

House Bill 1168

By: Representatives Geisinger of the 48<sup>th</sup>, Lindsey of the 54<sup>th</sup>, McCall of the 30<sup>th</sup>, Levitas of the 82<sup>nd</sup>, Kidd of the 141<sup>st</sup>, 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 Fund; to provide for certain appeals and injunctions; to provide for certain licenses  
10 and permits; to provide for local referenda on the establishment of pari-mutuel wagering or  
11 betting facilities within a county or municipality; to provide for certain taxes, retainage, and  
12 distributions of portions of the pari-mutuel pools; to provide for audits; to enter into the Live  
13 Horseracing Compact; to provide for the appointment of members of the Compact  
14 Committee; to prohibit certain conduct and provide for penalties; to provide for related  
15 matters; to provide a contingent effective date and for repeal under certain circumstances;  
16 to repeal conflicting laws; and for other purposes.

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

18 **SECTION 1.**

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

21 "CHAPTER 37

22 Article 1

23 50-37-1.

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

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

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

41 50-37-2.

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

43 (1) 'Advance deposit account wagering' means a method of pari-mutuel wagering  
 44 conducted in this state that is permissible under the federal Interstate Horseracing Act,  
 45 Section 3001, et seq. of Chapter 57 of Title 15 of the United States Code, and in which  
 46 an individual may establish an account with an entity, licensed by the commission, to  
 47 place pari-mutuel wagers in person or electronically.

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

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

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

54 (5) 'Drug' means:

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

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

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

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

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

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

70 (7) 'Georgia Breeders Fund' means the fund established to foster the industry of breeding  
71 race horses in the State of Georgia.

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

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

76 (10) 'Immediate family' means a spouse and any other person residing in the same  
77 household as an officer or employee, who is a dependent of the officer or employee or  
78 of whom the officer or employee is a dependent.

79 (11) 'Licensee' includes any person holding an owner's, operator's, or limited license  
80 under Code Sections 50-37-13 through 50-37-25. The licensee under a limited license  
81 shall not be deemed an owner for the purposes of owning or operating a satellite facility.

82 (12) 'Member' includes any person designated a member of a nonstock corporation, and  
83 any person who by means of a pecuniary or other interest in such corporation exercises  
84 the power of a member.

85 (13) 'Pari-mutuel wagering' means the system of wagering on horse races in which those  
86 who wager on horses that finish in the position or positions for which wagers are taken  
87 share in the total amounts wagered, plus any amounts provided by an unlimited licensee,  
88 less deductions required or permitted by law and includes pari-mutuel wagering on  
89 simulcast horse racing originating within the State of Georgia or from any other  
90 jurisdiction.

91 (14) 'Participant' means any person who:

- 92 (A) Has an ownership interest in any horse entered to race in the state or who acts as  
93 the trainer, jockey, or driver of any horse entered to race in the state; or
- 94 (B) Takes part in any horse racing subject to the jurisdiction of the commission or in  
95 the conduct of a race meeting or pari-mutuel wagering there, including, but not limited  
96 to, a horse owner, trainer, jockey or driver, groom, stable foreman, valet, veterinarian,  
97 agent, pari-mutuel employee, concessionaire or employee thereof, track employee, or  
98 other position the commission deems necessary to regulate to ensure the integrity of  
99 horse racing in Georgia.
- 100 (15) 'Permit holder' includes any person holding a permit to participate in any horse  
101 racing subject to the jurisdiction of the commission or in the conduct of a race meeting  
102 or pari-mutuel wagering thereon as provided in Code Section 50-37-26.
- 103 (16) 'Person' means any individual, group of individuals, firm, company, corporation,  
104 partnership, business, trust, association, or other legal entity.
- 105 (17) 'Pool' means the amount wagered during a race meeting or during a specified period  
106 thereof.
- 107 (18) 'Principal stockholder' means any person who individually or in concert with his or  
108 her spouse and immediate family members, beneficially owns or controls, directly or  
109 indirectly, 5 percent or more of the stock of any person which is a licensee, or who in  
110 concert with his or her spouse and immediate family members, has the power to vote or  
111 cause the vote of 5 percent or more of any such stock. However, such term shall not  
112 include a broker-dealer registered under the federal Securities Exchange Act of 1934, as  
113 amended, which holds in inventory shares for sale on the financial markets for a publicly  
114 traded corporation holding, directly or indirectly, a license from the commission.
- 115 (19) 'Race meeting' means the whole consecutive period of time during which horse  
116 racing with pari-mutuel wagering is conducted by a licensee.
- 117 (20) 'Racetrack' means an outdoor course located in the State of Georgia which is laid  
118 out for horse racing and is licensed by the commission.
- 119 (21) 'Retainage' means the total amount deducted from the pari-mutuel wagering pool  
120 for a license fee to the commission and other jurisdictions, the unlimited license, purse  
121 money for the participants, the Georgia Breeders Fund, and certain enumerated  
122 organizations as required or permitted by law, rule or regulation, or contract approved by  
123 the commission.
- 124 (22) 'Satellite facility' means all areas of the property at which simulcast horse racing is  
125 received for the purposes of pari-mutuel wagering, and any additional areas designated  
126 by the commission.
- 127 (23) 'Simulcast horse racing' means the simultaneous transmission of the audio or video  
128 portion, or both, of horse races from a licensed horse racetrack or satellite facility to

129 another licensed horse racetrack or satellite facility, regardless of state of licensure,  
130 whether such races originate within the State of Georgia or any other jurisdiction, by  
131 satellite communication devices, television cables, telephone lines, or any other means  
132 for the purposes of conducting pari-mutuel wagering.

133 (24) 'Steward' means a racing official, duly appointed by the commission, with powers  
134 and duties prescribed by commission regulations.

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

140 50-37-3.

141 (a) The Georgia Racing Commission is hereby created. The commission shall consist of  
142 nine members appointed by the Governor and confirmed by a majority of those elected to  
143 each house of the General Assembly at the next regular session following any such  
144 appointment. Each commissioner shall have been a resident of the State of Georgia for a  
145 period of at least three years next preceding his or her appointment and his or her continued  
146 residency shall be a condition of his or her tenure in office. The initial appointments shall  
147 be as follows: one commissioner for a term of one year, two commissioners for a term of  
148 two years, two commissioners for a term of three years, two commissioners for a term of  
149 four years, and two commissioners for a term of five years. Thereafter, all appointments  
150 shall be for terms of five years. Vacancies in the commission shall be filled for the  
151 unexpired term in the manner provided for original appointments. Each commissioner  
152 shall be eligible for reappointment for a second consecutive term at the discretion of the  
153 Governor. Persons who are first appointed to initial terms of less than five years shall  
154 thereafter be eligible for reappointment to two consecutive terms of five years each. The  
155 commission shall elect its chairperson. No member of the General Assembly while serving  
156 as a member shall be eligible for appointment to the commission.

157 (b) Each member of the commission shall receive the same daily expense allowance as  
158 members of the General Assembly as provided in subsection (b) of Code Section 45-7-21  
159 for each day or part thereof spent in the performance of his or her duties and in addition  
160 shall be reimbursed for reasonable expenses incurred therein.

161 (c) The members of the commission shall serve at the pleasure of the Governor.

