

HOUSE No. 5000

The Commonwealth of Massachusetts

In the Year Two Thousand Ten

An Act establishing expanded gaming in the Commonwealth..

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 2008
2 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof
3 the following clause:-

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

11 SECTION 2. Section 48 of chapter 6 of the General Laws is hereby repealed.

12 SECTION 3. Sections 64 and 65 of chapter 10 of the General Laws are hereby repealed.

13 SECTION 4. Chapter 12 of the General Laws is hereby amended by inserting after
14 section 11L the following section:-

15 Section 11M. (a) As used in this section the following words shall, unless the context
16 clearly requires otherwise, have the following meanings:-

17 “Commission”, the Massachusetts gaming commission established pursuant to chapter
18 23K.

19 “Division”, the division of gaming enforcement established pursuant to subsection (b).

20 “Gaming establishment”, a gaming establishment as defined in section 1 of chapter 23K.

21 (b) There shall be in the department of the attorney general a division of gaming
22 enforcement. The attorney general shall designate an assistant attorney general as director of the
23 division. The director may appoint and remove, subject to the approval of the attorney general,
24 such expert, clerical or other assistants as the work of the division may require.

25 (c) The division shall have jurisdiction to enforce criminal violations of chapter 23K
26 including, but not limited to, the power to: (1) investigate and prosecute allegations of criminal
27 activity related to or impacting the operation of gaming establishments or games; (2) receive and
28 take appropriate action on referrals for criminal prosecution from the commission or any other
29 law enforcement body; (3) provide assistance, upon request, to the commission in the
30 consideration and promulgation of rules and regulations; (4) ensure that there is no duplication of
31 duties and responsibilities between it and the commission; and (5) recommend persons to be
32 placed on the list of excluded persons maintained by the commission.

33 No employee of the division, or any person engaged by the division in the course of an
34 investigation, other than those in the performance of their official duties, shall place a wager in
35 any gaming establishment licensed pursuant to chapter 23K during the period of their
36 employment or assignment with the division. The attorney general shall establish a code of
37 ethics for all division employees that is more restrictive than the provisions of chapters 268A and
38 268B; a copy of which shall be filed with the state ethics commission. The code shall include
39 provisions reasonably necessary to carry out section 11M including, but not limited to: (i)
40 prohibiting the receipt of gifts by a division employee from any gaming licensee, applicant, close
41 associate, affiliate or other person or entity subject to the jurisdiction of the commission
42 established by chapter 23K; and (ii) prohibiting the participation by a division employee in any
43 particular matter as defined by section 1 of chapter 268A that affects the financial interest of any
44 relative within the third degree of consanguinity or person with whom such employee has a
45 significant relationship as defined by such code.

46 Officers and employees of the gaming enforcement unit of the state police assigned to the
47 division shall record their time and submit total hours to the director of the division. The
48 division shall submit a request for reimbursement to the commission and the commission shall
49 reimburse the state police.

50 SECTION 5. Chapter 12B of the General Laws is hereby repealed.

51 SECTION 6. Subsection (b) of section 9 of chapter 13 of the General Laws, is hereby
52 amended by striking out the words “, as well as the state racing commission established by
53 section 48 of chapter 6,” inserted by section 29 of chapter 4 of the acts of 2009.

54 SECTION 7. Subsection (e) of section 9B of said chapter 13 is hereby amended by
55 striking out the words “, as well as the state racing commission established by section 48 of
56 chapter 6” , inserted by section 30 of said chapter 4.

57 SECTION 8. Said subsection (e) of said section 9B of said chapter 13 is hereby amended
58 by striking out the words “or regulated by the state racing commission, as established by section
59 48 of chapter 6” , inserted by section 30 of said chapter 4.

60 SECTION 9. Section 38 of chapter 22C of the General Laws, as so appearing, is hereby
61 amended by inserting after the word “involving”, in lines 36 and 37, the following word:- illegal.

62 SECTION 10. Said chapter 22C is hereby amended by adding the following section:-

63 Section 70. The colonel of state police shall establish a gaming enforcement unit whose
64 responsibilities shall include, but not be limited to, the investigation of criminal violations of
65 chapter 23K or any other general or special law that pertains to gaming.

66 The gaming enforcement unit shall work in conjunction and cooperation with the bureau
67 of investigations and enforcement under the Massachusetts gaming commission established
68 pursuant to said chapter 23K on the enforcement of chapter 23K as well as the division of
69 gaming enforcement in the office of the attorney general established pursuant to section 11M of
70 chapter 12 to investigate any criminal activity related to gaming in the commonwealth. Officers
71 and employees from the unit shall be assigned to the bureau of investigations and enforcement
72 established in chapter 23k, and shall report to the deputy director of said bureau as well as the
73 colonel of the department of state police; the colonel shall also assign officers of the unit to the
74 division of gaming enforcement, who shall report to the chief of the division, as well as the
75 colonel of the department of state police. No officer of the unit, other than in the performance of

76 official duties, shall place a wager in any gaming establishment licensed under chapter 23K. The
77 colonel shall establish a program to rotate officers in and out of this unit.

78 SECTION 12. The General Laws are hereby amended by inserting after chapter 23J the
79 following chapter:-

80 CHAPTER 23K.

81 THE MASSACHUSETTS GAMING COMMISSION

82 Section 1. The General Court finds and declares that:

83 (1) ensuring public confidence in the integrity of the gaming licensing process and in the
84 strict oversight of all gaming establishments through a rigorous regulatory scheme is the
85 paramount policy objective of this chapter;

86 (2) establishing the financial stability and integrity of gaming licensees, as well as the
87 integrity of their sources of financing, is an integral and essential element of the regulation and
88 control of gaming under this chapter;

89 (3) gaming licensees shall be held to the highest standards of licensing and shall have a
90 continuing duty to maintain their integrity and financial stability;

91 (4) enhancing and supporting the performance of the state lottery and continuing the
92 commonwealth's dedication to local aid is imperative to the policy objectives of this chapter.

93 (5) the commonwealth must provide for new employment opportunities in all sectors of
94 the economy, particularly opportunities for the unemployed and preserving jobs in existing
95 industries in the commonwealth; this chapter sets forth a robust licensing process where

96 applicants for a gaming license shall submit a comprehensive plan for operating a gaming
97 establishment which includes how they will foster and encourage new construction through
98 capital investment and provide permanent employment opportunities to residents of the
99 commonwealth;

100 (6) promoting local small businesses and the tourism industry, including the development
101 of new and existing small business and tourism amenities such as lodging, dining, retail and
102 cultural and social facilities, is fundamental to the policy objectives of this chapter;

103 (7) recognizing the importance of the commonwealth's unique cultural and social
104 resources and integrating them into new development opportunities shall be a key component of
105 a decision to award any gaming license under this chapter;

106 (8) applicants for a gaming license and gaming licensees shall demonstrate their
107 commitment to efforts to combat compulsive gambling and a dedication to community
108 mitigation, and shall recognize that the privilege of licensure bears a concomitant responsibility
109 to identify, address and minimize any potential negative consequences of their business
110 operations;

111 (9) any license awarded by the commission shall be a revocable privilege and may be
112 conditioned, suspended or revoked upon: (i) a breach of the conditions of licensure, including
113 failure to complete any phase of construction of the gaming establishment or any promises made
114 to the commonwealth in return for receiving a gaming license (ii) any civil or criminal violations
115 of the laws of the commonwealth or other jurisdictions; or (iii) a finding by the commission that
116 a licensee is unsuitable to operate a gaming establishment or perform the duties of their licensed
117 position;

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

120 Section 2. As used in this chapter the following words shall, unless the context clear
121 requires otherwise, have the following meanings:-

122 “Affiliate”, a person who, directly or indirectly, controls or is controlled by, or is under
123 common control with, a specified person.

124 “Applicant”, any person who has applied for a license to engage in activity regulated
125 under this chapter.

126 “Application”, a written request for a finding of suitability to receive a license or engage
127 in an activity which is regulated under this chapter.

128 “Bureau”, the investigations and enforcement bureau under the commission.

129 “Business”, a corporation, sole proprietorship, partnership, limited liability company or
130 any other organization formed for the purpose of carrying on commercial enterprise.

131 “Category 1 license”, a license issued by the commission that permits the licensee to
132 operate a gaming establishment with table games and slot machines.

133 “Category 2 license”, a license issued by the commission to an existing simulcasting
134 facility under chapter 128C to operate slot machines at a gaming establishment.

135

136 “Capital expenditure”, money spent by a licensee to upgrade or maintain depreciable and
137 tangible long-term physical assets that are capitalized on the licensee’s books under generally

138 accepted accounting principles and excluding expenditures or charges for the usual and
139 customary maintenance and repair of any fixed asset.

140 “Cashless wagering system”, a method of wagering and accounting in which the validity
141 and value of a wagering account, promotional account, wagering instrument or wagering credits,
142 not including slot machine printed vouchers, are determined, monitored and retained for an
143 individual by an electronic system operated and maintained by a licensee which maintains a
144 record of each transaction involving the wagering account, promotional account, wagering
145 instrument or wagering credits, exclusive of the game or gaming device on which wagers are
146 being made, including electronic systems which facilitate electronic transfers of money directly
147 to or from a game or gaming device. “Chair”, the chair of the commission.

148 “Cheat”, alter the selection of criteria which determines the results of a game or the
149 amount or frequency of payment in a game.

150 “Cheating and swindling device” or “cheating and swindling game”, shall include:

151 (i) a coin, token or slug other than a lawful coin or legal tender of the United States or a
152 coin not of the same denomination as the coin intended to be used while playing or using any slot
153 machine in a gaming establishment, except that in the playing of a slot machine or similar
154 gaming device, it shall be lawful for a person to use tokens or similar objects which are approved
155 by the commission;

156 (ii) a bogus or counterfeit chip, coin or die; marked card; a computerized, electronic,
157 electrical, mechanical or magnetic device; tool, drill, wire, key or other device designed,
158 constructed or programmed specifically for:

159 (A) use in obtaining an advantage in any game;

160 (B) opening, entering or affecting the operation of any gaming device;

161 (C) removing from slot machine, other gaming device or drop box any money or other
162 contents from such machine, device or box;

163 (iii) tools, drills, wires, coins or tokens attached to strings or wires, or electronic or
164 magnetic devices to facilitate the alignment of a winning combination;

165 (iv) a gaming device that has been manufactured, serviced, marked, plugged or tampered
166 with, or placed in a condition or operated in a manner, to:

167 (A) deceive, or attempt to deceive, the public; or

168 (B) alter, or attempt to alter, the normal random selection of characteristics, the normal
169 chance of the game or the result of the game at a gaming establishment.

170 “Close associate”, a person who holds any relevant financial interest in, or is entitled to
171 exercise any power in, the business of an applicant or licensee and, by virtue of that interest or
172 power is able to exercise a significant influence over the management or operation of a gaming
173 establishment or business licensed under this chapter.

174 “Commission”, the Massachusetts gaming commission.

175 “Commissioner”, a member of the commission.

176 “Complimentary service or item” - a service or item provided at no cost or at a reduced
177 price.

178 “Conservator”, a person appointed by the commission under section 34 to temporarily
179 manage the operation of a gaming establishment.

180 “Credit card”, a card, code or other device with which a person may defer payment of
181 debt, incur debt and defer its payment, or purchase property or services and defer payment
182 therefor, but not a card, code or other device used to activate a preexisting agreement between a
183 person and a financial institution to extend credit when the person’s account at the financial
184 institution is overdrawn or to maintain a specified minimum balance in the person’s account at
185 the financial institution.

186 “Credit instrument”, a writing which evidences a gaming debt owed to a person who
187 holds a gaming license at the time the debt is created, and includes any writing taken in
188 consolidation, redemption or payment of a previous credit instrument.

189 “Division”, the division of gaming enforcement under the office of the attorney general.

190 “Executive director”, the executive director of the Massachusetts gaming commission.

191 “Foreign business”, any business that was organized outside of the United States or
192 under the laws of a foreign country.

193 “Gambling”, the playing of a game by a patron of a gaming establishment.

194 “Game”, any banking or percentage game played with cards, dice, tiles, dominoes, or any
195 electronic, electrical or mechanical device or machine played for money, property, checks, credit
196 or any representative of value which has been approved by the commission pursuant to this
197 chapter.

198 “Gaming”, the dealing, operating, carrying on, conducting, maintaining or exposing for
199 pay of any game.

200 “Gaming area”, any premises of a gaming establishment wherein or whereon any gaming
201 is done.

