

House Resolution 210

By: Representatives Beverly of the 143rd, Park of the 107th, Evans of the 57th, Mitchell of the 88th, Bennett of the 94th, and others

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to authorize the
2 Georgia General Assembly to provide by general law for sports betting, pari-mutuel betting,
3 and casino gambling in this state; to provide for the regulation and allocation of revenues of
4 such activities; to provide for related matters; to provide for the submission of this
5 amendment for ratification or rejection; and for other purposes.

6 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Article I, Section II of the Constitution is amended by revising Paragraph VIII as follows:

9 "Paragraph VIII. *Lotteries, and nonprofit bingo games, raffles by nonprofit*
10 *organizations, betting, and casino gambling.* (a) Except as herein specifically provided
11 in this Paragraph ~~VIII~~, all lotteries, and the sale of lottery tickets, and all forms of, sports
12 betting, pari-mutuel betting, and casino gambling are hereby prohibited; and this
13 prohibition shall be enforced by penal laws.

14 (b) The General Assembly may by law provide that the operation of a nonprofit bingo
15 game shall not be a lottery and shall be legal in this state. The General Assembly may by
16 law define a nonprofit bingo game and provide for the regulation of nonprofit bingo games.

17 (c) The General Assembly may by law provide for the operation and regulation of a
18 lottery or lotteries by or on behalf of the state and for any matters relating to the purposes
19 or provisions of this subparagraph. Such lottery or lotteries shall be implemented and
20 regulated by the Georgia Lottery Corporation or any successor entity created by the
21 General Assembly consistent with the enabling legislation for the Georgia Lottery
22 Corporation or any such successor entity. Proceeds derived from the lottery or lotteries
23 operated by or on behalf of the state shall be used to pay the operating expenses of the
24 lottery or lotteries, including all prizes, without any appropriation required by law, and for
25 educational programs and purposes as hereinafter provided. Lottery proceeds shall not be
26 subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph VI(a);
27 or Article III, Section IX, Paragraph IV(c), except that the net proceeds after payment of
28 such operating expenses shall be subject to Article VII, Section III, Paragraph II. Net
29 proceeds after payment of such operating expenses shall be separately accounted for and
30 shall be specifically identified by the Governor in his or her annual budget presented to the
31 General Assembly as a separate budget category entitled 'Lottery Proceeds,' and the
32 Governor shall make specific recommendations as to educational programs and educational
33 purposes to which said net proceeds shall be appropriated. In the General Appropriations
34 Act adopted by the General Assembly, the General Assembly shall appropriate all net
35 proceeds of the lottery or lotteries by such separate budget category to educational
36 programs and educational purposes. Such net proceeds shall be used to support
37 improvements and enhancements for educational programs and purposes and such net
38 proceeds shall be used to supplement, not supplant, ~~non-lottery~~ nonlottery educational
39 resources for educational programs and purposes. The educational programs and
40 educational purposes for which proceeds may be so appropriated shall include only the
41 following:

42 (1) Tuition grants, scholarships, or loans to citizens of this state to enable such citizens
43 to attend colleges and universities located within this state, regardless of whether such

44 colleges or universities are operated by the board of regents, or to attend institutions
45 operated under the authority of the ~~Department of Technical and Adult Education~~
46 Technical College System of Georgia;

47 (2) Voluntary pre-kindergarten;

48 (3) One or more educational shortfall reserves in a total amount of not less than 10
49 percent of the net proceeds of the lottery for the preceding fiscal year;

50 (4) Costs of providing to teachers at accredited public institutions who teach
51 levels K-12, personnel at public postsecondary technical institutes under the authority of
52 the ~~Department of Technical and Adult Education~~ Technical College System of Georgia,
53 and professors and instructors within the University System of Georgia the necessary
54 training in the use and application of computers and advanced electronic instructional
55 technology to implement interactive learning environments in the classroom and to access
56 the state-wide distance learning network; and

57 (5) Capital outlay projects for educational facilities; provided, however, that no funds
58 shall be appropriated for the items listed in ~~paragraphs (4) and (5) of this subsection~~
59 subparagraphs (c)(4) and (c)(5) of this Paragraph until all persons eligible for and
60 applying for assistance as provided in ~~paragraph (1) of this subsection~~
61 subparagraph (c)(1) of this Paragraph have received such assistance, all approved
62 pre-kindergarten programs provided for in ~~paragraph (2) of this subsection~~
63 subparagraph (c)(2) of this Paragraph have been fully funded, and the education shortfall
64 reserve or reserves provided for in ~~paragraph (3) of this subsection~~ subparagraph (c)(3)
65 of this Paragraph have been fully funded.

66 (d) The General Assembly may by law provide for the operation and regulation of sports
67 betting, pari-mutuel betting, and casino gambling by or on behalf of the state; provided,
68 however, that all pari-mutuel betting or casino gambling provided for under this
69 subparagraph shall take place at a racetrack or casino, as no off-track or off-site pari-mutuel
70 betting or casino gambling shall be permitted or authorized under this subparagraph. For

71 the purpose of regulation and taxation of such activities, the General Assembly shall create
72 a gaming commission and provide such commission with such powers and duties as
73 necessary to provide appropriate regulation of such sports betting, pari-mutuel betting, and
74 casino gambling provided for under this subparagraph and to tax such activities. The
75 proceeds derived from the taxation of the sports betting, pari-mutuel betting, and casino
76 gambling activities provided for in this subparagraph shall be used as provided for in
77 subparagraph (e)(1) of this Paragraph, and all other proceeds derived from the regulation
78 of such activities shall be used to pay the operating expenses of the gaming commission.
79 Such proceeds derived from the regulation and taxation of sports betting, pari-mutuel
80 betting, and casino gambling shall be separately accounted for and shall be specifically
81 identified by the Governor in his or her annual budget presented to the General Assembly
82 as a separate budget category entitled 'Sports Betting, Pari-mutuel Betting, and Casino
83 Gambling Proceeds.'

