

By: Representative Walker

To: Gaming; Ways and Means

## HOUSE BILL NO. 720

1 AN ACT TO CREATE THE MISSISSIPPI HORSE RACING ACT; TO CREATE  
2 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; TO AMEND  
14 SECTION 97-33-27, MISSISSIPPI CODE OF 1972, TO REMOVE HORSE RACING  
15 FROM THE LIST OF BETTING CRIMES; TO AMEND SECTION 87-1-1,  
16 MISSISSIPPI CODE OF 1972, TO REMOVE HORSE-RACING FROM THE LIST OF  
17 VOID CONTRACTS; TO AMEND SECTION 87-1-5, MISSISSIPPI CODE OF 1972,  
18 TO REMOVE HORSE-RACING FROM THE LIST OF PROHIBITED ACTS; AND FOR  
19 RELATED PURPOSES.

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

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

23 **SECTION 2.** (1) There is hereby created a racing commission,  
24 to be known as the "Mississippi State Racing Commission." The  
25 commission shall have the powers and duties specified in this act  
26 and all other powers necessary and proper to enable it to execute



27 fully and effectually all of the objects, purposes, duties, and  
28 policies of this act. It shall be composed of five (5) members,  
29 one person from each congressional district and the remaining  
30 person or persons from the state at large. The members shall be  
31 appointed by the Governor. Each appointment by the Governor shall  
32 be submitted to the Senate for confirmation. The Governor shall  
33 select one member of the commission to serve as chairman. The  
34 commission shall select from among its membership a vice-chairman  
35 and a second vice-chairman for two-year terms. Each member shall  
36 serve at the pleasure of the Governor. A majority of the members  
37 shall constitute a quorum for the transaction of any business or  
38 the exercise of any power.

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

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

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



51           (c) The commission shall provide by rule for  
52 investigation and resolution of alleged violation of paragraph (b)  
53 of this subsection (2). These rules shall include the suspension  
54 of the board member pending conclusion of the investigation and  
55 removal of the member in the event of a violation. Any member  
56 removed as a result of a violation of paragraph (b) of this  
57 subsection (2) shall not be eligible for reappointment for a  
58 period of five (5) years.

59           (d) Nothing in this subsection (2) shall prohibit a  
60 member of the Mississippi State Racing Commission from owning a  
61 horse that sired or bred a racehorse that participates in a race  
62 meeting licensed by the commission, or from participating in a  
63 breeder or stallion award.

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



76           SECTION 3. (1) The Mississippi State Racing Commission  
77 shall establish a license for the establishment of a horse race  
78 track and horse race meetings in any county that has a horse race  
79 track that meets the requirements of the commission. The  
80 Mississippi State Racing Commission shall adopt rules and  
81 regulations necessary for establishing and implementing this  
82 section.

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

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

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



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

103           97-33-1. Except as otherwise provided in Section 97-33-8, if  
104 any person shall encourage, promote or play at any game, play or  
105 amusement, other than a fight or fighting match between dogs, for  
106 money or other valuable thing, or shall wager or bet, promote or  
107 encourage the wagering or betting of any money or other valuable  
108 things, upon any game, play, amusement, cockfight, Indian ball  
109 play or duel, other than a fight or fighting match between dogs,  
110 or upon the result of any election, event or contingency whatever,  
111 upon conviction thereof, he shall be fined in a sum not more than  
112 Five Hundred Dollars (\$500.00); and, unless such fine and costs be  
113 immediately paid, shall be imprisoned for any period not more than  
114 ninety (90) days. However, this section shall not apply to  
115 betting, gaming or wagering:

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



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

130           (i) The structure is owned, leased or controlled  
131 by a person possessing a gaming license, as defined in Section  
132 75-76-5, to conduct legal gaming on a cruise vessel under  
133 paragraph (a) of this section;

