

House Bill 4

By: Representatives Geisinger of the 48<sup>th</sup>, Lindsey of the 54<sup>th</sup>, Stephens of the 164<sup>th</sup>, McCall of the 33<sup>rd</sup>, Riley of the 50<sup>th</sup>, and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Title 50 of the Official Code of Georgia Annotated, relating to state government,  
2 so as to provide for pari-mutuel wagering or betting on horse racing in this state; to provide  
3 for the comprehensive regulation of such activities; to provide for legislative intent; to  
4 provide for definitions; to provide for the establishment of the Georgia Racing Commission;  
5 to provide for the membership, terms of office, filling of vacancies, qualifications, duties, and  
6 responsibilities of the members of such commission; to provide for the legal representation  
7 of such commission; to provide for commission staff and employees; to provide for funding;  
8 to provide for certain background investigations; to establish and provide for the Georgia  
9 Breeders Funds; to provide for certain appeals and injunctions; to provide for certain licenses  
10 and permits; to provide for local referendums on the establishment of pari-mutuel wagering  
11 or betting facilities within a county or municipality; to provide for certain taxes, retainage,  
12 and distributions of portions of the pari-mutuel pools; to provide for audits; to enter into the  
13 Live 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 of  
 45 1978, 15 U.S.C. Section 3001, et seq., and in which an individual may establish an  
 46 account with an entity, licensed by the commission, to place pari-mutuel wagers in person  
 47 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 Funds' means the fund or funds established to foster the industry  
71 of breeding 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) 'Horseman' means any person who owns a 10 percent or greater interest in a race  
77 horse and is actively engaged in horse racing.

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

81 (12) 'Licensee' includes any person holding an owner's, operator's, or limited license  
82 under Code Sections 50-38-13 through 50-38-25. The licensee under a limited license  
83 shall not be deemed an owner for the purposes of owning or operating a satellite facility.

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

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

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

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

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

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

102 (16) 'Permit holder' includes any person holding a permit to participate in any horse  
103 racing subject to the jurisdiction of the commission or in the conduct of a race meeting  
104 or pari-mutuel wagering thereon as provided in Code Section 50-38-26.

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

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

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

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

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

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

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

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

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

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

142 50-38-3.

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

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

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

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

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

174 50-38-4.

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

176 50-38-5.

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

190 50-38-6.

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

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

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

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

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

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

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

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

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

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

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

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

274 (10) The commission may order such audits, in addition to those required by Code  
275 Section 50-38-32, as it deems necessary and desirable;

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

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

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

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

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

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

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

303 (15) Notwithstanding the provisions of Code Section 50-38-30, the commission may  
304 grant provisional limited licenses or provisional unlimited licenses to own or operate

305 racetracks or satellite facilities to an applicant prior to the applicant securing the approval  
306 through the local referendum required by Code Section 50-38-30. The provisional  
307 licenses issued by the commission shall only become effective upon the approval of the  
308 racetrack or satellite wagering facilities in a referendum conducted pursuant to Code  
309 Section 50-38-30 in the jurisdiction in which the racetrack or satellite wagering facility  
310 is to be located.

311 50-38-7.

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

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

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

334 50-38-8.

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

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

342 50-38-9.

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

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

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

350 (3) All security personnel of any licensee;

351 (4) Members and employees of the commission;

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

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

357 (b) Notwithstanding the provisions of subsection (a) of this Code section, the commission  
358 may, by rule or regulation, establish a procedure to recognize a license or permit issued by  
359 another state in which horse racing is authorized when the commission in its discretion  
360 determines that the laws or requirements of the licensing authority for such state governing  
361 fingerprinting and background investigations are substantially the same as required under  
362 this chapter and commission rules and regulations and that the applicant has not been  
363 convicted of a misdemeanor or felony as provided in subsection (c) of Code Section  
364 50-38-28 and may waive the requirements for fingerprints and background investigations  
365 for permit holders participating in horse racing in nonsecure areas or nonracing activities.

366 50-38-10.

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

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

384 50-38-11.

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

389 50-38-12.

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

394 50-38-13.

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

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

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

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

409 50-38-14.

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

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

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

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

427 50-38-15.

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

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

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

443 ownership or a security interest, the nature and value of such interest, and the name and  
 444 address of each person who has agreed to lend money to the applicant;

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

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

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

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

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

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

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

468 50-38-16.

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

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

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

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

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

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

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

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

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

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

501 (1) The applicant is adequately capitalized;

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

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

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

511 50-38-17.

512 (a) Notwithstanding the provisions of Code Section 50-38-30, the commission may grant  
 513 a license, for a duration to be determined by the commission, to the owner or operator of

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

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

526 50-38-18.

