

House Bill 641

By: Representatives Bruce of the 64th, Fludd of the 66th, and Heckstall of the 62nd

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,
2 relating to gambling and related offenses, so as to revise definitions relative to gambling and
3 related offenses; to revise a provision relating to bona fide coin operated amusement
4 machines; to authorize any county or any municipal corporation by referendum to approve
5 the operation of pari-mutuel betting on horse races and dog races, the operation of casinos,
6 or the operation of pari-mutuel betting on horse races and dog races and casinos within the
7 unincorporated area of a county or within a municipal corporation; to provide for procedures
8 for initiating and conducting a referendum; to provide for subsequent elections and
9 nullification; to provide for the effect of approving the operation of pari-mutuel betting on
10 horse races and dog races or the operation of casinos; to provide for supervision of the
11 operation of pari-mutuel betting on horse races and dog races and casinos by the Georgia
12 Lottery Corporation; to provide for rules and regulations; to provide for selection of
13 providers of pari-mutuel betting on horse races and dog races and casinos; to provide for the
14 levy and collection of certain taxes, fees, or assessments; to provide for related matters; to
15 provide for a contingent effective date; to provide for automatic repeal in specified
16 circumstances; to repeal conflicting laws; and for other purposes.

17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

18 **SECTION 1.**

19 Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to
20 gambling and related offenses, is amended by revising paragraph (2) of Code Section
21 16-12-20, relating to definitions relative to gambling, as follows:

22 "(2) 'Gambling device' means:

23 ~~(A) Any~~ any contrivance which for a consideration affords the player an opportunity
24 to obtain money or other thing of value, the award of which is determined by chance
25 even though accompanied by some skill, whether or not the prize is automatically paid
26 by contrivance; except as otherwise provided in Part 3 of this article.

27 ~~(B) Any slot machine or any simulation or variation thereof;~~
 28 ~~(C) Any matchup or lineup game machine or device, operated for any consideration,~~
 29 ~~in which two or more numerals, symbols, letters, or icons align in a winning~~
 30 ~~combination on one or more lines vertically, horizontally, diagonally, or otherwise,~~
 31 ~~without assistance by the player. Use of skill stops shall not be considered assistance~~
 32 ~~by the player; or~~
 33 ~~(D) Any video game machine or device, operated for any consideration, for the play~~
 34 ~~of poker, blackjack, any other card game, or keno or any simulation or variation of any~~
 35 ~~of the foregoing, including, but not limited to, any game in which numerals, numbers,~~
 36 ~~or any pictures, representations, or symbols are used as an equivalent or substitute for~~
 37 ~~cards in the conduct of such game.~~
 38 ~~Any item described in subparagraph (B), (C), or (D) of this paragraph shall be a~~
 39 ~~prohibited gambling device subject to and prohibited by this part, notwithstanding any~~
 40 ~~inference to the contrary in any other law of this state."~~

41 **SECTION 2.**

42 Said article is further amended by revising subsection (a) of Code Section 16-12-21, relating
 43 to the offense of gambling, as follows:

44 "(a) Except as otherwise provided in Part 3 of this article, ~~a~~ A person commits the offense
 45 of gambling when he or she:
 46 (1) Makes a bet upon the partial or final result of any game or contest or upon the
 47 performance of any participant in such game or contest;
 48 (2) Makes a bet upon the result of any political nomination, appointment, or election or
 49 upon the degree of success of any nominee, appointee, or candidate; or
 50 (3) Plays and bets for money or other thing of value at any game played with cards, dice,
 51 or balls."

