

## House Bill 158

By: Representatives Stephens of the 164<sup>th</sup>, Smyre of the 135<sup>th</sup>, Maxwell of the 17<sup>th</sup>, Evans of the 42<sup>nd</sup>, Rakestraw of the 19<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 definitions; to provide for the creation, membership, appointment, and  
3 duties of the Georgia Gaming Commission; to authorize the licensing of up to two  
4 destination resorts in this state; to provide for records of the commission and confidentiality  
5 of certain records; to provide for applications and licensing processes and criteria for licenses  
6 of destination resorts, suppliers, and certain employees; to provide for certain investigations  
7 and access to records and computer systems; to provide for certain civil actions; to provide  
8 for the resolution of certain disputes; to provide for regulation of certain gaming activities;  
9 to provide for certain fees and taxes and the distribution of same; to provide for certain  
10 reports and hearings by the commission; to provide for the enforcement of certain credit  
11 instruments; to provide for related matters; to provide for a contingent effective date; to  
12 repeal conflicting laws; and for other purposes.

13 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

14 **SECTION 1.**

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

17 "CHAPTER 39

18 50-39-1.

19 This chapter shall be known and may be cited as the 'Destination Resort Act' or the 'Resort  
20 Act.'

21 50-39-2.

22 As used in this chapter, the term:

- 23 (1) 'Affiliate' means a person or applicant that, directly or indirectly, through one or more  
24 intermediaries:
- 25 (A) Controls, is controlled by, or is under common control of an applicant for a resort  
26 license or a resort licensee;
- 27 (B) Is in a partnership or joint venture relationship with an applicant for a resort license  
28 or a resort licensee; or
- 29 (C) Is a shareholder of a corporation, a member of a limited liability company, or a  
30 partner in a limited liability partnership with an applicant for a resort license or a resort  
31 licensee.
- 32 (2) 'Ancillary areas,' unless the context otherwise requires, include any areas within a  
33 limited gaming facility that are not intended to be used for the conduct or playing of  
34 games or as a gaming pit as defined by rules of the commission or specified in the  
35 application for the destination resort license of such limited gaming facility.
- 36 (3) 'Applicant,' as the context requires, means an affiliate or a person that applies for a  
37 resort license, supplier's license, or occupational license.
- 38 (4) 'Chair' means the chairperson of the Georgia Gaming Commission.
- 39 (5) 'Commission' means the Georgia Gaming Commission.
- 40 (6) 'Conflict of interest' means a situation in which the private interest of a member,  
41 employee, or agent of the commission may influence his or her judgment in the  
42 performance of his or her public duty under this chapter.
- 43 (7) 'Credit' means the method by which a licensee issues chips or tokens to a wagerer of  
44 the licensee to play games or slot machines, in return for which the wagerer executes a  
45 credit instrument to evidence the debt owed. The issuance of credit to a wagerer shall not  
46 be deemed a loan from the licensee to the wagerer.
- 47 (8) 'Destination resort' or 'resort' means a freestanding, land based structure in which  
48 limited gaming may be conducted. A destination resort is a mixed use development  
49 consisting of a combination of various tourism amenities and facilities, including, but not  
50 limited to, hotels, villas, restaurants, limited gaming facilities, convention and meeting  
51 facilities, attractions, entertainment facilities, service centers, and shopping centers. The  
52 term shall not include gambling devices on maritime vessels within the jurisdiction of the  
53 State of Georgia that were in existence prior to January 1, 2016.
- 54 (9) 'Destination resort license' or 'resort license' means a license to operate and maintain  
55 a destination resort having a limited gaming facility.
- 56 (10) 'Executive director' means the executive director of the commission.
- 57 (11) 'Financial interest' or 'financially interested' means any interest in investments or  
58 awarding of contracts, grants, loans, purchases, leases, sales, or similar matters under  
59 consideration or consummated by the commission, or ownership in an applicant or a

60 licensee. A member, employee, or agent of the commission is deemed to have a financial  
 61 interest in a matter if:

62 (A) The individual owns any interest in any class of outstanding securities that are  
 63 issued by a party to the matter under consideration by the commission, except indirect  
 64 interests such as a mutual fund, or stock portfolios; or

65 (B) The individual is employed by or is an independent contractor for a party to a  
 66 matter under consideration by the commission.

67 (12) 'Gaming pit' means an area commonly known as a gaming pit or any similar area  
 68 from which limited gaming employees administer and supervise games.

69 (13) 'Gross receipts' means the total of cash or cash equivalents received or retained as  
 70 winnings by a destination resort licensee and the compensation received for conducting  
 71 any game in which the destination resort licensee is not a party to a wager, less cash taken  
 72 in fraudulent acts perpetrated against the destination resort licensee for which the  
 73 destination resort licensee is not reimbursed. Such term does not include:

74 (A) Counterfeit money or tokens;

75 (B) Coins of other countries which are received in gaming devices and which cannot  
 76 be converted into United States currency;

77 (C) Promotional credits or 'free play' as provided by the destination resort licensee as  
 78 a means of marketing the limited gaming facility; or

79 (D) The amount of any credit extended until collected.

80 (14) 'Individual' means a natural person.

81 (15) 'Institutional investor' means, but is not limited to:

82 (A) A retirement fund administered by a public agency for the exclusive benefit of  
 83 federal, state, or county public employees;

84 (B) An employee benefit plan or pension fund that is subject to the federal Employee  
 85 Retirement Income Security Act of 1974 (ERISA);

86 (C) An investment company registered under the federal Investment Company Act of  
 87 1940;

88 (D) A collective investment trust organized by a bank under Section 9.18 of Part 9 of  
 89 12 C.F.R.;

90 (E) A closed-end investment trust;

91 (F) A life insurance company or property and casualty insurance company;

92 (G) A financial institution;

93 (H) Such other persons as the commission may determine for reasons consistent with  
 94 the policies of this chapter; and

95 (I) An investment advisor registered under the federal Investment Advisers Act of  
 96 1940.

- 97 (16) 'License,' as the context requires, means a destination resort license, supplier's  
 98 license, or occupational license.
- 99 (17) 'Licensee,' as the context requires, means a person that is licensed as a destination  
 100 resort licensee, supplier licensee, or occupational licensee.
- 101 (18) 'Limited gaming,' 'game,' or 'gaming,' as the context requires, means the games  
 102 authorized pursuant to this chapter in a limited gaming facility, including, but not limited  
 103 to, those games commonly known as baccarat, twenty-one, poker, craps, slot machines,  
 104 video gaming of chance, roulette wheels, Klondike tables, punch-board, faro layout,  
 105 numbers ticket, push car, jar ticket, pull tab, or their common variants, or any other game  
 106 of chance or wagering device that is authorized by the commission.
- 107 (19) 'Limited gaming employee' means any employee of a destination resort licensee,  
 108 including, but not limited to:
- 109 (A) Cashiers;
  - 110 (B) Change personnel;
  - 111 (C) Count room personnel;
  - 112 (D) Slot machine attendants;
  - 113 (E) Machine mechanics performing duties on machines with gaming related functions,  
 114 computer machine technicians performing duties on machines performing gaming  
 115 related functions, or table game device technicians;
  - 116 (F) Security personnel;
  - 117 (G) Surveillance personnel;
  - 118 (H) Promotional play supervisors, credit supervisors, pit supervisors, cashier  
 119 supervisors, gaming shift supervisors, table game managers, assistant managers, and  
 120 other supervisors and managers;
  - 121 (I) Boxmen;
  - 122 (J) Dealers or croupiers;
  - 123 (K) Floormen;
  - 124 (L) Personnel authorized to issue promotional credits; and
  - 125 (M) Personnel authorized to issue credit.
- 126 Such term shall not include bartenders, cocktail servers, or other persons engaged in  
 127 preparing or serving food or beverages, clerical or secretarial personnel, parking  
 128 attendants, janitorial staff, stage hands, sound and light technicians, and other nongaming  
 129 personnel as determined by the commission. Such term shall include an individual  
 130 employed by a person or entity other than a destination resort licensee who performs the  
 131 functions of a limited gaming employee.
- 132 (20) 'Limited gaming facility' means the limited gaming floor and any ancillary areas.

