

The House Committee on Regulated Industries offers the following substitute to HB 473:

A BILL TO BE ENTITLED

AN ACT

1 To amend Part 2 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia  
2 Annotated, relating to bingo, so as to authorize local governments to operate bingo based  
3 games to offset reduced tax collections that result from the ownership by the State of Georgia  
4 of large amounts of forest lands; to provide legislative intent; to provide definitions; to  
5 provide for the Secretary of State to issue bingo licenses to certain local governments; to  
6 provide for prohibited activities and required record keeping related to electronic bingo and  
7 electronic bingo machines; to provide for inspections; to provide for removal of defective  
8 electronic bingo machines; to provide for a penalty; to provide for rules and regulations; to  
9 authorize the use of electronic bingo machines and bingo based games by licensed local  
10 governments at certain locations; to provide exceptions to certain limitations on bingo based  
11 games operated by licensed local governments; to amend Code Section 48-14-1 of the  
12 Official Code of Georgia Annotated, relating to grants to counties containing more than  
13 20,000 acres of state-owned land not subject to taxation, limit on amount of grants,  
14 evaluation and assessment, and procedure for billing State Forestry Commission, so as to  
15 revise grant awards to counties licensed to operate bingo games; to provide definitions; to  
16 provide that certain bingo proceeds collected by such counties are remitted to the state; to  
17 provide for related matters; to provide an effective date; to repeal conflicting laws; and for  
18 other purposes.

H. B. 473 (SUB)

19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

20 SECTION 1.

21 Part 2 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated,  
22 relating to bingo, is amended by revising Code Section 16-12-50, relating to legislative  
23 intent, and Code Section 16-12-51, relating to definitions, as follows:

24 "16-12-50.

25 (a) It is the intention of the General Assembly that, except for recreational bingo, only  
26 nonprofit, tax-exempt organizations which are properly licensed pursuant to this part shall  
27 be allowed to operate bingo games.

28 (b) The General Assembly recognizes that in certain counties the State of Georgia owns  
29 significant acreage of property that has been taken off of such counties' tax digests. It is  
30 the further intention of the General Assembly to provide a process and resource for those  
31 counties to mitigate the fiscal impact of not receiving tax revenue from such state owned  
32 property while also raising revenue to remove the burden of maintaining such property  
33 from the state government by authorizing certain local governments with highly impacted  
34 tax digests which are also properly licensed pursuant to this part to operate a bingo game.

35 16-12-51.

36 As used in this part, the term:

37 (1) 'Adjusted net income' means the income generated by a bingo game operated  
38 pursuant to this part by a local government with a highly impacted tax digest less any  
39 costs associated with the administration, operation, or marketing of the bingo game.

40 (1) 'Bingo game' or 'nonprofit bingo game' means a game of chance played on cards or  
41 electronic bingo machines with numbered squares in which counters or indicators are  
42 placed on numbers chosen by lot and won by covering a previously specified number or  
43 order of numbered squares. A bingo game may be played manually or with an electronic

44 ~~or computer device~~ bingo machine that stores the numbers from a player's card or cards,  
45 tracks the numbers chosen by lot when such numbers are entered by the player, and  
46 notifies the player of a winning combination; provided, however, that, except as provided  
47 for in this part, the numbers chosen by lot shall be chosen by a natural person who is  
48 physically located on the premises or property described in Code Section 16-12-57 on  
49 which the game is operated. Such words, terms, or phrases, as used in this paragraph,  
50 shall be strictly construed to include only the series of acts generally defined as bingo and  
51 shall exclude all other activity. Such term shall also include a game played on an  
52 electronic bingo machine.

53 (2) 'Bingo session' means a time period during which bingo games are played.

54 (2.1) 'Electronic bingo machine' means a stand-alone electronic or computer device on  
55 which a bingo based game is played, provided that the person playing such game is  
56 physically located within three feet of the machine and further provided that the numbers  
57 chosen in such game need not be chosen by a natural person who is physically located on  
58 the premises or property described in subsection (a) of Code Section 16-12-57 on which  
59 the game is operated.

60 (2.2) 'Local government with a highly impacted tax digest' means a county that meets the  
61 requirements established pursuant to subsection (a) of Code Section 48-14-1 or any  
62 municipal corporation located within such county.

63 (3) 'Nonprofit, tax-exempt organization' means an organization, association, corporation,  
64 or other legal entity which has been determined by the federal Internal Revenue Service  
65 to be exempt from taxation under federal tax law and which is exempt from taxation  
66 under the income tax laws of this state under Code Section 48-7-25; which is organized  
67 or incorporated in this state or authorized to do business in this state; and which uses the  
68 proceeds from any bingo games conducted or operated by such organization solely within  
69 this state.

