

Rules of
Department of Revenue
Division 50—Missouri Horse Racing
Commission
Chapter 1—Organizational Structure,
Description, Practices and Procedures

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Title 12—DEPARTMENT OF REVENUE

Division 50—Missouri Horse Racing Commission

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12 CSR 50-1.010 Organizational Structure, Description, Practices and Procedures

PURPOSE: This rule relating to the organizational structure of the Missouri Horse Racing Commission, its general courses and methods of operation and the procedures where the public may obtain information or make submissions or requests is made to comply with section 536.023.3., RSMo.

(1) The Missouri Horse Racing Commission (also referred to as commission) was established by Article III, section 39(b)(3) of the Missouri Constitution, as adopted in Constitutional Amendment No. 7 (approved November 6, 1984, effective December 6, 1984, Article XII, section 2(b), *Missouri Constitution*). The commission consists of five (5) members appointed by the governor, with the advice and consent of the Missouri senate. Vacancies on the commission shall be filled by the governor in the manner provided for in Article IV, section 4, *Missouri Constitution*. Among other things, the commission has full regulatory authority over pari-mutuel wagering in Missouri, the licensure of racetracks where pari-mutuel wagering is permitted and the authorization of horse races at such tracks.

(2) One (1) of the members of the commission is designated chairman by the governor. The chairman presides at the meetings of the commission. The chairman shall have the power to vote on any matter before the commission. The chairman shall have the authority, upon a duly passed motion or resolution of the commission, to execute contracts, leases or other documents on behalf of the commission. The chairman shall receive service of process on behalf of the commission. In the event the chairman is temporarily absent or otherwise temporarily unable to perform his/her duties, any three (3) members of the commission may designate one (1) of the members of the commission to be the acting chairman to perform all the duties of the chairman until his/her temporary incapacity has ended.

(3) Three (3) members of the commission shall constitute a quorum for the conduct of business. Any authorized action may be taken by the commission upon an affirmative

majority vote of the members present at any lawfully convened meeting. Voting on any matter shall be by voice vote; provided that, a roll call vote attributing a yea, nay or present to each member shall be made upon request of any member of the commission. In case of a tie vote, the question shall be defeated. There shall be no voting by proxy and each member shall be entitled to only one (1) vote on any single motion, resolution or other matter.

(4) Meetings of the commission may be conducted by the attendance of the commission members in person or by conference telephone call; provided that, if a meeting of the commission is conducted by conference telephone call, at least one (1) of the telephones shall be a speaker phone, which allows members of the public to hear and comment upon the proceedings of the commission. The location of the speaker phone shall be the location of the meeting for purposes of the Sunshine Law, Chapter 610, RSMo. Regular meetings of the commission shall be held on the first Wednesday of every month at a place and time designated in the notice of the meeting. Notice shall be made in accordance with the Sunshine Law, Chapter 610, RSMo, and written notice shall be sent by mail, postage prepaid or private carrier to the members of the commission at least two (2) calendar days prior to each meeting. Notice of any meeting may be waived by any member of the commission by attendance at the meeting or by act or deed. Regular meetings of the commission may be canceled by the chairman or by verbal or written communications of any three (3) members of the commission. Special meetings of the commission shall be held upon the call of the chairman or by verbal or written communications of any three (3) members of the commission upon notice as is specified previously in this section; provided that, the chairman or any three (3) members of the commission, by verbal or written communications, may call a special meeting of the commission without notice in emergencies. A full and true record of all the proceedings of the commission shall be kept. Minutes of each meeting will be sent to each member of the commission prior to the next commission meeting and the minutes will be approved or disapproved at that next regular meeting.

(5) There are two (2) methods for the removal or ouster of commission members.

(A) The attorney general shall bring a quo warranto action to oust any member of the commission from his/her office if—

1. The member, the member's spouse, child or parent owns an interest in a race track licensed by the commission;

2. The member, the member's spouse, child or parent is an officer, employee, consultant or otherwise receives any remuneration from a race track licensee(s); or

3. The member, the member's spouse, child or parent holds a financial interest in a management or concession contract with a race track licensee(s).

(B) Provided that, a member shall not be subject to ouster or otherwise disqualified because either the member or the member's spouse, child or parent is a horse owner or a horse breeder whose horse participates as other horses and wins purses or awards in a race at a licensed race track.

(C) The governor may remove any member of the commission from office for malfeasance or neglect of duty in office. Conduct that constitutes malfeasance in office includes, but is not limited to, the following: voting on any matter in which the member has a direct or indirect pecuniary interest; possessing any direct or indirect pecuniary interest in a contract or other business transaction with the commission or a licensee; betting or soliciting bets on any horse race; violating the conflict of interest laws, sections 105.450—105.482, RSMo; violating the nepotism provision, Article VII, section 6, *Missouri Constitution*; or the commission of any felony under the laws of the state of Missouri or of any crime under the laws of another jurisdiction, which if committed within this state would be a felony, or committing any conduct involving moral turpitude, dishonesty, fraud, deceit or misrepresentation.

(6) The public may obtain information from or make submissions to or requests of the commission in person or by mail or telephone to the Missouri Horse Racing Commission, P.O. Box 754, Jefferson City, MO 65102, (314) 751-3565.

*AUTHORITY: Article III, section 39(b), Missouri Constitution (as adopted in Constitutional Amendment No. 7) and section 536.023.3., RSMo (1986). * Original rule filed Sept. 3, 1985, effective Dec. 12, 1985.*

**Original authority 1975, amended 1976, 1997.*