

House Bill 2

By: Representatives Geisinger of the 48th, Randall of the 142nd, Stephens of the 164th, Willard of the 51st, Kaiser of the 59th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,
2 so as to provide for pari-mutuel wagering or betting on horse racing in this state; to provide
3 for the comprehensive regulation of such activities; to provide for legislative intent; to
4 provide for definitions; to provide for the establishment of the Georgia Racing Commission;
5 to provide for the membership, terms of office, filling of vacancies, qualifications, duties, and
6 responsibilities of the members of such commission; to provide for the legal representation
7 of such commission; to provide for commission staff and employees; to provide for funding;
8 to provide for certain background investigations; to establish and provide for the Georgia
9 Breeders Funds; to provide for certain appeals and injunctions; to provide for certain licenses
10 and permits; to provide for local referendums on the establishment of pari-mutuel wagering
11 or betting facilities within a county or municipality; to provide for certain taxes, retainage,
12 and distributions of portions of the pari-mutuel pools; to provide for audits; to enter into the
13 Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel Wagering;
14 to provide for the appointment of members of the compact committee; to prohibit certain
15 conduct and provide for penalties; to provide for related matters; to provide for a contingent
16 effective date and repeal under certain circumstances; to repeal conflicting laws; and for
17 other purposes.

18 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

19 **SECTION 1.**

20 Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended
21 by adding a new chapter to read as follows:

22 "CHAPTER 39

23 ARTICLE 1

24 50-39-1.

25 (a) Horse racing with pari-mutuel wagering as licensed in this chapter shall be permitted
 26 in the State of Georgia for the promotion, sustenance, and growth of the equine industry,
 27 in a manner consistent with the health, safety, and welfare of the people. The Georgia
 28 Racing Commission is vested with control of all horse racing with pari-mutuel wagering
 29 in the State of Georgia, with plenary power to prescribe regulations and conditions under
 30 which such racing and wagering shall be conducted, so as to maintain horse racing in this
 31 state of the highest quality and free of any corrupt, incompetent, dishonest, or unprincipled
 32 practices and to maintain in such racing complete honesty and integrity. The Georgia
 33 Racing Commission shall encourage participation by local individuals and businesses in
 34 those activities associated with horse racing.

35 (b) The conduct of any horse racing with pari-mutuel wagering participation in such racing
 36 or wagering and entrance to any place where such racing or wagering is conducted is a
 37 privilege which may be granted or denied by the commission or its duly authorized
 38 representatives in its discretion in order to effectuate the purposes set forth in this chapter.

39 (c) The award of any prize money for any pari-mutuel wager placed at a racetrack or
 40 satellite facility licensed by the commission shall not be deemed to be a violation of
 41 Article 2 of Chapter 12 of Title 16.

42 50-39-2.

43 Unless another meaning is required by the context, as used in this chapter, the term:

44 (1) 'Advance deposit account wagering' means a method of pari-mutuel wagering
 45 conducted in this state that is permissible under the federal Interstate Horseracing Act of
 46 1978, 15 U.S.C. Section 3001, et seq., and in which an individual may establish an
 47 account with an entity, licensed by the commission, to place pari-mutuel wagers in person
 48 or electronically.

49 (2) 'Breakage' means the odd cents by which the amount payable on each dollar wagered
 50 exceeds a multiple of \$0.10.

51 (3) 'Commission' means the Georgia Racing Commission.

52 (4) 'Dependent' means a son, daughter, father, mother, brother, sister, or other person,
 53 whether or not related by blood or marriage, if such person receives from an officer or
 54 employee more than one-half of his or her financial support.

55 (5) 'Drug' means:

56 (A) Articles or substances recognized in the official United States Pharmacopoeia,
57 official National Formulary, or official Homeopathic Pharmacopoeia of the United
58 States or any supplement to any of them;

59 (B) Articles or substances intended for use in the diagnosis, cure, mitigation, treatment,
60 or prevention of disease in humans or animals;

61 (C) Articles or substances, other than food, intended to affect the structure or any
62 function of the body of humans or animals; or

63 (D) Articles or substances intended for use as a component of any article or substance
64 specified in subparagraph (A), (B), or (C) of this paragraph.

65 Such term shall not include devices or their components, parts, or accessories. The
66 commission shall by regulation define and designate those drugs the use of which is
67 prohibited or restricted.

68 (6) 'Enclosure' means all areas of the property of a track to which admission is ordinarily
69 obtained only by payment of an admission fee or upon presentation of authorized
70 credentials and any additional areas designated by the commission.

71 (7) 'Georgia Breeders Funds' means the fund or funds established to foster the industry
72 of breeding racehorses in the State of Georgia.

73 (8) 'Handle' means the total amount of all pari-mutuel wagering sales excluding refunds
74 and cancellations.

75 (9) 'Horse racing' or 'horse race' means a competition on a set course involving a race
76 between horses on which pari-mutuel wagering is permitted.

77 (10) 'Horseman' means any person who owns a 10 percent or greater interest in a
78 racehorse and is actively engaged in horse racing.

79 (11) 'Immediate family' means a spouse and any other person residing in the same
80 household as an officer or employee, who is a dependent of such officer or employee, or
81 of whom such officer or employee is a dependent.

82 (12) 'Licensee' includes any person holding an owner's, operator's, or limited license
83 under Code Sections 50-39-13 through 50-39-25. The licensee under a limited license
84 shall not be deemed an owner for the purposes of owning or operating a satellite facility.

85 (13) 'Member' includes any person designated a member of a nonstock corporation and
86 any person who by means of a pecuniary or other interest in such corporation exercises
87 the power of a member.

88 (14) 'Pari-mutuel wagering' means the system of wagering on horse races in which those
89 who wager on horses that finish in the position or positions for which wagers are taken
90 share in the total amounts wagered, plus any amounts provided by an unlimited licensee,
91 less deductions required or permitted by law and includes pari-mutuel wagering on

92 simulcast horse racing originating within the State of Georgia or from any other
93 jurisdiction.

94 (15) 'Participant' means any person who:

95 (A) Has an ownership interest in any horse entered to race in this state or who acts as
96 the trainer, jockey, or driver of any horse entered to race in this state; or

97 (B) Takes part in any horse racing subject to the jurisdiction of the commission or in
98 the conduct of a race meeting or pari-mutuel wagering thereon, including, but not
99 limited to, a horse owner, trainer, jockey, driver, groom, stable foreman, valet,
100 veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track
101 employee, or any other position the commission deems necessary to regulate and ensure
102 the integrity of horse racing in Georgia.

103 (16) 'Permit holder' includes any person holding a permit to participate in any horse
104 racing subject to the jurisdiction of the commission or in the conduct of a race meeting
105 or pari-mutuel wagering thereon as provided in Code Section 50-39-26.

106 (17) 'Person' means any individual, group of individuals, firm, company, corporation,
107 partnership, business, trust, association, or other legal entity.

108 (18) 'Pool' means the amount wagered during a race meeting or during a specified period
109 thereof.

110 (19) 'Principal stockholder' means any person who individually or in concert with his or
111 her spouse and immediate family members beneficially owns or controls, directly or
112 indirectly, 5 percent or more of the stock of any person which is a licensee or who in
113 concert with his or her spouse and immediate family members has the power to vote or
114 cause the vote of 5 percent or more of any such stock. However, such term shall not
115 include a broker-dealer registered under the federal Securities Exchange Act of 1934, as
116 amended, which holds in inventory shares for sale on the financial markets for a publicly
117 traded corporation holding, directly or indirectly, a license from the commission.

118 (20) 'Race meeting' means the whole consecutive period of time during which horse
119 racing with pari-mutuel wagering is conducted by a licensee.

120 (21) 'Racetrack' or 'track' means an outdoor course located in the State of Georgia which
121 is laid out for horse racing and is licensed by the commission.

122 (22) 'Retainage' means the total amount deducted from the pari-mutuel wagering pool
123 for a license fee to the commission and other jurisdictions, the unlimited license, purse
124 money for the participants, the Georgia Breeders Funds, and certain enumerated
125 organizations as required or permitted by law, rule or regulation, or contract approved by
126 the commission.

127 (23) 'Satellite facility' means all areas of the property at which simulcast horse racing is
128 received for the purposes of pari-mutuel wagering and any additional areas designated
129 by the commission.

130 (24) 'Simulcast horse racing' means the simultaneous transmission of the audio or video
131 portion, or both, of horse races from a licensed horse racetrack or satellite facility to
132 another licensed horse racetrack or satellite facility, regardless of state of licensure,
133 whether such races originate within the State of Georgia or any other jurisdiction, by
134 satellite communication devices, television cables, telephone lines, or any other means
135 for the purposes of conducting pari-mutuel wagering.

136 (25) 'Steward' means a racing official, duly appointed by the commission, with powers
137 and duties prescribed by commission regulations.

138 (26) 'Stock' includes all classes of stock, partnership interest, membership interest, or
139 similar ownership interest of an applicant or licensee and any debt or other obligation of
140 such person or an affiliated person if the commission finds that the holder of such interest
141 or stock derives therefrom such control of or voice in the operation of the applicant or
142 licensee that he or she should be deemed an owner of stock.

143 50-39-3.

144 (a) The Georgia Racing Commission is created. The commission shall consist of seven
145 members appointed by the Governor and confirmed by a majority of those elected to each
146 house of the General Assembly at the next regular session following any such appointment.
147 Each commissioner shall have been a resident of the State of Georgia for a period of at
148 least three years next preceding his or her appointment and his or her continued residency
149 shall be a condition of his or her tenure in office. At least three of the members shall be
150 horsemen. The initial appointments shall be made not later than February 1, 2015, and
151 shall be as follows: one commissioner for a term of one year, one commissioner for a term
152 of two years, one commissioner for a term of three years, two commissioners for a term of
153 four years, and two commissioners for a term of five years. Thereafter, all appointments
154 shall be for terms of five years. Vacancies in the commission shall be filled for the
155 unexpired term in the manner provided for original appointments. Each commissioner
156 shall be eligible for reappointment for a second consecutive term at the discretion of the
157 Governor. Persons who are first appointed to initial terms of less than five years shall
158 thereafter be eligible for reappointment to two consecutive terms of five years each. The
159 commission shall elect its chairperson. No member of the General Assembly while serving
160 as a member shall be eligible for appointment to the commission.

