

House Bill 1020

By: Representatives Trammell of the 132nd, Hugley of the 136th, Beverly of the 143rd, Williams of the 168th, Alexander of the 66th, 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 the authorization in the state of three licensed resort facilities in counties,
3 municipalities, and consolidated governments that have approved by public referendum the
4 establishment of such facilities; to provide for a short title and legislative findings; to provide
5 for definitions; to provide for the establishment of the Georgia Gaming Commission; to
6 provide for the membership, terms of office, qualifications, duties, and responsibilities and
7 to provide for commission staff and employees; to provide for the comprehensive regulation
8 of casino gaming activities; to provide for funding, budgeting, and reporting by the
9 commission; to provide for certain licenses and permits; to provide for the collection of
10 certain amounts of gross gaming revenues by the commission generated at licensed resort
11 facilities; to establish and provide for the distribution of funds to the State of Georgia
12 Medicaid Expansion and REACH Georgia Scholarship Trust Fund, the Georgia Problem
13 Gaming Assistance Fund, and the Georgia Licensed Resort Facility Host Community Fund;
14 to provide for audits of licensed resort facilities; to provide for related matters; to provide for
15 a contingent effective date and repeal under certain circumstances; to repeal conflicting laws;
16 and for other purposes.

17 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

18 **SECTION 1.**

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

21 "CHAPTER 39

22 ARTICLE 1

23 50-39-1.

24 This chapter shall be known and may be cited as the 'Georgians' Access to Medicaid
25 Expansion and REACH Scholarship Dollars (GAMERS Dollars) Act.'

26 50-39-2.

27 It is found and declared by the General Assembly that:

28 (1) Net proceeds of casino gaming conducted pursuant to this chapter shall be used to
29 support and expand the state's Medicaid programming as administered by the Department
30 of Community Health as well as expand the funding provided to the REACH Georgia
31 Program;

32 (2) Casino gaming shall only be permitted at three licensed resort facilities in counties,
33 municipalities, or consolidated governments that have held a public referendum
34 approving the establishment of such facilities; and

35 (3) Casino gaming shall be regulated by the Georgia Gaming Commission which shall
36 have comprehensive regulatory powers over casino gaming in this state including the
37 power to grant, deny, or place conditions on licenses required for the operation of
38 licensed resort facilities.

39 50-39-3.

40 As used in this chapter, the term:

41 (1) 'Advisory committee' means the Advisory Committee on Problem Gaming created
42 by Code Section 50-39-35.

43 (2) 'Cashless wagering system' means the collective hardware, software, communications
44 technology, and other associated equipment used to facilitate wagering on any game or
45 gaming device used for wagering and accounting in which the validity and value of a
46 wagering instrument or wagering credits are determined, monitored, and retained by a
47 computer operated and maintained by a licensee which maintains a record of each
48 transaction involving the wagering instrument or wagering credits, exclusive of the game
49 or gaming device on which wagers are being made. Such term shall include
50 computerized systems which facilitate electronic transfers of money directly to or from
51 a gambling game or gaming device.

52 (3) 'Casino gaming' means to deal, operate, carry on, conduct, maintain, or expose for
53 play any gambling game, or to operate an inter-casino linked system.

- 54 (4) 'Casino gaming license' means a license awarded under this chapter that authorizes
55 a person to offer casino gaming to the public at a licensed resort facility.
- 56 (5) 'Casino gaming proceeds' means the budget category contained within the annual
57 budget presented to the General Assembly by the Governor which matches the annual
58 amount of proceeds expected to be collected and transferred for deposit into the State of
59 Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund.
- 60 (6) 'Casino gaming vendor' means a person who provides goods or services to a casino
61 gaming licensee including a person who manufactures or supplies any gaming device or
62 any equipment used in gambling games to any licensed facility.
- 63 (7) 'Category one license' means a license issued to an applicant for the operation of a
64 licensed resort facility in accordance with the requirements of subparagraph (d)(1)(A) of
65 Code Section 50-39-16.
- 66 (8) 'Category three license' means a license issued to an applicant for the operation of a
67 licensed resort facility in accordance with the requirements of subparagraph (d)(1)(C) of
68 Code Section 50-39-16.
- 69 (9) 'Category two license' means a license issued to an applicant for the operation of a
70 licensed resort facility in accordance with the requirements of subparagraph (d)(1)(B) of
71 Code Section 50-39-16.
- 72 (10) 'Commission' means the Georgia Gaming Commission created pursuant to Code
73 Section 50-39-4 and its professional and administrative staff and hearing officers who
74 have been duly authorized in accordance with regulations promulgated by the
75 commission.
- 76 (11) 'Commissioner' means a member of the board of directors of the Georgia Gaming
77 Commission.
- 78 (12) 'Credit instrument' means a writing which evidences a gaming debt owed to a person
79 that holds a casino gaming license at the time the debt is created and includes any writing
80 taken in consolidation, redemption, or payment of a previous credit instrument.
- 81 (13) 'Dependent' means a son, daughter, father, mother, brother, sister, or other
82 individual, whether or not related by blood or marriage, if such individual receives from
83 an officer or employee more than one-half of his or her financial support.
- 84 (14) 'Distributor' means any person who is licensed by the commission to facilitate the
85 sale or lease of any slot machine from one or more licensed manufacturers.
- 86 (15) 'Gambling disorder' means persistent and recurrent problematic gambling behavior
87 leading to clinically significant impairment or distress, as indicated by an individual
88 exhibiting four or more of the criteria as defined by the Diagnostic Statistical Manual of
89 Mental Disorders in a 12 month period and where the behavior is not better explained by
90 a manic episode.

91 (16) 'Gambling game' means any game played within a licensed resort facility with cards,
 92 dice, equipment, or any mechanical, electro mechanical, or electronic device or machine
 93 for money, property, checks, credit, or any representative of value, including, but not
 94 limited to, any table game, slot machine, game of skill, hybrid game, or other game that
 95 is approved by the commission through its regulations.

96 (17) 'Game of skill' means a game in which the skill of a player, rather than chance, is
 97 the dominant factor in affecting the outcome of a game as determined over a period of
 98 continuous play.

99 (18) 'Gaming employee' means any employee of a manufacturer, distributor, or supplier
 100 of gaming equipment or casino gaming licensee who is connected directly with the
 101 operation of casino gaming or an inter-casino linked system located at a licensed resort
 102 facility in this state, including, but not limited to, any:

103 (A) Accounting or internal auditing personnel located at a licensed resort facility, and
 104 who is directly involved in any record keeping or the examination of records associated
 105 with revenue from casino gaming, boxperson, cashier, change personnel, counting room
 106 personnel, and dealer;

107 (B) Employee whose duties are directly involved with the manufacture, repair, sale, or
 108 distribution of any gaming device or cashless wagering system;

109 (C) Employee who has access to the commission's system of records for the purpose
 110 of processing regulatory permitting applications under this chapter;

111 (D) Host or other person empowered to extend credit or complimentary service; and

112 (E) Security or surveillance personnel.

113 (19) 'Georgia Licensed Resort Facility Host Community Fund' means the fund created
 114 within the state general fund pursuant to Code Section 50-39-37.

115 (20) 'Georgia Problem Gaming Assistance Fund' means the fund created within the state
 116 general fund pursuant to Code Section 50-39-36.

117 (21)(A) 'Gross gaming revenue' means the total of all cash received by a licensed resort
 118 facility as winnings from gambling games and all cash received in payment for credit
 119 extended by a licensed resort facility to a patron for the purpose of gaming, less the total
 120 of all cash paid out as losses to patrons, those amounts paid to fund periodic payments,
 121 and any other items made deductible as losses under subparagraph (C) of this paragraph.
 122 For the purposes of such term, the cash or the value of noncash prizes awarded to patrons
 123 in a contest or tournament are not losses, except that losses in a contest or tournament
 124 conducted in conjunction with an inter-casino linked system may be deducted to the
 125 extent of the compensation received for the right to participate in such contest or
 126 tournament.

127 (B) The term 'gross gaming revenue' shall not include the following:

- 128 (i) Counterfeit facsimiles of money, chips, tokens, wagering instruments, or wagering
 129 credits;
- 130 (ii) Currency of other countries which are received in gaming devices which cannot
 131 be converted into United States currency;
- 132 (iii) Any portion of the face value of any chip, token, or other representative of value
 133 won by a licensee from a patron for which the licensee can demonstrate that it or its
 134 affiliate has not received cash;
- 135 (iv) Cash taken in fraudulent acts perpetrated against a licensee for which the licensee
 136 is not reimbursed;
- 137 (v) Cash received as entry fees for contests or tournaments in which patrons compete
 138 for prizes, except for a contest or tournament conducted in conjunction with an
 139 inter-casino linked system;
- 140 (vi) Uncollected baccarat commissions;
- 141 (vii) Cash provided by a licensee to a patron and subsequently won by the licensee,
 142 for which the licensee can demonstrate that it or its affiliate has not been reimbursed;
 143 or
- 144 (viii) Any promotional gaming credit for any slot machine or table game provided by
 145 a licensee to a patron and subsequently won by the licensee.
- 146 (C) When calculating gross gaming revenue under this chapter, the following items
 147 may be deducted:
- 148 (i) Any prizes, premiums, drawings, benefits, or tickets that are redeemable for
 149 money or merchandise or other promotional allowance, except money or tokens paid
 150 at face value directly to a patron as the result of a specific wager shall not be deducted
 151 as losses from winnings at any gambling game except a slot machine;
- 152 (ii) The amount of cash paid to fund periodic payments may be deducted as losses
 153 from winnings for any gambling game;
- 154 (iii) With regard to slot machines, the actual cost to the licensee of any personal
 155 property distributed to a patron as the result of a specific legitimate wager may be
 156 deducted as a loss, but not travel expenses, food, refreshments, lodging, or services;
 157 or
- 158 (iv) The pro rata share of a payout from a gambling game played in an inter-casino
 159 linked system except for a payout made in conjunction with a card game. The amount
 160 of the deduction shall be determined based upon the written agreement among the
 161 licensed gaming establishments participating in the inter-casino linked system and the
 162 operator of such system. All cash prizes and the value of noncash prizes awarded
 163 during a contest or tournament conducted in conjunction with an inter-casino linked
 164 system shall also be deductible on a pro rata basis to the extent of the compensation

165 received for the right to participate in that contest or tournament. The deductions
166 shall be taken only by those participating licensed gaming establishments that held an
167 active gaming license at any time during the month in which the payout was awarded.

