

CHAPTER 102
FORMERLY
SENATE BILL NO. 131
AS AMENDED BY
SENATE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 28 , CHAPTERS 11, 15 AND 18 OF THE DELAWARE CODE RELATING TO CHARITABLE GAMING.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Chapters 11, 15 and 18 of Title 28 of the Delaware Code by deleting the words “Gaming Control Board” wherever they appear therein and substituting in lieu thereof the words “ Board of Charitable Gaming”.

Section 2. Amend Chapters 11, 15 and 18 of Title 28 of the Delaware Code by deleting the word “gambling” wherever it appears, except in Sections 1150, 1822, and 1832(c) therein, and substituting in lieu thereof the word “gaming”.

Section 3. Amend Section 1102 (3) of Title 28 of the Delaware Code by deleting the words “determining the allocation of a prize” as they appear therein and by adding the words “the game, a consideration is paid to play and a prize may be won” before the words “excluding slot machines, roulette, craps or baccarat games”.

Section 4. Amend Section 1122(a)(2) of Title 28 of the Delaware Code by adding the words “and shall be adopted only after public hearings in accordance with the Administrative Procedures Act, Title 29, Chapter 101” in the second sentence of such section after the words “The rules and regulations shall have the force of law”.

Section 5. Amend Section 1139 of Title 28 of the Delaware Code by renaming subsections (i) and (j) as (m) and (n) and by inserting new subsections (i) through (l) to read as follows :

“(i) The Board of Charitable Gaming shall have the authority to regulate and license third party vendors. The Board shall mandate in its regulations that all officers of third party vendors shall be required to have criminal background checks as a requirement for licensure/permitting.

(j) Officers of third party vendors shall complete an application prepared by the Board or by the Division of Professional Regulation seeking a license to operate as a third party vendor.

(k) Investigators of the Division of Professional Regulation will conduct an investigation to determine the suitability of the applicant and provide a recommendation to the Board regarding the suitability of the third party vendor for licensing as stipulated in §1832.

(l) The third party vendor must demonstrate proof that it possesses a valid business license issued by the State of Delaware.”

Section 6. Amend Section 1501 of Title 28 of the Delaware Code by adding a new subsection (c) to read as follows:

“(c) The State Lottery Office shall transfer appropriate funds to cover the cost to allow the Division of Professional Regulation to hire contractual investigators to conduct inspections and investigations. The State Lottery Office and the Division of Professional Regulation shall mutually agree upon the use of these funds for the hiring of contractual investigators.”

Section 7. Amend Section 1502 (a) of Title 28 of the Delaware Code by deleting the words “public members, and the number of public members shall be not less than ¼ of the total Board membership; and further provided that 1 member of the Board shall be a member active and in good standing from the Delaware Volunteer Firefighter’s Association” and substituting in lieu thereof the following: “1) the Director of the State Lottery Office or an employee, who shall have work related knowledge and experience in matters of gambling; 2) a member of a non-profit/charitable organization; 3) a member active and in good standing from the Delaware Volunteer Firefighter’s Association; and 4) two members of the public.”

Section 8. Amend Section 1502 (c) (5) of Title 28 of the Delaware Code by deleting the words “and the member shall no longer be eligible to participate in Board proceedings unless lawfully reappointed” and substituting in lieu thereof the words “however, the Board member shall remain eligible to participate in Board proceedings unless and until replaced by the Governor”.

Section 9. Amend Section 1832 of Title 28 of the Delaware Code by striking the word “licenseing” from its title and substituting in lieu thereof the word “licensing”.

Section 10. Amend Section 1809 (a) of Title 28 of the Delaware Code by deleting the word “oor” as it appears therein and substituting in lieu thereof the word “or”.

Approved July 08, 2011