202 “Gaming device” or “Gaming equipment”, any electronic, electrical, or mechanical
203 contrivance or machine used in connection with gaming or any game.

204 “Gaming employee”, any employee of a gaming establishment who is: (i) directly
205 connected to the operation or maintenance of any slot machine or game taking place in the
206 establishment, (ii) provides security in a gaming establishment or (iii) has access to a restricted
207 area of the gaming establishment; (iv) is connected with the operation of a gaming establishment;
208 or (v) is so designated by the commission.

209 “Gaming establishment”, any premise approved under a gaming license which includes a
210 gaming facility and any other nongaming structures related thereto, including, but not limited to,
211 hotels, restaurants, or other amenities.

212 “Gaming license”, a license issued by the commission that permits the licensee to
213 operate a gaming establishment.

214 “Gaming licensee”, a licensee who holds a gaming license.

215 “Gaming position”, a designated seat or standing position where a patron of a gaming
216 establishment can play a game.

217 “Gaming service employee”, any employee of a gaming establishment who is not
218 classified as a gaming employee or a gaming key employee. but is still required to register with
219 the commission.

220 “Gaming vendor”, any person who offers goods or services to a gaming applicant or
221 licensee on a regular or continuing basis which directly relates to gaming, including, but not
222 limited to, gaming equipment and simulcast wagering equipment manufacturers, suppliers,
223 repairers and independent testing laboratories.

224 “Gaming vendor license”, a license issued by the commission that permits the licensee to
225 act as a vendor to a gaming establishment.

226 “Gross revenue” or “gross gaming revenue”, the total of all sums actually received by a
227 gaming licensee from gaming operations less the total of all sums paid out as winnings to
228 patrons; provided however, that the cash equivalent value of any merchandise or thing of value
229 included in a jackpot or payout shall not be included in the total of all sums paid out as winnings
230 to patrons for the purpose of determining gross revenue. Gross revenue shall not include any
231 amount received by a gaming licensee from simulcast wagering and shall not include credit
232 extended or collected by the licensee for purposes other than gaming.

233 “Holding company”, a corporation, association, firm, partnership, trust or other form of
234 business organization other than a natural person which, directly or indirectly, owns, has the
235 power or right to control, or has the power to vote any significant part of the outstanding voting
236 securities of a corporation or other form of business organization which holds or applies for a
237 gaming license. For the purposes of this definition, in addition to other reasonable meaning of
238 the words used, a holding company indirectly has, holds or owns any such power, right or

239 security if it does so through any interest in a subsidiary or successive subsidiaries, however
240 many such subsidiaries may intervene between the holding company and the gaming licensee or
241 applicant.

242 “Host community”, any municipality in which a gaming establishment is or may be
243 located or in which an applicant has proposed locating a gaming establishment.

244 “Institutional investor”, any of the following entities having a 5 per cent or greater
245 ownership interest in a gaming establishment or gaming licensee: a corporation, bank, insurance
246 company, pension fund or pension fund trust, retirement fund, including funds administered by a
247 public agency, employees’ profit-sharing fund or employees’ profit-sharing trust, an association
248 engaged, as a substantial part of its business or operation, in purchasing or holding securities, or
249 any trust in respect of which a bank is a trustee or co-trustee, investment company registered
250 under the federal Investment Company Act of 1940, collective investment trust organized by
251 banks under part nine of the Rules of the Comptroller of Currency, closed end investment trust,
252 chartered or licensed life insurance company or property and casualty insurance company,
253 investment advisor registered pursuant to the federal Investment Advisors Act of 1940, and such
254 other persons as the commission may reasonably determine to qualify as an institutional investor
255 for reasons consistent with this chapter.

256 “Intermediary company”, a corporation, association, firm, partnership, trust or any other
257 form of business organization other than a natural person which is a holding company with
258 respect to a corporation or other form of business organization which holds or applies for a
259 gaming license, and is a subsidiary with respect to any holding company.

260 “Junket”, an arrangement intended to induce any person to come to a gaming
261 establishment to gamble, where the person is selected or approved for participation on the basis
262 of the person’s ability to satisfy a financial qualification obligation related to the person’s ability
263 or willingness to gamble or on any other basis related to the person’s propensity to gamble, and
264 pursuant to which, and as consideration for which, any or all of the cost of transportation, food,
265 lodging, and entertainment for said person is directly or indirectly paid by a gaming licensee or
266 affiliate thereof.

267 “Junket enterprise”, a person, other than an applicant for a gaming license or gaming
268 licensee, who employs or otherwise engages the services of a junket representative in connection
269 with a junket to a licensed gaming establishment, regardless of whether or not those activities
270 occur within the commonwealth.

271 “Junket representative”, a individual who negotiates the terms of, or engages in the
272 referral, procurement or selection of persons who may participate in, any junket to a gaming
273 establishment, regardless of whether or not those activities occur within the commonwealth.

274 “Key gaming employee”, any employee of a gaming establishment: (i) in a supervisory
275 capacity, (ii) empowered to make discretionary decisions which regulate gaming facility
276 operations or (iii) so designated by the commission.

277 “License”, any license required under this chapter.

278 “List of excluded persons”, the list of excluded persons maintained by the commission
279 pursuant to section 39.

280 “Lottery”, the Massachusetts state lottery established under section 24 of chapter 10.

281 “Major policy making position”, the executive or administrative head or heads of the
282 commission and any person whose salary equals or exceeds that of a state employee classified in
283 step one of job group XXV of the general salary schedule contained in section 46 of chapter 30
284 and who reports directly to said executive or administrative head; the head of each bureau,
285 bureau, or other major administrative unit within the commission and persons exercising similar
286 authority.

287 “Non-gaming vendor”, a supplier or vendor, including, but not limited to, construction
288 companies, vending machine providers, linen suppliers, garbage handlers, maintenance
289 companies, limousine services, food purveyors or suppliers of alcoholic beverages, which
290 provide goods or services not directly related to games to a gaming establishment or gaming
291 licensee.

292 “Operation certificate”, a certificate issued by the commission pursuant to section 27.

293 “Person”, an individual, corporation, association, operation, firm, partnership, trust or
294 other form of business association.

295 “Promotional gaming credit”, any credit or other item issued by a gaming licensee to a
296 patron for the purpose of enabling the placement of a wager.

297 “Qualification” or “qualified”, the process of licensure set forth by the commission to
298 determine that all persons who have a professional interest in a gaming license, or gaming
299 vendor license, or the business of a gaming licensee or gaming vendor, meet the same standards
300 of suitability to operate or conduct business with a gaming establishment in the commonwealth.

301 “Slot machine”, any mechanical, electrical or other device, contrivance or machine
302 which, upon insertion of a coin, token or similar object therein, or upon payment of any
303 consideration whatsoever, is available to play or operate, the play or operation of which, whether
304 by reason of the skill of the operator or application of the element of chance, or both, may deliver
305 or entitle the individual playing or operating the machine to receive cash or tokens to be
306 exchanged for cash, or to receive merchandise or anything of value whatsoever, whether the
307 payoff is made automatically from the machine or in any other manner whatsoever, except that
308 the cash equivalent value of any merchandise or other thing of value shall not be included in
309 determining the payout percentage of any slot machine.

310 “State police”, the Massachusetts state police established pursuant to chapter 22C.

311 “Subsidiary”, a corporation, any significant part of whose outstanding equity securities
312 are owned, subject to a power or right of control, or held with power to vote, by a holding
313 company or an intermediary company; or a significant interest in any firm, association,
314 partnership, trust or other form of business organization, other than a natural person, which is
315 owned, subject to a power or right of control, or held with power to vote, by a holding company
316 or an intermediary company.

317 “Surrounding communities” municipalities in proximity to a host community which the
318 board determines experience or are likely to experience impacts from the development or
319 operation of a gaming establishment, including municipalities from which the transportation
320 infrastructure provides ready access to an existing or proposed gaming establishment.

321 “Table game”, any game, other than a slot machine, which is authorized by the
322 commission to be played in a gaming area.

323 “Transfer”, the sale and every other method, direct or indirect, of disposing of or parting
324 with property or with an interest therein, or with the possession thereof, or of fixing a lien upon
325 property or upon an interest therein, absolutely or conditionally, voluntarily or involuntarily, by
326 or without judicial proceedings, as a conveyance, sale, payment, pledge, mortgage, lien,
327 encumbrance, gift, security or otherwise; the retention of a security interest in property delivered
328 to a corporation shall be deemed a transfer suffered by such corporation.

329 “Wager”, a sum of money or representative of value that is risked on an occurrence for
330 which the outcome is uncertain.

331 Section 3. (a) There shall be established a Massachusetts gaming commission which shall
332 consist of 5 commissioners 1 of whom shall be appointed by the governor; 1 of whom shall be
333 appointed by the attorney general who shall have experience in criminal investigations and law
334 enforcement; 1 of whom shall be appointed by the treasurer and receiver general who shall have
335 experience in corporate finance and securities and 2 of whom shall be appointed by the approval
336 of a 2 of the 3 appointing authorities with 1 having experience in legal and policy issues related
337 to gaming. The governor shall designate the chair of the commission. The commissioner
338 appointed to chair shall serve in such capacity throughout such commissioner’s entire term and
339 until his successor shall be been appointed. Prior to appointment a background investigation
340 shall be conducted into the financial stability, integrity and responsibility of a candidate for
341 appointment to the commission as well as the candidate’s reputation for good character, honesty
342 and integrity. No person who has been convicted of a felony shall be eligible to serve on the
343 commission.

344 (b) Each commissioner shall be a resident of the commonwealth within 90 days of
345 appointment and, while serving on the commission, shall not: (i) hold, or be a candidate for,
346 federal, state or local elected office; (ii) hold an appointed office in federal, state, or local
347 government; or (iii) serve as an official in a political party. Not more than 3 commissioners shall
348 be from the same political party.

349 (c) Each commissioner shall serve for a term of 5 years or until a successor is appointed
350 and shall be eligible for reappointment; provided, however, that no commissioner shall serve
351 more than 10 years. Any person appointed to fill a vacancy in the office of a commissioner shall
352 be appointed in a like manner and shall serve for only the unexpired term of such commissioner.

353 (g) The governor may remove a commissioner if the commissioner: (i) is guilty of malfeasance
354 in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to discharge the
355 powers and duties of the commissioner's office; (iv) commits gross misconduct; or (v) is
356 convicted of a felony.

357 (d) Three commissioners shall constitute a quorum and 3 affirmative votes shall be
358 required for an action of the commission. The chair or 3 members of the commission may call a
359 meeting; provided, however, that notice of all meetings shall be given to each commissioner and
360 to other persons who request such notice. The commission shall adopt regulations establishing
361 procedures, which may include electronic communications, by which a request to receive notice
362 shall be made and the method by which timely notice may be given.

363 Commissioners shall receive salaries equal to the salary of the commissioner of
364 administration established pursuant to section 4 of chapter 7; provided, however, that the chair

365 shall receive a stipend, in addition to the base salary, in an amount equal to 7 per cent of the base
366 salary. Commissioners shall devote their full time and attention to the duties of their office.

367 (e) The commission shall annually elect 1 of its commissioners to serve as secretary and
368 1 of its members to serve as treasurer. The secretary shall keep a record of the proceedings of the
369 commission and shall be the custodian and keeper of the records of all books, documents, and
370 papers filed by the commission and of its minute book. The secretary shall cause copies to be
371 made of all minutes and other records and documents of the commission and shall certify that
372 such copies are true copies, and all persons dealing with the commission may rely upon such
373 certification.

374 (f) The chair shall have and exercise supervision and control over all the affairs of the
375 commission. He shall preside at all hearings at which he is present, and shall designate a
376 commissioner to act as chair in his absence. He shall not, except as is otherwise provided herein,
377 be charged with any administrative functions. To promote efficiency in administration, he shall
378 from time to time make such division or re-division of the work of the commission among the
379 commissioners as he deems expedient. All of the commissioners shall, if so directed by the chair,
380 participate in the hearing and decision of any matter before the commission. In the hearing of all
381 matters other than those of formal or administrative character coming before the commission, at
382 least 2 commissioners shall participate and in the decision of all such matters at least 2
383 commissioners shall participate; provided, however, that any such matter may be heard,
384 examined and investigated by an employee of the commission designated and assigned thereto
385 by the chair with the concurrence of 1 other commissioner. Such employee shall make a report in
386 writing relative to every such matter to the commission for its decision thereon. For the purposes
387 of hearing, examining and investigating any such matter such employee shall have all of the

388 powers conferred upon a commissioner by this section, and all pertinent provisions of this
389 section shall apply to such proceedings. In every hearing the concurrence of a majority of the
390 commissioners participating in the decision shall be necessary therefor.

