



**STEEL | WRIGHT | GRAY**  
**& HUTCHINSON**  
L A W Y E R S P L L C

NATE STEEL  
MARSHALL WRIGHT  
ALEX T. GRAY  
JEREMY HUTCHINSON

400 WEST CAPITOL AVENUE, SUITE 2910  
LITTLE ROCK, ARKANSAS 72201  
TELEPHONE 501-251-1587  
FAX 501-244-2614

OF COUNSEL  
GEORGE STEEL, JR.

February 26, 2018

*VIA U.S. MAIL and EMAIL*

The Honorable Leslie Rutledge, Arkansas Attorney General  
c/o Opinions Department  
c/o Ms. Cheryl Hall, Opinions Department Paralegal  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201  
[oag@arkansasag.gov](mailto:oag@arkansasag.gov)  
[cheryl.hall@arkansasag.gov](mailto:cheryl.hall@arkansasag.gov)

Re: Submission of Proposed Constitutional Amendment for Certification Pursuant to  
Ark. Code Ann. § 7-9-107


Dear General Rutledge,

This law firm represents Driving Arkansas Forward, a ballot question committee filed with the Arkansas Ethics Commission. On behalf of Driving Arkansas Forward, I am submitting the enclosed proposed constitutional amendment for certification pursuant to Ark. Code Ann. § 7-9-107. I am also sending this to you via email.

Please let me know if you have any questions.

Sincerely,

STEEL, WRIGHT, GRAY & HUTCHINSON, PLLC

By   
Alex T. Gray

### **Popular Name**

AN AMENDMENT TO AUTHORIZE FOUR CASINOS, ONE EACH IN CRITTENDEN, GARLAND, POPE, AND JEFFERSON COUNTIES; TO REGULATE SUCH CASINOS UNDER STATUTES TO BE PASSED BY THE GENERAL ASSEMBLY AND RULES CREATED AND ADMINISTERED BY THE OFFICE OF CASINO GAMING OR THE ARKANSAS RACING COMMISSION, AS THE CASE MAY BE; AND TO TAX SUCH CASINOS WITH THE PROCEEDS OF SUCH TAXES TO BE DISTRIBUTED TO THE STATE HIGHWAY AND TRANSPORTATION DEPARTMENT FUND, PURSE SUPPORT FOR LIVE HORSE AND GREYHOUND RACING, THE ARKANSAS RACING COMMISSION, THE OFFICE OF CASINO GAMING, AND THE CITY AND OR COUNTY IN WHICH THE CASINO IS LOCATED

### **Ballot Title**

An amendment to the Arkansas Constitution authorizing four casinos to operate in Arkansas, all being subject to the laws enacted by the General Assembly in accord with this amendment and regulations promulgated by the Arkansas Department of Finance and Administration, the Office of Casino Gaming (“Office of Casino Gaming”) or the Arkansas Racing Commission, as the case may be; creating the Office of Casino Gaming within the Management Services Division of the Department of Finance and Administration; defining “casino gaming” as dealing, operating, carrying on, conducting, maintaining, or exposing for play any game played with cards, dice, equipment, or any mechanical, electromechanical, or electronic device or machine for money, property, checks, credit, or any representative value, as well as accepting wagers on sporting or other events if and when no longer prohibited by federal law; providing that only licensed casinos may accept wagers on sporting or other events if and when no longer prohibited by federal law; providing that individuals under the age of 21 are prohibited from engaging in casino gaming; defining “Franchise holder as an individual, corporation, partnership, association, trust, or other entity holding a franchise to conduct horse racing under the Arkansas Horse Racing Law or greyhound racing under the Arkansas Greyhound Racing Law as of December 31, 2017; providing that the Office of Casino Gaming shall award four casino licenses, with no more than one license per county; requiring that a casino license be awarded to a Franchise holder located in Crittenden County for a casino to be located at or adjacent to the Franchise holder’s location in Crittenden County as of December 31, 2017; requiring that a casino license be awarded to a Franchise holder located in Garland County for a casino to be located at or adjacent to the Franchise holder’s location in Garland County as of December 31, 2017; requiring that a casino license be awarded to an applicant for a casino to be located in Pope County within two miles of the city limits of the county seat; requiring that a casino license be awarded to an applicant for a casino to be located in Jefferson County within two miles of the city limits of the county seat; providing that the Office of Casino Gaming shall require all applicants for casino licenses to demonstrate operational experience in an existing casino that provides casino gaming and shall require that any application for a casino license be accompanied by either a letter of support from the county judge or a Resolution from the county quorum court in the county where the applicant is proposing the casino be located and, if the proposed casino is to be located within a city or town, a letter of support from the mayor in the city or town where the applicant is proposing the casino to be located; providing that all

