

SB90 ENGROSSED



1 SB90
2 FLKYCCC-2
3 By Senator Singleton (N & P)
4 RFD: Local Legislation
5 First Read: 04-Feb-25



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A BILL

TO BE ENTITLED

AN ACT

Relating to the Greene County Racing Commission; to amend Sections 45-32-150, 45-32-150.01, 45-32-150.02, 45-32-150.06, 45-32-150.07, 45-32-150.08, 45-32-150.11, 45-32-150.12, 45-32-150.13, 45-32-150.16, and 45-32-150.20, Code of Alabama 1975, to increase the annual compensation of members of the commission; to further provide for the duties of members of the commission; to delete certain restrictions on the number of racing days authorized; to increase the authorized license fee; to establish a residency requirement as a condition for licensure; to provide Legislative intent; to further provide for the levy of a local tax on pari-mutuel wagering; to further provide for the distribution of revenues; and to repeal Section 45-32-150.09, Code of Alabama 1975, relating to the suspension or revocation of a license, and Section 45-32-150.19, Code of Alabama 1975, relating to the manipulation of racing outcomes.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. Sections 45-32-150, 45-32-150.01, 45-32-150.02, 45-32-150.06, 45-32-150.07, 45-32-150.08, 45-32-150.11, 45-32-150.12, 45-32-150.13, 45-32-150.16, and



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45-32-150.20, Code of Alabama 1975, are amended to read as follows:

"§45-32-150

(a) The Greene County Racing Commission is ~~hereby~~ created and established and is vested with the powers and duties specified in this part, and all other powers necessary and proper to enable it to execute fully and effectually the purposes of this part. The official name of the commission shall be Greene County Racing Commission, the same being sometimes referred to herein as the racing commission or the commission.

(b) The commission shall consist of three persons who shall be appointed by the ~~Governor~~ legislative delegation that represents Greene County in the House and the Senate for the State of Alabama. Each ~~such~~ member shall hold office for a term of ~~eight~~ three years from the effective date of the appointment; ~~provided, however, the term of office of the present three commissioners shall expire three years after their last appointment.~~

(c) If a vacancy occurs for any reason, then that position shall be filled for the unexpired term and that commissioner shall be chosen in the same manner as other commissioners are appointed.

(d) All books, records, maps, documents, and papers shall constitute public records, ~~and~~ shall be available for copying, examination, and inspection during all normal business hours by any agency, official, or personnel."

"§45-32-150.01



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(a) The members of the commission shall be qualified electors of Greene County and not less than 21 years of age, who ~~shall~~ have resided in the State of Alabama for a period of not less than five years next preceding their appointment. Each commissioner shall take the same constitutional oath of office as other county officers, and shall give bond payable to the county in the amount of five thousand dollars (\$5,000), conditioned that he or she shall faithfully and properly perform the duties of his or her office. The premiums on ~~such~~the bonds shall be paid by the commission. The commission may employ ~~such assistance~~as many assistants and employees as may be necessary who shall be paid out of funds deposited in the county treasury to the credit of the racing commission.

(b) A member of the racing commission may not be an official member of any board of directors, or person financially interested in any race track, pari-mutuel license, or race meeting licensed by the commission, ~~nor shall he or she race dogs in any race meeting licensed by the commission.~~

(c) An individual member of the commission or any officer, employee, or agent of the commission shall not be held personally liable for any liability, loss, damage, or expense suffered by any person as the result of any action taken by the commission, unless the liability, loss, damage, or expense arises out of or results from the willful misconduct or wrongdoing of the member, officer, employee, or agent."

"§45-32-150.02

(a) The qualifications and manner of appointment of



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members of the Greene County Racing Commission shall be set by local law. The salary or other compensation of a member of the Greene County Racing Commission shall be set by the local legislative delegation that represents Greene County in the state Legislature. ~~The compensation of each member of the commission shall be twenty-five thousand dollars (\$25,000) annually. Each commissioner who attends a racing event or performs the duties required by this part, at the facility, shall receive an additional fifty dollars (\$50) per day.~~

(b) One member of the commission shall be in attendance or on call to cover each 24-hour pari-mutuel day ~~required to be in attendance at each racing event.~~

(c) Each member of the Greene County Racing Commission shall be paid at the same rate as any other employee of the Greene County Commission for attending any out-of-town meeting on official business of the Greene County Racing Commission.