52 **SECTION 3.**

53 Said article is further amended by revising subsection (a) of Code Section 16-12-22, relating
 54 to the offense of commercial gambling, as follows:

55 "(a) Except as otherwise provided by Part 3 of this article, ~~a~~ A person commits the offense
 56 of commercial gambling when he or she intentionally does any of the following acts:
 57 (1) Operates or participates in the earnings of a gambling place;
 58 (2) Receives, records, or forwards a bet or offer to bet;
 59 (3) For gain, becomes a custodian of anything of value bet or offered to be bet;
 60 (4) Contracts to have or give himself, herself, or another the option to buy or sell or
 61 contracts to buy or sell at a future time any gain or other commodity whatsoever or any

62 stock or security of any company, when it is at the time of making such contract intended
 63 by both parties thereto that the contract to buy or sell, the option whenever exercised or
 64 the contract resulting therefrom, shall be settled not by the receipt or delivery of such
 65 property but by the payment only of differences in prices thereof;

66 (5) Sells chances upon the partial or final result of or upon the margin of victory in any
 67 game or contest or upon the performance of any participant in any game or contest or
 68 upon the result of any political nomination, appointment, or election or upon the degree
 69 of success of any nominee, appointee, or candidate;

70 (6) Sets up or promotes any lottery, sells or offers to sell, or knowingly possesses for
 71 transfer or transfers any card, stub, ticket, check, or other device designed to serve as
 72 evidence of participation in any lottery; or

73 (7) Conducts, advertises, operates, sets up, or promotes a bingo game without having a
 74 valid license to operate a bingo game as provided by law."

75 **SECTION 4.**

76 Said article is further amended by revising subsection (a) of Code Section 16-12-23, relating
 77 to the offense of keeping a gambling place, as follows:

78 "(a) Except as otherwise provided by Part 3 of this article, a ~~A~~ person who knowingly
 79 permits any real estate, building, room, tent, vehicle, boat, or other property whatsoever
 80 owned by him or her or under his or her control to be used as a gambling place or who
 81 rents or lets any such property with a view or expectation that it be so used commits the
 82 offense of keeping a gambling place."

83 **SECTION 5.**

84 Said article is further amended by revising subsection (a) of Code Section 16-12-24, relating
 85 to the possession, manufacture, or transfer of gambling devices or parts for gambling devices
 86 and the possession of antique slot machines, as follows:

87 "(a) Except as otherwise provided by Part 3 of this article, a ~~A~~ person who knowingly
 88 owns, manufactures, transfers commercially, or possesses any device which he or she
 89 knows is designed for gambling purposes or anything which he or she knows is designed
 90 as a subassembly or essential part of such device is guilty of a misdemeanor of a high and
 91 aggravated nature."

92 **SECTION 6.**

93 Said article is further amended by revising subsection (a) of Code Section 16-12-26, relating
 94 to the offense of advertising gambling, as follows:

95 "(a) Except as otherwise provided in Part 3 of this article, a ~~A~~ person who knowingly
 96 prints, publishes, or advertises any lottery or other scheme for commercial gambling or
 97 who knowingly prints or publishes any lottery ticket, policy ticket, or other similar device
 98 designed to serve as evidence of participation in a lottery commits the offense of
 99 advertising commercial gambling."

100 SECTION 7.

101 Said article is further amended by revising subsection (a) of Code Section 16-12-28, relating
 102 to the offense of communicating gambling information, as follows:

103 "(a) Except as otherwise provided in Part 3 of this article, a ~~A~~ person who knowingly
 104 communicates information as to bets, betting odds, or changes in betting odds or who
 105 knowingly installs or maintains equipment for the transmission or receipt of such
 106 information with the intent to further gambling commits the offense of communicating
 107 gambling information."

108 SECTION 8.

109 Said article is further amended by revising subsection (a) of Code Section 16-12-30, relating
 110 to seizure and destruction of gambling devices, as follows:

111 "(a) Except as otherwise provided in subsection (b) of Code Section 16-12-24 or Part 3 of
 112 this article, every gambling device is declared to be contraband and subject to seizure and
 113 confiscation by any state or local authority within whose jurisdiction the same may be
 114 found."

