

House Bill 467

By: Representatives Geisinger of the 48th, McCall of the 30th, Oliver of the 83rd, Lindsey of the 54th, Drenner of the 86th, 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 for a contingent effective date and 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 38

22 ARTICLE 1

23 50-38-1.

24 (a) Horse racing with pari-mutuel wagering as licensed in this chapter shall be permitted
 25 in the State of Georgia for the promotion, sustenance, and growth of the equine industry,
 26 in a manner consistent with the health, safety, and welfare of the people. The Georgia
 27 Racing Commission is vested with control of all horse racing with pari-mutuel wagering
 28 in the State of Georgia, with plenary power to prescribe regulations and conditions under
 29 which such racing and wagering shall be conducted, so as to maintain horse racing in this
 30 state 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 50-38-2.

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 any
57 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 subparagraph (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 is
66 prohibited or restricted.

67 (6) 'Enclosure' means all areas of the property of a track to which admission is ordinarily
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' or 'horse race' means a competition on a set course involving a race
75 between horses 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 50-38-13 through 50-38-25. 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 thereon, including, but not
96 limited to, a horse owner, trainer, jockey or driver, groom, stable foreman, valet,
97 veterinarian, agent, pari-mutuel employee, concessionaire or employee thereof, track
98 employee, or other position the commission deems necessary to regulate to ensure the
99 integrity of 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 50-38-26.
- 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' or 'track' means an outdoor course located in the State of Georgia which
118 is laid 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 50-38-3.

141 (a) The Georgia Racing Commission is created. The commission shall consist of five
142 members appointed by the Governor and confirmed by a majority of those elected to each
143 house of the General Assembly at the next regular session following any such appointment.

144 Each commissioner shall have been a resident of the State of Georgia for a period of at
145 least three years next preceding his or her appointment and his or her continued residency
146 shall be a condition of his or her tenure in office. The initial appointments shall be made
147 not later than February 1, 2013, and shall be as follows: one commissioner for a term of
148 one year, one commissioner for a term of two years, one commissioner for a term of three
149 years, one commissioner for a term of four years, and one commissioner for a term of five
150 years. Thereafter, all appointments shall be for terms of five years. Vacancies in the
151 commission shall be filled for the unexpired term in the manner provided for original
152 appointments. Each commissioner shall be eligible for reappointment for a second
153 consecutive term at the discretion of the Governor. Persons who are first appointed to
154 initial terms of less than five years shall thereafter be eligible for reappointment to two
155 consecutive terms of five years each. The commission shall elect its chairperson. No
156 member of the General Assembly while serving as a member shall be eligible for
157 appointment to the commission.

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

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

163 (d) The commission shall establish and maintain a general business office within the State
164 of Georgia for the transaction of its business at a place to be determined by the

165 commission. The commission shall meet at such times and places within the state as it
166 shall determine. A majority of the commissioners shall constitute a quorum for the
167 convening of a meeting, but the performance of any duty or the exercise of any power of
168 the commission shall require a majority of the entire commission.

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

172 50-38-4.

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

174 50-38-5.

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

188 50-38-6.

189 The commission shall have all powers and duties necessary to carry out the provisions of
190 this chapter and to exercise the control of horse racing as set forth in Code Section 50-38-1.
191 Such powers and duties shall include, but shall not be limited to, the following:

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

199 reflect on the honesty and integrity of horse racing or interfere with the orderly conduct
200 of horse racing;

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

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

220 (4) The commission shall promulgate rules and regulations and conditions under which
221 simulcast horse racing shall be conducted at a licensed horse racetrack or satellite facility
222 in the State of Georgia and all such other regulations it deems necessary and appropriate
223 to effect the purposes of this chapter. Such regulations shall include provisions that all
224 simulcast horse racing shall comply with the federal Interstate Horse Racing Act of 1978
225 (15 U.S.C. Section 3001, et seq.) and shall require the holder of an unlimited license to
226 schedule not fewer than 80 live racing days in the State of Georgia each calendar year;
227 provided, however, that the commission shall have the authority to alter the required
228 number of live racing days based on what the commission deems to be in the best interest
229 of the Georgia horse industry. Such regulations shall authorize up to 20 satellite facilities
230 per licensed horse racetrack at such locations as approved by the commission. Except as
231 authorized pursuant to paragraph (5) of this Code section, wagering on simulcast horse
232 racing shall take place only at a licensed horse racetrack or a satellite facility of a licensed
233 horse racetrack;

234 (5) The commission shall promulgate rules and regulations and conditions regulating and
235 controlling advance deposit account wagering. Such regulations shall include, but shall

236 not be limited to, standards, qualifications, and procedures for the issuance of a license
237 to any such entity or entities pursuant to Code Section 50-38-13 to operate pari-mutuel
238 wagering in the State of Georgia; provisions regarding access to books, records, and
239 memoranda, and submission to investigations and audits, as authorized by paragraphs (2)
240 and (10) of this Code section; and provisions regarding the collection of all revenues due
241 to the State of Georgia from the placing of such wagers. No pari-mutuel wager may be
242 made on or with any computer owned or leased by the State of Georgia or any of its
243 political subdivisions or at any public elementary or secondary school or owned or leased
244 by any public college or university. The commission shall also ensure that, except for
245 this method of pari-mutuel wagering, all wagering on simulcast horse racing shall take
246 place only at a licensed horse racetrack or satellite facility. Notwithstanding the
247 provisions of Code Section 50-38-31, the allocation of revenue from advance deposit
248 account wagering shall include a licensee fee paid to the commission; an additional fee
249 equal to 10 percent of all wagers made within the State of Georgia placed through an
250 advance deposit account wagering licensee, out of which shall be paid one-half to all
251 unlimited licensees and one-half to representatives of the recognized majority horsemen
252 groups; and an additional fee equal to 1 percent of all wagers made within the State of
253 Georgia placed through an advance deposit account wagering licensee, which shall be
254 paid to the Georgia Breeders Fund. Nothing in this paragraph shall be construed to limit
255 the commission's authority as set forth elsewhere in this Code section;

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

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

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

269 (9) The commission shall report annually on or before January 1 to the Governor and the
270 General Assembly, which report shall include a financial statement of the operation of
271 the commission;

272 (10) The commission may order such audits, in addition to those required by Code
273 Section 50-38-33, as it deems necessary and desirable;

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

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

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

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

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

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

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

301 (15) Notwithstanding the provisions of Code Section 50-38-30, the commission may
302 grant provisional limited licenses or provisional unlimited licenses to own or operate
303 racetracks or satellite facilities to an applicant prior to the applicant securing the approval
304 through the local referendum required by Code Section 50-38-30. The provisional
305 licenses issued by the commission shall only become effective upon the approval of the
306 racetrack or satellite wagering facilities in a referendum conducted pursuant to Code
307 Section 50-38-30 in the jurisdiction in which the racetrack or satellite wagering facility
308 is to be located.