168 (22) 'Hybrid game' means a game in which a combination of the skill of the player and
169 chance affects the outcome of the game as determined over a period of continuous play.

170 (23) 'Immediate family member' means a spouse or any other individual residing in the
171 same household as an officer or employee, who is a dependent of such officer or
172 employee, or of whom such officer or employee is a dependent.

173 (24) 'Institutional investor' means, but is not limited to:

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

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

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

180 (D) A collective investment trust organized by a bank under Section 9.18 of Part 9 of
181 12 C.F.R.;

182 (E) A closed-end investment trust;

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

184 (G) A financial institution;

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

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

189 (25) 'Inter-casino linked system' means a network of electronically interfaced similar
190 games which are located at two or more licensed gaming establishments, either inside or
191 outside this state, which are linked to conduct gaming activities, contests, or tournaments.

192 (26) 'Licensed resort facility' means a mixed-use land based casino development resort
193 facility for which a casino gaming license has been awarded consisting of a combination
194 of various tourism amenities and facilities, including, but not limited to, hotels,
195 restaurants, convention facilities, attractions, entertainment facilities, service centers, and
196 shopping centers. The term shall not include gambling devices on maritime vessels
197 within the jurisdiction of the State of Georgia that were in existence prior to
198 January 1, 2018.

199 (27) 'Licensee' or 'casino gaming licensee' means any person awarded a casino gaming
200 license under this chapter or any other license issued by the commission.

201 (28) 'Manufacturer' means any person who manufactures, produces, programs, designs,
202 or modifies any gaming device, associated equipment, cashless wagering system, or
203 interactive gaming system for use or play at a licensed gaming facility. No person with
204 a manufacturer's license shall have an ownership interest in a person with a licensed
205 resort facility or a distributor.

206 (29) 'Member' means, unless the context otherwise requires, any person designated a
207 member of a nonstock corporation and any person who by means of a pecuniary or other
208 interest in such corporation exercises the power of a member.

209 (30) 'Operator' means a person who, under agreement whereby consideration is paid or
210 payable for the right to place an inter-casino linked system, is engaged in the business of
211 placing and operating an inter-casino linked system upon the premises of two or more
212 licensed resort facilities, either inside or outside this state, and who is authorized to share
213 in the revenue from the gambling games that are a part of the inter-casino linked system
214 without having been individually licensed to conduct casino gaming at the licensed resort
215 facility in this state.

216 (31) 'Ownership interest' means any direct or indirect ownership of privately held stock,
217 membership interest, or a debt, loan, advance, or another interest.

218 (32) 'Periodic payments' means a series of payments that are disbursed at least annually
219 to remit payouts on winning wagers to a patron.

220 (33) 'Permit' means a regulatory authorization issued in accordance with Part 2 of
221 Article 2 of this chapter and any regulations promulgated by the commission in
222 accordance therewith.

223 (34) 'Person' means any individual, group of individuals, firm, company, corporation,
224 partnership, business, trust, association, or other legal entity.

225 (35) 'Principal stockholder' means any individual who individually or in concert with an
226 immediate family member beneficially owns or controls, directly or indirectly, 5 percent
227 or more of the stock of any licensee or who in concert with any immediate family
228 member has the power to vote or cause the vote of 5 percent or more of any such stock.
229 Such term shall not include an institutional investor or a broker-dealer registered under
230 the federal Securities Exchange Act of 1934, as amended, which holds in inventory
231 shares for sale on the financial markets for a publicly traded corporation holding, directly
232 or indirectly, a license from the commission.

233 (36) 'Problem gaming' means gambling behavior that causes disruptions in any major
234 area of life, including without limitation, the psychological, social, or vocational areas of
235 life, but does not fulfill the criteria for diagnosis as a gambling disorder.

236 (37) 'Slot machine' means any mechanical, electrical, or other device, contrivance, or
237 machine which, upon insertion of a coin, token, or similar object, or upon payment of any

238 consideration, is available to play or operate, the play or operation of which, whether by
 239 reason of the skill of the operator in playing a gambling game which is presented for play
 240 by the machine or application of the element of chance, or both, may deliver or entitle the
 241 individual playing or operating the machine to receive cash, premiums, merchandise,
 242 tokens, or anything of value, whether the payoff is made automatically from the machine
 243 or in any other manner.

244 (38) 'State of Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund'
 245 means the separate financial account in the state treasury created by amendment of the
 246 Georgia Constitution, which serves as the main repository of the proceeds generated by
 247 the licensing, regulation, and collection of gross gaming revenues of casino gaming in
 248 this state.

249 (39) 'Stock' includes all classes of stock, partnership interest, membership interest, or
 250 similar ownership interest of an applicant or licensee and any debt or other obligation of
 251 such person or an affiliated person if the commission finds that the holder of such interest
 252 or stock derives therefrom such control of or voice in the operation of the applicant or
 253 licensee that he or she should be deemed an owner of stock.

254 (40) 'Table game' means:

255 (A) Any banking or percentage game;

256 (B) Gaming tournaments in which players compete against one another in one or more
 257 of the gambling games authorized under this chapter; or

258 (C) Any other game approved by the commission through regulations as a table game.

259 (41) 'Temporary permitted employee' or 'independent contractor' means any employee
 260 or independent contractor authorized to work at a licensed resort facility in this state or
 261 any regulations of the commission, from the date of submitting a completed application
 262 or renewal application for regulatory permitting for a period not to exceed 120 days
 263 following the commission's receipt of the regulatory permitting application.

264 (42) 'Total investment' means expenditures by a licensee incurred during or for the
 265 development of a licensed resort facility, including, but not limited to, costs associated
 266 with construction, licensing fees, architecture, and design of the licensed resort facility,
 267 property taxes associated with the licensed resort facility, site acquisition, and preparation
 268 of the property for the licensed resort facility, permits, infrastructure improvements,
 269 operating supplies, equipment, furniture, fixtures, financing, preopening costs, and any
 270 other costs or expenses approved by the commission.

271 (43) 'Wager' means a sum of money or representative of value that is risked in casino
 272 gaming as part of a gambling game, game of skill, or hybrid game on an occurrence for
 273 which the outcome is uncertain.

274 (44) 'Wagering credit' means a representative of value, other than a chip, token, or
275 wagering instrument, that is used for wagering at a gambling game or gaming device and
276 is obtained by the payment of cash or a cash equivalent, the use of a wagering instrument,
277 or the electronic transfer of money.

278 (45) 'Wagering instrument' means a representative of value, other than a chip or token,
279 that is issued by a casino gaming licensee and approved by the commission for use in a
280 cashless wagering system.

281 50-39-4.

282 The Georgia Gaming Commission is hereby created which shall have full legal authority
283 over casino gaming, casino gaming licensees, and casino gaming vendors in this state.

284 50-39-5.

285 (a) The commission shall consist of seven commissioners composed of the most
286 experienced and qualified persons available who are able to provide oversight of the
287 commission's duties. No person actively engaged in or having a direct pecuniary interest
288 in gaming activities shall be qualified to serve as a commissioner.

289 (b) Each commissioner shall be a citizen of the United States and a resident of the State
290 of Georgia.

291 (c) No state or local elected official, employee of the Georgia General Assembly, nor
292 officer or official of a political party shall be eligible for appointment to the commission
293 until two years after the date on which he or she ceased to serve in this capacity.

294 (d) The seven commissioners shall be appointed as follows:

295 (1) The Governor, Lieutenant Governor, and Speaker of the House of Representatives
296 shall each appoint one commissioner who shall serve an initial four-year term.

297 (2) Within 60 days of appointment, the initial three commissioners shall accept
298 recommendations for the four remaining commission seats and appoint one member
299 representing each of the following four industries for an initial term of three years:

300 (A) Work force development;

301 (B) Community planning, or management;

302 (C) Tourism; and

303 (D) Arts or culture.

304 (e) After the initial term, the regular term of all commissioners shall be four years.
305 Commissioners shall be limited to serving two full regular terms. Each commissioner shall
306 serve until his or her respective successor is duly appointed.