391 (g) The commission shall appoint an executive director. The executive director shall
392 serve at the pleasure of the commission, shall receive such salary as may be determined by the
393 commission, and shall devote full time and attention to the duties of the office. The executive
394 director shall be a person with skill and experience in management and shall be the executive and
395 administrative head of the commission and shall be responsible for administering and enforcing
396 the provisions of law relative to the commission and to each administrative unit thereof. The
397 executive director shall appoint and employ a chief financial and accounting officer and may,
398 subject to the approval of the commission, employ other employees, consultants, agents, and
399 advisors, including legal counsel, and shall attend meetings of the commission. The chief
400 financial and accounting officer of the commission shall be in charge of its funds, books of
401 account and accounting records. No funds shall be transferred by the commission without the
402 approval of the commission and the signatures of the chief financial and accounting officer and
403 the treasurer.

404 In the case of an absence or vacancy in the office of the executive director, or in the case
405 of disability as determined by the commission, the commission may designate an acting
406 executive director to serve as executive director until the vacancy is filled or the absence or
407 disability ceases. The acting executive director shall have all the powers and duties of the
408 executive director and shall have similar qualifications as the executive director.

409 (h) The executive director may from time to time, subject to the approval of the
410 commission, establish within the commission such administrative units as may be necessary for
411 the efficient and economical administration of the commission, and when necessary for such
412 purpose, may abolish any such administrative unit, or may merge any 2 or more units. The
413 executive director shall prepare and keep current a plan of the organization of the commission, of
414 the assignment of its functions to its various administrative units, offices and employees, and of
415 the places at which and the methods whereby the public may receive information or make
416 requests. A current copy of the plan of organization shall be kept on file with the state secretary
417 and in the office of the secretary of administration.

418 (i) The executive director may appoint such persons as he shall deem necessary to
419 perform the functions of the commission; provided that chapter 31 and section 9A of chapter 30
420 shall not apply to any commission employee. If an employee serving in a position which is
421 classified under said chapter 31 or in which an employee has tenure by reason of said section 9A
422 of chapter 30 shall be appointed to a position within this office which is not subject to the
423 provisions of said chapter 31, the employee shall, upon termination of his service in such
424 position, be restored to the position which he held immediately prior to such appointment;
425 provided, however, that his service in such position shall be determined by the civil service
426 commission in accordance with the standards applied by said commission in administering said
427 chapter 31. Such restoration shall be made without impairment of his civil service status or
428 tenure under said section 9A of chapter 30 and without loss of seniority, retirement or other
429 rights to which uninterrupted service in such prior position would have entitled him. During the
430 period of such appointment, each person so appointed from a position in the classified civil

431 service shall be eligible to take any competitive promotional examination for which he would
432 otherwise have been eligible.

433 The commission may require a prospective employee to: (i) submit an application and a
434 personal disclosure on a form prescribed by the commission which shall include a complete
435 criminal history, including convictions and current charges for all felonies and misdemeanors;
436 (ii) undergo testing which detects the presence of illegal substances in the body; or (iii) provide
437 fingerprints and a photograph consistent with standards adopted by the state police. The
438 commission shall verify the identification, employment and education of each prospective
439 employee, including: (i) legal name, including any alias; (ii) all secondary and post secondary
440 educational institutions attended regardless of graduation status; (iii) place of residence; and (iv)
441 employment history.

442 The commission shall not hire a prospective employee if the prospective employee has:
443 (i) been convicted of a felony or a misdemeanor that, in the discretion of the commission, bears a
444 close relationship to the duties and responsibilities of the position for which employment is
445 sought; (ii) been dismissed from prior employment for gross misconduct or incompetence; or
446 (iii) intentionally made a false statement concerning a material fact in connection with the
447 application to the commission. If an employee of the commission is charged with a felony or
448 misdemeanor while employed by the commission, the commission shall suspend the employee
449 with or without pay and terminate employment with the commission upon conviction.

450 (j) The provisions of chapters 268A and 268B shall apply to all commissioners and
451 employees of the commission; provided, however, that the commission shall establish a code of
452 ethics for all members and employees that is more restrictive than said chapter 268A or 268B. A

453 copy of such code shall be filed with the state ethics commission. The code shall include
454 provisions reasonably necessary to carry out the purposes of this chapter and any other laws
455 subject to the jurisdiction of the commission including, but not limited to: (i) prohibiting the
456 receipt of gifts by a commissioner and employee from any gaming licensee, applicant, close
457 associate, affiliate or other person or entity subject to the jurisdiction of the commission; (ii)
458 prohibiting the participation by a commissioner and employee in any particular matter as defined
459 by section 1 of chapter 268A that affects the financial interest of any relative within the third
460 degree of consanguinity or person with whom such commissioner or employee has a significant
461 relationship as defined by such code; and (iii) for recusal of a commissioner in any licensing
462 decision due to a potential conflict of interest.

463 (k) Immediately upon assuming office, each commissioner and employee of the
464 commission, except for secretarial and clerical personnel, shall swear or affirm that the
465 commissioner or employee possesses no interest in any person licensed under this chapter.

466 (l) No individual shall be employed by the commission if, during the period commencing
467 3 years prior to employment, that individual held any direct or indirect interest in, or was
468 employed by a licensee under this chapter.

469 (m) No employee of the commission shall pursue any other business or occupation or
470 other gainful employment outside of the commission without the prior written approval of the
471 commission that such employment shall not interfere or be in conflict with the employee's duties
472 to the commission.

473 (n) No commissioner shall hold any direct or indirect interest in, or be employed by, any
474 applicant or by any person licensed by the commission for a period of 3 years after the
475 termination of employment with the commission.

476 No employee of the commission holding a major policy making position shall acquire
477 interest in, or accept employment with, any applicant or licensee under this chapter for a period
478 of 2 years after the termination of employment with the commission.

479 No employee of the commission in a non-major policy making position shall acquire
480 interest in, or accept employment with, any applicant or licensee under this chapter for a period
481 of 1 year after termination of employment with the commission.

482 (o) Any commission employee assigned to a gaming establishment shall be considered an
483 essential state employee.

484 (p) No commissioner or employee, other than in the performance of his official duties,
485 shall place a wager in any licensed entity.

486 (q) The commissioners, executive director and those employees holding a major policy-
487 making position shall be sworn to the faithful performance of their official duties. Each
488 commissioner, executive director and those employees holding a major policy making position
489 shall conduct themselves in a manner so as to render decisions that are fair and impartial and in
490 the public interest; avoid impropriety and the appearance of impropriety in all matters under their
491 jurisdiction; avoid all prohibited communications; require staff and personnel subject to their
492 direction and control to observe the same standards of fidelity and diligence; disqualify
493 themselves from proceedings in which their impartiality might reasonably be questioned; and
494 refrain from financial or business dealings which would tend to reflect adversely on impartiality.

495 (r) The commissioners and employees shall not own, or be in the employ of, or own any
496 stock in, any business which holds a license under this chapter, nor shall they have in any way
497 directly or indirectly a pecuniary interest in, or be connected with, any such business or in the
498 employ or connected with any person financing any such business; provided further, that
499 immediate family members of commissioners and employees holding major policy making
500 positions shall not own, or be in the employ of, or own stock in, any business which holds a
501 license under this chapter. The commissioners and employees shall not personally, or through
502 any partner or agent, render any professional service or make or perform any business contract
503 with or for any regulated entity, except contracts made with the commissioners for furnishing of
504 services, nor shall he or she directly or indirectly receive any commission, bonus, discount, gift
505 or reward from any regulated entity.

506 (s) Neither the commission nor any of its officers, agents, employees, consultants or
507 advisors shall be subject to the provisions of sections 9A, 45, 46 and 52 of chapter 30, or to
508 chapter 31, or to chapter 200 of the acts of 1976.

509 (t) The Massachusetts gaming commission shall be a commission for the purposes of
510 section 3 of chapter 12.

511 Section 4. The commission shall have all powers necessary or convenient to carry out and
512 effectuate its purposes, including, but not limited to, the power to:

513 appoint officers and hire employees;

514 establish, and from time to time amend, such a plan of organization as it may deem
515 expedient pursuant to subsection (h) of section 3;

516 execute all instruments necessary or convenient thereto for accomplishing the purposes of
517 this chapter;

518 enter into agreements or other transactions with any person, including, but not limited to,
519 any public entity or other governmental instrumentality or authority in connection with its
520 powers and duties under this chapter;

521 appear on its own behalf before boards, commissions, departments or other agencies of
522 municipal, state or federal government;

523 apply for and accept subventions, grants, loans, advances and contributions from any
524 source of money, property, labor or other things of value, to be held, used and applied for its
525 purposes;

526 provide and pay for advisory services and technical assistance as may be necessary in its
527 judgment to carry out the purpose of this chapter and fix the compensation of persons providing
528 such services or assistance;

529 prepare, publish and distribute, with or without charge, as the commission may
530 determine, such studies, reports and bulletins and other material as the commission deems
531 appropriate;

532 establish, and amend as necessary, such a plan of organization as it may consider
533 expedient under subsection (h) of section.

534 assure that licenses shall not be issued to nor held by, nor shall there be any material
535 involvement, directly or indirectly, with a gaming operation or the ownership thereof, by

536 unqualified, disqualified, or unsuitable persons or persons whose operations are conducted in a
537 manner not conforming with this chapter;

538 require any person to apply for a license as provided in this chapter and approve or
539 disapprove any such application or other transactions, events, and processes as provided in this
540 chapter;

541 require any person who has any kind of business association with a gaming licensee or
542 applicant to be qualified for licensure under this chapter;

543 develop criteria, in addition to those outlined in this chapter, to assess which applications
544 for gaming licenses will provide the highest and best value to the commonwealth and the region
545 in which a gaming establishment is to be located;

546 determine which applicants shall be awarded gaming licenses and other licenses in
547 accordance with the terms of this chapter;

548 determine a suitable debt to equity ratio for applicants for a gaming license;

549 deny any application or limit, condition, restrict, revoke or suspend a license, registration,
550 finding of suitability or approval or fine a person licensed, registered, found suitable of approved
551 for any cause the commission deems reasonable;

552 to monitor the conduct of all licensees and other persons having a material involvement,
553 directly or indirectly with a licensee for the purpose of ensuring that licenses are not issued to or
554 held by, and there is no direct or indirect material involvement with a licensee by unqualified, or
555 unsuitable persons or persons whose operations are conducted in an unsuitable manner or in
556 unsuitable or prohibited places as provided in this chapter;

557 gather facts and information applicable to the commission's obligation to issue, suspend
558 or revoke licenses, work permits, or registrations granted to any person for: (i) violation of any
559 provision of this chapter or regulation adopted hereunder; (ii) willfully violating an order of the
560 commission directed to such person; (iii) the conviction of any criminal offense under this
561 chapter; or (iv) the commission of any violation of this chapter or other offense which would
562 disqualify such person from holding a license, work permit or registration;

563 conduct investigations into the qualifications of all applicants for employment by the
564 commission and by any regulated entity and all applicants for licensure;

565 request and receive from the state police, the criminal history systems board, or other
566 criminal justice agencies, including but not limited to the United States Federal Bureau of
567 Investigation and the federal Internal Revenue Service, such criminal offender record
568 information relating to criminal and background investigations as necessary for the purpose of
569 evaluating employees of, and applicants for employment by, the commission and any regulated
570 entity, and evaluating licensees and applicants for licensure.