(d) The above compensation and other sums required to be paid under this section shall be paid out of the funds ~~in the county treasury deposited to the credit of~~ collected by the Greene County Racing Commission and shall be paid to the commissioners in the same manner as the compensation of other county officers is paid."

"§45-32-150.06

Any person, association, or corporation desiring to operate a racetrack or pari-mutuel license in the county, shall have the right, subject to this part, to hold and conduct one or more racing meetings at the track each year, ~~provided that no such license shall be granted to any person,~~



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~~association, or corporation, or to any track, for a period~~
~~including more than 313 racing days in any one year.~~ The
racing days shall include the charity days as provided in
Section 45-32-150.21 for the racetrack."

"§45-32-150.07

~~No race or racing shall be permitted on Sunday.~~ No
~~person~~ individual under 18 years of age ~~shall~~ may be employed
in any manner about the race track or pari-mutuel license
~~except as exercise boys and grooms; nor shall persons under 18~~
~~years of age~~ or be permitted to attend any race."

"§45-32-150.08

~~(a) On or before the first day of December of each~~
~~year, any~~ Any person, association, or corporation possessing
the qualifications prescribed in this part shall have the
right to apply to the racing commission for a permit or
license to conduct race meetings and racing under this part.

~~(b) On or before the first day of January of each~~
~~year,~~ Within 30 days after the receipt of any ~~such~~ application
under this section, the commission shall convene to consider
and act upon all permits or licenses ~~applied~~ for which an
application has been received.

~~(c)~~ (c) Approved permits or licenses shall be granted for a
period of not more than 10 years from the date of issuance and
shall set forth, in addition to any other information
prescribed by the commission, the name of the licensee, the
location of the race track or pari-mutuel license, duration of
the race meeting, and the kind of racing desired to be
conducted and shall show the receipt by the commission of a



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license fee set by the commission, ~~the setting of which is hereby authorized, provided, however, the license fee shall not exceed one thousand dollars (\$1,000) annually.~~

(d) The fee for the license shall be established by the commission. The annual license fee may not exceed twenty-five thousand dollars (\$25,000) or, for multi-year contracts, not more than twenty-five thousand dollars (\$25,000) for each year of the multi-year contract.

(e) No ~~such~~ license issued under this section shall be transferable, nor shall it apply to any other place, track, or enclosure, except ~~the one specified in this license~~ with the approval of the commission.

~~(1) (f) The commission shall not issue any licenses which would permit any two race tracks in the county to operate on the same racing days. Further, after the first license has been issued to the licensee, all subsequent applications for~~ The commission may issue no more than two racetrack or pari-mutuel licenses.

(g) When applying to renew a license, ~~by a permit holder~~ the application shall be accompanied by proof, in ~~such a~~ form as the commission may require, that the licensee still possesses the qualifications set out in this part. ~~Such~~ The application for renewal of ~~licenses~~ a license shall be granted upon the same terms and conditions as previously issued and shall not be denied except for due cause.

(h) An application for a license to operate a racetrack or pari-mutuel pool shall only be granted if the applicant meets the following:



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(1) The applicant is a corporation, association, company, partnership, sole proprietorship, individual, or other legal entity that has been incorporated, organized, or otherwise established in this state and currently holds a racetrack or pari-mutuel license immediately preceding the date on which the license is issued.

(2) If the applicant is a corporation, association, company, partnership, sole proprietorship, or other legal entity, the applicant has been incorporated, organized, or otherwise established in this state for at least five years and its managing member or majority officer has been a resident of this state for at least five years immediately preceding the date on which the license is issued.

(3) If the applicant is an individual, the applicant has been a resident of this state for at least five years immediately preceding the date on which the license is issued.

~~(2)(i) Seventy-five~~To the best of a licensee's ability,
75 percent of the employees of the track or tracks shall be bona fide resident citizens of Greene County, Alabama."

