



SPONSOR: Rep. Schwartzkopf & Sen. Venables
Reps. Atkins, Booth, Hudson, Lavelle, Longhurst, B.
Short; Sen. Sokola

HOUSE OF REPRESENTATIVES
145th GENERAL ASSEMBLY

HOUSE BILL NO. 194

AN ACT TO AMEND TITLES 3 AND 29 OF THE DELAWARE CODE RELATING TO THE LICENSING OF
VENUES WHICH DID NOT CONDUCT HARNESS RACING DURING 1992 AS VIDEO LOTTERY AGENTS.

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

1 Section 1. Amend §4805(b), Title 29 of the Delaware Code by striking the language and punctuation “in 1993,
2 held” as it appears in the first sentence of paragraph (13) and substituting in lieu thereof the following:

3 “as of September 1, 2008, held a valid final or conditional approval to conduct”.

4 Section 2. Amend §4819(a), Title 29 of the Delaware Code by striking the language “was conducted in 1993” as
5 it appears therein and substituting the following language in lieu thereof:

6 “is conducted pursuant to a final or conditional approval granted prior to September 1, 2008.”.

7 Section 3. Amend §4819(b), Title 29 of the Delaware Code by striking the language “were lawful under any
8 county or municipal zoning ordinance as of January 1, 1993,” and substituting the language “are lawful under any county or
9 municipal zoning ordinance” in lieu thereof.

10 Section 4. Amend §10048, Title 3 of the Delaware Code by adding a new subparagraph “3.” to paragraph a. of
11 subsection (1) thereof as follows:

12 “3. A licensee that was not in existence, and/or did not conduct any live harness racing, during 1992 shall, at a
13 minimum, subject to the availability of racing stock, force majeure, casualty, and other circumstances beyond the
14 reasonable control of the licensee, conduct live harness horse races on at least: (i) 20 days for the first 5 years it is licensed
15 by the Director of the State Lottery Office to maintain video lottery machines within the confines of a racetrack licensed
16 under this chapter; and (ii) for each year thereafter, for the average number of days that live harness racing was conducted
17 by all licensees licensed by the Director of the State Lottery Office to maintain video lottery machines within the confines
18 of a racetrack licensed under this chapter during the preceding year.”.

19 Section 5. Further Amend §10048, Title 3 of the Delaware Code by re-designating paragraph c. of subsection (1)
20 as paragraph “d.” and by adding a new paragraph “c.” thereto as follows:

21 “c. In the event the Director of the State Lottery Office awards a license to maintain video lottery machines within
22 the confines of a racetrack first approved to conduct harness racing after January 1, 1993 but prior to September 1, 2008,
23 subsection b. above shall not apply; provided, however, licensees licensed by both the Delaware Harness Racing
24 Commission and the Delaware State Lottery Office at the time said license was awarded to said racetrack shall be entitled,
25 upon written notice to the Delaware Harness Racing Commission, to reduce the number of minimum days of live harness
26 racing required under Subsection (1)a. hereof by the number of concurrent racing dates said licensee has with such newly-
27 built racetrack.”.

SYNOPSIS

This Act authorizes any holder of a valid Delaware thoroughbred or harness racing license granted as of September 1, 2008: (1) the right to become a video lottery agent if it otherwise meets the eligibility criteria for licensure; (2) the obligation to maintain a certain minimum number of harness racing race days; and (3) the duty to make payments to the State Lottery Fund comparable to those made by existing video lottery agents. This Act also exempts the granting of a video lottery terminal license to a newly created harness racing track from triggering a reduction in the statutory minimum number of days that existing thoroughbred or harness tracks must offer harness racing.