307 (f) The commission shall annually elect a chair and vice chair from among the
 308 membership. There is no limit to the number of times a member may be elected to serve
 309 as commission chair or vice chair.

310 (g) The vacancy of a commission seat prior to the end of a term shall be filled as follows:

311 (1) The Governor, Lieutenant Governor, or Speaker of the House of Representatives
 312 shall appoint a new commissioner to fill a vacancy in a seat they originally appointed.
 313 The newly appointed commissioner shall complete the remainder of the current term and
 314 be eligible for two subsequent four-year terms.

315 (2) If a vacancy occurs in an industry representative seat the Governor shall appoint a
 316 replacement to serve out the remainder of the current term. The appointed replacement
 317 may be eligible to serve two additional four-year terms but only if selected by
 318 commission members through the nomination process.

319 50-39-6.

320 The commission shall be vested with all jurisdiction, powers, and duties necessary to carry
 321 out the provisions of this chapter and to exercise regulatory control over casino gaming in
 322 the state. The commission shall carry out and effectuate the purposes and provisions of this
 323 chapter which are not in conflict with the Constitution of this state and which are generally
 324 exercised by state instrumentalities engaged in regulatory pursuits.

325 50-39-7.

326 (a) The commission shall be vested with all jurisdiction, powers, and duties necessary to
 327 conduct investigations, complete arrests, hold hearings, inspect and access licensed resort
 328 facilities and other places of business of any applicant or licensee or their affiliates, and
 329 perform audits as required to regulate the state's gaming industry, ensure compliance with
 330 the requirements of this chapter and regulatory requirements and promote responsible
 331 casino gaming, the honesty and integrity of gaming operations, and the orderly conduct of
 332 casino gaming within this state.

333 (b) The commission shall have all necessary authority to compel any licensee to submit
 334 such data, documents, and information as the commission shall deem necessary to regulate
 335 gaming in the state, including, but not limited to, corporate records, public filings, and
 336 financial statements and information relative to stockholders and all others with any
 337 pecuniary interest in such licensee.

338 (c) The powers enumerated in subsection (a) of this Code section are cumulative of and
 339 in addition to those powers enumerated elsewhere in this chapter and in Chapter 27 of this
 340 title, and no such powers limit or restrict any other powers of the commission.

341 (d) The commission shall also have the necessary authority to administer oaths, take
342 depositions, issue subpoenas, and compel the attendance of witnesses and the production
343 of books, papers, documents, and other evidence relative to any regulatory compliance
344 audit, review, investigation or proceeding conducted by the commission or any
345 subcomponent thereof, or in any situation where, in the judgment of the commission, it is
346 necessary to do so for the effectual discharge of its duties.

347 (e) The commission shall also have the necessary authority to:

348 (1) Appoint and select officers and hearing officers to conduct hearings and resolve
349 patron disputes as required by this chapter; and

350 (2) Fix compensation, pay expenses, and provide a benefit program, including, but not
351 limited to, a retirement plan and a group insurance plan.

352 50-39-8.

353 The commission shall have all necessary authority to enter into contracts and agreements
354 of any and all types on such terms and conditions as the commission may determine,
355 inclusive of agreements with any foreign or domestic government or governmental agency
356 for the purposes of exchanging information or performing any other act to better ensure the
357 proper regulation of casino gaming in this state.

358 50-39-9.

359 The commission shall have all necessary authority to establish a list of self-excluded
360 individuals from licensed resort facilities. An individual may request to be placed on the
361 list of self-excluded persons by filing a statement with the commission acknowledging that
362 he or she is a problem gambler and agreeing that during any period of voluntary exclusion,
363 the individual shall not collect any winnings or recover any losses resulting from any
364 gaming activity at a gaming establishment. An individual placed on the list of
365 self-excluded individuals may remove himself or herself from the self-exclusion list in
366 accordance with regulations adopted by the commission.

367 50-39-10.

368 (a) The commission shall appoint an executive director who shall be the chief executive
369 officer of the commission and shall be responsible for hiring and appointing all employees
370 necessary to carry out the duties of the commission.

371 (b) The commission shall establish and maintain a personnel program for its employees
372 and fix the compensation and terms of compensation of its employees; provided, however,
373 that no bonuses or incentive payments shall be awarded or paid to any employee of the
374 commission.

375 (c) No commissioner or employee of the commission shall have a financial interest in any
376 applicant or licensee or vendor doing business or proposing to do business with the
377 commission or with any applicant or licensee.

378 (d) No commissioner or employee of the commission who leaves the employment of the
379 commission shall represent any applicant, licensee, or former licensee, or any vendor of the
380 commission of an applicant, license, or former licensee, before the commission for a period
381 of two years following his or her last day of employment with the commission.

382 (e) Background investigations shall be conducted on each individual who has reached the
383 final selection process prior to employment by the commission at the level of a commission
384 director and above and at any level within any commission of security and as otherwise
385 required by the commission. The results of such a background investigation shall not be
386 considered a record open to the public pursuant to Article 4 of Chapter 18 of this title.

387 (f) No person who has been convicted of a felony or bookmaking or other forms of illegal
388 gambling or of a crime involving moral turpitude shall be employed by the commission.

389 (g) The commission shall bond employees with access to commission funds or casino
390 gaming revenue in such an amount as provided by the commission and may bond other
391 employees as deemed necessary.

392 50-39-11.

393 (a) The funding of commission operating expenses related to casino gaming regulation and
394 licensing shall be provided for in the manner set forth in subsection (d) of this Code
395 section.

396 (b) By June 30 of each year the commission shall submit to the Office of Planning and
397 Budget, the state auditor, the state accounting officer, and the Governor a copy of the
398 annual operating budget for the next fiscal year. This annual operating budget shall be
399 approved by the commission and be on such forms as prescribed by the Office of Planning
400 and Budget. Such annual operating budget shall detail the commission's operational costs
401 for the regulation of casino gaming for the past fiscal year and its expected operational
402 expenditures for the regulation of casino gaming for the upcoming fiscal year. Such report
403 shall provide a detailed overview of the commission's activities in and regulatory priorities
404 for casino gaming in both the past and upcoming fiscal year. Such report shall provide a
405 detailed overview of the commission's activities in and regulatory priorities for casino
406 gaming in both the past and upcoming fiscal year. The provisions of this subsection shall
407 apply in each fiscal year following the effective date of this chapter. In the year of the
408 effective date of this chapter, however, the commission shall be responsible for developing
409 a preliminary budget report document detailing its expected operational expenditures for
410 the first fiscal year after the effective date of this chapter.

411 (c) To ensure the financial integrity, the commission shall submit a proposed operating
412 budget for the succeeding fiscal year to the Office of Planning and Budget by a date
413 determined by the Office of Planning and Budget. This budget shall be on such forms as
414 prescribed by the Office of Planning and Budget.

415 (d)(1) The General Assembly shall have the authority to appropriate all necessary funds
416 for the initial development of the commission's casino gaming operational structure and
417 the commencement of its initial licensing and regulatory operations. Such appropriations
418 shall be set in consultation with the Governor and the commission and shall provide
419 sufficient funds for the commission to carry out its duties with respect to casino gaming
420 as delineated in this chapter until such time as the State of Georgia Medicaid Expansion
421 and REACH Georgia Scholarship Trust Fund is funded through the mechanisms
422 described in this chapter or the General Assembly in consultation with the Governor
423 determines that funding for such initial development is no longer necessary. Funding for
424 commission operations shall derive from the State of Georgia Medicaid Expansion and
425 REACH Georgia Scholarship Trust Fund starting in the first full fiscal year following the
426 effective date of this chapter. In the event that the General Assembly does not
427 appropriate sufficient funds, the commission may utilize the initial casino gaming
428 licensing fees paid to the commission by a licensee to supplement the funds appropriated
429 by the General Assembly for its operations.

430 (2) The General Assembly may require the repayment of any funds provided pursuant
431 to paragraph (1) of this subsection and in such event shall establish the method, manner,
432 and time frame of any such repayment.

433

434 50-39-12.

435 The commission shall adopt regulations requiring licensed resort facilities to restrict
436 participation in casino gaming to individuals who are 21 years of age or older. Such
437 regulations shall be designed to prevent the act of underage casino gaming.

438 50-39-13.

439 All electronic gaming equipment used in casino gaming at a licensed resort facility and any
440 associated monitoring equipment shall be scientifically tested and technically evaluated for
441 compliance with the laws of this state and the regulations of the commission by an
442 independent testing laboratory that has been accredited to meet the standards established
443 by the commission.

444 50-39-14.

445 (a) Except as otherwise provided in this chapter, the commission shall be subject to the
 446 provisions of Article 4 of Chapter 18 of this title and Chapter 14 of this title; provided,
 447 however, that the following information shall be deemed to be confidential: trade secrets
 448 including nonpublic corporate governance information; security measures, systems, or
 449 procedures; background checks; investigative notes; security reports; information
 450 concerning bids or other contractual data, the disclosure of which would impair the efforts
 451 of the commission to contract for goods or services on favorable terms; employee
 452 personnel information unrelated to compensation, duties, qualifications, or responsibilities;
 453 and information obtained pursuant to investigations which is otherwise confidential.
 454 Information deemed confidential pursuant to this Code section shall be exempt from the
 455 provisions of Article 4 of Chapter 18 of this title. Meetings or portions of meetings
 456 devoted to discussing information deemed confidential pursuant to this Code section shall
 457 be exempt from Chapter 14 of this title.