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

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

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

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

537 50-38-19.

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

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

548 50-38-20.

549 (a) Any person desiring to hold a race meeting or operate a satellite facility shall file with  
550 the commission an application for a racetrack operator's license or a satellite facility  
551 operator's license, as appropriate. Such application may be made in conjunction with an  
552 application for a racetrack owner's license or a satellite facility owner's license, if  
553 appropriate. It shall be filed at the time and place prescribed by the commission and  
554 contain such information as prescribed by the commission, including all information  
555 prescribed for an owner's license under Code Section 50-38-15 and, in addition, the date  
556 the applicant wishes to conduct a race meeting.

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

560 50-38-21.

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

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

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

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

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

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

584 Thoroughbred Racing Protective Bureau or any other protective agency acceptable to the  
585 commission; and  
586 (6) The applicant has met the criteria established by the commission for the granting of  
587 a racetrack operator's license or a satellite facility operator's license, as appropriate.

588 50-38-22.

589 (a) A racetrack operator's license issued under Code Section 50-38-21 shall be for a period  
590 of 20 years from the date of issuance but shall be reviewed annually. A satellite facility  
591 operator's license issued under Code Section 50-38-21 shall be for a period of five years  
592 from the date of issuance but shall be reviewed annually. The commission may, as it  
593 deems appropriate, change at the beginning of any year the dates on which the licensee is  
594 authorized to conduct a race meeting or pari-mutuel wagering. An applicant for renewal  
595 of a license may omit any information which in the opinion of the commission is already  
596 available to it. The commission shall establish criteria and procedures for license renewal.  
597 (b) Any license issued under Code Section 50-38-21 shall designate on its face the type  
598 or types of horse racing or pari-mutuel wagering for which it is issued, the location of the  
599 track or satellite facility where such meeting or wagering is to be conducted, the period  
600 during which such license is in effect, and such other information as the commission deems  
601 proper.

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

605 50-38-23.

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

608 50-38-24.

609 (a) After a hearing upon at least 15 days' notice, the commission may suspend or revoke  
610 any license or fine the holder thereof a sum not to exceed \$100,000.00 in any case in which  
611 the commission has reason to believe that any provision of this chapter, or any rule or  
612 regulation or condition of the commission, has not been complied with or has been  
613 violated. The commission may revoke a license if it finds that facts not known by it at the  
614 time it considered the application indicate that such license should not have been issued.  
615 (b) The commission may revoke any license issued under Code Section 50-38-21 for the  
616 operation of a satellite facility if the licensee, within two years of issuance of the satellite  
617 facility license, fails to conduct live racing at a racetrack licensed pursuant to Code Section

618 50-38-21 or fails to conduct, without the permission of the commission, the live racing  
619 days assigned to the licensee by the commission.

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

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

634 50-38-25.

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

645 (b) If an applicant proposes to acquire actual control of a licensee, such person shall,  
646 pursuant to subsection (a) of this Code section, submit to the commission its proposal for  
647 the future operation of any existing or planned racetrack or satellite facility owned or  
648 operated by the licensee; such additional information as it desires; and such information  
649 as may be required by the commission to assure the commission that the licensee, under  
650 the actual control of such person, will have the experience, expertise, financial  
651 responsibility, and commitment to comply with the provisions of this chapter, commission  
652 rules and regulations and orders, the requirements for the continued operation of the  
653 licensee pursuant to the terms and conditions in effect on the date of the application of all

654 licenses held by the licensee, any existing contract with a recognized majority horseman's  
655 group, and any proposal submitted to the commission by such person. The provisions of  
656 this subsection shall apply regardless of whether the control acquired is direct or indirect  
657 or whether its acquisition is accomplished individually or in concert with others.

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

662 50-38-26.

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

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

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

678 50-38-27.

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

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

684 50-38-28.

685 (a) The commission shall promptly consider any application for a permit and issue or deny  
686 such permit based on the information in the application and all other information before it,  
687 including any investigation it deems appropriate. If an application for a permit is approved,

688 the commission shall issue a permit, which shall contain such information as the  
689 commission deems appropriate. Such permit shall be valid for one year; however, the  
690 permit of a licensee's employee shall expire automatically when such permit holder leaves  
691 the employment of the licensee or at the end of one year, whichever occurs first. The  
692 licensee shall promptly notify the commission when a permit holder leaves the employment  
693 of the licensee. The commission shall establish criteria and procedures for permit renewal.