133 (21) 'Limited gaming floor' means the approved gaming area of a resort. Ancillary areas  
 134 in or directly adjacent to the gaming area are not part of the limited gaming floor for  
 135 purposes of calculating the size of the limited gaming floor.

136 (22) 'Occupational licensee' means a person who is licensed to be a limited gaming  
 137 employee.

138 (23) 'Qualifier' means an affiliate, affiliated company, officer, director, or managerial  
 139 employee of an applicant for a destination resort license or a person that holds a direct or  
 140 indirect equity interest in such applicant. Such term may include an institutional investor.  
 141 As used in this paragraph, the terms 'affiliate,' 'affiliated company,' and 'a person that  
 142 holds a direct or indirect equity interest in such applicant' do not include a partnership,  
 143 a joint venture relationship, a shareholder of a corporation, a member of a limited liability  
 144 company, or a partner in a limited liability partnership that has a direct or indirect equity  
 145 interest in the applicant for a destination resort license of 5 percent or less and is not  
 146 involved in the gaming operations as defined by the rules of the commission.

147 (24) 'Supplier licensee' or 'supplier' means a person that is licensed to furnish gaming  
 148 equipment, devices, or supplies or other goods or services to a destination resort licensee.

149 (25) 'Wagerer' means an individual who plays a game authorized under this chapter.

150 50-39-3.

151 (a) The Georgia Gaming Commission is hereby created.

152 (b) The commission shall consist of five members.

153 (c) Each member of the commission shall be a citizen of the United States and a resident  
 154 of the State of Georgia.

155 (d) No member of the General Assembly, individual holding any state elective office, or  
 156 officer or official of any political party shall be eligible to appointment to the commission.

157 (e) It is the intention of the General Assembly that the commission shall be composed of  
 158 the most qualified individuals available, preferably no two of whom shall be of the same  
 159 profession or major field of industry. No individual actively engaged or having a direct  
 160 pecuniary interest in gaming activities shall be a member of the commission.

161 50-39-4.

162 (a) The five members of the commission shall be appointed as follows:

163 (1) The Governor shall appoint three members. One of the initial appointees shall serve  
 164 a four-year term and two initial appointees shall serve two-year terms. The Governor  
 165 shall specify in the initial appointments which appointee is serving which term;

166 (2) The Lieutenant Governor shall appoint one member who shall serve an initial  
 167 four-year term; and

168 (3) The Speaker of the House of Representatives shall appoint one member who shall  
169 serve an initial two-year term.

170 (b) After the initial terms, the term of office for each member of the commission shall be  
171 four years.

172 (c) Each member of the commission shall serve until his or her respective successor is  
173 appointed and qualified.

174 50-39-5.

175 (a) The members of the commission shall devote such time to the business of the  
176 commission as may be necessary to the discharge of their duties.

177 (b) Before entering upon the duties of office, each member shall subscribe to an oath of  
178 office and swear or affirm that he or she is not actively engaged in and does not hold a  
179 direct pecuniary interest in gaming activities.

180 50-39-6.

181 (a) Regular and special meetings of the commission may be held, at the discretion of the  
182 commission, at such times and places as the commission may deem convenient, provided  
183 that at least one regular meeting may be held each month on or after the fifteenth day of the  
184 month.

185 (b) Any special meeting of the commission shall require a 72 hour notice to the members  
186 of the commission and the public.

187 (c) A majority of the members of the commission shall constitute a quorum.

188 (d) An executive director shall be appointed by the commission to serve at the pleasure of  
189 the commission and to have such duties and responsibilities as provided pursuant to this  
190 chapter and the rules and regulations of the commission.

191 50-39-7.

192 (a) The commission shall cause to be made and kept a record of all proceedings at regular  
193 and special meetings of the commission. Such records shall be open to public inspection.

194 (b) The commission shall maintain a file of all applications for licenses under this chapter  
195 together with a record of all action taken with respect to such applications. The file and  
196 record shall be open to public inspection.

197 (c) The commission may maintain such other files and records as it may deem desirable.

198 (d) Except as otherwise provided in this Code section, all information and data:

199 (1) Pertaining to an applicant's or natural person's criminal record, antecedents, and  
200 background which have been furnished to or obtained by the commission from any  
201 source;

202 (2) Provided to the members, agents, or employees of the commission by a governmental  
203 agency or an informer or on the assurance that the information will be held in confidence  
204 and treated as confidential;

205 (3) Obtained by the commission from a manufacturer, distributor, or operator, or from  
206 an operator of an inter-casino linked system, relating to the manufacturing of gaming  
207 devices or the operation of an inter-casino linked system; or

208 (4) Prepared or obtained by an agent or employee of the commission pursuant to an  
209 audit, investigation, determination, or hearing  
210 are confidential and may be revealed in whole or in part only in the course of the necessary  
211 administration of this chapter or upon the lawful order of a court of competent jurisdiction.  
212 The commission may reveal such information and data to an authorized agent of any  
213 agency of the United States government, any state or any political subdivision of a state,  
214 or the government of any foreign country. Notwithstanding any other provision of state  
215 law, such information shall not be otherwise revealed without specific authorization by the  
216 commission.

217 (e) Notwithstanding any other provision of state law, any and all information and data  
218 prepared or obtained by an agent or employee of the commission relating to an application  
219 for a license, a finding of suitability, or any approval are confidential and absolutely  
220 privileged and may be revealed in whole or in part only in the course of the necessary  
221 administration of such provisions and with specific authorization and waiver of the  
222 privilege by the commission. The commission may reveal such information and data to an  
223 authorized agent of any agency of the United States government, any state or any political  
224 subdivision of a state, or the government of any foreign country.

225 (f) Notice of the content of any information or data furnished or released pursuant to  
226 subsection (d) of this Code section may be given to any applicant or licensee in a manner  
227 prescribed by regulations adopted by the commission.

228 (g) The files, records, and reports of the commission are open at all times to inspection by  
229 the commission and its authorized agents.

230 (h) All files, records, reports, and other information pertaining to gaming matters in the  
231 possession of the Department of Revenue shall be made available to the commission as is  
232 necessary to the administration of this chapter.

233 (i) The commission shall establish the Destination Resort Trust Fund into which the  
234 commission shall deposit all excise taxes, fees, and other revenue received by the  
235 commission and which shall be used to fund the operations of the commission and to fund  
236 investigations, regulation of limited gaming, and enforcement of this chapter by the  
237 commission and the Georgia Bureau of Investigation.

238 50-39-8.

239 (a) The provisions of this chapter with respect to state gaming licenses and manufacturer's,  
240 seller's, and distributor's licenses shall be administered by the commission, which shall  
241 administer them for the protection of the public and in the public interest in accordance  
242 with the policy of this state.