309 50-38-7.

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

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

323 (c) The stewards appointed by the commission shall act as racing officials to oversee the
324 conduct of horse racing at licensed racetracks and simulcast horse racing at satellite
325 facilities. The stewards shall enforce the commission's rules and regulations and the
326 provisions of this chapter and shall have authority to interpret the commission's regulations
327 and to decide all questions of racing not specifically covered by the rules and regulations
328 of the commission. Nothing in this subsection shall limit the authority of the commission
329 to carry out the provisions of this chapter and to exercise control of horse racing as set forth
330 in Code Section 50-38-1, including the power to review all decisions and rulings of the
331 stewards.

332 50-38-8.

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

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

340 50-38-9.

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

344 (1) Every person licensed to hold race meetings within the State of Georgia;
 345 (2) Every person who is an officer or director or principal stockholder of a corporation
 346 which holds such a license and every employee of the holder of any such license whose
 347 duties relate to the horse racing business in Georgia;
 348 (3) All security personnel of any license holder;
 349 (4) Members and employees of the commission;
 350 (5) All permit holders, owners, trainers, jockeys, apprentices, stable employees,
 351 managers, agents, blacksmiths, veterinarians, and employees of any license or permit
 352 holder except as may be exempted by rule or regulation of the commission; and
 353 (6) Any person who actively participates in the racing activities of any license or permit
 354 holder.

355 (b) Notwithstanding the provisions of subsection (a) of this Code section, the commission
 356 may, by rule or regulation, establish a procedure to recognize a license or permit issued by
 357 another state in which horse racing is authorized when the commission in its discretion
 358 determines that the laws or requirements of the licensing authority for such state governing
 359 fingerprinting and background investigations are substantially the same as required under
 360 this chapter and commission rules and regulations and that the applicant has not been
 361 convicted of a misdemeanor or felony as provided in subsection (c) of Code Section
 362 50-38-28 and may waive the requirements for fingerprints and background investigations
 363 for permit holders participating in horse racing in nonsecure areas or nonracing activities.

364 50-38-10.

365 There is created the Georgia Breeders Fund, which fund, together with the interest thereon,
 366 shall be administered in whole or in part by the commission or by an entity designated by
 367 the commission. The cost of administering and promoting the fund shall be deducted from
 368 the fund, and the balance shall be disbursed by the commission or designated entity to the
 369 breeders of Georgia bred horses that win races at race meetings designated by the
 370 commission, to the owners of Georgia sires of Georgia bred horses that win races at race
 371 meetings designated by the commission, to the owners of Georgia bred horses that win or
 372 earn purse money in nonrestricted races at racetracks in Georgia licensed by the
 373 commission, to the owners of Georgia bred horses that win races at race meetings
 374 designated by the commission, and for purses for races restricted to Georgia bred or
 375 Georgia sired horses, or both, at race meetings designated by the commission. To assist
 376 it in establishing this awards and incentive program to foster the industry of breeding
 377 racehorses in Georgia, the commission shall appoint an advisory committee composed of
 378 two members from each of the registered breed associations representing each breed of

379 horse participating in the fund program and one member representing the owners and
380 operators of racetracks.

381 50-38-11.

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

386 50-38-12.

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

391 50-38-13.

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

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

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

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

406 50-38-14.

407 (a) Notwithstanding the provisions of Code Section 50-38-13 or 50-38-16 but subject to
408 such rules and regulations and criteria as it may prescribe, the commission is authorized
409 to issue limited licenses, provided that such licenses shall permit any holder to conduct a
410 race meeting or meetings for a period not to exceed 14 days in any calendar year.

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

418 (c) For any such meeting, the licensee shall retain and pay from the pool the tax as
419 provided in Code Section 50-38-31.

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

423 50-38-15.

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

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

434 (2) The name and address of each stockholder or member of such corporation who has
435 a 5 percent or greater ownership or security interest or each partner of such partnership
436 or joint venture who has a 5 percent or greater ownership or security interest and of each
437 person who has contracted for a pecuniary interest in the applicant or the enclosure where
438 race meetings or pari-mutuel wagering will be conducted, whether such interest is an
439 ownership or a security interest, and the nature and value of such interest, and the name
440 and address of each person who has agreed to lend money to the applicant;

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

444 (4) The location and description of the racetrack, place, or enclosure where such person
445 proposes to hold such meetings or wagering, including the name of any county or
446 municipality in which any property of such race track or satellite facility is or will be

447 located. The commission shall require such information about the enclosure and location
448 of such track as it deems necessary and appropriate to determine whether it complies with
449 the minimum standards provided in this chapter and whether the conduct of a race
450 meeting or pari-mutuel wagering at such location would be in the best interests of the
451 people of the State of Georgia;

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

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

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

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

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

464 50-38-16.

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

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

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

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

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

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

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

490 (6) Has constructed or caused to be constructed a racetrack or satellite facility for which
 491 a license was required under Code Section 50-38-15 without obtaining such license or has
 492 deviated substantially, without the permission of the commission, from the plans and
 493 specifications submitted to the commission; or

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

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

497 (1) The applicant is adequately capitalized;

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

501 (3) All principal stockholders or members have submitted to the jurisdiction of the courts
 502 of the State of Georgia, and all nonresident principal stockholders or members have
 503 designated the executive secretary of the commission as their agent for receipt of process;
 504 and

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

507 50-38-17.

