88 effect in the county where the election is held.

89 **SECTION 4.** (1) The commission shall carry out the  
90 provisions of this act, and it shall have the following specific  
91 duties:

92 (a) To make rules governing the employment of all  
93 persons connected with racetracks, including gatekeepers,  
94 announcers, ushers, starters, officials, drivers, owners, agents,  
95 trainers, jockeys, grooms, stable foremen, exercise boys,  
96 veterinarians, valets, sellers of racing forms or bulletins, and  
97 attendants in connection with the wagering machines;

98 (b) To make rules governing, permitting and regulating  
99 the wagering on races under the form of mutuel wagering by patrons  
100 known as "pari-mutuel wagering";

101 (c) To fix and set dates upon which race meetings may  
102 be held or operated;

103 (d) To make an annual report to the Legislature,  
104 showing its own actions and rulings, and receipts derived under  
105 the provisions of this act, and such suggestions as it may deem

106 proper for the more effective accomplishment of the purposes of  
107 this act;

108           (e) To require each applicant to set forth on the  
109 application for authority to operate a race meeting the following  
110 information:

111                   (i) The full name of the person, association or  
112 corporation, and if a corporation, the name of the state under  
113 which it is incorporated, a certified copy of its charter and  
114 bylaws, and the name of the corporation's agent for service of  
115 process within the State of Mississippi;

116                   (ii) If an association or corporation, the names  
117 of the stockholders and directors of the corporation or the names  
118 of the officers and directors of the association or of any person  
119 having a financial interest in the corporation or association. It  
120 is the intent of this requirement that the financial interests of  
121 all natural persons be revealed and not be hidden behind a  
122 corporate structure;

123                   (iii) The exact location where the applicant  
124 desires to conduct or hold a race meeting and a complete set of an  
125 architect's renderings and detailed construction plans, showing  
126 the site topography, the type of construction, the track design  
127 and the concession plans;

128                   (iv) Whether the racing track is owned or leased,  
129 and if leased, the name and address of the owner, or if the owner  
130 is a corporation, the names of the officers and directors thereof;

131                   (v) The kind of racing to be conducted and the  
132 dates upon which racing is requested to be conducted; and

133                   (vi) Such other information as the commission may  
134 require;

135           (f) To require an oath of every applicant, or of the  
136 president or executive officer of the association or corporation,  
137 stating that the information contained in the application is true;

138           (g) To make uniform rules and regulations governing the  
139 operation of all racetracks, race meetings and races in the  
140 county;

141           (h) To compel the production of any and all books,  
142 memoranda or documents showing the receipts and disbursements of  
143 any person, association or corporation authorized to conduct race  
144 meetings under the provisions of this act;

145           (i) To require the removal of any employee or official  
146 employed by any operator authorized hereunder whenever it has  
147 reason to believe that such employee or official is guilty of any  
148 improper practice in connection with racing or has failed to  
149 comply with any rule adopted by the commission;

150           (j) To require that the books and financial or other  
151 statements of any operator be kept in a manner and method  
152 prescribed by the commission;

153           (k) To visit, investigate and place auditors and  
154 inspectors in the offices, tracks or place of business of any  
155 person, association or corporation operating under the  
156 jurisdiction of the commission;

157           (l) To summon witnesses before its meetings, to  
158 administer oaths to such witnesses and to require testimony on any  
159 issue before it; and

160           (m) To employ such assistants and employees as may be  
161 necessary and to prescribe their compensation and duties.

162           (2) Any person failing to appear before the commission, or  
163 failing to produce books, records and documents ordered, or  
164 refusing to testify thereon, shall be deemed guilty of a  
165 misdemeanor, and upon conviction thereof, shall be punished by a  
166 fine of not more than Five Hundred Dollars (\$500.00), or by  
167 imprisonment not to exceed six (6) months, or by both.

168           (3) Nothing in this act prevents any person, association or  
169 corporation from applying to the commission for a permit to

170 conduct races at a location where the racing track has not been  
171 constructed.

172 (4) (a) Each person authorized to operate a race meeting  
173 pursuant to this act and each owner or lessor of a racing track  
174 under the jurisdiction of the commission must be a bona fide  
175 resident of the State of Mississippi for a period of not less than  
176 five (5) years immediately preceding the date of application for  
177 such authority.

178 (b) Each director, officer, general partner, principal  
179 or other individual having a substantial financial interest in a  
180 corporation, partnership, limited partnership or other entity that  
181 is authorized to operate a race meeting in accordance with this  
182 act, or is the owner or lessor of a racing track under the  
183 jurisdiction of the commission, must be a resident of the State of  
184 Mississippi for a period of not less than five (5) years  
185 immediately preceding the date of application for such authority.

