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DELAWARE STATE SENATE
152nd GENERAL ASSEMBLY

SENATE BILL NO. 205

AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO THE STATE LOTTERY.

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

1 Section 1. Amend § 4815, Title 29 of the Delaware Code by making deletions as shown by strike through and
2 insertions as shown by underline as follows:

3 § 4815. State Lottery Fund [Effective May 25, 2024].

4 (b) All proceeds, net of proceeds returned to players pursuant to paragraph (b)(1) of this section, from the
5 operation of the video lottery shall be electronically transferred daily or weekly at the discretion of the Lottery Director into
6 a designated State Lottery account by the agent, and transferred to the State Lottery Fund by the Lottery on a daily or
7 weekly basis and shall be applied as follows:

8 (3) a. *Proceeds returned to the State.* —

9 Except as otherwise provided by this paragraph, of amounts remaining after all payments under
10 paragraphs (b)(1) and (b)(2) of this section, there shall be returned to the State 42½%, less any qualified capital
11 expenditure adjustment provided for in this paragraph. For licensees which conducted 40 or fewer (but at least 1)
12 days of live harness horse races during 1992, should such licensees' video lottery proceeds, net of proceeds
13 returned to players, at the end of any fiscal year fall below \$107,500,000, then, in the subsequent fiscal year, there
14 shall be returned to the State 41½% of amounts remaining after all payments under paragraphs (b)(1) and (b)(2) of
15 this section, less any qualified capital expenditure adjustment provided for in this paragraph.

16 3. Any amounts incurred or paid in any single year which exceed the 3% required for the adjustment
17 under paragraph (b)(3)a.1. of this section may be carried forward for no more than ~~2 years.~~ years, except that
18 amounts used to reduce the license fee under § 4819(d)(2) of this title may not also be carried forward.

19 Section 2. Amend § 4819, Title 29 of the Delaware Code by making deletions as shown by strike through and
20 insertions as shown by underline as follows:

21 § 4819. Restrictions on location and use of video lottery and sports lottery machines; fees [Effective May 25,
22 2024].

23 (d) (1) ~~For~~ Except as otherwise provided in paragraph (d)(2) of this section, for the privilege of hosting the
24 operation of table games, the State shall collect from the video lottery agents for the benefit of the General Fund, for each
25 fiscal year after June 30, ~~2018, 2023~~, license fees totaling \$3,000,000, to be paid ~~no later than June 1 of the preceding fiscal~~
26 ~~year, June 1~~, and to be allocated among the video lottery agents offering table games as follows: Each video lottery agent's
27 license fee shall be the portion of \$3,000,000 that is equal to the percentage of gross table game revenue generated at that
28 video lottery facility in the ~~preceding fiscal year~~ calendar year immediately preceding the license fee due date out of the
29 total gross table game revenue generated at all video lottery facilities in the ~~preceding fiscal year~~ calendar year
30 immediately preceding the license fee due date.

31 (2) ~~The license fee required under paragraph (d)(1) of this section is suspended for fiscal year 2020, and no~~
32 ~~payment is owed to the Delaware Lottery on June 1, 2019. For each fiscal year thereafter, Except as otherwise provided~~
33 ~~in this paragraph (d)(2), each video lottery agent shall be permitted for purposes of this subsection to reduce the license~~
34 ~~fee it would otherwise owe for that year pursuant to paragraph (d)(1) of this section by the amount of qualified~~
35 ~~investments made in the 12-month period ending on June 30 calendar year ending the immediately preceding~~
36 ~~December 31 by the video lottery agent in the competitiveness of its facilities and business, business in excess of the~~
37 ~~amounts required to receive the video lottery agent's qualified capital expenditure adjustment provided for in §~~
38 ~~4815(b)(3)a. of this title, if such qualified investments are increased by the amount of such video lottery agent's~~
39 ~~proportional share of the \$3,000,000 license fee. If amounts incurred or paid in any year exceed the 3% required for the~~
40 ~~adjustment under § 4815(b)(3)a.1 of this title and are utilized for a reduction in license fees required by this section, the~~
41 ~~amount used to reduce the license fee under this paragraph (d)(2) may not also be carried forward under §~~
42 ~~4815(b)(3)a.3. of this title. The video lottery agents shall provide the Director annually an accounting of the qualified~~
43 ~~investments made pursuant to this paragraph. A qualified investment pursuant to this paragraph shall be determined by~~
44 ~~the Director to benefit the competitiveness or services of such video lottery agent and may include expenditures for all~~
45 ~~of the following:~~

46 a. Marketing of lottery games promotional items provided to patrons, with complimentary items valued at
47 their normal retail value.

48 b. Wages and benefits, including health care and retiree benefits, of the video lottery facility's operations,
49 excluding executive compensation, all as determined by the Director to be in excess of the comparable amount of
50 such expenditures made by the video lottery agent during the 12-month period ending December 31, 2017,
51 measured as a percentage of the proceeds from the operation of the video lottery and table games.

52 ~~(3) Expenditures for marketing, wages, or benefits under paragraph (d)(2) of this section apply to any facilities~~
53 ~~used by the video lottery agent in direct connection with its operations, including its video lottery, sports lottery and~~
54 ~~table games facilities, horse racing facilities, food and beverage operations, entertainment venues, retail operations,~~
55 ~~parking facilities, and if applicable, hotel and golf course amenities.~~

56 Section 3. This Act takes effect on May 26, 2024, or the date of enactment, whichever is later.

SYNOPSIS

This Act promotes increased capital investment at Delaware casinos by restructuring the table games licensing fee reduction currently received by lottery agents to allow capital investments greater than the minimum amounts required under § 4815(b)(3)a. of Title 29 of the Delaware Code to count toward the allowable license fee reductions. For ease of administration, this Act also aligns time periods for both table games and video lottery calculations.

Author: Senator Pardee