571 be present through its inspectors and agents at all times in gaming establishments for the
572 purposes of: (i) certifying the revenue thereof, (ii) receiving complaints from the public relating
573 to the conduct of gaming and wagering operations, (iii) examining records of revenues and
574 procedures, inspecting and auditing all books, documents, and records of any licensee, (iv)
575 conducting periodic reviews of operations and facilities for the purpose of regulations adopted
576 thereunder, and (v) otherwise exercising its oversight responsibilities with respect to gaming;

577 inspect and have access to all equipment and supplies in any licensed gaming
578 establishment or in any premises where gaming equipment is manufactured, sold or distributed;

579 seize and remove from the premises of any gaming licensee and impound any equipment,
580 supplies, documents or records for the purpose of examination and inspection;

581 demand access to and inspect, examine, photocopy and audit all papers, books and
582 records of any affiliate of a gaming licensee or gaming vendor whom the commission suspects is
583 involved in the financing, operation or management of the gaming licensee or gaming vendor;
584 provided, however, that the inspection, examination, photocopying and audit may take place on
585 the affiliate's premises or elsewhere as practicable, and in the presence of the affiliate or its
586 agent;

587 require that the books and financial or other records or statements of a gaming licensee or
588 gaming vendor be kept in a manner that the commission deems proper;

589 restrict, suspend or revoke licenses issued under this chapter;

590 conduct adjudicatory proceedings and promulgate regulations in accordance with the
591 provisions of chapter 30A;

592 hear appeals of the bureau's suspension or revocation of a license;

593 refer cases for criminal prosecution to the appropriate federal, state or local authorities;

594 issue subpoenas and compel the attendance of witnesses at any place within the
595 commonwealth, administer oaths and require testimony under oath before the commission in the
596 course of any investigation or hearing conducted under this chapter;

597 ensure that there is no duplication of duties and responsibilities between the commission
598 and bureau; provided, however, that the commission may not place any restriction upon the

599 division's ability to investigate or prosecute violations of this chapter or the regulations adopted
600 under this chapter;

601 determine which municipalities are the surrounding communities of a proposed gaming
602 establishment; provided, however, that in making such determination the board shall consider
603 factors including, but not limited to, population, infrastructure, distance from the gaming
604 establishment and political boundaries;

605 establish parameters for elections under clause 11 and 12 of subsection (a) of section 12;

606 maintain an official Internet website for the commission;

607 monitor any federal activity regarding internet gaming; and

608 adopt, amend, or repeal regulations for the administration and enforcement of this
609 chapter. Act as trustees for any gaming related trust funds.

610 Section 5. The commission shall promulgate regulations for the implementation,
611 administration and enforcement of this chapter including without limitation regulations that:

612 (1) prescribe the method and form of application which any applicant for licensure shall
613 follow and complete before consideration of an application by the commission;

614 (2) prescribe the information to be furnished by any applicant or licensee concerning his
615 antecedents, habits, character, associates, criminal record, business activities and financial
616 affairs, past or present;

617 (3) prescribe the criteria for evaluation of the application for a gaming license including
618 with regard to the proposed gaming establishment an evaluation of architectural design and

619 concept excellence, integration of the establishment into its surroundings, tourism appeal, level
620 of capital investment committed, financial strength of the applicant and the robustness of the
621 applicant's financial plan;

622 (4) prescribe the information to be furnished by a gaming licensee relating to his gaming
623 employees;

624 (5) require fingerprinting of an applicant for a gaming license, a gaming licensee or
625 employee of a gaming licensee or other methods of identification;

626 (6) prescribe the manner and method of collection and payment of fees and issuance of
627 licenses;

628 (7) prescribe grounds and procedures for the revocation or suspension of a license or
629 registration;

630 (8) require quarterly financial reports and an annual audit prepared by a certified public
631 accountant attesting to the financial condition of a gaming licensee and disclosing whether the
632 accounts, records and control procedures examined are maintained by the gaming licensee as
633 required by this chapter and the regulations promulgated thereunder;

634 (9) prescribe the minimum procedures for effective control over the internal fiscal affairs
635 of a gaming licensee, including provisions for the safeguarding of assets and revenues, the
636 recording of cash and evidence of indebtedness and the maintenance of reliable records, accounts
637 and reports of transactions, operations and events, including reports by the commission;

638 (10) provide for a minimum uniform standard of accounting procedures;

639 (11) establish licensure and work permits for employees working at the gaming
640 establishment and minimum training requirements; provided further that the commission may
641 establish certification procedures for any training schools in the commonwealth as well as the
642 minimum requirements for reciprocal licensing for out of out-of-state gaming employees; and

643 (12) require that all gaming establishment employees be properly trained in their
644 respective professions.

645 (13) concern the conduct of junkets and conditions of junket agreements between gaming
646 licensees and junket representatives.

647 (14) provide for the interim authorization of a gaming establishment under section 34.

648 (15) develop standards for granting a waiver under subsection (c) of section 13;

649 (16) establish procedures and ensure compliance with the timelines for making the capital
650 investments required in section 16 to ensure that minimum capital investments are made as
651 quickly as possible after the beginning of operations;

652 (17) require the posting of payback statistics of slot machines played in a gaming
653 establishment; and

654 (18) establish security procedures for ensuring the safety of minors on the premises of a
655 gaming establishment.

656 The commission may, pursuant to section 2 of chapter 30A, promulgate, amend, or repeal
657 any regulation promulgated under this chapter as an emergency regulation if such regulation is
658 necessary to protect the interests of the commonwealth in regulating a gaming establishment.

659 Section 6. (a) There shall be within the commission an investigations and enforcement
660 bureau, which shall be the primary enforcement agent for regulatory matters under this chapter
661 and shall perform such functions as the executive director may determine in relation to such
662 enforcement including the investigations of all licensees under this chapter..The bureau shall be
663 under the supervision and control of the deputy director. The deputy director shall be the
664 executive and administrative head of the bureau and shall be responsible for administering and
665 enforcing the provisions of law relative to the bureau and to each administrative unit thereof. The
666 duties given to the deputy director in this chapter and in any other general or special law shall be
667 exercised and discharged subject to the direction, control and supervision of the executive
668 director.

669 (b) The bureau shall be a law enforcement agency and its employees shall have such law
670 enforcement powers as to effectuate the purposes of this chapter, including the power to receive
671 intelligence on any applicant or licensee under this chapter and to investigate any suspected
672 violation of the provisions of this chapter.

673 (c) Officers and employees of the gaming enforcement unit of the state police assigned to
674 the commission pursuant to section 70 of chapter 22C shall work with employees of the bureau,
675 under the direction of the deputy director, to investigate violations of this chapter by any
676 licensee under this chapter or any activity taking place on the premises of a gaming
677 establishment. Officers assigned to work with the commission shall record their time and submit
678 total hours to the commission and the commission shall reimburse the state police.

679 (d) The bureau shall notify the division of gaming enforcement in the office of the
680 attorney general of any criminal violations by a gaming licensee. The bureau and the division

681 shall cooperate on the regulatory and criminal enforcement of this chapter and may determine
682 whether to proceed with civil or criminal sanctions, or both against said licensee.

683 (e) To further effectuate the purposes of this chapter with respect to the investigation and
684 enforcement of licensed gaming establishments and licensees, the bureau may obtain or provide
685 pertinent information regarding applicants or licensees from or to law enforcement entities or
686 gaming authorities and other domestic, federal or foreign jurisdictions, including the federal
687 bureau of investigation, and may transmit such information to each other electronically.

688 (f) The gaming enforcement unit of the department of state police shall have exclusive
689 police jurisdiction of any criminal activity relating to the operation of a gaming establishment or
690 relating to games or gaming that occurs inside a gaming establishment; provided, however, that
691 the state police shall have concurrent jurisdiction with the law enforcement agency of the host
692 community on all other policing matters and, in consultation with the board, shall execute a
693 memorandum of understanding with the law enforcement agency of the host community that
694 shall include, but not be limited to, procedures involving: (i) assignment of police officers of the
695 host community to the gaming enforcement unit of the state police; (ii) first responder calls from
696 the gaming establishment; (iii) emergencies occurring within the gaming establishment,
697 including the gaming area; and (iv) criminal investigations involving employees or patrons of the
698 gaming establishment.

699 Section 7. The commission shall administer and enforce chapter 128A and 128C and any
700 other general or special law related to pari-mutuel wagering or simulcasting. The commission
701 shall serve as a host racing commission and an off-track betting commission for purposes of 15
702 U.S.C.A.30001, et seq.

703 Section 11. (a) The commission shall issue a request for applications for gaming licenses
704 which shall include:

705 (i) the time and date for receipt of responses to the request for applications, the manner
706 they are to be received and the address of the office to which the applications are to be delivered;

707 (ii) the form of the application and the method for submission;

708 (iii) a general description of the anticipated schedule for processing the application;

709 (iv) the contact information of commission employees responsible for handling applicant
710 questions; and

711 (v) any other information that the commission determines.

712 (b) Any request for applicants in subsection (a) shall be advertised in a newspaper of
713 general circulation in the commonwealth and on the official internet website of the commission.

714 (c) The commission shall establish deadlines for the receipt of all applications for a
715 gaming license. Applications received after the deadline shall not be eligible for review by the
716 commission.

717 Section 12. (a) All applicants for a gaming license, and any person required by the
718 commission to be qualified for licensure, shall establish their individual qualifications for
719 licensure to the commission by clear and convincing evidence.

720 (b) All applicants, licensees, registrants and any other person who shall be qualified
721 pursuant to this chapter shall have the continuing duty to provide any assistance or information
722 required by the commission and to cooperate in any inquiry or investigation conducted by the

723 commission. Refusal to answer or produce information, evidence or testimony by an applicant,
724 licensee, registrant or person required to be qualified under this chapter may result in denial of
725 the application or suspension or revocation of license or registration by the commission.

726 (c) No applicant, licensee, registrant or person required to be qualified under this chapter
727 shall willfully withhold information from, or knowingly give false or misleading information to,
728 the commission.

729 If the commission determines that an applicant or a close associate of an applicant, has
730 willfully provided false or misleading information, such applicant shall no longer be eligible to
731 receive a license under this chapter.

732 Any licensee or other person required to be qualified for licensure under this chapter who
733 willfully provides false or misleading information shall have their license conditioned, suspended
734 or revoked by the commission.

735 Section 13. (a) The commission shall require anyone with an interest in a gaming
736 establishment, an interest in the business of the gaming licensee or applicant for a gaming license
737 or who is a close associate of a gaming licensee or an applicant for a gaming license to be
738 qualified for licensure by meeting the criteria set forth in sections 14 and 18 and to provide any
739 other information that the commission requires.

740 (b) For every business which applies for a gaming license, the commission shall
741 determine whether each officer and director of a corporation, other than a publicly traded
742 corporation, general partner and limited partner of a limited partnership, and member, transferee
743 of a member's interest in a limited-liability company, director and manager of a limited-liability
744 company which holds or applies for a gaming license meets the standards for qualification of

745 licensure pursuant to sections 14 and 19, as well as, in the judgment of the commission, any or
746 all of a business's individual stockholders, lenders, holders of evidence of indebtedness,
747 underwriters, close associates, executives, agents or employees.

748 (c) Any person owning more than 5 per cent of the common stock of the applicant
749 company, directly or indirectly, or a holding, intermediary or subsidiary of an applicant company
750 may be required meet the qualifications for licensure under sections 14 and 18. The commission
751 may waive the licensing requirements for institutional investors holding up to 15 per cent of the
752 stock of the applicant company or holding, intermediary or subsidiary company of the applicant
753 company upon a showing by the person seeking the waiver that the applicant purchased the
754 securities for investment purposes only and does not have any intention to influence or affect the
755 affairs or operations of the applicant company or a holding, intermediary or subsidiary of the
756 applicant company. An institutional investor granted a waiver which subsequently determines to
757 influence or affect the affairs or operations of the applicant company or a holding, intermediary
758 or subsidiary of the applicant company shall provide not less than 30 days notice to the
759 commission of such intent and the commission shall ensure that the institutional investor meets
760 the qualifications for licensure under sections 14 and 18 before the institutional investor may
761 take an action that may influence or affect the affairs of the applicant company or a holding,
762 intermediary or subsidiary of the applicant company. Any company holding over 15 per cent of
763 the applicant company, or a holding, intermediary or subsidiary of an applicant company shall be
764 required to meet the qualifications for licensure under sections 14 and 18.

765 (d) A person who is required to be qualified for licensure under this section as a general
766 or limited partner shall not serve as such a partner until that person obtains the required approval
767 or waiver from the commission.

768 (e) The commission shall require any person involved in the financing of a gaming
769 establishment or an applicant's proposed gaming establishment to be qualified for licensure
770 pursuant to sections 14 and 18 and may allow such person to seek a waiver pursuant to the
771 standards in subsection (c).

772 (f) A person required to be qualified for licensure shall apply for qualification within 30
773 days after taking a position with the business. A person who is required to be qualified for
774 licensure pursuant to a decision of the commission shall apply for qualification within 30 days
775 after said decision.

776 (g) If a corporation or other form of business organization applying for a gaming license
777 is, or if a corporation or other form of business organization holding a gaming license is to
778 become, a subsidiary, each holding company, intermediary company, and other entity having an
779 interest in the applicant shall be required to be qualified for licensure under sections 14 and 18.