243 (b) The commission and its agents may:

244 (1) Inspect and examine all premises wherein gaming is conducted or gambling devices  
245 or equipment are manufactured, sold, or distributed;

246 (2) Inspect all equipment and supplies in, upon, or about such premises;

247 (3) Summarily seize and remove from such premises and impound any equipment,  
248 supplies, documents, or records for the purpose of examination and inspection;

249 (4) Demand access to and inspect, examine, photocopy, and audit all papers, books, and  
250 records of any applicant or licensee, on its premises, or elsewhere as practicable, and in  
251 the presence of the applicant or licensee, or its agent, respecting the gross income  
252 produced by any gaming business, and require verification of income, and all other  
253 matters affecting the enforcement of the policy or any of the provisions of this chapter;  
254 and

255 (5) Demand access to and inspect, examine, photocopy, and audit all papers, books, and  
256 records of any affiliate of a licensee which the commission knows or reasonably suspects  
257 is involved in the financing, operation, or management of the licensee. The inspection,  
258 examination, photocopying, and audit may take place on the affiliate's premises or  
259 elsewhere as practicable and in the presence of the affiliate or its agent.

260 (c) The commission shall have the ability to award two destination resort licenses pursuant  
261 to Code Section 50-39-14. The commission shall have the ability to select the county in  
262 which the destination resort license is awarded, so long as the destination resort application  
263 to the commission is compliant with all criteria needed in addition to all state and local  
264 alcohol, zoning, occupancy, and other land use laws the commission deems appropriate.

265 (d) For the purpose of conducting audits after the cessation of gaming by a licensee, the  
266 former licensee shall furnish, upon demand of an agent of the commission, all books,  
267 papers, and records as necessary to conduct the audits. The former licensee shall maintain  
268 all books, papers, and records necessary for audits for one year after the date of the  
269 surrender or revocation of its gaming license. If the former licensee seeks judicial review  
270 of a deficiency determination or files a petition for a redetermination, the former licensee  
271 shall maintain all books, papers, and records until a final order is entered on the  
272 determination.

273 (e) The commission may investigate, for the purpose of prosecution, any suspected  
274 criminal violation.



275 (f) The commission or any of its members has full power and authority to issue subpoenas  
276 and compel the attendance of witnesses at any place within this state, to administer oaths,  
277 and to require testimony under oath. Any process or notice may be served in the manner  
278 provided for service of process and notices in civil actions. The commission may pay such  
279 transportation and other expenses of witnesses as it may deem reasonable and proper. Any  
280 individual making false oath in any matter before the commission shall be guilty of perjury.  
281 The commission or any member thereof may appoint hearing examiners who may  
282 administer oaths and receive evidence and testimony under oath.

283 50-39-9.

284 (a) The commission shall investigate the qualifications of each applicant under this chapter  
285 before any license is issued or any registration, finding of suitability, or approval of acts  
286 or transactions for which commission approval is required or permission is granted and  
287 shall continue to observe the conduct of all licensees and other persons having a material  
288 involvement directly or indirectly with a licensed gaming operation or registered holding  
289 company to ensure that licenses are not issued or held by, nor is there any material  
290 involvement directly or indirectly with a licensed gaming operation or registered holding  
291 company by, any unqualified, disqualified, or unsuitable person or persons whose  
292 operations are conducted in an unsuitable manner or in unsuitable or prohibited places or  
293 locations.

294 (b) To request and receive information from the Federal Bureau of Investigation  
295 concerning an investigation of an applicant pursuant to this Code section, the commission  
296 shall receive a complete set of fingerprints of the applicant which the commission shall  
297 forward to the Georgia Crime Information Center for submission to the Federal Bureau of  
298 Investigation for its report.

299 (c) The commission shall have full and absolute power and authority to recommend the  
300 denial of any application; the limitation, conditioning, or restriction of any license,  
301 registration, finding of suitability, or approval; the suspension or revocation of any license,  
302 registration, finding of suitability, or approval; and the imposition of a fine upon any  
303 person licensed, registered, found suitable, or approved for any cause deemed reasonable  
304 by the commission.

305 (d) The commission shall have full and absolute power and authority to deny any  
306 application or limit, condition, restrict, revoke, or suspend any license, registration, finding  
307 of suitability, or approval, or fine any person licensed, registered, found suitable, or  
308 approved, for any cause deemed reasonable by the commission.

309 (e) The commission shall partner with the Georgia Bureau of Investigation and local  
310 authorities for investigative purposes in executing this Code section.

311 50-39-10.

312 The commission shall initiate proceedings or actions appropriate to enforce the provisions  
313 of this chapter and may request that a district attorney or recommend that the Attorney  
314 General prosecute any public offense committed in violation of any provision of this  
315 chapter.

316 50-39-11.

317 (a) The commission is authorized to file civil actions to collect fees, interest, penalties, and  
318 taxes at any time:

319 (1) Within five years after any amount of fees, interest, penalties, or taxes required to be  
320 paid or collected pursuant to the provisions of this chapter become due and payable; or

321 (2) Within five years after the delinquency of any amount of such fees, interest,  
322 penalties, or taxes.

323 (b) If such civil action is brought in this state:

324 (1) A writ of attachment may issue, and no bond or affidavit previous to the issuing of  
325 the attachment shall be required; and

326 (2) The records of the commission are prima-facie evidence of the determination of the  
327 tax or the amount of the tax, the delinquency of the amount set forth, and compliance by  
328 the commission with all the provisions of this chapter in relation to the computation and  
329 determination of the amounts.

330 50-39-12.

331 The commission may refuse to reveal, in any court or administrative proceeding except a  
332 proceeding brought by the State of Georgia, the identity of an informant or the information  
333 obtained from the informant, or both.

334 50-39-13.

335 (a) The commission shall by rule or regulation use an invitation to negotiate process for  
336 determining the award of a destination resort license. The application, review, and  
337 issuance procedures for awarding a license shall be by a process in which applicants rely  
338 on forms provided by the commission in response to an invitation to negotiate issued by  
339 the commission. The commission shall issue the invitation to negotiate no later than 120  
340 days from the date of the commission's first meeting.

341 (b) The commission shall review all complete replies received pursuant to an invitation to  
342 negotiate. The commission may select one or more replies with which to commence  
343 negotiations after determining which replies are in the best interest of the state based on the

344 selection criteria. The commission shall award or deny a destination resort license within  
345 12 months after the deadline for the submission of a reply.

346 (c) The commission shall have the ability to select the county in which the destination  
347 resort license is awarded, so long as the destination resort application to the commission  
348 is compliant with all criteria needed in addition to all state and local alcohol, zoning,  
349 occupancy, and other land use laws the commission deems appropriate.

350 50-39-14.

