

SENATE No. 101

The Commonwealth of Massachusetts

PRESENTED BY:

Joseph A. Boncore

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to regulating horse racing and wagering.

PETITION OF:

NAME:

Joseph A. Boncore

DISTRICT/ADDRESS:

First Suffolk and Middlesex

SENATE No. 101

By Mr. Boncore, a petition (accompanied by bill, Senate, No. 101) of Joseph A. Boncore and Adam G. Hinds for legislation relative to regulating horse racing and wagering. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-First General Court
(2019-2020)**

An Act relative to regulating horse racing and wagering.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2016
2 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof
3 the following clause:-

4 Tenth, “Illegal gaming,” a banking or percentage game played with cards, dice, tiles or
5 dominoes, or an electronic, electrical or mechanical device or machine for money, property,
6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the
7 state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted
8 under chapter 23K; (iii) pari-mutuel wagering on horse races and greyhound races under chapter
9 128D; (iv) a game of bingo conducted under chapter 271; and (v) charitable gaming conducted
10 under said chapter 271.”

11 SECTION 2. Section 7 of chapter 23K of the General Laws is hereby repealed. Said
12 section 7 shall not be revived by any future operation of sections 17 or 112 of St. 2011, c. 194.

13 SECTION 3. Section 60 of said chapter 23K is hereby repealed. All monies in the Race
14 Horse Development Fund established under said section 60 as of the effective date of this Act
15 shall be transferred to the Race Horse Development Fund established pursuant to section 10 of
16 chapter 128D of the General Laws, as inserted by this Act.

17 SECTION 4. Chapter 128A of the General Laws is hereby repealed.

18 SECTION 5. Chapter 128C of the General Laws is hereby repealed.

19 SECTION 6. The General Laws are hereby amended by inserting after said chapter 128C
20 the following chapter:-

21 CHAPTER 128D.

22 HORSE RACING AND WAGERING.

23 Section 1. Preamble. It is the intent of this chapter to grant the Massachusetts gaming
24 commission all necessary authority to oversee and regulate all aspects of horse racing in the
25 commonwealth with the object of promoting its efficient operation, and the honesty and integrity
26 of the wagering process related to it. It is the further intent of this chapter that the commission
27 utilize best efforts to ensure that the horse racing industry be preserved and sustained for,
28 amongst other reasons, the preservation of open space, the agricultural benefits associated with
29 horse racing, and the creation and preservation of jobs and businesses associated with horse
30 racing.

31 Section 2. Terms used in this chapter shall, unless the context otherwise requires, be
32 construed as follows:

33 “Advance Deposit Wagering”, a form of pari-mutuel wagering in which an individual
34 may deposit money to an account established through an agreement with a holder of a racing
35 license or simulcasting license and use the account balance to make and pay for wagers by the
36 holder of the account which wagers may be made in person, by direct telephone call or by
37 communication through other electronic media by the holder of the account to the licensee.

38 “Breaks”, in the case of live horse racing conducted in the commonwealth by a racing
39 licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered. In the case of
40 live horse racing conducted at a race track outside the commonwealth, the amount of the breaks
41 shall be determined in accordance with the laws of the state in which the race track is located.

42 “Commission”, the Massachusetts gaming commission established in chapter 23K.

43 “Exotic wager”, a wager on the speed or ability of a combination of more than 1 horse in
44 a single race.

45 “Guest track”, a simulcasting licensee or an out-of-state pari-mutuel wagering facility
46 which accepts a simulcast wager on a live race conducted at another track which is presented by
47 simulcast at the facility of the simulcasting licensee or the out-of-state pari-mutuel wagering

48 “Horsemen’s Thoroughbred Association,” the New England Horsemen’s Benevolent and
49 Protective Association.

50 “Host track”, a racing licensee or an out-of-state track which conducts a live race which
51 is the subject of intertrack simulcasting and simulcast wagering.

52 “Pari-mutuel”, a form of wagering on the outcome of an event in which all wagers are
53 pooled and held by an association for distribution of the total amount, less the deductions
54 authorized by law, to holder of tickets on the winning contestants.

55 “Premium”, an amount paid to a racing licensee by a simulcasting licensee on account of
56 the simulcasting licensee taking wagers on interstate simulcasts of the type of horse racing as is
57 conducted by the racing licensee.