161 (b) Each member of the commission shall receive the same daily expense allowance as
162 members of the General Assembly as provided in subsection (b) of Code Section 45-7-21

163 for each day or part thereof spent in the performance of his or her duties and in addition
164 shall be reimbursed for reasonable expenses incurred therein.

165 (c) The commission shall establish and maintain a general business office within the State
166 of Georgia for the transaction of its business at a place to be determined by the
167 commission. The commission shall meet at such times and places within this state as it
168 shall determine. A majority of the commissioners shall constitute a quorum for the
169 convening of a meeting, but the performance of any duty or the exercise of any power of
170 the commission shall require a majority of the entire commission. The commission shall
171 be authorized to meet by teleconference as provided in Code Section 50-1-5.

172 (d) The commission shall appoint an executive secretary who shall manage the day-to-day
173 operations of the commission. Such executive secretary shall be selected and hired based
174 solely upon his or her professional qualifications and merits for such position.

175 50-39-4.

176 The commission shall be represented in all legal matters by the Attorney General.

177 50-39-5.

178 No member or employee of the commission and no spouse or immediate family member
179 of any such member or employee shall have any financial interest, direct or indirect, in any
180 horse racetrack, satellite facility, or operation incident thereto subject to the provisions of
181 this chapter; in any entity which has submitted an application for a license under this
182 chapter; in the operation of any such track or satellite facility within the State of Georgia;
183 or in the operation of any wagering authorized under this chapter. No employee of the
184 commission and no spouse or immediate family member of any such employee shall
185 participate as owner of a horse or otherwise as a contestant in any race subject to the
186 jurisdiction of the commission or have any pecuniary interest in the purse or prize
187 contested for in any such race. No member of the commission and no spouse or immediate
188 family member of any such member shall make any contribution to a candidate for office
189 or office holders on the local or state level or cause a contribution to be made on his or her
190 behalf.

191 50-39-6.

192 The commission shall have all powers and duties necessary to carry out the provisions of
193 this chapter and to exercise the control of horse racing as set forth in Code Section 50-39-1.
194 Such powers and duties shall include, but shall not be limited to, the following:

195 (1) The commission is vested with jurisdiction and supervision over all horse racing
196 licensed under the provisions of this chapter, including all persons conducting,

197 participating in, or attending any race meeting. It shall employ such persons to be present
198 at race meetings as are necessary to ensure that they are conducted with order and the
199 highest degree of integrity. It may eject or exclude from the enclosure or from any part
200 thereof any person, whether or not he or she possesses a license or permit, whose conduct
201 or reputation is such that his or her presence may, in the opinion of the commission,
202 reflect adversely the honesty and integrity of horse racing or interfere with the orderly
203 conduct of horse racing;

204 (2) The commission, its representatives, and employees shall visit, investigate, and have
205 free access to the office, track, facilities, satellite facilities, or other places of business of
206 any licensee or permit holder and may compel the production of any of the books,
207 documents, records, or memoranda of any licensee or permit holder for the purpose of
208 satisfying itself that this chapter and its regulations are complied with strictly. In
209 addition, the commission may require the production of an annual balance sheet and
210 operating statement of any person licensed or granted a permit pursuant to the provisions
211 of this chapter and may require the production of any contract to which such person is or
212 may be a party;

213 (3) The commission shall promulgate rules and regulations and conditions under which
214 horse racing with pari-mutuel wagering shall be conducted in the State of Georgia and
215 all such other regulations it deems necessary and appropriate to effect the purposes of this
216 chapter, including a requirement that licensees post, in a conspicuous place in every place
217 where pari-mutuel wagering is conducted, a sign which bears a toll-free telephone
218 number for Gamblers Anonymous or any other organization which provides assistance
219 to compulsive gamblers. Nothing in this paragraph shall be deemed to preclude private
220 local ownership or participation in any horse racetrack. Such regulations may include
221 penalties for violations. The rules and regulations shall be promulgated pursuant to the
222 provisions of Chapter 13 of this title, the 'Georgia Administrative Procedure Act';

223 (4) The commission shall promulgate rules and regulations and conditions under which
224 simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility
225 in the State of Georgia and all such other regulations it deems necessary and appropriate
226 to effect the purposes of this chapter. Such regulations shall include provisions that all
227 simulcast horse racing shall comply with the federal Interstate Horse Racing Act of 1978,
228 15 U.S.C. Section 3001, et seq., and shall require the holder of an unlimited license to
229 schedule not fewer than 60 live racing days in the State of Georgia each calendar year;
230 provided, however, that the commission shall have the authority to alter the required
231 number of live racing days based on what the commission deems to be in the best interest
232 of the Georgia horse industry. Such regulations may authorize any number of satellite
233 facilities per licensed horse racetrack at such locations as approved by the commission.

234 Except as authorized pursuant to paragraph (5) of this Code section, wagering on
235 simulcast horse racing shall take place only at a licensed horse racetrack or a satellite
236 facility of a licensed horse racetrack;

237 (5) The commission shall promulgate rules and regulations and conditions regulating and
238 controlling advance deposit account wagering. Such regulations shall include, but not be
239 limited to, standards, qualifications, and procedures for the issuance of a license to any
240 such entity or entities pursuant to Code Section 50-39-13 to operate pari-mutuel wagering
241 in the State of Georgia; provisions regarding access to books, records, and memoranda,
242 and submission to investigations and audits, as authorized by paragraphs (2) and (10) of
243 this Code section; and provisions regarding the collection of all revenues due to the State
244 of Georgia from the placing of such wagers. No pari-mutuel wager may be made on or
245 with any computer owned or leased by the State of Georgia or any of its political
246 subdivisions, any public elementary or secondary school, or any public college or
247 university. The commission shall also ensure that, except for this method of pari-mutuel
248 wagering, all wagering on simulcast horse racing shall take place only at a licensed horse
249 racetrack or satellite facility. Notwithstanding the provisions of Code Section 50-39-31,
250 the allocation of revenue from advance deposit account wagering shall include a licensee
251 fee paid to the commission; an additional fee equal to 10 percent of all wagers made
252 within the State of Georgia placed through an advance deposit account wagering licensee,
253 out of which shall be paid one-half to all unlimited licensees and one-half to
254 representatives of the recognized majority horsemen groups; and an additional fee equal
255 to 1 percent of all wagers made within the State of Georgia placed through an advance
256 deposit account wagering licensee, which shall be paid to the Georgia Breeders Funds.
257 Nothing in this paragraph shall be construed to limit the commission's authority set forth
258 elsewhere in this Code section;

259 (6) The commission may issue subpoenas for the attendance of witnesses before it,
260 administer oaths, and compel production of records or other documents and testimony of
261 such witnesses whenever, in the judgment of the commission, it is necessary to do so for
262 the effectual discharge of its duties;

263 (7) The commission may compel any person holding a license or permit to file with the
264 commission such data as shall appear to the commission to be necessary for the
265 performance of its duties, including, but not limited to, financial statements and
266 information relative to stockholders and all others with any pecuniary interest in such
267 person. It may prescribe the manner in which books and records of such persons shall
268 be kept;

269 (8) The commission may enter into arrangements with any foreign or domestic
 270 government or governmental agency for the purposes of exchanging information or
 271 performing any other act to better ensure the proper conduct of horse racing;

272 (9) The commission shall report annually on or before January 1 to the Governor and the
 273 General Assembly; the report shall include a financial statement of the operation of the
 274 commission;

275 (10) The commission may order such audits, in addition to those required by Code
 276 Section 50-39-32, as it deems necessary and desirable;

277 (11) The commission shall upon the receipt of a complaint of an alleged criminal
 278 violation of this chapter immediately report the complaint to the Attorney General for
 279 appropriate action;

280 (12) The commission shall provide for the withholding of the applicable amount of state
 281 and federal income tax of persons claiming a prize or payoff for a winning wager and
 282 shall establish the thresholds for such withholdings;

283 (13) The commission and its representatives and employees may, within the enclosure,
 284 stable, or other facility related to the conduct of racing, and during regular or usual
 285 business hours, subject:

286 (A) Any permit holder to personal inspections, including alcohol and drug testing for
 287 illegal drugs, inspections of personal property, and inspections of other property or
 288 premises under the control of such permit holder; and

289 (B) Any horse eligible to race at a race meeting licensed by the commission to testing
 290 for substances foreign to the natural horse within the racetrack enclosure or other place
 291 where such horse is kept.

292 Any item, document, or record indicative of a violation of any provision of this chapter
 293 or commission rules and regulations may be seized as evidence of such violation. All
 294 permit holders shall be deemed to consent to the searches and seizures authorized by this
 295 paragraph, including breath, blood, and urine sampling for alcohol and illegal drugs, by
 296 accepting the permit issued by the commission. The commission may revoke or suspend
 297 the permit of any person who fails or refuses to comply with this paragraph or any rules
 298 and regulations of the commission;

299 (14) The commission shall require the existence of a contract between the licensee and
 300 the recognized majority horseman's group providing for purses and prizes. Such contract
 301 shall be subject to the approval of the commission, which shall have the power to approve
 302 or disapprove any of its items, including, but not limited to, the provisions regarding
 303 purses and prizes; and

304 (15) Notwithstanding the provisions of Code Section 50-39-30, the commission may
 305 grant provisional limited licenses or provisional unlimited licenses to own or operate

306 racetracks or satellite facilities to an applicant prior to the applicant securing the approval
307 through the local referendum required by Code Section 50-39-30. The provisional
308 licenses issued by the commission shall only become effective upon the approval of the
309 racetrack or satellite wagering facilities in a referendum conducted pursuant to Code
310 Section 50-39-30 in the jurisdiction in which the racetrack or satellite wagering facility
311 is to be located.

312 50-39-7.

313 (a) The commission shall appoint an executive secretary and such other employees as it
314 deems essential to perform its duties under this chapter who shall possess such authority
315 and perform such duties as the commission shall prescribe or delegate to them. Such
316 employees may include stewards, chemists, veterinarians, inspectors, accountants, guards,
317 and such other employees deemed by the commission to be necessary for the supervision
318 and proper conduct of the highest standard of horse racing. Such employees shall be
319 compensated as provided by the commission.