508 (a) Notwithstanding the provisions of Code Section 50-38-30, the commission may grant
 509 a license, for a duration to be determined by the commission, to the owner or operator of
 510 a steeplechase facility for the purpose of conducting pari-mutuel wagering on steeplechase
 511 race meetings at that facility for a period not to exceed 14 days in any calendar year,
 512 provided that, prior to making application for such license, the steeplechase facility has
 513 been sanctioned by the National Steeplechase Association and the owner or operator of
 514 such facility has been granted tax-exempt status under Section 501(c)(3) or (4) of the
 515 federal Internal Revenue Code. For purposes of this Code section, 'steeplechase facility'

516 means a turf racecourse constructed over natural ground which is utilized primarily for
 517 racetracks where horses jump over fences or other obstacles.

518 (b) In deciding whether to grant any license pursuant to this Code section, the commission
 519 shall consider the results of, circumstances surrounding, and issues involved in any
 520 referendum conducted under the provisions of Code Section 50-38-30 and whether the
 521 commission had previously granted a license to such facility, owner, or operator.

522 (c) In no event shall the commission issue more than 12 licenses in a calendar year
 523 pursuant to this Code section.

524 50-38-18.

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

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

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

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

535 50-38-19.

536 (a) A license issued under Code Section 50-38-16 shall be for the period set by the
 537 commission, not to be less than 20 years, but shall be reviewed annually. The commission
 538 shall designate on the license the duration of such license, the location of such track or
 539 satellite facility or proposed track or satellite facility, and such other information as it
 540 deems proper. The commission shall establish criteria and procedures for license renewal.

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

544 50-38-20.

545 (a) Any person desiring to hold a race meeting or operate a satellite facility shall file with
 546 the commission an application for a racetrack operator's license or a satellite facility
 547 operator's license, as appropriate. Such application may be made in conjunction with an
 548 application for a racetrack owner's license or a satellite facility owner's license, if
 549 appropriate. It shall be filed at the time and place prescribed by the commission and

550 contain such information as prescribed by the commission, including all information
551 prescribed for an owner's license under Code Section 50-38-15 and, in addition, the date
552 the applicant wishes to conduct a race meeting.

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

556 50-38-21.

557 The commission shall promptly consider any application for a racetrack operator's license
558 or a satellite facility operator's license and grant a valid racetrack operator's license or a
559 satellite facility operator's license to applicants who meet the criteria set forth in this
560 chapter and established by the commission. The commission shall deny a license to any
561 applicant unless it finds that:

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

564 (2) If the corporation is a stock corporation, all principal stockholders have submitted to
565 the jurisdiction of the courts of this state and all nonresident principal stockholders have
566 designated the executive secretary of the commission as their agent for process and,
567 further, that an application shall also contain information as required by Code
568 Section 50-38-15;

569 (3) The applicant's articles of incorporation provide that the corporation may, on vote of
570 a majority of the stockholders or members, purchase at fair market value the entire
571 membership interest of any stockholder or require the resignation of any member, who
572 is or becomes unqualified for such position under Code Section 50-38-18;

573 (4) The applicant would be qualified for a license to own such horse racetrack or satellite
574 facility under the provisions of Code Sections 50-38-17 and 50-38-18;

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

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

584 50-38-22.

585 (a) A license issued under Code Section 50-38-21 shall be for a period of 20 years from
586 the date of issuance but shall be reviewed annually. The commission may, as it deems
587 appropriate, change at the beginning of any year the dates on which the licensee is
588 authorized to conduct a race meeting or pari-mutuel wagering. An applicant for renewal
589 of a license may omit any information which in the opinion of the commission is already
590 available to it. The commission shall establish criteria and procedures for license renewal.

591 (b) Any license issued under Code Section 50-38-21 shall designate on its face the type
592 or types of horse racing or pari-mutuel wagering for which it is issued, the location of the
593 track or satellite facility where such meeting or wagering is to be conducted, the period
594 during which such license is in effect, and such other information as the commission deems
595 proper.

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

599 50-38-23.

600 The denial of an owner's or operator's license by the commission shall be final unless
601 appealed under Code Section 50-38-11.

602 50-38-24.

603 (a) After a hearing upon at least 15 days' notice, the commission may suspend or revoke
604 any license or fine the holder thereof a sum not to exceed \$100,000.00 in any case in which
605 the commission has reason to believe that any provision of this chapter, or any rule or
606 regulation or condition of the commission, has not been complied with or has been
607 violated. The commission may revoke a license if it finds that facts not known by it at the
608 time it considered the application indicate that such license should not have been issued.

609 (b) The commission shall revoke any license issued under Code Section 50-38-21 for the
610 operation of a satellite facility if the licensee, within one year of issuance of the satellite
611 facility license, fails to conduct live racing at a racetrack licensed pursuant to Code Section
612 50-38-21 or fails to conduct, without the permission of the commission, the live racing
613 days assigned to the licensee by the commission.

614 (c) The commission, at a meeting at which a quorum of the members is present, may
615 summarily suspend any license for a period of not more than 90 days pending a hearing and
616 final determination by the commission if the commission determines that emergency action
617 is required to protect the public health, safety, and welfare including, but not limited to,
618 revenues due the state, its political subdivisions, and the horsemen's purse account. The

619 commission shall schedule a hearing within 14 business days after the license is summarily
620 suspended and notify the licensee not less than five business days before the hearing of the
621 date, time, and place of the hearing.

622 (d) Deliberations of the commission shall be conducted pursuant to the provisions of
623 Chapter 14 of this title. If any such license is suspended or revoked, the commission shall
624 state its reasons for doing so, which shall be entered of record. Such action shall be final
625 unless appealed in accordance with Code Section 50-38-11. Suspension or revocation of
626 a license by the commission for any violation shall not preclude criminal liability for such
627 violation.

628 50-38-25.

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

639 (b) If an applicant proposes to acquire actual control of a licensee, such person shall,
640 pursuant to subsection (a) of this Code section, submit to the commission its proposal for
641 the future operation of any existing or planned racetrack or satellite facility owned or
642 operated by the licensee; such additional information as it desires; and such information
643 as may be required by the commission to assure the commission that the licensee, under
644 the actual control of such person, will have the experience, expertise, financial
645 responsibility, and commitment to comply with the provisions of this chapter, commission
646 rules and regulations and orders, the requirements for the continued operation of the
647 licensee pursuant to the terms and conditions in effect on the date of the application of all
648 licenses held by the licensee, any existing contract with a recognized majority horseman's
649 group, and any proposal submitted to the commission by such person. The provisions of
650 this subsection shall apply regardless of whether the control acquired is direct or indirect
651 or whether its acquisition is accomplished individually or in concert with others.