162 (d) The commission shall establish and maintain a general business office within the State  
163 of Georgia for the transaction of its business at a place to be determined by the  
164 commission. The commission shall meet at such times and places within the state as it

165 shall determine. A majority of the commissioners shall constitute a quorum for the  
166 convening of a meeting, but the performance of any duty or the exercise of any power of  
167 the commission shall require a majority of the entire commission.

168 50-37-4.

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

170 50-37-5.

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

184 50-37-6.

185 The commission shall have all powers and duties necessary to carry out the provisions of  
186 this chapter and to exercise the control of horse racing as set forth in Code Section 50-37-1.  
187 Such powers and duties shall include, but shall not be limited to, the following:

188 (1) The commission is vested with jurisdiction and supervision over all horse racing  
189 licensed under the provisions of this chapter including all persons conducting,  
190 participating in, or attending any race meeting. It shall employ such persons to be present  
191 at race meetings as are necessary to ensure that they are conducted with order and the  
192 highest degree of integrity. It may eject or exclude from the enclosure or from any part  
193 thereof any person, whether or not he or she possesses a license or permit, whose conduct  
194 or reputation is such that his or her presence may, in the opinion of the commission,  
195 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct  
196 of horse racing.

197 (2) The commission, its representatives, and employees shall visit, investigate, and have  
198 free access to the office, track, facilities, satellite facilities, or other places of business of

199 any license or permit holder, and may compel the production of any of the books,  
200 documents, records, or memoranda of any license or permit holder for the purpose of  
201 satisfying itself that this chapter and its regulations are strictly complied with. In  
202 addition, the commission may require the production of an annual balance sheet and  
203 operating statement of any person licensed or granted a permit pursuant to the provisions  
204 of this chapter and may require the production of any contract to which such person is or  
205 may be a party.

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

216 (4) The commission shall promulgate rules and regulations and conditions under which  
217 simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility  
218 in the State of Georgia and all such other regulations it deems necessary and appropriate  
219 to effect the purposes of this chapter. Such regulations shall include provisions that all  
220 simulcast horse racing shall comply with the federal Interstate Horse Racing Act of 1978  
221 (15 U.S.C. Section 3001, et seq.) and shall require the holder of an unlimited license to  
222 schedule not less than 150 live racing days in the State of Georgia each calendar year;  
223 provided, however, that the commission shall have the authority to alter the required  
224 number of live racing days based on what the commission deems to be in the best interest  
225 of the Georgia horse industry. Such regulations shall authorize up to 20 satellite facilities  
226 and restrict majority ownership of satellite facilities in the State of Georgia. Nothing in  
227 this paragraph shall be deemed to preclude private local ownership or participation in any  
228 satellite facility. Except as authorized pursuant to paragraph (5) of this Code section,  
229 wagering on simulcast horse racing shall take place only at a licensed horse racetrack or  
230 satellite facility.

231 (5) The commission shall promulgate rules and regulations and conditions regulating and  
232 controlling advance deposit account wagering. Such regulations shall include, but shall  
233 not be limited to, standards, qualifications, and procedures for the issuance of a license  
234 to any such entity or entities pursuant to Code Section 50-37-13 to operate pari-mutuel  
235 wagering in the State of Georgia; provisions regarding access to books, records, and

236 memoranda, and submission to investigations and audits, as authorized by paragraphs (2)  
237 and (10) of this Code section; and provisions regarding the collection of all revenues due  
238 to the State of Georgia from the placing of such wagers. No pari-mutuel wager may be  
239 made on or with any computer owned or leased by the State of Georgia, or any of its  
240 political subdivisions, or at any public elementary or secondary school, or any public  
241 college or university. The commission shall also ensure that, except for this method of  
242 pari-mutuel wagering, all wagering on simulcast horse racing shall take place only at a  
243 licensed horse racetrack or satellite facility. Notwithstanding the provisions of Code  
244 Section 50-37-31, the allocation of revenue from advance deposit account wagering shall  
245 include a licensee fee paid to the commission; an additional fee equal to 10 percent of all  
246 wagers made within the State of Georgia placed through an advance deposit account  
247 wagering licensee, out of which shall be paid one-half to all unlimited licensees and  
248 one-half to representatives of the recognized majority horsemen groups; and an additional  
249 fee equal to one percent of all wagers made within the State of Georgia placed through  
250 an advance deposit account wagering licensee, which shall be paid to the Georgia  
251 Breeders Fund. Nothing in this paragraph shall be construed to limit the commission's  
252 authority as set forth elsewhere in this Code section.

253 (6) The commission may issue subpoenas for the attendance of witnesses before it,  
254 administer oaths, and compel production of records or other documents and testimony of  
255 such witnesses whenever, in the judgment of the commission, it is necessary to do so for  
256 the effectual discharge of its duties.

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

263 (8) The commission may enter into arrangements with any foreign or domestic  
264 government or governmental agency, for the purposes of exchanging information or  
265 performing any other act to better ensure the proper conduct of horse racing.

266 (9) The commission shall report annually on or before January 1 to the Governor and the  
267 General Assembly, which report shall include a financial statement of the operation of  
268 the commission.

269 (10) The commission may order such audits, in addition to those required by Code  
270 Section 50-37-33, as it deems necessary and desirable.

271 (11) The commission shall upon the receipt of a complaint of an alleged criminal  
272 violation of this chapter immediately report the complaint to the Attorney General of the  
273 State of Georgia for appropriate action.

274 (12) The commission shall provide for the withholding of the applicable amount of state  
275 and federal income tax of persons claiming a prize or pay-off for a winning wager and  
276 shall establish the thresholds for such withholdings.

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

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

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

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

293 (14) The commission shall require the existence of a contract between the licensee and  
294 the recognized majority horseman's group providing for purses and prizes. Such contract  
295 shall be subject to the approval of the commission, which shall have the power to approve  
296 or disapprove any of its items, including, but not limited to, the provisions regarding  
297 purses and prizes. Such contracts shall provide that on pools generated by wagering on  
298 simulcast horse racing from outside the State of Georgia:

299 (A) For the first \$75 million of the total pari-mutuel handle for each breed, the licensee  
300 shall deposit funds at the minimum rate of 5 percent in the horsemen's purse account;

301 (B) For any amount in excess of \$75 million but less than \$150 million of the total  
302 pari-mutuel handle for each breed, the licensee shall deposit funds at the minimum rate  
303 of 6 percent in the horsemen's purse account; and

304 (C) For amounts in excess of \$150 million for each breed, the licensee shall deposit  
305 funds at the minimum rate of 7 percent in the horsemen's purse account.

306 Such deposits shall be made in the horsemen's purse accounts of the breed that generated  
307 the pools, and such deposits shall be made within five days from the date on which the  
308 licensee receives wagers.

309 (15) Notwithstanding the provisions of Code Section 50-37-30, the commission may  
310 grant provisional limited licenses or provisional unlimited licenses to own or operate  
311 racetracks or satellite facilities to an applicant prior to the applicant securing the approval  
312 through the local referendum required by Code Section 50-37-30. The provisional  
313 licenses issued by the commission shall only become effective upon the approval of the  
314 racetrack or satellite wagering facilities in a referendum conducted pursuant to Code  
315 Section 50-37-30 in the jurisdiction in which the racetrack or satellite wagering facility  
316 is to be located.