458 (b) After any casino gaming license is awarded, the commission shall present to the
 459 Governor, the President of the Senate, the Speaker of the House of Representatives, and
 460 the chairpersons of the Senate Regulated Industries and Utilities Committee and the House
 461 Committee on Regulated Industries quarterly reports of all activities undertaken pursuant
 462 to the provisions of this Code section with regard to the classification of license issued.

463 ARTICLE 2

464 Part 1

465 50-39-15.

466 (a) No person shall offer casino gaming or construct, establish, own, or operate any
 467 development, facility, enterprise, or business for casino gaming in this state unless such
 468 person has been awarded a casino gaming license from the commission in accordance with
 469 the provisions of this chapter. The aforementioned shall not include gambling devices on
 470 maritime vessels within the jurisdiction of the State of Georgia that were in existence prior
 471 to January 1, 2018.

472 (b) No license awarded under the provisions of this chapter shall be transferable, except
 473 as provided in Code Section 50-39-25 or the regulations of the commission.

474 (c) Notwithstanding any other provision of law, all licensed resort facilities operating in
 475 this state may operate 24 hours a day for all legal purposes, including, but not limited to,
 476 casino gaming, hotel and hospitality operations, and the sale and service of food and
 477 alcoholic beverages.

478 50-39-16.

479 (a) The commission is granted specific authority to award up to three casino gaming
480 licenses in accordance with this chapter.

481 (b) The licensing of a licensed resort facility at which casino gaming may be conducted
482 in this state shall be considered the exclusive province of the commission. No licensing
483 structure or similar regulatory framework relating to casino gaming or related activities at
484 licensed resort facilities may be implemented by any county, municipality, or consolidated
485 government within this state.

486 (c) The commission shall not alter the specific limitations contained in subsections (a)
487 and (b) of this Code section through regulations, policies, and procedures or any other
488 regulatory action.

489 (d) Pursuant to the specific authority granted herein, the commission shall:

490 (1) Award one casino gaming license for each of the following three license categories,
491 subject to the conditions and requirements of this chapter, including:

492 (A) With regard to a category one license, at no time shall the commission allow
493 minimum total investment levels for the licensed resort facility to be less than \$2
494 billion;

495 (B) With regard to a category two license, at no time shall the commission allow
496 minimum total investment levels for the licensed resort facility to be less than \$500
497 million. A category two licensed resort facility shall be located more than 100 miles
498 from the category one licensed resort facility; and

499 (C) With regard to a category three license, at no time shall the commission allow
500 minimum total investment levels for the licensed resort facility to be less than \$250
501 million. A category three licensed resort facility shall be located more than 50 miles
502 from the category one licensed resort facility and more than 150 miles from the
503 category two licensed resort facility;

504 (2) Consider all applications for a casino gaming license submitted in response to a
505 request for proposals as provided in Code Section 50-39-17 that is in compliance with the
506 provisions of this chapter and any regulations of the commission, provided that:

507 (A) The award of a casino gaming license to an applicant authorizes the applicant to
508 begin construction or development of the proposed licensed resort facility detailed in
509 the application submitted to the commission; and

510 (B) The commission shall not award a casino gaming license for a proposed or existing
511 facility located in any county, municipality, or consolidated government that has not
512 approved by public referendum, in accordance with Code Section 50-39-25, the
513 construction, establishment, and operation of a licensed resort facility where casino
514 gaming is permitted. A proposed facility located in a municipality that has approved

515 the location of a licensed resort facility within such municipality but that is located in
 516 a county which has not permitted such a resort shall be permitted to locate such a
 517 facility in the municipality notwithstanding that the county has not so approved such
 518 a resort in the county; and

519 (3) Promulgate regulations and set forth conditions under which casino gaming shall be
 520 conducted and gaming licensees shall operate in this state. Consistent with the limitations
 521 of this chapter the commission shall be authorized to promulgate additional regulations
 522 it deems necessary and appropriate to affect the purposes of this chapter and enforce the
 523 license requirements included herein. The promulgation of any regulations in accordance
 524 with this chapter shall be subject to the requirements of Chapter 13 of this title, the
 525 'Georgia Administrative Procedure Act.' Nothing in this paragraph shall be deemed to
 526 preclude private ownership of licensed resort facilities or private participation in the
 527 commerce of casino gaming.

528 50-39-17.

529 (a) No casino gaming license shall be awarded unless all of the requirements under this
 530 chapter have been met. Any person desiring to construct, establish, own, or operate one
 531 of the initial licensed resort facilities as provided in Code Section 50-39-16 in this state
 532 shall file with the commission an application in response to a request for proposals and
 533 actively participate in the licensing process as provided for in this Code section.

534 (b) For each of the category of licenses set forth in Code Section 50-39-16 the commission
 535 shall:

536 (1) Issue a request for proposals for not less than 90 days for applications for licensure.
 537 The commission shall be authorized to request all information from an applicant, as part
 538 of a request for proposal, that it deems necessary;

539 (2) Review all applications for licensure submitted in response to such request for
 540 proposals based on the criteria established in the request for proposals, which shall be
 541 consistent with the criteria set forth in Code Section 50-39-19;

542 (3) Issue notice of such request for proposals at least 90 days prior to the date set for
 543 receipt of applications for licensure for each individual classification of licenses by
 544 posting a separate legal notice for each classification of the licenses on a single website
 545 that shall be procured and maintained for the purpose of soliciting applications for
 546 licensure;

547 (4) Solicit and accept written public comments for a period of no less than 30 days,
 548 beginning no sooner than ten days after the deadline to submit applications for licensure

549 (5) Hold at least two public hearings on the submitted applications for licensure during
 550 the period for public comment. Each applicant for the identified category of license shall

551 have the opportunity to make a presentation during at least one of the two public
552 hearings. Proprietary information that has been submitted as part of any application shall
553 not be required to be disclosed to the public or to other applicants either as part of a
554 public hearing or otherwise; and

555 (6) Award a license to the highest ranking applicant for each license category on the
556 basis of evaluation factors published in the request for proposals, and in consideration of
557 all information submitted during the application process.

558 (c) The commission shall complete the licensing process provided for in Code Section
559 50-39-19 for the first classification of license before commencing the same process for the
560 second classification of license. The commission shall complete the licensing process in
561 Code Section 50-39-19 for the second classification of license before commencing the
562 same process for the third classification of license. For each classification of license, the
563 request for proposals process shall be deemed to be completed on the date that the casino
564 gaming licenses, for the specific classification, has been awarded.

565 50-39-18.

566 (a) Each application shall be verified by the oath and affirmation of an officer of the
567 applicant and shall be accompanied by a license deposit and a nonrefundable application
568 fee in the amount of \$500,000.00 to fund the commission's review and processing of the
569 application.

570 (b) The total amount of the license deposit shall be:

571 (1) Fifty million dollars for a category one license;

572 (2) Twenty-five million dollars for a category two license; and

573 (3) Ten million dollars for a category three license.

574 (c) For each category of gaming license the required license fee shall be equal to the
575 amount required for the license deposit in this Code section. The license deposit of the
576 successful applicant shall be applied to satisfy its license fee requirement for the
577 corresponding license category. The license deposit of a successful application shall be
578 credited toward the casino gaming license fee required of the licensee. Subject to the
579 limitations in subsection (e) of this Code section, the license deposit of an unsuccessful
580 applicant shall be returned to the applicant within 15 days of the completion of the request
581 for proposal process.

582 (d) All nonrefundable application fees received by the commission in accordance with the
583 requirements of this Code section shall be transferred by the commission to the State of
584 Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund in the state
585 treasury within a period of seven days from receipt.

- 586 (e) If an applicant is not awarded a casino gaming license by the commission, the
587 applicant's such license deposit shall be refunded to the applicant within 15 days following
588 the date of the completion of the request for proposal process; provided, however, that:
- 589 (1) In the event that an applicant exercises the right to appeal as described in this Code
590 section, the applicant shall not be eligible to receive a refund of the deposit; and
591 (2) If the applicant was deemed unsuitable under Code Section 50-39-21, such deposit
592 shall be refunded following the conclusion of the seven-day licensing appeal period
593 described in Code Section 50-39-23.
- 594 (f) The required request for proposals for each classification of license shall require the
595 following information from each applicant the commission deems appropriate:
- 596 (1) The suitability of any applicant, its members, partners, stockholders, officers,
597 directors, and managers, and any other persons who are likely to have significant
598 influence over the applicant's casino gaming operations;
599 (2) The location and description of the proposed licensed resort facility; and
600 (3) Information relating to the applicant's consolidated financial condition.
- 601 (g) During the application evaluation period as part of the request for proposals process
602 provided in Code Section 50-39-17, all license deposits associated with prospective
603 applicants shall be held in escrow by the commission or a financial institution of the
604 commission's choosing. The instructions for the required escrow account shall require that:
- 605 (1) Any applicant for a casino gaming license whose application was denied may appeal
606 the decision of the commission to the Superior Court of Fulton County within a period
607 of 30 days from the commission's determination. However, upon filing its appeal to the
608 commission's denial of its application, the applicant shall forfeit its right to a return of its
609 license deposit to the state; and
- 610 (2) Any applicant for a casino gaming license who does not appeal the denial of its
611 application within the allotted 30 day period shall be entitled to a full refund of its license
612 deposit.
- 613 (h) Each applicant's right to appeal the denial of a license application shall be waived, if
614 not exercised, after 30 days of the commission's final determination.
- 615 (i) The commission shall be able to request information from an applicant that is privileged
616 or confidential. In any case where the commission requests privileged or confidential
617 information the information provided shall:
- 618 (1) Be deemed absolutely privileged;
619 (2) Not impose liability in any civil or criminal matter; and
620 (3) Be deemed not to constitute a waiver of any privilege that would otherwise have
621 attached to the information disclosed to the commission, its agents, or employees.