652 (c) Any such acquisition of control without prior approval of the commission shall be
653 voidable by the commission and, in such instance, the commission may revoke any license

654 it has issued to such licensee, order compliance with this Code section, or take such other
655 action as may be appropriate within the authority of the commission.

656 50-38-26.

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

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

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

671 50-38-27.

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

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

677 50-38-28.

678 (a) The commission shall promptly consider any application for a permit and issue or deny
679 such permit based on the information in the application and all other information before it,
680 including any investigation it deems appropriate. If an application for a permit is approved,
681 the commission shall issue a permit, which shall contain such information as the
682 commission deems appropriate. Such permit shall be valid for one year; however, the
683 permit of a licensee's employee shall expire automatically when such permit holder leaves
684 the employment of the licensee or at the end of one year, whichever occurs first. The
685 licensee shall promptly notify the commission when a permit holder leaves the employment
686 of the licensee. The commission shall establish criteria and procedures for permit renewal.

687 (b) The commission shall deny the application and refuse to issue the permit, which denial
688 shall be final unless an appeal is taken under Code Section 50-38-11, if it finds that the
689 issuance of such permit to such applicant would not be in the interests of the people of the
690 State of Georgia or the horse racing industry of the State of Georgia or would reflect on the
691 honesty and integrity of the horse racing industry in the State of Georgia or that the
692 applicant:

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

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

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

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

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

703 (c) The commission shall deny the application and refuse to issue the permit if, within the
704 five years immediately preceding the date of the application for the permit sought, the
705 applicant has been convicted of a crime involving the unlawful conduct of wagering,
706 fraudulent use of a credential, unlawful transmission of information, touting, bribery, or
707 administration or possession of drugs or any felony considered by the commission to be
708 detrimental to horse racing in the State of Georgia; the denial shall be final unless an appeal
709 is taken under Code Section 50-38-11. Additionally, the commission may deny the
710 application and refuse to issue any permit if the applicant has been convicted of any such
711 crime committed prior to the five years immediately preceding the date of the application.

712 (d) The commission may refuse to issue the permit if for any reason it feels the granting
713 of such permit is not consistent with the provisions of this chapter or its responsibilities
714 thereunder.

715 50-38-29.

716 (a) The commission, acting by and through its stewards or at a meeting at which a quorum
717 is present, may suspend or revoke a permit issued under this chapter or fine the holder of
718 such permit a sum not to exceed \$10,000.00 or suspend a permit issued by this chapter and
719 fine the holder of such permit a sum not to exceed \$10,000.00 after a hearing for which
720 proper notice has been given to the permittee in any case where it determines by a
721 preponderance of the evidence that any provision of this chapter or any rule, regulation,
722 order, or condition of the commission has not been complied with or has been violated.

723 The commission may revoke such permit, after such hearing, if it finds that facts not known
 724 by it at the time it was considering the application indicate that such permit should not have
 725 been issued. Deliberations of the commission under this Code section shall be conducted
 726 pursuant to the provisions of Chapter 14 of this title. If any permit is suspended or
 727 revoked, the commission shall state its reasons for doing so, which shall be entered of
 728 record. Such action shall be final unless an appeal is taken in accordance with Code
 729 Section 50-38-11. Suspension or revocation of a permit by the commission for any
 730 violation shall not preclude criminal liability for such violation.

731 (b) The commission, acting by and through its stewards or at a meeting at which a quorum
 732 is present, may summarily suspend the permit of a person for a period of not more than 90
 733 days pending a hearing and final determination by the commission or its stewards if the
 734 commission or its stewards determine the protection of the integrity of horse racing
 735 requires emergency action. The commission or its stewards shall schedule a hearing within
 736 14 business days after the permit is summarily suspended and notify the permit holder, not
 737 less than five business days before the hearing, of the date, time, and place of the hearing.

738 50-38-30.

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

743 (1)(A) A petition, signed by 1 percent or 1,000, whichever is less, of the qualified
 744 electors of such county or municipality shall be filed with the election superintendent
 745 of such county or municipality asking that a referendum be held on either or both of the
 746 following questions:

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

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

753 (B) Such petition shall be in the form specified by the rules and regulations of the State
 754 Election Board. Each person signing a nomination petition shall declare therein that he
 755 or she is a duly qualified and registered elector of the county or municipality and shall
 756 add to his or her signature his or her residence address, giving municipality, if any, and
 757 county, with street and number, if any, and be urged to add the person's date of birth
 758 which shall be used for verification purposes. No person shall sign the same petition

759 more than once. The petition shall also contain at the top of each page a statement of
 760 the question or questions proposed to be submitted to the electors in accordance with
 761 this Code section. Each page shall bear on the bottom or back thereof the affidavit of
 762 the circulator of such page, which affidavit must be subscribed and sworn to by such
 763 circulator before a notary public and shall set forth:

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

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

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

771 No notary public may sign the petition as an elector or serve as a circulator of any
 772 petition which he or she notarized. Any and all pages of a petition that have the
 773 circulator's affidavit notarized by a notary public who also served as a circulator of one
 774 or more pages of the petition or who signed one of the pages of the petition as an
 775 elector shall be disqualified and rejected.

776 (2) Following the filing of such petition, the election superintendent shall verify such
 777 petition within 90 days following its submission for verification. If such petition is found
 778 to contain a sufficient number of valid signatures of the qualified electors of the
 779 jurisdiction, the election superintendent shall call and conduct a special election in
 780 accordance with Chapter 2 of Title 21 to submit the referendum question or questions to
 781 the electors of the jurisdiction. Such election shall be on the next available day under
 782 Code Section 21-2-540 that is at least 60 days after the date on which the petition is
 783 verified but shall not be later than the next general election unless such general election
 784 is within 60 days of the date of the date on which the petition is verified.

785 (3) The election superintendent of such county or municipality shall publish notice of
 786 such election in the legal organ of the county or municipality once a week for three
 787 consecutive weeks immediately prior to such election notifying the electors of the
 788 jurisdiction of the date and purpose of such special election.