58 “Racing license”, an authorization awarded to a person by the commission, under
59 specified conditions, to accept wagers on live horse racing conducted on the license holder’s
60 licensed premises in the commonwealth; a racing license shall not confer on its holder any rights
61 to simulcast or to accept simulcast wagers, but an eligible person may apply for and be awarded
62 both a racing license and a simulcast license.

63 “Racing licensee”, a person who holds a racing license; a racing licensee may also be a
64 simulcasting licensee, in which case the licensee may conduct racing and simulcasting operations
65 at the same location or in different locations.

66 “Race track” shall, as determined by the commission, include the track, grounds,
67 auditorium, amphitheater and bleachers, if any, and adjacent places used in connection therewith,
68 where live horse racing may be held.

69 “Rebate”, a portion of pari-mutuel wagers, otherwise payable to a racing or simulcasting
70 licensee, that is paid to a holder of a pari-mutuel wagering ticket and that reduces the amount
71 otherwise payable to such licensee, including, but not limited to: refunds to holders of pari-
72 mutuel wagering tickets of any portion or percentage of the full face value of a pari-mutuel
73 wager; bonuses on a winning pari-mutuel ticket; awards of merchandise; services such as meals,

74 parking, admission, seating and programs; free or reduced-cost pari-mutuel wagers; monetary
75 awards; or any other benefit that the commission deems appropriate to reward racing and
76 simulcasting patrons for their patronage.

77 “Simulcast”, the broadcast, transmission, receipt or exhibition, by any medium or
78 manner, of a live race conducted at a race track other than the one at which it is being exhibited,
79 whether inside or outside the commonwealth, including but not limited to, a system, network, or
80 programmer which transmits, or receives, television or radio signals by wire, satellite, or
81 otherwise.

82 “Simulcasting license”, an authorization awarded to a person by the commission, under
83 specified conditions, to accept simulcast wagers, provided that the commission may award a
84 simulcasting license only to a racing licensee licensed under this chapter, a gaming licensee
85 licensed pursuant to chapter 23K at a gaming establishment, or an entity previously licensed
86 pursuant to chapter 128A or chapter 128C.

87 “Simulcasting licensee”, a person who holds a simulcasting license.

88 “Simulcast wager”, a wager taken by a simulcasting licensee on a race that is simulcast.

89 “Straight wager”, a wager on the speed or ability of any 1 horse in a single race.

90 “Takeout”, monies deducted from a pari-mutuel pool in accordance with this chapter
91 prior to payment of winnings.

92 Section 3. (a) The commission shall have all powers necessary or convenient to
93 effectively regulate horse racing and related wagering including, but not limited to,

94 (1) all requisite powers afforded in accordance with section 4 of chapter 23K to be used
95 to for the implementation, administration and enforcement of this chapter;

96 (2) the power to adopt, amend or repeal regulations for the implementation,
97 administration and enforcement of this chapter; and

98 (3) the power to award, revoke and suspend racing licenses and simulcasting licenses in
99 accordance with regulations adopted pursuant to section 4, provided, however, notwithstanding
100 any provision of this chapter, any other general or special law, or any regulations adopted
101 hereunder to the contrary, the greyhound racing licensees licensed to conduct live racing in
102 calendar year 2009 and the harness horse and running horse racing licensees licensed to conduct
103 live racing in calendar year 2014 pursuant to chapter 128A shall be licensed as simulcasting
104 licensees under this chapter through December 31, 2024, provided however that it shall be a
105 condition of the 2014 harness horse racing licensee's simulcasting license that it comply with all
106 live racing obligations under chapter 23K or under chapter 194 of the acts of 2011; and provided
107 further that it shall be a condition of the 2014 running horse racing licensee's simulcasting
108 license that it pursue development and operation of a new or re-established race track in the
109 Commonwealth or operate such a race track. While the 2014 running horse racing licensee is
110 pursuing development and operation of such a race track, it shall be authorized to conduct
111 simulcasting and simulcast wagering in one or more locations in the commonwealth without any
112 requirement to conduct live racing or to conduct business in the same location as it operated
113 under chapters 128A and 128C and, once it is operating such a race track, its authorization to
114 conduct simulcast wagering shall not be infringed on account of the number of days of racing it
115 hosts or the number of races it conducts so long as it conducts at least 1 day of live racing each
116 year. The 2014 running horse racing licensee may assign its simulcasting license to another

117 person, who thereafter shall be considered to be the 2014 running horse licensee for purposes of
118 this chapter.