622 50-39-19.

623 (a) When evaluating applications submitted for any casino gaming license described in this
624 chapter, the commission shall award such license to the applicant who best meets the
625 following criteria for licensure for the subject category of licensees:

626 (1) The applicant is adequately capitalized to construct, operate, own, and maintain the
627 proposed licensed resort facility;

628 (2) The applicant, if a stock corporation, has stock that is fully paid and nonassessable
629 and has been subscribed;

630 (3) All principal stockholders or members of the applicant have submitted to the
631 jurisdiction of the courts of the State of Georgia and have designated an agent for service
632 of process in the state;

633 (4) The applicant has a demonstrated history of resort design and architecture that are
634 reflective of the local community, and the plans and specifications submitted by such
635 applicant for the resorts where casino gaming is proposed reflect a focus on high-quality
636 resort design and architecture that is also complementary to the existing architecture of
637 the area. Special attention shall be paid to how the applicant plans to incorporate the
638 needs of the local community into its design;

639 (5) The applicant has a demonstrated history of developing resorts with high-quality,
640 nongaming amenities, and the plans and specifications submitted by the applicant for the
641 resort where casino gaming is proposed reflect a focus on providing such high-quality,
642 nongaming amenities;

643 (6) The applicant has a demonstrated history of development, management, and
644 operation of resorts for casino gaming that value the principles of environmental
645 sustainability and stewardship at a LEED Gold level standard or higher as awarded by the
646 United States Green Building Council, and the plans and specifications submitted by the
647 applicant for the resort where casino gaming is proposed reflect a focus on the principles
648 of environmental sustainability and stewardship at the same LEED Gold level standard
649 or higher;

650 (7) The applicant has a demonstrated history of creating meaningful and high-quality
651 jobs to the greatest benefit of the residents of local communities; implementing
652 employment and job-training partnerships with work force development agencies,
653 employment agencies, colleges and universities, and other employment or training
654 organizations; and offering ongoing training and advancement programs for its
655 employees in the development, management, and operation of resorts for casino gaming.
656 The plans and specifications submitted by the applicant for the resort where casino
657 gaming is proposed must include identification of meaningful and high-quality jobs to the
658 greatest benefit of the residents of local communities; employment and job-training

659 partnerships with work force development agencies, employment agencies, colleges and
660 universities, and other employment or training organizations; and ongoing training and
661 advancement programs for its employees;

662 (8) The applicant has a demonstrated history of collaborative urban and regional
663 planning efforts with local stakeholders during development and ongoing operations
664 including but not limited to urban revitalization projects, public green spaces, and
665 infrastructure improvements;

666 (9) The applicant exhibits an ability to promote tourism in this state and increase
667 economic engagement by out-of-state residents. With regard to this criterion, the
668 promotion of tourism shall be evaluated with consideration given as to the proposed
669 economic impact of increased tourism on the target licensing location. The applicant's
670 demonstrated history of promoting economic development through tourism promotion
671 shall also be taken into account;

672 (10) The applicant has a demonstrated history of including the works of local artists in
673 its resort facilities and the proposal submitted by the applicant includes plans for
674 including works from local artists;

675 (11) The applicant has a demonstrated history of brand recognition, tourism-generating
676 partnerships, including a demonstration of historical collaborations with and support of
677 tourism agencies and bureaus, publicly-owned convention centers, entertainment and
678 sports venues, and consumer satisfaction in developing, managing, and operating resorts
679 for casino gaming, and the proposal submitted by the applicant exhibits an ability to
680 maximize economic opportunity for the people of this state through leveraging the
681 applicant's tourism-generating partnerships and reputation for brand recognition and
682 consumer satisfaction;

683 (12) The applicant has a demonstrated history of generating substantial gaming and
684 nongaming tax proceeds from the resorts including in competitive markets it develops,
685 manages, and operates, and the proposal submitted by the applicant exhibits an ability to
686 generate substantial gross gaming revenues and nongaming tax proceeds in this state at
687 the resort where casino gaming is proposed with consideration given to tax revenue
688 generation from out-of-state visitors;

689 (13) The applicant has a demonstrated history of developing, managing, and operating
690 resorts for casino gaming that have a positive impact on economic development and
691 business growth in the localities around such facilities and has a demonstrated history of
692 meeting and exceeding local hiring, contracting, or other goals whether stated or agreed
693 to with a government, and the proposal submitted by the applicant exhibits an ability to
694 encourage economic development and business growth in the preferred site location

695 where it intends to develop, manage, and operate a licensed resort facility where casino
 696 gaming is proposed;

697 (14) The breadth of geographic diversity of an applicant's portfolio assets will be viewed
 698 positively;

699 (15) The applicant meets all other criteria established by the commission pursuant to the
 700 regulations for the award and issuance of a casino gaming license; and

701 (16) The preferred site location of the applicant's licensed resort facility creates the
 702 maximum opportunity for gaming tax proceeds for the given category of license.

703 50-39-20.

704 (a) An initial casino gaming license awarded under this chapter shall be subject to a review
 705 by the commission every ten years commencing from the award date of the license.

706 (b) The commission shall renew a licensed resort facility's license if:

707 (1) The commission has not suspended or revoked the license of the licensee; and

708 (2) The licensing continues to satisfy all the requirements of the initial applications for
 709 licensure.

710 (c) The commission shall include on the license the location of the licensed resort facility
 711 for which the license is issued, and such other information as the commission deems
 712 proper.

713 (d) As set forth in Code Section 50-39-18, any applicant awarded a casino gaming license
 714 by the commission shall have the full amount of its casino gaming licensing fee satisfied
 715 through the crediting of its casino gaming license deposit against its respective casino
 716 licensing fee obligation. The commission shall complete this crediting process prior to
 717 transferring the applicant's license deposit to the State of Georgia Medicaid Expansion and
 718 REACH Georgia Scholarship Trust Fund and shall, in conjunction with this crediting
 719 process, provide the applicant with suitable documentation verifying that its casino gaming
 720 licensing fee has been paid in full.

721 (e) The commission shall keep a comprehensive record of all casino gaming license
 722 deposits and application fees paid through the crediting process described in subsection (d)
 723 of this Code section. Such record shall, at a minimum, include true and accurate
 724 information regarding all casino gaming license fee obligations met through the crediting
 725 process and all casino gaming license deposits transferred to the State of Georgia Medicaid
 726 Expansion and REACH Georgia Scholarship Trust Fund following the crediting process.

727 (f) The licensing of casino gaming in this state and the assessment of licensing fees
 728 associated therewith shall be considered the exclusive province of the commission.

729 50-39-21.

730 (a) The commission shall adopt regulations governing the issuance of findings of
731 suitability of each individual applying for a gaming license required under this chapter,
732 including but not limited to applicants, owners of license resort facilities who hold an
733 excess of 5 percent equity, senior operators of license resort facilities, and any person who
734 has an arrangement pursuant to which the person receives payments based on earnings,
735 profits, or receipts from gaming.

736 (b) If the commission determines that any such individual is unsuitable, it may require the
737 arrangement to be terminated. If the commission determines that the individual is
738 unsuitable to be associated with a gaming enterprise, the association must be terminated.
739 An individual who has been found unsuitable by the commission shall not be entitled to
740 profit from his or her investment in any of the following that have been awarded or issued
741 a casino gaming license:

742 (1) Corporation, other than a publicly traded corporation;

743 (2) Partnership;

744 (3) Limited partnership;

745 (4) Limited liability company; or

746 (5) Joint venture.

747 (c) An individual who has applied for a casino gaming license and been found unsuitable
748 by the commission shall not retain interest in a corporation, partnership, limited
749 partnership, limited liability company, or joint venture licensed by the commission beyond
750 that period prescribed by the commission.

751 (d) An individual who has been found unsuitable by the commission shall not accept more
752 for interest held in a corporation, partnership, limited partnership, limited liability
753 company, or joint venture licensed by the commission than he or she paid for it or the
754 market value on the date of the finding of unsuitability.

755 (e) The finding of unsuitability by the commission shall be final unless appealed under
756 Code Section 50-39-24 within seven days of the commission's decision.

757 (f) The commission shall maintain and make available to every licensee a complete and
758 current list containing the names of every individual who has been found unsuitable or has
759 had a license or finding of suitability revoked by the commission.

760 (g) Any individual whose name has been placed on the list maintained by the commission
761 pursuant to subsection (a) of this Code section may apply, on a form prescribed by the
762 commission, for removal from the list no earlier than five years after the date on which the
763 individual was found unsuitable or had a license or finding of suitability revoked by the
764 commission.