780 (h) The commission shall require that a company or individual that can presently or was
781 able to exercise control or provide direction to a gaming licensee or applicant for a gaming
782 license or a holding, intermediary or subsidiary of a gaming licensee or applicant for a gaming
783 license be qualified for licensure under sections 14 and 18, provided, that the commission may
784 allow such person to seek a waiver under subsection (c).

785 (i) The bureau shall investigate each person required to be qualified for licensure under
786 this section and shall (i) make a recommendation to the commission that the commission approve
787 or deny the application for licensure or (ii) extend the period for issuing a recommendation in
788 order to obtain additional information necessary for a complete evaluation of the application for
789 a license.

790 Section 14. The commission shall deny an application for a gaming license, or any
791 license or registration issued under this chapter, if the applicant: (i) has been convicted of a
792 felony or other convictions involving embezzlement, theft, fraud or perjury; provided, however
793 that for convictions which occurred before the 10-year period immediately preceding application
794 for licensure, an applicant may demonstrate, and the commission shall consider, the applicant's
795 rehabilitation and whether such conviction should not be an automatic disqualification under this
796 section; (ii) submitted an application for a license under this chapter that contains false or
797 misleading information; (iii) committed prior acts which have not been prosecuted or convicted
798 but form a pattern of misconduct that make the applicant unsuitable for a license under this
799 chapter; or (iv) has affiliates or close associates that would not qualify for a license or whose
800 relationship with the applicant could pose an injurious threat to the interests of the
801 commonwealth in awarding a gaming license to the applicant.

802 Section 15. No applicant shall be eligible to receive a gaming license unless the applicant
803 meets the following criteria and clearly states as part of an application that the applicant shall:

804 (1) agree to be a state lottery reseller for the purpose of lottery, multi-jurisdictional lottery
805 and keno games, and demonstrates that state lottery and keno games would be readily accessible
806 to the guests of the gaming establishment;

807 (2) in accordance with the design plans required under clause (xii) of subsection (a) of
808 section 17, invest not less than the required capital under section 16 into the gaming
809 establishment provided, however, that such investment shall not include the purchase price of the
810 land where the gaming establishment will be located or any infrastructure designed to support the
811 site, including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil

812 or groundwater or surface water contamination issues whether or not the applicant is an eligible
813 owner or operator under chapter 206 of the acts of 1998, and has suitable capital to finance its
814 operations and the proposed capital investment;

815 (3) own or acquire within 60 days after a license has been awarded, the land where the
816 gaming establishment is proposed to be constructed;

817 (4) meet the licensee deposit requirement;

818 (5) demonstrate that it is able to pay and shall commit to paying the gaming licensing fee
819 pursuant to section 16;

820 (6) demonstrate to the commission how the applicant proposes to address lottery
821 mitigation, compulsive gambling problems, workforce development and community
822 development as well as host and surrounding community impact and mitigation issues as set
823 forth in a memorandum of understanding required under section 19.

824 (7) identify the infrastructure costs of the host and surrounding communities incurred in
825 direct relation to the construction and operation of a gaming establishment and commit to a
826 community mitigation plan for those communities;

827 (8) shall provide to the commission a signed agreement between the host community and
828 the applicant setting forth the conditions to have a gaming establishment located within the host
829 community; provided that the agreement shall include a community impact fee for the host
830 community and all stipulations of responsibilities between the host community and the applicant,
831 including stipulations of known impacts from the development and operation of a gaming
832 establishment;

833 (10) comply with state and local building codes and local ordinances and bylaws
834 including the Massachusetts Environmental Policy Act;

835 (11) in the case of an application for a category 1 license, have received a certified and
836 binding vote on a ballot question at an election in the host community, in favor of such license;
837 provided, that, the vote must take place after the effective date of this chapter. Upon receipt of a
838 request for an election from an applicant for a category 1 license, the governing body of the city,
839 town, or district shall call for the election to be held no less than 35 days but no more than 90
840 from the date that the request was received; provided, further, that a binding vote shall be
841 conducted not less than 60 days after the execution of a signed agreement between the host
842 community and the applicant as provided in clause (8) of this subsection; provided, further, that
843 the city, town or district that holds an election shall be reimbursed for its expenses related to the
844 election by the applicant; provided further that, for purposes of this paragraph only, if the gaming
845 establishment is proposed to be located in a city of 125,000 or more residents according to the
846 most recent enumerated federal census, “host community” shall mean only the ward in which the
847 gaming establishment is to be located for the purpose of receiving a certified and binding vote on
848 a ballot question at an election; provided, further, that, upon the signing of an agreement between
849 the host community and the applicant as provided in clause (8) of this subsection, and on the
850 request of the applicant, the city or town clerk shall set a date certain for an election on said
851 ballot question in the host community; provided, further that, at such election, the question
852 submitted to the voters shall be worded as follows:-- “Shall the (city/town) of _____ permit
853 the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to
854 be located at ____[description of site]____? YES _____ NO _____”; provided, further, that, if

855 a majority of the votes cast in a host community in answer to the ballot question is in the
856 affirmative, such host community shall be taken to have voted in favor of the applicant's license.

857 (12) in the case of a category 2 license, a binding vote in the host community where the
858 gaming establishment will be located by a majority of members of the town council, or in a city
859 having a Plan D or Plan E charter, the city manager and the city council and in any other city the
860 mayor and city council and in towns a majority vote of those present and voting at a town
861 meeting and approval by the board of selectmen; provided further that an applicant for a category
862 2 license who has received such a vote shall be required to obtain a vote on a ballot question
863 pursuant to clause (11) of this subsection (a) if said applicant is applying for a category 1 license;
864 and

865 (13) provide a community impact fee to the host community.

866 (b).

867 Section 17. (a) The commission shall prescribe the form of the application for gaming
868 licenses which shall require, but not be limited to, the following:

869 (i) the name of the applicant;

870 (ii) the mailing address and, if a corporation, the name of the state under the laws of
871 which it is incorporated, the location of its principal place of business and the names and
872 addresses of its directors and stockholders;

873 (iii) the identity of every person having a direct or indirect interest in the business, and
874 the nature of such interest; provided further, that if the disclosed entity is a trust, the application
875 shall disclose the names and addresses of all beneficiaries; provided further, that if a partnership,

876 the names and addresses of all partners, both general and limited; and provided further, that if a
877 limited liability company, the names and addresses of all members;

878 (iv) whether the applicant is a federally recognized Native American tribe located in the
879 commonwealth or is partnering with a federally recognized Native American tribe located in the
880 commonwealth; provided, that if the applicant is a federally recognized Native American tribe
881 located in the commonwealth, such an applicant shall indicate whether the applicant has entered
882 into a contractual agreement with the commonwealth and whether the tribe has entered into an
883 agreement with the commonwealth to waive its rights under the Indian Regulatory Gaming act,
884 25 U.S.C. sections 2701, et seq. and be subject to the civil and criminal laws, statutes, ordinances
885 and jurisdiction of the commonwealth with respect to activities relating to the development and
886 operation of a gaming establishment;

887 (v) an independent audit report of all financial activities and interests including, but not
888 limited to, the disclosure of all contributions, donations, loans or any other financial transactions
889 to or from any gaming entity or operator in the past 5 years;

890 (vi) clear and convincing evidence of financial stability including, but not limited to,
891 bank references, business and personal income and disbursement schedules, tax returns and other
892 reports filed by government agencies, and business and personal accounting check records and
893 ledgers;

894 (vii) information and documentation to demonstrate that the applicant has sufficient
895 business ability and experience as to establish the likelihood of creation and maintenance of a
896 successful gaming establishment;

897 (viii) a full description the proposed internal controls and security systems for the
898 proposed gaming establishment and any related facilities;

899 (ix) an agreement that the applicant shall mitigate the potential negative public health
900 consequences associated with gambling and the operation of a gaming establishment including:
901 (1) maintaining a smoke-free environment within the gaming facility pursuant to the provisions
902 of section 22 of chapter 270; (2) providing complimentary on-site space for an independent
903 substance abuse and mental health counseling service to be selected by the commission; (3)
904 prominently displaying information on the signs of problem gambling and how to access
905 assistance; (4) describing a process for individuals to exclude their names and contact
906 information from the licensee's database or any other list held by the licensee for use in
907 marketing or promotional communications; and (5) instituting other public health strategies as
908 determined by the commission;

909 (x) the designs for the proposed gaming establishment, including the names and
910 addresses of the architects, engineers and designers, and a timeline of construction that includes
911 detailed stages of construction for the gaming establishment, nongaming structures, and
912 racecourse, where applicable;

913 (xi) the number of construction hours estimated to complete the work;

914 (xii) a description of the ancillary entertainment services and amenities to be provided at
915 the proposed gaming establishment;

916 (xiii) the number of employees to be employed at the proposed gaming establishment,
917 including detailed information on the pay rate and benefits for employees;

918 (xiv) completed studies and reports as required by the board, which shall include, but
919 shall not be limited to, an examination of the proposed gaming establishment's: (a) economic
920 benefits to the region and the commonwealth; (b) local and regional social, environmental, traffic
921 and infrastructure impacts; (c) impact on the local and regional economy, including on cultural
922 institutions and on small businesses in the host and surrounding communities; (d) cost to the host
923 community and surrounding communities and the commonwealth for the proposed gaming
924 establishment to be located at the proposed location; and (e) the estimated municipal and state
925 tax revenue to be generated by the gaming establishment;

926 (xv) the names of proposed vendors of gaming equipment;

927 Applications for licenses shall be public records for the purposes of section 10 of chapter
928 66; provided further that trade secrets, competitively-sensitive or other proprietary information
929 provided in the course of an application for a gaming license under this chapter, the disclosure of
930 which would place the applicant at a competitive disadvantage, may be withheld from disclosure
931 under chapter 66.

932 (i) the location of the proposed category 1 establishment, which shall include the address,
933 maps, book and page numbers from the appropriate registry of deeds, assessed value of the land
934 at the time of application, and ownership interests over the past 20 years including all interests,
935 options, agreements in property, and demographic, geographic, and environmental information,
936 and any other information requested by the authority;

937 (ii) the type and number of games to be conducted at the gaming establishment, and the
938 specific location of the games in the gaming establishment;

939 (iii) the number of hotels and rooms, restaurants and other amenities located at the
940 proposed gaming establishment as well as how they measure in quality to other area hotels and
941 amenities;

942 (iv) whether the applicant's gaming establishment is part of a regional or local economic
943 plan; and

944 (v) whether the applicant purchased or intends to purchase publicly owned land for the
945 proposed gaming establishment;

946 (c)

947 Section 18. (a) Upon receipt of an application for a gaming license, the commission shall
948 instruct the bureau to commence an investigation into the suitability of an applicant. In
949 evaluating the suitability of an applicant, the commission shall consider the overall reputation of
950 the applicant including, without limitation:

951 (i) the integrity, honesty, good character and reputation of the applicant;

952 (ii) the financial stability, integrity, and background of the applicant;

953 (iii) the business practices and the business ability of an applicant to establish and
954 maintain a successful gaming establishment;

955 (iv) whether the applicant has a history of compliance with gaming licensing
956 requirements in other jurisdictions;

957 (v) whether the applicant, at the time of application, is a defendant in litigation involving
958 its business practices;

959 (vi) the suitability of all parties in interest to the gaming license, including affiliates, close
960 associates and the financial resources of the applicant; and

961 (vii) whether the applicant is disqualified from receiving a license pursuant to section 13;
962 provided, however, that in considering the rehabilitation of an applicant for a gaming license, the
963 commission shall not automatically disqualify any applicant if the applicant affirmatively
964 demonstrates, by clear and convincing evidence, that the applicant has financial responsibility,
965 character, reputation, integrity and general fitness as such to warrant belief by the commission
966 that the applicant will act honestly, fairly, soundly and efficiently as a gaming licensee.

967 (b) If the bureau determines during its investigation that an applicant has failed to: (i)
968 establish his integrity or the integrity of any affiliate, close associate, financial source or any
969 person required to be qualified by the commission; (ii) demonstrate responsible business
970 practices in any jurisdiction; or (iii) overcome any other reason, as determined by the
971 commission, as to why it would be injurious to the interests of the commonwealth in awarding
972 said applicant a gaming license, the bureau shall cease any further review and recommend that
973 the commission deny the application.