320 (b) The executive secretary, in addition to any other duties prescribed by the commission,
321 shall keep a true and full record of all proceedings of the commission and preserve at the
322 commission's general office all books, documents, and papers of the commission. Neither
323 the executive secretary nor the spouse or any immediate family member of the executive
324 secretary shall make any contributions to a candidate for office or office holder at the local
325 or state level or cause such a contribution to be made on his or her behalf.

326 (c) The stewards appointed by the commission shall act as racing officials to oversee the
327 conduct of horse racing at licensed racetracks and simulcast horse racing at satellite
328 facilities. The stewards shall enforce the commission's rules and regulations and the
329 provisions of this chapter and shall have authority to interpret the commission's regulations
330 and to decide all questions of racing not specifically covered by the rules and regulations
331 of the commission. Nothing in this subsection shall limit the authority of the commission
332 to carry out the provisions of this chapter and to exercise control of horse racing as set forth
333 in Code Section 50-39-1, including the power to review all decisions and rulings of the
334 stewards.

335 50-39-8.

336 (a) All moneys and revenues received by the commission under this chapter shall be
337 placed in a special fund known as the State Racing Operations Fund. Notwithstanding any
338 other provision of law, interest earned from moneys in the State Racing Operations Fund
339 shall accrue to the benefit of such fund.

340 (b) The total costs for the operation and administration of the commission shall be funded
 341 from the State Racing Operations Fund and shall be in such amount as provided by the
 342 General Assembly in the General Appropriations Act for each fiscal year.

343 50-39-9.

344 (a) The commission shall fingerprint and require a background investigation to include a
 345 criminal history record information check of the following persons to be conducted by a
 346 representative of a law enforcement agency of the State of Georgia:

347 (1) Every person licensed to hold race meetings within the State of Georgia;

348 (2) Every person who is an officer, director, or principal stockholder of a corporation
 349 which holds such a license and every employee of the holder of any such license whose
 350 duties relate to the horse racing business in Georgia;

351 (3) All security personnel of any licensee;

352 (4) Members and employees of the commission;

353 (5) All permit holders, owners, trainers, jockeys, drivers, apprentices, starters, stable
 354 employees, managers, agents, blacksmiths, veterinarians, and employees of any licensee
 355 or permit holder except as may be exempted by rule or regulation of the commission; and

356 (6) Any person who actively participates in the racing activities of any licensee or permit
 357 holder.

358 (b) Notwithstanding the provisions of subsection (a) of this Code section, the commission
 359 may, by rule or regulation, establish a procedure to recognize a license or permit issued by
 360 another state in which horse racing is authorized when the commission in its discretion
 361 determines that the laws or requirements of the licensing authority for such state governing
 362 fingerprinting and background investigations are substantially the same as required under
 363 this chapter and commission rules and regulations and that the applicant has not been
 364 convicted of a misdemeanor or felony as provided in subsection (c) of Code Section
 365 50-39-28 and may waive the requirements for fingerprints and background investigations
 366 for permit holders participating in horse racing in nonsecure areas or nonracing activities.

367 50-39-10.

368 There is created the Georgia Breeders Funds, which, together with the interest thereon,
 369 shall be administered in whole or in part by the commission or by an entity designated by
 370 the commission. There shall be a specific fund for each breed of horse for which racing
 371 is authorized in this state by the commission. The cost of administering and promoting the
 372 funds shall be deducted from the funds, and the balances shall be disbursed by the
 373 commission or designated entity to the breeders of Georgia bred horses that win races at
 374 race meetings designated by the commission, to the owners of Georgia sires of Georgia

375 bred horses that win races at race meetings designated by the commission, to the owners
376 of Georgia bred horses that win or earn purse money in nonrestricted races at racetracks
377 in Georgia licensed by the commission, to the owners of Georgia bred horses that win races
378 at race meetings designated by the commission, and for purses for races restricted to
379 Georgia bred or Georgia sired horses, or both, at race meetings designated by the
380 commission. To assist it in establishing this awards and incentive program to foster the
381 industry of breeding racehorses in Georgia, the commission may appoint an advisory
382 committee composed of one member from each of the registered breed associations
383 representing each breed of horse participating in the fund program and one member
384 representing the owner and operator of each racetrack authorized in this state.

385 50-39-11.

386 Any person aggrieved by a refusal of the commission to issue any license or permit, the
387 suspension or revocation of a license or permit, the imposition of a fine, or any other action
388 of the commission may seek review of such action in accordance with Chapter 13 of this
389 title.

390 50-39-12.

391 Whenever it appears to the commission that any person has violated or may violate any
392 provision of this chapter or any regulation or final decision of the commission, it may apply
393 to the appropriate superior court for an injunction against such person. The order granting
394 or refusing such injunction shall be subject to appeal as in other cases in equity.

395 50-39-13.

396 (a) No person shall construct, establish, or own a horse racetrack or satellite facility where
397 pari-mutuel wagering is permitted unless he or she has obtained a racetrack owner's license
398 or satellite facility owner's license issued by the commission in accordance with the
399 provisions of this chapter, as appropriate.

400 (b) No person shall operate pari-mutuel wagering or conduct any race meeting at which
401 wagering is permitted with his or her knowledge or acquiescence unless he or she has
402 obtained a racetrack operator's license or satellite facility operator's license issued by the
403 commission in accordance with the provisions of this chapter, as appropriate.

404 (c) No person to whom a racetrack owner's license, satellite facility owner's license,
405 racetrack operator's license, or satellite facility operator's license has been issued nor any
406 officer, director, partner, or spouse or immediate family member thereof shall make any
407 contribution to any candidate for public office or public office holder at the local or state
408 level.

409 (d) No license issued under the provisions of this chapter shall be transferable.

410 50-39-14.

411 (a) Notwithstanding the provisions of Code Section 50-39-13 or 50-39-16 but subject to
412 such rules and regulations and criteria as it may prescribe, the commission is authorized
413 to issue limited licenses, provided that such licenses shall permit any holder to conduct a
414 race meeting or meetings for a period not to exceed 14 days in any calendar year unless the
415 commission shall authorize additional days.

416 (b) The commission may at any time, in its discretion, authorize any organization or
417 association licensed under this Code section to transfer its race meeting or meetings from
418 its own track or place for holding races to the track or place for holding races of any other
419 organization or association licensed under this chapter upon the payment of any and all
420 appropriate license fees. No such authority to transfer shall be granted without the express
421 consent of the organization or association owning or leasing the track to which such
422 transfer is made.

423 (c) For any such meeting, the licensee shall retain and pay from the pool the tax as
424 provided in Code Section 50-39-31.

425 (d) No person to whom a limited license has been issued nor any officer, director, partner,
426 or spouse or immediate family member thereof shall make any contribution to any
427 candidate for public office or public office holder at the local or state level.

428 50-39-15.

429 (a) Any person desiring to construct or own a horse racetrack or satellite facility where
430 pari-mutuel wagering is permitted shall file with the commission an application for a
431 racetrack owner's license or satellite facility owner's license, as appropriate. Such
432 application shall be filed at the time and place prescribed by the commission and shall be
433 in such form and contain such information as prescribed by the commission, including, but
434 not limited to, the following:

435 (1) The full name and address of such person; if a corporation, the state of its
436 incorporation, the full name and address of each officer and director thereof, and, if a
437 foreign corporation, whether it is qualified to do business in this state; and if a partnership
438 or joint venture, the full name and address of each officer thereof;

439 (2) The full name and address of each stockholder or member of such corporation who
440 has a 5 percent or greater ownership or security interest or each partner of such
441 partnership or joint venture who has a 5 percent or greater ownership or security interest
442 and of each person who has contracted for a pecuniary interest in the applicant or the
443 enclosure where race meetings or pari-mutuel wagering will be conducted, whether such

444 interest is an ownership or a security interest, the nature and value of such interest, and
 445 the full name and address of each person who has agreed to lend money to the applicant;
 446 (3) Such information as the commission deems appropriate regarding the character,
 447 background, and responsibility of the applicant and the members, partners, stockholders,
 448 officers, and directors of the applicant;

449 (4) The location and description of the racetrack, place, or enclosure where such person
 450 proposes to hold such meetings or wagering, including the name of any county or
 451 municipality in which any property of such race track or satellite facility is or will be
 452 located. The commission shall require such information about the enclosure and location
 453 of such track as it deems necessary and appropriate to determine whether it complies with
 454 the minimum standards provided in this chapter and whether the conduct of a race
 455 meeting or pari-mutuel wagering at such location would be in the best interest of the
 456 people of the State of Georgia;

457 (5) Such information relating to the financial responsibility of the applicant as the
 458 commission deems appropriate;

459 (6) If any of the facilities necessary for the conduct of racing or pari-mutuel wagering
 460 are to be leased, the terms of such lease; and

461 (7) Any other information which the commission in its discretion deems appropriate.

462 (b) Each application shall be verified by the oath or affirmation of an officer of the
 463 applicant and shall be accompanied by a nonrefundable application fee as determined by
 464 the commission.

465 (c) Any person who knowingly makes a false statement to the commission for the purposes
 466 of obtaining a license under this article shall be guilty of a felony and, upon conviction
 467 thereof, shall be punished by imprisonment for not less than one nor more than ten years
 468 or a fine not to exceed \$50,000.00, or both.

469 50-39-16.

470 (a) The commission shall consider all applications for a racetrack owner's license and
 471 satellite facility owner's license and may grant a valid racetrack owner's or satellite facility
 472 owner's license to applicants who meet the criteria set forth in this chapter and established
 473 by the commission. The commission shall deny a license to any applicant unless it finds
 474 that the applicant's facilities are or will be appropriate for the finest quality of racing and
 475 meet or will meet the minimum standards that any track provided for standard breed racing
 476 be at least five-eighths of a mile, that any dirt track provided for flat racing be at least one
 477 mile, and that any track provided for flat or jump racing on the turf be at least
 478 seven-eighths of a mile.