applicants demonstrate a minimum investment of at least \$100,000,000 for the development of each casino facility with credit given for the market value of existing real estate, facilities, equipment, and other improvements; providing that the Arkansas Racing Commission shall regulate the Franchise holders that receive a casino license, and the Office of Casino Gaming shall regulate the non-Franchise holders that receive a casino license; defining "net casino gaming receipts" as gross receipts from casino gaming less amounts paid out or reserved as winnings to casino patrons; providing that for each fiscal year, a casino licensee's net casino gaming receipts are subject to a net casino gaming receipts tax of 12% on the first \$100,000,000 of net casino gaming receipts or any part thereof, 15% on net casino gaming receipts between \$100,000,001 and \$150,000,000 or any part thereof, 17% on net casino gaming receipts between \$150,000,001 and \$200,000,000 or any part thereof, and 22.5% on net casino gaming receipts exceeding \$200,000,001 or any part thereof; subjecting each casino to the same income, property, sales, use, employment, and other taxation as any for-profit business located in the county and city or town in which the casino is located, except that the Arkansas Gross Receipts Act of 1941 and local gross receipts taxes shall not apply to casino gaming receipts or net casino gaming receipts; providing that the net casino gaming receipts tax shall be distributed 52.5% to the State Highway and Transportation Department Fund or its successor fund, 17.5% to the Arkansas Racing Commission for deposit into the Arkansas Racing Commission Purse and Awards Fund to be used only for purses for live horse racing and greyhound racing by the Franchise holders, as the case may be, 1.5% to the Arkansas Racing Commission, 1% to the Office of Casino Gaming, 8% to the county in which the casino is located, and 19.5% to the city or town in which the casino is located, provided that if the casino is not located within a city or town, then the county in which the casino is located shall receive the 19.5% that would have been dedicated to the city or town; providing that for so long as Franchise holders are operating a franchise to conduct horse or greyhound racing, as the case may be, each shall set aside an amount equal to 14% of the net casino gaming receipts in separate accounts to be used only for purses for live horse and greyhound racing, as the case may be, and capital improvements to greyhound facilities, and an amount equal to 1% of the net casino gaming receipts; shall be paid by each Franchise holder to the Arkansas Racing Commission to be used for purse supplements, breeders' awards, owners' awards, and stallion and greyhound awards in order to promote and encourage thoroughbred horse and greyhound breeding activities in Arkansas; allowing a casino to operate on any day for any portion or all of any day; permitting casinos to sell intoxicating liquor or provide complimentary servings of intoxicating liquor during all hours in which the casino operates and not subjecting casinos to Arkansas law that prohibits the sale of intoxicating liquor on Christmas Day and requires the residents of a dry county or city to vote to approve the sale of intoxicating liquor; providing that licensed casinos shall purchase intoxicating liquor from a licensed Arkansas wholesaler and shall be subject to all other applicable Arkansas laws involving the distribution and sale of intoxicating liquor that do not conflict with this Amendment; permitting shipments of gambling devices, including slot machines, that are duly registered, recorded, and labeled by the manufacturer and/or dealer thereof in accordance with applicable federal law into any county of this State in which casino gaming is authorized; declaring inapplicable all constitutional provisions, statutes, and common law of the state to the extent they conflict with this amendment, but not otherwise amending, repealing, or otherwise affecting Amendment 84 (bingo or raffles) or Amendment 87 (state lottery) to the Arkansas Constitution, or Arkansas Act 1151 of 2005 (Electronic Games of Skill); providing that this Amendment does not impliedly repeal existing Arkansas laws criminalizing gambling for

purposes not specified in this Amendment; permitting the General Assembly by two-thirds vote to amend certain sections of the amendment relating to distribution of tax revenue.

**SECTION 1.** The following is added as an amendment to the Arkansas Constitution:

**§ 1. Short title.**

This Amendment shall be known and cited as “The Arkansas Casino Gaming Amendment of 2018.”

**§ 2. Definitions.** For purposes of this Amendment, the below terms are defined as follows:

(a) “Net casino gaming receipts” is defined as gross receipts from casino gaming less amounts paid out or reserved as winnings to casino patrons.