70 (4) 'Operate,' 'operated,' or 'operating' means the direction, supervision, management,  
71 operation, control, or guidance of activity.

72 (5) 'Recreational bingo' means a bingo session operated by any person or entity at no  
73 charge to participants in which the prizes for each bingo game during the bingo session  
74 shall be noncash prizes and the total of such prizes for each such game shall not exceed  
75 the amount established pursuant to regulations established by the Secretary of State. No  
76 such noncash prize awarded in recreational bingo shall be exchanged or redeemed for  
77 money or for any other prize with a value in excess of the amount established pursuant  
78 to regulations established by the Secretary of State. Recreational bingo shall also include  
79 a bingo session operated by a nonprofit, tax-exempt licensed operator of bingo games at  
80 no charge to participants in which the participants are senior citizens attending a function  
81 at a facility of the tax-exempt licensed organization or are residents of nursing homes,  
82 retirement homes, senior centers, or hospitals and in which the prizes for each bingo  
83 game during the bingo session shall be nominal cash prizes not to exceed \$5.00 for any  
84 single prize and the total of such prizes for each such game shall not exceed the amount  
85 established pursuant to regulations established by the Secretary of State. Recreational  
86 bingo shall also include a bingo session operated by an employer with ten or more  
87 full-time employees for the purposes of providing a safe workplace incentive and in  
88 which the prizes are determined by the employer; provided, however, that no monetary  
89 consideration is required by any participant other than the employer and the employer  
90 expressly prohibits any monetary consideration from any employee. Recreational bingo  
91 shall not be considered a lottery as defined in paragraph (4) of Code Section 16-12-20 or  
92 a form of gambling as defined in Code Section 16-12-21."

93 **SECTION 2.**

94 Said part is further amended by adding new Code sections to read as follows:

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95 "16-12-53.1.

96 (a) Any local government with a highly impacted tax digest desiring to obtain a license to  
97 operate bingo games shall make application to the Secretary of State on forms prescribed  
98 by the Secretary of State and shall pay an annual fee of \$1,000.00. A bingo license issued  
99 pursuant to this Code section shall be valid for ten years. Applications for renewal of a  
100 bingo license shall be submitted to the Secretary of State not less than 60 days prior to the  
101 expiration of the bingo license on a form prescribed by the Secretary of State.

102 (b) Each application for a bingo license and each application for renewal of a bingo license  
103 shall contain the following information:

104 (1) The name and mailing address of the applicant local government entity;

105 (2) The names, titles, and contact information of the persons who will be supervising the  
106 operation of the bingo games for the local government entity;

107 (3) A statement affirming that the applicant meets the requirements established pursuant  
108 to subsection (a) of Code Section 48-14-1 or is a municipal corporation located within a  
109 county that meets such requirements;

110 (4) The location at which the applicant will operate the bingo games and, if the premises  
111 on which the games are to be operated are to be leased, a copy of the lease or rental  
112 agreement; and

113 (5) Any other necessary and reasonable information which the Secretary of State may  
114 require.

115 (c) The Secretary of State shall refuse to grant a bingo license to any applicant that fails  
116 to provide fully the information required by this Code section.

117 16-12-53.2.

118 (a) No electronic bingo machine shall be sold, leased, or otherwise furnished in the State  
119 of Georgia without the Secretary of State first inspecting and testing the model of machine

120 that is being proposed for use in order to ensure that such machine is designed and shall  
121 function for no purpose other than the game of bingo.

122 (b) The Secretary of State may examine and inspect any portion of an electronic bingo  
123 machine at any time. Such examination and inspection includes immediate access to any  
124 portion of the electronic bingo machine the Secretary of State determines needs to be  
125 inspected or any system that is related to such machine.

126 (c) If the Secretary of State detects or discovers any problem with an electronic bingo  
127 machine or its associated system that affects the security and/or integrity of the bingo game  
128 or the system, the Secretary of State may direct the bingo location to cease the use of the  
129 device or system as applicable. The Secretary of State may require the facility utilizing  
130 such electronic bingo machine to correct the problem or recall the device or system  
131 immediately upon notification by the Secretary of State to the licensee that is responsible  
132 for the electronic bingo game. If the bingo location detects or discovers any defect,  
133 malfunction, or problem with any component of the system, the bingo location shall  
134 immediately remove the component from use or play and immediately notify the Secretary  
135 of State of such action.

136 (d) A licensee utilizing electronic bingo machines and the associated system must maintain  
137 a log showing the date, model, and serial number of every machine that is in use at its  
138 facility. This information is required to be reported monthly to the Secretary of State.