974 (c) If the bureau has determined an applicant is suitable to receive a gaming license, the
975 bureau shall recommend that the commission commence a review of the applicant's entire
976 application pursuant to section 12.

977 Section 19.

978 (b) The commission shall conduct a public hearing on the application pursuant to section
979 11 ½ of chapter 30A. An applicant for a gaming license and a municipality designated as a host
980 or surrounding community shall be given at least 30 days notice of the public hearing. The

981 commission shall hold the public hearing within the host community; provided, however, that the
982 host community may request that the commission hold the hearing in another city or town.

983 (d) The public hearing shall provide the commission the opportunity to address questions
984 and concerns relative to the proposal of a gaming applicant to build a gaming establishment
985 including the breadth and quality of the gaming facility and amenities, the integration of the
986 facility into the surrounding community and the extent of required mitigation plans, as well as
987 receive input from members of the public from the impacted community or communities.
988 During the hearing, the commission may take the opportunity to read into the record any letters
989 of support, opposition or concern from members of the communities in the vicinity of the
990 proposed gaming establishment.

991 (e) Not later than 90 days of the conclusion of the public hearing, the commission shall
992 take action on the application. The commission, by majority vote of all commissioners, may: (i)
993 deny the application; (ii) extend the period for issuing a decision in order to obtain any additional
994 information necessary for a complete evaluation of the application; provided, however, that the
995 extension shall be 30 days or less; or (iii) grant the application for a gaming license.

996 (f) Upon denial of an application, the commission shall prepare and file its order and, if
997 requested by the applicant, shall further prepare and file a statement of the reasons for the denial,
998 including specific findings of fact by the commission and the recommendation from the bureau
999 with respect to suitability of the applicant pursuant to sections xx and xx. Applicants may request
1000 a hearing before the commission to contest any findings of fact by the bureau into the suitability
1001 of the applicant. (g) The commission shall have full discretion as to whether to issue a license.

1002 Applicants shall have no legal right or privilege to a gaming license and are not entitled to any
1003 further review if denied by the commission.

1004 Section 20. In determining whether an applicant should receive a gaming license, the
1005 commission shall evaluate and issue a statement of findings of how each applicant proposes to
1006 advance the following objectives:

1007 (1) protecting the lottery from any adverse impacts due to expanded gaming, including,
1008 but not limited to, developing cross-marketing strategies with the lottery and increasing ticket
1009 sales to out-of-state residents;

1010 (2) promoting local businesses in host and surrounding communities, including
1011 developing cross-marketing strategies with local restaurants, hotels, retail outlets and performing
1012 arts organizations;

1013 (3) implementing a workforce development plan to utilize the existing labor force in the
1014 commonwealth, including the estimated number of construction jobs a proposed gaming
1015 establishment will generate, the development of workforce training programs that serve the
1016 unemployed, and methods for accessing employment at the gaming establishment;

1017 (4) building a gaming establishment of high caliber with a variety of quality amenities to
1018 be included as part of the gaming establishment and operated in partnership with any local
1019 hotels, dining, retail and entertainment facilities so that patrons experience the diversified
1020 regional tourism industry;

1021 (5) taking additional measures to address problem gambling, including, but not limited to,
1022 training of gaming employee to identify patrons exhibiting problems with gambling and
1023 prevention programs targeted toward vulnerable populations;

1024 (6) providing a market analysis detailing the benefits of the site location of the gaming
1025 establishment and the estimated recapture rate of gaming-related spending by residents
1026 travelling to out-of-state gaming establishments;

1027 (7) utilizing sustainable development principles, including, but not limited to (i) being
1028 certified as gold or higher under the appropriate certification category in the Leadership in
1029 Environmental and Energy Design program created by the United States Green Building
1030 Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix
1031 120AA of the Massachusetts building energy code or equivalent commitment to advanced
1032 energy efficiency as determined by the secretary of the executive office of energy and
1033 environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and
1034 manage storm water; (v) demonstration that electrical and HVAC equipment and appliances will
1035 be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its
1036 annual electricity consumption from renewable sources qualified by the department of energy
1037 resources under section 11F of chapter 25A; and (vii) developing an on-going plan to sub-meter
1038 and monitor all major sources of energy consumption and undertake regular efforts to maintain
1039 and improve energy efficiency of buildings in their systems;

1040 (8) establishing, funding, and maintaining human resource hiring and training practices
1041 that promote the development of a skilled and diverse workforce and access to promotion
1042 opportunities through a workforce training program that: (i) establishes transparent career paths

1043 with measurable criteria within the gaming establishment that lead to increased responsibility
1044 and higher pay grades that are designed to allow employees to pursue career advancement and
1045 promotion; (ii) provides employee access to additional resources, such as tuition reimbursement
1046 or stipend policies, to enable employees to acquire the education or job training needed to
1047 advance career paths based on increased responsibility and pay grades; and (iii) establishes an
1048 on-site child day care program;

1049 (9) contracting with local business owners for the provision of services and goods to the
1050 gaming establishment, including developing plans designed to assist businesses in the
1051 commonwealth in identifying the needs for goods and services to the establishment;

1052 (10) maximizing revenues received by the commonwealth;

1053 (11) providing a high number of quality jobs in the proposed gaming establishment;
1054 offering the highest and best value creating a secure and robust gaming market in the
1055 region and the commonwealth;

1056 mitigating potential impacts on host and surrounding communities which might result
1057 from the development or operation of the gaming establishment

1058 (14) purchasing, whenever possible, domestically manufactured slot machines for
1059 installation in the gaming establishment. Section 21. (a) The commission may issue not more than
1060 3 category 1 licenses based on the applications and bids submitted to the commission. Not more
1061 than 1 license may be awarded per region, as follows:

1062 region 1: suffolk, middlesex, essex and worcester counties;

1063 region 2: norfolk, bristol, plymouth, nantucket, dukes and barnstable counties;

1064 region 3: hampshire, hamden, franklin and berkshire counties.

1065 Gaming licenses shall only be issued to applicants who are qualified under the criteria set
1066 forth in this chapter as determined by the commission. Within any of the regions, if the
1067 commission is not convinced that there is an applicant that has both met the eligibility criteria
1068 and provided convincing evidence that the applicant will provide value to the region in which the
1069 gaming establishment is proposed to be located and to the commonwealth, no gaming license
1070 shall be awarded in that region.

1071 (b) No other gaming license shall be issued by the commission for a period of 15 years.

1072 (c) No gaming licensee shall transfer a license or any direct or indirect interest in the
1073 license or a gaming establishment without the majority approval of the commission. Any person
1074 seeking to acquire a license through a transfer shall qualify for licensure under this chapter. The
1075 commission shall reject any license transfer or transfer of interest in the gaming establishment to
1076 an unsuitable person and may reject a proposed transfer that, in the opinion of the commission,
1077 would be disadvantageous to the interests of the commonwealth.

1078 Section 22. (a) The commission may issue not more than 2 category 2 licenses; provided,
1079 however, that the category 2 licenses shall only be issued to applicants who are qualified under
1080 the criteria set forth in this chapter as determined by the commission.

1081 (b) The commission may issue 1250 slot machines to each qualified applicant for a
1082 category 2 license, provided, however, that the commission shall not issue more than 1000 slot
1083 machines per establishment when the category 2 applicants are located in the same geographical
1084 region of the commonwealth.

1085 (c) A category 2 licensee shall maintain a simulcasting license pursuant to chapter 128C.
1086 Upon failure to conduct simulcast wagering the commission shall suspend the category 2 license.

1087 (d) If the category 2 license is awarded to an applicant with live horse racing, issuance of
1088 the license shall be contingent upon the licensee's completion of an annual live racing season
1089 pursuant to chapter 128A. A category 2 licensee shall continue to conduct live racing and abide
1090 by all the live racing terms pursuant to section 25 and shall continue to pay the applicable live
1091 racing tax required of category 2 licensees.

1092 (f) A category 2 license issued pursuant to this chapter shall not be transferrable or
1093 assignable without the approval of the commission; provided, however, that for 5 years after the
1094 initial issuance of a category 2 license the commission shall only approve such a transfer if: (i)
1095 the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or
1096 other circumstances which the commission may consider, which, in the opinion of a majority of
1097 members of the commission, impact a licensee's ability to successfully operate a gaming
1098 establishment.

1099

1100 Section 23. (a) A category 1 or category 2 licensee shall issue an annual report to the
1101 commission explicitly stating its progress on meeting each of the stated goals and stipulations put
1102 forth in the licensee's original application. Inability to meet stated goals within a reasonable
1103 time frame, as determined by the commission, shall result in additional fees as deemed fair and
1104 reasonable by the commission. Failure to meet stated goals may also result in revocation of the
1105 license at any time by the commission.

1106 Nothing in this section shall preclude the commission at any time from reviewing the
1107 business operations of any gaming licensee to ensure that the conditions of licensure are being
1108 met, including, but not limited to, the suitability of the licensee and any affiliates and the fiscal
1109 stability of the gaming establishment.

1110 (b) The commission shall have the power to condition, suspend or revoke any gaming
1111 license upon a finding that a licensee: (i) has committed a criminal or civil offense under this
1112 chapter or any other laws of the commonwealth; (ii) is not in compliance with gaming
1113 regulations or is under criminal investigation in another jurisdiction; (iii) has breached a
1114 condition of licensure; (iv) has affiliates, close associates or employees that are not qualified or
1115 licensed under this chapter with whom the gaming licensee continues to conduct business or
1116 employ; (v) is no longer capable of maintaining operations at a gaming establishment; or (vi)
1117 whose business practice, upon a determination by the commission, is injurious to the policy
1118 objectives of this chapter.

1119 (j) Whenever any person contracts to transfer any property relating to an ongoing gaming
1120 operation, including a security holding in a gaming licensee or holding or intermediary company,
1121 under circumstances which require that the transferee obtain licensure under this chapter, the
1122 contract shall not specify a closing or settlement date which is earlier than the 121st day after the
1123 submission of a completed application for licensure or qualification, which application shall
1124 include a fully executed and approved trust agreement.

1125 (d) The commission shall hold a hearing and render a decision on the interim
1126 authorization of the applicant. If the commission grants interim authorization, then the closing or
1127 settlement may occur without interruption of operations of the gaming establishment. If the

1128 commission denies interim authorization, there shall be no closing or settlement until the
1129 commission makes a determination on the qualification of the applicant, and if the commission
1130 then denies qualification the contract shall thereby be terminated for all purposes without
1131 liability on the part of the transferor.

1132 The commission shall promulgate further regulations for interim authorization of a
1133 gaming establishment.

1134 (k) No person or affiliate shall be awarded, purchase or otherwise hold or have a financial
1135 interest in more than 1 license issued by the commission.

1136 (l) The commission shall take into consideration the physical distance in selecting the
1137 three category 1 gaming establishments as they relate to each other and how they maximize
1138 benefits to the commonwealth.

1139

1140 Section 24. (a) The commission shall prescribe the form of the gaming license, which
1141 shall include, but shall not be limited to, the following license conditions for each licensee:

1142 have an affirmative obligation to abide by every statement made in its application to the
1143 commission under section 14, every statement made in its bid submission to the commission
1144 including all evaluation criteria under section 20 and the eligibility requirements under section
1145 15

1146 comply with all laws of the commonwealth and all rules and regulations promulgated
1147 under this chapter.

1148

1149 make, or cause to be made, capital expenditures to its gaming establishment in a
1150 minimum aggregate amount equal to or greater than 3.5 per cent of the net gaming revenues
1151 derived from the establishment.

1152 change its business governing structure without the notification and approval of the
1153 commission.

1154 operate, invest or own, in whole or in part, another licensee's license or gaming
1155 establishment. The commission shall promulgate rules and regulations to address violations of
1156 this subsection.

1157 cooperate with the commission and the attorney general in all gaming-related
1158 investigations. Each licensee shall make readily available all documents, materials, equipment,
1159 personnel and any other items requested during all investigations. Material that the licensee
1160 considers a trade secret or detrimental to the licensee if it were made public may, with the
1161 commission's approval, be protected from public disclosure and the gaming licensee may require
1162 non-disclosure agreements with the board before disclosing such material.

1163 cooperate with the commission and the attorney general with respect to the investigation
1164 of any criminal matter that is discovered on the gaming establishment. The gaming licensee
1165 shall, upon receipt of criminal or civil process compelling testimony or production of documents
1166 in connection with a civil or criminal investigation, immediately disclose such information to the
1167 commission. This section shall not prohibit private persons or public entities from seeking any
1168 remedy or damages against a gaming licensee.

