

HOUSE No. 4064

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act providing for improvements to the thoroughbred racing industry in the commonwealth and the regulation thereof..

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 2 of chapter 128 C, as appearing in the 2002 Official Edition, is
2 hereby amended by deleting in the second paragraph, in line 33, the word "interstate".

3 SECTION 2. Section 2 of chapter 128 C, as so appearing, is hereby further amended
4 by deleting in the third paragraph, in line 59, the word "interstate".

5 SECTION 3. Section 2 of chapter 128 C, as so appearing, is hereby further amended
6 in the fifth paragraph by deleting the last sentence in its entirety and by inserting in place thereof
7 the following:--

8 "The harness horse racing meeting licensee located in Norfolk County shall pay to the
9 running horse racing meeting licensee in Suffolk County a fee of 11 percent for its intrastate
10 racing cards, and shall pay a 3 percent premium with respect to running horse simulcasts
11 received, over and above the costs of obtaining such simulcasts."

12 SECTION 4. Section 2 of chapter 128 C, as so appearing, is hereby further amended
13 in the sixth paragraph by deleting the second sentence, beginning in line 110, in its entirety and
14 inserting in place thereof the following:--

15 SECTION 5. There shall be established a special commission to consist of 9
16 members, 3 members of the senate, 1 of whom shall be the senate chairman of the joint
17 committee on government regulations, 3 members of the house of representatives, 1 of whom
18 shall be the house chairman of the joint committee on government regulations, the treasurer and
19 receiver general of the Commonwealth or his designee, the director of the state lottery
20 commission or his designee, the chairman of the state racing commission or his designee for the
21 purpose of studying the feasibility of authorizing the state lottery to accept wagers on events
22 conducted under the provisions of chapter 128 A and chapter 128 C of the General Laws. The
23 chairman of the commission shall be selected by its members. Section 2A of chapter 4 of the
24 General Laws shall not apply to the special commission. No member of the commission shall be
25 found in violation of section 6, 7, or 23 of chapter 268A of the General Laws for conduct which
26 involves his participation as a member of the commission if he discloses any financial interest
27 described in said section 6 or 7 or other interest described in said section 23 to the state ethics
28 commission in writing before his participation as a member of the commission. Five members of
29 the commission shall constitute a quorum and a majority of all members present and voting shall
30 be required for any action voted by the commission including, but not limited to, voting on
31 formal recommendations or proposed legislation.

32 The commission, as part of its deliberations regarding the operation, administration,
33 regulation, governance, economics, finances, and revenue generation of expanded wagering on

34 horse and dog racing in conjunction with the state lottery, shall focus on and consider the
35 following:-

36 (i) the anticipated financial benefit to horse and dog industry and, in particular, to racing
37 purses; the potential effect on, or competition with, the sale of lottery tickets by the state lottery
38 commission; and

39 (ii) the procedures necessary to establish and operate any such program including but not
40 limited to locations for expanded wagering, guidelines, penalties and oversight of the program;
41 and

42 (iii) the creation of a lottery thoroughbred sweepstakes ticket; and

43 (vi) the authorization and installation of so-called instant racing
44 machines at locations approved by the state lottery.

45 The commission shall prepare and issue a report and file a copy of it with the clerks
46 of the senate and house of representatives, the committee on governmental regulations and the
47 house and senate committees on ways and means by no later than July 1, 2005.