115 SECTION 9.

116 Said article is further amended by revising subsection (b) of Code Section 16-12-32, relating
 117 to seizure and disposition of property used in or derived from a violation of the article, as
 118 follows:

119 "(b) Except as otherwise provided in Part 3 of this article, all ~~At~~ property used in, intended
 120 for use in, used to facilitate, or derived from or realized through a violation of this article
 121 or which is located within any gambling place or within any vehicle or other conveyance
 122 used to transport any gambling device, any subassembly or essential part thereof, card,
 123 stub, ticket, check, funds, things of value, or other device designed to facilitate
 124 participation in any lottery is declared to be contraband and may be seized and forfeited as
 125 provided in this Code section."

126 **SECTION 10.**

127 Said article is further amended by adding a new part to read as follows:

128 "Part 3129 16-12-65.130 As used in this part, the term:131 (1) 'Bet' has the same meaning as set out in Code Section 16-12-20.

132 (2) 'Casino' means a location where persons may, for a consideration, play games of
133 chance, including poker, blackjack, and other card games and keno, and operate gambling
134 devices, including slot machines, roulette wheels, video card games, and other electronic
135 or mechanical gaming devices, where the player bets for money or money is awarded for
136 successful play, and where the player's success is determined by chance even though
137 accompanied by some skill. Bingo games and raffles shall not be conducted in any
138 casino, or by the owner or operator of any casino. No casino shall include a bona fide
139 coin operated amusement machine operated in accordance with Code Section 16-12-35.
140 No casino shall include a crane game or device that meets the requirements of Code
141 Section 16-12-35.

142 (3) 'Gambling device' means any contrivance which for a consideration affords the player
143 an opportunity to obtain money, the award of which is determined by chance even though
144 accomplished by some skill, whether or not the prize is automatically paid by
145 contrivance.

146 (4) 'Gross proceeds' means the total revenue of the pari-mutuel betting on horse races and
147 dog races or casino operation from betting, playing gambling devices that offer cash
148 awards, playing games of chance that offer cash awards, and gambling.

149 (5) 'Pari-mutuel betting' means a form of betting on horse races or dog races in which
150 those who bet on the winner share the total stakes, less a percentage of the total stakes for
151 the owner or operator of the pari-mutuel betting operation. The term shall not mean
152 lottery games which may be predicated on a horse racing or dog racing scheme that does
153 not involve actual track events. The term shall not mean any lottery game that involves
154 distribution of winnings by pools.

155 16-12-66.

156 (a)(1) The governing authority of any county desiring to permit the operation of
157 pari-mutuel betting on horse races and dog races, the operation of casinos, or the
158 operation of both pari-mutuel betting on horse races and dog races and casinos within the
159 unincorporated area of the county shall so indicate by the adoption of a resolution or

160 ordinance. Upon receipt of the resolution or ordinance, the election superintendent shall
 161 issue the call for an election for the purpose of submitting the question of whether
 162 pari-mutuel betting on horse races and dog races or casinos or both pari-mutuel betting
 163 on horse races and dog races and casinos shall be permitted within the unincorporated
 164 area of the county to the electors of the unincorporated area of the county for approval
 165 or rejection. The election superintendent shall issue the call and shall conduct the
 166 election on a date and in the manner authorized under Code Section 21-2-540. The
 167 election superintendent shall also cause the date and purpose of the referendum to be
 168 published in the official organ of the county once a week for four weeks immediately
 169 preceding the date of the election. The ballot for the election shall have printed thereon
 170 one or two of the following questions, as set out in the resolution or ordinance:

171 (A) '() YES Shall the County of (name of county) permit the operation of
 172 () NO pari-mutuel betting on horse races and dog races within the
 173 unincorporated area of (name of county) County?'

174 (B) '() YES Shall the County of (name of county) permit the operation of casinos
 175 () NO within the unincorporated area of (name of county) County?'

176 (C) '() YES Shall the County of (name of county) permit the operation of both
 177 () NO pari-mutuel betting on horse races and dog races and casinos within
 178 the unincorporated area of (name of county) County?'