317 50-37-7.

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

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

331 (c) The stewards appointed by the commission shall act as racing officials to oversee the  
332 conduct of horse racing at licensed racetracks and simulcast horse racing at satellite  
333 facilities. The stewards shall enforce the commission's rules and regulations and the  
334 provisions of this chapter and shall have authority to interpret the commission's regulations  
335 and to decide all questions of racing not specifically covered by the rules and regulations  
336 of the commission. Nothing in this subsection shall limit the authority of the commission  
337 to carry out the provisions of this chapter and to exercise control of horse racing as set forth  
338 in Code Section 50-37-1, including the power to review all decisions and rulings of the  
339 stewards.

340 50-37-8.

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

345 (b) The total costs for the operation and administration of the Georgia Racing Commission  
346 shall be funded from the State Racing Operations Fund and shall be in such amount as  
347 provided by the General Assembly in the General Appropriations Act for each fiscal year.

348 50-37-9.

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

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

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

356 (3) All security personnel of any license holder;

357 (4) Members and employees of the Georgia Racing Commission;

358 (5) All permit holders, owners, trainers, jockeys, apprentices, stable employees,  
359 managers, agents, blacksmiths, veterinarians, and employees of any license or permit  
360 holder; and

361 (6) Any person who actively participates in the racing activities of any license or permit  
362 holder.

363 (b) Notwithstanding the provisions of subsection (a) of this Code section, the commission  
364 may, by rule or regulation, establish a procedure to recognize a license or permit issued by  
365 another state in which horse racing is authorized when the commission in its discretion  
366 determines that the laws or requirements of the licensing authority for such state governing  
367 fingerprinting and background investigations are substantially the same as required under  
368 this chapter and commission rules and regulations, and that the applicant has not been  
369 convicted of a misdemeanor or felony as provided in subsection (c) of Code Section  
370 50-37-28 and may waive the requirements for fingerprints and background investigations  
371 for permit holders participating in horse racing in nonsecure areas or nonracing activities.

372 50-37-10.

373 There is hereby created the Georgia Breeders Fund, which fund, together with the interest  
374 thereon, shall be administered in whole or in part by the commission or by an entity

375 designated by the commission. The cost of administering and promoting the fund shall be  
376 deducted from the fund, and the balance shall be disbursed by the commission or  
377 designated entity to the breeders of Georgia-bred horses that win races at race meetings  
378 designated by the commission, to the owners of Georgia sires of Georgia-bred horses that  
379 win races at race meetings designated by the commission, to the owners of Georgia-bred  
380 horses that win or earn purse money in nonrestricted races at racetracks in Georgia licensed  
381 by the commission, to the owners of Georgia-bred horses that win races at race meetings  
382 designated by the commission and for purses for races restricted to Georgia-bred or  
383 Georgia-sired horses, or both, at race meetings designated by the commission. To assist  
384 it in establishing this awards and incentive program to foster the industry of breeding  
385 racehorses in Georgia, the commission shall appoint an advisory committee composed of  
386 two members from each of the registered breed associations representing each breed of  
387 horse participating in the fund program, one member representing the owners and operators  
388 of racetracks.

389 50-37-11.

390 Any person aggrieved by a refusal of the commission to issue any license or permit, the  
391 suspension or revocation of a license or permit, the imposition of a fine, or any other action  
392 of the commission, may seek review of such action in accordance with Chapter 13 of this  
393 title for contested cases.

394 50-37-12.

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

399 50-37-13.

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

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

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

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

414 50-37-14.

415 (a) Notwithstanding the provisions of Code Section 50-37-13 or 50-37-16 but subject to  
416 such rules and regulations and criteria as it may prescribe, the commission is authorized  
417 to issue limited licenses, provided that such licenses shall permit any holder to conduct a  
418 race meeting or meetings for a period not to exceed fourteen days in any calendar year.

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

426 (c) For any such meeting, the licensee shall retain and pay from the pool the tax as  
427 provided in Code Section 50-37-31.

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

431 50-37-15.

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

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

442 (2) The name and address of each stockholder or member of such corporation, or each  
443 partner of such partnership or joint venture, and of each person who has contracted for  
444 a pecuniary interest in the applicant or the enclosure where race meetings or pari-mutuel  
445 wagering will be conducted, whether such interest is an ownership or a security interest,  
446 and the nature and value of such interest, and the name and address of each person who  
447 has agreed to lend money to the applicant;

448 (3) Such information as the commission deems appropriate regarding the character,  
449 background, and responsibility of the applicant and the members, partners, stockholders,  
450 officers, and directors of the applicant;

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

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

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

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

464 (b) Each application shall be verified by the oath or affirmation of an officer of the  
465 applicant, and shall be accompanied by a nonrefundable application fee as determined by  
466 the Commission.

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

471 50-37-16.

472 (a) The commission shall consider all applications for a racetrack owner's license or a  
473 satellite facility owner's license and may grant a valid a racetrack owner's or satellite  
474 facility owner's license to applicants who meet the criteria set forth in this chapter and  
475 established by the commission. The commission shall deny a license to any applicant,  
476 unless it finds that the applicant's facilities are or will be appropriate for the finest quality  
477 of racing, and meet or will meet the minimum standards that any track provided for

478 standard breed racing be at least five-eighths of a mile, that any dirt track provided for flat  
479 racing be at least one mile, and that any track provided for flat or jump racing on the turf  
480 be at least seven-eighths of a mile.

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

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

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

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

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

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

497 (6) Has constructed or caused to be constructed a racetrack or satellite facility for which  
498 a license was required under Code Section 50-37-15 without obtaining such license, or  
499 has deviated substantially, without the permission of the commission, from the plans and  
500 specifications submitted to the commission; or

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

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

504 (1) If the corporation is a stock corporation, that such stock is fully paid and  
505 nonassessable, has been subscribed and paid for only in cash or property to the exclusion  
506 of past services, and, if the corporation is a nonstock corporation, that there are at least  
507 twenty members;

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

511 (3) The applicant's articles of incorporation provide that the corporation may, on vote of  
512 a majority of the stockholders or members, purchase at fair market value the entire  
513 membership interest of any stockholder or require the resignation of any member who is  
514 or becomes unqualified for such position under Code Section 50-37-18; and

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

517 50-37-17.

518 (a) Notwithstanding the provisions of Code Section 50-37-30, the commission may grant  
519 a license, for a duration to be determined by the commission, to the owner or operator of  
520 a steeplechase facility for the purpose of conducting pari-mutuel wagering on steeplechase  
521 race meetings at that facility for a period not to exceed fourteen days in any calendar year,  
522 provided that, prior to making application for such license, the steeplechase facility has  
523 been sanctioned by the National Steeplechase Association and the owner or operator of  
524 such facility has been granted tax-exempt status under Section 501(c)(3) or (4) of the  
525 federal Internal Revenue Code. For purposes of this Code section, 'steeplechase facility'  
526 means a turf racecourse constructed over natural ground which is utilized primarily for  
527 racetrack owner's license or a satellite facility owner's license, as appropriate.

528 (b) In deciding whether to grant any license pursuant to this Code section, the commission  
529 shall consider the results of, circumstances surrounding, and issues involved in any  
530 referendum conducted under the provisions of Code Section 50-37-30 and whether the  
531 commission had previously granted a license to such facility, owner, or operator.