186 (c) Each individual subject to the provisions of this  
187 subsection must file with the commission a statement disclosing  
188 economic interest and financial activities in such form and at  
189 such times as may be required by the commission.

190 (5) The commission shall adopt a schedule of fees. In  
191 addition to any fee or schedule of fees for employee permits,  
192 premises license or other activity charged by the commission, the  
193 commission shall require a fee from each applicant for a license  
194 to operate a race meeting which will defray the initial expenses  
195 of the commission. The fee shall be payable upon application and  
196 periodically thereafter in an amount to be established by the  
197 commission. Additional assessments may be made at any time on  
198 order of the commission in order to fund the commission's  
199 operations, including funds for the investigation of applicants.  
200 In the event there is more than one (1) applicant or licensee, the  
201 fees and assessments shall be apportioned in an equitable manner

202 among the licensees and applicants pursuant to rules adopted by  
203 the commission.

204 All operations of the commission shall be funded by periodic  
205 assessment of permit holders, license fees, permit fees and other  
206 similar premises licenses. All funds derived from such fees shall  
207 be deposited in a special account created in the State Treasury  
208 entitled the "Mississippi Horse Racing Commission Fees Fund."

209 **SECTION 5.** (1) The commission may not authorize the  
210 operation of a racetrack or race meeting schedule for a period of  
211 more than twelve (12) consecutive months by any one (1) entity.  
212 The commission may not deny unreasonably the continued operation  
213 of a horse racetrack or horse meeting without good cause.  
214 Authority granted to any entity under this act is not transferable  
215 to any other place, track or enclosure, except as may be specified  
216 in the application.

217 (2) The commission may not authorize two (2) horse  
218 racetracks or horse race meetings to operate on the same racing  
219 days.

220 (3) The commission may suspend or revoke its authorization  
221 to any person conducting a horse race meeting in violation of any  
222 of the provisions of this act, of any statute or ordinance, or of  
223 any rule or regulation promulgated by the commission, or it may  
224 invoke a civil penalty not to exceed One Thousand Dollars  
225 (\$1,000.00) per offense in lieu thereof.

226 **SECTION 6.** The commission shall make rules regulating the  
227 wagering on horse races under the form of mutuel wagering by  
228 patrons known as "pari-mutuel wagering," which method is legal to  
229 the extent that it is conducted strictly in conformity with this  
230 act. However, trifecta wagering shall be prohibited. Only the  
231 persons, associations or corporations specifically granted the  
232 requisite authority by the commission have the right or privilege  
233 to conduct pari-mutuel wagering. Such authorization shall  
234 restrict and confine this form of wagering to a space within the

235 horse race meeting grounds. All other forms of wagering on the  
236 result of races are illegal, and any wagering outside of the  
237 enclosure of such horse races is illegal.

238 **SECTION 7.** The provisions of this act do not apply to the  
239 running of horse races wherein wagering is not conducted, or to  
240 the running of horse races conducted by a state fair association  
241 or county fair association that holds not more than one (1)  
242 meeting annually and that restricts such annual meeting to  
243 fourteen (14) days or less.

244 **SECTION 8.** (1) The authorized operator of a pari-mutuel  
245 pool may take out seventeen percent (17%) of the total amount  
246 contributed to the pari-mutuel pool for win, place and show  
247 wagering and twenty-five percent (25%) on all other forms of  
248 pari-mutuel wagering.

249 (2) From the funds taken out as authorized in subsection (1)  
250 of this section, every entity conducting horse race meetings under  
251 this act shall pay to the treasurer of the commission an amount  
252 equal to forty percent (40%) of the total amount contributed to  
253 all wagering pools conducted or made under this act. The  
254 remainder of the funds taken out as authorized in subsection (1)  
255 of this section shall be divided as follows: thirty percent (30%)  
256 for purses for horses; twenty-eight percent (28%) to the  
257 authorized operator; and two percent (2%) to an award fund for  
258 Mississippi horse breeders as created in subsection (4) of this  
259 section.

