

Senate Bill 79

By: Senators Beach of the 21st, Tate of the 38th, Black of the 8th, Mullis of the 53rd and Harbison of the 15th

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.