"§45-32-150.11

(a) The commission shall have the power to grant, refuse, suspend, or withdraw licenses to all persons connected with race tracks, including ~~gate keepers,~~ announcers, ushers, ~~starters,~~ officials, ~~drivers, dog owners, agents, trainers,~~ ~~grooms, stable foremen, exercise boys, veterinarians,~~ valets, sellers of racing forms or bulletins, and attendants in connection with the wagering machines, pursuant to ~~such the~~ rules ~~and regulations as~~ adopted by the commission ~~may adopt~~



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and upon the payment of a license fee as fixed and determined by the commission in accordance with the position and compensation of such person.

(b) Any license may be revoked by the commission, at its discretion, and any person whose license is revoked shall be ineligible to participate in such occupation connected with racing unless the license is returned by the commission with permission to operate thereunder. The commission may deny or revoke a license to any person who has been refused or denied a license by any other state racing commission or racing authority.

(c) Upon a licensee's willful violation of this part or any rule of the commission, the commission may do either of the following:

(1) Suspend or revoke the license of the licensee.

(2) Assess a fine against the licensee of not more than one thousand dollars (\$1,000) for each offense."

"§45-32-150.12

(a) The commission shall make rules governing, permitting, and regulating the wagering on dog races under the form of mutuel wagering by patrons known as pari-mutuel wagering, which method shall be legal to the extent that and so long as, the same is carried on and conducted strictly in conformity with this part, and not otherwise. Only the persons, associations, or corporations receiving a license from the commission shall have the right or privilege to conduct this type of wagering and the licenses shall restrict and confine this form of wagering to a space within the race



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meeting grounds. All other forms of wagering on the result of dog races shall continue to be illegal, and any or all wagering outside of the enclosure of such races, where such races shall have been licensed by the commission shall be illegal.

(b) No person or corporation shall directly or indirectly purchase pari-mutuel tickets or participate in the purchase of any part of a pari-mutuel pool for another for hire or for any gratuity and no person shall purchase any part of a pari-mutuel pool through another, wherein he or she gives or pays directly or indirectly such other person anything of value. Any person violating this section shall be deemed guilty of a misdemeanor, and, upon conviction in a court of competent jurisdiction, shall be punished by a fine of not more than five hundred dollars (\$500), or by imprisonment not to exceed six months, or both fine and imprisonment in the discretion of the court.

(c) In addition to other rules and regulations that may be ~~promulgated~~adopted by the racing commission, the following shall be complied with by the licensee or operator of the race plant and employees thereof.:

~~(1) A duly licensed veterinarian shall be on the grounds at weighing time and make examination of the physical condition of each greyhound, and any dog not considered to be in good physical condition, shall be reported to the presiding official.~~

~~(2)~~ (1) An adequate security force shall be employed as prescribed by the racing commission. Members of security force



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shall have the same powers as other law enforcement officers of the county while performing their duties on the premises of the racetrack.

~~(3)~~ (2) Public liability insurance shall be carried by the licensee or operator in an amount and with a company approved by the racing commission.

~~(4)~~ (3) A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

~~(5) The racing operator is authorized to open the Greene County Racetrack for business and to conduct live greyhound racing and or televised horse or greyhound racing and pari-mutuel wagering during the hours as it deems desirable, however in no event shall the racing commission be authorized to allow live greyhound racing or televised horse or greyhound racing, or both, and pari-mutuel wagering thereon to be conducted after 2:00 AM on Sunday; provided that the racing operator shall not conduct any live racing event at the Greene County Racetrack before 10:00 AM, nor shall it present any televised racing event before 8:00 AM with the hour to be determined according to the time then applicable in Alabama. If the racing operator keeps the Greene County Racetrack open for business until midnight on any day, whether conducting pari-mutuel wagering on live racing or televised racing, or both, the racing operator may continue all or any of its operations past midnight for not exceeding the first two hours of the following day, even if the following day is not a day on which the Greene County Racetrack is scheduled to be open for business as a racing day permitted under this part, and~~



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the time, not exceeding two hours, for which the operations of the racetrack are continued into the following day shall not be counted as a racing day or any part thereof against the limit of racing days permitted the racing operator in any one year. A pari-mutuel ticket shall not be sold to an individual who is visibly inebriated.

~~(6)~~ (4) Notwithstanding the provisions of this part and any rules ~~and regulations~~ of the racing commission now in effect, there shall be no limit imposed upon the number of races which may be conducted within a single racing program."