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

826 wagering, the licensee shall retain an amount not to exceed 18 percent of such pool and the
827 legitimate breakage, out of which 7 percent of the retainage shall be distributed as follows:
828 5 percent of the retainage to the State of Georgia as a license tax, 1 percent of the retainage
829 to the county or municipality in which the satellite facility is located, and 1 percent of the
830 retainage to the county or municipality in which the racetrack is located. The remainder
831 of the retainage shall be paid as provided in subsection (d) of this Code section.

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

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

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

841 (3) Five percent of the retainage to the Georgia Breeders Fund;

842 (4) One-half of 1 percent of the retainage to the College of Veterinary Medicine of the
843 University of Georgia to be used solely for the promotion and growth of the equine
844 industry in the State of Georgia;

845 (5) One-half of 1 percent of the retainage to the University of Georgia College of
846 Agricultural and Environmental Sciences to be used solely for the promotion and growth
847 of the equine industry in the State of Georgia; and

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

850 (e) On pari-mutuel pools generated by wagering at the racetrack on live horse racing
851 conducted within the State of Georgia involving wagering other than win, place, and show
852 wagering, the licensee shall retain an amount not to exceed 22 percent of such pool and the
853 legitimate breakage, out of which 12 percent of the retainage shall be distributed as
854 follows: 10 percent of the retainage to the State of Georgia as a license tax and 2 percent
855 of the retainage to the county or municipality in which the racetrack is located. The
856 remainder of the retainage shall be paid as provided in subsection (g) of this Code section.

857 (f) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live
858 horse racing conducted within the State of Georgia involving wagering other than win,
859 place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of
860 such pool and the legitimate breakage, out of which 12 percent of the retainage shall be
861 distributed as follows: 10 percent of the retainage to the State of Georgia as a license tax,
862 1 percent of the retainage to the county or municipality in which the satellite facility is

863 located, and 1 percent of the retainage to the county or municipality in which the racetrack
864 is located. The remainder of the retainage shall be paid as provided in subsection (g) of
865 this Code section.

866 (g) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
867 facility on live horse racing conducted within the State of Georgia involving wagering
868 other than win, place, and show wagering, the licensee shall retain an amount not to exceed
869 22 percent of such pool and the legitimate breakage, out of which shall be paid:

870 (1) Forty-one percent of the retainage as purses or prizes to the participants in such race
871 meeting;

872 (2) Forty-one percent of the retainage and all of the breakage and the proceeds of the
873 pari-mutuel tickets unredeemed 180 days from the date on which the race was conducted
874 to the operator;

875 (3) Five percent of the retainage to the Lottery for Education Account established
876 pursuant to Code Section 50-27-13, but such funds shall be separately accounted for;

877 (4) One-half of 1 percent of the retainage to the University of Georgia College of
878 Veterinary Medicine to be used solely for the promotion and growth of the equine
879 industry in the State of Georgia;

880 (5) One-half of 1 percent of the retainage to the University of Georgia College of
881 Agricultural and Environmental Sciences to be used solely for the promotion and growth
882 of the equine industry in the State of Georgia; and

883 (6) The remainder of the retainage shall be paid as appropriate under subsection (e) or
884 (f) of this Code section.

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

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

894 (1) Sixty percent of such retainage to the State of Georgia as a license tax; and

895 (2) Forty percent of such retainage to the county or municipality in the State of Georgia
896 in which the racetrack is located.

897 (j) On pari-mutuel pools generated by wagering at each Georgia satellite facility on
898 simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving

899 win, place, and show wagering, the licensee shall retain 1 1/4 percent of such pool to be
 900 distributed as follows:

- 901 (1) Sixty percent of such retainage to the State of Georgia as a license tax;
 902 (2) Twenty percent of such retainage to the county or municipality in which the satellite
 903 facility is located; and
 904 (3) Twenty percent of such retainage to the Georgia county or municipality in which the
 905 racetrack is located.

906 (k) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
 907 facility on simulcast horse racing transmitted from jurisdictions outside the State of
 908 Georgia involving win, place, and show wagering, the licensee shall retain 1 1/4 percent
 909 of such pool to be distributed as follows:

- 910 (1) Eighty percent of such retainage to the Georgia Breeders Fund; and
 911 (2) Twenty percent of such retainage to the University of Georgia College of Veterinary
 912 Medicine to be used solely for the promotion and growth of the equine industry in the
 913 State of Georgia.

914 (l) On pari-mutuel pools generated by wagering at the racetrack on simulcast horse racing
 915 transmitted from jurisdictions outside the State of Georgia involving wagering other than
 916 win, place, and show wagering, the licensee shall retain 2 3/4 percent of such pool to be
 917 distributed as follows:

- 918 (1) Sixty percent of such retainage to the State of Georgia as a license tax; and
 919 (2) Forty percent of such retainage to the Georgia county or municipality in which the
 920 racetrack is located.

921 (m) On pari-mutuel pools generated by wagering at each Georgia satellite facility on
 922 simulcast horse racing transmitted from jurisdictions outside the State of Georgia involving
 923 wagering other than win, place, and show wagering, the licensee shall retain 2 3/4 percent
 924 of such pool to be distributed as follows:

- 925 (1) Sixty percent of such retainage to the State of Georgia as a license tax;
 926 (2) Twenty percent of such retainage to the county or municipality in which the satellite
 927 facility is located; and
 928 (3) Twenty percent of such retainage to the Georgia county or municipality in which the
 929 racetrack is located.

930 (n) On pari-mutuel pools generated by wagering at the racetrack and each Georgia satellite
 931 facility on simulcast horse racing transmitted from jurisdictions outside the State of
 932 Georgia involving wagering other than win, place, and show wagering, the licensee shall
 933 retain 1 1/4 percent of such pool to be distributed as follows:

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

936 (2) Ten percent of such retainage to the University of Georgia College of Veterinary
 937 Medicine to be used solely for the promotion and growth of the equine industry in the
 938 State of Georgia;

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

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

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

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

956 (q) If a satellite facility is located in more than one county or municipality, any amount a
 957 licensee is required to pay under this Code section to the county or municipality in which
 958 the satellite facility is located shall be prorated in equal shares among those counties and
 959 municipalities.