351 (a) The commission may award a destination resort license to the applicant of an invitation  
352 to negotiate which best serves the interests of the residents of Georgia. The reply to an  
353 invitation to negotiate for a destination resort license shall include an application that  
354 demonstrates the applicant's ability to meet the following minimum criteria as follows:

355 (1) Two destination resort licenses may be awarded as follows:

356 (A) One license shall be to operate in a county with a population in excess of 900,000  
357 in population according to the most recent United States decennial census, the applicant  
358 must be able to demonstrate at least a \$2 billion investment into the destination resort  
359 with proximity to a convention center district within the same county, and such  
360 destination resort shall include a hotel with a minimum of 1,000 guest rooms; and

361 (B) One license shall be to operate in a county with a population of at least 250,000  
362 and not more than 900,000 according to the most recent United States decennial census  
363 and the applicant must be able to demonstrate at least a \$450 million investment into  
364 the destination resort with proximity to a convention center district within the same  
365 county;

366 (2) No one company may hold two destination resort licenses concurrently;

367 (3) The applicant shall demonstrate a plan for its destination resort to have over 60  
368 percent of its revenue derived from nongaming sources;

369 (4) The applicant shall demonstrate that Georgia vendors receive first consideration in  
370 the construction of the destination resort and first consideration for all other nongaming  
371 needs;

372 (5) The applicant shall demonstrate the financial ability to purchase and maintain an  
373 adequate surety bond as determined by the commission;

374 (6) The applicant shall demonstrate the ability to implement a program to train and  
375 employ residents of this state for jobs that will be available at the destination resort,  
376 including its ability to implement a program for the training of low-income persons;

377 (7) The commission may, at its discretion, assess the quality of the proposed  
378 development's aesthetic appearance in the context of its potential to provide substantial

379 economic benefits to the community and the residents of Georgia, including, but not  
380 limited to, its potential to provide substantial employment opportunities;

381 (8) Entertainment facilities within a destination resort shall have a maximum capacity  
382 of 3,500 people;

383 (9) The applicant shall demonstrate the ability to generate substantial gross receipts; and

384 (10) A county, municipality, or other unit of government shall be prohibited from  
385 applying for a resort license.

386 (b) A destination resort license may be issued only to individuals of good moral character  
387 who are at least 21 years of age. A destination resort license may be issued to a corporation  
388 only if its officers are of good moral character and at least 21 years of age.

389 (c) A destination resort license may not be issued to an applicant if the applicant, qualifier,  
390 or institutional investor:

391 (1) Has, within the last five years, been adjudicated by a court or tribunal for failure to  
392 pay income, sales, or gross receipts taxes due and payable under any federal, state, or  
393 local law after exhaustion of all appeals or administrative remedies and has failed to pay  
394 such taxes;

395 (2) Has been convicted of a felony under the laws of this or any other state or the United  
396 States;

397 (3) Knowingly submitted false information in the application for the license;

398 (4) Is a member or employee of the commission;

399 (5) Was licensed to own or operate gaming or parimutuel facilities in any jurisdiction  
400 and such license was revoked; or

401 (6) Fails to meet any other criteria for licensure set forth in this chapter.

402 For purposes of this subsection, the term 'convicted' shall include an adjudication of guilt  
403 on a plea of guilty or nolo contendere or the forfeiture of a bond when charged with a  
404 crime.

405 (d) The commission shall require each applicant for a destination resort license to produce  
406 the information documentation and assurances as may be necessary to establish by clear  
407 and convincing evidence the integrity of all financial backers, investors, mortgagees,  
408 bondholders and holders of indentures, notes, or other evidences of indebtedness, either in  
409 effect or proposed. Any banking or lending institution and institutional investor may be  
410 waived from qualification requirements. Banking or lending institutions or institutional  
411 investors shall, however, produce for the commission upon request any document or  
412 information which bears any relation to the proposal submitted by the applicant or  
413 applicants. The integrity of the financial sources shall be judged upon the same standards  
414 as the applicant or applicants. Any such person or entity shall produce for the commission  
415 upon request any document or information which bears any relation to the application. In

416 addition the applicant shall produce whatever information, documentation, or assurances  
417 the commission requires to establish by clear and convincing evidence the adequacy of  
418 financial resources.

419 50-39-15.

420 (a) A reply submitted in response to an invitation to negotiate shall include a sworn  
421 application in the format prescribed by the commission. The application shall include the  
422 following information:

423 (1) The name, business address, telephone number, social security number, and, where  
424 applicable, the federal tax identification number of the applicant and each qualifier;

425 (2) Information, documentation, and assurances concerning financial background and  
426 resources as may be required to establish the financial stability, integrity, and  
427 responsibility of the applicant. This shall include business and personal income and  
428 disbursement schedules, tax returns and other reports filed with governmental agencies,  
429 and business and personal accounting and check records and ledgers. In addition, each  
430 applicant shall provide written authorization for the examination of all bank accounts and  
431 records as may be deemed necessary by the commission;

432 (3) The identity and, if applicable, the state of incorporation or registration of any  
433 business in which the applicant or a qualifier has an equity interest of more than  
434 5 percent. If the applicant or qualifier is a corporation, partnership, or other business  
435 entity, the applicant or qualifier shall identify any other corporation, partnership, or other  
436 business entity in which it has an equity interest of more 5 percent, including, if  
437 applicable, the state of incorporation or registration;

438 (4) A statement as to whether the applicant or a qualifier has developed and operated a  
439 similar gaming facility within a highly regulated domestic jurisdiction that allows similar  
440 forms of development including a description of the gaming facility, the gaming facility's  
441 gross revenue, and the amount of revenue the gaming facility has generated for state and  
442 local governments within such jurisdiction;

443 (5) A statement as to whether the applicant or a qualifier has been indicted, convicted of,  
444 pled guilty or nolo contendere to, or forfeited bail for any felony or for a misdemeanor  
445 involving gambling, theft, or fraud. The statement shall include the date, the name and  
446 location of the court, the arresting agency, the prosecuting agency, the case caption, the  
447 docket number, the nature of the offense, the disposition of the case, and, if applicable,  
448 the location and length of incarceration;

449 (6) A statement as to whether the applicant or a qualifier has ever been granted any  
450 license or certificate in any jurisdiction which has been restricted, suspended, revoked,  
451 nonrenewed, or otherwise subjected to discipline. The statement shall describe the facts

452 and circumstances concerning such restriction, suspension, revocation, nonrenewal, or  
453 discipline, including the licensing authority, the date each action was taken, and an  
454 explanation of the circumstances for each disciplinary action;

455 (7) A statement as to whether the applicant or qualifier has, as a principal or a controlling  
456 shareholder, within the last ten years, filed for protection under the federal Bankruptcy  
457 Code or had an involuntary bankruptcy petition filed against it;

458 (8) A statement as to whether the applicant or qualifier has, within the last five years,  
459 been adjudicated by a court or tribunal for failure to pay any income, sales, or gross  
460 receipts tax due and payable under federal, state, or local law, or under the laws of any  
461 applicable foreign jurisdiction after exhaustion of all appeals or administrative remedies.  
462 This statement shall identify the amount and type of the tax and the time periods involved  
463 and shall describe the resolution of the nonpayment;

464 (9) The name and business telephone number and a disclosure of fees paid to any  
465 attorney, lobbyist, employee, consultant, or other person that has represented the  
466 applicant's interests in this state for three years prior to passage of this chapter or that is  
467 representing an applicant before the commission during the application process;

468 (10) A description of the applicant's history of and proposed plan for community  
469 involvement or investment in the community where the destination resort having a  
470 limited gaming facility would be located;

471 (11) A description of the applicant's proposed destination resort, including a description  
472 of the economic benefit to the community in which the facility would be located, the  
473 anticipated number of employees, a projection of admissions or attendance at the limited  
474 gaming facility, a projection of gross receipts, and scientific market research pertaining  
475 to the proposed facility, if any;

476 (12) A schedule or time frame for completing the destination resort;

477 (13) A plan for training residents of this state for jobs at the destination resort. The job  
478 training plan shall provide training to enable low-income persons to qualify for jobs at  
479 the destination resort;

480 (14) The identity of each person, association, trust, or corporation or partnership having  
481 a direct or indirect equity interest in the applicant of greater than 5 percent. If disclosure  
482 of a trust is required under this paragraph, the names and addresses of the beneficiaries  
483 of the trust shall also be disclosed. If the identity of a corporation must be disclosed, the  
484 names and addresses of all directors shall also be disclosed. If the identity of a  
485 partnership must be disclosed, the names and addresses of all partners, both general and  
486 limited, shall also be disclosed;

487 (15) A destination resort and limited gaming facility development plan;

488 (16) The fingerprints of all the officers or directors of the applicant and qualifiers, and  
489 any persons exercising operational or managerial control of the applicant, as determined  
490 by rule of the commission, for a criminal history record check;

491 (17) A listing of all gaming licenses and permits the applicant or qualifier currently  
492 possesses;

493 (18) A listing of former (no longer active) officers, directors or partners, and trustees;

494 (19) A listing of all affiliated business entities or holding companies including  
495 nongaming interests; and

496 (20) Any other information the commission may deem appropriate or require during the  
497 application process as provided by rule or regulation.