119 (b) The power and authority granted to the commission hereunder shall be construed as
120 broadly as necessary for the implementation, administration and enforcement of this chapter.

121 Section 4. (a) The commission shall promulgate regulations for the implementation,
122 administration and enforcement of this chapter including, without limitation, regulations that:

123 (1) prescribe the application process and criteria for evaluation of the application and
124 renewal for a racing license; in determining whether to award a racing license the commission
125 shall take into consideration the physical locations of the licensed race tracks as they relate to
126 each other and how they maximize benefits to the commonwealth, the support or opposition to
127 each applicant from the public, and any other considerations deemed relevant by the
128 commission;

129 (2) prescribe the process and criteria for evaluation of the application and renewal of a
130 simulcasting license to a racing licensee licensed under this chapter, a gaming licensee licensed
131 pursuant to chapter 23K at a gaming establishment, or an entity previously licensed pursuant to
132 chapter 128A or chapter 128C; in granting a simulcasting license to a gaming licensee, the
133 commission shall take into consideration the impact on facilities of persons previously licensed
134 pursuant to said chapters 128A and 128C;

135 (3) prescribe procedures and requirements necessary to the proper governance of the
136 conduct of live horse racing, simulcasting, and wagering thereon, including:

137 (i) the amount and manner that premiums, if any, will be assessed upon the simulcasting
138 licensees;

139 (ii) the extent to which, if any, rebating will be authorized in the commonwealth;

140 (iii) procedures for advance deposit wagering, including the use of advance deposit
141 wagering accounts including electronic components of advance deposit wagering account,
142 rebates and rewards; and

143 (iv) the use of the breaks;

144 (4) prescribe the minimum number of live racing days required to be held by a racing
145 licensee other than a gaming licensee who holds live racing on the premises of the gaming
146 establishment;

147 (5) establish procedures governing the operation of the Race Horse Development Fund
148 established pursuant to section 10;

149 (6) prescribe grounds and procedures for the revocation, suspension and discipline of all
150 licenses and registrations;

151 (7) prescribe the assessment and allocation of funds from racing licensees and
152 simulcasting licensees for the purpose of funding, to the extent not funded in accordance with
153 section 11, the operations of the commission relative to racing, simulcasting and wagering
154 thereon, including the costs to the commission of conducting each racing performance conducted
155 by a racing licensee, which funding, with associated expenditures, shall be reported to the house
156 and senate committees on ways and means and the joint committee on economic development

157 and emerging technologies and made public annually within 60 days of the end of each fiscal
158 year; and

159 (8) prescribe any other issues related to the honest conduct of horse racing, simulcasting
160 and wagering thereon.

161 (b) The commission may, pursuant to section 2 of chapter 30A, promulgate, amend or
162 repeal any regulation promulgated under this chapter as an emergency regulation if such
163 regulation is necessary to protect the interests of the commonwealth in regulating horse racing.

164 Section 5. Advance deposit wagering by residents of the commonwealth on the
165 results of horse races conducted in the commonwealth or in jurisdictions outside of the
166 commonwealth shall be authorized and lawful in the commonwealth so long as there is a racing
167 licensee or a simulcasting licensee under this chapter, provided that, until December 31, 2029, all
168 advance deposit wagering shall be conducted by a person who was a running horse or harness
169 horse racing meeting licensee under chapter 128A in 2014 or who is the assignee of such a
170 person, unless no such person or assignee continues as a racing or simulcasting licensee. A
171 racing or simulcasting licensee authorized pursuant to this section to conduct advance deposit
172 wagering shall do so in accordance with any regulations promulgated by the commission and
173 may do so directly or through a service provider with whom it has a written agreement.

174 Section 6. The commission may inspect and shall have access to the entire race track
175 or simulcasting facility and premises associated therewith upon which activity is conducted
176 pursuant to a racing license or a simulcasting license issued in accordance with this chapter
177 including all records, documents, systems, equipment, and supplies on the premises.

178 Section 7. The commission may audit as often as the commission determines
179 necessary the accounts, programs, activities, and functions of all racing licensees and
180 simulcasting licensees. To conduct the audit, authorized officers and employees of the
181 commission shall have access to such accounts at reasonable times, and the commission may
182 require the production of books, documents, vouchers and other records relating to any matter
183 within the scope of the audit. Further, the commission shall make an annual report of horse
184 racing and simulcasting activity and related wagering in the commonwealth to the house and
185 senate committees on ways and means and the joint committee on economic development and
186 emerging technologies which shall include a full and complete statement of racing revenues.