765 50-39-22.

766 (a) After a hearing upon at least 15 days' notice, the commission may require corrective
767 action for nonmaterial violations and, for material violations, suspend or revoke any license
768 or fine any licensee a sum that is no less than \$250,000.

769 (b) The commission may revoke any casino gaming license awarded to an applicant under
770 this chapter if the licensee, within three years of the date of such award, fails to open to the
771 public for casino gaming at the license resort facility as a result of the licensee's failure to
772 use best efforts to complete. Revocation of such an awarded casino gaming license under
773 this subsection shall not be mandatory, and the commission shall retain all necessary
774 authority to extend the period of time for public opening upon a finding of good cause.

775 (c) The commission may summarily suspend any casino gaming license for a period of not
776 more than 72 hours pending a hearing and final determination by the commission if the
777 commission determines that emergency action is required to protect the public health,
778 safety, and welfare, including, but not limited to, revenues due the commission and this
779 state and the political subcommissions thereof. The commission shall schedule a hearing
780 within 24 hours after the license is summarily suspended.

781 (d) Deliberations of the commission shall be conducted pursuant to the regulations
782 developed by the commission. If any casino gaming license is suspended or revoked, the
783 commission shall state the reasons for doing so, which shall be entered into the record.
784 Such suspension or revocation shall be final unless appealed in accordance with Code
785 Section 50-39-24. Suspension or revocation of a license by the commission for any
786 violation shall not preclude criminal liability for such violation.

787 (e) Any license revoked or surrendered in accordance with the provisions of this chapter
788 or any regulations of the commission shall revert to the state for future reissuance.

789 50-39-23.

790 (a) Any licensee that has a casino gaming license revoked or suspended or an applicant
791 who has been found unsuitable may appeal the decision of the commission to the Superior
792 Court of Fulton County within a period of seven days from the commission's
793 determination. Such appellate review shall be conducted by the court and shall be confined
794 to the record presented by the commission. Such appellate review shall be conducted by
795 the court and shall be confined to the record presented by the commission. For purposes
796 of this subsection, the record presented by the commission must include:

- 797 (1) All pleadings in the case;
798 (2) All notices and interim orders issued by the commission in the case;
799 (3) All stipulations from the parties;
800 (4) The decision and orders entered by the commission;

801 (5) A complete transcript of all testimony, evidence, and proceedings at hearings;

802 (6) All exhibits admitted and rejected; and

803 (7) Any other items requested by the parties.

804 (b) The Superior Court of Fulton County shall not substitute its judgment for that of the
 805 commission on matters of discretion expressly delegated to the commission under this
 806 chapter and any other law of this state. Likewise, the court shall not substitute its judgment
 807 for that of the commission on matters of interpretation associated with the evaluation of
 808 facts presented in an application for a casino gaming license. The court may, however,
 809 review the record presented by the commission to ascertain whether an applicant's rights
 810 have been prejudiced because the commission's licensing determination is clearly:

811 (1) In violation of state constitutional or statutory provisions;

812 (2) In excess of the statutory authority of the commission;

813 (3) Made upon unlawful regulations, policies, or procedures;

814 (4) Affected by other error of law;

815 (5) Not reasonably supported by substantial evidence in view of the reliable and
 816 probative evidence in the record as a whole; or

817 (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted
 818 exercise of discretion.

819 (c) Appeal from any final judgment of the Superior Court of Fulton County with regard
 820 to a licensing revocation or suspension decision made by the commission may be taken by
 821 any party, including the commission, in the manner provided for in civil actions generally.

822 50-39-24.

823 (a) The commission shall have all necessary authority to review and monitor material
 824 changes in the ownership structure of casino gaming licensees. Material changes shall
 825 include, but are not limited to, the following: the addition of new partners, members, and
 826 principal stockholders to the ownership structure of existing licensees; changes in
 827 operational or financial control within existing licensees; and transfers of whole or partial
 828 ownership interests in existing licensees. In conjunction with this authority, the
 829 commission shall have the power to adopt and promulgate regulations necessary or
 830 convenient to guarantee that all such changes in the ownership structures of existing
 831 licensees comply with the requirements of this chapter and the regulations of the
 832 commission and otherwise align with the general public interest. Any regulations adopted
 833 and promulgated by the commission in accordance with this subsection shall be in addition
 834 to the specific requirements set forth in subsections (b) through (e) of this Code section.

835 (b) The commission shall require any individual desiring to become a new partner,
 836 member, or principal stockholder of an existing licensee or any individual seeking to gain

837 operational or financial control over an existing licensee to apply to the commission for
838 approval thereof and may require such information of the applicant as it finds necessary.
839 The commission shall consider such application forthwith and shall approve or deny the
840 application within 60 days of receipt. The commission shall approve an application that
841 meets the criteria set forth in this chapter. The commission shall deny such application if
842 in its judgment the proposed acquisition by the applicant would be detrimental to the public
843 interest or to the honesty, integrity, and reputation of casino gaming in this state. In
844 situations involving an application to acquire actual control over an existing licensee, the
845 commission shall only approve such application if it finds that the applicant meets the
846 criteria set forth in subsection (c) of this Code section.

847 (c) If an applicant proposes to acquire operational or financial control, or both, of an
848 existing licensee, it shall, pursuant to subsection (b) of this Code section, submit to the
849 commission its proposal for the future operation of any existing or planned licensed resort
850 facility owned or operated by the licensee and such information as may be required by the
851 commission to assure the commission that the licensee, under the actual control of such
852 applicant, will have the experience, expertise, financial responsibility, and commitment to
853 comply with the following:

854 (1) The provisions of this chapter;

855 (2) All commission regulations and orders;

856 (3) All requirements for continued operation of the existing licensed resort facility
857 pursuant to the terms and conditions in effect on the date of application for the license at
858 issue; and

859 (4) All plans and specifications contained in the proposal and application submitted to
860 the commission by the existing licensee when obtaining the license at issue.

861 (d) The provisions of this Code section shall apply regardless of whether the control
862 acquired over the existing licensee is direct or indirect, or whether the acquisition is
863 accomplished individually or in concert with others.

864 (e) Any acquisition of financial or operational control, or both, over an existing licensee
865 without prior approval of the commission shall be grounds for the commission to revoke
866 any license it has issued to such licensee, order compliance with this Code section, or take
867 any other action as may be appropriate within the discretion and authority of the
868 commission.

869 (f) The requirements of this Code section shall be in addition to, and shall in no way
870 impair, the regulatory permitting provisions set forth in this chapter. As such, all
871 individuals who are approved to become a new partner, member, or principal stockholder
872 of an existing licensee, or acquire new financial or operational control, or both, over an

873 existing licensee, shall also be subject to all applicable regulations for regulatory permitting
874 developed by the commission in accordance with this chapter.

875 50-39-25.

876 The commission shall not award any casino gaming license to any applicant for any
877 licensed resort facility to be located within this state unless a referendum is approved by
878 more than one-half of votes cast in a special election in the county, municipality, or
879 consolidated government of this state where the proposed licensed resort facility is to be
880 located. Such a referendum shall be conducted in the following manner:

881 (1) A petition signed by 1 percent or 1,000, whichever is less, of the qualified electors
882 of such county, municipality, or consolidated government is filed with the election
883 superintendent of such county, municipality, or consolidated government asking that a
884 referendum be held on the question of whether destination casino gaming shall be
885 permitted at a licensed resort facility in such county, municipality, or consolidated
886 government in accordance with this chapter;

887 (2) The governing authority of any county, municipality, or consolidated government in
888 this state may allow casino gaming at a licensed resort facility within its jurisdiction if
889 the establishment of such a facility is approved by referendum as provided in this Code
890 section, which shall supersede any ordinance or charters that were in place prior to the
891 approval;

892 (3) Any governing authority of any county, municipality, or consolidated government
893 in this state desiring to allow casino gaming within its jurisdiction pursuant to
894 paragraph (1) of this Code section shall so provide by proper resolution or ordinance for
895 the authorization of casino gaming within its boundaries, provided that such authorization
896 is approved by public referendum within the county, municipality, or consolidated
897 government. Upon passage of such a resolution or ordinance, the governing authority of
898 the county, municipality, or consolidated government shall provide such election
899 superintendent of the jurisdiction with a copy of the resolution or ordinance. Upon
900 receipt of the resolution or ordinance, the election superintendent shall call and conduct
901 a special election in accordance with Chapter 2 of Title 21 to submit the referendum
902 question to the electors of the jurisdiction. Such election shall be held on the next
903 available day in accordance with Chapter 2 Title 21 that is at least 60 days after the date
904 on which the resolution or ordinance was delivered to the election superintendent but
905 shall not be later than the next general election unless such general election is within 60
906 days of the date on which the resolution or ordinance was delivered to the election
907 superintendent;

908 (4) The election superintendent shall cause the date and purpose of the special election
 909 to be published once a week for four weeks immediately preceding the date of the special
 910 election in the official legal organ of the county, municipality, or consolidated
 911 government; and

912 (5) Each ballot used in the special election shall contain the following written or printed
 913 question:

914 ' () YES Shall the governing authority of (name of county, municipality, or
 915 consolidated government) be authorized to permit the establishment
 916 of a licensed resort facility within (name of county, municipality, or
 917 consolidated government) where casino gaming is permitted, which
 918 () NO will provide (name of county, municipality, or consolidated
 919 government) with new job opportunities and economic benefit and
 920 which will provide the state with a new source of revenues to expand
 921 the state's Medicaid program and to fund the REACH Georgia
 922 Scholars Program?'