479 (b) The commission shall deny a license to an applicant if it finds that for any reason the
480 issuance of a license to the applicant would not be in the best interest of the people of the
481 State of Georgia or the horse racing industry in the State of Georgia or would reflect
482 adversely on the honesty and integrity of the horse racing industry in the State of Georgia
483 or that the applicant or any officer, partner, principal stockholder, or director of the
484 applicant:

485 (1) Has knowingly made a false statement of material fact or has deliberately failed to
486 disclose any information requested;

487 (2) Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or
488 conduct in connection with any horse racing in this or any other state or has been
489 convicted of a felony;

490 (3) Has at any time knowingly failed to comply with the provisions of this chapter or of
491 any rules or regulations of the commission;

492 (4) Has had a license or permit to hold or conduct a horse race meeting denied for just
493 cause, suspended, or revoked in any other state or country;

494 (5) Has legally defaulted in the payment of any obligation or debt due to the State of
495 Georgia;

496 (6) Has constructed or caused to be constructed a racetrack or satellite facility for which
497 a license was required under Code Section 50-39-15 without obtaining such license or has
498 deviated substantially, without the permission of the commission, from the plans and
499 specifications submitted to the commission; or

500 (7) Is not qualified to do business in Georgia or is not subject to the jurisdiction of the
501 courts of the State of Georgia.

502 (c) The commission shall deny a license to any applicant unless it finds that:

503 (1) The applicant is adequately capitalized;

504 (2) If the corporation is a stock corporation, such stock is fully paid and nonassessable
505 and has been subscribed and paid for only in cash or property to the exclusion of past
506 services;

507 (3) All principal stockholders or members have submitted to the jurisdiction of the courts
508 of the State of Georgia and all nonresident principal stockholders or members have
509 designated the executive secretary of the commission as their agent for receipt of process;
510 and

511 (4) The applicant meets the criteria established by the commission for the granting of a
512 racetrack owner's license or satellite facility owner's license, as appropriate.

513 50-39-17.

514 (a) Notwithstanding the provisions of Code Section 50-39-30, the commission may grant
515 a license, for a duration to be determined by the commission, to the owner or operator of
516 a steeplechase facility for the purpose of conducting pari-mutuel wagering on steeplechase
517 race meetings at that facility for a period not to exceed 14 days in any calendar year,
518 provided that, prior to making application for such license, the steeplechase facility has
519 been sanctioned by the National Steeplechase Association and the owner or operator of
520 such facility has been granted tax-exempt status under Section 501(c)(3) or (4) of the
521 federal Internal Revenue Code. For purposes of this Code section, 'steeplechase facility'
522 means a turf racecourse constructed over natural ground which is utilized primarily for
523 racetrack races where horses jump over fences or other obstacles.

524 (b) In deciding whether to grant any license pursuant to this Code section, the commission
525 shall consider the results of, circumstances surrounding, and issues involved in any
526 referendum conducted under the provisions of Code Section 50-39-30 and whether the
527 commission has previously granted a license to such facility, owner, or operator.

528 50-39-18.

529 No racetrack owner's license or satellite facility owner's license or renewal thereof shall be
530 granted to any corporation if the commission finds that any principal stockholder of such
531 stock corporation or any member of such nonstock corporation:

532 (1) Is or has been guilty of any illegal, corrupt, or fraudulent act, conduct, or practice in
533 connection with horse racing in this or any other state or has knowingly failed to comply
534 with the provisions of this chapter or commission rules and regulations;

535 (2) Has had a license or permit to hold or conduct a race meeting denied for cause,
536 suspended, or revoked in any other state or country; or

537 (3) Has at any time during the previous five years knowingly failed to comply with the
538 provisions of this chapter or any commission rules and regulations.

539 50-39-19.

540 (a) A racetrack owner's license issued under Code Section 50-39-16 shall be for the period
541 set by the commission, not to be less than 20 years, but shall be reviewed annually. A
542 satellite facility owner's license issued under Code Section 50-39-16 shall be for a period
543 of five years but shall be reviewed annually. The commission shall designate on the
544 license the duration of such license, the location of such track or satellite facility or
545 proposed track or satellite facility, and such other information as it deems proper. The
546 commission shall establish criteria and procedures for license renewal.

547 (b) The commission shall require a bond with surety or letter of credit acceptable to the
548 commission and in an amount determined by it to be sufficient to cover any indebtedness
549 incurred by the licensee to the State of Georgia.

550 50-39-20.

551 (a) Any person desiring to hold a race meeting or operate a satellite facility shall file with
552 the commission an application for a racetrack operator's license or satellite facility
553 operator's license, as appropriate. Such application may be made in conjunction with an
554 application for a racetrack owner's license or satellite facility owner's license, if
555 appropriate. It shall be filed at the time and place prescribed by the commission and
556 contain such information as prescribed by the commission, including all information
557 prescribed for an owner's license under Code Section 50-39-15 and, in addition, the date
558 the applicant wishes to conduct a race meeting.

559 (b) Any application filed pursuant to this Code section shall be verified by the oath or
560 affirmation of an officer of the applicant and shall be accompanied by a nonrefundable
561 application fee as determined by the commission.

562 50-39-21.

563 The commission shall promptly consider any application for a racetrack operator's license
564 or satellite facility operator's license and may grant a valid racetrack operator's license or
565 satellite facility operator's license to applicants who meet the criteria set forth in this
566 chapter and established by the commission. The commission shall deny a license to any
567 applicant unless it finds that:

568 (1) Such applicant is a corporation organized under Title 14 or comparable law of
569 another state and qualified to do business in Georgia;

570 (2) If the corporation is a stock corporation, all principal stockholders have submitted to
571 the jurisdiction of the courts of this state and all nonresident principal stockholders have
572 designated the executive secretary of the commission as their agent for receipt of process,
573 provided that an application shall also contain information as required by Code
574 Section 50-39-15;

575 (3) The applicant's articles of incorporation provide that the corporation may, on vote of
576 a majority of the stockholders or members, purchase at fair market value the entire
577 membership interest of any stockholder or require the resignation of any member who is
578 or becomes unqualified for such position under Code Section 50-39-18;

579 (4) The applicant would be qualified for a license to own such horse racetrack or satellite
580 facility under the provisions of Code Sections 50-39-17 and 50-39-18;

581 (5) The applicant has made provisions satisfactory to the commission for the detection
582 and prosecution of any illegal, corrupt, or fraudulent act, practice, or conduct in
583 connection with any race meeting or pari-mutuel wagering, that the applicant has made
584 provision for membership in the Thoroughbred Racing Association or any other
585 equivalent applicable association, and that the applicant shall utilize the services of the
586 Thoroughbred Racing Protective Bureau or any other protective agency acceptable to the
587 commission; and

588 (6) The applicant has met the criteria established by the commission for the granting of
589 a racetrack operator's license or satellite facility operator's license, as appropriate.

590 50-39-22.

591 (a) A racetrack operator's license issued under Code Section 50-39-21 shall be for a period
592 of 20 years from the date of issuance but shall be reviewed annually. A satellite facility
593 operator's license issued under Code Section 50-39-21 shall be for a period of five years
594 from the date of issuance but shall be reviewed annually. The commission may, as it
595 deems appropriate, change at the beginning of any year the dates on which the licensee is
596 authorized to conduct a race meeting or pari-mutuel wagering. An applicant for renewal
597 of a license may omit any information which in the opinion of the commission is already
598 available to the commission. The commission shall establish criteria and procedures for
599 license renewal.

600 (b) Any license issued under Code Section 50-39-21 shall designate on its face the type
601 or types of horse racing or pari-mutuel wagering for which it is issued, the location of the
602 track or satellite facility where such meeting or wagering is to be conducted, the period
603 during which such license is in effect, and such other information as the commission deems
604 proper.

605 (c) The commission shall require a bond with surety or letter of credit acceptable to the
606 commission and in an amount determined by it to be sufficient to cover any indebtedness
607 incurred by such licensee during the days allotted for racing.

608 50-39-23.

609 The denial of an owner's or operator's license by the commission shall be final unless
610 appealed under Code Section 50-39-11.

611 50-39-24.

612 (a) After a hearing upon at least 15 days' notice, the commission may suspend or revoke
613 any license or fine the holder thereof a sum not to exceed \$100,000.00 in any case in which
614 the commission has reason to believe that any provision of this chapter, or any rule or

615 regulation or condition of the commission, has not been complied with or has been
616 violated. The commission may revoke a license if it finds that facts not known by it at the
617 time it considered the application indicate that such license should not have been issued.

618 (b) The commission may revoke any license issued under Code Section 50-39-21 for the
619 operation of a satellite facility if the licensee, within two years of issuance of the satellite
620 facility license, fails to conduct live racing at a racetrack licensed pursuant to Code Section
621 50-39-21 or fails to conduct, without the permission of the commission, the live racing
622 days assigned to the licensee by the commission.

623 (c) The commission, at a meeting at which a quorum of the members is present, may
624 summarily suspend any license for a period of not more than 90 days pending a hearing and
625 final determination by the commission if the commission determines that emergency action
626 is required to protect the public health, safety, and welfare, including, but not limited to,
627 revenues due the state, its political subdivisions, and the horsemen's purse account. The
628 commission shall schedule a hearing within 14 business days after the license is summarily
629 suspended and notify the licensee not less than five business days before the hearing of the
630 date, time, and place of the hearing.

631 (d) Deliberations of the commission shall be conducted pursuant to the provisions of
632 Chapter 14 of this title. If any such license is suspended or revoked, the commission shall
633 state its reasons for doing so, which shall be entered of record. Such action shall be final
634 unless appealed in accordance with Code Section 50-39-11. Suspension or revocation of
635 a license by the commission for any violation shall not preclude criminal liability for such
636 violation.

637 50-39-25.

638 (a) The commission shall require any person desiring to become a partner, member, or
639 principal stockholder of any licensee to apply to the commission for approval thereof and
640 may demand such information of the applicant as it finds necessary. The commission shall
641 consider such application forthwith and shall approve or deny the application within 60
642 days of receipt. The commission shall approve an application that meets the criteria set
643 forth in this chapter. The commission shall deny an application if in its judgment the
644 acquisition by the applicant would be detrimental to the public interest or to the honesty,
645 integrity, and reputation of racing. The commission shall approve an application to acquire
646 actual control of a licensee only if it finds that the applicant meets the criteria set forth in
647 subsection (b) of this Code section.

648 (b) If an applicant proposes to acquire actual control of a licensee, such person shall,
649 pursuant to subsection (a) of this Code section, submit to the commission its proposal for
650 the future operation of any existing or planned racetrack or satellite facility owned or

651 operated by the licensee; such additional information as it desires; and such information
652 as may be required by the commission to assure the commission that the licensee, under
653 the actual control of such person, will have the experience, expertise, financial
654 responsibility, and commitment to comply with the provisions of this chapter, commission
655 rules and regulations and orders, the requirements for the continued operation of the
656 licensee pursuant to the terms and conditions in effect on the date of the application of all
657 licenses held by the licensee, any existing contract with a recognized majority horseman's
658 group, and any proposal submitted to the commission by such person. The provisions of
659 this subsection shall apply regardless of whether the control acquired is direct or indirect
660 or whether its acquisition is accomplished individually or in concert with others.