(b) “Net casino gaming receipts tax” is defined as a tax on net casino gaming receipts.

(c) “Casino” is defined as a facility where casino gaming is conducted as authorized by this Amendment.

(d) “Casino applicant” is defined as any individual, corporation, partnership, association, trust, or other entity applying for a license to operate a facility where casino gaming is conducted as authorized by this Amendment.

(e) “Casino gaming” is defined as dealing, operating, carrying on, conducting, maintaining, or exposing for play any game played with cards, dice, equipment, or any mechanical, electromechanical, or electronic device or machine for money, property, checks, credit, or any representative value. If and when not prohibited by federal law, casino gaming shall also be defined to include accepting wagers on sporting or other events.

(f) “Casino gaming receipts” is defined as gross receipts from casino gaming.

(g) “Casino license” is defined as a license issued by the Office of Casino Gaming to operate a facility where casino gaming is conducted as authorized by this Amendment.

(h) "Casino licensee" is defined as any individual, corporation, partnership, association, trust, or other entity holding a license issued by the Office of Casino Gaming to operate a facility where casino gaming is conducted as authorized by this Amendment.

(i) "Franchise holder" is defined as any individual, corporation, partnership, association, trust, or other entity holding a franchise to conduct horse racing under the Arkansas Horse Racing Law, Ark. Code Ann. § 23-110-101 et seq., or greyhound racing under the Arkansas Greyhound Racing Law, Ark. Code Ann. § 23-111-101 et seq. as of December 31, 2017.

(j) "Intoxicating liquor" is defined as any beverage containing more than one-half of one percent of alcohol by weight.

(k) "Wholesaler" means any person who holds a permit under any alcoholic beverage control law of the State of Arkansas to purchase controlled beverages from a manufacturer, importer, or domestic wine or brandy producer only and to sell such controlled beverages to retailers only.

### **§ 3. Authorizing Casinos and Casino Gaming.**

(a) Casinos and casino gaming are hereby authorized in the State of Arkansas as provided in this Amendment.

(b) Only casino licensees at their respective casinos may accept wagers on sporting or other events if and when not prohibited by federal law. Franchise holders may continue to accept wagers on horse and greyhound racing as now or hereafter provided under the Arkansas Horse Racing Law, Ark. Code Ann. § 23-110-101 et seq., and the Arkansas Greyhound Racing Law, Ark. Code Ann. § 23-111-101 et seq., as the case may be.

(c) There is created within the Management Services Division of the Department of Finance and Administration the Office of Casino Gaming ("Office of Casino Gaming").

(d) To fulfill the purposes of this Amendment, the Arkansas General Assembly shall from time to time enact laws, and appropriate monies to or for the use of the Office of Casino Gaming. Initial laws and appropriations enacted by the General Assembly pursuant hereto shall be in full force and effect no later than June 30, 2019.

(e) Individuals under the age of 21 are prohibited from engaging in casino gaming.

**§ 4. Licensing of Casinos and Casino Gaming.**

(a) Casinos shall be licensed by the Office of Casino Gaming.

(b) The Office of Casino Gaming shall administer and regulate the licensing of casinos, including the issuance of a casino license, and shall administer and enforce the provisions of this Amendment relating to the casino licensees that are not Franchise holders.

(c) The Arkansas Racing Commission shall administer and enforce the provisions of this Amendment relating to the casino licensees that are Franchise holders, including the renewal thereof.

(d) Casino gaming under this Amendment shall not be regulated under or be subject to the provisions of the Local Option Horse Racing and Greyhound Racing Electronic Games of Skill Act, Ark. Code Ann. § 23-113-101 et seq.

(e) The Office of Casino Gaming and the Arkansas Racing Commission, as the case may be, shall adopt rules necessary to carry out the purposes of this Amendment; and perform their duties under this Amendment.

(f) Rules adopted under this section are rules as defined in the Arkansas Administrative Procedures Act, Ark. Code Ann. § 25-15-201 et seq.