694 (b) The commission shall deny the application and refuse to issue the permit, which shall  
695 be final unless an appeal is taken under Code Section 50-38-11, if it finds that the issuance  
696 of such permit to such applicant would not be in the interests of the people of the State of  
697 Georgia or the horse racing industry of the State of Georgia or would reflect adversely on  
698 the honesty and integrity of the horse racing industry in the State of Georgia or that the  
699 applicant:

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

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

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

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

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

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

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

722 50-38-29.

723 (a) The commission, acting by and through its stewards or at a meeting at which a quorum  
 724 is present, may suspend or revoke a permit issued under this chapter or fine the holder of  
 725 such permit a sum not to exceed \$10,000.00 or suspend a permit issued by this chapter and  
 726 fine the holder of such permit a sum not to exceed \$10,000.00 after a hearing for which  
 727 proper notice has been given to the permittee in any case where it determines by a  
 728 preponderance of the evidence that any provision of this chapter or any rule, regulation,  
 729 order, or condition of the commission has not been complied with or has been violated.  
 730 The commission may revoke such permit, after such hearing, if it finds that facts not known  
 731 by it at the time it was considering the application indicate that such permit should not have  
 732 been issued. Deliberations of the commission under this Code section shall be conducted  
 733 pursuant to the provisions of Chapter 14 of this title. If any permit is suspended or  
 734 revoked, the commission shall state its reasons for doing so, which shall be entered of  
 735 record. Such action shall be final unless an appeal is taken in accordance with Code  
 736 Section 50-38-11. Suspension or revocation of a permit by the commission for any  
 737 violation shall not preclude criminal liability for such violation.

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

745 50-38-30.

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

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

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

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

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

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

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

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

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

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

792 (3) The election superintendent of such county or municipality shall publish notice of  
 793 such election in the legal organ of the county or municipality once a week for three

794 consecutive weeks immediately prior to such election notifying the electors of the  
 795 jurisdiction of the date and purpose of such special election; and  
 796 (4) Each ballot shall contain one or both of the following questions as requested in the  
 797 petition:

798 ' ( ) YES    Shall pari-mutuel wagering be permitted at a licensed racetrack in  
 799 [name of county or municipality] on live horse racing at and on  
 800 ( ) NO       simulcast horse racing transmitted from another jurisdiction to the  
 801 licensed racetrack on such days as may be approved by the Georgia  
 802 Racing Commission in accordance with Chapter 38 of Title 50 of the  
 803 O.C.G.A.?'

804 ' ( ) YES    Shall pari-mutuel wagering be permitted in [name of county or  
 805 municipality] at satellite facilities in accordance with Chapter 38 of  
 806 ( ) NO       Title 50 of the O.C.G.A.?'

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

819 50-38-31.

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

824 (b) On pari-mutuel pools generated by wagering at the racetrack on live horse racing  
 825 conducted within the State of Georgia involving win, place, and show wagering, the  
 826 licensee shall retain an amount not to exceed 18 percent of such pool and the legitimate  
 827 breakage, out of which 7 percent of the retainage shall be distributed as follows: 5 percent  
 828 of the retainage to the State of Georgia as a license tax and 2 percent of the retainage to the

829 county or municipality in which the racetrack is located. The remainder of the retainage  
830 shall be paid as provided in subsection (d) of this Code section.

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

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

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

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

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

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

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

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

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

864 (f) On pari-mutuel pools generated by wagering at each Georgia satellite facility on live  
865 horse racing conducted within the State of Georgia involving wagering other than win,

866 place, and show wagering, the licensee shall retain an amount not to exceed 22 percent of  
 867 such pool and the legitimate breakage, out of which 12 percent of the retainage shall be  
 868 distributed as follows: 10 percent of the retainage to the State of Georgia as a license tax,  
 869 1 percent of the retainage to the county or municipality in which the satellite facility is  
 870 located, and 1 percent of the retainage to the county or municipality in which the racetrack  
 871 is located. The remainder of the retainage shall be paid as provided in subsection (g) of  
 872 this Code section.

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

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

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

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

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

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

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

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

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

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

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

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

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

909 (2) Forty percent of such retainage to the county or municipality in which the satellite  
910 facility is located.

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

915 (1) Eighty percent of such retainage to the Georgia Breeders Funds; and

916 (2) Twenty percent of such retainage to the University of Georgia College of Veterinary  
917 Medicine to be used solely for the promotion and growth of the equine racing and  
918 breeding industries in the State of Georgia.

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

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

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

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

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

931 (2) Forty percent of such retainage to the county or municipality in which the satellite  
932 facility is located.

