

Senate Resolution 538

By: Senators Summers of the 13th, Hickman of the 4th, Beach of the 21st, Williams of the 25th, Butler of the 55th and others

A RESOLUTION

1 Proposing an amendment to the Constitution of the State of Georgia so as to authorize and
 2 require that the Georgia General Assembly provide by law for sports betting and casino
 3 gambling in this state by July 2, 2025; to provide for the regulation and allocation of
 4 revenues of such sports betting and casino gambling; to provide for related matters; to
 5 provide for the submission of this amendment for ratification or rejection; and for other
 6 purposes.

7 BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 SECTION 1.

9 Article I, Section II of the Constitution is amended in Paragraph VIII, relating to lotteries and
 10 nonprofit bingo games, by revising the caption and subparagraph (a) and by adding two new
 11 subparagraphs to read as follows:

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

17 "(e)(1) On or before July 2, 2025, and in accordance with the provisions of this
18 subparagraph (e), the General Assembly shall by law provide for the operation and
19 regulation of sports betting and limited casino gambling.

20 (2) For the purpose of taxation and regulation of the sports betting and casino gambling
21 activities authorized by this subparagraph (e), the General Assembly shall create a
22 gaming commission and provide such commission with such powers and duties as
23 necessary to provide appropriate regulation of such sports betting and casino gambling
24 and to tax such activities. Such gaming commission shall be established no later than
25 December 31, 2025, and shall be composed of five members, to be appointed as follows:

26 (A) One member shall be appointed by the Governor and shall serve a term of three
27 years; provided, however, that the initial appointment shall be for one year, and
28 thereafter, successors to such member shall serve terms of three years;

29 (B) One member shall be appointed by the Governor and shall serve a term of three
30 years; provided, however, that the initial appointment shall be for two years, and
31 thereafter, successors to such member shall serve terms of three years;

32 (C) One member shall be appointed by the Governor and shall serve a term of three
33 years;

34 (D) One member shall be appointed by the President of the Senate and shall serve a
35 term of three years; provided, however, that the initial appointment shall be for two
36 years, and thereafter, successors to such member shall serve terms of three years; and

37 (E) One member shall be appointed by the Speaker of the House of Representatives
38 and shall serve a term of three years; provided, however, that the initial appointment
39 shall be for two years, and thereafter, successors to such member shall serve terms of
40 three years.

41 (3) All casino gambling activities authorized by this subparagraph (e) shall take place
42 at a casino facility owned and operated by an individual or entity that has been issued a
43 casino gaming license in this state, as no off-site casino gambling shall be permitted or

44 authorized in this state. The General Assembly shall provide by law for the issuance of
45 nine casino gaming licenses by the gaming commission and each such casino gaming
46 license shall authorize the licensee, subject to the provisions of subparagraph (e)(4) of
47 this Paragraph, to create and operate a single casino facility within this state. Such casino
48 gaming licensees shall be permitted to conduct the casino gambling activities authorized
49 by this subparagraph (e) at a casino facility on each and every calendar day of the year
50 and during any and all hours of each day. Casino gaming licensees shall be permitted to
51 sell alcoholic beverages or provide complimentary servings of alcoholic beverages, for
52 on-premises consumption only, at a casino gaming facility during all hours in which such
53 casino facility is conducting casino gambling activities, and no law or regulation shall
54 prohibit such sale or complimentary serving of alcoholic beverages; provided, however,
55 that such alcoholic beverages shall be purchased from a licensed wholesaler in this state
56 and such casino gaming licensees shall be subject to all laws and regulations concerning
57 the distribution and sale of alcoholic beverages that do not conflict with the provisions
58 of this subparagraph (e).

59 (4) No casino facility shall be created in any county in this state where the governing
60 authority of such county has adopted an ordinance or resolution prohibiting the creation
61 of casino facilities within the boundaries of such county; provided, however, that any
62 casino facility created by a casino gaming licensee prior to the adoption of such ordinance
63 or resolution shall be permitted to continue operating as a casino facility notwithstanding
64 the adoption of such ordinance or resolution.

65 (5) No individual or entity shall be issued more than one casino gaming license in this
66 state and no individual or entity shall own an interest in more than one entity that has
67 been issued a casino gaming license in this state.