84 (e)(1) Proceeds derived from the taxation of the sports betting, pari-mutuel betting, and
85 casino gambling provided for in subparagraph (d) of this Paragraph shall be appropriated
86 by the General Assembly as follows:

87 (A) Fifteen percent to the Community Enhancement Fund from which funds shall be
88 disbursed for the purpose of reducing poverty in the state;

89 (B) Six and one-half percent to the Community Mitigation Fund from which funds
90 shall be disbursed to assist local government entities in offsetting costs related to the
91 construction and operation of sports betting, pari-mutuel betting, or casino gambling
92 establishments, including but not limited to costs associated with water and sewer
93 services, education, transportation, infrastructure, housing, environmental issues, and
94 public safety;

95 (C) Ten percent to the Debt and Long-Term Liability Reduction Fund from which
96 funds shall be disbursed for the payment of any debt or other long-term liability of the
97 state;

98 (D) Fifteen percent to the Education Fund from which funds shall be disbursed for
99 need based scholarships, grants, or loans to citizens of this state to enable such citizens
100 to attend units of the University System of Georgia, branches of the Technical College
101 System of Georgia, or other private colleges and universities located within this state;

102 (E) Nine and one-half percent to the Gaming Economic Development Fund from
103 which funds shall be disbursed to support economic development and job growth in the
104 state;

105 (F) Twenty percent to the Gaming Local Aid Fund from which funds shall be
106 disbursed to local government entities in accordance with a formula to be provided by
107 law by the General Assembly;

108 (G) Five percent to the Gaming Public Health Fund from which funds shall be
109 disbursed to promote social service and public health programs dedicated to addressing
110 problems associated with compulsive gambling;

111 (H) Two percent to the Georgia Cultural and Performing Arts Mitigation Fund from
112 which funds shall be disbursed to support performing arts centers owned by nonprofit
113 organizations or local government entities that are impacted by the operation of sports
114 betting, pari-mutuel betting, and casino gambling facilities in the state;

115 (I) One percent to the Georgia Tourism Fund from which funds shall be disbursed to
116 support and promote tourism in the state;

117 (J) Four and one-half percent to the Local Capital Projects Fund from which funds
118 shall be disbursed to support local government entities with capital outlay projects;

119 (K) One and one-half percent to the Race Horse Development Fund from which
120 funds shall be disbursed to support the thoroughbred and standardbred horse racing
121 industries in the state; and

122 (L) Ten percent to the State Stabilization Reserve Fund from which funds shall be
123 disbursed to make up any difference between actual and projected state revenues in any
124 fiscal year in which actual revenues fall below the projected amount, to replace any loss

125 of federal funding by the state or any local government entity, or to address any event
126 that threatens the health, safety, or welfare of the people or the fiscal stability of the
127 state or any local government entity.

128 (2) The General Assembly is authorized to create and appropriate moneys to the
129 Community Enhancement Fund, the Community Mitigation Fund, the Debt and
130 Long-Term Liability Reduction Fund, the Education Fund, the Gaming Economic
131 Development Fund, the Gaming Local Aid Fund, the Gaming Public Health Fund, the
132 Georgia Cultural and Performing Arts Mitigation Fund, the Georgia Tourism Fund, the
133 Local Capital Projects Fund, the Race Horse Development Fund, and the State
134 Stabilization Reserve Fund from which funds shall only be disbursed for those purposes
135 respectively set forth in subparagraphs (e)(1)(A) through (e)(1)(L) of this Paragraph. The
136 moneys appropriated by the General Assembly and paid into the funds created under
137 subparagraphs (e)(1)(A) through (e)(1)(L) shall not be subject to the provisions of Article
138 III, Section IX, Paragraph IV(c), relating to the lapsing of funds; Article III, Section IX,
139 Paragraph VI, relating to allocation of proceeds; or Article VII, Section III, Paragraph
140 II(a), relating to payment into the general fund of the state treasury.

141 ~~(d)~~(f) On and after January 1, 1995, the holding of raffles by nonprofit organizations
142 shall be lawful and shall not be prohibited by any law enacted prior to January 1, 1994.
143 Laws enacted on or after January 1, 1994, however, may restrict, regulate, or prohibit the
144 operation of such raffles."

145 **SECTION 2.**

146 The above proposed amendment to the Constitution shall be published and submitted as
147 provided in Article X, Section I, Paragraph II of the Constitution. The ballot submitting the
148 above proposed amendment shall have written or printed thereon the following:

149 " YES Shall the Constitution of Georgia be amended so as to authorize the General
150 NO Assembly to provide by law for sports betting, pari-mutuel betting, and
151 casino gambling in this state and to provide for such proceeds to be used for
152 supporting community enhancement, education, cultural and performing
153 arts, state tourism, local governments, economic development, compulsive
154 gambling assistance, horse racing industries, and payment of state debt and
155 long-term liabilities?"

156 All persons desiring to vote in favor of ratifying the proposed amendment shall vote "Yes."
157 All persons desiring to vote against ratifying the proposed amendment shall vote "No." If
158 such amendment shall be ratified as provided in said Paragraph of the Constitution, it shall
159 become a part of the Constitution of this state.