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

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

- 939 (2) Ten percent of such retainage to the University of Georgia College of Veterinary  
940 Medicine to be used solely for the promotion and growth of the equine racing and  
941 breeding industries in the State of Georgia;
- 942 (3) Five percent of such retainage to horse rescue groups and organizations to be  
943 determined by the commission; and
- 944 (4) Five percent of such retainage to the Agricultural Commodity Commission for  
945 Equines.
- 946 (o) Moneys payable to the State of Georgia shall be deposited in the general fund. Gross  
947 receipts for license tax or other tax purposes shall not include pari-mutuel wagering pools  
948 and license taxes authorized by this Code section.
- 949 (p) All payments by the licensee to the State of Georgia or any county or municipality  
950 shall be made within five days from the date on which such wagers are received by the  
951 licensee. All payments by the licensee to the Georgia Breeders Funds shall be made to the  
952 commission within five days from the date on which such wagers are received by the  
953 licensee. All payments by the licensee to the University of Georgia College of Veterinary  
954 Medicine, the University of Georgia College of Agricultural and Environmental Sciences,  
955 the Lottery for Education Account, and the horse rescue groups and organizations selected  
956 by the commission shall be made by the first day of each quarter of the calendar year. All  
957 payments made under this Code section shall be used in support of the policy of the State  
958 of Georgia to sustain and promote the growth of a native industry.
- 959 (q) If a satellite facility is located in more than one county or municipality, any amount a  
960 licensee is required to pay under this Code section to the county or municipality in which  
961 the satellite facility is located shall be prorated in equal shares among those counties and  
962 municipalities; provided, however, that no payments shall be made to a county or counties  
963 which contain a municipality in which a satellite facility is wholly located.
- 964 (r) Any contractual agreement between a licensee and other entities concerning the  
965 distribution of the remaining portion of the retainage under subsections (i) through (n) of  
966 this Code section shall be subject to the approval of the commission.
- 967 (s) The horsemen's organizations representing a majority of the horsemen racing at a  
968 licensed unlimited race meeting may, subject to the approval of the commission, withdraw  
969 for administrative costs associated with serving the interests of the horsemen an amount  
970 not to exceed 2 percent of the amount in the horsemen's account.
- 971 (t) The legitimate breakage from each pari-mutuel pool for both live racing and simulcast  
972 horse racing shall be distributed as follows:
- 973 (1) Seventy percent to be retained by the licensee to be used for capital improvements  
974 that are subject to approval of the commission; and

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

980 50-38-32.

981 A regular post-audit shall be conducted of all accounts and transactions of the commission.

982 An annual audit of a fiscal and compliance nature of the accounts and transactions of the  
 983 commission shall be conducted by the state auditor on or before September 30 of each year.

984 The cost of the annual audit and post-audit examinations shall be borne by the commission.

985 ARTICLE 2

986 50-38-50.

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

990 'ARTICLE I. Purposes.

991 Section 1. Purposes.

992 The purposes of this compact are to:

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

997 2. Facilitate the growth of the pari-mutuel racing industry in each party state and  
 998 nationwide by simplifying the process for licensing participants in live racing, and reduce  
 999 the duplicative and costly process of separate licensing by the regulatory agency in each  
 1000 state that conducts live racing with pari-mutuel wagering.

1001 3. Authorize the Georgia Racing Commission to participate in this compact.

1002 4. Provide for participation in this compact by officials of the party states, and permit those  
 1003 officials, through the compact committee established by this compact, to enter into  
 1004 contracts with governmental agencies and nongovernmental persons to carry out the  
 1005 purposes of this compact.

1006 5. Establish the compact committee created by this compact as an interstate governmental  
1007 entity duly authorized to request and receive criminal history record information from the  
1008 Federal Bureau of Investigation and other state and local law enforcement agencies.

1009 ARTICLE II. Definitions.

1010 Section 2. Definitions.

1011 "Compact committee" means the organization of officials from the party states that is  
1012 authorized and empowered by this compact to carry out the purposes of this compact.

1013 "Official" means the appointed, elected, designated or otherwise duly selected  
1014 representative of a racing commission or the equivalent thereof in a party state who  
1015 represents that party state as a member of the compact committee.

1016 "Participants in live racing" means participants in live racing with pari-mutuel wagering  
1017 in the party states.

1018 "Party state" means each state that has enacted this compact.

1019 "State" means each of the several states of the United States, the District of Columbia, the  
1020 Commonwealth of Puerto Rico and each territory or possession of the United States.

1021 ARTICLE III. Entry into Force, Eligible Parties, and Withdrawal.

1022 Section 3. Entry into force.

1023 This compact shall come into force when enacted by any four states. Thereafter, this  
1024 compact shall become effective as to any other state upon both (i) that state's enactment of  
1025 this compact and (ii) the affirmative vote of a majority of the officials on the compact  
1026 committee as provided in Section 8.