661 (c) Any such acquisition of control without prior approval of the commission shall be
662 voidable by the commission, and in such instance, the commission may revoke any license
663 it has issued to such licensee, order compliance with this Code section, or take such other
664 action as may be appropriate within the authority of the commission.

665 50-39-26.

666 (a) No participant shall engage in any horse racing subject to the jurisdiction of the
667 commission or in the conduct of a race meeting or pari-mutuel wagering thereon, including,
668 but not limited to, as a horse owner, trainer, jockey, driver, exercise rider, starter, groom,
669 stable foreman, valet, veterinarian, agent, pari-mutuel employee, concessionaire or
670 employee thereof, track employee, or any other position the commission deems necessary
671 to regulate and ensure the integrity of horse racing in Georgia unless such person possesses
672 a permit therefor from the commission and complies with the provisions of this chapter and
673 all commission rules and regulations. No permit issued under the provisions of this chapter
674 shall be transferable.

675 (b) The commission may waive the permit requirement for any person who possesses a
676 valid permit or license to participate in the conduct of horse racing in another racing
677 jurisdiction and participates in horse racing in Georgia on nonconsecutive racing days.

678 (c) Once a horse is entered to run in Georgia, all participants shall come under the
679 jurisdiction of the commission and its stewards and shall be subject to the rules and
680 regulations of the commission and sanctions it or its stewards may impose.

681 50-39-27.

682 (a) Any person desiring to obtain a permit as required by this chapter shall make
683 application therefor on a form prescribed by the commission. The application shall be
684 accompanied by a fee prescribed by the commission.

685 (b) Any application filed under this Code section shall be verified by the oath or
686 affirmation of the applicant.

687 50-39-28.

688 (a) The commission shall promptly consider any application for a permit and issue or deny
689 such permit based on the information in the application and all other information before the
690 commission, including any investigation it deems appropriate. If an application for a
691 permit is approved, the commission shall issue a permit, which shall contain such
692 information as the commission deems appropriate. Such permit shall be valid for one year;
693 provided, however, that the permit of a licensee's employee shall expire automatically
694 when such permit holder leaves the employment of the licensee or at the end of one year,
695 whichever occurs first. The licensee shall promptly notify the commission when a permit
696 holder leaves the employment of the licensee. The commission shall establish criteria and
697 procedures for permit renewal.

698 (b) The commission shall deny the application and refuse to issue the permit, which shall
699 be final unless an appeal is taken under Code Section 50-39-11, if it finds that the issuance
700 of such permit to such applicant would not be in the best interest of the people of the State
701 of Georgia or the horse racing industry of the State of Georgia or would reflect adversely
702 on the honesty and integrity of the horse racing industry in the State of Georgia or that the
703 applicant:

704 (1) Has knowingly made a false statement of a material fact in the application or has
705 deliberately failed to disclose any information requested by the commission;

706 (2) Is or has been found guilty of any corrupt or fraudulent practice or conduct in
707 connection with horse racing in this or any other state;

708 (3) Has knowingly failed to comply with the provisions of this chapter or the orders or
709 rules and regulations of the commission;

710 (4) Has had a permit to engage in activity related to horse racing denied for just cause,
711 suspended, or revoked in any other state, and such denial, suspension, or revocation is
712 still in effect; or

713 (5) Is unqualified to perform the duties required for the permit sought.

714 (c) The commission shall deny the application and refuse to issue the permit if, within the
715 five years immediately preceding the date of the application for the permit sought, the
716 applicant has been convicted of a crime involving the unlawful conduct of wagering,
717 fraudulent use of a credential, unlawful transmission of information, touting, bribery,
718 administration or possession of drugs, or any felony considered by the commission to be
719 detrimental to horse racing in the State of Georgia; the denial shall be final unless an appeal
720 is taken under Code Section 50-39-11. Additionally, the commission may deny the

721 application and refuse to issue any permit if the applicant has been convicted of any such
 722 crime committed prior to the five years immediately preceding the date of the application.
 723 (d) The commission may refuse to issue the permit if for any reason it feels the granting
 724 of such permit is not consistent with the provisions of this chapter or its responsibilities
 725 thereunder.

726 50-39-29.

727 (a) The commission, acting by and through its stewards or at a meeting at which a quorum
 728 is present, may suspend or revoke a permit issued under this chapter or fine the holder of
 729 such permit a sum not to exceed \$10,000.00 or suspend a permit issued by this chapter and
 730 fine the holder of such permit a sum not to exceed \$10,000.00 after a hearing for which
 731 proper notice has been given to the permittee in any case where it determines by a
 732 preponderance of the evidence that any provision of this chapter or any rule, regulation,
 733 order, or condition of the commission has not been complied with or has been violated.
 734 The commission may revoke such permit, after such hearing, if it finds that facts not known
 735 by it at the time it was considering the application indicate that such permit should not have
 736 been issued. Deliberations of the commission under this Code section shall be conducted
 737 pursuant to the provisions of Chapter 14 of this title. If any permit is suspended or
 738 revoked, the commission shall state its reasons for doing so, which shall be entered of
 739 record. Such action shall be final unless an appeal is taken in accordance with Code
 740 Section 50-39-11. Suspension or revocation of a permit by the commission for any
 741 violation shall not preclude criminal liability for such violation.

742 (b) The commission, acting by and through its stewards or at a meeting at which a quorum
 743 is present, may summarily suspend the permit of a person for a period of not more than 90
 744 days pending a hearing and final determination by the commission or its stewards if the
 745 commission or its stewards determine the protection of the integrity of horse racing
 746 requires emergency action. The commission or its stewards shall schedule a hearing within
 747 14 business days after the permit is summarily suspended and notify the permit holder, not
 748 less than five business days before the hearing, of the date, time, and place of the hearing.

749 50-39-30.

750 The commission shall not grant any initial license to construct, establish, operate, or own
 751 a racetrack or satellite facility until a referendum approving the question is held in each
 752 county or municipality in which such track or satellite facility is to be located in the
 753 following manner:

754 (1)(A) A petition signed by 1 percent or 1,000, whichever is less, of the qualified
 755 electors of such county or municipality shall be filed with the election superintendent

756 of such county or municipality asking that a referendum be held on either or both of the
 757 following questions:

758 (i) Whether pari-mutuel wagering shall be permitted at a licensed racetrack in such
 759 county or municipality on live horse racing at and on simulcast horse racing
 760 transmitted from another jurisdiction to the licensed racetrack on such days as may
 761 be approved by the commission in accordance with this chapter; or

762 (ii) Whether pari-mutuel wagering shall be permitted in such county or municipality
 763 at satellite facilities in accordance with this chapter.

764 (B) Such petition shall be in the form specified by the rules and regulations of the State
 765 Election Board. Each person signing a nomination petition shall declare therein that he
 766 or she is a duly qualified and registered elector of the county or municipality and shall
 767 add to his or her signature his or her residence address, giving municipality, if any, and
 768 county, with street and number, if any, and be urged to add the person's date of birth
 769 which shall be used for verification purposes. No person shall sign the same petition
 770 more than once. The petition shall also contain at the top of each page a statement of
 771 the question or questions proposed to be submitted to the electors in accordance with
 772 this Code section. Each page shall bear on the bottom or back thereof the affidavit of
 773 the circulator of such page, which shall be subscribed and sworn to by such circulator
 774 before a notary public and shall set forth:

775 (i) His or her residence address, giving municipality with street and number, if any;

776 (ii) That each signer manually signed his or her own name with full knowledge of the
 777 contents of the petition; and

778 (iii) That, to the best of the affiant's knowledge and belief, the signers are registered
 779 electors of the county or municipality qualified to sign the petition, that their
 780 respective residences are correctly stated in the petition, and that they all reside in the
 781 county or municipality.

782 No notary public may sign the petition as an elector or serve as a circulator of any
 783 petition which he or she notarized. Any and all pages of a petition that have the
 784 circulator's affidavit notarized by a notary public who also served as a circulator of one
 785 or more pages of the petition or who signed one of the pages of the petition as an
 786 elector shall be disqualified and rejected;

787 (2) Following the filing of such petition, the election superintendent shall verify such
 788 petition within 90 days following its submission for verification. If such petition is found
 789 to contain a sufficient number of valid signatures of the qualified electors of the
 790 jurisdiction, the election superintendent shall call and conduct a special election in
 791 accordance with Chapter 2 of Title 21 to submit the referendum question or questions to
 792 the electors of the jurisdiction. Such election shall be on the next available day under

793 Code Section 21-2-540 that is at least 60 days after the date on which the petition is
 794 verified but shall not be later than the next general election unless such general election
 795 is within 60 days of the date on which the petition is verified;

796 (3) The election superintendent of such county or municipality shall publish notice of
 797 such election in the legal organ of the county or municipality once a week for three
 798 consecutive weeks immediately prior to such election notifying the electors of the
 799 jurisdiction of the date and purpose of such special election; and

800 (4) Each ballot shall contain one or both of the following questions as requested in the
 801 petition:

802 '() YES Shall pari-mutuel wagering be permitted at a licensed racetrack in
 803 [name of county or municipality] on live horse racing at and on
 804 () NO simulcast horse racing transmitted from another jurisdiction to the
 805 licensed racetrack on such days as may be approved by the Georgia
 806 Racing Commission in accordance with Chapter 39 of Title 50 of the
 807 O.C.G.A.?'

808 '() YES Shall pari-mutuel wagering be permitted in [name of county or
 809 municipality] at satellite facilities in accordance with Chapter 39 of
 810 () NO Title 50 of the O.C.G.A.?'

811 All persons desiring to vote for approval of a question shall vote 'Yes,' and all persons
 812 desiring to vote for rejection of a question shall vote 'No.' If more than one-half of the
 813 votes cast on a question are for approval, then such question shall be approved and the
 814 type of pari-mutuel wagering provided for in such question may be conducted in such
 815 county or municipality. If the question or questions are not so approved or if the election
 816 is not conducted as provided in this Code section, such question or questions shall not be
 817 approved. The expense of such election shall be borne by the county or municipality.
 818 It shall be the election superintendent's duty to certify the result thereof to the Secretary
 819 of State. No such referendum shall be held more often than every three years in the same
 820 county or municipality. A subsequent referendum shall be required if a license has not
 821 been granted by the commission within five years of the certification of the special
 822 election approving a question.