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

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

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

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

971 (2) Thirty percent to be deposited in a Racing Benevolence Fund, administered jointly
 972 by the licensee and the horsemen's organization representing a majority of the horsemen

1005 ARTICLE II. Definitions.

1006 Section 2. Definitions.

1007 "Compact committee" means the organization of officials from the party states that is
 1008 authorized and empowered by this compact to carry out the purposes of this compact.

1009 "Official" means the appointed, elected, designated or otherwise duly selected
 1010 representative of a racing commission or the equivalent thereof in a party state who
 1011 represents that party state as a member of the compact committee.

1012 "Participants in live racing" means participants in live racing with pari-mutuel wagering
 1013 in the party states.

1014 "Party state" means each state that has enacted this compact.

1015 "State" means each of the several states of the United States, the District of Columbia, the
 1016 Commonwealth of Puerto Rico and each territory or possession of the United States.

1017 ARTICLE III. Entry into Force, Eligible Parties, and Withdrawal.

1018 Section 3. Entry into force.

1019 This compact shall come into force when enacted by any four states. Thereafter, this
 1020 compact shall become effective as to any other state upon both (i) that state's enactment of
 1021 this compact and (ii) the affirmative vote of a majority of the officials on the compact
 1022 committee as provided in Section 8.

1023 Section 4. States eligible to join compact.

1024 Any state that has adopted or authorized live racing with pari-mutuel wagering shall be
 1025 eligible to become party to this compact.

1026 Section 5. Withdrawal from compact and impact thereof on
 1027 force and effect of compact.

1028 Any party state may withdraw from this compact by enacting a statute repealing this
 1029 compact, but no such withdrawal shall become effective until the head of the executive
 1030 branch of the withdrawing state has given notice in writing of such withdrawal to the head

1031 of the executive branch of all other party states. If as a result of withdrawals participation
 1032 in this compact decreases to less than three party states, this compact no longer shall be in
 1033 force and effect unless and until there are at least three or more party states again
 1034 participating in this compact.

1035 ARTICLE IV. Compact Committee.

1036 Section 6. Compact committee established.

1037 There is hereby created an interstate governmental entity to be known as the "compact
 1038 committee," which shall be comprised of one official from the racing commission or its
 1039 equivalent in each party state who shall be appointed, serve, and be subject to removal in
 1040 accordance with the laws of the party state he or she represents. Pursuant to the laws of his
 1041 or her party state, each official shall have the assistance of his or her state's racing
 1042 commission or the equivalent thereof in considering issues related to licensing of
 1043 participants in live racing and in fulfilling his or her responsibilities as the representative
 1044 from his or her state to the compact committee. If an official is unable to perform any duty
 1045 in connection with the powers and duties of the compact committee, the racing commission
 1046 or equivalent thereof from his or her state shall designate an alternate who shall serve in
 1047 his or her place and represent the party state as its official on the compact committee until
 1048 that racing commission or equivalent thereof determines that the original representative
 1049 official is able once again to perform his or her duties as that party state's representative
 1050 official on the compact committee. The designation of an alternate shall be communicated
 1051 by the affected state's racing commission or equivalent thereof to the compact committee
 1052 as the committee's bylaws may provide.

1053 Section 7. Powers and duties of compact committee.

1054 In order to carry out the purposes of this compact, the compact committee is hereby granted
 1055 the power and duty to:

1056 1. Determine which categories of participants in live horse racing, including but not
 1057 limited to owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians,
 1058 and farriers, and which categories of equivalent participants in dog racing and other forms
 1059 of live racing with pari-mutuel wagering authorized in two or more of the party states,
 1060 should be licensed by the committee, and establish the requirements for the initial
 1061 licensure of applicants in each such category, the term of the license for each category,
 1062 and the requirements for renewal of licenses in each category. Provided, however, that
 1063 with regard to requests for criminal history record information on each applicant for a

1064 license, and with regard to the effect of a criminal record on the issuance or renewal of
1065 a license, the compact committee shall determine for each category of participants in live
1066 racing which licensure requirements for that category are, in its judgment, the most
1067 restrictive licensure requirements of any party state for that category and shall adopt
1068 licensure requirements for that category that are, in its judgment, comparable to those
1069 most restrictive requirements.

1070 2. Investigate applicants for a license from the compact committee and, as permitted by
1071 federal and state law, gather information on such applicants, including criminal history
1072 record information from the Federal Bureau of Investigation and relevant state and local
1073 law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted
1074 Police and law enforcement agencies of other countries, necessary to determine whether
1075 a license should be issued under the licensure requirements established by the committee
1076 as provided in paragraph 1 above. Only officials on, and employees of, the compact
1077 committee may receive and review such criminal history record information, and those
1078 officials and employees may use that information only for the purposes of this compact.
1079 No such official or employee may disclose or disseminate such information to any person
1080 or entity other than another official on or employee of the compact committee. The
1081 fingerprints of each applicant for a license from the compact committee shall be taken by
1082 the compact committee, its employees, or its designee and, pursuant to Public
1083 Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau,
1084 or to an association of state officials regulating pari-mutuel wagering designated by the
1085 Attorney General of the United States, for submission to the Federal Bureau of
1086 Investigation for a criminal history record check. Such fingerprints may be submitted on
1087 a fingerprint card or by electronic or other means authorized by the Federal Bureau of
1088 Investigation or other receiving law enforcement agency.

1089 3. Issue licenses to, and renew the licenses of, participants in live racing listed in
1090 paragraph 1 of this section who are found by the committee to have met the licensure and
1091 renewal requirements established by the committee. The compact committee shall not
1092 have the power or authority to deny a license. If it determines that an applicant will not
1093 be eligible for the issuance or renewal of a compact committee license, the compact
1094 committee shall notify the applicant that it will not be able to process his or her
1095 application further. Such notification does not constitute and shall not be considered to
1096 be the denial of a license. Any such applicant shall have the right to present additional
1097 evidence to, and to be heard by, the compact committee, but the final decision on
1098 issuance or renewal of the license shall be made by the compact committee using the
1099 requirements established pursuant to paragraph 1 this section.