532 (c) In no event shall the commission issue more than twelve licenses in a calendar year  
533 pursuant to this Code section.

534 50-37-18.

535 No racetrack owner's license or a satellite facility owner's license or renewal thereof shall  
536 be granted to any corporation if the commission finds that any principal stockholder of  
537 such stock corporation, or any member of such nonstock corporation:

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

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

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

545 50-37-19.

546 (a) A license issued under Code Section 50-37-16 shall be for the period set by the  
547 commission, not to be less than twenty years, but shall be reviewed annually. The  
548 commission shall designate on the license the duration of such license, the location of such

549 track or satellite facility or proposed track or satellite facility, and such other information  
550 as it deems proper. The commission shall establish criteria and procedures for license  
551 renewal.

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

555 50-37-20.

556 (a) Any person desiring to hold a race meeting or operate a satellite facility shall file with  
557 the commission an application for a racetrack operator's license or a satellite facility  
558 operator's license, as appropriate. Such application may be made in conjunction with an  
559 application for a racetrack owner's license or a satellite facility owner's license, if  
560 appropriate. It shall be filed at the time and place prescribed by the commission and  
561 contain such information as prescribed by the commission, including all information  
562 prescribed for an owner's license under Code Section 50-37-15 and, in addition, the date  
563 the applicant wishes to conduct a race meeting.

564 (b) Any application filed hereunder shall be verified by the oath or affirmation of an  
565 officer of the applicant and shall be accompanied by a nonrefundable application fee as  
566 determined by the commission.

567 50-37-21.

568 The commission shall promptly consider any application for a racetrack operator's license  
569 or a satellite facility operator's license and grant a valid racetrack operator's license or a  
570 satellite facility operator's license to applicants who meet the criteria set forth in this  
571 chapter and established by the commission. The commission shall deny a license to any  
572 applicant, unless it finds that:

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

575 (2) If the corporation is a stock corporation, all principal stockholders have submitted to  
576 the jurisdiction of the courts of this state and all nonresident principal stockholders have  
577 designated the executive secretary of the commission as their agent for process, and,  
578 further, that an application shall also contain information as required by Code  
579 Section 50-37-15;

580 (3) The applicant's articles of incorporation provide that the corporation may, on vote of  
581 a majority of the stockholders or members, purchase at fair market value the entire  
582 membership interest of any stockholder, or require the resignation of any member, who  
583 is or becomes unqualified for such position under Code Section 50-37-18;

584 (4) The applicant would be qualified for a license to own such horse racetrack or satellite  
585 facility under the provisions of Code Sections 50-37-17 and 50-37-18;

586 (5) The applicant has made provisions satisfactory to the commission for the detection  
587 and prosecution of any illegal, corrupt, or fraudulent act, practice, or conduct in  
588 connection with any race meeting or pari-mutuel wagering, that the applicant has made  
589 provision for membership in the Thoroughbred Racing Associations or other equivalent  
590 applicable association, and that the applicant shall utilize the services of the  
591 Thoroughbred Racing Protective Bureau or any other protective agency acceptable to the  
592 Georgia Racing Commission; and

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

595 50-37-22.

596 (a) A license issued under Code Section 50-37-21 shall be for a period of 20 years from  
597 the date of issuance, but shall be reviewed annually. The commission may, as it deems  
598 appropriate, change at the beginning of any year the dates on which the licensee is  
599 authorized to conduct a race meeting or pari-mutuel wagering. An applicant for renewal  
600 of a license may omit any information which in the opinion of the commission is already  
601 available to it. The commission shall establish criteria and procedures for license renewal.

602 (b) Any license issued under Code Section 50-37-21 shall designate on its face the type  
603 or types of horse racing or pari-mutuel wagering for which it is issued, the location of the  
604 track or satellite facility where such meeting or wagering is to be conducted, the period  
605 during which such license is in effect, and such other information as the commission deems  
606 proper.

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

610 50-37-23.

611 The denial of an owner's or operator's license by the commission shall be final unless  
612 appealed under Code Section 50-37-11.

613 50-37-24.

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

618 violated. The commission may revoke a license if it finds that facts not known by it at the  
619 time it considered the application indicate that such license should not have been issued.

620 (b) The commission shall revoke any license issued under Code Section 50-37-21 for the  
621 operation of a satellite facility if the licensee, within one year of issuance of the satellite  
622 facility license, fails to conduct live racing at a racetrack licensed pursuant to Code Section  
623 50-37-21 or fails to conduct, without the permission of the commission, the live racing  
624 days assigned to the licensee by the commission.

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

633 (d) Deliberations of the commission shall be conducted pursuant to the provisions of  
634 Chapter 14 of this title. If any such license is suspended or revoked, the commission shall  
635 state its reasons for doing so, which shall be entered of record. Such action shall be final  
636 unless appealed in accordance with Code Section 50-37-11. Suspension or revocation of  
637 a license by the commission for any violation shall not preclude criminal liability for such  
638 violation.

639 50-37-25.

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

650 (b) If an applicant proposes to acquire actual control of a licensee, such person shall,  
651 pursuant to subsection (a) of this Code section, submit to the commission its proposal for  
652 the future operation of any existing or planned racetrack or satellite facility owned or  
653 operated by the licensee; such additional information as it desires; and such information

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

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

667 50-37-26.

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

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

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

682 50-37-27.

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

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

688 50-37-28.

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

698 (b) The commission shall deny the application and refuse to issue the permit, which denial  
699 shall be final unless an appeal is taken under Code Section 50-37-11, if it finds that the  
700 issuance of such permit to such applicant would not be in the interests of the people of the  
701 State of Georgia, or the horse racing industry of the State of Georgia, or would reflect on  
702 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 rules and  
709 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, or  
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 50-37-11. 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 50-37-29.

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 or condition of the commission, has not been complied with, or has been violated. The  
734 commission may revoke such permit, after such hearing, if it finds that facts not known by  
735 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 50-37-11. 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 50-37-30.

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 5 percent of the qualified electors of such county or  
755 municipality shall be filed with the election superintendent of such county or  
756 municipality asking that a referendum be held on either or both of the following  
757 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 Georgia Racing 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 proposed to be submitted to the electors in accordance with this Code  
 772 section. Each page shall bear on the bottom or back thereof the affidavit of the  
 773 circulator of such page, which affidavit must be subscribed and sworn to by such  
 774 circulator 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 elector  
 786 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 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.

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  
[name of county or municipality] on live horse racing at, and on  
 803 ( ) NO simulcast horse racing transmitted from another jurisdiction to, the  
 804 licensed racetrack on such days as may be approved by the Georgia  
 805 Racing Commission in accordance with Chapter 37 of Title 50 of the  
 806 O.C.G.A.?'

807 '( ) YES Shall pari-mutuel wagering be permitted in [name of county or  
municipality] at satellite facilities in accordance with Chapter 37 of  
 808 ( ) NO Title 50 of the O.C.G.A.?'

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

821 50-37-31.