823 50-39-31.

824 (a) Any person holding an operator's license to operate a horse racetrack or satellite facility
 825 in the State of Georgia pursuant to this chapter shall be authorized to conduct pari-mutuel
 826 wagering on horse racing subject to the provisions of this chapter and the orders,
 827 conditions, and rules and regulations of the commission.

828 (b) On pari-mutuel pools generated by wagering at the racetrack on live horse racing
829 conducted within the State of Georgia involving win, place, and show wagering, the
830 licensee shall retain an amount not to exceed 18 percent of such pool and the legitimate
831 breakage, out of which 7 percent of the retainage shall be distributed as follows: 5 percent
832 of the retainage to the State of Georgia as a license tax and 2 percent of the retainage to the
833 county or municipality in which the racetrack is located. The remainder of the retainage
834 shall be paid as provided in subsection (d) of this Code section.

835 (c) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live
836 horse racing conducted within the State of Georgia involving win, place, and show
837 wagering, the licensee shall retain an amount not to exceed 18 percent of such pool and the
838 legitimate breakage, out of which 7 percent of the retainage shall be distributed as follows:
839 5 percent of the retainage to the State of Georgia as a license tax, 1 percent of the retainage
840 to the county or municipality in which the satellite facility is located, and 1 percent of the
841 retainage to the county or municipality in which the racetrack is located. The remainder
842 of the retainage shall be paid as provided in subsection (d) of this Code section.

843 (d) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
844 facility on live horse racing conducted within the State of Georgia involving win, place,
845 and show wagering, the licensee shall retain an amount not to exceed 18 percent of such
846 pool and the legitimate breakage, out of which shall be paid:

847 (1) Forty-five percent of the retainage as purses or prizes to the participants in such race
848 meeting;

849 (2) Forty-two percent of the retainage and all of the breakage and proceeds of
850 pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted
851 to the operator;

852 (3) Five percent of the retainage to the Georgia Breeders Funds;

853 (4) One-half of 1 percent of the retainage to the University of Georgia College of
854 Veterinary Medicine to be used solely for the promotion and growth of the equine racing
855 and breeding industries in the State of Georgia;

856 (5) One-half of 1 percent of the retainage to the University of Georgia College of
857 Agricultural and Environmental Sciences to be used solely for the promotion and growth
858 of the equine racing and breeding industries in the State of Georgia; and

859 (6) The remainder of the retainage shall be paid as appropriate under subsection (b) or
860 (c) of this Code section.

861 (e) On pari-mutuel pools generated by wagering at the racetrack on live horse racing
862 conducted within the State of Georgia involving wagering other than win, place, and show
863 wagering, the licensee shall retain an amount not to exceed 22 percent of such pool and the
864 legitimate breakage, out of which 12 percent of the retainage shall be distributed as

865 follows: 10 percent of the retainage to the State of Georgia as a license tax and 2 percent
866 of the retainage to the county or municipality in which the racetrack is located. The
867 remainder of the retainage shall be paid as provided in subsection (g) of this Code section.
868 (f) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live
869 horse racing conducted within the State of Georgia involving wagering other than win,
870 place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of
871 such pool and the legitimate breakage, out of which 12 percent of the retainage shall be
872 distributed as follows: 10 percent of the retainage to the State of Georgia as a license tax,
873 1 percent of the retainage to the county or municipality in which the satellite facility is
874 located, and 1 percent of the retainage to the county or municipality in which the racetrack
875 is located. The remainder of the retainage shall be paid as provided in subsection (g) of
876 this Code section.
877 (g) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
878 facility on live horse racing conducted within the State of Georgia involving wagering
879 other than win, place, and show wagering, the licensee shall retain an amount not to exceed
880 22 percent of such pool and the legitimate breakage, out of which shall be paid:
881 (1) Forty-one percent of the retainage as purses or prizes to the participants in such race
882 meeting;
883 (2) Forty-one percent of the retainage and all of the breakage and proceeds of the
884 pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted
885 to the operator;
886 (3) Five percent of the retainage to the Lottery for Education Account established
887 pursuant to Code Section 50-27-13, but such funds shall be accounted for separately;
888 (4) One-half of 1 percent of the retainage to the University of Georgia College of
889 Veterinary Medicine to be used solely for the promotion and growth of the equine racing
890 and breeding industries in the State of Georgia;
891 (5) One-half of 1 percent of the retainage to the University of Georgia College of
892 Agricultural and Environmental Sciences to be used solely for the promotion and growth
893 of the equine racing and breeding industries in the State of Georgia; and
894 (6) The remainder of the retainage shall be paid as appropriate under subsection (e) or
895 (f) of this Code section.
896 (h) On pari-mutuel wagering generated by simulcast horse racing transmitted from
897 jurisdictions outside the State of Georgia, the licensee may, with the approval of the
898 commission, commingle pools with the racetrack where the transmission emanates or
899 establish separate pools for wagering within the State of Georgia. All simulcast horse
900 racing provided for in this subsection shall comply with the federal Interstate Horse Racing
901 Act of 1978, 15 U.S.C. Section 3001, et seq.

- 902 (i) On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing
903 transmitted from jurisdictions outside the State of Georgia involving win, place, and show
904 wagering, the licensee shall retain 1 1/4 percent of such pool to be distributed as follows:
905 (1) Sixty percent of such retainage to the State of Georgia as a license tax; and
906 (2) Forty percent of such retainage to the county or municipality in the State of Georgia
907 in which the racetrack is located.
- 908 (j) On pari-mutuel pools generated by wagering at each Georgia satellite facility on
909 simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving
910 win, place, and show wagering, the licensee shall retain 1 1/4 percent of such pool to be
911 distributed as follows:
912 (1) Sixty percent of such retainage to the State of Georgia as a license tax; and
913 (2) Forty percent of such retainage to the county or municipality in which the satellite
914 facility is located.
- 915 (k) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
916 facility on simulcast horse racing transmitted from jurisdictions outside the State of
917 Georgia involving win, place, and show wagering, the licensee shall retain 1 1/4 percent
918 of such pool to be distributed as follows:
919 (1) Eighty percent of such retainage to the Georgia Breeders Funds; and
920 (2) Twenty percent of such retainage to the University of Georgia College of Veterinary
921 Medicine to be used solely for the promotion and growth of the equine racing and
922 breeding industries in the State of Georgia.
- 923 (l) On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing
924 transmitted from jurisdictions outside the State of Georgia involving wagering other than
925 win, place, and show wagering, the licensee shall retain 2 3/4 percent of such pool to be
926 distributed as follows:
927 (1) Sixty percent of such retainage to the State of Georgia as a license tax; and
928 (2) Forty percent of such retainage to the Georgia county or municipality in which the
929 racetrack is located.
- 930 (m) On pari-mutuel pools generated by wagering at each Georgia satellite facility on
931 simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving
932 wagering other than win, place, and show wagering, the licensee shall retain 2 3/4 percent
933 of such pool to be distributed as follows:
934 (1) Sixty percent of such retainage to the State of Georgia as a license tax; and
935 (2) Forty percent of such retainage to the county or municipality in which the satellite
936 facility is located.
- 937 (n) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
938 facility on simulcast horse racing transmitted from jurisdictions outside the State of

939 Georgia involving wagering other than win, place, and show wagering, the licensee shall
940 retain 1 1/4 percent of such pool to be distributed as follows:

941 (1) Eighty percent of such retainage to the Lottery for Education Account established
942 pursuant to Code Section 50-27-13, but such funds shall be accounted for separately;

943 (2) Ten percent of such retainage to the University of Georgia College of Veterinary
944 Medicine to be used solely for the promotion and growth of the equine racing and
945 breeding industries in the State of Georgia;

946 (3) Five percent of such retainage to horse rescue groups and organizations to be
947 determined by the commission; and

948 (4) Five percent of such retainage to the Agricultural Commodity Commission for
949 Equines.

950 (o) Moneys payable to the State of Georgia shall be deposited in the general fund. Gross
951 receipts for license tax or other tax purposes shall not include pari-mutuel wagering pools
952 and license taxes authorized by this Code section.

953 (p) All payments by the licensee to the State of Georgia or any county or municipality
954 shall be made within five days from the date on which such wagers are received by the
955 licensee. All payments by the licensee to the Georgia Breeders Funds shall be made to the
956 commission within five days from the date on which such wagers are received by the
957 licensee. All payments by the licensee to the University of Georgia College of Veterinary
958 Medicine, the University of Georgia College of Agricultural and Environmental Sciences,
959 the Lottery for Education Account, and the horse rescue groups and organizations selected
960 by the commission shall be made by the first day of each quarter of the calendar year. All
961 payments made under this Code section shall be used in support of the policy of the State
962 of Georgia to sustain and promote the growth of a native industry.

963 (q) If a satellite facility is located in more than one county or municipality, any amount a
964 licensee is required to pay under this Code section to the county or municipality in which
965 the satellite facility is located shall be prorated in equal shares among those counties and
966 municipalities; provided, however, that no payments shall be made to a county or counties
967 which contain a municipality in which a satellite facility is wholly located.

968 (r) Any contractual agreement between a licensee and other entities concerning the
969 distribution of the remaining portion of the retainage under subsections (i) through (n) of
970 this Code section shall be subject to the approval of the commission.

971 (s) The horsemen's organizations representing a majority of the horsemen racing at a
972 licensed unlimited race meeting may, subject to the approval of the commission, withdraw
973 for administrative costs associated with serving the interests of the horsemen an amount
974 not to exceed 2 percent of the amount in the horsemen's account.

975 (t) The legitimate breakage from each pari-mutuel pool for both live racing and simulcast
 976 horse racing shall be distributed as follows:

977 (1) Seventy percent to be retained by the licensee to be used for capital improvements
 978 that are subject to approval of the commission; and

979 (2) Thirty percent to be deposited in a Racing Benevolence Fund, administered jointly
 980 by the licensee and the horsemen's organization representing a majority of the horsemen
 981 racing at a licensed unlimited race meeting, to be disbursed with the approval of the
 982 commission for gambling addiction and substance abuse counseling and recreational,
 983 educational, or other related programs.