187 Section 8. Each racing licensee and simulcasting licensee shall make readily
188 available to the commission all documents, materials, equipment, personnel and any other items
189 requested during an investigation; provided, however, that material that a racing licensee or
190 simulcasting licensee considers a trade secret or would be detrimental to the licensee if it were
191 made public may, with the commission's approval, be protected from public disclosure and the
192 licensee may require nondisclosure agreements with the commission before disclosing such
193 material.

194 Section 9. The commission shall establish application fees for all licenses, approvals,
195 and renewals awarded under this chapter which shall include costs incurred for conducting a
196 background investigation into an applicant. The commission may seek reimbursement from an
197 applicant for any costs of investigation in excess of the initial application or renewal fee.

198 Section 10. (a) There shall be established and set up on the books of the
199 commonwealth a separate fund known as the Race Horse Development Fund to be administered

200 by the commission. Any monies directed by any provision of any general or special law to be
201 deposited into the Race Horse Development Fund formerly established under former section 60
202 of chapter 23K, including without limitation subsection (c) of section 55 of chapter 23K and
203 subclause (l) of clause (2) of section 59 of said chapter 23K, and any monies credited to or
204 transferred to the fund from any other fund or source, shall be deposited into the fund established
205 pursuant to this section.

206 (b) All monies transferred to the Race Horse Development Fund established by this
207 section from the Race Horse Development Fund formerly established under said section 60 of
208 chapter 23K that had been allocated for the benefit of the thoroughbred racing industry under the
209 former fund shall be distributed from the fund established by this section only for the benefit of
210 thoroughbred racing, provided, however, that the restrictions on the use of funds set forth in said
211 section 60 shall not apply.

212 (c) Subject to subsection (b), the commission may make any distribution from the fund it
213 determines to be in the best interest of horse racing in the commonwealth including, but not
214 limited to (i) distribution of not less than 50 per cent of the monies deposited in the fund after the
215 effective date of this chapter to racing licensees to fund purses, provided that the commission
216 determines that there is sufficient live racing in the commonwealth to sustain that level of purse
217 funding; (ii) funding a program established by the commission with eligibility requirements to
218 provide health, pension, life insurance and other benefits deemed appropriate to owners, trainers,
219 breeders, jockeys, drivers and others associated with horse racing, and (iii) distribution in support
220 of breeding of thoroughbred and standardbred horses in the commonwealth. In addition, in the
221 event that the running horse racing meeting licensee licensed under chapter 128A in 2014 or its
222 successor or assign pursues development and operation of a new or re-established thoroughbred

223 race track in the commonwealth or operates such a race track, the commission shall distribute
224 monies from the fund to such licensee, successor or assign to the extent agreed between it and its
225 horsemen, for the payment of expenses incurred in pursuing the development and operation of a
226 new or re-established racetrack, for capital expenses of the new or re-established race track, or
227 for operating expenses at the new or re-established racetrack.

228 (c) Any funds previously distributed from the Race Horse Development Fund established
229 under section 60 of chapter 23K to a licensee under chapter 128A that had not been expended by
230 the recipient licensee as of the effective date of this section may be used by the licensee for
231 purses or, to the extent agreed between the licensee and its horsemen, for expenses incurred in
232 pursuing the development and operation of a new or re-established racetrack, for capital
233 expenses of a new or re-established race track, or for operating expenses at a new or re-
234 established racetrack.

235 Section 11. (a) Every racing licensee conducting pari-mutuel wagering on horse races
236 run live at its licensed race track shall return all sums deposited in any pari-mutuel pool by
237 patrons for wagers on such live horse races to the holders of winning tickets therein less the
238 breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19 per
239 cent of the total amount so deposited on a straight wager and 26 per cent of the total amount so
240 deposited on an exotic wager. From the takeout, the licensee shall pay:

241 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in an amount
242 equal to 0.75 per cent of all amounts so deposited, less the breaks;

243 (ii) (A) if a running horse licensee, to the Massachusetts Thoroughbred Breeders
244 Association, Inc., a sum equal to 1 per cent of the total amount so deposited, less the breaks, to
245 be used for the purposes of subsection (g) of section 2 of chapter 128; and