498 (b) The application shall be supplemented as needed to reflect any material change in any  
499 circumstance or condition stated in the application which takes place between the initial  
500 filing of the application and the final grant or denial of the license. Any submission  
501 required to be in writing may otherwise be required by the commission to be made by  
502 electronic means.

503 (c) The commission may contract with private vendors, or enter into intergovernmental  
504 agreements, to collect electronic fingerprints where fingerprints are required for licensure  
505 or where criminal history record checks are required.

506 (d)(1) The application for a destination resort license shall be submitted along with a  
507 nonrefundable application fee of \$1 million to be used by the commission to defray costs  
508 associated with the review and investigation of the application and to conduct a  
509 background investigation of the applicant and each qualifier. If the cost of the review and  
510 investigation exceeds \$1 million, the applicant shall pay the additional amount to the  
511 commission within 30 days after the receipt of a request for an additional payment.

512 (2) The application for a destination resort license shall be submitted with a one-time  
513 licensing fee of \$50 million. If the commission denies the application, the commission  
514 shall refund the licensing fee within 30 days after the denial of the application. If the  
515 applicant withdraws the application after the application deadline established by the  
516 commission, the commission shall refund 80 percent of the licensing fee within 30 days  
517 after the application is withdrawn.

518 50-39-16.

519 (a) An incomplete application for a destination resort license shall be grounds for the  
520 denial of the application.

521 (b)(1) If the commission determines that an application for a destination resort license  
522 is incomplete, the executive director shall immediately provide written notice to the

523 applicant of the incomplete items. The applicant may then request a confidential informal  
524 conference with the executive director or his or her designee to discuss the application.  
525 (2) The executive director shall provide the applicant an extension of 30 days to  
526 complete the application following the date of the informal conference. If the executive  
527 director finds that the application has not been completed within the extension, the  
528 applicant may appeal the finding to the commission. During an extension or the  
529 pendency of an appeal to the commission, the award of destination resort licenses shall  
530 be stayed.

531 50-39-17.

532 (a) An application for a destination resort license that has an institutional investor as a  
533 qualifier need not contain information relating to the institutional investor other than the  
534 identity of the investor if the institutional investor:

535 (1) Holds less than 15 percent interest or such other amount as approved by the  
536 commission; and

537 (2) Files a certified statement that the institutional investor does not intend to influence  
538 or affect the affairs of the applicant or an affiliate of the applicant and further states that  
539 its holdings of securities of the applicant or affiliate were purchased for investment  
540 purposes only.

541 The commission may limit the application requirements as provided in this Code section  
542 for an institutional investor that is a qualifier and that holds 5 percent or more of the equity  
543 or debt securities of an applicant or affiliate of the applicant upon a showing of good cause  
544 and if the conditions specified in this Code section are satisfied.

545 (b) An institutional investor that is exempt from the full application requirements under  
546 this Code section and that subsequently intends to influence or affect the affairs of the  
547 issuer shall first notify the commission of its intent and file an application containing all  
548 of the information that would have been required of the institutional investor in the  
549 application for a destination resort license. The commission may deny the application if  
550 it determines that granting the application will impair the financial stability of the licensee  
551 or impair the ability of the licensee to comply with its development plans or other plans  
552 submitted to the commission by the applicant or licensee.

553 (c) An applicant for a license or a destination resort licensee or affiliate shall immediately  
554 notify the commission of any information concerning an institutional investor holding its  
555 equity or debt securities which may disqualify an institutional investor from having a direct  
556 or indirect interest in the applicant or licensee, and the commission may require the  
557 institutional investor to file all information that would have been required of the  
558 institutional investor in the application for a license.



559 (d) If the commission finds that an institutional investor that is a qualifier fails to comply  
 560 with the requirements of subsection (a) of this Code section or if at any time the  
 561 commission finds that by reason of the extent or nature of its holdings an institutional  
 562 investor is in a position to exercise a substantial impact upon the controlling interests of a  
 563 licensee, the commission may require the institutional investor to file an application  
 564 containing all of information that would have been required of the institutional investor in  
 565 the application for a license.

566 (e) An institutional investor may vote on all matters that are put to the vote of the  
 567 outstanding security holders of the applicant or licensee.

568 50-39-18.

569 A bank, a lending institution, or any underwriter in connection with any bank or lending  
 570 institution that, in the ordinary course of business, makes a loan to, or holds a security  
 571 interest in, a licensee or applicant, a supplier licensee or applicant or its subsidiary, or a  
 572 direct or indirect parent company of any of the foregoing is not a qualifier and is not  
 573 required to be licensed.

574 50-39-19.

575 As a condition to licensure and to maintain continuing authority, a destination resort  
 576 licensee shall:

- 577 (1) Comply with the provisions of this chapter and the rules of the commission;  
 578 (2) Allow the commission and the Georgia Bureau of Investigation unrestricted access  
 579 to and right of inspection of facilities of a licensee in which any activity relative to the  
 580 conduct of gaming is conducted;  
 581 (3) Complete the resort in accordance with the plans and time frame proposed to the  
 582 commission in its application, unless a waiver is granted by the commission;  
 583 (4) Ensure that the facilities based computer system that the licensee will use for  
 584 operational and accounting functions of the facility is specifically structured to facilitate  
 585 regulatory oversight. The facilities based computer system shall be designed to provide  
 586 the commission and the Georgia Bureau of Investigation with the ability to monitor, at  
 587 any time on a real-time basis, the wagering patterns, payouts, tax collection, and such  
 588 other operations as necessary to determine whether the facility is in compliance with  
 589 statutory provisions and rules adopted by the commission for the regulation and control  
 590 of gaming. The commission and the Georgia Bureau of Investigation shall have complete  
 591 and continuous access to this system. Such access shall include the ability of either the  
 592 commission or the Georgia Bureau of Investigation to suspend play immediately on  
 593 particular slot machines or gaming devices if monitoring of the system indicates possible

594 tampering or manipulation of those slot machines or gaming devices or the ability to  
595 suspend play immediately of the entire operation if the tampering or manipulation is of  
596 the computer system itself. The computer system shall be reviewed and approved by the  
597 commission to ensure necessary access, security, and functionality. The commission may  
598 adopt rules to provide for the approval process. Neither the commission nor the Georgia  
599 Bureau of Investigation shall have the ability to alter any data within such computer  
600 system;

601 (5) Ensure that each game, slot machine, or other gaming device is protected from  
602 manipulation or tampering that may affect the random probabilities of winning plays.  
603 The commission or the Georgia Bureau of Investigation may suspend play upon  
604 reasonable suspicion of any manipulation or tampering. If play has been suspended on  
605 any game, slot machine, or other gaming device, the commission or the Georgia Bureau  
606 of Investigation may conduct an examination to determine whether the game, machine,  
607 or other gaming device has been tampered with or manipulated and whether the game,  
608 machine, or other gaming device should be returned to operation;