923 All individuals desiring to vote for approval of the question shall vote 'Yes' and all
 924 individuals desiring to vote for rejection of the question shall vote 'No.' If more than
 925 one-half of the votes cast on the question are for approval, then such question shall be
 926 approved and casino gaming shall be approved and may be conducted at licensed resort
 927 facilities located in such county, municipality, or consolidated government. If the
 928 question is not so approved or if the election is not conducted as provided in this Code
 929 section, then casino gaming shall not be approved and shall not be conducted in such
 930 county, municipality, or consolidated government. The expense of such special election
 931 shall be borne by the county, municipality, or consolidated government which adopts the
 932 resolution or ordinance pursuant to paragraph (2) of this Code section. It shall be the
 933 duty of the election superintendent of the county, municipality, or consolidated
 934 government to certify the result of the special election to the Secretary of State. A
 935 subsequent referendum shall be required in a county, municipality, or consolidated
 936 government if a casino gaming license has not been granted by the commission in that
 937 locality within five years of the certification of a special election approving such
 938 question.

939 50-39-26.

940 Host community agreements between a licensee and a host community shall be permitted
 941 following the commission's award of a casino gaming license. Host community
 942 agreements may include goals relating to local business participation in the areas of
 943 contracting and vendors during construction and ongoing operations and local hiring to the

944 extent authorized by local law and permitted by the Constitution of Georgia and the
 945 Constitution of the United States. As set forth in this chapter, the licensing, regulation, and
 946 collection of gross gaming revenues of casino gaming in this state shall be the express
 947 province of the commission. No county, municipality, or consolidated government of this
 948 state shall enter into any agreement or arrangement with a licensee or potential licensee that
 949 obligates the licensee or potential licensee to submit to any local casino gaming licensing
 950 or regulatory structures or to the payment of any funds, fees, levies, assessments,
 951 valuations, charges, duties, or other amounts not otherwise required of noncasino gaming
 952 businesses operating in the county, municipality, or consolidated government.

953 50-39-27.

954 Although the power to license, regulate, and collect certain revenues of casino gaming in
 955 this state is vested with the commission, the governing authority of any county,
 956 municipality, or consolidated government in this state shall be authorized to enact and
 957 enforce certain ordinance provisions that do not encroach on state authority in the area of
 958 casino gaming. Such acceptable provisions may include any or all of the following:

- 959 (1) Ordinances providing for adherence of a licensed resort facility to local fire and
 960 safety codes, provided that such requirements are no more restrictive, onerous, or
 961 expensive than the requirements faced by all hotels and resorts located within the
 962 jurisdiction; and
 963 (2) Ordinances eliminating any statutory or regulatory restrictions on the ability of
 964 licensed resort facilities to operate on a 24 hour basis for all legal purposes, including, but
 965 not limited to, casino gaming, hotel and hospitality operations, and the sale and service
 966 of food and alcoholic beverages.

967 50-39-28.

- 968 (a) The commission shall develop an appropriate process and regulations for the collection
 969 of monthly gross gaming proceeds and for the enforcement of delinquencies and violations.
 970 (b) Licensees shall pay 20 percent of the monthly gross gaming revenue generated at the
 971 licensed resort facility to the commission in accordance with regulations of the
 972 commission.
 973 (c) All casino gaming proceeds collected pursuant to subsection (b) of this Code section
 974 shall be deposited into the State of Georgia Medicaid Expansion and REACH Georgia
 975 Scholarship Trust Fund within seven days of receipt.
 976 (d) The collection of gross gaming revenue generated by licensees under this chapter shall
 977 be the exclusive province of the commission. No gross gaming revenue tax or other similar

978 levy on gaming revenue generated by licensees may be implemented by a county,
 979 municipality, or consolidated government in this state.

980 (e) All gross gaming revenue generated from gambling games authorized under this
 981 chapter shall be exempt from any and all sales taxes imposed by state or local law.

982 50-39-29.

983 All casino gaming conducted in this state shall be regulated, licensed, subjected to revenue
 984 collection, or taxed only in accordance with the provisions of this chapter and the
 985 regulations of the commission and shall not be subject to any licensing requirements,
 986 regulatory considerations, revenue collection, or taxes already placed on bona fide coin
 987 operated amusement machines pursuant to Chapter 27 of this title or any other state or local
 988 law or rules, regulations, ordinances, or resolutions.

989 Part 2

990 50-39-30.

991 (a) The commission may establish by regulation for the regulatory permitting of certain
 992 officers, directors, members, partners, and stockholders of casino gaming licensees, as well
 993 as certain other persons who are likely to have significant influence over the casino gaming
 994 operations of such licensees.

995 (b) In the context of licensees that are publicly traded corporations, the commission may
 996 establish by regulation for the regulatory permitting of all officers, directors, and
 997 employees whom the commission determines are actively and directly engaged or involved
 998 in the administration or supervision of the casino gaming activities of a licensee.

999 (c) In the context of licensees that are corporations that are not publicly traded, the
 1000 commission may establish by regulation for the regulatory permitting of all officers and
 1001 directors of a licensee. The commission may also, if the commission finds that such is in
 1002 the public interest, expand such regulatory permitting to a corporate licensee's stockholders,
 1003 lenders, holders of evidence of indebtedness, underwriters, key executive personnel, and
 1004 other similar persons.

1005 (d) In the context of licensees that are limited liability companies that are not publicly
 1006 traded, the commission may establish by regulation for the regulatory permitting of all
 1007 limited liability company members with more than a 5 percent ownership interest in a
 1008 licensee. The commission may also, if the commission finds that such is in the public
 1009 interest, expand such regulatory permitting to certain limited liability company members
 1010 with ownership interests of 5 percent or less in a licensee. In such circumstances, the
 1011 commission may also expand its regulatory permitting to a limited liability company

1012 licensee's lenders, holders of evidence of indebtedness, underwriters, key executive
1013 personnel, and other similar persons.

1014 (e) In the context of licensees that are partnerships, the commission may establish by
1015 regulation for the regulatory permitting of all general partners of a licensee or all limited
1016 partners with more than a 5 percent ownership interest in a licensee. The commission may
1017 also, if the commission finds that such is in the public interest, expand such regulatory
1018 permitting to certain limited partners with ownership interests of 5 percent or less in a
1019 licensee. In such circumstances, the commission may also expand its regulatory permitting
1020 to a partnership licensee's lenders, holders of evidence of indebtedness, underwriters, key
1021 executive personnel, and other similar persons.

1022 (f) In the context of licensees that are neither corporations, limited liability corporations,
1023 nor partnerships, the commission may establish by regulation for the regulatory permitting
1024 of any employee, agent, guardian, personal representative, lender, or holder of indebtedness
1025 of a licensee who, in the opinion of the commission, has the power to exercise significant
1026 influence over the licensee's casino gaming operations in this state.

1027 50-39-31.

1028 (a) The commission shall establish, by regulation, a permitting process governing casino
1029 gaming vendors who manufacture, distribute, or supply any gaming device or any
1030 equipment used in gambling games to any licensed resort facilities. When promulgating
1031 such regulations, the commission shall, at a minimum, adopt rules for permit application,
1032 issuance, renewal, suspension, and revocation. The commission may create a process by
1033 which applicants may appeal a permit denial issued by the commission. The regulations
1034 promulgated pursuant to this Code section may also provide for the assessment of minor
1035 civil penalties against those persons who violate the requirements of this chapter or any
1036 regulations adopted by the commission.

1037 (b) The commission shall adopt regulations for a permitting process governing the
1038 distribution of casino games. All slot machines shall be made available for purchase only
1039 by persons licensed to operate licensed resort facilities and may only be purchased from
1040 licensed distributors. When establishing regulations for the regulation and permitting of
1041 such distributors, the commission shall at least develop protocols for standard of
1042 contracting between distributors and manufacturers. Notwithstanding any other provision
1043 in Code Section 50-27-87, any state or federal license needed to distribute games pursuant
1044 to this chapter shall not disqualify any person from obtaining or renewing a master license
1045 issued pursuant to Article 3 of Chapter 27 of this title. No distributor shall have standing
1046 to challenge the application of any other distributor or manufacturer.

1047 50-39-32.

1048 The commission shall establish regulations governing the permitting process for gaming
 1049 employees, temporary permitted employees, and independent contractors. When
 1050 establishing regulations for the governance and oversight of gaming employees, temporary
 1051 permitted employees, and independent contractors, the commission shall, at a minimum,
 1052 develop protocols for the application, issuance, renewal, suspension, and revocation of
 1053 required permits. Additionally, the commission may create a process by which applicants
 1054 that are denied permits can appeal any negative rulings issued by the commission.

1055 ARTICLE 3

1056 50-39-33.