179 All persons desiring to vote in favor shall vote 'Yes,' and all persons opposed shall vote
 180 'No.' If more than one-half of the votes cast on such a question are in favor of permitting
 181 the activity or activities on the ballot, then all provisions of this part regarding the operation
 182 of pari-mutuel betting on horse races and dog races or casinos, or both pari-mutuel betting
 183 on horse races and dog races and casinos, appropriate to the question or questions approved
 184 in such referendum shall apply within the unincorporated area of the county. The election
 185 superintendent shall canvass the returns, declare the result of the election, and certify the
 186 result to the Secretary of State. The expense for the election shall be borne by the county
 187 conducting the election.

188 (2) The governing authority of any municipal corporation desiring to permit the operation
 189 of pari-mutuel betting on horse races and dog races, the operation of casinos, or the
 190 operation of both pari-mutuel betting on horse races and dog races and casinos within the
 191 municipal corporation shall so indicate by the adoption of a resolution or ordinance. Upon
 192 receipt of the resolution or ordinance, the municipal election superintendent shall issue the
 193 call for an election for the purpose of submitting the question of whether pari-mutuel
 194 betting on horse races and dog races or casinos, or both pari-mutuel betting on horse races
 195 and dog races and casinos, shall be permitted within the municipal corporation to the

196 electors of the municipal corporation for approval or rejection. The municipal election
 197 superintendent shall issue the call and shall conduct the election on a date and in the
 198 manner authorized under Code Section 21-2-540. The municipal election superintendent
 199 shall also cause the date and purpose of the referendum to be published in the official organ
 200 of the county once a week for four weeks immediately preceding the date of the election.
 201 The ballot for the election shall have printed thereon one or two of the following questions,
 202 as set out in the resolution or ordinance:

203 (A) ' YES Shall the City of (name of city) permit the operation of pari-mutuel
 204 () NO betting on horse races and dog races within the City of (name of
 205 city)?'

206 (B) ' YES Shall the City of (name of city) permit the operation of casinos within
 207 () NO the City of (name of city)?'

208 (C) ' YES Shall the City of (name of city) permit the operation of both
 209 () NO pari-mutuel betting on horse races and dog races and casinos within
 210 the City of (name of city)?'

211 All persons desiring to vote in favor shall vote 'Yes,' and all persons opposed shall vote
 212 'No.' If more than one-half of the votes cast on such a question are in favor of permitting
 213 the activity or activities on the ballot, then all provisions of this part regarding the
 214 operation of pari-mutuel betting on horse races and dog races or casinos, or both
 215 pari-mutuel betting on horse races and dog races and casinos, appropriate to the question
 216 or questions approved in such referendum shall apply within the municipal corporation.
 217 The municipal election superintendent shall canvass the returns, declare the result of the
 218 election, and certify the result to the Secretary of State. The expense for the election shall
 219 be borne by the municipal corporation conducting the election.

220 (b)(1) In the event the governing authority of a county does not adopt a resolution
 221 directing the election superintendent to issue a call for a referendum provided for in
 222 paragraph (1) of subsection (a) of this Code section, then, upon a written petition
 223 containing the signatures of 35 percent of the registered and qualified voters of the county
 224 being filed with the election superintendent, such election superintendent, upon validation
 225 of the petition, shall be required to issue the call for an election for the purpose of
 226 submitting the question of whether pari-mutuel betting on horse races and dog races or
 227 casinos, or both pari-mutuel betting on horse races and dog races and casinos, shall be
 228 permitted within the unincorporated area of the county to the electors of the
 229 unincorporated area of the county for approval or rejection. The election superintendent
 230 shall issue the call and shall conduct the election on a date and in the manner authorized
 231 under Code Section 21-2-540. The election superintendent shall also cause the date and

232 purpose of the referendum to be published in the official organ of the county once a week
 233 for four weeks immediately preceding the date of the election. The ballot for the election
 234 shall have printed thereon one or two of the following questions, as set out in the petition:

235 (A) ' YES Shall the County of (name of county) permit the operation of
 236 () NO pari-mutuel betting on horse races and dog races within the
 237 unincorporated area of (name of county) County?'