68 (6) The General Assembly shall by law authorize the gaming commission to
69 promulgate rules and regulations, consistent with the provisions of general law and this
70 Constitution, that shall include a process by which the gaming commission will consider

71 applications for and issue sports betting and casino gaming licenses in this state as well
72 as any other matters necessary for the fair, impartial, stringent, and comprehensive
73 administration of the sports betting and casino gambling activities authorized by this
74 subparagraph (e). The General Assembly shall require by law that the gaming
75 commission promulgate such rules and regulations on or before June 30, 2026, and that
76 the gaming commission consider applications for and issue initial sports betting and
77 casino gaming licenses on or before August 31, 2026.

78 (7) The General Assembly shall provide by law for the taxation of the sports betting
79 and casino gambling activities authorized by this subparagraph (e); provided, however,
80 that the casino gambling activities authorized by this subparagraph (e) shall be taxed at
81 a rate of 13 percent of the gross income of such activities less operating expenses,
82 amounts paid out as winnings, and amounts permitted by law to be held in reserve.
83 Ninety percent of the proceeds derived from such taxation of the sports betting and casino
84 gambling activities authorized by this subparagraph (e) shall be paid into the general fund
85 of the state treasury and all remaining proceeds derived from such taxation shall be used
86 as provided for in subparagraph (f) of this Paragraph. Notwithstanding the provisions of
87 Article VII, Section III, Paragraph II of this Constitution, all other proceeds derived from
88 the regulation of such sports betting and casino gambling activities shall be used to pay
89 the operating expenses of the gaming commission without any appropriation required by
90 law, except that the net proceeds after payment of such operating expenses shall be paid
91 into the general fund of the state treasury. All proceeds derived from the taxation of the
92 sports betting and casino gambling activities authorized by this subparagraph (e) and all
93 other proceeds derived from the regulation of such activities that are required to be paid
94 into the general fund of the state treasury shall be separately accounted for and shall be
95 specifically identified by the Governor in his or her annual budget presented to the
96 General Assembly as a separate budget category entitled 'Gaming Commission Proceeds.'
97 In addition to the taxation of the sports betting and casino gambling activities provided

98 for in this subparagraph (e), each sports betting licensee and each casino facility and the
99 casino gaming licensee that owns and operates such casino facility shall be subject to all
100 other taxes imposed by law, except that the sports betting and casino gambling activities
101 authorized by this subparagraph (e) shall not be subject to any sales or use tax imposed
102 by the state or by any political subdivision of the state.

103 (f)(1) All proceeds derived from the taxation of the sports betting and casino gambling
104 activities authorized by subparagraph (e) of this Paragraph that are not required to be paid
105 into the general fund of the state treasury pursuant to subparagraph (e)(7) of this
106 Paragraph shall not be subject to the provisions of Article III, Section IX,
107 Paragraph VI(a), relating to the allocation of proceeds, or Article VII, Section III,
108 Paragraph II(a), relating to payment into the general fund of the state treasury, and shall
109 be distributed and dedicated as follows:

110 (A) Fifty percent shall be deposited into the Responsible Gaming Fund from which
111 funds shall be disbursed for the purpose of providing educational programs and mental
112 health services that seek to prevent individuals from experiencing, and provide
113 assistance to individuals who experience, addiction or other problems related to betting
114 or gambling; and

115 (B) Fifty percent shall be deposited into the State Housing Trust Fund for the Homeless
116 from which funds shall be disbursed for the purposes set forth in Article III, Section IX,
117 Paragraph IV(d).

118 (2) The General Assembly is authorized to create and appropriate moneys to the
119 Responsible Gaming Fund from which funds shall be disbursed only for the purposes set
120 forth in subparagraph (f)(1)(A) of this Paragraph. The moneys appropriated by the
121 General Assembly and paid into such fund shall not be subject to the provisions of
122 Article III, Section IX, Paragraph IV(c), relating to the lapsing of funds."

123

SECTION 2.

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

127 "() YES Shall the Constitution of Georgia be amended so as to require the General
128 () NO Assembly to provide by law for sports betting and casino gambling in this
129 state no later than July 2, 2025?"

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