1027 Section 4. States eligible to join compact.

1028 Any state that has adopted or authorized live racing with pari-mutuel wagering shall be  
1029 eligible to become party to this compact.

1030 Section 5. Withdrawal from compact and impact thereof on  
 1031 force and effect of compact.

1032 Any party state may withdraw from this compact by enacting a statute repealing this  
 1033 compact, but no such withdrawal shall become effective until the head of the executive  
 1034 branch of the withdrawing state has given notice in writing of such withdrawal to the head  
 1035 of the executive branch of all other party states. If as a result of withdrawals participation  
 1036 in this compact decreases to less than three party states, this compact no longer shall be in  
 1037 force and effect unless and until there are at least three or more party states again  
 1038 participating in this compact.

1039 ARTICLE IV. Compact Committee.

1040 Section 6. Compact committee established.

1041 There is hereby created an interstate governmental entity to be known as the "compact  
 1042 committee," which shall be comprised of one official from the racing commission or its  
 1043 equivalent in each party state who shall be appointed, serve, and be subject to removal in  
 1044 accordance with the laws of the party state he or she represents. Pursuant to the laws of his  
 1045 or her party state, each official shall have the assistance of his or her state's racing  
 1046 commission or the equivalent thereof in considering issues related to licensing of  
 1047 participants in live racing and in fulfilling his or her responsibilities as the representative  
 1048 from his or her state to the compact committee. If an official is unable to perform any duty  
 1049 in connection with the powers and duties of the compact committee, the racing commission  
 1050 or equivalent thereof from his or her state shall designate an alternate who shall serve in  
 1051 his or her place and represent the party state as its official on the compact committee until  
 1052 that racing commission or equivalent thereof determines that the original representative  
 1053 official is able once again to perform his or her duties as that party state's representative  
 1054 official on the compact committee. The designation of an alternate shall be communicated  
 1055 by the affected state's racing commission or equivalent thereof to the compact committee  
 1056 as the committee's bylaws may provide.

1057 Section 7. Powers and duties of compact committee.

1058 In order to carry out the purposes of this compact, the compact committee is hereby granted  
 1059 the power and duty to:

1060 1. Determine which categories of participants in live horse racing, including but not  
 1061 limited to owners, trainers, jockeys, grooms, mutuel clerks, racing officials, veterinarians,

1062 and farriers, and which categories of equivalent participants in dog racing and other forms  
1063 of live racing with pari-mutuel wagering authorized in two or more of the party states,  
1064 should be licensed by the committee, and establish the requirements for the initial  
1065 licensure of applicants in each such category, the term of the license for each category,  
1066 and the requirements for renewal of licenses in each category. Provided, however, that  
1067 with regard to requests for criminal history record information on each applicant for a  
1068 license, and with regard to the effect of a criminal record on the issuance or renewal of  
1069 a license, the compact committee shall determine for each category of participants in live  
1070 racing which licensure requirements for that category are, in its judgment, the most  
1071 restrictive licensure requirements of any party state for that category and shall adopt  
1072 licensure requirements for that category that are, in its judgment, comparable to those  
1073 most restrictive requirements.

1074 2. Investigate applicants for a license from the compact committee and, as permitted by  
1075 federal and state law, gather information on such applicants, including criminal history  
1076 record information from the Federal Bureau of Investigation and relevant state and local  
1077 law enforcement agencies, and, where appropriate, from the Royal Canadian Mounted  
1078 Police and law enforcement agencies of other countries, necessary to determine whether  
1079 a license should be issued under the licensure requirements established by the committee  
1080 as provided in paragraph 1 above. Only officials on, and employees of, the compact  
1081 committee may receive and review such criminal history record information, and those  
1082 officials and employees may use that information only for the purposes of this compact.  
1083 No such official or employee may disclose or disseminate such information to any person  
1084 or entity other than another official on or employee of the compact committee. The  
1085 fingerprints of each applicant for a license from the compact committee shall be taken by  
1086 the compact committee, its employees, or its designee and, pursuant to Public  
1087 Law 92-544 or Public Law 100-413, shall be forwarded to a state identification bureau,  
1088 or to an association of state officials regulating pari-mutuel wagering designated by the  
1089 Attorney General of the United States, for submission to the Federal Bureau of  
1090 Investigation for a criminal history record check. Such fingerprints may be submitted on  
1091 a fingerprint card or by electronic or other means authorized by the Federal Bureau of  
1092 Investigation or other receiving law enforcement agency.