"§45-32-150.13

(a) Every licensee conducting race meetings under this part, shall pay to the ex-officio treasurer of the racing commission, for the use of the commission, a tax in an amount equal to four percent of the total contributions to all simulcast pari-mutuel pools conducted or made on any race track or pari-mutuel licensee ~~licensed~~ under this part. The commission of a licensee on a pari-mutuel pool shall in no event exceed 18 percent of the amount contributed to the pari-mutuel pool, which amount shall include the four percent tax heretofore provided. After the deduction of the four percent for the use of the commission and the percentage commission of the licensee, the remainder of the total contributions to each pool shall be divided among and redistributed to the contributors to such pools betting on the winning dog. The amount of each redistribution for each winning bet placed shall be determined by dividing the total amount remaining in the pool after the deductions hereinabove



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309 provided for by the number of bets placed on the winning dog.
310 Each redistribution shall be made in a sum equal to the next
311 lowest multiple of 10. The licensee is entitled to retain the
312 odd cents of all redistributions to be known as the breaks to
313 the dime, and all monies represented by any unclaimed,
314 uncashed, or abandoned pari-mutuel tickets known as outs
315 money. Under the pari-mutuel system of wagering herein
316 provided, the licensee shall be permitted to provide separate
317 pools for bets to win, place, and show and also a daily double
318 pool, a quiniela pool, double quiniela pool, trifecta pool,
319 and such other bets and pools as the commission may from time
320 to time allow. Each pool shall be redistributed separately as
321 herein provided. Should there be no ticket bet on the winning
322 dog, the entire pool shall be divided among the holders of
323 tickets on the dog running next in line until the pool has
324 been redistributed to the contributors. The licensee shall be
325 required to use a totalizator machine to record the wagering
326 and compute the odds. Rules ~~and regulations~~ governing the
327 operation of each of the pools shall be set out in book form
328 by the racing commission. ~~The licensee shall collect from each~~
329 ~~person attending the race meeting under this part 15 percent~~
330 ~~of the established admissions price or ten cents (\$.10),~~
331 ~~whichever sum is greater, as an admission tax. Licensees shall~~
332 ~~make payment of such taxes to the ex-officio treasurer of the~~
333 ~~racing commission every tenth calendar day of any and every~~
334 ~~race meeting, which payment shall be accompanied by a report~~
335 ~~on the races covered by such report and such other information~~
336 ~~as the commission may require.~~ Every license issued by the



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commission shall contain the terms, conditions, provisions, percentage commissions of licensee, and tax as set forth in this section, which such terms, conditions, provisions, percentage commission of licensee, and tax shall not be altered or changed during the term of such license without the mutual consent of the commission and licensee.

(b) Every licensee conducting historical horse racing under this part shall pay to the ex-officio treasurer of the racing commission, for the use of the commission, a tax in an amount equal to 10 percent of the total contributions less prizes and promotions paid to winners from all historical horse racing pari-mutuel pools conducted or made on any racetrack or pari-mutuel licensee under this part. The tax may be adjusted as determined necessary by the commission but shall not exceed 15 percent."

"§45-32-150.16

All fees, commissions, taxes, and other monies, including fines and forfeitures, received under this part shall be paid to the ~~Treasurer of Greene County and deposited by the treasurer in the county treasury to the account of the~~ ex-officio Treasurer of the Greene County Racing Commission and distributed by and through the Greene County Racing Commission. All such monies remaining, after payment of expenses incurred in the administration of this part, including the payment of the salaries and expenses of the members and employees of this commission, shall be distributed on a quarterly basis as follows:

(1) There shall be distributed to the Greene County



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365 Commission an amount not to exceed ~~two hundred thousand~~
366 ~~dollars (\$200,000)~~ fifty thousand dollars (\$50,000) per year:

367 a. To pay principal of and interest on bonds, warrants,
368 or other securities at any time thereafter issued by the
369 Greene County Commission for the purpose of providing and
370 equipping the existing jail facility; or constructing new jail
371 facilities and renovating, improving, and equipping existing
372 jail facilities.

373 b. To enable the county to make lease rental payments
374 to any public corporation in an amount sufficient to retire
375 bonds or other securities issued by such public corporation
376 for the purpose of providing funds to pay cost of acquiring,
377 providing, construction, and equipping a new jail facility;
378 renovating, improving, and equipping the existing jail
379 facility; or constructing new jail facilities and renovating
380 existing jail facilities, or any combination thereof.