1169 allow the commission to conduct warrantless searches of the licensee's gaming area.

1170 have a duty to inform the commission of any action which the licensee reasonably
1171 believes would constitute a violation of this chapter, and shall assist the commission and any
1172 federal or state law enforcement agency in the investigation and prosecution of such violation.
1173 No person who informs the commission of such an action shall be discriminated against by an
1174 applicant or licensee as a consequence for having supplied of such information.

1175 provide an office for the commission at the gaming establishment and the designated
1176 state police unit at the gaming establishment. The commission shall establish the minimum
1177 requirements for square footage for the state police office, office furnishings and parking space.

1178 collect and annually report to the board a detailed statistical report on the number, job
1179 titles, benefits and salary of employees hired and retained in employment at the gaming
1180 establishment.

1181 abide by an affirmative-action program of equal opportunity by which the applicant
1182 guarantees to provide equal employment opportunities to all employees qualified for licensure in
1183 all employment categories, including a person with a disability, under the laws of the
1184 commonwealth.

1185 employ only those persons licensed or registered by the commission.

1186 do business only with those vendors licensed or registered by the commission.

1187 provide to the commission aggregate demographic information with respect to the
1188 licensee's customers in a manner and under a schedule to be defined by the commission.

1189 provide complimentary on-site space for an independent substance abuse, compulsive
1190 gambling and mental health counseling service and establish a program to train the gaming

1191 employees in the identification of and intervention with customers exhibiting problem gaming
1192 behavior.

1193 keep conspicuously posted in the gaming area a notice containing the name and a
1194 telephone number for problem gambling assistance. The commission may require the licensee to
1195 provide this information in more than 1 language.

1196 provide a process for individuals to exclude such individuals' names and contact
1197 information from the gaming licensee's database or any other list held by the gaming licensee for
1198 use in marketing or promotional communications.

1199 institute additional public health strategies as required by the board.

1200

1201

1202 (c) The board may include any reasonable additional requirements to the license
1203 conditions.

1204 Section 25. (a) An applicant for any gaming licensee shall maintain any existing racing
1205 facility on the premises; provided, however, that said licensee shall increase the number of live
1206 racing days to a minimum of 125 days according to the following schedule:

1207 (i) in the first calendar year of operation a licensee shall hold 105 racing days;

1208 (ii) in the second calendar year of operation a licensee shall hold 115 racing days;

1209 (iii) in the third calendar year of operation a licensee shall hold 125 racing days;

1210 (b) A category 2 licensee may increase the number of live racing days if said licensee is
1211 holding a minimum of 125 racing days within 3 years of receiving a category 2 license. If a
1212 gaming licensee does not conduct live racing for the minimum number of days set forth in
1213 subsection (a), the commission shall suspend the gaming license.

1214 (c) After 3 years of operation, and in consultation with the parties to the purse agreement,
1215 the commission may adjust the amount of required racing days at a gaming establishmetn based
1216 on fields, demand and racing performance.

1217 (d) A gaming licensee shall have an annual purse agreement in effect by December thirty-
1218 first of each year for the following year's racing; provided, however, that if the parties to a purse
1219 agreement at a gaming establishment cannot in good faith negotiate an agreement by December
1220 thirty-first, the purse agreement shall be arbitrated by the commission.

1221 Section 26. (a) No person shall be employed by a gaming licensee unless such person has
1222 been licensed by or registered with the commission.

1223 (b) Any person seeking a valid key gaming employee license or a gaming employee
1224 license shall file an application with the bureau. Such application shall be on a form prescribed
1225 by the bureau and shall include, but shall not be limited to, the following: (1) the name of the
1226 applicant; (2) the address of the applicant; (3) a detailed employment history of the applicant; (4)
1227 fingerprints; (5) a criminal and arrest record; and (6) any civil judgments obtained against the
1228 person pertaining to antitrust or security regulation. Each applicant shall be a resident of the
1229 commonwealth prior to the issuance of a gaming employee license, provided, however, that the
1230 bureau may waive this requirement upon certification from the gaming licensee that an
1231 applicant's particular position will require the applicant to be reside outside of the

1232 commonwealth. The bureau may require such other information as it deems appropriate
1233 including, without limitation, information related to the financial integrity of the applicant and
1234 may require the applicant to submit other documentation it deems appropriate including, without
1235 limitation, bank accounts and records, bank references, business and personal income and
1236 disbursement schedules, tax returns and other reports filed by government agencies, and business
1237 and personal accounting check records and ledgers.

1238 (c) All other employees in a gaming establishment who are not considered to be gaming
1239 employees, key gaming employees, or who have restricted access to an area of the gaming
1240 establishment or knowledge of security procedures, shall be required to register with the bureau
1241 as a gaming service employee and shall produce such information as the bureau may require to
1242 become registered under this chapter.

1243 (d) Upon receipt of an application for a key gaming employee license and a gaming
1244 employee license the bureau shall conduct an investigation of each applicant which shall include
1245 obtaining criminal offender record information from the criminal history systems board as well
1246 as exchanging fingerprint data and criminal history with the state police and the federal bureau of
1247 investigation.

1248 (e) Upon petition by a gaming licensee, the commission may issue a temporary license to
1249 an applicant for a gaming key employee license or a gaming employee license provided that: (i)
1250 the applicant for a gaming key employee license or gaming employee license has filed a
1251 complete application with the commission; and (ii) the gaming licensee certifies, and the
1252 commission finds, that the issuance of a temporary license is necessary for the operation of the
1253 gaming facility and is not designed to circumvent the normal licensing procedures.

1254 Unless otherwise stated by the commission, a temporary license issued pursuant to this
1255 section shall expire 6 months from the date of its issuance and may be renewed, at the discretion
1256 of the commission, for an additional 6 month period.

1257 (f) The commission may deny any application for a key gaming employee or gaming
1258 employee license or the registration of any other employee of a gaming establishment if the
1259 commission finds that any applicant or registrant is disqualified pursuant to section 14 or may be
1260 unsuitable for licensure under any of the criteria set forth in section 18; provided, however, that
1261 the commission, in its discretion, may issue a license to an applicant for a gaming employee
1262 license or register a gaming service employee who has a prior conviction if said applicant or
1263 registrant can affirmatively demonstrate his rehabilitation. In considering the rehabilitation of an
1264 applicant for a license under this section, the commission shall consider the following: (i) the
1265 nature and duties of the position of the applicant; (ii) the nature and seriousness of the offense or
1266 conduct; (iii) the circumstances under which the offense or conduct occurred; (iv) the date of the
1267 offense or conduct; (v) the age of the applicant when the offense or conduct was committed; (vi)
1268 whether the offense or conduct was an isolated or repeated incident; (vii) any social conditions
1269 which may have contributed to the offense or conduct; and (viii) any evidence of rehabilitation,
1270 including recommendations and references of persons supervising the applicant since the offense
1271 or conduct was committed.

1272

1273 (g) After completing an investigation of an applicant for a key gaming employee or
1274 gaming employee license the bureau shall approve or deny the license. Any orders by the bureau
1275 denying an application under this section shall be accompanied with an explanation of why an

1276 applicant did not meet the qualifications for licensure under this chapter. An applicant for a key
1277 gaming employee or gaming employee license may request a hearing before the bureau to
1278 contest the findings. After the hearing the applicant may appeal the decision of the bureau to the
1279 commission and the commission may hear the appeal on the record. The decision of the
1280 commission shall be the final and applicants for a key gaming employee or gaming employee
1281 license shall not be entitled to further review.

1282 (h) The commission shall be authorized to condition, suspend or revoke any license or
1283 registration under this section if the commission finds that a licensee or registrant has: (i) been
1284 arrested or convicted of a crime while employed by a gaming establishment and failed to report
1285 charges or the conviction to the commission; (ii) failed to comply with the provisions of section
1286 12; or (iii) failed to comply with any of the provisions of this chapter pertaining to licensees.

1287 Section 27. (a) No person or business shall conduct any business with a gaming licensee
1288 unless such person has been licensed by or registered with the commission.

1289 (b) Any person seeking a gaming vendor license shall file an application with the bureau.
1290 Such application shall be on a form prescribed by the commission and shall include, but shall not
1291 be limited to, the following: (i) the name of the applicant; (ii) the post office address and if a
1292 corporation, the name of the state under the laws of which it is incorporated, the location of its
1293 principal place of business and the names and addresses of its directors and stockholders; (iii) a
1294 criminal and arrest record; (iv) any civil judgments obtained against the person pertaining to
1295 antitrust or security regulation; (v) the identity of every person having a direct or indirect interest
1296 in the business, and the nature of such interest; provided further, that if the disclosed entity is a
1297 trust, the application shall disclose the names and addresses of all beneficiaries; provided further,

1298 that if the disclosed entity is a partnership, the names and addresses of all partners, both general
1299 and limited; and provided further, that if the disclosed entity is a limited liability company, the
1300 names and addresses of all members; (vi) an independent audit report of all financial activities
1301 and interests including, but not limited to, the disclosure of all contributions, donations, loans or
1302 any other financial transactions to or from any gaming entity or operator in the past 5 years; and
1303 (vii) clear and convincing evidence of financial stability including, but not limited to, bank
1304 references, business and personal income and disbursement schedules, tax returns and other
1305 reports filed by government agencies, and business and personal accounting check records and
1306 ledgers. The commission may require such other information as it deems appropriate including,
1307 without limitation, information related to the financial integrity of the applicant and may require
1308 the applicant to submit other documentation it deems appropriate including, without limitation,
1309 bank accounts and records, bank references, business and personal income and disbursement
1310 schedules, tax returns and other reports filed by government agencies, and business and personal
1311 accounting check records and ledgers.

1312 (c) No person shall manufacture, sell, distribute, test or repair slot machines, other than
1313 antique slot machines as defined in section 5A of chapter 271, without a valid gaming vendor
1314 license issued by the commission

1315 (d) All other suppliers or vendors who are not considered to be gaming vendors
1316 including, but not limited to, construction companies, vending machine providers, linen
1317 suppliers, garbage handlers, maintenance companies, limousine services, food purveyors or
1318 suppliers of alcoholic beverages, shall be considered non-gaming vendors and shall be required
1319 to register with the commission and shall produce such information as the commission may
1320 require; provided, however, that the commission may require any vendor regularly conducting

1321 over \$250,000 of business with a gaming licensee within a 12 month period, or \$100,000 of
1322 business within a 3 year period, to be licensed as a gaming vendor.

1323 (e) Any person owning more than 5 per cent of the common stock of a company required
1324 to be licensed as a gaming vendor, or a holding, intermediary or subsidiary of such company,
1325 shall be required to file for licensure. The commission may waive the licensing requirements for
1326 institutional investors holding up to 15 per cent of the stock of the company, or holding,
1327 intermediary or subsidiary company of the such company, upon a showing by the person
1328 seeking the waiver that the applicant purchased the securities for investment purposes only and
1329 does not have any intention to influence or affect the affairs or operations of the company or a
1330 holding, intermediary or subsidiary of the such company. Any institutional investor granted a
1331 waiver which subsequently determines to influence or affect the affairs or operations of the
1332 gaming vendor, or a holding, intermediary or subsidiary of the gaming vendor, shall provide not
1333 less than 30 days notice to the commission of such intent and shall file an application and be
1334 subject to the licensing requirements of this chapter before taking any action that may influence
1335 or affect the affairs of the applicant company or a holding, intermediary or subsidiary of the
1336 applicant company. Any company holding over 15 per cent of a gaming vendor, or a holding,
1337 intermediary or subsidiary of a gaming vendor, shall be licensed under this chapter.

1338 (f) If an applicant for a gaming vendor license or vendor or supplier registration is
1339 licensed or registered in another jurisdiction within the United States with comparable license
1340 and registration requirements, and is in good standing in all the jurisdictions in which it holds a
1341 license or registration, the commission may enter into a reciprocal agreement with the applicant
1342 and to allow for an abbreviated licensing or registration process and issue a gaming vendor
1343 license or registration pursuant to this section, provided, however, that the commission shall

1344 reserve its rights to investigate the qualifications of an applicant at any time and may require the
1345 applicant to submit to a full application for a gaming vendor license or provide further
1346 information for registration.

1347 (g) The bureau shall deny any application for a gaming vendor license or the registration
1348 of any other vendor or supplier if the bureau finds that any applicant or registrant is disqualified
1349 pursuant to section 14 or may be unsuitable for licensure under any of the criteria set forth in
1350 section 18.

