

Senate Resolution 135

By: Senators Mullis of the 53rd and Cowser of the 46th

**ADOPTED SENATE**

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia, so as to provide for  
2 sports betting in this state; to provide for related matters; to provide for the submission of this  
3 amendment for ratification or rejection; and for other purposes.

4 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

5 **SECTION 1.**

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

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

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

14 (c) The General Assembly may by law provide for the operation and regulation of a  
15 lottery or lotteries, including, but not limited to sports betting, by or on behalf of the state  
16 and for any matters relating to the purposes or provisions of this subparagraph. Such  
17 lottery or lotteries, including, but not limited to sports betting, shall be implemented and

18 regulated by the Georgia Lottery Corporation or any successor entity created by the  
19 General Assembly consistent with the enabling legislation for the Georgia Lottery  
20 Corporation or any such successor entity. Except as provided in subparagraph (e) of this  
21 Paragraph for sports betting lotteries, proceeds Proceeds derived from the lottery or  
22 lotteries operated by or on behalf of the state shall be used to pay the operating expenses  
23 of the lottery or lotteries, including all prizes, without any appropriation required by law,  
24 and for educational programs and purposes as hereinafter provided. Lottery proceeds shall  
25 not be subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph  
26 VI(a); or Article III, Section IX, Paragraph IV(c), except that the net proceeds after  
27 payment of such operating expenses shall be subject to Article VII, Section III, Paragraph  
28 II. Except as provided in subparagraph (e) of this Paragraph for sports betting lotteries, net  
29 ~~Net~~ proceeds after payment of such operating expenses shall be separately accounted for  
30 and shall be specifically identified by the Governor in his or her annual budget presented  
31 to the 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, except as provided in subparagraph (e) of this Paragraph  
36 for sports betting lotteries, by such separate budget category to educational programs and  
37 educational purposes. Such net proceeds shall be used to support improvements and  
38 enhancements for educational programs and purposes and such net proceeds shall be used  
39 to supplement, not supplant, ~~non-lottery~~ nonlottery educational resources for educational  
40 programs and purposes. The educational programs and educational purposes for which  
41 proceeds may be so appropriated shall include only the 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 levels  
51 K-12, personnel at public postsecondary technical institutes under the authority of the  
52 ~~Department of Technical and Adult Education~~ Technical College System of Georgia, and  
53 professors and instructors within the University System of Georgia the necessary training  
54 in the use and application of computers and advanced electronic instructional technology  
55 to implement interactive learning environments in the classroom and to access the  
56 state-wide distance learning network; and

57 (5) Capital outlay projects for educational facilities;

58 provided, however, that no funds shall be appropriated for the items listed in ~~paragraphs~~  
59 ~~(4) and (5) of this subsection~~ subparagraphs (c)(4) and (c)(5) of this Paragraph until all  
60 persons eligible for and applying for assistance as provided in ~~paragraph (1) of this~~  
61 ~~subsection~~ subparagraph (c)(1) of this Paragraph have received such assistance, all  
62 approved 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) of  
65 this Paragraph have been fully funded.

66 (d) In addition to the sports betting lotteries provided for in subparagraph (c) of this  
67 Paragraph, the General Assembly may by law provide for the operation and regulation of  
68 sports betting activities by or on behalf of the state. For the purpose of regulation and  
69 taxation of such sports betting activities, the General Assembly shall create a gaming  
70 commission and shall provide such commission with such powers and duties as necessary  
71 to provide appropriate regulation of such sports betting activities provided for under this

72 subparagraph and to tax such activities. The proceeds derived from the taxation of the  
73 sports betting activities provided for in this subparagraph shall be used as provided for in  
74 subparagraph (e)(1) of this Paragraph and all other proceeds derived from the regulation  
75 of such activities shall be used to pay the operating expenses of the gaming commission.  
76 Such proceeds derived from the regulation and taxation of sports betting activities shall be  
77 separately accounted for and shall be specifically identified by the Governor in his or her  
78 annual budget presented to the General Assembly as a separate budget category entitled  
79 'Sports Betting Proceeds.'

80 (e)(1) Proceeds derived from the taxation of the sports betting lotteries in paragraph (c)  
81 of this Paragraph and the sports betting activities provided for in subparagraph (d) of this  
82 Paragraph shall be appropriated by the General Assembly, as provided by law, for the  
83 following purposes:

84 (A) At least fifty percent to need based scholarships, grants, or loans to citizens of this  
85 state to enable such citizens to attend units of the University System of Georgia,  
86 branches of the Technical College System of Georgia, or eligible private colleges and  
87 universities;

88 (B) Rural health care services and health care insurance coverage as may be provided  
89 by general law; and

90 (C) The deployment of broadband services and other communications technologies  
91 throughout the state at adequate speeds with priority given to rural areas with the least  
92 amount of broadband coverage and the lowest speeds as may be provided by general  
93 law. Such deployment may be through funding awards, grants, loans, or any other  
94 means as may be provided by general law and may be made through public-private  
95 partnerships, directly to service providers, or other methods as may be provided by  
96 general law, which shall not be subject to Article III, Section VI, Paragraph VI, relating  
97 to gratuities.

98        (2) The General Assembly is authorized to create and appropriate moneys to the  
 99        Healthcare Equality Fund, the Broadband and Communications Technologies Fund, and  
 100        the Education Opportunity Fund from which funds shall be disbursed for those purposes  
 101        respectively set forth in subparagraphs (A) through (C) of subparagraph (e)(1) of this  
 102        Paragraph. The moneys paid into such funds shall not be subject to the provisions of  
 103        Article III, Section IX, Paragraph IV(c), relating to the lapsing of funds; Article III,  
 104        Section IX, Paragraph VI(a), relating to allocation of proceeds; or Article VII, Section III,  
 105        Paragraph II(a), relating to payment into the general fund of the state treasury.  
 106        ~~(d)~~(f) On and after January 1, 1995, the holding of raffles by nonprofit organizations  
 107 shall be lawful and shall not be prohibited by any law enacted prior to January 1, 1994.  
 108 Laws enacted on or after January 1, 1994, however, may restrict, regulate, or prohibit the  
 109 operation of such raffles."

110

**SECTION 2.**

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

114    " YES    Shall the Constitution of Georgia be amended so as to authorize sports betting  
 115         NO        in this state and to provide for such proceeds to be used for need based  
 116                    educational funding, rural health care services, and deployment of broadband  
 117                    to unserved areas?"

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