246 (B) if a harness horse licensee, to the Massachusetts Standardbred Breeders program
247 established pursuant to subsection (j) of section 2 of chapter 128, a sum equal to 0.5 per cent of
248 the total amount so deposited, less the breaks, on straight wagers and a sum equal to 1.5 per cent
249 of the total amount so deposited, less the breaks, on exotic wagers, the monies to be used for the
250 purposes of said subsection (j) of said section 2;

251 (iii) (A) if a running horse licensee, a sum equal to 8.5 per cent of the amount so
252 deposited, less the breaks, on straight wagers and a sum equal to 9.5 per cent of the amount so
253 deposited, less the breaks, on exotic wagers, for payment of purses and, with the approval of the
254 appropriate horsemen's association representing the horse owners racing at that meeting, for
255 payment of the licensee's administrative and horseracing operations;

256 (B) if a harness horse licensee, a sum equal to 8 per cent of the amount so deposited, less
257 the breaks, on straight wagers and a sum equal to 10 per cent of the amount so deposited, less the
258 breaks, on exotic wagers for the payment of purses; and

259 (iv) if a running horse licensee, to Tufts University School of Veterinary Medicine, a sum
260 equal to 0.5 per cent of the amount so deposited, less the breaks, on exotic wagers.

261 In addition, 3.5 per cent of all purses paid by running horse racing licensees, except
262 purses funded by the Massachusetts Thoroughbred Breeders Association, Inc., shall be paid to
263 the Massachusetts Thoroughbred Breeders Association, Inc. Such payment may be made from
264 purse funds disbursed from the Race Horse Development Fund.

265 The licensee shall be entitled to retain the remainder of the takeout as its commission.

266 (b) Every simulcasting licensee acting as a guest track simulcasting a race run live at a
267 host track within the commonwealth shall return all sums deposited in any pari-mutuel pool by
268 patrons for wagers on such in-state simulcast races to the holders of winning tickets therein less
269 the breaks and less a takeout in an amount to be determined by the licensee but not to exceed 19
270 per cent of the total amount so deposited on straight wagers and 26 per cent of the total amount
271 so deposited on exotic wagers. From the takeout, the licensee shall pay:

272 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in a sum equal to
273 0.375 per cent of the amount so deposited, less the breaks;

274 (ii) to the host racing association, a sum equal to 11 per cent of the amount so deposited,
275 less the breaks;

276 (iii) (A) if the simulcasting licensee is also a running horse racing licensee, to the
277 Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 0.5 per cent of the total
278 amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of
279 chapter 128; and

280 (B) if the simulcasting licensee is also a harness horse racing licensee, to the
281 Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2
282 of chapter 128, a sum equal to 0.25 per cent of the total amount so deposited by patrons, less the
283 breaks, on straight wagers and a sum equal to 0.75 per cent of the total amount so deposited, less
284 the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said
285 section 2 of said chapter 128; and

286 (iv) (A) if the simulcasting licensee is also a running horse racing licensee, a sum equal to
287 not less than 3.5 per cent of the total amount so deposited, less the breaks, for the payment of
288 purses and, with the approval of the appropriate horsemen's association representing the horse
289 owners racing at that meeting, for payment of the licensee's administrative and horseracing
290 operations;

291 (B) if the simulcasting licensee is also a harness horse racing licensee, a sum equal to not
292 less than 3.5 per cent of the total amount so deposited, less the breaks, for the payment of purses;

293 (v) if the simulcast race is a thoroughbred race, to the department of agricultural
294 resources, a sum equal to 0.25 per cent of the total amount so deposited on exotic wagers.

295 The licensee shall be entitled to retain the remainder of the takeout as its commission.

296 (c) Every simulcasting licensee acting as a guest track simulcasting a race run live at a
297 host track outside of the commonwealth shall return all sums deposited in any pari-mutuel pool
298 by patrons for wagers on such out-of-state simulcast races to the holders of winning tickets
299 therein less the breaks and less a takeout in an amount to be determined by the licensee but not to
300 exceed 19 per cent of the total amount so deposited on straight wagers and 26 per cent of the
301 total amount deposited on exotic wagers or the amount which would be paid under the laws of
302 the jurisdiction exercising regulatory authority over the host track. From the takeout, the
303 licensee shall pay:

304 (i) to the commission on behalf of the commonwealth, a pari-mutuel tax in an amount
305 equal to 0.375 per cent of all wagers, less the breaks