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

144           (iii) In the case of a structure that is located  
145 in whole or part on shore, the part of the structure in which  
146 licensed gaming activities are conducted shall lie adjacent to  
147 state waters south of the three (3) most southern counties in the  
148 State of Mississippi, including the Mississippi Sound, St. Louis  
149 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the



150 structure is located consists of a parcel of real property,  
151 easements and rights-of-way for public streets and highways shall  
152 not be construed to interrupt the contiguous nature of the parcel,  
153 nor shall the footage contained within the easements and  
154 rights-of-way be counted in the calculation of the distances  
155 specified in subparagraph (ii);

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

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

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

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

170 75-76-28. The commission has full power and authority to  
171 exercise any of the powers, duties and responsibilities set forth  
172 in Sections 97-33-51 through 97-33-81, 97-33-101 through  
173 97-33-109, 97-33-201 \* \* \*, 97-33-203 and the Mississippi Horse  
174 Racing Act to the extent authorized by that act.



175           **SECTION 6.** Section 75-76-33, Mississippi Code of 1972, is  
176 amended as follows:

177           75-76-33. (1) The commission shall, from time to time,  
178 adopt, amend or repeal such regulations, consistent with the  
179 policy, objects and purposes of this chapter, as it may deem  
180 necessary or desirable in the public interest in carrying out the  
181 policy and provisions of this chapter. The commission shall  
182 comply with the Mississippi Administrative Procedures Law when  
183 adopting, amending or repealing any regulations authorized under  
184 this section or under any other provision of this chapter.

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

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

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

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

198           (d) Requiring fingerprinting of an applicant or  
199 licensee, and gaming employees of a licensee, or other methods of





200 identification and the forwarding of all fingerprints taken  
201 pursuant to regulation of the Federal Bureau of Investigation.

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

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

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

220 (i) Attempt to set the fees at levels that will  
221 create a balance in the Mississippi Gaming Commission Fund that  
222 does not exceed, at the end of any state fiscal year, two percent  
223 (2%) of the projected amount of funds that will provide the  
224 commission with such sufficient revenue; and



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

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

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

232 (j) Requiring any applicant or licensee to waive any  
233 privilege with respect to any testimony at any hearing or meeting  
234 of the commission, except any privilege afforded by the  
235 Constitution of the United States or this state.

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

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

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

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

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



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

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

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

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

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

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

273 **SECTION 7.** Section 97-33-27, Mississippi Code of 1972, is  
274 amended as follows:



275           97-33-27. If any person shall bet on \* \* \* a yacht race or  
276 on a shooting match, he shall be fined not more than Five Hundred  
277 Dollars (\$500.00), and, unless the fine and costs be immediately  
278 paid, he shall be imprisoned in the county jail not more than  
279 ninety (90) days; provided, however, this section shall not apply  
280 to betting, gaming or wagering:

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

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

295           (i) The structure is owned, leased or controlled  
296 by a person possessing a gaming license, as defined in Section  
297 75-76-5, to conduct legal gaming on a cruise vessel under  
298 paragraph (a) of this section;



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

309 (iii) In the case of a structure that is located  
310 in whole or part on shore, the part of the structure in which  
311 licensed gaming activities are conducted shall lie adjacent to  
312 state waters south of the three (3) most southern counties in the  
313 State of Mississippi, including the Mississippi Sound, St. Louis  
314 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
315 structure is located consists of a parcel of real property,  
316 easements and rights-of-way for public streets and highways shall  
317 not be construed to interrupt the contiguous nature of the parcel,  
318 nor shall the footage contained within the easements and  
319 rights-of-way be counted in the calculation of the distances  
320 specified in subparagraph (ii) \* \* \*;

321 (c) On a vessel as defined in Section 27-109-1 whenever  
322 such vessel is on the Mississippi River or navigable waters within  
323 any county bordering on the Mississippi River, and in which the



324 registered voters of the county in which the port is located have  
325 not voted to prohibit such betting, gaming or wagering on vessels  
326 as provided in Section 19-3-79; or

327 (d) That is legal under the laws of the State of  
328 Mississippi.