(g) Not later than 120 days after the effective date of this Amendment, the Office of Casino Gaming and the Arkansas Racing Commission, as the case may be, shall adopt rules governing:

- (1) The renewal of casino licenses;
- (2) The term of the casino licenses;
- (3) The form and content of renewal for casino licenses;
- (4) Oversight requirements for casinos and casino gaming;
- (5) Recordkeeping requirements for casinos;
- (6) Personnel requirements for casinos and casino gaming;
- (7) Procedures for suspending or terminating casino licenses held by casino

licensees that violate the provisions of this Amendment or the rules adopted under this Amendment;

- (8) A schedule of penalties and procedures for appealing penalties;
- (9) Procedures for inspection and investigations of casinos and casino gaming;

and

(10) Any other matters necessary for the fair, impartial, stringent, and comprehensive administration of its duties under this Amendment.

(h) Not later than 120 days after the effective date of this Amendment, the Office of Casino Gaming shall adopt rules governing:

(1) The establishment of a casino license application fee which shall not exceed \$250,000;

(2) The manner in which the Office of Casino Gaming considers applications for issuance of casino licenses.



(i) Not later than June 1, 2019, the Office of Casino Gaming shall begin accepting applications for casino licenses.

(j) The application for casino licenses shall include without limitation the following:

(1) The application fee;

(2) The legal name of the casino;

(3) The physical address of the casino;

(4) The name, address, and date of birth of each officer and owner of the casino applicant; and

(5) If the city, town, or county in which the casino would be located has enacted zoning restrictions, a sworn statement certifying that the casino will operate in compliance with the restrictions;

(k) Prior to the submission of an application for a casino license, the owners, shareholders, board members, or officers of the casino applicant:

(1) If an individual, shall not have been convicted of a disqualifying felony offense as defined by the Office of Casino Gaming;

(2) Shall not have previously had a casino license in any state revoked;

(3) If an individual, shall not be under twenty-one years of age; and

(4) If an individual, shall not be a county judge or mayor that provides a letter of support, or a quorum court member that votes in favor of a letter of support as identified in this Amendment.

(l) The Office of Casino Gaming shall award four casino licenses.

(m) The Office of Casino Gaming shall award no more than one casino license per county.

(n) The Office of Casino Gaming shall award casino licenses to a Franchise holder located in Crittenden County for a casino to be located at or adjacent to the Franchise holder's location as of December 31, 2017 in Crittenden County and to a Franchise holder located in Garland County for a casino to be located at or adjacent to the Franchise holder's location as of December 31, 2017 in Garland County. The Franchise holders shall continue to conduct horse racing or greyhound racing, as the case may be, from their facilities for so long as authorized under Arkansas law. Casino licenses to be issued to Franchise holders shall be issued upon:

(1) Adoption by the Arkansas Racing Commission of rules necessary to carry out the purposes of this Amendment; and

(2) Initial laws and appropriations required by this Amendment being in full force and effect.

(o) The Office of Casino Gaming shall award a casino license to an applicant for a casino to be located in Pope County within two miles of the city limits of the county seat.

(p) The Office of Casino Gaming shall award a casino license to an applicant for a casino to be located in Jefferson County within two miles of the city limits of the county seat.

(q) The Office of Casino Gaming shall require all applicants to demonstrate operational experience, by the applicant or an affiliate of the applicant, in an existing casino that provides casino gaming.

(r) The Office of Casino Gaming shall require all applicants to demonstrate a minimum investment of at least \$100,000,000 for the development of each proposed casino facility, with credit given for the market value of existing real estate, facilities, equipment, and other improvements where the casino will be located.

(s) The Office of Casino Gaming shall require all applications to include either a letter of support from the county judge or a resolution from the quorum court in the county where the proposed casino is to be located and, if the proposed casino is to be located within a city or town, shall also require applications to include a letter of support from the mayor in the city or town where the applicant is proposing the casino to be located.

(t) The Office of Casino Gaming may conduct a criminal background check of the owners, shareholders, board members, or officers of the casino applicant in order to carry out this section.

(u) Franchise holders are not applicants and are not required to submit applications for casino licenses in order to be issued a casino license.

(v) No individual, corporation, partnership, association, trust, or other entity may hold more than one casino license in Arkansas.

(w) The casino licensee may receive compensation for providing the goods and services allowed by this Amendment.

(x) The Office of Casino Gaming and the Arkansas Racing Commission, as the case may be, shall issue a renewal casino license within ten days to any licensed casino that complies with the requirements contained in this Amendment, including without limitation the payment of the casino license renewal fee, which shall not exceed \$10,000. Casino licenses shall be renewed every ten years.

(y) (1) The Office of Casino Gaming shall provide an annual amount of at least \$200,000 for compulsive gambling disorder treatment and compulsive gambling disorder educational programs.