260 (3) After the deduction of the funds taken out as authorized  
261 in subsection (1) of this section, the remainder of the total  
262 contributions to each pool shall be divided among and  
263 redistributed to the contributors to such pools betting on the  
264 winning animals. The amount of each redistribution for each  
265 winning bet placed shall be determined by dividing the total  
266 amount remaining in the pool, after the deductions set forth in  
267 subsections (1) and (2) of this section are made, by the number of



268 bets placed on the winning animal. Each redistribution shall be  
269 made in a sum equal to the next lowest multiple of ten (10). The  
270 operator may retain the odd cents on all redistributions to be  
271 known as the "breaks to a dime." Under the pari-mutuel system of  
272 wagering herein provided, the operator may provide separate pools  
273 for bets to win, place and show, for daily double, and for  
274 exactas. Each pool shall be redistributed separately as herein  
275 provided. Should there be no ticket bet on the winning animal,  
276 the entire pool shall be divided among the holders of tickets on  
277 the animal running next in line until the pool has been  
278 redistributed to the contributors. The operator must use a  
279 totalizator machine or a machine or device having similar  
280 functions and capabilities to record the wagering and compute the  
281 odds. Rules and regulations governing the operation of each of  
282 the pools shall be set out in book form by the commission.

283 (4) (a) The commission shall establish an award fund for  
284 Mississippi horse breeders and funds shall be paid to the  
285 treasurer of the commission and deposited into the separate fund  
286 as provided in subsection (2) of this section.

287 (b) The commission shall establish a system of awards  
288 to the owners of sires and dams of Mississippi-bred horses and, by  
289 rule, shall provide for the designation, registration and  
290 certification of Mississippi-bred horses.

291 (c) The awards shall be distributed to the owner or  
292 owners of the sire and dam of any Mississippi-bred horse winning  
293 at a race meeting under the jurisdiction of the commission.

294 (d) The commission shall establish a separate account  
295 in such fund for the several breeds of horses which are raced  
296 under its jurisdiction and for the administration of this  
297 subsection.

298 (e) The commission is further authorized to adopt such  
299 bylaws, rules and regulations as may be necessary to carry out the

300 provisions of this subsection (4) and may charge a separate  
301 registration fee for participation in the fund.

302       SECTION 9. (1) All funds received by the commission under  
303 the provisions of this act, except fees and assessments authorized  
304 in Section 4(5) of this act, shall be paid into a special account  
305 created in the State Treasury entitled the "Mississippi Horse  
306 Racing Commission Operations Fund."

307       (2) All monies remaining after payment of the expenses  
308 incurred in the administration of this act, including the payment  
309 of the salaries and expenses of the members and employees of the  
310 commission, shall be distributed monthly, as follows:

311           (a) With respect to a county of the state where there  
312 exists a substantial interest in horse breeding and a substantial  
313 number of breeders of racing horses, which is bordered by a  
314 jurisdiction in which pari-mutuel wagering is allowed, which is in  
315 an area in which resort trade and tourism are actively promoted,  
316 which consists of a population in excess of seventy-five thousand  
317 (75,000) according to the 1990 federal decennial census, and in  
318 which there are at least three (3) municipalities,

319                   (i) Fifty percent (50%) to the trust fund  
320 described in Section 10 of this act;

321                   (ii) Five percent (5%) to the mental  
322 health/retardation commissioner of such county for expenditure  
323 authorized by Section 41-19-33;

324                   (iii) Five percent (5%) to the county and  
325 municipalities located therein for the purpose of law enforcement,  
326 to be divided among the county and municipalities located therein  
327 on a proportionate basis according to the total population of the  
328 entities as shown by the 1990 federal decennial census, with the  
329 population of the county being determined by counting only the  
330 number of residents of the county living outside the area of any  
331 incorporated municipality and with all of the funds so distributed

332 to be deposited in the general fund of the respective county or  
333 municipality;

334 (iv) Five percent (5%) to any municipal  
335 policemen's and firemen's retirement and disability fund of the  
336 county, to be divided as nearly as possible in the manner  
337 described in subsection (2)(a)(iii) of this section;

338 (v) Five percent (5%) to the junior college  
339 district in which the county is located for supplemental  
340 expenditures in the county;

341 (vi) Two and one-half percent (2-1/2%) to the  
342 county and municipalities located therein for the support of  
343 public libraries, to be divided among the county and  
344 municipalities located therein in the same manner as provided in  
345 subsection (2)(a)(iii) of this section for law enforcement  
346 purposes;

347 (vii) Ten percent (10%) to the county and  
348 municipal public school districts for general support, to be  
349 divided among the county school district and municipal school  
350 districts located in such county on a proportionate basis  
351 according to the student enrollment in such districts on the  
352 preceding October 1;

353 (viii) Ten percent (10%) to the county and  
354 municipal public school districts for teacher salary increases, to  
355 be divided among the county school district and municipal school  
356 districts located in such county on a proportionate basis  
357 according to the number of teachers employed in such districts;

358 (ix) Two and one-half percent (2-1/2%) to the  
359 volunteer fire departments in the county divided pro rata on the  
360 basis of population of service area; and

361 (x) Five percent (5%) to any county hospital or  
362 publicly funded hospital serving the county designated by the  
363 commission for the operation of an alcohol and drug treatment  
364 center.