306 (ii) (A) if the simulcasting licensee is also a running horse racing licensee, to the
307 Massachusetts Thoroughbred Breeders Association, Inc., a sum equal to 0.5 per cent of the total
308 amount so deposited, less the breaks, to be used for the purposes of subsection (g) of section 2 of
309 chapter 128; and

310 (B) if the simulcasting licensee is also a harness horse racing licensee, to the
311 Massachusetts Standardbred Breeders program established pursuant to subsection (j) of section 2
312 of chapter 128, a sum equal to 0.25 per cent of the total amount so deposited by patrons, less the
313 breaks, on straight wagers and a sum equal to 0.75 per cent of the total amount so deposited, less
314 the breaks, on exotic wagers, the monies to be used for the purposes of said subsection (j) of said
315 section 2;

316 (iv) (A) if the simulcasting licensee is also a running horse racing licensee, a sum equal to
317 not less than 0.5 per cent and not more than 2.5 per cent of the total amount so deposited, less the
318 breaks, for the payment of purses and, with the approval of the appropriate horsemen's
319 association representing the horse owners racing at that meeting, for payment of the licensee's
320 administrative and horseracing operations;

321 (B) if the simulcasting licensee is also a harness horse racing licensee, a sum equal to not
322 less than 4.0 per cent and not more than 7.5 per cent of the total amount so deposited, less the
323 breaks, for the payment of purses;

324 The licensee shall be entitled to retain the remainder of the takeout as its commission.

325 (d) All pari-mutuel taxes paid to the commission pursuant to this section, and all
326 assessments, association licensing fees, occupational licensing fees, fines, penalties and
327 miscellaneous revenues paid to the commission shall be deposited in a separate account under

328 the control and supervision of the commission. The total amount of such pari-mutuel taxes and
329 other revenues shall be expended in the following order of priority and for the purposes
330 specified:

331 (1) local aid to the host community of each racing licensee in the amount of 0.35 per cent
332 of all wagers placed with the racing licensee on its live races;

333 (2) \$35,000 annually per racing and simulcasting licensee to the department of public
334 health for assistance with problem gambling research, prevention, and treatment programs;

335 (3) \$80,000 annually to an organization, as determined by the commission, which
336 provides health, medical, food, substance abuse treatment and other social services for persons
337 who are employed in the stable or the backstretch area of a running horse licensee, if there is
338 such a licensee;

339 (4) \$20,000 annually to the commission to provide economic assistance, in accordance
340 with regulations adopted by the commission, to any person employed in the racing facility, the
341 stable or the backstretch area of a running horse licensee who is facing hardship due to illness or
342 unforeseen tragedy;

343 (5) up to \$1,080,976 per fiscal year for the operations of the commission relative to
344 racing, including the costs to the commission of conducting each racing performance conducted
345 by a racing licensee;

346 (6) any remaining revenues up to \$4,500,000 to the racing licensees to be used for purses
347 in amounts to be determined according to a formula established by the commission; and

348 (7) any remaining revenues to the General Fund.

349 (e) No winnings shall be paid by a racing or simulcasting licensee after December 31 of
350 the year following the year in which the wager was made except with permission of the
351 commission or pursuant to a judgment in an action brought to recover the winnings or in
352 settlement of such an action. No action to recover winnings upon a wager made under this
353 chapter or under chapter 128A or 128C after November 15, 2001 shall be commenced after
354 December 31 of the year following the year in which the wager was made. A notice of the
355 limitation prescribed by this section in such form as the commission may prescribe shall be
356 posted by each licensee in a conspicuous place at each window or booth where pari-mutuel
357 tickets are sold. Within 90 days of December 31, each licensee shall certify to the commission
358 the total amount of money held for the payment of any wagers for the recovery of which no
359 action has commenced within the time herein limited and shall thereafter be permitted free use of
360 the funds, provided, however, that if the licensee is a racing licensee, then the funds shall be used
361 for the payment of purses and, with the approval of the appropriate horsemen's association
362 representing the horse owners racing at that meeting, for payment of the licensee's administrative
363 and horseracing operations.