609 (6) Submit a security plan, including the facilities' floor plans, the locations of security  
610 cameras, and a listing of all security equipment that is capable of observing and  
611 electronically recording activities being conducted in the facilities of the licensee. The  
612 security plan shall meet the minimum security requirements as determined by the  
613 commission and be implemented before the operation of gaming. The licensee's facilities  
614 must adhere to the security plan at all times. Any changes to the security plan shall be  
615 submitted by the licensee to the commission prior to implementation. The commission  
616 shall furnish copies of the security plan and changes in the plan to the Georgia Bureau of  
617 Investigation;

618 (7) Create and file with the commission a written policy for:

619 (A) Creating opportunities to purchase from vendors in this state;

620 (B) Creating opportunities for the employment of residents of this state;

621 (C) Ensuring that opportunities for employment are offered on an equal,  
622 nondiscriminatory basis;

623 (D) Training employees on responsible gaming and working with a compulsive or  
624 addictive gambling prevention program;

625 (E) Implementing a drug-testing program that includes, but is not limited to, requiring  
626 each employee to sign an agreement that he or she understands that the destination  
627 resort is a drug-free workplace; and

628 (F) Ensuring that the payout percentage of each slot machine is at least 85 percent; and

629 (8) A destination resort licensee shall keep and maintain permanent daily records of its  
630 limited gaming operations and shall maintain such records for a period of not less than

631 five years. These records shall include all financial transactions and contain sufficient  
632 detail to determine compliance with the requirements of this chapter. All records shall  
633 be available for audit and inspection by the commission, the Georgia Bureau of  
634 Investigation, or other law enforcement agencies during the destination resort licensee's  
635 regular business hours.

636 50-39-20.

637 (a) Limited gaming may be conducted by a destination resort licensee, subject to the  
638 following:

639 (1) The site of the limited gaming facility shall be limited to the destination resort  
640 licensee's site location as approved by the commission;

641 (2) The commission's agents and employees may enter and inspect a limited gaming  
642 facility or other facilities relating to a destination resort licensee's gaming operations at  
643 any time for the purpose of determining whether the licensee is in compliance with the  
644 provisions of this chapter;

645 (3) A destination resort licensee shall lease or purchase gaming devices, equipment, or  
646 supplies customarily used in conducting gaming only from a licensed supplier;

647 (4) A destination resort licensee shall not permit any form of wagering on games except  
648 as permitted by the provisions of this chapter;

649 (5) A destination resort licensee shall receive wagers only from an individual present in  
650 the limited gaming facility;

651 (6) A destination resort licensee shall not permit wagering using money or other  
652 negotiable currency except for wagering on slot machines;

653 (7) A destination resort licensee shall not permit a person who is less than 21 years of  
654 age to engage in gaming activity or remain in an area of a limited gaming facility where  
655 gaming is being conducted;

656 (8) A destination resort licensee shall not sell or distribute tokens, chips, or electronic  
657 cards used to make wagers outside the limited gaming facility. The tokens, chips, or  
658 electronic cards may be purchased by means of an agreement under which the licensee  
659 extends credit to a wagerer. The tokens, chips, or electronic cards shall be used only for  
660 the purpose of making wagers on games within a limited gaming facility; and

661 (9) All gaming activities shall be conducted in accordance with the rules and regulations  
662 of the commission.

663 (b) A limited gaming facility may operate 24 hours per day, every day of the year.

664 (c) A destination resort licensee shall set the minimum and maximum wagers on all games.

665 (d) A destination resort licensee shall use the E-Verify program, or a similar program  
666 developed under the federal Immigration Reform and Control Act of 1986 or the federal

667 Illegal Immigrant Reform and Immigrant Responsibility Act of 1996, to verify the  
668 employment eligibility of all prospective employees. Applicants for a destination resort  
669 license shall require that all contractors use such a program to verify the employment  
670 eligibility of their prospective employees.

671 (e) A destination resort licensee and its affiliates, directors, and employees shall be subject  
672 to all applicable federal, state, and local laws including, but not limited to, the federal  
673 Foreign Corrupt Practices Act, the federal Securities Exchange Act of 1934, and the federal  
674 Wire Act.

675 (f) The commission shall renew a destination resort license if:

- 676 (1) The licensee has demonstrated an effort to increase tourism, generate jobs, provide  
677 revenue to the local economy, and provide revenue to the state general revenue fund;  
678 (2) The commission has not suspended or revoked the license of the licensee; and  
679 (3) The licensee continues to satisfy all the requirements of the initial application for  
680 licensure.

681 50-39-21.

682 (a) On the anniversary date of the issuance of the initial destination resort license and  
683 annually thereafter, the licensee shall pay to the commission a nonrefundable annual  
684 license fee of \$5 million. The license shall be renewed annually, unless the commission  
685 has revoked the license for a violation of the provisions of this chapter or the rules and  
686 regulations of the commission. The license fee shall be deposited into the Destination  
687 Resort Trust Fund to be used by the commission and the Georgia Bureau of Investigation  
688 for investigations, regulation of limited gaming, and enforcement of this chapter.

689 (b)(1) Each destination resort licensee shall pay a gross receipts tax on its gross receipts  
690 to the state.

691 (2) Upon completion of the destination resort and before limited gaming may be  
692 conducted, the destination resort licensee under subparagraph (a)(1)(A) of Code Section  
693 50-39-14 shall submit proof, as required by the commission, of the \$2 billion investment  
694 made in the construction of the resort and the destination resort licensee under  
695 subparagraph (a)(1)(B) of Code Section 50-39-14 shall submit proof, as required by the  
696 commission, of the \$450 million investment made in the construction of the resort.

697 (3) Upon submission of this information, the gross receipts tax rate shall be 20 percent  
698 of the annual gross receipts of such destination resort licensee.

699 (c)(1) The gross receipts tax on gaming profits shall be deposited into the Destination  
700 Resort Trust Fund and shall be used to fund the operating costs of the commission  
701 pursuant to appropriations by the General Assembly.

702 (2) On June 30 of each year, all unappropriated funds in excess of \$5 million in the  
703 Destination Resort Trust Fund shall be transferred to the Georgia Lottery Corporation for  
704 distribution as follows:

705 (A) Seventy percent shall be transferred to the Georgia Student Finance Commission  
706 for purposes of funding HOPE scholarships; and

707 (B) Thirty percent shall be transferred to the Georgia Student Finance Commission for  
708 the purposes of funding needs based scholarships.

709 50-39-22.

710 Any fingerprints required to be taken under this chapter shall be taken in a manner  
711 approved by, and shall be submitted electronically by the commission to, the Georgia  
712 Crime Information Center.

713 50-39-23.

714 (a) A destination resort licensee shall offer training to employees on responsible gaming  
715 and shall work with a compulsive or addictive gambling prevention program to recognize  
716 problem gaming situations and to implement responsible gaming programs and practices.

717 (b) The commission shall, subject to competitive bidding, contract for services relating to  
718 the prevention of compulsive and addictive gambling. The contract shall provide for an  
719 advertising program to encourage responsible gaming practices and to publicize a gambling  
720 telephone help line. Such advertisements shall be made both publicly and inside the  
721 resort's limited gaming facility. The terms of any contract for such services shall include  
722 accountability standards that must be met by any private provider. The failure of any  
723 private provider to meet any material terms of the contract, including the accountability  
724 standards, shall constitute a breach of contract or shall be grounds for nonrenewal. The  
725 commission may consult with the Georgia Lottery Corporation in the development of the  
726 program and the development and analysis of any procurement for contractual services for  
727 the compulsive or addictive gambling prevention program.