238 (B) ' YES Shall the County of (name of county) permit the operation of casinos
 239 () NO within the unincorporated area of (name of county) County?'

240 (C) ' YES Shall the County of (name of county) permit the operation of both
 241 () NO pari-mutuel betting on horse races and dog races and casinos within
 242 the unincorporated area of (name of county) County?'

243 All persons desiring to vote in favor shall vote 'Yes,' and all persons opposed shall vote
 244 'No.' If more than one-half of the votes cast on such a question are in favor of permitting
 245 the activity or activities on the ballot, then all provisions of this part regarding the
 246 operation of pari-mutuel betting on horse races and dog races or casinos, or both
 247 pari-mutuel betting on horse races and dog races and casinos, appropriate to the question
 248 or questions approved in such referendum shall apply within the unincorporated area of the
 249 county. The election superintendent shall canvass the returns, declare the result of the
 250 election, and certify the result to the Secretary of State. The expense for the election shall
 251 be borne by the county conducting the election.

252 (2) In the event the governing authority of a municipal corporation does not adopt a
 253 resolution directing the municipal election superintendent to issue a call for a referendum
 254 provided for in paragraph (2) of subsection (a) of this Code section, then, upon a written
 255 petition containing the signatures of 35 percent of the registered and qualified voters of the
 256 county being filed with the municipal election superintendent, such municipal election
 257 superintendent, upon validation of the petition, shall be required to issue the call for an
 258 election for the purpose of submitting the question of whether pari-mutuel betting on horse
 259 races and dog races or casinos, or both pari-mutuel betting on horse races and dog races
 260 and casinos, shall be permitted within the municipal corporation to the electors of the
 261 municipal corporation for approval or rejection. The municipal election superintendent
 262 shall issue the call and shall conduct the election on a date and in the manner authorized
 263 under Code Section 21-2-540. The municipal election superintendent shall also cause the
 264 date and purpose of the referendum to be published in the official organ of the county once
 265 a week for four weeks immediately preceding the date of the election. The ballot for the
 266 election shall have printed thereon one or two of the following questions, as set out in the
 267 petition:

268 (A) ' YES Shall the City of (name of city) permit the operation of pari-mutuel
 269 () NO betting on horse races and dog races within the City of (name of
 270 city)?'

271 (B) ' YES Shall the City of (name of city) permit the operation of casinos within
 272 () NO the City of (name of city)?'

273 (C) ' YES Shall the City of (name of city) permit the operation of both
 274 () NO pari-mutuel betting on horse races and dog races and casinos within
 275 the City of (name of city)?'

276 All persons desiring to vote in favor shall vote 'Yes,' and all persons opposed shall vote
 277 'No.' If more than one-half of the votes cast on such a question are in favor of permitting
 278 the activity or activities on the ballot, then all provisions of this part regarding the operation
 279 of pari-mutuel betting on horse races and dog races or casinos, or both pari-mutuel betting
 280 on horse races and dog races and casinos, appropriate to the question or questions approved
 281 in such referendum shall apply within the municipal corporation. The municipal election
 282 superintendent shall canvass the returns, declare the result of the election, and certify the
 283 result to the Secretary of State. The expense for the election shall be borne by the municipal
 284 corporation conducting the election.

285 (3) A petition shall not be amended, supplemented, or returned after presentation to the
 286 election superintendent or municipal election superintendent, as appropriate. Validation
 287 shall, for the purposes of this Code section, be the procedure in which the election
 288 superintendent or municipal election superintendent determines whether each signature
 289 on the petition is the name of a registered and qualified voter. For the purposes of this
 290 Code section, the required number of signatures of registered voters of a political
 291 subdivision shall be computed based on the number of voters qualified to vote at the
 292 general election immediately preceding the presentation of the petition. Actual signers
 293 of the petition shall be registered and qualified to vote in the referendum election sought
 294 by the petition.