1057 A separate account is hereby created in the state treasury that shall be known as the State
 1058 of Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund. The State
 1059 of Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund shall be the
 1060 repository of all casino gaming proceeds derived from casino gaming in this state which
 1061 shall be collected and transferred by the commission, including:

- 1062 (1) Civil penalties levied against licensees and other parties regulated by the
 1063 commission;
 1064 (2) All proceeds generated by the collection and transfer of 20 percent of the gross
 1065 gaming revenue of licensed resort facilities;
 1066 (3) All permitting fees collected and transferred in accordance with this chapter; and
 1067 (4) All other regulatory fees collected and transferred in accordance with the regulations
 1068 of the commission.

1069 50-39-34.

1070 Funds contained within the State of Georgia Medicaid Expansion and REACH Georgia
 1071 Scholarship Trust Fund shall only be appropriated, dispensed, and utilized in accordance
 1072 with the requirements of the Georgia Constitution. As required by those provisions, the
 1073 proceeds contained within the State of Georgia Medicaid Expansion and REACH Georgia
 1074 Scholarship Trust Fund shall only be appropriated, dispensed, or utilized as set forth in this
 1075 Code section. Each fiscal year, the Governor shall specifically identify in his or her annual
 1076 budget presented to the General Assembly a budget category entitled 'casino gaming
 1077 proceeds,' which shall match the expected annual proceeds contained within the State of
 1078 Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund. Within the
 1079 budget category for casino gaming proceeds, the Governor shall make specific
 1080 recommendations for how such proceeds shall be distributed. One quarter of such funds

1081 shall be distributed to the Governor's REACH Georgia Scholarship Program, and
1082 three-quarters shall be distributed to the Department of Community Health to fund and
1083 support the state's Medicaid expansion program.

1084 50-39-35.

1085 (a) The commission shall establish an Advisory Committee on Problem Gaming to advise
1086 it on matters associated with problem gaming.

1087 (b) The advisory committee shall review requests for grants of money by nonprofit
1088 organizations that assist local communities in establishing priorities for funding programs
1089 for the prevention and treatment of problem gaming and funding services related to the
1090 development of data, the assessment of needs, the performance of evaluations, or technical
1091 assistance.

1092 50-39-36.

1093 (a) An account is hereby created within the state general fund that shall be known as the
1094 Georgia Problem Gaming Assistance Fund. The Georgia Problem Gaming Assistance
1095 Fund shall be administered by the commission.

1096 (b) The Georgia Problem Gaming Assistance Fund shall be funded from an annual
1097 nonrefundable regulatory fee of \$500,000.00 paid by each resort facility licensee to the
1098 commission.

1099 (c) Funds in the Georgia Problem Gaming Assistance Fund shall be expended to award
1100 grants of money or contracts for services to state agencies and other political
1101 subcommissions of this state or to organizations or educational institutions to provide
1102 programs for the prevention and treatment of problem gaming or to provide services related
1103 to the development of data, the assessment of needs, the performance of evaluations, or
1104 technical assistance.

1105 50-39-37.

1106 (a) An account is hereby created within the state general fund that shall be known as the
1107 Georgia Licensed Resort Facility Host Community Fund. The Georgia Licensed Resort
1108 Facility Host Community Fund shall be administered by the commission.

1109 (b) The Georgia Licensed Resort Facility Host Community Fund shall be funded from an
1110 annual nonrefundable payment by each resort facility licensee in an amount equal to 1
1111 percent of their gross gaming revenue.

1112 (c) The amounts contributed by each resort facility into the Georgia Licensed Resort
1113 Facility Host Community Fund shall be distributed monthly to the counties, municipalities,

1114 and consolidated governments within the state where each of the specific resort facilities
 1115 are located.

1116 (d) No money contained in the Georgia Licensed Resort Facility Host Community Fund
 1117 shall revert to the state general fund, and the balance in the Georgia Licensed Resort
 1118 Facility Host Community Fund at the end of any year shall be carried forward to the next
 1119 fiscal year.

1120 (e) The commission shall adopt any and all necessary regulations to carry out the
 1121 provisions of this Code section.

1122 ARTICLE 4

1123 50-39-38.

1124 (a) A credit instrument accepted by a licensee on or after the effective date of this chapter
 1125 and the debt that the credit instrument represents are valid and may be enforced by filing
 1126 civil actions.

1127 (b) A licensee under this chapter may accept an incomplete credit instrument which is
 1128 signed by a patron and states the amount of the debt in figures and may complete the
 1129 instrument as necessary for the instrument to be presented for payment.

1130 (c) A licensee may accept a credit instrument before, at the time, or after the patron incurs
 1131 the debt. The credit instrument and the debt that the credit instrument represents are
 1132 enforceable without regard to whether the credit instrument was accepted before, when, or
 1133 after the debt is incurred.

1134 (d) This Code section shall not prohibit the establishment of an account by a deposit of
 1135 cash, recognized traveler's check, or any other instrument which is equivalent to cash.

1136 (e) The commission shall have all necessary authority to promulgate regulations, policies,
 1137 and procedures:

1138 (1) Regarding the issuance of credit instruments by licensees; and

1139 (2) Prescribing the conditions under which a credit instrument may be redeemed or
 1140 presented to a bank or credit union for collection or payment.

1141 (f) A licensee may accept a payment (negotiable instrument) that is payable to an affiliated
 1142 company for the settlement of the outstanding balance.

1143 (g) Except as otherwise provided in this chapter or by the regulations of the commission,
 1144 gaming debts that are not evidenced by a credit instrument shall be void and unenforceable
 1145 and shall not give rise to any administrative or civil cause of action.

1146 50-39-39.

1147 The provisions of Code Section 13-8-3 regarding the illegality and nonenforceability of
1148 gambling contracts and any debt associated therewith under state law shall not be
1149 applicable to contracts or debt arising out of legal casino gaming activities conducted in
1150 accordance with the requirements of this chapter and the regulations of the commission.

1151 50-39-40.

1152 The commission shall have all necessary authority to promulgate regulations regarding the
1153 resolution of all disputes that occur when a patron challenges a decision by a licensee
1154 regarding alleged winnings, alleged losses, or the award or distribution of cash, prizes,
1155 benefits, tickets, or any other item or items in a gambling game, tournament, contest,
1156 drawing, promotion, or similar activity or event; or the appointment of administrative law
1157 judges to adjudicate patron disputes.

1158 50-39-41.

1159 All licensees shall, in addition to maintaining full compliance with the obligations of this
1160 chapter and the regulations of the commission, adhere to the federal record-keeping,
1161 reporting and compliance program demands required of casino gaming operators by the
1162 Financial Crimes Enforcement Network (FinCEN) of the United States Department of the
1163 Treasury. Such obligations include, but are not limited to, adhering to the casino specific
1164 requirements of the Bank Secrecy Act of 1970, as amended, and its associated regulations
1165 in 31 C.F.R. Part 103.

1166 ARTICLE 5

1167 50-39-42.

1168 The commission may establish by regulations to restrict access to licensed resort facilities
1169 or assess civil penalties against persons who violate any of the requirements of this chapter
1170 and any regulations adopted by the commission. Such civil penalties shall be collected by
1171 the commission in accordance with the commission's regulations and held in escrow by the
1172 commission or a financial institution of its choosing until transferred to the State of
1173 Georgia Medicaid Expansion and REACH Georgia Scholarship Trust Fund within the state
1174 treasury. The transfer of such penalty funds to the State of Georgia Medicaid Expansion
1175 and REACH Georgia Scholarship Trust Fund shall take place on a monthly basis and shall
1176 be properly documented and recorded by the commission.

1177 50-39-43.

1178 Any person who, with the intent to defraud, acts to alter the outcome of any table game or
 1179 slot machine shall be guilty of a felony and, upon conviction thereof, punished by a fine
 1180 not to exceed \$25,000.00. This includes, but is not limited to:

1181 (1) The use of any device, electrical or otherwise, except those specifically permitted by
 1182 the regulations, policies, and procedures of the commission;

1183 (2) The administration or introduction of any foreign substance or item including
 1184 counterfeit chips, tokens, or currency; or

1185 (3) Any other impermissible means under the regulations, policies, and procedures of the
 1186 commission.

1187 50-39-44.

1188 (a) It shall be unlawful to manufacture, sell, or distribute any cards, chips, dice, gambling
 1189 game, or gaming device which is intended to be used to violate any provision of this
 1190 chapter.

1191 (b) It shall be unlawful to mark, alter, or otherwise modify any gambling game, gaming
 1192 device, or apparatus associated therewith in a manner that:

1193 (1) Affects the result of a wager by determining a win or loss; or

1194 (2) Alters the normal criteria of random selection, which affects the operation of a
 1195 gambling game or which determines the outcome of a gambling game.

1196 (c) It shall be unlawful for any person to instruct another in cheating or in the use of any
 1197 device for such purpose, with the knowledge or intent that the information or use so
 1198 conveyed may be employed to violate any provision of this chapter or the rules or
 1199 regulations of the commission.

1200 (d) Any individual violating the provisions of this Code section shall be guilty of a felony
 1201 and, upon conviction thereof, punished by a fine not to exceed \$25,000.00."

1202 **SECTION 2.**

1203 This Act shall become effective on January 1, 2019, provided that a constitutional
 1204 amendment is passed by the General Assembly and ratified by the voters at the 2018
 1205 November general election which authorizes casino gambling in this state. Otherwise, this
 1206 Act shall be repealed by operation of law on January 1, 2019.

1207 **SECTION 3.**

1208 All laws and part of laws in conflict with this Act are repealed.