728 (c) The compulsive or addictive gambling prevention program shall be funded from an  
729 annual nonrefundable regulatory fee of \$250,000.00 paid by each destination resort  
730 licensee to the commission.

731 50-39-24.

732 (a) A person shall have a supplier's license in order to furnish on a regular or continuing  
733 basis to a destination resort licensee or an applicant for a destination resort license gaming  
734 equipment, devices, or supplies or other goods or services regarding the operation of  
735 limited gaming at a limited gaming facility.

736 (b) An applicant for a supplier's license shall apply to the commission on forms adopted  
 737 by the commission by rule. The licensing fee for the initial and annual renewal of the  
 738 license shall be \$5,000.00.

739 (c) An applicant for a supplier's license shall include in the application the fingerprints of  
 740 the persons identified by rule or regulation of the commission for the processing of state  
 741 and national criminal history record checks.

742 (d)(1) An applicant for a supplier's license shall not be eligible for licensure if:

743 (A) An individual for whom fingerprinting is required under subsection (c) of this  
 744 Code section has been convicted of a felony under the laws of this or any other state or  
 745 the United States;

746 (B) The applicant knowingly submitted false information in the application for a  
 747 supplier's license;

748 (C) The applicant is a member of the commission;

749 (D) The applicant is not a natural person and an officer, director, or managerial  
 750 employee of such person is a person defined in subparagraphs (A) through (C) of this  
 751 paragraph;

752 (E) The applicant is not a natural person and an employee of the applicant participates  
 753 in the management or operation of limited gaming authorized under this chapter; or

754 (F) The applicant has had a license to own or operate a destination resort facility or  
 755 parimutuel facility in this state or a similar license in any other jurisdiction revoked.

756 (2) The commission may revoke a supplier's license any time it determines that the  
 757 licensee no longer satisfies the eligibility requirements in this subsection.

758 (e) The commission may deny an application for a supplier's license for any individual:

759 (1) Who is not qualified to perform the duties required of the licensee;

760 (2) Who fails to disclose information or knowingly submits false information in the  
 761 application;

762 (3) Who has violated the provisions of this chapter or the rules and regulations of the  
 763 commission; or

764 (4) Who has had a gaming-related license or application suspended, restricted, revoked,  
 765 or denied for misconduct in any other jurisdiction.

766 (f) A supplier licensee shall:

767 (1) Furnish to the commission a list of all gaming equipment, devices, and supplies it  
 768 offers for sale or lease in connection with limited gaming authorized in this chapter;

769 (2) Keep books and records documenting the furnishing of gaming equipment, devices,  
 770 and supplies to destination resort licensees separate and distinct from any other business  
 771 that the supplier operates;

- 772 (3) File quarterly returns with the commission listing all sales or leases of gaming  
773 equipment, devices, or supplies to destination resort licensees;
- 774 (4) Permanently affix its name to all gaming equipment, devices, or supplies sold or  
775 leased to destination resort licensees; and
- 776 (5) File an annual report listing its inventories of gaming equipment, devices, and  
777 supplies.
- 778 (g) All gaming devices, equipment, or supplies furnished by a licensed supplier shall  
779 conform to standards adopted by the rules and regulations of the commission.
- 780 (h)(1) The commission may suspend, revoke, or restrict the supplier's license of a  
781 licensee:
- 782 (A) That violates the provisions of this chapter or the rules and regulations of the  
783 commission; or
- 784 (B) That defaults on the payment of any obligation or debt due to this state or a county  
785 or municipality of this state.
- 786 (2) The commission shall revoke the supplier's license of a licensee for any cause that,  
787 if known to the commission, would have disqualified the applicant from receiving a  
788 license.
- 789 (i) A supplier's licensee may repair gaming equipment, devices, or supplies in a facility  
790 owned or leased by the licensee.
- 791 (j) Gaming devices, equipment, or supplies owned by a supplier's licensee which are used  
792 in an unauthorized gaming operation shall be forfeited to the county where the equipment  
793 is found.
- 794 (k) The commission may revoke the license or deny the application for a supplier's license  
795 of a person that fails to comply with this Code section.
- 796 (l) An individual who knowingly makes a false statement on an application for a supplier's  
797 license shall be guilty of a misdemeanor of a high and aggravated nature.
- 798 50-39-25.
- 799 (a) Any individual who desires to be a limited gaming employee and has a bona fide offer  
800 of employment from a licensed destination resort shall apply to the commission for an  
801 occupational license. An individual shall not be employed as a limited gaming employee  
802 unless such individual holds an appropriate occupational license issued under this Code  
803 section. The commission may adopt rules to reclassify a category of nongaming employees  
804 or limited gaming employees upon a finding that the reclassification is in the public interest  
805 and consistent with the objectives of this chapter.
- 806 (b) An applicant for an occupational license shall apply to the commission on forms  
807 adopted by the commission by rule or regulation. An occupational license shall be valid

808 for four years following issuance. The application shall be accompanied by the licensing  
809 fee set by the commission by rule or regulation. The licensing fee shall not exceed \$250.00  
810 for an employee of a destination resort licensee.

811 (c) The applicant shall set forth in the application whether the applicant:

812 (1) Has been issued a gaming related license in any jurisdiction;

813 (2) Has been issued a gaming related license in any other jurisdiction under any other  
814 name and, if so, the name and the applicant's age at the time of licensure; and

815 (3) Has had a permit or license issued by another jurisdiction suspended, restricted, or  
816 revoked and, if so, for what period of time.

817 (d) An applicant for an occupational license shall include his or her fingerprints in the  
818 application.

819 (e) To be eligible for an occupational license, an applicant shall:

820 (1) Be at least 21 years of age to perform any function directly relating to limited gaming  
821 by patrons;

822 (2) Be at least 18 years of age to perform nongaming functions;

823 (3) Not have been convicted of a felony or a crime involving dishonesty or moral  
824 turpitude in any jurisdiction; and

825 (4) Meet the standards for the occupational license as provided in the rules and  
826 regulations of the commission.

827 (f) The commission shall deny an application for an occupational license for any  
828 individual:

829 (1) Who is not qualified to perform the duties required of the licensee;

830 (2) Who fails to disclose required information or knowingly submits false information  
831 in the application;

832 (3) Who has violated the provisions of this chapter; or

833 (4) Who has had a gaming related license or application suspended, revoked, or denied  
834 in any other jurisdiction.

835 (g)(1) The commission may suspend, revoke, or restrict the occupational license of a  
836 licensee:

837 (A) That violates the provisions of this chapter or the rules and regulations of the  
838 commission;

839 (B) That defaults on the payment of any obligation or debt due to this state or a county  
840 or municipality; or

841 (C) For any just cause.

842 (2) The commission shall revoke the occupational license of a licensee for any cause  
843 that, if known to the commission, would have disqualified the applicant from receiving  
844 a license.



845 (h) Any training provided for an occupational licensee may be conducted in the facility of  
846 a destination resort licensee or at a school with which the destination resort licensee has  
847 entered into an agreement for that purpose.

848 (i) An individual who knowingly makes a false statement on an application for an  
849 occupational license shall be guilty of a misdemeanor of a high and aggravated nature.

850 50-39-26.