381 c. To pay principal of and any interest on bonds,
382 warrants, or other securities at any time hereafter issued by
383 the Greene County Commission for the purpose of providing
384 funds to pay costs of acquiring, providing, constructing, and
385 equipping a new county courthouse; and renovating, improving,
386 and equipping the existing county courthouse.

387 d. To enable the county to make lease rental payments
388 to any public corporation in an amount sufficient to retire
389 bonds or other securities issued by such public corporation
390 for the purpose of providing funds to pay costs of acquiring,
391 providing, construction, and equipping a new county
392 courthouse; renovating, improving, and equipping the existing



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county courthouse; or acquiring, providing, constructing, and equipping a new county courthouse and renovating, improving, and equipping the existing county courthouse or any combination thereof. At such time as the principal and interest bonds, warrants, or other securities heretofore mentioned are satisfied, then the sum shall be prorated equally as provided in the following subdivisions (2), (3), (4), and (5).

The balance is to be distributed as follows:

(2) Twenty-five percent ~~of the monies shall be appropriated~~ to the municipalities of Greene County on a per capita basis according to the most recent population figures used by the federal government for the purpose of revenue sharing, or if these figures are not available, the most recent federal decennial census shall be used.

(3) ~~Five~~ Seven percent to the Greene County Hospital Board.

(4) Thirty percent ~~of the monies shall be appropriated~~ to the Greene County Board of Education.

(5) One percent to the E-911 system.

(6) Two percent to the Greene County Industrial Development Authority to be used first for the development and provision of natural gas to the Crossroads of America Industrial Park.

(7) One percent for the maintenance or provision of a county ambulance service.

~~(5)~~ (8) Forty ~~Thirty-four~~ percent ~~of the monies shall be appropriated~~ to the General Fund of Greene County to be



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allocated and spent in the following prescribed manner:

a. ~~Fifty-five and one-half~~Forty percent ~~of this amount~~ shall remain unearmarked and may be spent by the county commission in any manner, provided by law, for the benefit of the citizens of Greene County, ~~by the county governing body thereof.~~

b. Ten percent to ~~be used by the county governing body~~commission to upgradefor law enforcement purposes in the county.

c. Fourteen percent for the Greene County fire departments.

~~e. Eight percent for the maintenance of a county ambulance service.~~

d. ~~Two~~Six percent for the establishment and maintenance of day care centers within the county.

e. ~~Three~~Four and one-half percent to ~~be appropriated to~~ the Greene County Library Association for the upgrading of the library system.

f. ~~One~~Two percent to ~~be appropriated to~~ the Community Services Programs of Tuscaloosa-Bibb Counties, Incorporated, to be used for assistance to low income residents of Greene County.

g. Two percent to ~~be appropriated to~~ the West Alabama Mental Health Center, Incorporated, to be used for mental health services within Greene County.

h. ~~One~~Two percent to ~~be appropriated to the Greene County Retired Senior Volunteer Program (RSVP)~~Woman to Woman, Incorporated.



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i. ~~Two~~ Three and one-half percent to be appropriated to the Society of Folk Arts and Culture, Incorporated, for culture and youth development.

j. ~~One~~ Two percent to ~~be appropriated to the Greene County Commission to~~ be used as follows:

1. One-third of the ~~one~~ two percent ~~thereof~~ to be used by the county commission in cultural and historical preservation.

2. One-third of the ~~one~~ two percent ~~thereof~~ to the Greene County Historical Society for their use in restoring and preserving historic sites and buildings in the county.

3. One-third of the ~~one~~ two percent ~~thereof~~ to the Alabama Civil Rights Educational Freedom Museum, Incorporated.

k. ~~Two~~ Three percent to the Greene County Health Department to be used for general health care in Greene County and to augment the Women, Infants, and Children (WIC) and related health programs in Greene County.

l. ~~Three~~ Four percent to be appropriated to the Parks and Recreation Board. No more than 15 percent of the three percent thereof shall be used for maintenance and development of the Greene County Golf Course.

m. Four and one-half percent to Greene County Community Improvement Association for the construction, renovation, and operation of community centers in Tishabee, Clinton, Dollarhide, Knoxville, Mantua, and Mt. Hebron. When the foregoing facilities have been constructed and renovated in these communities, then the funds shall be designated for the general use and operations of the Greene County Community



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Improvement Association for the construction of additional community centers and the operation of community centers in Greene County.

n. One and three-quarters percent to be appropriated to Branch Heights.

o. Three-quarters percent to be appropriated to the county department of human resources.