984 50-39-32.

985 A regular post-audit examination shall be conducted of all accounts and transactions of the
 986 commission. An annual audit of a fiscal and compliance nature of the accounts and
 987 transactions of the commission shall be conducted by the state auditor on or before
 988 September 30 of each year. The cost of the annual audit and post-audit examinations shall
 989 be borne by the commission.

990 ARTICLE 2

991 50-39-50.

992 The Interstate Compact on Licensure of Participants in Live Racing with Pari-mutuel
 993 Wagering is enacted into law and entered into with all other jurisdictions legally joining
 994 therein in the form substantially as follows:

995 ARTICLE I - PURPOSES

996 SECTION 1. Purposes.

997 The purposes of this compact are to:

998 1. Establish uniform requirements among the party states for the licensing of participants
 999 in live racing with pari-mutuel wagering, and ensure that all such participants who are
 1000 licensed pursuant to this compact meet a uniform minimum standard of honesty and
 1001 integrity.

1002 2. Facilitate the growth of the pari-mutuel racing industry in each party state and
 1003 nationwide by simplifying the process for licensing participants in live racing, and reduce
 1004 the duplicative and costly process of separate licensing by the regulatory agency in each
 1005 state that conducts live racing with pari-mutuel wagering.

1006 3. Authorize the Georgia Racing Commission to participate in this compact.

1007 4. Provide for participation in this compact by officials of the party states, and permit those
 1008 officials, through the compact committee established by this compact, to enter into
 1009 contracts with governmental agencies and non-governmental persons to carry out the
 1010 purposes of this compact.

1011 5. Establish the compact committee created by this compact as an interstate governmental
 1012 entity duly authorized to request and receive criminal history record information from the
 1013 Federal Bureau of Investigation and other state and local law enforcement agencies.

1014 ARTICLE II - DEFINITIONS

1015 SECTION 2. Definitions.

1016 "Compact committee" means the organization of officials from the party states that is
 1017 authorized and empowered by this compact to carry out the purposes of this compact.

1018 "Official" means the appointed, elected, designated or otherwise duly selected
 1019 representative of a racing commission or the equivalent thereof in a party state who
 1020 represents that party state as a member of the compact committee.

1021 "Participants in live racing" means participants in live racing with pari-mutuel wagering
 1022 in the party states.

1023 "Party state" means each state that has enacted this compact.

1024 "State" means each of the several states of the United States, the District of Columbia, the
 1025 Commonwealth of Puerto Rico and each territory or possession of the United States.

1026 ARTICLE III - ENTRY INTO FORCE, ELIGIBLE PARTIES AND WITHDRAWAL

1027 SECTION 3. Entry into force.

1028 This compact shall come into force when enacted by any four states. Thereafter, this
 1029 compact shall become effective as to any other state upon both (i) that state's enactment of
 1030 this compact and (ii) the affirmative vote of a majority of the officials on the compact
 1031 committee as provided in Section 8 of this compact.

1032 SECTION 4. States eligible to join compact.

1033 Any state that has adopted or authorized live racing with pari-mutuel wagering shall be
 1034 eligible to become party to this compact.

1035 SECTION 5. Withdrawal from compact and impact thereof

1036 on force and effect of compact.

1037 Any party state may withdraw from this compact by enacting a statute repealing this
 1038 compact, but no such withdrawal shall become effective until the head of the executive
 1039 branch of the withdrawing state has given notice in writing of such withdrawal to the head
 1040 of the executive branch of all other party states. If as a result of withdrawals participation
 1041 in this compact decreases to less than three party states, this compact no longer shall be in

1042 force and effect unless and until there are at least three or more party states again
 1043 participating in this compact.

1044 ARTICLE IV - COMPACT COMMITTEE

1045 SECTION 6. Compact committee established.

1046 There is hereby created an interstate governmental entity to be known as the "compact
 1047 committee," which shall be comprised of one official from the racing commission or its
 1048 equivalent in each party state who shall be appointed, serve, and be subject to removal in
 1049 accordance with the laws of the party state he represents. Pursuant to the laws of his party
 1050 state, each official shall have the assistance of his state's racing commission or the
 1051 equivalent thereof in considering issues related to licensing of participants in live racing
 1052 and in fulfilling his responsibilities as the representative from his state to the compact
 1053 committee. If an official is unable to perform any duty in connection with the powers and
 1054 duties of the compact committee, the racing commission or equivalent thereof from his
 1055 state shall designate an alternate who shall serve in his place and represent the party state
 1056 as its official on the compact committee until that racing commission or equivalent thereof
 1057 determines that the original representative official is able once again to perform his duties
 1058 as that party state's representative official on the compact committee. The designation of
 1059 an alternate shall be communicated by the affected state's racing commission or equivalent
 1060 thereof to the compact committee as the committee's bylaws may provide.

1061 SECTION 7. Powers and duties of compact committee.

1062 In order to carry out the purposes of this compact, the compact committee is hereby granted
 1063 the power and duty to:

1064 1. Determine which categories of participants in live horse racing, including, but not
 1065 limited to, owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians,
 1066 and farriers, and which categories of equivalent participants in dog racing and other forms
 1067 of live racing with pari-mutuel wagering authorized in two or more of the party states,
 1068 should be licensed by the committee, and establish the requirements for the initial licensure
 1069 of applicants in each such category, the term of the license for each category, and the
 1070 requirements for renewal of licenses in each category; provided, however, that, with regard
 1071 to requests for criminal history record information on each applicant for a license, and with
 1072 regard to the effect of a criminal record on the issuance or renewal of a license, the
 1073 compact committee shall determine for each category of participants in live racing which
 1074 licensure requirements for that category are, in its judgment, the most restrictive licensure
 1075 requirements of any party state for that category and shall adopt licensure requirements for
 1076 that category that are, in its judgment, comparable to those most restrictive requirements.

1077 2. Investigate applicants for a license from the compact committee and, as permitted by
1078 federal and state law, gather information on such applicants, including criminal history
1079 record information from the Federal Bureau of Investigation and relevant state and local
1080 law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted
1081 Police and law enforcement agencies of other countries, necessary to determine whether
1082 a license should be issued under the licensure requirements established by the committee
1083 as provided in paragraph 1 of this section. Only officials on, and employees of, the
1084 compact committee may receive and review such criminal history record information, and
1085 those officials and employees may use that information only for the purposes of this
1086 compact. No such official or employee may disclose or disseminate such information to
1087 any person or entity other than another official on or employee of the compact committee.
1088 The fingerprints of each applicant for a license from the compact committee shall be taken
1089 by the compact committee, its employees, or its designee and, pursuant to Public
1090 Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau, or
1091 to an association of state officials regulating pari-mutuel wagering designated by the
1092 Attorney General of the United States, for submission to the Federal Bureau of
1093 Investigation for a criminal history record check. Such fingerprints may be submitted on
1094 a fingerprint card or by electronic or other means authorized by the Federal Bureau of
1095 Investigation or other receiving law enforcement agency.

1096 3. Issue licenses to, and renew the licenses of, participants in live racing listed in
1097 paragraph 1 of this section who are found by the committee to have met the licensure and
1098 renewal requirements established by the committee. The compact committee shall not have
1099 the power or authority to deny a license. If it determines that an applicant will not be
1100 eligible for the issuance or renewal of a compact committee license, the compact
1101 committee shall notify the applicant that it will not be able to process his application
1102 further. Such notification does not constitute and shall not be considered to be the denial
1103 of a license. Any such applicant shall have the right to present additional evidence to, and
1104 to be heard by, the compact committee, but the final decision on issuance or renewal of the
1105 license shall be made by the compact committee using the requirements established
1106 pursuant to paragraph 1 this section.

1107 4. Enter into contracts or agreements with governmental agencies and with
1108 non-governmental persons to provide personal services for its activities and such other
1109 services as may be necessary to effectuate the purposes of this compact.

1110 5. Create, appoint, and abolish those offices, employments, and positions, including an
1111 executive director, as it deems necessary for the purposes of this compact, prescribe their
1112 powers, duties and qualifications, hire persons to fill those offices, employments and
1113 positions, and provide for the removal, term, tenure, compensation, fringe benefits,

1114 retirement benefits, and other conditions of employment of its officers, employees, and
1115 other positions.

1116 6. Borrow, accept, or contract for the services of personnel from any state, the United
1117 States, or any other governmental agency, or from any person, firm, association,
1118 corporation, or other entity.

1119 7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease, license,
1120 or in other similar manner, in furtherance of the purposes of this compact.

1121 8. Charge a fee to each applicant for an initial license or renewal of a license.

1122 9. Receive other funds through gifts, grants and appropriations.

1123 SECTION 8. Voting requirements.

1124 A. Each official shall be entitled to one vote on the compact committee.

1125 B. All action taken by the compact committee with regard to the addition of party states
1126 as provided in Section 3 of this compact, the licensure of participants in live racing, and the
1127 receipt and disbursement of funds shall require a majority vote of the total number of
1128 officials (or their alternates) on the committee. All other action by the compact committee
1129 shall require a majority vote of those officials (or their alternates) present and voting.

1130 C. No action of the compact committee may be taken unless a quorum is present. A
1131 majority of the officials (or their alternates) on the compact committee shall constitute a
1132 quorum.

1133 SECTION 9. Administration and management.

1134 A. The compact committee shall elect annually from among its members a chairman, a
1135 vice-chairman, and a secretary/treasurer.

1136 B. The compact committee shall adopt bylaws for the conduct of its business by a
1137 two-thirds vote of the total number of officials (or their alternates) on the committee at that
1138 time and shall have the power by the same vote to amend and rescind these bylaws. The
1139 committee shall publish its bylaws in convenient form and shall file a copy thereof and a
1140 copy of any amendments thereto with the secretary of state or equivalent agency of each
1141 of the party states.

1142 C. The compact committee may delegate the day-to-day management and administration
1143 of its duties and responsibilities to an executive director and his support staff.

1144 D. Employees of the compact committee shall be considered governmental employees.

1145 SECTION 10. Immunity from liability for performance
1146 of official responsibilities and duties.

1147 No official of a party state or employee of the compact committee shall be held personally
1148 liable for any good faith act or omission that occurs during the performance and within the
1149 scope of his responsibilities and duties under this compact.