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

826 (b) On pari-mutuel pools generated by wagering at the racetrack on live horse racing  
 827 conducted within the State of Georgia, involving win, place, and show wagering, the  
 828 licensee shall retain an amount not to exceed 18 percent of such pool and the legitimate  
 829 breakage, out of which shall be paid 1 1/4 percent to be distributed as follows: 1 percent  
 830 to the State of Georgia as a license tax, and 1/4 percent to the county or municipality in  
 831 which the racetrack is located. The remainder of the 18 percent retainage shall be paid as  
 832 provided in subsection (d) of this Code section.

833 (c) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live  
 834 horse racing conducted within the State of Georgia, involving win, place, and show  
 835 wagering, the licensee shall retain an amount not to exceed 18 percent of such pool and the  
 836 legitimate breakage, out of which shall be paid 1 1/4 percent to be distributed as follows:  
 837 3/4 percent to the State of Georgia as a license tax, 1/4 percent to the county or  
 838 municipality in which the satellite facility is located, and 1/4 percent to the county or  
 839 municipality in which the racetrack is located. The remainder of the 18 percent retainage  
 840 shall be paid as provided in subsection (d) of this Code section.

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

845 (1) Eight percent as purses or prizes to the participants in such race meeting;

846 (2) Seven and one-half percent, and all of the breakage and the proceeds of pari-mutuel  
 847 tickets unredeemed 180 days from the date on which the race was conducted, to the  
 848 operator;

849 (3) One percent to the Georgia Breeders Fund;

850 (4) One-eighth of 1 percent to the College of Veterinary Medicine of the University of  
 851 Georgia to be used solely for the promotion and growth of the equine industry in the State  
 852 of Georgia;

853 (5) One-eighth of 1 percent to the University of Georgia College of Agricultural and  
 854 Environmental Sciences to be used solely for the promotion and growth of the equine  
 855 industry in the State of Georgia; and

856 (6) The remainder of the 18 percent retainage shall be paid as appropriate under  
 857 subsection (b) or (c) of this Code section.

858 (e) On pari-mutuel pools generated by wagering at the racetrack on live horse racing  
 859 conducted within the State of Georgia involving wagering other than win, place, and show  
 860 wagering, the licensee shall retain an amount not to exceed 22 percent of such pool and the  
 861 legitimate breakage, out of which shall be paid 2 3/4 percent to be distributed as follows:  
 862 2 1/4 percent to the State of Georgia as a license tax, and 1/2 percent to the county or

863 municipality in which the racetrack is located. The remainder of the 22 percent retainage  
 864 shall be paid as provided in subsection (g) of this Code section.

865 (f) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live  
 866 horse racing conducted within the State of Georgia involving wagering other than win,  
 867 place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of  
 868 such pool and the legitimate breakage, out of which shall be paid 2 3/4 percent to be  
 869 distributed as follows: 1 3/4 percent to the State of Georgia as a license tax, 1/2 percent to  
 870 the county or municipality in which the satellite facility is located, and 1/2 percent to the  
 871 county or municipality in which the racetrack is located. The remainder of the 22 percent  
 872 retainage shall be paid as provided in subsection (g) of this Code section.

873 (g) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite  
 874 facility on live horse racing conducted within the State of Georgia involving wagering  
 875 other than win, place, and show wagering, the licensee shall retain an amount not to exceed  
 876 22 percent of such pool and the legitimate breakage, out of which shall be paid:

877 (1) Nine percent as purses or prizes to the participants in such race meeting;

878 (2) Nine percent, and the proceeds of the pari-mutuel tickets unredeemed 180 days from  
 879 the date on which the race was conducted, to the operator;

880 (3) One percent to the Lottery for Education Account established pursuant to Code  
 881 Section 50-27-12, but such funds shall be separately accounted for;

882 (4) One-eighth of 1 percent to the University of Georgia College of Veterinary Medicine  
 883 to be used solely for the promotion and growth of the equine industry in the State of  
 884 Georgia;

885 (5) One-eighth of 1 percent to the University of Georgia College of Agricultural and  
 886 Environmental Sciences to be used solely for the promotion and growth of the equine  
 887 industry in the State of Georgia; and

888 (6) The remainder of the 22 percent retainage shall be paid as appropriate under  
 889 subsection (e) or (f) of this Code section.

890 (h) On pari-mutuel wagering generated by simulcast horse racing transmitted from  
 891 jurisdictions outside the State of Georgia, the licensee may, with the approval of the  
 892 commission, commingle pools with the racetrack where the transmission emanates or  
 893 establish separate pools for wagering within the State of Georgia. All simulcast horse  
 894 racing in this subsection must comply with the federal Interstate Horse Racing Act of 1978  
 895 (15 U.S.C. Section 3001 et seq.).

896 (i) On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing  
 897 transmitted from jurisdictions outside the State of Georgia, involving win, place, and show  
 898 wagering, the licensee shall retain 1 1/4 percent of such pool to be distributed as follows:

899 (1) Three-fourths of 1 percent to the State of Georgia as a license tax; and

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

- 936 (1) One percent of the pool to the Lottery for Education Account established pursuant  
937 to Code Section 50-27-13, but such funds shall be separately accounted for;
- 938 (2) One-eighth of 1 percent to the University of Georgia College of Veterinary Medicine  
939 to be used solely for the promotion and growth of the equine industry in the State of  
940 Georgia;
- 941 (3) One-sixteenth of 1 percent to horse rescue groups and organizations to be determined  
942 by the commission; and
- 943 (4) One-sixteenth of 1 percent to the Agricultural Commodity Commission for Equine.
- 944 (o) Moneys payable to the State of Georgia shall be deposited in the general fund. Gross  
945 receipts for license tax or other tax purposes shall not include pari-mutuel wagering pools  
946 and license taxes authorized by this Code section.
- 947 (p) All payments by the licensee to the State of Georgia or any county or municipality  
948 shall be made within five days from the date on which such wagers are received by the  
949 licensee. All payments by the licensee to the Georgia Breeders Fund shall be made to the  
950 commission within five days from the date on which such wagers are received by the  
951 licensee. All payments by the licensee to the University of Georgia College of Veterinary  
952 Medicine, the University of Georgia College of Agricultural and Environmental Sciences,  
953 the Lottery for Education Account, and the horse rescue groups and organizations selected  
954 by the commission shall be made by the first day of each quarter of the calendar year. All  
955 payments made under this Code section shall be used in support of the policy of the State  
956 of Georgia to sustain and promote the growth of a native industry.
- 957 (q) If a satellite facility is located in more than one county or municipality, any amount a  
958 licensee is required to pay under this Code section to the county or municipality in which  
959 the satellite facility is located shall be prorated in equal shares among those counties and  
960 municipalities.
- 961 (r) Any contractual agreement between a licensee and other entities concerning the  
962 distribution of the remaining portion of the retainage under subsections (i) through (n) of  
963 this Code section shall be subject to the approval of the commission.
- 964 (s) The horsemen's organizations representing a majority of the horsemen racing at a  
965 licensed unlimited race meeting may, subject to the approval of the commission, withdraw  
966 for administrative costs associated with serving the interests of the horsemen an amount  
967 not to exceed 2 percent of the amount in the horsemen's account.
- 968 (t) The legitimate breakage from each pari-mutuel pool for both live racing and simulcast  
969 horse racing shall be distributed as follows:
- 970 (1) Seventy percent to be retained by the licensee to be used for capital improvements  
971 that are subject to approval of the commission; and

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

977 50-37-32.