1093 3. Issue licenses to, and renew the licenses of, participants in live racing listed in  
1094 paragraph 1 of this section who are found by the committee to have met the licensure and  
1095 renewal requirements established by the committee. The compact committee shall not  
1096 have the power or authority to deny a license. If it determines that an applicant will not  
1097 be eligible for the issuance or renewal of a compact committee license, the compact  
1098 committee shall notify the applicant that it will not be able to process his or her

1099 application further. Such notification does not constitute and shall not be considered to  
 1100 be the denial of a license. Any such applicant shall have the right to present additional  
 1101 evidence to, and to be heard by, the compact committee, but the final decision on  
 1102 issuance or renewal of the license shall be made by the compact committee using the  
 1103 requirements established pursuant to paragraph 1 this section.

1104 4. Enter into contracts or agreements with governmental agencies and with  
 1105 nongovernmental persons to provide personal services for its activities and such other  
 1106 services as may be necessary to effectuate the purposes of this compact.

1107 5. Create, appoint, and abolish those offices, employments, and positions, including an  
 1108 executive director, as it deems necessary for the purposes of this compact, prescribe their  
 1109 powers, duties, and qualifications, hire persons to fill those offices, employments and  
 1110 positions, and provide for the removal, term, tenure, compensation, fringe benefits,  
 1111 retirement benefits, and other conditions of employment of its officers, employees, and  
 1112 other positions.

1113 6. Borrow, accept, or contract for the services of personnel from any state, the United  
 1114 States, or any other governmental agency, or from any person, firm, association,  
 1115 corporation, or other entity.

1116 7. Acquire, hold, and dispose of real and personal property by gift, purchase, lease,  
 1117 license, or in other similar manner, in furtherance of the purposes of this compact.

1118 8. Charge a fee to each applicant for an initial license or renewal of a license.

1119 9. Receive other funds through gifts, grants and appropriations.

1120 Section 8. Voting requirements.

1121 A. Each official shall be entitled to one vote on the compact committee.

1122 B. All action taken by the compact committee with regard to the addition of party states  
 1123 as provided in Section 3, the licensure of participants in live racing, and the receipt and  
 1124 disbursement of funds shall require a majority vote of the total number of officials (or their  
 1125 alternates) on the committee. All other action by the compact committee shall require a  
 1126 majority vote of those officials (or their alternates) present and voting.

1127 C. No action of the compact committee may be taken unless a quorum is present. A  
 1128 majority of the officials (or their alternates) on the compact committee shall constitute a  
 1129 quorum.

1130 Section 9. Administration and management.

1131 A. The compact committee shall elect annually from among its members a chairman, a  
 1132 vice-chairman, and a secretary/treasurer.

1133 B. The compact committee shall adopt bylaws for the conduct of its business by a  
 1134 two-thirds vote of the total number of officials (or their alternates) on the committee at that  
 1135 time and shall have the power by the same vote to amend and rescind these bylaws. The  
 1136 committee shall publish its bylaws in convenient form and shall file a copy thereof and a  
 1137 copy of any amendments thereto with the secretary of state or equivalent agency of each  
 1138 of the party states.

1139 C. The compact committee may delegate the day-to-day management and administration  
 1140 of its duties and responsibilities to an executive director and his or her support staff.

1141 D. Employees of the compact committee shall be considered governmental employees.

1142 Section 10. Immunity from liability for performance  
 1143 of official responsibilities and duties.

1144 No official of a party state or employee of the compact committee shall be held personally  
 1145 liable for any good faith act or omission that occurs during the performance and within the  
 1146 scope of his or her responsibilities and duties under this compact.

1147 ARTICLE V. Rights and Responsibilities of Each Party State.

1148 Section 11. Rights and responsibilities of each party state.

1149 A. By enacting this compact, each party state:

1150 1. Agrees (i) to accept the decisions of the compact committee regarding the issuance of  
 1151 compact committee licenses to participants in live racing pursuant to the committee's  
 1152 licensure requirements, and (ii) to reimburse or otherwise pay the expenses of its official  
 1153 representative on the compact committee or his or her alternate.

1154 2. Agrees not to treat a notification to an applicant by the compact committee under  
 1155 paragraph 3 of Section 7 that the compact committee will not be able to process his or her  
 1156 application further as the denial of a license, or to penalize such an applicant in any other  
 1157 way based solely on such a decision by the compact committee.

1158 3. Reserves the right (i) to charge a fee for the use of a compact committee license in that  
 1159 state, (ii) to apply its own standards in determining whether, on the facts of a particular  
 1160 case, a compact committee license should be suspended or revoked, (iii) to apply its own  
 1161 standards in determining licensure eligibility, under the laws of that party state, for

1162 categories of participants in live racing that the compact committee determines not to  
 1163 license and for individual participants in live racing who do not meet the licensure  
 1164 requirements of the compact committee, and (iv) to establish its own licensure standards  
 1165 for the licensure of nonracing employees at pari-mutuel racetracks and employees at  
 1166 separate satellite wagering facilities. Any party state that suspends or revokes a compact  
 1167 committee license shall, through its racing commission or the equivalent thereof or  
 1168 otherwise, promptly notify the compact committee of that suspension or revocation.  
 1169 B. No party state shall be held liable for the debts or other financial obligations incurred  
 1170 by the compact committee.