365 (b) With respect to a county of the state in which  
366 there is no substantial nonagricultural economic activity, which  
367 is bordered by a jurisdiction in which pari-mutuel wagering is  
368 allowed, which consists of a population of more than five thousand  
369 (5,000) but not more than ten thousand (10,000) according to the  
370 1990 federal decennial census, and in which there is not more than  
371 one (1) municipality,

372 (i) Fifty percent (50%) to the trust fund  
373 described in Section 10 of this act;

374 (ii) The remainder to be divided as follows:

375 1. Thirty-three and one-third percent  
376 (33-1/3%) to the county and municipality located therein for the  
377 purpose of law enforcement, to be divided among the county and  
378 municipality located therein on a proportionate basis according to  
379 the total population of the entities as indicated by the 1990  
380 federal decennial census, with the population of the county being  
381 determined by counting only the number of residents of the county  
382 living outside the area of any incorporated municipality, and with  
383 all of the funds so distributed to be deposited in the general  
384 fund of the respective county or municipality;

385 2. Thirty-three and one-third percent  
386 (33-1/3%) to the road and bridge fund of the county to be used for  
387 road and bridge construction and maintenance; and

388 3. Thirty-three and one-third percent  
389 (33-1/3%) to the county and municipal public school districts for  
390 general support, to be divided among the school districts in the  
391 county on a proportionate basis according to the student  
392 enrollment in such school districts on the preceding October 1.

393 (3) The funds shall be distributed periodically by order of  
394 the commission.

395 **SECTION 10.** All revenues derived from the contributions  
396 pursuant to Section 9(2)(a)(i) and Section 9(2)(b)(i) of this act  
397 shall be paid by the commission into the trust fund established in

398 Section 206A, Mississippi Constitution of 1890. The State  
399 Treasurer is further authorized to accept contributions to the  
400 trust fund from any other source. The State Treasurer shall  
401 promulgate appropriate regulations with respect to all such  
402 contributions.

403 **SECTION 11.** Any corporation, association or person who  
404 directly or indirectly holds any race where wagering is permitted  
405 otherwise than as prescribed in this act shall be guilty of a  
406 misdemeanor. Any person wagering upon the results of such a race,  
407 except in the pari-mutuel method of wagering when the same is  
408 conducted by an operator and upon the grounds or enclosure of the  
409 operator under the jurisdiction of the commission, shall be guilty  
410 of a misdemeanor. Any corporation, organization, association or  
411 person who violates any provision of this act for which a penalty  
412 is not expressly provided shall be guilty of a misdemeanor. Upon  
413 conviction of any of the above misdemeanors, the penalty shall be  
414 a fine of not less than One Hundred Dollars (\$100.00), nor more  
415 than One Thousand Dollars (\$1,000.00), or by imprisonment of not  
416 less than five (5) days nor more than six (6) months, or both.

417 **SECTION 12.** (1) Any person who engages in the practice of  
418 gambling on races, or in the practice of making gambling or  
419 wagering books on such races, or who knowingly takes any part in  
420 such practices, is ineligible to operate a racetrack or a race  
421 meeting under the provisions of this act, or to be connected  
422 therewith in any capacity.

423 (2) Any association or corporation which has as an officer,  
424 director, stockholder, executive, or which employs any person who  
425 engages in the practices set forth in subsection (1) of this  
426 section is ineligible to operate a race meeting under the  
427 provisions of this act or to be connected therewith in any  
428 capacity.

429 (3) The commission may inquire into such matters as set  
430 forth in subsection (1) of this section in administering this act.

431           **SECTION 13.** Any person who influences or has any  
432 understanding or connivance with any owner, groom or other person  
433 associated with or interested in any stable or horse, or race in  
434 which any horse participates, to prearrange or predetermine the  
435 results of any such race, or any person who shall stimulate or  
436 depresses a horse for the purpose of affecting the results of a  
437 race, shall be guilty of a felony and upon conviction thereof,  
438 shall be imprisoned in the State Penitentiary for not less than  
439 one (1) year nor more than ten (10) years, or shall be fined not  
440 less than One Thousand Dollars (\$1,000.00) nor more than Five  
441 Thousand Dollars (\$5,000.00), or both.