978 (a) The governing body of any county or municipality may by ordinance impose a tax on  
 979 any licensee hereunder to conduct a race meeting at a track located solely in such county  
 980 or municipality of 25¢ on the admission of each person on each day except those holding  
 981 a valid permit under this chapter and actually employed at such track in the capacity for  
 982 which such permit was issued. The licensee may collect such amount from the ticket  
 983 holder in addition to the amount charged for the ticket of admission.

984 (b) If such track or its enclosure is located in two or in three counties or municipalities,  
 985 each county or municipality may impose a tax hereunder of 12 1/2¢ or 8 1/3¢ per person,  
 986 respectively.

987 (c) Gross receipts for license tax and other tax purposes shall not include the admissions  
 988 tax imposed under this Code section.

989 50-37-33.

990 A regular post-audit shall be conducted of all accounts and transactions of the commission.  
 991 An annual audit of a fiscal and compliance nature of the accounts and transactions of the  
 992 commission shall be conducted by the state auditor on or before September 30 of each year.  
 993 The cost of the annual audit and post-audit examinations shall be borne by the commission.

994 Article 2

995 50-37-50.

996 The Live Horseracing Compact is enacted into law and entered into with all other  
 997 jurisdictions legally joining therein in the form substantially as follows:

998 'ARTICLE I. Purposes.

999 § 1. Purposes.

1000 The purposes of this compact are to:

1001 1. Establish uniform requirements among the party states for the licensing of participants  
 1002 in live horse racing with pari-mutuel wagering, and ensure that all such participants who

1003 are licensed pursuant to this compact meet a uniform minimum standard of honesty and  
 1004 integrity.

1005 2. Facilitate the growth of the horse racing industry in each party state and nationwide  
 1006 by simplifying the process for licensing participants in live racing, and reduce the  
 1007 duplicative and costly process of separate licensing by the regulatory agency in each state  
 1008 that conducts live horse racing with pari-mutuel wagering.

1009 3. Authorize the Georgia Racing Commission to participate in this compact.

1010 4. Provide for participation in this compact by officials of the party states, and permit  
 1011 those officials, through the compact committee established by this compact, to enter into  
 1012 contracts with governmental agencies and nongovernmental persons to carry out the  
 1013 purposes of this compact.

1014 5. Establish the compact committee created by this compact as an interstate  
 1015 governmental entity duly authorized to request and receive criminal history record  
 1016 information from the Federal Bureau of Investigation and other state and local  
 1017 law-enforcement agencies.

1018 ARTICLE II. Definitions.

1019 § 2. Definitions.

1020 "Compact committee" means the organization of officials from the party states that is  
 1021 authorized and empowered by this compact to carry out the purposes of this compact.

1022 "Official" means the appointed, elected, designated, or otherwise duly selected  
 1023 representative of a racing commission or the equivalent thereof in a party state who  
 1024 represents that party state as a member of the compact committee.

1025 "Participants in live racing" means participants in live horse racing with pari-mutuel  
 1026 wagering in the party states.

1027 "Party state" means each state that has enacted this compact.

1028 "State" means each of the several states of the United States, the District of Columbia,  
 1029 the Commonwealth of Puerto Rico, and each territory or possession of the United States.

1030 ARTICLE III. Entry into Force, Eligible Parties, and Withdrawal.

1031 § 3. Entry into force.

1032 This compact shall come into force when enacted by any four states. Thereafter, this  
 1033 compact shall become effective as to any other state upon (i) that state's enactment of this  
 1034 compact and (ii) the affirmative vote of a majority of the officials on the compact  
 1035 committee as provided in § 8.

1036 § 4. States eligible to join compact.

1037 Any state that has adopted or authorized horse racing with pari-mutuel wagering shall be  
 1038 eligible to become party to this compact.

1039 § 5. Withdrawal from compact and impact thereof on force and effect of compact.

1040 Any party state may withdraw from this compact by enacting a statute repealing this  
 1041 compact, but no such withdrawal shall become effective until the head of the executive  
 1042 branch of the withdrawing state has given notice in writing of such withdrawal to the  
 1043 head of the executive branch of all other party states. If, as a result of withdrawals,  
 1044 participation in this compact decreases to less than three party states, this compact no  
 1045 longer shall be in force and effect unless and until there are at least three or more party  
 1046 states again participating in this compact.

1047 ARTICLE IV. Compact Committee.

1048 § 6. Compact committee established.

1049 There is hereby created an interstate governmental entity to be known as the "compact  
 1050 committee," which shall be comprised of one official from the racing commission or its  
 1051 equivalent in each party state who shall be appointed, serve, and be subject to removal  
 1052 in accordance with the laws of the party state he or she represents. Pursuant to the laws  
 1053 of his or her party state, each official shall have the assistance of his or her state's racing  
 1054 commission or the equivalent thereof in considering issues related to licensing of  
 1055 participants in live racing and in fulfilling his or her responsibilities as the representative  
 1056 from his or her state to the compact committee. If an official is unable to perform any  
 1057 duty in connection with the powers and duties of the compact committee, the racing  
 1058 commission or equivalent thereof from his or her state shall designate an alternate who  
 1059 shall serve in his or her place and represent the party state as its official on the compact  
 1060 committee until that racing commission or equivalent thereof determines that the original  
 1061 representative official is able once again to perform his or her duties as that party state's  
 1062 representative official on the compact committee. The designation of an alternate shall

1063 be communicated by the affected state's racing commission or equivalent thereof to the  
1064 compact committee as the committee's bylaws may provide.

1065 § 7. Powers and duties of compact committee.

1066 In order to carry out the purposes of this compact, the compact committee is hereby  
1067 granted the power and duty to:

1068 1. Determine which categories of participants in live racing, including, but not limited  
1069 to, owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians, and  
1070 farriers, and which categories of equivalent participants in live racing with pari-mutuel  
1071 wagering authorized in two or more of the party states, should be licensed by the  
1072 committee, and establish the requirements for the initial licensure of applicants in each  
1073 such category, the term of the license for each category, and the requirements for  
1074 renewal of licenses in each category. Provided, however, that with regard to requests  
1075 for criminal record on the issuance or renewal of a license, the compact committee shall  
1076 determine for each category of participants in live racing which licensure requirements  
1077 for that category are, in its judgment, the most restrictive licensure requirements of any  
1078 party state for that category and shall adopt licensure requirements for that category that  
1079 are, in its judgment, comparable to those most restrictive requirements.

1080 2. Investigate applicants for a license from the compact committee and, as permitted  
1081 by federal and state law, gather information on such applicants, including criminal  
1082 history record information from the Federal Bureau of Investigation and relevant state  
1083 and local law enforcement agencies, and, where appropriate, from the Royal Canadian  
1084 Mounted Police and law-enforcement agencies of other countries, necessary to  
1085 determine whether a license should be issued under the licensure requirements  
1086 established by the committee as provided in paragraph 1 of this section. Only officials  
1087 on, and employees of, the compact committee may receive and review such criminal  
1088 history record information, and those officials and employees may use that information  
1089 only for the purposes of this compact. No such official or employee may disclose or  
1090 disseminate such information to any person or entity other than another official or  
1091 employee of the compact committee. The fingerprints of each applicant for a license  
1092 from the compact committee shall be taken by the compact committee, its employees,  
1093 or its designee and, pursuant to Public Law 92-544 or Public Law 100-413, shall be  
1094 forwarded to a state identification bureau, or an association of state officials regulating  
1095 pari-mutuel wagering designated by the Attorney General of the United States, for  
1096 submission to the Federal Bureau of Investigation for a criminal history record check.  
1097 Such fingerprints may be submitted on a fingerprint card or by electronic or other

1098 means authorized by the Federal Bureau of Investigation or other receiving  
 1099 law-enforcement agency.

