

By: Representatives Walker, Gibbs (36th),
Stamps

To: Gaming; Ways and Means

HOUSE BILL NO. 753

1 AN ACT TO CREATE THE MISSISSIPPI HORSE RACING ACT OF 2021; TO
2 CREATE THE MISSISSIPPI STATE RACING COMMISSION; TO PROVIDE FOR THE
3 COMPOSITION OF THE COMMISSION; TO PROVIDE THE POWERS AND DUTIES OF
4 THE COMMISSION; TO PROVIDE THAT THE COMMISSION SHALL ESTABLISH A
5 LICENSE TO OPERATE A HORSE RACE TRACK AND HORSE RACE MEETINGS IN
6 ANY COUNTY IN THE STATE OF MISSISSIPPI THAT HAS A FACILITY THAT
7 MEETS THE REQUIREMENTS OF THE COMMISSION; TO AMEND SECTION
8 97-33-1, MISSISSIPPI CODE OF 1972, TO MAKE AN EXCEPTION TO THE
9 PROHIBITION ON GAMING FOR THE PREMISES OF A HORSE RACE TRACK
10 LICENSED BY THE MISSISSIPPI STATE RACING COMMISSION AND THE
11 MISSISSIPPI STATE GAMING COMMISSION FOR THE PARI-MUTUEL BETTING OF
12 HORSE RACING; TO AMEND SECTIONS 75-76-28 AND 75-76-33, MISSISSIPPI
13 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THE ACT; AND FOR
14 RELATED PURPOSES.

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

16 **SECTION 1.** Section 1 through 3 of this act shall be known
17 and may be cited as the "Mississippi Horse Racing Act of 2021."

18 **SECTION 2.** (1) There is hereby created a racing commission,
19 to be known as the "Mississippi State Racing Commission." The
20 commission shall have the powers and duties specified in this act
21 and all other powers necessary and proper to enable it to execute
22 fully and effectually all of the objects, purposes, duties, and
23 policies of this act. It shall be composed of five (5) members,
24 one person from each congressional district and the remaining



25 person or persons from the state at large. The members shall be
26 appointed by the Governor. Each appointment by the Governor shall
27 be submitted to the Senate for confirmation. The Governor shall
28 select one member of the commission to serve as chairman. The
29 commission shall select from among its membership a vice-chairman
30 and a second vice-chairman for two-year terms. Each member shall
31 serve at the pleasure of the Governor. A majority of the members
32 shall constitute a quorum for the transaction of any business or
33 the exercise of any power.

34 (2) (a) Members shall be residents of Mississippi, over the
35 age of thirty (30), and shall possess good moral character. Each
36 shall have resided in Mississippi for at least five (5) years
37 immediately preceding his or her appointment.

38 (b) (i) No member shall be an official, member of any
39 board of directors, or person financially interested in any race
40 track or race meeting licensed by the commission. Except as
41 provided in subparagraph (ii) of this paragraph, no member may
42 directly or indirectly own racehorses which participate in any
43 race meeting licensed by the commission.

44 (ii) Two (2) members shall be owners of racehorses
45 which participate in any race meeting licensed by the commission.

46 (c) The commission shall provide by rule for
47 investigation and resolution of alleged violation of paragraph (b)
48 of this subsection (2). These rules shall include the suspension
49 of the board member pending conclusion of the investigation and



50 removal of the member in the event of a violation. Any member
51 removed as a result of a violation of paragraph (b) of this
52 subsection (2) shall not be eligible for reappointment for a
53 period of five (5) years.

54 (d) Nothing in this subsection (2) shall prohibit a
55 member of the Mississippi State Racing Commission from owning a
56 horse that sired or bred a racehorse that participates in a race
57 meeting licensed by the commission, or from participating in a
58 breeder or stallion award.

59 (3) Members shall serve without salary, but shall receive a
60 per diem at the rate of Fifty Dollars (\$50.00) per day while
61 attending official meetings, regular or special, of the commission
62 called by the chairman, or in his absence, one of the
63 vice-chairmen, not to exceed Two Thousand Dollars (\$2,000.00) per
64 annum. The commission shall reimburse its members and employees
65 for all travel expenses and disbursements incurred by them in the
66 discharge of their official duties. They shall give a bond to the
67 Governor in the amount of Ten Thousand Dollars (\$10,000.00),
68 conditioned that they will faithfully and honestly perform the
69 duties of their office. The premium for the bond shall be paid by
70 the commission.