1171 ARTICLE VI. Construction and Severability.

1172 Section 12. Construction and severability.

1173 This compact shall be liberally construed so as to effectuate its purposes. The provisions  
 1174 of this compact shall be severable, and, if any phrase, clause, sentence, or provision of this  
 1175 compact is declared to be contrary to the Constitution of the United States or of any party  
 1176 state, or the applicability of this compact to any government, agency, person, or  
 1177 circumstance is held invalid, the validity of the remainder of this compact and the  
 1178 applicability thereof to any government, agency, person or circumstance shall not be  
 1179 affected thereby. If all or some portion of this compact is held to be contrary to the  
 1180 constitution of any party state, the compact shall remain in full force and effect as to the  
 1181 remaining party states and in full force and effect as to the state affected as to all severable  
 1182 matters.'

1183 50-38-51.

1184 The Governor shall appoint one official to represent the State of Georgia on the compact  
 1185 committee for a term of four years. No official shall serve more than three consecutive  
 1186 terms. A vacancy shall be filled by the Governor for the unexpired term.

1187 50-38-52.

1188 All departments, agencies, and officers of the State of Georgia and its political subdivisions  
 1189 are authorized to cooperate with the compact committee in furtherance of any of its  
 1190 activities pursuant to the compact.

1191 50-38-53.

1192 Nothing in this article shall be construed to diminish or limit the powers and  
 1193 responsibilities of the commission established by Article 1 of this chapter or to invalidate

1194 any action of the commission previously taken, including, without limitation, any rule or  
1195 regulation promulgated thereby.

1196 ARTICLE 3

1197 50-38-70.

1198 Any person not licensed in accordance with this chapter to conduct pari-mutuel wagering  
1199 or horse racing on which pari-mutuel wagering is conducted who conducts pari-mutuel  
1200 wagering or horse racing on which wagering is conducted with his or her knowledge or  
1201 consent shall be guilty of a felony and, upon conviction thereof, shall be punished by  
1202 imprisonment for not less than one nor more than ten years or a fine not to exceed  
1203 \$100,000.00, or both.

1204 50-38-71.

1205 (a) Any person other than the lawful holder thereof who has in his or her possession any  
1206 credential, license, or permit issued by the commission or a forged or simulated credential,  
1207 license, or permit of the commission and who uses such credential, license, or permit for  
1208 the purpose of misrepresentation, fraud, or touting shall be guilty of a felony and, upon  
1209 conviction thereof, shall be punished by imprisonment for not less than one nor more than  
1210 ten years or a fine not to exceed \$100,000.00, or both.

1211 (b) Any credential, license, or permit issued by the commission if used by the holder  
1212 thereof for a purpose other than identification and in the performance of legitimate duties  
1213 on a racetrack or within a satellite facility shall be automatically revoked whether so used  
1214 on or off a racetrack or satellite facility.

1215 50-38-72.

1216 (a) Any person who knowingly transmits information as to the progress or results of a  
1217 horse race or information as to wagers, betting odds, post or off times, or jockey changes  
1218 in any race by any means whatsoever for the purposes of carrying on illegal betting in  
1219 violation of Part I of Article 2 of Chapter 12 of Title 16 or to a person engaged in illegal  
1220 betting shall be guilty of a felony and, upon conviction thereof, shall be punished by  
1221 imprisonment for not less than one nor more than ten years or a fine not to exceed  
1222 \$100,000.00, or both.

1223 (b) This Code section shall not be construed to prohibit a newspaper from printing such  
1224 results or information as news or any television or radio station from telecasting or  
1225 broadcasting such results or information as news. This Code section shall not be construed

1226 to place in jeopardy any common carrier or its agents performing operations within the  
 1227 scope of a public franchise or any gambling operation authorized by law.

1228 50-38-73.

1229 Any person who knowingly and intentionally by false representation attempts to or does  
 1230 persuade, procure, or cause another person to wager on a horse in a race to be run in this  
 1231 state or elsewhere and upon which money is wagered in this state and who asks or demands  
 1232 compensation as a reward for information or purported information given in such case shall  
 1233 be guilty of touting and, upon conviction, shall be punished as for a misdemeanor.

1234 50-38-74.