139 (e) Each manufacturer or distributor selling electronic bingo machines and the associated  
140 system must maintain a log showing the date, model, serial number, and to whom they  
141 were sold. This information is required to be reported monthly to the Secretary of State.

142 (f) Each licensee utilizing electronic bingo machines must maintain a record showing the  
143 date, model number, and serial number for each machine it is utilizing. Additionally, all  
144 records, reports, and receipts relating to an electronic bingo machine or its associated  
145 system's sales, maintenance, and repairs must be retained by the entity licensed to operate  
146 an electronic bingo game.

147 (g) No electronic bingo location may display, use, or otherwise furnish an electronic bingo  
148 device having been marked, defaced, tampered with, or altered in any manner which may  
149 deceive the public or affect a participant's chances of winning.

150 (h) The participant in any electronic bingo machine shall be physically present at the  
151 electronic bingo location where the game is actually conducted and when the game is  
152 called.

153 (i) An electronic bingo machine shall not be capable of dispensing currency by any means  
154 or any other form of automatic payout.

155 (j) A licensee shall maintain a record of each payout that is made from any electronic  
156 bingo machine at its facility. The Secretary of State shall inspect such records not less than  
157 once per year. The Secretary of State may inspect the payout records required pursuant to  
158 this subsection at any time he or she deems necessary.

159 (k) The Secretary of State shall develop a process to maintain records and receipts for all  
160 payments made out to participants in electronic bingo. Such process shall contain, but not  
161 be limited to, receipts that include:

162 (1) Name of the licensee;

163 (2) Session number;

164 (3) Time and date of purchase. The circuitry and programs that maintain and control the  
165 time and date must be of the type that can only be reset by service personnel and must  
166 retain the last transaction number issued even throughout adverse conditions or power  
167 interruptions;

168 (4) Amount paid for the opportunity to play each game or game pack;

169 (5) Total amount paid; and

170 (6) A record of all voided transactions.

171 (l) In addition to any rules or regulations the Secretary of State adopts pursuant to Code  
172 Section 16-12-61, the Secretary of State shall establish rules and regulations regarding the  
173 minimum standards for electronic bingo machines.

174 (m) Any violation of this Code section shall be punished by a fine of no more  
175 than \$5,000.00."

176 **SECTION 3.**

177 Said part is further amended by revising Code Section 16-12-57, relating to restrictions as  
178 to ownership of premises utilized, as follows:

179 "16-12-57.

180 (a) Bingo games shall be operated only on premises owned by the nonprofit, tax-exempt  
181 organization operating the bingo game, on property leased by the nonprofit, tax-exempt  
182 organization and used regularly by that organization for purposes other than the operation  
183 of a bingo game, or on property leased by the nonprofit, tax-exempt organization operating  
184 the bingo game from another nonprofit, tax-exempt organization.

185 (b) Notwithstanding any provisions of subsection (a) of this Code section to the contrary,  
186 a local government with a highly impacted tax digest licensed pursuant to this part may  
187 operate a bingo game pursuant to this part and shall be authorized to contract with a private  
188 entity to operate such bingo game. The adjusted net income from a bingo game operated  
189 pursuant to this part shall be used for a public purpose. A bingo game operated pursuant  
190 to this part may utilize one or more electronic bingo machines."

191 **SECTION 4.**

192 Said part is further amended by revising Code Section 16-12-60, relating to rules and  
193 regulations, as follows:

194 "16-12-60.

195 (a) A licensee that conducts or operates a bingo session shall maintain the following  
196 records for at least three years from the date on which the bingo session is conducted or  
197 operated:

198 (1) An itemized list of the gross receipts for each session;



- 199 (2) An itemized list of all expenses other than prizes that are incurred in the conducting  
200 or operation of the bingo session as well as the name of each person to whom the  
201 expenses are paid and a receipt for all of the expenses;
- 202 (3) A list of all prizes awarded during the bingo session and the name and address of all  
203 persons who are winners of prizes of \$50.00 or more in value;
- 204 (4) An itemized list of the recipients other than the licensee of the proceeds of the bingo  
205 game, including the name and address of each recipient to whom such funds are  
206 distributed; and
- 207 (5) A record of the number of persons who participate in any bingo session conducted  
208 or operated by the licensee.
- 209 (b) A licensee shall:
- 210 (1) Own all the equipment used to conduct or operate a bingo game or lease such  
211 equipment;
- 212 (2) Display its bingo license conspicuously at the location where the bingo game is  
213 conducted or operated;
- 214 (3) Conduct or operate bingo games only at the single location specified in the licensee's  
215 application; and
- 216 (4) Not conduct or operate more than one bingo session during any one calendar day,  
217 which session shall not exceed five hours.
- 218 (c) No nonprofit, tax-exempt organization shall enter into any contract with any individual,  
219 firm, association, or corporation to have such individual, firm, association, or corporation  
220 operate bingo games or concessions on behalf of the nonprofit, tax-exempt organization.
- 221 (d) A nonprofit, tax-exempt organization shall not lend its name nor allow its identity to  
222 be used by any individual, firm, association, or corporation in the operating or advertising  
223 of a bingo game in which said nonprofit, tax-exempt organization is not directly and solely  
224 operating the bingo game.