71 **SECTION 3.** (1) The Mississippi State Racing Commission
72 shall establish a license for the establishment of a horse race
73 track and horse race meetings in any county that has a horse race
74 track that meets the requirements of the commission. The



Mississippi State Racing Commission shall adopt rules and regulations necessary for establishing and implementing this section.

(2) The Mississippi State Racing Commission shall set the amount of any fees required for licensees.

(3) The Mississippi State Racing Commission shall regulate licensees as well as all persons and entities involved in a licensed horse race track or licensed horse race meeting in the State of Mississippi to ensure compliance with all requirements of this act and the rules and regulations established by the commission.

(4) The Mississippi State Racing Commission shall regulate any activity regarding licensed horse race tracks and licensed horse race meetings, except the Mississippi State Gaming Commission shall regulate the wagering and related activities in the same manner that it regulates wagering and related activities at other gaming facilities. For the purpose of such regulation, the Mississippi State Gaming Commission shall establish and implement a license for the wagering and related operations of a horse race track and horse race meeting in the State of Mississippi.

SECTION 4. Section 97-33-1, Mississippi Code of 1972, is amended as follows:

97-33-1. Except as otherwise provided in Section 97-33-8, if any person shall encourage, promote or play at any game, play or



amusement, other than a fight or fighting match between dogs, for money or other valuable thing, or shall wager or bet, promote or encourage the wagering or betting of any money or other valuable things, upon any game, play, amusement, cockfight, Indian ball play or duel, other than a fight or fighting match between dogs, or upon the result of any election, event or contingency whatever, upon conviction thereof, he shall be fined in a sum not more than Five Hundred Dollars (\$500.00); and, unless such fine and costs be immediately paid, shall be imprisoned for any period not more than ninety (90) days. However, this section shall not apply to betting, gaming or wagering:

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

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



125 (i) The structure is owned, leased or controlled
126 by a person possessing a gaming license, as defined in Section
127 75-76-5, to conduct legal gaming on a cruise vessel under
128 paragraph (a) of this section;

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

139 (iii) In the case of a structure that is located
140 in whole or part on shore, the part of the structure in which
141 licensed gaming activities are conducted shall lie adjacent to
142 state waters south of the three (3) most southern counties in the
143 State of Mississippi, including the Mississippi Sound, St. Louis
144 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the
145 structure is located consists of a parcel of real property,
146 easements and rights-of-way for public streets and highways shall
147 not be construed to interrupt the contiguous nature of the parcel,
148 nor shall the footage contained within the easements and



rights-of-way be counted in the calculation of the distances specified in subparagraph (ii);

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

(d) On the premises of a horse race track licensed by the Mississippi State Racing Commission and the Mississippi State Gaming Commission, but this exception only applies for the pari-mutuel betting of horse racing; or

(* * *e) That is legal under the laws of the State of Mississippi.

SECTION 5. Section 75-76-28, Mississippi Code of 1972, is amended as follows:

75-76-28. The commission has full power and authority to exercise any of the powers, duties and responsibilities set forth in Sections 97-33-51 through 97-33-81, 97-33-101 through 97-33-109, 97-33-201 * * *, 97-33-203 and the Mississippi Horse Racing Act of 2021 to the extent authorized by that act.

SECTION 6. 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



174 policy, objects and purposes of this chapter, as it may deem
175 necessary or desirable in the public interest in carrying out the
176 policy and provisions of this chapter. The commission shall
177 comply with the Mississippi Administrative Procedures Law when
178 adopting, amending or repealing any regulations authorized under
179 this section or under any other provision of this chapter.

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

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

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

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

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

197 (e) Prescribing the manner and procedure of all
198 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.



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

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

227 (j) Requiring any applicant or licensee to waive any
228 privilege with respect to any testimony at any hearing or meeting
229 of the commission, except any privilege afforded by the
230 Constitution of the United States or this state.

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

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

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

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

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

245 (p) Prescribing the manner and procedure by which the
246 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.

(6) The commission may promulgate rules and regulations necessary to carry out the provisions of the Mississippi Horse Racing Act of 2021 to the extent the commission is authorized by that act.

SECTION 7. This act shall take effect and be in force from and after July 1, 2021.