442           **SECTION 14.** It is unlawful for any person to transmit or  
443 communicate to another by any means whatsoever the results,  
444 changing odds, track conditions or any other information relating  
445 to any race from any racetrack in the county, between the period  
446 of time beginning one (1) hour before the first race of any day  
447 and ending thirty (30) minutes after the posting of the official  
448 results of each race, as to that particular race, except that this  
449 period may be reduced to permit the transmitting of the results of  
450 the last race each day not sooner than fifteen (15) minutes after  
451 the official posting of such results. The commission, by rule,  
452 may permit the immediate transmission by radio, television or  
453 press wire of any pertinent information concerning feature races.

454           It is unlawful for any person to transmit by any means  
455 whatsoever racing information to any other person, or to relay the  
456 same to any other person by word of mouth, by signal, or by use of  
457 telephone, telegraph, radio or any other means, when the  
458 information is knowingly used or intended to be used for illegal  
459 gambling purposes, or in the furtherance of such gambling  
460 purposes.

461           Any person violating the provisions of this section is guilty  
462 of a felony and, upon conviction thereof, shall be imprisoned in  
463 the State Penitentiary for not less than one (1) year nor more

464 than ten (10) years, or shall be fined not less than One Thousand  
465 Dollars (\$1,000.00) nor more than Five Thousand Dollars  
466 (\$5,000.00), or both.

467 **SECTION 15.** It is unlawful for any person to purchase  
468 directly or indirectly pari-mutuel tickets or participate in the  
469 purchase of any part of a pari-mutuel pool for another for hire or  
470 for any gratuity. It is unlawful for any person to purchase any  
471 part of a pari-mutuel pool through another, wherein he gives or  
472 pays directly or indirectly to such other person anything of  
473 value. Any person violating this section is guilty of a  
474 misdemeanor and, upon conviction thereof, shall be punished by a  
475 fine of not more than Five Hundred Dollars (\$500.00), or by  
476 imprisonment not to exceed six (6) months, or both.

477 **SECTION 16.** Persons under twenty-one (21) years of age may  
478 not be permitted to wager on races and persons under eighteen (18)  
479 years of age may not enter the viewing section unless accompanied  
480 by a parent or guardian.

481 **SECTION 17.** The calculation of wagering is limited to  
482 commission approved state-of-the-art computational equipment. The  
483 commission must approve the information printed on each  
484 pari-mutuel ticket.

485 **SECTION 18.** An adequate security force shall be employed as  
486 prescribed by the commission. Members of security forces have the  
487 same powers as other law enforcement officers of the county while  
488 performing their duties on the premises of the racetrack.

489 **SECTION 19.** (1) The commission may adopt rules prohibiting  
490 the illegal influencing of the outcome of a race, including the  
491 use of medication, stimulants or depressants to influence the  
492 outcome of the race. The commission may require pre-race and  
493 post-race drug testing as needed to determine whether a drug has  
494 been administered. Detection of prohibited drugs or chemicals  
495 shall result in the immediate disqualification of the animal and  
496 the suspension of all persons involved. Responsibility for the

497 protection of the animal from illegal drugging is placed on the  
498 trainer of each animal. A drug test also may be required by the  
499 owner or trainer of an animal or by the association at whose  
500 racetrack the animal is entered in a race meeting. Knowing  
501 violations of this section shall result in the barring of the  
502 person or persons from receiving a license under this act or from  
503 participating in any legalized pari-mutuel wagering or horse  
504 racing authorized by this act, for a period set by the commission  
505 or for life.

506 (2) A licensee may conduct any other lawful business on the  
507 licensee's premises.

508 **SECTION 20.** A member of the commission, an employee of the  
509 commission, a steward or judge, an association, or any other  
510 person regulated under this act is not liable to any individual,  
511 corporation, business association or other entity for a cause of  
512 action that arises out of that person's performance or exercise of  
513 discretion in the implementation or enforcement of this act or a  
514 rule adopted under this act if the person has acted in good faith.

515 **SECTION 21.** If an operator or racing association refuses to  
516 cooperate with the commission or other state agency regarding  
517 access to its books and records, or if it becomes delinquent in  
518 turning over the state's portion of the pools, the commission  
519 immediately shall call a hearing to revoke or suspend the  
520 association's certification or take other appropriate action as  
521 deemed necessary by the commission.

522 **SECTION 22.** The Attorney General of the State of Mississippi  
523 shall submit this act, immediately upon approval by the Governor,  
524 or upon approval by the Legislature subsequent to a veto, to the  
525 Attorney General of the United States or to the United States  
526 District Court for the District of Columbia in accordance with the  
527 provisions of the Voting Rights Act of 1965, as amended and  
528 extended.



529           **SECTION 23.** This act shall take effect and be in force from  
530 and after the date it is effectuated under Section 5 of the Voting  
531 Rights Act of 1965, as amended and extended.