295 (c) Following the expiration of two years after any election is held which results in the
 296 disapproval of the activity or activities as provided in this part, another election on this
 297 question shall be held if another petition or resolution or ordinance as provided in
 298 subsection (a) or (b) of this Code section, is filed with the appropriate election
 299 superintendent.

300 (d) Nullification of a referendum approving such activity or activities held pursuant to this
 301 Code section shall be accomplished only as provided in subsection (e) of this Code section.

302 (e) In any county or municipal corporation which has at any time held an election in
 303 accordance with subsection (a) or (b) of this Code section resulting in a majority of the

304 votes being cast in favor of pari-mutuel betting on horse races and dog races, casinos, or
305 both pari-mutuel betting on horse races and dog races and casinos, the appropriate election
306 superintendent, upon a petition signed by at least 35 percent of the registered qualified
307 voters of the county or the municipal corporation or a resolution or ordinance adopted by
308 a county or municipal corporation, shall proceed to call another election for the purpose of
309 nullifying the previous election in the same manner as prescribed by subsection (a) or (b)
310 of this Code section. No election for nullification of a referendum shall be called or held
311 within two years after the date of the declaration by the election superintendent of the
312 results of the previous election held for the purposes of this Code section.

313 16-12-67.

314 In a county or municipal corporation that has approved the operation of pari-mutuel betting
315 on horse races and dog races in accordance with this part:

316 (1) Use of a gambling device prohibited by Part 1 of this article in connection with
317 pari-mutuel betting on horse races and dog races operated in accordance with this part is
318 not unlawful;

319 (2) Betting on a horse race or dog race through pari-mutuel betting on horse races and
320 dog races operated in accordance with this part is not unlawful.

321 (3) Operating or participating in the earnings of pari-mutuel betting on horse races and
322 dog races operated in accordance with this part is not unlawful;

323 (4) Receiving, recording, or forwarding a bet or offer to bet in pari-mutuel betting on
324 horse races and dog races operated in accordance with this part is not unlawful;

325 (5) Becoming a custodian of anything of value bet or offered to bet for gain in
326 connection with pari-mutuel betting on horse races and dog races operated in accordance
327 with this part is not unlawful;

328 (6) Knowingly permitting property owned by the person to be used for operation of
329 pari-mutuel betting on horse races and dog races is not unlawful;

330 (7) Knowingly renting property with a view or expectation that it be used for pari-mutuel
331 betting on horse races and dog races is not unlawful; and

332 (8) Knowingly owning, manufacturing, transferring commercially, or possessing a
333 device which the person knows is designed for purposes of pari-mutuel betting on horse
334 racers and dog races or anything that the person knows is designed as a subassembly or
335 essential part of such a device is not unlawful;

336 (9) Knowingly advertising pari-mutuel betting on horse races and dog races in
337 accordance with this part is not unlawful; and

338 (10) Knowingly communicating information as to bets, betting odds, or changes in
339 betting odds or knowingly installing or maintaining equipment for the transmission or

340 receipt of such information with the intent to further pari-mutuel betting on horse races
341 and dog races in accordance with this part is not unlawful; and
342 (11) A gambling device used or designed for pari-mutuel betting on horse races and dog
343 races in accordance with this part is not contraband.

344 16-12-68.

345 In a county or municipal corporation that has approved the operation of casinos in
346 accordance with this part:

347 (1) Use of a gambling device prohibited by Part 1 of this article within a casino operated
348 in accordance with this part is not unlawful;

349 (2) Betting on a game of chance or a gambling device within a casino operated in
350 accordance with this part is not unlawful;

351 (3) Operating or participating in the earnings of a casino operated in accordance with this
352 part is not unlawful;

353 (4) Knowingly permitting any property under ownership or control of the person to be
354 used as a casino is not unlawful;

355 (5) Knowingly renting any property with a view or expectation that it be used as a casino
356 is not unlawful;

357 (6) Knowingly owning, manufacturing, transferring commercially, or possessing a
358 device that the person knows is designed for gambling purposes or anything which the
359 person knows to be designed as a subassembly or essential part of such a device is not
360 unlawful if such owning, manufacturing, transferring commercially, or possession is
361 connected with the operation of a casino operated in accordance with this part;

362 (7) Advertising a casino operated in accordance with this part is not unlawful; and

363 (8) A gambling device in or in route to or from a casino operated in accordance with this
364 part is not contraband.