364 Section 12. The provisions of section 181 of chapter 140 and of sections 31, 33, and
365 34 of chapter 271, and of chapter 494 of the acts of 1908, shall not apply to race tracks or racing
366 meetings laid out and conducted by licensees under this chapter or to animals eligible to race at
367 such meetings; except that no license shall be granted by the commission for a racing meeting in
368 any city or town, except in connection with a state or county fair, unless the location of the race
369 track where such meeting is to be held or conducted has been once approved by the mayor and
370 city council or the town council or the selectmen as provided by said section 33 of said chapter
371 271, after a public hearing, seven days' notice of the time and place of which hearing shall have

372 been given by posting in a conspicuous public place in such city or town and by publication in a
373 newspaper published in such city or town, if there is any published therein, otherwise in a
374 newspaper published in the county wherein such city or town is situated. A new local approval
375 under this section shall not be required for thoroughbred and harness horse race tracks that were
376 licensed by the commission or by its predecessor state racing commission for commercial racing
377 under chapter 128A.

378 The approval of a location by a mayor and city council shall be deemed to be a measure
379 within the provisions of section 42 of chapter 43 and the provisions of said sections shall apply
380 to every city; provided, however, that such approval, if not rescinded as provided in said
381 sections, shall be submitted to the voters of the city at a special election which shall be called by
382 the city council and shall be held within 45 days of the filing of the petition protesting such
383 approval taking effect.

384 The approval of a location by a town council, in a town having a town council, and by the
385 selectmen in any other town, upon petition of 12 per cent of the voters of the town filed with the
386 town clerk protesting against such approval taking effect shall be suspended from taking effect
387 and the town council or the selectmen, as the case may be, shall immediately reconsider such
388 approval, and if such approval is not rescinded, the question of such approval shall be submitted
389 to the voters of the town at a special election which shall be called by the selectmen or town
390 council, as the case may be, and which shall be held within 45 days of the submission of said
391 petition. Such approval shall become null and void unless a majority of the voters voting on the
392 same at said election vote in the affirmative.

393 Section 13. Notwithstanding the provisions of this chapter or any general or special
394 law to the contrary, no live dog racing or live racing meeting where any form of wagering on the
395 speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the
396 commission is hereby prohibited from accepting or approving any application or request for
397 racing dates for dog racing.

398 Any person violating any provision of this section relative to dog racing shall be subject
399 to a civil penalty of not less than twenty thousand dollars which shall be payable to the
400 commission and used in accordance with subsection (d) of section 11.

401 Section 14. Any person who accepts or pays out a wager on the results of any horse
402 race or dog race, or aids or abets any of the foregoing types of wagering, except as permitted by
403 this chapter, shall for a first offence be punished by a fine of not more than two thousand dollars
404 and imprisonment for not more than one year, and for a subsequent offence by a fine of not more
405 than ten thousand dollars and imprisonment for not more than two years.

406 Section 15. In the event that the commonwealth authorizes any person or persons to
407 accept wagering on sporting events other than horse or dog races, a racing licensee or
408 simulcasting licensee under this chapter shall also be authorized to accept such sports wagers, on
409 the same terms and conditions as the other person or persons, either directly or through an
410 account deposit wagering service provider.

411 SECTION 7. Notwithstanding any provision of any general or special law to the
412 contrary, as of the effective date of this section, no person shall be required to pay any money
413 into the Running Horse Capital Improvements Trust Fund and the Running Horse Promotional
414 Trust Fund, each established pursuant to section 11 of chapter 494 of the acts of 1978, or into the

415 Harness Horse Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund,
416 each established pursuant to section 12 of said chapter 494, all of which funds are referred to in
417 this section as the “Racing Trust Funds.” Any funds that were previously paid into the Racing
418 Trust Funds and had not been expended prior to the effective date of this section shall be paid by
419 the commission, without condition or restriction and within thirty days of the effectiveness of
420 this section, to the racing licensee under chapter 128A from whose operations the funds were
421 derived. Once all funds in a Racing Trust Fund shall have been so paid to the licensee from
422 whose operations they were derived, the Racing Trust Fund shall be disestablished.

423 SECTION 8. Notwithstanding any general or special law to the contrary, any person
424 authorized at any point in 2019 prior to the effective date of this Act by any general or special
425 law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance deposit
426 wagering under said chapter 128A or said chapter 128C shall remain authorized until December
427 31, 2019, to conduct horse racing, simulcasting, or pari-mutuel wagering on the same terms and
428 conditions in effect as of January 1, 2019 except for any term or condition that terminates such
429 authorization prior to December 31, 2019.