851 (a) Upon the written request of an applicant for a supplier's license or an occupational  
852 license, the executive director shall issue a temporary license to the applicant and permit  
853 the applicant to undertake employment with or provide gaming equipment, devices, or  
854 supplies or other goods or services to a destination resort licensee or an applicant for a  
855 destination resort license if:

856 (1) The applicant has submitted a completed application, an application fee, all required  
857 disclosure forms, and other required written documentation and materials;

858 (2) A preliminary review of the application and the criminal history record check does  
859 not reveal that the applicant or an individual subject to a criminal history record check  
860 has been convicted of a crime that would require denial of the application;

861 (3) A deficiency does not appear to exist in the application which may require denial of  
862 the application; and

863 (4) The applicant has an offer of employment from, or an agreement to begin providing  
864 limited gaming devices, equipment, or supplies or other goods and services to, a  
865 destination resort licensee or an applicant for a destination resort license, or the applicant  
866 for a temporary license shows good cause for being granted a temporary license.

867 (b) An initial temporary occupational license or supplier's license shall not be valid for  
868 more than 90 days; provided, however, that it may be renewed one time for an additional  
869 90 day period.

870 (c) An applicant who receives a temporary license may undertake employment with or  
871 supply a destination resort licensee with gaming devices, equipment, or supplies or other  
872 goods or services until a license is issued or denied or until the temporary license expires  
873 or is suspended or revoked.

874 50-39-27.

875 (a) The commission shall file quarterly reports with the Governor, the Lieutenant  
876 Governor, and the Speaker of the House of Representatives covering the previous fiscal  
877 quarter. The report shall include:

878 (1) A statement of receipts and disbursements related to limited gaming;

879 (2) A summary of disciplinary actions taken by the commission; and

880 (3) Any additional information and recommendations that the commission believes may  
 881 improve the regulation of limited gaming or increase the economic benefits of limited  
 882 gaming to this state.

883 (b) Before the beginning of each legislative session, the commission shall submit to the  
 884 General Assembly for its review and use a report on the gross revenue, net revenue, and  
 885 average depreciation of all licensees, categorized by class of licensee and geographical  
 886 area, and the assessed valuation of the property of all licensees, by category, as listed on  
 887 the assessment rolls.

888 50-39-28.

889 (a) The chair of the commission may participate in any proceeding pending before the  
 890 commission when administrative duties and time permit. In order to distribute the  
 891 workload and expedite the commission's calendar, the chair, in addition to other  
 892 administrative duties, may assign the various proceedings pending before the commission  
 893 requiring hearings to two or more commissioners. Only those commissioners assigned to  
 894 a proceeding requiring hearings may participate in the final decision of the commission as  
 895 to that proceeding; provided, however, that if only two commissioners are assigned to a  
 896 proceeding requiring a hearing and they cannot agree on a final decision, the chair shall  
 897 cast the deciding vote for final disposition of the proceeding. If more than two  
 898 commissioners are assigned to any proceeding, a majority of the members assigned shall  
 899 constitute a quorum and a majority vote of the members assigned shall be essential to final  
 900 commission disposition of those proceedings. If a commissioner becomes unavailable after  
 901 assignment to a particular proceeding, the chair shall assign a substitute commissioner. A  
 902 petition for reconsideration shall be voted upon only by those commissioners participating  
 903 in the final disposition of the proceeding.

904 (b) A majority of the commissioners may determine that the full commission will sit in any  
 905 proceeding. Any party to a proceeding may file a petition requesting that the proceeding  
 906 be assigned to the full commission. Within 15 days after receipt by the commission of any  
 907 petition, the full commission shall dispose of such petition by majority vote and render a  
 908 written decision before the matter may be heard by less than the full commission.

909 50-39-29.

910 (a) Whenever a destination resort licensee has a dispute with a wagerer which is not  
 911 resolved to the satisfaction of the wagerer and involves:

912 (1) Alleged winnings, alleged losses, or the award or distribution of cash, prizes,  
 913 benefits, tickets, or any other item or items in a game, tournament, contest, drawing,  
 914 promotion, or similar activity or event; or

915 (2) The manner in which a game, tournament, contest, drawing, promotion, or similar  
916 activity or event was conducted,

917 the licensee shall immediately notify the commission of the dispute if the amount disputed  
918 is \$500.00 or more. If the dispute involves an amount less than \$500.00, the licensee shall  
919 immediately notify the wagerer of his or her right to file a complaint with the commission.

920 (b) Upon notice of a dispute or receipt of a complaint, the commission shall conduct any  
921 investigation it deems necessary and may order the licensee to make a payment to the  
922 wagerer upon a finding that the licensee is liable for the disputed amount. The decision of  
923 the commission is effective on the date the aggrieved party receives notice of the decision.

924 Notice of the decision is deemed sufficient if it is mailed to the last known address of the  
925 licensee and the wagerer. The notice is deemed to have been received by the destination  
926 resort licensee or the wagerer five days after it is deposited with the United States Postal  
927 Service with postage prepaid.

928 (c) The failure of a destination resort licensee to notify the commission of the dispute or  
929 the wagerer of the right to file a complaint shall be grounds for disciplinary action.

930 (d) Gaming related disputes may only be resolved by the Georgia Gaming Commission  
931 and shall not be within the jurisdiction of the courts of this state.

932 (e) Nothing herein shall be construed to deny a wagerer an opportunity to make a claim  
933 for nongaming related issues within the courts of this state.

934 50-39-30.

935 (a) A credit instrument and the debt that such instrument represents are valid and may be  
936 enforced by legal process.

937 (b) A destination resort licensee may accept an incomplete credit instrument that:

938 (1) Is signed by the patron; and

939 (2) States the amount of the debt in numbers and may complete the instrument as is  
940 necessary for the instrument to be presented for payment.

941 (c) A destination resort licensee may accept a credit instrument that is payable to an  
942 affiliate or may complete a credit instrument payable to an affiliate if the credit instrument  
943 otherwise complies with this Code section and the records of the affiliate pertaining to the  
944 credit instrument are made available to the commission upon request.

945 (d) A destination resort licensee may accept a credit instrument before, during, or after the  
946 patron incurs the debt for the credit instrument. The credit instrument and the debt that the  
947 instrument represents are enforceable without regard to whether the credit instrument was  
948 accepted before, during, or after the incurring of such debt.

949 (e) This Code section shall not prohibit the establishment of an account by a deposit of  
950 cash, recognized traveler's check, or any other instrument that is equivalent to cash.

- 951 (f) If a credit instrument is lost or destroyed, the debt represented by the credit instrument  
952 may be enforced if the destination resort licensee or person acting on behalf of the licensee  
953 can prove the existence of the credit instrument.
- 954 (g) The existence of a mental disorder in a patron who provides a credit instrument to a  
955 destination resort licensee:
- 956 (1) Is not a defense in any action by a destination resort licensee to enforce a credit  
957 instrument or the debt that the credit instrument represents; and
- 958 (2) Is not a valid counterclaim in an action to enforce the credit instrument or the debt  
959 that the credit instrument represents.
- 960 (h) The failure of a destination resort licensee to comply with the provisions of this Code  
961 section or the rules and regulations of the commission does not invalidate a credit  
962 instrument or affect its ability to enforce the credit instrument or the debt that the credit  
963 instrument represents.
- 964 (i) The commission may adopt rules and regulations prescribing the conditions under  
965 which a credit instrument may be redeemed or presented to a bank or credit union or other  
966 financial institution for collection or payment.
- 967 (j) A violation of these regulatory requirements only states a basis for disciplinary action  
968 for the commission."

969

**SECTION 2.**

970 This Act shall become effective on January 1, 2019, provided that a constitutional  
971 amendment is passed by the General Assembly and ratified by the voters at the 2018  
972 November general election which authorizes casino gambling in this state. Otherwise, this  
973 Act shall be repealed by operation of law on January 1, 2019.

974

**SECTION 3.**

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