(2) The Office of Casino Gaming shall work together with the Department of Human Services to implement the compulsive gambling disorder treatment programs and the compulsive gambling disorder educational programs under this section.

(3) The Office of Casino Gaming may contract with the Department of Human Services for providing all services related to and administration of the compulsive gambling disorder treatment programs and the compulsive gambling disorder educational programs.

(4) The Department of Human Services may promulgate rules to administer the compulsive gambling disorder treatment programs and the compulsive gambling disorder educational programs.

**§ 5. Graduated taxation and distribution of proceeds.**

(a) For each fiscal year, a casino licensee's net casino gaming receipts are subject to a net casino gaming receipts tax as follows:

(1) 12% on the first \$100,000,000 of net casino gaming receipts or any part thereof;

(2) 15% on net casino gaming receipts between \$100,000,001 and \$150,000,000 or any part thereof;

(3) 17% on net casino gaming receipts between \$150,000,001 and \$200,000,000 or any part thereof; and

(4) 22.5% on net casino gaming receipts exceeding \$200,000,001 or any part thereof.

(b) Each casino licensee shall be subject to the same income, property, sales, use, employment, and other taxation as any for-profit business located in the county and city or town

in which the casino is located, except that the Arkansas Gross Receipts Act of 1941 and local gross receipts taxes shall not apply to casino gaming receipts or net casino gaming receipts.

(c) The net casino gaming receipts tax shall be distributed as follows:

(1) 52.5% to the State Highway and Transportation Department Fund as identified in Ark. Code Ann. § 19-6-405 or its successor fund and then to be apportioned as set forth in section (d),

(2) 17.5% to the to the Arkansas Racing Commission for deposit into the Arkansas Racing Commission Purse and Awards Fund to be used only for purses for live horse racing and greyhound racing by the Franchise holders, as the case may be, and then to be apportioned as set forth in section (e),

(3) 1.5% to the Arkansas Racing Commission,

(4) 1% to the Office of Casino Gaming,

(5) 8% to the county in which the casino is located, and

(6) 19.5% to the city or town in which the casino is located, provided that the casino is not located within a city or town, then the 19.5% dedicated to the city or town shall go to the county in which the casino is located.

(d) On the last day of each month, the Treasurer of State shall transfer the 52.5% of revenues derived by the taxes levied under this Amendment referenced in section (c)(1) to the State Highway and Transportation Department Fund, the County Aid Fund and the Municipal Aid Fund in the percentages provided in the Arkansas Highway Revenue Distribution Law, Ark. Code Ann. §§ 27-70-201 and 27-70-206.

(e) On the last day of each month, the Treasurer shall transfer the 17.5% of revenues derived by the taxes levied under this Amendment referenced in section (c)(2) to the Arkansas

Racing Commission to be distributed to the Franchise holders as follows: for the period prior to January 1, 2024, 60% shall be distributed to the Franchise holder operating a franchise to conduct horse racing, and 40% shall be distributed to the Franchise holder operating a franchise to conduct greyhound racing; and for each calendar year thereafter, pro rata to the Franchise holders based upon the total respective amounts of each Franchise holder's pari-mutuel wagering handle during each respective immediately preceding calendar year from wagers placed on and off-track on the Franchise holder's live races (horse or greyhound, as the case may be) conducted at the Franchise holder's licensed premises.

(f) On the last day of each month, the Treasurer of State shall transfer the other percentage allocations made in section (c) to the designated entities.

**§ 6. Contribution to purses and promotion of Arkansas thoroughbred and greyhound breeding activities.**

(a) For so long as a Franchise holder is operating a franchise to conduct horse racing, an amount equal to 14% of the net casino gaming receipts shall be set aside by the Franchise holder in a separate account and used only for purses for live horse racing by the Franchise holder.

(b) For so long as a Franchise holder is operating a franchise to conduct greyhound racing, an amount equal to 14% of the net casino gaming receipts shall be set aside by the Franchise holder in a separate account and used only for purses for live greyhound racing and for capital improvements to the Franchise holder's facility by the Franchise holder. The amount of net casino gaming receipts set aside in this paragraph shall be apportioned as follows:

(1) 80% for purses for live greyhound racing by the Franchise holder; and

(2) 20% for capital improvements to the Franchise holder's facility so long as any amount so apportioned for capital improvements shall be matched by the Franchise holder and used only for capital improvements to the Franchise holder's facility.