1100 3. Issue licenses to, and renew the licenses of, participants in live racing listed in  
 1101 paragraph 1 of this section who are found by the committee to have met the licensure  
 1102 and renewal requirements established by the committee. The compact committee shall  
 1103 not have the power or authority to deny a license. If it determines that an applicant will  
 1104 not be eligible for the issuance or renewal of a compact committee license, the compact  
 1105 committee shall notify the applicant that it will not be able to process his or her  
 1106 application further. Such notification does not constitute and shall not be considered  
 1107 to be the denial of a license. Any such applicant shall have the right to present  
 1108 additional evidence to, and to be heard by, the compact committee, but the final  
 1109 decision on issuance or renewal of the license shall be made by the compact committee  
 1110 using the requirements established pursuant to paragraph 1 of this section.

1111 4. Enter into contracts or agreements with governmental agencies and with  
 1112 non-governmental persons to provide personal services for its activities and such other  
 1113 services as may be necessary to effectuate the purposes of this compact.

1114 5. Create, appoint, and abolish those offices, employments, and positions, including an  
 1115 executive director, as it deems necessary for the purposes of this compact, prescribe  
 1116 their powers, duties, and qualifications, hire persons to fill those offices, employments,  
 1117 and positions, and provide for the removal, term, tenure, compensation, fringe benefits,  
 1118 retirement benefits, and other conditions of employment of its officers, employees, and  
 1119 other positions.

1120 6. Borrow, accept, or contract for the services of personnel from any state, the United  
 1121 States, or any other governmental agency, or from any person, firm, association,  
 1122 corporation, or other entity.

1123 7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease,  
 1124 license, or in other similar manner, in furtherance of the purposes of this compact.

1125 8. Charge a fee to each applicant for an initial license or renewal of a license.

1126 9. Receive other funds through gifts, grants, and appropriations.

1127 § 8. Voting requirements.

1128 A. Each official shall be entitled to one vote on the compact committee.

1129 B. All action taken by the compact committee with regard to the addition of party states  
 1130 as provided in § 3, the licensure of participants in live racing, and the receipt and  
 1131 disbursement of funds shall require a majority vote of the total number of officials (or

1132 their alternates) on the committee. All other action by the compact committee shall  
 1133 require a majority vote of those officials (or their alternates) present and voting.

1134 C. No action of the compact committee may be taken unless a quorum is present. A  
 1135 majority of the officials (or their alternates) on the compact committee shall constitute  
 1136 a quorum.

1137 § 9. Administration and management.

1138 A. The compact committee shall elect annually from among its members a chairman, a  
 1139 vice-chairman, and a secretary/treasurer.

1140 B. The compact committee shall adopt bylaws for the conduct of its business by a  
 1141 two-thirds vote of the total number of officials (or their alternates) on the committee at  
 1142 that time and shall have the power by the same vote to amend and rescind such bylaws.  
 1143 The committee shall publish its bylaws in convenient form and shall file a copy thereof  
 1144 and a copy of any amendments thereto with the secretary of state or equivalent agency  
 1145 of each of the party states.

1146 C. The compact committee may delegate the day-to-day management and administration  
 1147 of its duties and responsibilities to an executive director and his or her support staff.

1148 D. Employees of the compact committee shall be considered governmental employees.

1149 § 10. Immunity from liability for performance of official responsibilities and duties.

1150 No official of a party state or employee of the compact committee shall be held  
 1151 personally liable for any good faith act or omission that occurs during the performance  
 1152 and within the scope of his responsibilities and duties under this compact.

1153 ARTICLE V. Rights and Responsibilities of Each Party State.

1154 § 11. Rights and responsibilities of each party state.

1155 A. By enacting this compact, each party state:

1156 1. Agrees (i) to accept the decisions of the compact committee regarding the issuance  
 1157 of compact committee licenses to participants in live racing pursuant to the committee's  
 1158 licensure requirements and (ii) to reimburse or otherwise pay the expenses of its official  
 1159 representative on the compact committee or his alternate.

1160 2. Agrees not to treat a notification to an applicant by the compact committee under  
 1161 paragraph 3 of § 7 that the compact committee will not be able to process his or her

1162 application further as the denial of a license, or to penalize such an applicant in any  
 1163 other way based solely on such a decision by the compact committee.  
 1164 3. Reserves the right (i) to charge a fee for the use of a compact committee license in  
 1165 that state, (ii) to apply its own standards in determining whether, on the facts of a  
 1166 particular case, a compact committee license should be suspended or revoked, (iii) to  
 1167 apply its own standards in determining licensure eligibility, under the laws of that party  
 1168 state, for categories of participants in live racing that the compact committee determines  
 1169 not to license and for individual participants in live racing who do not meet the  
 1170 licensure requirements of the compact committee, and (iv) to establish its own licensure  
 1171 standards for the licensure of nonracing employees at horse racetracks and employees  
 1172 at separate satellite wagering facilities. Any party state that suspends or revokes a  
 1173 compact committee license shall, through its racing commission or the equivalent  
 1174 thereof or otherwise, promptly notify the compact committee of that suspension or  
 1175 revocation.  
 1176 B. No party state shall be held liable for the debts or other financial obligations incurred  
 1177 by the compact committee.

1178 ARTICLE VI. Construction and Severability.

1179 § 12. Construction and severability.

1180 This compact shall be liberally construed so as to effectuate its purposes. The provisions  
 1181 of this compact shall be severable, and, if any phrase, clause, sentence, or provision of  
 1182 this compact is declared to be contrary to the Constitution of the United States or of any  
 1183 party state, or the applicability of this compact to any government, agency, person, or  
 1184 circumstance is held invalid, the validity of the remainder of this compact and the  
 1185 applicability thereof to any government, agency, person, or circumstance shall not be  
 1186 affected thereby. If all or some portion of this compact is held to be contrary to the  
 1187 constitution of any party state, the compact shall remain in full force and effect as to the  
 1188 remaining party states and in full force and effect as to the state affected as to all  
 1189 severable matters.'

1190 50-37-51.

1191 The Governor shall appoint one official to represent the State of Georgia on the Compact  
 1192 Committee for a term of four years. No official shall serve more than three consecutive  
 1193 terms. A vacancy shall be filled by the Governor for the unexpired term.

1194 50-37-52.

1195 All departments, agencies, and officers of the State of Georgia and its political subdivisions  
1196 are hereby authorized to cooperate with the Compact Committee in furtherance of any of  
1197 its activities pursuant to the Compact.

1198 50-37-53.

1199 Nothing in this article shall be construed to diminish or limit the powers and  
1200 responsibilities of the Georgia Racing Commission established by Article 1 of this chapter  
1201 or to invalidate any action of the Georgia Racing Commission previously taken, including,  
1202 without limitation, any rule or regulation promulgated thereby.