365 16-12-69.

366 (a) The operation of pari-mutuel betting on horse races and dog races and casinos
367 approved in accordance with this part shall be supervised by the Georgia Lottery
368 Corporation, under the governance of the board of directors created by Code Section
369 50-27-5. The board of directors is authorized and directed to promulgate rules and
370 regulations for the purpose of regulating the operation of pari-mutuel betting on horse
371 races and dog races and casinos to provide fair chances for players to win, to prevent and
372 reveal criminal or corrupt activity, and to maximize the recreational and economic benefits
373 of pari-mutuel betting on horse races and dog races and casinos.

374 (b) The Georgia Lottery Corporation shall be responsible for selecting providers for
375 pari-mutuel betting on horse races and dog races and casinos in each county and in each
376 municipal corporation that approves pari-mutuel betting on horse races and dog races and
377 casinos, or both, in accordance with procedures set out in Chapter 27 of Title 50 for
378 selection of vendors for the lottery system. There shall not be more than two casinos in
379 each county or municipal corporation that approves the operation of casinos.

380 16-12-70.

381 There is imposed a state assessment in the amount of 10 percent of the gross proceeds of
382 each pari-mutuel betting on horse races and dog races or casino operation approved in
383 accordance with this part from the owner or operator of such pari-mutuel betting on horse
384 racers and dog races or casino operation. The Georgia Lottery Corporation shall collect on
385 a monthly basis an amount equal to 10 percent of such gross proceeds and such funds shall
386 be transmitted to the Department of Revenue for deposit in the state treasury with the intent
387 that these moneys be used to fund a trauma care system in Georgia and the direct and
388 indirect costs associated with the administrator of such system and this Code section.

389 16-12-71.

390 (a) The governing authority of each county is authorized to impose an assessment of 10
391 percent of the gross proceeds of each parti-mutuel betting on horse races and dog races or
392 casino operation approved in accordance with this part and located within the
393 unincorporated area of such county from the owner or operator of such pari-mutuel betting
394 on horse races and dog races or casino operation. Such governing authority shall collect
395 on a monthly basis an amount equal to 10 percent of such proceeds and shall deposit such
396 proceeds in the general fund of the county.

397 (b) The governing authority of each municipal corporation is authorized to impose an
398 assessment of 10 percent of the gross proceeds of each pari-mutuel betting on horse races
399 and dog races or casino operation approved in accordance with this part and located within
400 the municipal corporation from the owner or operator of such pari-mutuel betting on horse
401 racers and dog races or casino operation. Such governing authority shall collect on a
402 monthly basis an amount equal to 10 percent of such proceeds and shall deposit such
403 proceeds in the general fund of the municipal corporation.

404 (c) Any revenue derived from the assessment amount collected pursuant to subsections (a)
405 and (b) of this Code section shall be paid into a separate, segregated fund and used solely
406 for the purpose of providing affordable assisted living and infrastructure and other public
407 works and improvements."

408

SECTION 11.

409 This Act shall become effective on January 1, 2010, but only if on that date an amendment
410 to the Georgia Constitution becomes effective by virtue of the ratification of a resolution at
411 the November, 2009, state-wide election that authorizes the General Assembly to provide by
412 general law for pari-mutuel betting on horse races and dog races and casino gambling only
413 in unincorporated areas of counties and in municipal corporations where such activities have
414 been approved by referendum. If such resolution is not so ratified, this Act shall not become
415 effective and shall stand repealed in its entirety on January 1, 2010.

416

SECTION 12.

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