~~p. One and one-half percent to be appropriated to the E-911 system."~~

"§45-32-150.20

~~(a) It shall be unlawful for any person to transmit or communicate to another by any means whatsoever the results, changing odds, track conditions, or any other information relating to any greyhound race from any race track in this county, between the period of time beginning one hour prior to the first race of the day and ending 30 minutes after the posting of the official results of each race, as to that particular race, except that this period may be reduced to permit the transmitting of the results of the last race each day not sooner than 15 minutes after the official posting of such results. Provided, however, that the commission may, by rule, permit the immediate transmission by radio, television, or press wire of any pertinent information concerning feature races.~~

~~(b)~~ (a) It shall be unlawful for any person to transmit by any means whatsoever racing information to any other person, or to relay the same to any other person by word of mouth, by signal, or by use of telephone, telegraph, radio, or



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any other means, when the information is knowingly used or intended to be used for illegal gambling purposes, or in furtherance of such gambling purposes.

(b) No license shall be issued which would allow any race track or pari-mutuel licensee in the county to operate on the same day.

(c) Any person violating this section shall be guilty of a felony and, upon conviction, shall be imprisoned in the state penitentiary for not less than one year nor more than 10 years, or shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000), or both, in the discretion of the court."

Section 2. (a) The Legislature hereby finds and declares that a computerized machine, which replays actual historical horse races and allows pari-mutuel wagering thereon, is already a permissible lawful activity at each of the four pari-mutuel wagering racetracks in the State of Alabama. The Legislature hereby further finds and declares that a uniform local tax on the handle from pari-mutuel wagering on these historical horse racing computerized machines is necessary for the licensed racetrack and pari-mutuel licenses located in Greene County so that such racetrack and pari-mutuel licenses can be competitive with the other racetracks and pari-mutuel licenses located in the State of Alabama.

(b) For purposes of this act, pari-mutuel wagering on historical horse racing computerized machines may be conducted without regard to any of the following: (i) The type of



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graphics on the machine used to conduct the activity; (ii) whether the patron chooses a specific horse upon which to wager; and (iii) whether the patron watches all or part of the historical race.

(c) The local tax on pari-mutuel wagering on historical horse races on these computerized machines at the Greene County racetrack and other pari-mutuel licenses shall be calculated at a rate up to 15 percent and the state tax rate shall be levied at one percent and shall be collected, administered, and distributed in the same manner and on the same terms as are applicable to the local pari-mutuel tax on live greyhound racing conducted at the Greene County racetrack and pari-mutuel licenses, provided that the total handle less prizes paid to winners from pari-mutuel wagering of historical horse races on these computerized machines shall be separately calculated from any other racing handle, live or simulcast.

(d) It is the intent of the Legislature in assessing a state and local tax that the tax shall be in lieu of any other tax on pari-mutuel wagering on historical horse races on these computerized machines that may otherwise be imposed by law, including, but not limited to, any tax assessed pursuant to Sections 45-32-151.02, 40-23-2, 40-23-61, and 40-12-222, Code of Alabama 1975.

Section 3. The following sections are repealed:

(1) Section 45-32-150.09, Code of Alabama 1975, relating to the suspension or revocation of licenses.

(2) Section 45-32-150.19, Code of Alabama 1975, relating to the manipulation of race outcomes.



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561 Section 4. This act shall become effective immediately.



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562
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564 Senate

565 Read for the first time and referred04-Feb-25
566 to the Senate committee on Local
567 Legislation

568
569 Read for the second time and placed03-Apr-25
570 on the calendar:
571 1 amendment

572
573 Read for the third time and passed08-Apr-25
574 as amended
575 Yeas 14
576 Nays 1
577 Abstains 0

578
579
580 Patrick Harris,
581 Secretary.