1150 ARTICLE V - RIGHTS AND RESPONSIBILITIES OF EACH PARTY STATE

1151 SECTION 11. Rights and responsibilities of each party state.

1152 A. By enacting this compact, each party state:

1153 1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of
 1154 compact committee licenses to participants in live racing pursuant to the committee's
 1155 licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official
 1156 representative on the compact committee or his alternate.

1157 2. Agrees not to treat a notification to an applicant by the compact committee under
 1158 paragraph 3 of Section 7 of this compact that the compact committee will not be able to
 1159 process his application further as the denial of a license, or to penalize such an applicant
 1160 in any other way based solely on such a decision by the compact committee.

1161 3. Reserves the right (i) to charge a fee for the use of a compact committee license in that
 1162 state, (ii) to apply its own standards in determining whether, on the facts of a particular
 1163 case, a compact committee license should be suspended or revoked, (iii) to apply its own
 1164 standards in determining licensure eligibility, under the laws of that party state, for
 1165 categories of participants in live racing that the compact committee determines not to
 1166 license and for individual participants in live racing who do not meet the licensure
 1167 requirements of the compact committee, and (iv) to establish its own licensure standards
 1168 for the licensure of non-racing employees at pari-mutuel racetracks and employees at
 1169 separate satellite wagering facilities. Any party state that suspends or revokes a compact
 1170 committee license shall, through its racing commission or the equivalent thereof or
 1171 otherwise, promptly notify the compact committee of that suspension or revocation.

1172 B. No party state shall be held liable for the debts or other financial obligations incurred
 1173 by the compact committee.

1174 ARTICLE VI - CONSTRUCTION AND SEVERABILITY

1175 SECTION 12. Construction and severability.

1176 This compact shall be liberally construed so as to effectuate its purposes. The provisions
 1177 of this compact shall be severable, and, if any phrase, clause, sentence or provision of this
 1178 compact is declared to be contrary to the Constitution of the United States or of any party
 1179 state, or the applicability of this compact to any government, agency, person, or
 1180 circumstance is held invalid, the validity of the remainder of this compact and the
 1181 applicability thereof to any government, agency, person, or circumstance shall not be
 1182 affected thereby. If all or some portion of this compact is held to be contrary to the
 1183 constitution of any party state, the compact shall remain in full force and effect as to the
 1184 remaining party states and in full force and effect as to the state affected as to all severable
 1185 matters.'

1186 50-39-51.

1187 The Governor shall appoint one official to represent the State of Georgia on the compact
 1188 committee for a term of four years. No official shall serve more than three consecutive
 1189 terms. A vacancy shall be filled by the Governor for the unexpired term.

1190 50-39-52.

1191 All departments, agencies, and officers of the State of Georgia and its political subdivisions
 1192 are authorized to cooperate with the compact committee in furtherance of any of its
 1193 activities pursuant to the compact.

1194 50-39-53.

1195 Nothing in this article shall be construed to diminish or limit the powers and
 1196 responsibilities of the commission established by Article 1 of this chapter or to invalidate
 1197 any action of the commission previously taken, including, without limitation, any rule or
 1198 regulation promulgated thereby.

1199 ARTICLE 3

1200 50-39-70.

1201 Any person not licensed in accordance with this chapter to conduct pari-mutuel wagering
 1202 or horse racing on which pari-mutuel wagering is conducted who conducts pari-mutuel
 1203 wagering or horse racing on which pari-mutuel wagering is conducted with his or her
 1204 knowledge or consent shall be guilty of a felony and, upon conviction thereof, shall be
 1205 punished by imprisonment for not less than one nor more than ten years or a fine not to
 1206 exceed \$100,000.00, or both.

1207 50-39-71.

1208 (a) Any person other than the lawful holder thereof who has in his or her possession any
 1209 credential, license, or permit issued by the commission or a forged or simulated credential,
 1210 license, or permit of the commission and who uses such credential, license, or permit for
 1211 the purpose of misrepresentation, fraud, or touting shall be guilty of a felony and, upon
 1212 conviction thereof, shall be punished by imprisonment for not less than one nor more than
 1213 ten years or a fine not to exceed \$100,000.00, or both.

1214 (b) Any credential, license, or permit issued by the commission if used by the holder
 1215 thereof for a purpose other than identification and in the performance of legitimate duties
 1216 on a racetrack or within a satellite facility shall be automatically revoked whether so used
 1217 on or off a racetrack or satellite facility.

1218 50-39-72.

1219 (a) Any person who knowingly transmits information as to the progress or results of a
1220 horse race or information as to wagers, betting odds, post or off times, or jockey changes
1221 in any race by any means whatsoever for the purposes of carrying on illegal betting in
1222 violation of Part I of Article 2 of Chapter 12 of Title 16 or who knowingly transmits
1223 information to a person engaged in illegal betting shall be guilty of a felony and, upon
1224 conviction thereof, shall be punished by imprisonment for not less than one nor more than
1225 ten years or a fine not to exceed \$100,000.00, or both.

1226 (b) This Code section shall not be construed to prohibit a newspaper from printing such
1227 results or information as news or any television or radio station from telecasting or
1228 broadcasting such results or information as news. This Code section shall not be construed
1229 to place in jeopardy any common carrier or its agents performing operations within the
1230 scope of a public franchise or any gambling operation authorized by law.

1231 50-39-73.

1232 Any person who knowingly and intentionally by false representation attempts to or does
1233 persuade, procure, or cause another person to wager on a horse in a race to be run in this
1234 state or elsewhere and upon which money is wagered in this state and who asks or demands
1235 compensation as a reward for information or purported information given in such case shall
1236 be guilty of touting and, upon conviction, shall be punished as for a misdemeanor.

1237 50-39-74.

1238 Any person who gives, promises, or offers to any jockey, driver, groom, or any person
1239 participating in any race meeting, including owners of racetracks and their employees,
1240 stewards, trainers, judges, starters, and special peace officers, any valuable thing with intent
1241 to influence him or her to attempt to lose or cause to be lost a horse race in which such
1242 person is taking part or expects to take part or has any duty or connection or who, being
1243 either jockey, driver, groom, or participant in a race meeting, solicits or accepts any
1244 valuable thing to influence him or her to lose or cause to be lost a horse race in which he
1245 or she is taking part or expects to take part or has any duty or connection shall be guilty of
1246 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than
1247 one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1248 50-39-75.

1249 (a) Any person who with the intent to defraud acts to alter the outcome of a race by:

1250 (1) The administration of any substance foreign to the natural horse, except those
1251 substances specifically permitted by the rules and regulations of the commission; or

1252 (2) The use of any device, electrical or otherwise, except those specifically permitted by
 1253 the regulations of the commission

1254 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
 1255 for not less than one nor more than three years or a fine not to exceed \$25,000.00, or both.

1256 (b) Any person who with the intent to defraud influences or conspires with another to alter
 1257 the outcome of a race by:

1258 (1) The administration of any substance foreign to the natural horse, except those
 1259 substances specifically permitted by the rules and regulations of the commission; or

1260 (2) The use of any device, electrical or otherwise, except those specifically permitted by
 1261 the rules and regulations of the commission

1262 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
 1263 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1264 (c) Any person who:

1265 (1) Administers any substance foreign to the natural horse, except those substances
 1266 specifically permitted by the rules and regulations of the commission, when the horse is
 1267 entered to start; or

1268 (2) At any time exposes any substance foreign to the natural horse with the intent of
 1269 impeding or increasing the speed, endurance, health, or condition of a horse

1270 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
 1271 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1272 50-39-76.

1273 The possession or transportation of any drug except those permitted by regulations of the
 1274 commission within the racing enclosure is prohibited except upon a bona fide veterinarian's
 1275 prescription with complete statement of uses and purposes on the container. A copy of
 1276 such prescription shall be filed with the stewards. Any person knowingly violating the
 1277 provisions of this Code section relating to the legal possession of drugs shall be guilty of
 1278 a misdemeanor. The provisions of Chapter 13 of Title 16 shall apply in situations where
 1279 drugs regulated by such chapter are within the racing enclosure.

1280 50-39-77.

1281 Any person who knowingly enters or races any horse in any running or harness race under
 1282 any name or designation other than the name or designation assigned to such horse by and
 1283 registered with the Jockey Club, the United States Trotting Association, the American
 1284 Quarter Horse Association, or any other applicable association or who knowingly
 1285 instigates, engages in, or in any way furthers any act by which any horse is entered or raced
 1286 in any running or trotting race under any name or designation other than the name or

1287 designation duly assigned by and registered with the Jockey Club, the United States
1288 Trotting Association, the American Quarter Horse Association, or any other applicable
1289 association shall be guilty of a felony and, upon conviction thereof, shall be punished by
1290 imprisonment for not less than one nor more than ten years or a fine not to exceed
1291 \$100,000.00, or both.

1292 50-39-78.

1293 No person shall wager on or conduct any wagering on the outcome of a horse race pursuant
1294 to the provisions of this chapter unless such person is 18 years of age or older. No person
1295 shall accept any wager from a minor. No person shall be admitted into a satellite facility
1296 if such person is under 18 years of age unless accompanied by one of his or her parents or
1297 his or her legal guardian. Any person violating the provisions of this Code section shall
1298 be guilty of a misdemeanor.

1299 50-39-79.

1300 (a) Any person who conspires, confederates, or combines with another, either inside or
1301 outside this state, to commit a felony prohibited by this chapter shall be guilty of a felony
1302 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor
1303 more than ten years or a fine not to exceed \$100,000.00, or both.

1304 (b) Any person who attempts to commit any act prohibited by this article shall be guilty
1305 of a criminal offense and shall be punished as provided in Code Section 16-4-6."

1306 **SECTION 2.**

1307 This Act shall become effective on January 1, 2017, provided that an amendment to the
1308 Constitution of the State of Georgia authorizing pari-mutuel wagering or betting on horse
1309 racing is passed by the General Assembly and ratified by the electors of this state in the 2016
1310 general election. If no such amendment is proposed by the General Assembly or if such
1311 amendment is rejected by the electors or the election to ratify the proposed amendment is not
1312 held at the time of the 2016 general election, this Act shall be repealed on January 1, 2017.

1313 **SECTION 3.**

1314 All laws and parts of laws in conflict with this Act are repealed.