- 1100 4. Enter into contracts or agreements with governmental agencies and with
 1101 nongovernmental persons to provide personal services for its activities and such other
 1102 services as may be necessary to effectuate the purposes of this compact.
- 1103 5. Create, appoint, and abolish those offices, employments, and positions, including an
 1104 executive director, as it deems necessary for the purposes of this compact, prescribe their
 1105 powers, duties, and qualifications, hire persons to fill those offices, employments and
 1106 positions, and provide for the removal, term, tenure, compensation, fringe benefits,
 1107 retirement benefits, and other conditions of employment of its officers, employees, and
 1108 other positions.
- 1109 6. Borrow, accept, or contract for the services of personnel from any state, the United
 1110 States, or any other governmental agency, or from any person, firm, association,
 1111 corporation, or other entity.
- 1112 7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease,
 1113 license, or in other similar manner, in furtherance of the purposes of this compact.
- 1114 8. Charge a fee to each applicant for an initial license or renewal of a license.
- 1115 9. Receive other funds through gifts, grants and appropriations.

1116 Section 8. Voting requirements.

- 1117 A. Each official shall be entitled to one vote on the compact committee.
- 1118 B. All action taken by the compact committee with regard to the addition of party states
 1119 as provided in Section 3, the licensure of participants in live racing, and the receipt and
 1120 disbursement of funds shall require a majority vote of the total number of officials (or their
 1121 alternates) on the committee. All other action by the compact committee shall require a
 1122 majority vote of those officials (or their alternates) present and voting.
- 1123 C. No action of the compact committee may be taken unless a quorum is present. A
 1124 majority of the officials (or their alternates) on the compact committee shall constitute a
 1125 quorum.

1126 Section 9. Administration and management.

- 1127 A. The compact committee shall elect annually from among its members a chairman, a
 1128 vice-chairman, and a secretary/treasurer.
- 1129 B. The compact committee shall adopt bylaws for the conduct of its business by a
 1130 two-thirds vote of the total number of officials (or their alternates) on the committee at that
 1131 time and shall have the power by the same vote to amend and rescind these bylaws. The
 1132 committee shall publish its bylaws in convenient form and shall file a copy thereof and a

1133 copy of any amendments thereto with the secretary of state or equivalent agency of each
 1134 of the party states.

1135 C. The compact committee may delegate the day-to-day management and administration
 1136 of its duties and responsibilities to an executive director and his or her support staff.

1137 D. Employees of the compact committee shall be considered governmental employees.

1138 Section 10. Immunity from liability for performance
 1139 of official responsibilities and duties.

1140 No official of a party state or employee of the compact committee shall be held personally
 1141 liable for any good faith act or omission that occurs during the performance and within the
 1142 scope of his or her responsibilities and duties under this compact.

1143 ARTICLE V. Rights and Responsibilities of Each Party State.

1144 Section 11. Rights and responsibilities of each party state.

1145 A. By enacting this compact, each party state:

1146 1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of
 1147 compact committee licenses to participants in live racing pursuant to the committee's
 1148 licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official
 1149 representative on the compact committee or his or her alternate.

1150 2. Agrees not to treat a notification to an applicant by the compact committee under
 1151 paragraph 3 of Section 7 that the compact committee will not be able to process his or her
 1152 application further as the denial of a license, or to penalize such an applicant in any other
 1153 way based solely on such a decision by the compact committee.

1154 3. Reserves the right (i) to charge a fee for the use of a compact committee license in that
 1155 state, (ii) to apply its own standards in determining whether, on the facts of a particular
 1156 case, a compact committee license should be suspended or revoked, (iii) to apply its own
 1157 standards in determining licensure eligibility, under the laws of that party state, for
 1158 categories of participants in live racing that the compact committee determines not to
 1159 license and for individual participants in live racing who do not meet the licensure
 1160 requirements of the compact committee, and (iv) to establish its own licensure standards
 1161 for the licensure of nonracing employees at pari-mutuel racetracks and employees at
 1162 separate satellite wagering facilities. Any party state that suspends or revokes a compact
 1163 committee license shall, through its racing commission or the equivalent thereof or
 1164 otherwise, promptly notify the compact committee of that suspension or revocation.

1165 B. No party state shall be held liable for the debts or other financial obligations incurred
 1166 by the compact committee.

1167 ARTICLE VI. Construction and Severability.

1168 Section 12. Construction and severability.

1169 This compact shall be liberally construed so as to effectuate its purposes. The provisions
 1170 of this compact shall be severable, and, if any phrase, clause, sentence, or provision of this
 1171 compact is declared to be contrary to the Constitution of the United States or of any party
 1172 state, or the applicability of this compact to any government, agency, person, or
 1173 circumstance is held invalid, the validity of the remainder of this compact and the
 1174 applicability thereof to any government, agency, person or circumstance shall not be
 1175 affected thereby. If all or some portion of this compact is held to be contrary to the
 1176 constitution of any party state, the compact shall remain in full force and effect as to the
 1177 remaining party states and in full force and effect as to the state affected as to all severable
 1178 matters.'

1179 50-38-51.

1180 The Governor shall appoint one official to represent the State of Georgia on the Compact
 1181 Committee for a term of four years. No official shall serve more than three consecutive
 1182 terms. A vacancy shall be filled by the Governor for the unexpired term.

1183 50-38-52.

1184 All departments, agencies, and officers of the State of Georgia and its political subdivisions
 1185 are authorized to cooperate with the Compact Committee in furtherance of any of its
 1186 activities pursuant to the compact.

1187 50-38-53.

1188 Nothing in this article shall be construed to diminish or limit the powers and
 1189 responsibilities of the commission established by Article 1 of this chapter or to invalidate
 1190 any action of the commission previously taken, including, without limitation, any rule or
 1191 regulation promulgated thereby.

ARTICLE 3

1192

1193 50-38-70.

1194 Any person not licensed in accordance with this chapter to conduct pari-mutuel wagering
1195 or horse racing on which pari-mutuel wagering is conducted who conducts pari-mutuel
1196 wagering or horse racing on which wagering is conducted with his or her knowledge or
1197 consent shall be guilty of a felony and, upon conviction thereof, shall be punished by
1198 imprisonment for not less than one nor more than ten years or a fine not to exceed
1199 \$100,000.00, or both.

1200 50-38-71.