225 (e) It shall be unlawful for two or more nonprofit, tax-exempt organizations which are  
226 properly licensed pursuant to this part to operate bingo games jointly or to operate bingo  
227 games upon the same premises during any 18 hour period.

228 (f) It shall be unlawful to award prizes in excess of \$3,000.00 in cash or gifts of equivalent  
229 value during any calendar week. It shall be unlawful to exceed such limitation at any  
230 combination of locations operated by a single licensee or such licensee's agents or  
231 employees. It shall be unlawful for two or more licensees to pyramid the valuation of  
232 prizes in such manner as to exceed the limitation contained in this Code section. The term  
233 'equivalent value' shall mean the fair market value of the gift on the date the gift is given  
234 as the prize in a bingo game.

235 (g) No person or organization by whatever name or composition thereof shall take any  
236 salary, expense money, or fees for the operation of any bingo game, except that not more  
237 than \$30.00 per day may be paid to one or more individuals for assisting in the conduct or  
238 operation of such games on such day.

239 (h) No person shall pay consulting fees to any person for any services performed in  
240 relation to the operation or conduct of a bingo game.

241 (i) A person who is a member of more than one nonprofit, tax-exempt organization shall  
242 be permitted to participate in the bingo operations of only two organizations of which such  
243 person is a member; provided, however, that such person shall not receive more than  
244 \$30.00 per day for assisting in the conduct or operation of bingo games regardless of  
245 whether such person assists both organizations in the same day.

246 (j) The provisions of this Code section shall not apply to a local government with a highly  
247 impacted tax digest licensed pursuant to this part."

248 **SECTION 5.**

249 Code Section 48-14-1 of the Official Code of Georgia Annotated, relating to grants to  
250 counties containing more than 20,000 acres of state-owned land not subject to taxation, limit

251 on amount of grants, evaluation and assessment, and procedure for billing State Forestry  
252 Commission, is amended as follows:

253 "48-14-1.

254 (a)(1) For the purposes of this subsection, the term:

255 (A) 'Bingo license' means a license granted to a qualified county pursuant to Part 2 of  
256 Article 2 of Chapter 12 of Title 16.

257 (B) 'Grant' means funds granted to a county by the State Forestry Commission for state  
258 owned land.

259 (C) 'Qualified county' means a county which consists of at least 50,000 acres of state  
260 owned land on which such county is not lawfully able to collect tax revenue.

261 (D) 'State owned land' means land in a qualified county that the State of Georgia owns  
262 from which the county receives no tax revenue.

263 (2) The governing authority of a qualified county may receive a grant for state owned  
264 land. The amount of funds to be granted pursuant to such grant shall not exceed the  
265 amount the qualified county would have received were the land subject to taxation during  
266 the applicable time period based on property evaluation and millage assessment.

267 (3) A qualified county that has a bingo license and is operating one or more bingo games  
268 shall not receive a grant pursuant to this subsection. After a qualified county has collected  
269 proceeds from its bingo game or games in an amount greater than the amount it otherwise  
270 would have been qualified to receive from a grant pursuant to paragraph (2) of this  
271 subsection for that fiscal year, the qualified county shall remit to the State of Georgia  
272 5 percent of its adjusted net income from bingo games for that fiscal year.

273 ~~Each county in which is located land belonging to the state which consists of 20,000 acres~~  
274 ~~and from which the county receives no tax revenue may receive from the State Forestry~~  
275 ~~Commission a grant of funds for such land. The amount of funds to be granted may not~~  
276 ~~exceed the amount the county would have received were the land subject to taxation during~~  
277 ~~the applicable time period based on property evaluation and millage assessment.~~

278 (b) Immediately upon an evaluation of the property involved and a determination of the  
279 millage assessment for the property, the county tax official for the county involved shall  
280 bill the State Forestry Commission for the proper amount as determined under this Code  
281 section. The county tax official shall send the bill to the State Forestry Commission at the  
282 same time as the county tax bills are sent to the property owners of the county who are  
283 subject to county taxation."

284 **SECTION 6.**

285 This Act shall become effective upon its approval by the Governor or upon its becoming law  
286 without such approval.

287 **SECTION 7.**

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