

House Resolution 378

By: Representatives Stephens of the 164<sup>th</sup>, Smyre of the 135<sup>th</sup>, and Harrell of the 106<sup>th</sup>

## A RESOLUTION

1 Proposing an amendment to the Constitution so as to provide that all forms of betting, bingo  
 2 games, raffles, and gambling shall be permitted as determined by the Georgia Gaming  
 3 Commission; to provide for the establishment of such commission; to provide for the  
 4 members of such commission; to provide for powers, duties, responsibilities, and resources  
 5 of such commission; to provide for related matters; to provide for submission of this  
 6 amendment for ratification or rejection; and for other purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

### 8 SECTION 1.

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

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

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

18 (c) The General Assembly may by law provide for the operation and regulation of a  
 19 lottery or lotteries by or on behalf of the state and for any matters relating to the purposes  
 20 or provisions of this subparagraph. Proceeds derived from the lottery or lotteries operated  
 21 by or on behalf of the state shall be used to pay the operating expenses of the lottery or  
 22 lotteries, including all prizes, without any appropriation required by law, and for  
 23 educational programs and purposes as hereinafter provided. Lottery proceeds shall not be  
 24 subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph VI(a);  
 25 or Article III, Section IX, Paragraph IV(c), except that the net proceeds after payment of  
 26 such operating expenses shall be subject to Article VII, Section III, Paragraph II. Net  
 27 proceeds after payment of such operating expenses shall be separately accounted for and

28 shall be specifically identified by the Governor in his annual budget presented to the  
 29 General Assembly as a separate budget category entitled 'Lottery Proceeds,' and the  
 30 Governor shall make specific recommendations as to educational programs and educational  
 31 purposes to which said net proceeds shall be appropriated. In the General Appropriations  
 32 Act adopted by the General Assembly, the General Assembly shall appropriate all net  
 33 proceeds of the lottery or lotteries by such separate budget category to educational  
 34 programs and educational purposes. Such net proceeds shall be used to support  
 35 improvements and enhancements for educational programs and purposes and such net  
 36 proceeds shall be used to supplement, not supplant, ~~non-lottery~~ nonlottery educational  
 37 resources for educational programs and purposes. The educational programs and  
 38 educational purposes for which proceeds may be so appropriated shall include only the  
 39 following:

40 (1) Tuition grants, scholarships, or loans to citizens of this state to enable such citizens  
 41 to attend colleges and universities located within this state, regardless of whether such  
 42 colleges or universities are operated by the ~~board of regents~~ Board of Regents of the  
 43 University System of Georgia, or to attend institutions operated under the authority of the  
 44 ~~Department of Technical and Adult Education~~ Technical College System of Georgia;

45 (2) Voluntary pre-kindergarten;

46 (3) One or more educational shortfall reserves in a total amount of not less than  
 47 10 percent of the net proceeds of the lottery for the preceding fiscal year;

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

55 (5) Capital outlay projects for educational facilities;

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

64 (d) On and after January 1, 1995, the holding of raffles by nonprofit organizations shall  
 65 be lawful and shall not be prohibited by any law enacted prior to January 1, 1994. Laws  
 66 enacted on or after January 1, 1994, however, may restrict, regulate, or prohibit the  
 67 operation of such raffles.

68 (e)(1) All for profit bingo games, raffles by for profit organizations, and forms of  
 69 betting and gambling shall be lawful if so permitted by the Georgia Gaming Commission  
 70 as established in this Paragraph.

71 (2) There is hereby created the Georgia Gaming Commission to be composed of the  
 72 Governor or his or her designee, the President of the Senate or his or her designee, the  
 73 Speaker of the House of Representatives or his or her designee, and the Attorney General  
 74 or his or her designee, who shall serve as the chairperson of the commission. The  
 75 commission shall be responsible for determining what forms of for profit bingo games,  
 76 raffles by for profit organizations, and betting and gambling shall be lawful and shall  
 77 regulate such activities. The commission shall have such additional responsibilities,  
 78 powers, and duties as are provided by law.

79 (3) The General Assembly is authorized to provide for the payment of reasonable  
 80 compensation to the members of the commission for their service on the commission in  
 81 addition to any compensation already received by virtue of their position. The General  
 82 Assembly shall provide adequate funding to the commission, including the employment  
 83 of a competent staff, in order for the commission to carry out its duties. The General  
 84 Assembly shall provide adequate funding for the representation of the commission in any  
 85 litigation, and the Department of Law shall have the responsibility for such  
 86 representation."

## 87 SECTION 2.

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

91 "( ) YES Shall the Constitution of Georgia be amended so as to provide for the  
 92 ( ) NO legalization of all forms of betting, bingo games, raffles, and gambling as  
 93 permitted by the Georgia Gaming Commission and to provide for the  
 establishment of such commission in order to regulate such activities?"

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