1201 (a) Any person other than the lawful holder thereof who has in his or her possession any
1202 credential, license, or permit issued by the commission or a forged or simulated credential,
1203 license, or permit of the commission and who uses such credential, license, or permit for
1204 the purpose of misrepresentation, fraud, or touting shall be guilty of a felony and, upon
1205 conviction thereof, shall be punished by imprisonment for not less than one nor more than
1206 ten years or a fine not to exceed \$100,000.00, or both.

1207 (b) Any credential, license, or permit issued by the commission if used by the holder
1208 thereof for a purpose other than identification and in the performance of legitimate duties
1209 on a racetrack or within a satellite facility shall be automatically revoked whether so used
1210 on or off a racetrack or satellite facility.

1211 50-38-72.

1212 (a) Any person who knowingly transmits information as to the progress or results of a
1213 horse race or information as to wagers, betting odds, post or off times, or jockey changes
1214 in any race by any means whatsoever for the purposes of carrying on illegal betting as
1215 defined in Code Section 16-12-20 or to a person engaged in illegal betting shall be guilty
1216 of a felony and, upon conviction thereof, shall be punished by imprisonment for not less
1217 than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1218 (b) This Code section shall not be construed to prohibit a newspaper from printing such
1219 results or information as news or any television or radio station from telecasting or
1220 broadcasting such results or information as news. This Code section shall not be so
1221 construed as to place in jeopardy any common carrier or its agents performing operations
1222 within the scope of a public franchise or any gambling operation authorized by law.

1223 50-38-73.

1224 Any person who knowingly and intentionally by false representation attempts to or does
 1225 persuade, procure, or cause another person to wager on a horse in a race to be run in this
 1226 state or elsewhere and upon which money is wagered in this state and who asks or demands
 1227 compensation as a reward for information or purported information given in such case shall
 1228 be guilty of touting and, upon conviction, shall be punished as for a misdemeanor.

1229 50-38-74.

1230 Any person who gives, promises, or offers to any jockey, driver, groom, or any person
 1231 participating in any race meeting, including owners of racetracks and their employees,
 1232 stewards, trainers, judges, starters, and special peace officers, any valuable thing with intent
 1233 to influence him or her to attempt to lose or cause to be lost a horse race in which such
 1234 person is taking part or expects to take part or has any duty or connection or who, being
 1235 either jockey, driver, or groom or participant in a race meeting, solicits or accepts any
 1236 valuable thing to influence him or her to lose or cause to be lost a horse race in which he
 1237 or she is taking part or expects to take part or has any duty or connection shall be guilty of
 1238 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than
 1239 one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1240 50-38-75.

1241 (a) Any person who with the intent to defraud acts to alter the outcome of a race by:

1242 (1) The administration of any substance foreign to the natural horse, except those
 1243 substances specifically permitted by the rules and regulations of the commission; or

1244 (2) The use of any device, electrical or otherwise, except those specifically permitted by
 1245 the regulations of the commission

1246 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
 1247 for not less than one nor more than three years or a fine not to exceed \$25,000.00, or both.

1248 (b) Any person who with the intent to defraud influences or conspires with another to alter
 1249 the outcome of a race by:

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

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

1254 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
 1255 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1256 (c) Any person who:

1257 (1) Administers any substance foreign to the natural horse, except those substances
 1258 specifically permitted by the rules and regulations of the commission, when the horse is
 1259 entered to start; or

1260 (2) At any time exposes any substance foreign to the natural horse with the intent of
 1261 impeding or increasing the speed, endurance, health, or condition of a horse
 1262 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment
 1263 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1264 50-38-76.

1265 The possession or transportation of any drug except those permitted by regulations of the
 1266 commission within the racing enclosure is prohibited except upon a bona fide veterinarian's
 1267 prescription with complete statement of uses and purposes on the container. A copy of
 1268 such prescription shall be filed with the stewards. Any person knowingly violating the
 1269 provisions of this Code section relating to the legal possession of drugs shall be guilty of
 1270 a misdemeanor. The provisions of Chapter 13 of Title 16 shall apply in situations where
 1271 drugs regulated by that chapter are within the racing enclosure.

1272 50-38-77.

1273 Any person who knowingly enters or races any horse in any running or harness race under
 1274 any name or designation other than the name or designation assigned to such horse by and
 1275 registered with the Jockey Club, the United States Trotting Association, the American
 1276 Quarter Horse Association, or other applicable association or who knowingly instigates,
 1277 engages in, or in any way furthers any act by which any horse is entered or raced in any
 1278 running or trotting race under any name or designation other than the name or designation
 1279 duly assigned by and registered with the Jockey Club, the United States Trotting
 1280 Association, the American Quarter Horse Association, or other applicable association shall
 1281 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for
 1282 not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1283 50-38-78.

1284 No person shall wager on or conduct any wagering on the outcome of a horse race pursuant
 1285 to the provisions of this chapter unless such person is 18 years of age or older. No person
 1286 shall accept any wager from a minor. No person shall be admitted into a satellite facility
 1287 if such person is under 18 years of age unless accompanied by one of his or her parents or
 1288 his or her legal guardian. Any person violating the provisions of this Code section shall
 1289 be guilty of a misdemeanor.

1290 50-38-79.

1291 (a) Any person who conspires, confederates, or combines with another, either inside or
1292 outside this state, to commit a felony prohibited by this chapter shall be guilty of a felony
1293 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor
1294 more than ten years or a fine not to exceed \$100,000.00, or both.

1295 (b) Any person who attempts to commit any act prohibited by this article shall be guilty
1296 of a criminal offense and shall be punished as provided in Code Section 16-4-6."

1297 **SECTION 2.**

1298 This Act shall become effective on January 1, 2013, provided that an amendment to the
1299 Constitution of the State of Georgia authorizing pari-mutuel wagering or betting on horse
1300 racing is passed by the General Assembly and ratified by the electors of this state in the 2012
1301 general election. If no such amendment is proposed by the General Assembly or if such
1302 amendment is rejected by the electors or the election to ratify the proposed amendment is not
1303 held at the time of the 2012 general election, this Act shall be repealed on January 1, 2013.

1304 **SECTION 3.**

1305 All laws and parts of laws in conflict with this Act are repealed.