329 **SECTION 8.** Section 87-1-1, Mississippi Code of 1972, is  
330 amended as follows:

331 87-1-1. Contracts, judgments, securities, conveyances made,  
332 given, granted, or executed, where the whole or any part of the  
333 consideration or foundation thereof shall be for money, or any  
334 valuable thing won, lost, or bet at any game or games, or on  
335 any \* \* \* cock-fight, or at any other sport, amusement, or  
336 pastime, or on any wager whatever, or for the reimbursing or  
337 repaying any money knowingly lent or advanced for the purpose of  
338 such gaming or gambling, or to be wagered on any game, play,  
339 horse-race, cock-fight, or on any sport, amusement, pastime, or  
340 wager, shall be utterly void.

341 **SECTION 9.** Section 87-1-5, Mississippi Code of 1972, is  
342 amended as follows:

343 87-1-5. If any person, by playing at any game whatever, or  
344 by betting on the sides or hands of such as do play at any game,  
345 or by betting on any \* \* \* cockfight \* \* \* or at any other sport  
346 or pastime, or by any wager whatever, shall lose any money,  
347 property, or other valuable thing, real or personal, and shall pay  
348 or deliver the same or any part thereof, the person so losing and



349 paying or delivering the same, or his wife or children, may sue  
350 for and recover such money, property, or other valuable thing so  
351 lost and paid or delivered, or any part thereof, from the person  
352 knowingly receiving the same, with costs. However, this section  
353 shall not apply to betting, gaming or wagering:

354 (a) On a cruise vessel as defined in Section 27-109-1  
355 whenever such vessel is in the waters within the State of  
356 Mississippi, which lie adjacent to the State of Mississippi south  
357 of the three (3) most southern counties in the State of  
358 Mississippi, including the Mississippi Sound, St. Louis Bay,  
359 Biloxi Bay and Pascagoula Bay;

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

365 (i) The structure is owned, leased or controlled  
366 by a person possessing a gaming license, as defined in Section  
367 75-76-5, to conduct legal gaming on a cruise vessel under  
368 paragraph (a) of this section;

369 (ii) The part of the structure in which licensed  
370 gaming activities are conducted is located entirely in an area  
371 which is located no more than eight hundred (800) feet from the  
372 mean high-water line (as defined in Section 29-15-1) of the waters  
373 within the State of Mississippi, which lie adjacent to the State



374 of Mississippi south of the three (3) most southern counties in  
375 the State of Mississippi, including the Mississippi Sound, St.  
376 Louis Bay, Biloxi Bay and Pascagoula Bay, or, with regard to  
377 Harrison County only, no farther north than the southern boundary  
378 of the right-of-way for U.S. Highway 90, whichever is greater; and

379 (iii) In the case of a structure that is located  
380 in whole or part on shore, the part of the structure in which  
381 licensed gaming activities are conducted shall lie adjacent to  
382 state waters south of the three (3) most southern counties in the  
383 State of Mississippi, including the Mississippi Sound, St. Louis  
384 Bay, Biloxi Bay and Pascagoula Bay. When the site upon which the  
385 structure is located consists of a parcel of real property,  
386 easements and rights-of-way for public streets and highways shall  
387 not be construed to interrupt the contiguous nature of the parcel,  
388 nor shall the footage contained within the easements and  
389 rights-of-way be counted in the calculation of the distances  
390 specified in subparagraph (ii) \* \* \*;

391 (c) On a vessel as defined in Section 27-109-1 whenever  
392 such vessel is on the Mississippi River or navigable waters within  
393 any county bordering on the Mississippi River; or

394 (d) That is legal under the laws of the State of  
395 Mississippi.

396 **SECTION 10.** This act shall take effect and be in force from  
397 and after July 1, 2023.