1203 Article 3

1204 50-37-70.

1205 Any person not licensed in accordance with this chapter to conduct pari-mutuel wagering  
1206 or horse racing on which pari-mutuel wagering is conducted who conducts pari-mutuel  
1207 wagering, or horse racing on which wagering is conducted with his or her knowledge or  
1208 consent, shall be guilty of a felony and, upon conviction thereof, shall be punished by  
1209 imprisonment for not less than one nor more than ten years or a fine not to exceed  
1210 \$100,000.00, or both.

1211 50-37-71.

1212 (a) Any person other than the lawful holder thereof who has in his or her possession any  
1213 credential, license, or permit issued by the commission, or a forged or simulated credential,  
1214 license, or permit of the commission, and who uses such credential, license, or permit for  
1215 the purpose of misrepresentation, fraud, or touting shall be guilty of a felony and, upon  
1216 conviction thereof, shall be punished by imprisonment for not less than one nor more than  
1217 ten years or a fine not to exceed \$100,000.00, or both.

1218 (b) Any credential, license, or permit issued by the commission, if used by the holder  
1219 thereof for a purpose other than identification and in the performance of legitimate duties  
1220 on a racetrack or within a satellite facility, shall be automatically revoked whether so used  
1221 on or off a racetrack or satellite facility.

1222 50-37-72.

1223 (a) Any person who knowingly transmits information as to the progress or results of a  
1224 horse race, or information as to wagers, betting odds, post or off times, or jockey changes  
1225 in any race by any means whatsoever for the purposes of carrying on illegal betting as

1226 defined in Code Section 16-12-20, or to a person engaged in illegal betting shall be guilty  
 1227 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less  
 1228 than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1229 (b) This Code section shall not be construed to prohibit a newspaper from printing such  
 1230 results or information as news, or any television or radio station from telecasting or  
 1231 broadcasting such results or information as news. This Code section shall not be so  
 1232 construed as to place in jeopardy any common carrier or its agents performing operations  
 1233 within the scope of a public franchise, or any gambling operation authorized by law.

1234 50-37-73.

1235 Any person, who knowingly and intentionally by false representation attempts to, or does  
 1236 persuade, procure, or cause another person to wager on a horse in a race to be run in this  
 1237 state or elsewhere, and upon which money is wagered in this state, and who asks or  
 1238 demands compensation as a reward for information or purported information given in such  
 1239 case, shall be guilty of touting and, upon conviction, shall be punished as for a  
 1240 misdemeanor.

1241 50-37-74.

1242 Any person who gives, promises, or offers to any jockey, driver, groom, or any person  
 1243 participating in any race meeting, including owners of racetracks and their employees,  
 1244 stewards, trainers, judges, starters, and special policemen, any valuable thing with intent  
 1245 to influence him or her to attempt to lose or cause to be lost a horse race in which such  
 1246 person is taking part or expects to take part, or has any duty or connection, or who, being  
 1247 either jockey, driver, or groom or participant in a race meeting, solicits or accepts any  
 1248 valuable thing to influence him or her to lose or cause to be lost a horse race in which he  
 1249 or she is taking part, or expects to take part, or has any duty or connection, shall be guilty  
 1250 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less  
 1251 than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1252 50-37-75.

1253 (a) Any person who, with the intent to defraud, acts to alter the outcome of a race by:

1254 (1) The administration of any substance foreign to the natural horse, except those  
 1255 substances specifically permitted by the rules and regulations of the Georgia Racing  
 1256 Commission; or

1257 (2) The use of any device, electrical or otherwise, except those specifically permitted by  
 1258 the regulations of the Georgia Racing Commission,

1259 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
 1260 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1261 (b) Any person who, with the intent to defraud, influences or conspires with another to  
 1262 alter the outcome of a race by:

1263 (1) The administration of any substance foreign to the natural horse, except those  
 1264 substances specifically permitted by the rules and regulations of the Georgia Racing  
 1265 Commission; or

1266 (2) The use of any device, electrical or otherwise, except those specifically permitted by  
 1267 the rules and regulations of the Georgia Racing Commission,

1268 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
 1269 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1270 (c) Any person who:

1271 (1) Administers any substance foreign to the natural horse, except those substances  
 1272 specifically permitted by the rules and regulations of the Georgia Racing Commission,  
 1273 when the horse is entered to start; or

1274 (2) At any time, exposes any substance foreign to the natural horse with the intent of  
 1275 impeding or increasing the speed, endurance, health, or condition of a horse,

1276 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
 1277 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1278 50-37-76.

1279 The possession or transportation of any drug except those permitted by regulations of the  
 1280 commission within the racing enclosure is prohibited except upon a bona fide veterinarian's  
 1281 prescription with complete statement of uses and purposes on the container. A copy of  
 1282 such prescription shall be filed with the stewards. Any person knowingly violating the  
 1283 provisions of this Code section relating to the legal possession of drugs shall be guilty of  
 1284 a misdemeanor. The provisions of Chapter 13 of Title 16 shall apply in situations where  
 1285 drugs regulated by that chapter are within the racing enclosure.

1286 50-37-77.

1287 Any person who knowingly enters or races any horse in any running or harness race under  
 1288 any name or designation other than the name or designation assigned to such horse by and  
 1289 registered with the Jockey Club, the United States Trotting Association, the American  
 1290 Quarter Horse Association, or other applicable association or who knowingly instigates,  
 1291 engages in, or in any way furthers any act by which any horse is entered or raced in any  
 1292 running or trotting race under any name or designation other than the name or designation  
 1293 duly assigned by and registered with the Jockey Club, the United States Trotting

1294 Association, the American Quarter Horse Association, or other applicable association, shall  
1295 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for  
1296 not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1297 50-37-78.

1298 No person shall wager on or conduct any wagering on the outcome of a horse race pursuant  
1299 to the provisions of this chapter unless such person is eighteen years of age or older. No  
1300 person shall accept any wager from a minor. No person shall be admitted into a satellite  
1301 facility if such person is under eighteen years of age unless accompanied by one of his or  
1302 her parents or his or her legal guardian. Any person violating the provisions of this Code  
1303 section shall be guilty of a misdemeanor.

1304 50-37-79.

1305 (a) Any person who conspires, confederates, or combines with another, either within or  
1306 without this state, to commit a felony prohibited by this chapter shall be guilty of a felony  
1307 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor  
1308 more than ten years or a fine not to exceed \$100,000.00, or both.

1309 (b) Any person who attempts to commit any act prohibited by this article shall be guilty  
1310 of a criminal offense and shall be punished as provided in Code Section 16-4-6."

1311 **SECTION 2.**

1312 This Act shall become effective on January 1, 2011, provided that an amendment to the  
1313 Constitution of the State of Georgia authorizing pari-mutuel wagering or betting on horse  
1314 racing is passed by the General Assembly and ratified by the electors of this state in the 2010  
1315 General Election. If no such amendment is proposed by the General Assembly or if such  
1316 amendment is rejected by the electors or the election to ratify the proposed amendment is not  
1317 held at the time of the 2010 General Election, this Act shall be repealed on January 1, 2011.

1318 **SECTION 3.**

1319 All laws and parts of laws in conflict with this Act are repealed.