

## Betting bills yield debate

Changes in legislation raise concern among some lawmakers

By Leah Burcat

Delaware State News DOVER — Unless a compromise on sports betting is reached between the Markell administration and the casino executives within the next few hours before the General Assembly reconvenes Tuesday, House Substitute 1 for House Bill 100 will be the hot topic at Legislative Hall.

House Substitute 1 was touted as a compromise by the administration, because it removed the section which allowed for the creation of up to three new casinos and 10 sports betting parlors in the state in exchange for \$4.5 million from the state's three existing casinos.

While that change was focused on, other changes between the two pieces of legislation went relatively unnoticed.

Although both bills call for the creation of a commission — albeit with different purposes — the makeup of these commissions and what rules by which they are bound varies.

In House Bill 100, the Video and Sports Lottery Licensing Commission would help decide which new venues would receive permission to operate gaming activities in the state.

In House Substitute 1, the Video and Sports Lottery Study Commission would create a report on the feasibility of adding additional gaming venues to the state.

While the difference in their missions are understood, due to the differences between the bills, other changes raise concern among lawmakers.

In the original legislation, the commission was bound by certain ethics rules.

"No person shall be appointed to the commission who has any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in any person, business, organization or entity who is or seeks to be licensed or regulated," House Bill 100 reads.

The legislation also states that the meetings of the commission would be subject to the Freedom of Information Act, or FOIA.

In House Substitute 1, those sections were removed — an act that even surprised some sponsors of the bill.

"It's inconsistent with the other efforts the House has made and I would prefer to see it subject to FOIA," said Rep. Bryon H. Short, D-Brandywine, who co-sponsored both House Bill 100 and House Substitute 1.

"In the original bill it said commission members could not be conflicted, but it was removed.

If that's not a strong indication that they want members to be conflicted, I don't know what it is," said Preston Schell, of Rehoboth Beach, who has proposed building a casino in Millsboro.

The Markell administration said the sections were removed because they were unnecessary.

The commission would be FOIA-able according to state FOIA laws, said Joseph Rogalsky, spokesman for Gov. Jack A. Markell. And members of the commission, assuming they are legislators, would be bound by the Senate and House ethics rules, he said.

In addition to the changes in regulations, the composition of the commissions has also changed. Each commission calls for nine members, but House Substitute 1 changes slightly who appoints them.

House Bill 100 said two commission members were to be appointed by the President Pro Tempore of the Senate, two by the Speaker of the House of Representatives, one by the Minority Leader of the Senate, one by the Minority Leader of the House of Representatives and one by the governor. The Secretary of Finance and the Director of the Delaware Economic Development Officer would also serve on the commission.

In the substitute legislation, the minority leaders were no longer given the chance to make an appointment. Instead the President Pro Tempore of the Senate, currently Sen. Thurman Adams, D-Bridgeville, and the Speaker of the House of Representatives, currently Rep. Robert F. Gilligan, D-Wilmington, would appoint three members each. At least one of their appointees must come from the minority party.

While the changes are small, it begs the question — why were they made?

State lawmakers, though, seem unable to answer it.

Legislators seemed surprised when they heard a change was made, but the governor's office would not take credit for it either.

"The legislature wanted to make that change," said Mr. Rogalsky.

In addition, some have wondered about the impartiality of any members appointed by Sen. Adams or Rep. Gilligan, both of whom have ties to existing casinos.

And on top of it, the Republican Party is upset about being excluded "And I don't think, quite frankly, that this is a small thing," said House Minority Leader Rep. Richard C. Cathcart, R-Middletown. "We think there is a purpose behind that."

"We haven't had any real opportunity to weigh in," said House Minority Whip Rep. Daniel B. Short, R-Seaford. "House Substitute 1 to House Bill 100 did not have any input from the Republican caucus."

While the big changes between the substitute and original legislation have definitely sparked a heated debate within the state, it may be some of the small changes that cause scuffle in the background.

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