1235 Any person who gives, promises, or offers to any jockey, driver, groom, or any person  
 1236 participating in any race meeting, including owners of racetracks and their employees,  
 1237 stewards, trainers, judges, starters, and special peace officers, any valuable thing with intent  
 1238 to influence him or her to attempt to lose or cause to be lost a horse race in which such  
 1239 person is taking part or expects to take part or has any duty or connection or who, being  
 1240 either jockey, driver, or groom or participant in a race meeting, solicits or accepts any  
 1241 valuable thing to influence him or her to lose or cause to be lost a horse race in which he  
 1242 or she is taking part or expects to take part or has any duty or connection shall be guilty of  
 1243 a felony and, upon conviction thereof, shall be punished by imprisonment for not less than  
 1244 one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1245 50-38-75.

1246 (a) Any person who with the intent to defraud acts to alter the outcome of a race by:

1247 (1) The administration of any substance foreign to the natural horse, except those  
 1248 substances specifically permitted by the rules and regulations of the commission; or

1249 (2) The use of any device, electrical or otherwise, except those specifically permitted by  
 1250 the regulations of the commission

1251 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
 1252 for not less than one nor more than three years or a fine not to exceed \$25,000.00, or both.

1253 (b) Any person who with the intent to defraud influences or conspires with another to alter  
 1254 the outcome of a race by:

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

1257 (2) The use of any device, electrical or otherwise, except those specifically permitted by  
 1258 the rules and regulations of the commission

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

1261 (c) Any person who:

1262 (1) Administers any substance foreign to the natural horse, except those substances  
 1263 specifically permitted by the rules and regulations of the commission, when the horse is  
 1264 entered to start; or

1265 (2) At any time exposes any substance foreign to the natural horse with the intent of  
 1266 impeding or increasing the speed, endurance, health, or condition of a horse

1267 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment  
 1268 for not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1269 50-38-76.

1270 The possession or transportation of any drug except those permitted by regulations of the  
 1271 commission within the racing enclosure is prohibited except upon a bona fide veterinarian's  
 1272 prescription with complete statement of uses and purposes on the container. A copy of  
 1273 such prescription shall be filed with the stewards. Any person knowingly violating the  
 1274 provisions of this Code section relating to the legal possession of drugs shall be guilty of  
 1275 a misdemeanor. The provisions of Chapter 13 of Title 16 shall apply in situations where  
 1276 drugs regulated by that chapter are within the racing enclosure.

1277 50-38-77.

1278 Any person who knowingly enters or races any horse in any running or harness race under  
 1279 any name or designation other than the name or designation assigned to such horse by and  
 1280 registered with the Jockey Club, the United States Trotting Association, the American  
 1281 Quarter Horse Association, or other applicable association or who knowingly instigates,  
 1282 engages in, or in any way furthers any act by which any horse is entered or raced in any  
 1283 running or trotting race under any name or designation other than the name or designation  
 1284 duly assigned by and registered with the Jockey Club, the United States Trotting  
 1285 Association, the American Quarter Horse Association, or other applicable association shall  
 1286 be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for  
 1287 not less than one nor more than ten years or a fine not to exceed \$100,000.00, or both.

1288 50-38-78.

1289 No person shall wager on or conduct any wagering on the outcome of a horse race pursuant  
 1290 to the provisions of this chapter unless such person is 18 years of age or older. No person  
 1291 shall accept any wager from a minor. No person shall be admitted into a satellite facility  
 1292 if such person is under 18 years of age unless accompanied by one of his or her parents or

1293 his or her legal guardian. Any person violating the provisions of this Code section shall  
1294 be guilty of a misdemeanor.

1295 50-38-79.

1296 (a) Any person who conspires, confederates, or combines with another, either inside or  
1297 outside this state, to commit a felony prohibited by this chapter shall be guilty of a felony  
1298 and, upon conviction thereof, shall be punished by imprisonment for not less than one nor  
1299 more than ten years or a fine not to exceed \$100,000.00, or both.

1300 (b) Any person who attempts to commit any act prohibited by this article shall be guilty  
1301 of a criminal offense and shall be punished as provided in Code Section 16-4-6."

1302

### **SECTION 2.**

1303 This Act shall become effective on January 1, 2015, provided that an amendment to the  
1304 Constitution of the State of Georgia authorizing pari-mutuel wagering or betting on horse  
1305 racing is passed by the General Assembly and ratified by the electors of this state in the 2014  
1306 general election. If no such amendment is proposed by the General Assembly or if such  
1307 amendment is rejected by the electors or the election to ratify the proposed amendment is not  
1308 held at the time of the 2014 general election, this Act shall be repealed on January 1, 2015.

1309

### **SECTION 3.**

1310 All laws and parts of laws in conflict with this Act are repealed.