(c) With respect to a Franchise holder operating a franchise to conduct horse racing, an amount equal to 1% of the net casino gaming receipts by the horse racing Franchise holder shall be paid by the Franchise holder to the Arkansas Racing Commission for deposit into the Arkansas Racing Commission Purse and Awards Fund to be used for purse supplements, breeders' awards, owners' awards, and stallion awards as provided in Ark. Code Ann. § 23-110-409 in order to promote and encourage thoroughbred horse breeding activities in Arkansas.

(d) With respect to a Franchise holder operating a franchise to conduct greyhound racing, an amount equal to 1% of the net casino gaming receipts by the greyhound racing Franchise holder shall be paid by the Franchise holder to the Arkansas Racing Commission to be used for breeders' awards as provided in the Arkansas Racing Commission's rules and regulations governing greyhound racing in Arkansas in order to promote and encourage greyhound breeding activities in Arkansas.

(e) (1) The dedication of net casino gaming receipts to purses and breeding activities as set forth in this section shall not be subject to any contract or agreement between the Franchise holder and any organization representing horsemen or greyhound owners or trainers, to the end that any such contractual obligations for the use of moneys for purses shall not apply to the funds dedicated to purses and breeding activities as set forth in this section.

(2) The moneys dedicated to purses and breeding activities as set forth in this section are intended to be in addition to any such contractual purse obligations affecting moneys other than the amounts dedicated to purses and breeding activities as set forth in this section, as well as in

addition to amounts required to be used for purses and breeding activities under applicable provisions of the Arkansas Horse Racing Law, Ark. Code Ann. § 23-110-101 et seq., and the Arkansas Greyhound Racing Law, Ark. Code Ann. § 23-111-101 et seq., as the case may be.

(f) The Arkansas Racing Commission shall have jurisdiction to check and verify compliance by the Franchise holders with the provisions of this section and shall make periodic determinations as to compliance under rules and regulations adopted by the Arkansas Racing Commission.

**§ 7. Other operational provisions.**

(a) Casinos may operate on any day for any portion or all of any day.

(b) Casinos shall be permitted to sell intoxicating liquor or provide complimentary servings of intoxicating liquor during all hours in which the casinos operate. Casinos shall not be subject to Ark. Code Ann. § 3-3-211, which prohibits the sale of intoxicating liquor on Christmas Day, and Ark. Code Ann. § 3-9-201, et seq. and other applicable Arkansas law requiring the residents of a dry county or city to vote to approve the sale of intoxicating liquor. Casino licensees shall purchase all intoxicating liquor from a Wholesaler. Casinos shall be subject to all other applicable Arkansas laws involving the distribution and sale of intoxicating liquor that do not conflict with any provision of this Amendment.

**§ 8. Legal shipment of gambling devices into State.**

All shipments of gambling devices, including slot machines, that are duly registered, recorded, and labeled by the manufacturer and/or dealer thereof in accordance with applicable federal law into any county of this State in which casino gaming is authorized in accordance with this Amendment shall be deemed legal shipments.



**§ 9. Effect on existing law.**

(a) By adoption of this Amendment, there is no implied repeal of the existing Arkansas laws criminalizing gambling for purposes not specified in this Amendment.

(b) This Amendment does not amend, repeal, or otherwise affect Amendment 84 (authorizing bingo and raffles), Amendment 87 (creating the state scholarship lottery), or Act 1151 of 2005 (authorizing electronic games of skill), to the extent those Amendments and statute do not conflict with this Amendment.

**§ 10. Inconsistent provisions inapplicable.**

All provisions of the Constitution, statutes, and common law of this State, including without limitation laws forbidding the judicial enforcement of gambling debts and statutes declaring gambling to be a crime, to the extent inconsistent or in conflict with any provision of this Amendment are expressly declared null and void as to, and do not apply to, any activities allowed under this Amendment.

**§ 11. Severability.**

If any provision or section of this Amendment or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect any other provisions or application of the Amendment that can be given effect without the invalid provisions or applications, and to this end the provisions of this Amendment are declared to be severable.

**§ 12. Amendment by General Assembly.**

The General Assembly, in the same manner as required for amendment of laws initiated by the people, may amend sections 5(c)(1), and 5(d) of this Amendment.

**SECTION 2. EFFECTIVE DATE.** This Amendment shall be effective on and after November 14, 2018.