1351 (h) After completing an investigation of an applicant for a gaming vendor license, the
1352 bureau shall approve or deny the license. Any orders by the bureau denying an application under
1353 this section shall be accompanied with an explanation of why an applicant did not meet the
1354 qualifications for licensure under this chapter. An applicant for a gaming vendor license may
1355 request a hearing before the bureau to contest the findings. After the hearing the applicant may
1356 appeal the decision of the bureau to the commission and the commission may hear the appeal on
1357 the record. The decision of the commission shall be the final and applicants for a gaming vendor
1358 license shall not be entitled to further review. (i) The commission shall be authorized to
1359 condition, suspend or revoke any license or registration under this section if the commission
1360 finds that a licensee or registrant has: (i) been arrested or convicted of a crime; (ii) failed to
1361 comply with the provisions of section 13; or (iii) failed to comply with any of the provisions of
1362 this chapter pertaining to licensees.

1363 (j) The commission shall establish a master vendor list to monitor all vendor contracts
1364 with a gaming establishment. Any vendor doing business with a gaming establishment who has
1365 failed to submit an application for licensure or registration shall be prohibited from engaging in

1366 any future business with any gaming establishment; provided further that the commission shall
1367 be authorized to terminate any contracts that have been entered into with an unlicensed or
1368 unregistered vendor.

1369 (k) Gaming licensees shall have a continuing duty to inform the commission of all vendor
1370 contracts.

1371 (l) A license or registration issued pursuant to this section shall be issued for a term of 3
1372 years. It shall be the responsibility of the employee to ensure that their license is current.

1373 (m) The board shall monitor the conduct of all gaming vendors and other persons having
1374 a material involvement, directly or indirectly, with a gaming vendor to ensure that gaming
1375 vendor licenses are not issued to, or held by, and there is no direct or indirect material
1376 involvement with, a gaming vendor by unqualified, disqualified or unsuitable persons.

1377 Section 28. (a) Each labor organization, union or affiliate seeking to represent employees
1378 who are employed at a gaming establishment shall register with the commission.

1379 (b) Neither a labor organization, nor its officers who are not otherwise licensed or
1380 registered under this chapter, may hold any financial interest in a gaming establishment whose
1381 employees are represented by the organization.

1382 Section 29. (a) No category 1 or category 2 licensee shall conduct gaming without an
1383 operations certificate issued by the commission. An operations certificate shall only be issued
1384 upon compliance with the requirements of this chapter including; (1) implementation of all
1385 management controls required by the commission including, without limitation, controls on
1386 accounting, wagering and auditing; (2) implementation of all security precautions required by the

1387 commission; (3) an up to date listing of all gaming employees; (4) licensing of all gaming
1388 employees; (5) the provision of office space at the facility for use by the commission employees;
1389 (6) the hours of operation of the facility; and that its personnel and procedures are efficient and
1390 prepared to entertain the public.

1391 The operations certificate shall be conspicuously posted and shall state the number of slot
1392 machines, table games or other authorized games, if applicable.

1393 (b) A category 1 or category 2 licensee may operate a gaming establishment from 6:00
1394 am to 5:59 am; provided, however, that said licensee registers their hours of operation with the
1395 commission.

1396 (c) Each gaming licensee shall arrange its gaming facility in such a manner as to promote
1397 optimum security for the gaming facility operations , including but not limited to: (1) a closed
1398 circuit television system according to specifications approved by the commission, with access on
1399 the licensed premises to the system or its signal provided to the commission; (2) one or more
1400 rooms or locations approved by the commission for use by commission employees; and (3)
1401 design specifications that insure that visibility in a facility is not obstructed in any way that might
1402 interfere with the ability of the commission or the division to supervise facility operations.

1403 (d) Each applicant for a gaming license shall submit to the commission a description of
1404 its minimum system of internal procedures and administrative and accounting controls for
1405 gaming and any simulcast wagering operations accompanied by a certification by its chief legal
1406 officer that the submitted procedures conform to the provisions of this chapter and any
1407 regulations promulgated thereunder as well as a certification by its chief financial officer that the
1408 submitted procedures provide adequate and effective controls, establish a consistent overall

1409 system of internal procedures and administrative and accounting controls and conform to
1410 generally accepted accounting principles and any additional standards required by the
1411 commission. Each applicant shall make its submission at least 30 business days before such
1412 operations are to commence unless otherwise directed by the commission; provided, however,
1413 that no gaming licensee shall commence gaming operations or alter its minimum internal
1414 controls until such system of minimum controls is approved by the commission. The
1415 commission shall establish regulations for the information required in said internal control
1416 submission.

1417 Any proposed changes to a gaming licensee's system of internal procedures and controls
1418 shall be submitted to the commission along with 2 new certifications from its chief legal and
1419 financial officers. Pending no objections from the commission, the gaming licensee may make
1420 said changes 15 business days after submitting a description of the changes to the commission.

1421 (e) Gaming equipment shall not be possessed, maintained or exhibited by any person on
1422 the premises of a gaming establishment except in a gaming area approved by the commission or
1423 in a restricted area used for the inspection, repair or storage of such equipment and specifically
1424 designated for that purpose.

1425 (f) Each gaming facility shall contain a count room and such other secure facilities as
1426 may be required by the commission for the counting and storage of cash, coins, tokens, checks,
1427 plaques, gaming vouchers, coupons and other devices or items of value used in wagering and
1428 approved by the commission that are received in the conduct of gaming and for the inspection,
1429 counting and storage of dice, cards, chips and other representatives of value.

1430 (g) A dealer may accept tips or gratuities from a patron at the table game where such
1431 dealer is conducting play; provided, however, that such tips or gratuities shall be placed in a pool
1432 for distribution among other dealers. The commission shall determine how tips and gratuities
1433 shall be set aside for the dealer pool as well as the manner of distribution among dealers. No key
1434 gaming employee or gaming control employee, or any other gaming official who serves in a
1435 supervisory position shall solicit or accept, any tip or gratuity from any player or patron in the
1436 gaming establishment where the employee is employed.

1437 (h) No person under the age of 21 shall be permitted to wager or be in an area of a facility
1438 where gaming is conducted; provided, however, that a person 18 years or over of age who is a
1439 licensed employee of the gaming operation may be in an area of a facility where gaming is
1440 conducted if in the performance of the duties he is licensed to undertake.

1441 (i) No category 1 or category 2 licensee shall operate unless the establishment manager or
1442 his designee is on the premises and representatives of the commission are present at the
1443 establishment; provided, further that the commission may allow a gaming licensee to conduct
1444 gaming operations for a period not to exceed 48 hours pursuant to a duly filed emergency
1445 operations plan previously filed with, and approved by, the commission that addresses the
1446 internal procedures to be followed during such an emergency to ensure that the gaming licensee
1447 and its employees comply with all pertinent statutes and regulations.

1448 (j) Each gaming establishment shall file an emergency response plan with the fire
1449 department and police department of the host community which shall include without limitation:
1450 (1) a layout identifying all areas within the facility and grounds including support systems and
1451 the internal and external access routes; (2) the location and inventory of emergency response

1452 equipment and the contact information of the emergency response coordinator for the facility; (3)
1453 the location of any hazardous substances as well as a description of any public health or safety
1454 hazards present on site; (4) a description of any special equipment needed to respond to an
1455 emergency at the facility; (5) an evacuation plan; and (6) any other information relating to
1456 emergency response as requested by the fire department or the police department of the host
1457 community.

1458 Section 30. Notwithstanding any general or special law or rule or regulation to the
1459 contrary, the commission may grant, upon request of an applicant for a gaming license, a gaming
1460 beverage license for the sale and distribution of alcoholic beverages to be drunk on the premises
1461 of a gaming establishment. The alcoholic beverage control commission shall have the exclusive
1462 authority to enforce, regulate and control the distribution of alcoholic beverages in the gaming
1463 establishment.

1464 (2) Chapter 138 and the rules and regulations promulgated by the alcoholic beverages
1465 control commission shall apply to a gaming establishment and a gaming beverage license unless
1466 otherwise provided by this section.

1467 (4) A licensee under this section shall be permitted to distribute alcohol free of charge
1468 and for on-premise consumption to patrons in the gaming area or as a complimentary service or
1469 item in the gaming establishment; provided, however, that the commission shall promulgate
1470 regulations on such distribution as well as the forms of identification that may be presented to the
1471 licensee to demonstrate proof that a person has attained the age of 21.

1472 (5) The request submitted to the commission for a gaming beverage license by an
1473 applicant for a gaming license shall detail all areas where alcoholic beverages will be served

1474 within the gaming establishment. In issuing a gaming beverage license, the commission shall
1475 describe the scope of the particular license and any restrictions and limitations; provided,
1476 however, that the license shall not permit the sale or distribution of alcoholic beverages between
1477 the hours of 2 a.m. and 8 a.m.

1478 (7) A gaming beverage license shall be nontransferable without prior approval from the
1479 commission. If the license granted under this section is cancelled, revoked or no longer in use, it
1480 shall be returned physically, with all the legal rights, privileges and restrictions pertaining to the
1481 license, to the commission and the commission may then grant the license to a new gaming
1482 licensee under the same conditions as specified in this section.

1483 (8) A license granted under this section shall not decrease the number of such licenses
1484 authorized to be granted to the host community under chapter 138.

1485

1486 Section 31. (a) A gaming licensee shall be permitted to issue credit to a patron of a
1487 gaming establishment in accordance with regulations promulgated by the commission. Such
1488 regulations shall include, but not be limited to: (i) procedures for confirming that a patron has an
1489 established credit history and is in good standing; (ii) whether the patron has a good credit
1490 history with the gaming establishment; (iii) authorization of any credit instrument; (iv) methods
1491 for acknowledging a credit instrument and payment of debt; and (v) information to be provided
1492 by the patron to the gaming establishment to be shared with the commission for auditing
1493 purposes.

1494 (b) Except as otherwise authorized by the commission through regulations pursuant to
1495 this chapter, no establishment, nor any person acting on behalf of said establishment shall: (1)

1496 cash any check, make any loan, or otherwise provide or allow to any person any credit or
1497 advance of anything of value, or which represents value, to enable any person to place a wager;
1498 or (2) release or discharge any debt, either in whole or in part, or make any loan which represents
1499 any losses incurred by any player in gaming or simulcast wagering activity, without maintaining
1500 a written record of the release or discharge in accordance with the rules of the commission.
1501 Nothing in this section shall prohibit a facility from accepting credit cards for non-gaming
1502 related purchases or services.

1503 (c) Checks cashed in conformity with the requirements of this chapter shall be valid
1504 instruments enforceable under the laws of the commonwealth. Any check cashed, transferred,
1505 conveyed or given in violation of this chapter or regulations promulgated thereunder shall be
1506 invalid and unenforceable.

1507 (d) The commission shall establish, by regulation, procedures and standards for
1508 approving promotional gaming credits, provided that no such credit shall be reported as a
1509 promotional gaming credit by an operator of a licensed gaming establishment unless the operator
1510 can establish that the credit was issued by the gaming establishment and received from a patron
1511 as a wager at a slot machine in the gaming establishment, provided further that such promotional
1512 gaming credit shall not be taxable for the purposes of determining gross revenue.

1513 (e) No other person or entity, other than a gaming licensee licensed pursuant to this
1514 chapter, shall issue credit to a patron of a gaming establishment.

1515 (c 1/2) The commission shall, in consultation with the department of transitional
1516 assistance, the department of labor and workforce development, the department of housing and
1517 community development or the applicable administering agency, establish by regulation, under

1518 section 5, procedures and standards to prohibit an establishment or any person acting on behalf
1519 of an establishment from: (1) cashing a government-issued check; (2) from operating on its
1520 premises any credit card or ATM machine that would allow a patron to obtain cash from a
1521 government-issued Electronic Benefits Transfer Card; and (3) from extending or issuing credit to
1522 a patron of a gaming establishment who receives any form of income-based public assistance
1523 including, but not limited to, the Supplemental Nutrition Assistance Program, Temporary
1524 Assistance for Needy Families, Emergency Aid to Elders, Disabled and Children, public housing
1525 assistance, MassHealth and unemployment insurance. The procedures and standards established
1526 shall ensure the privacy of all patrons receiving public assistance.

1527 (f) A person may petition the commission to place his name on a list of persons to whom
1528 the extension of credit by a gaming establishment shall be prohibited. Any person filing such
1529 petition shall submit to the commission the person's name, address, and date of birth. The person
1530 shall not be required to provide a reason for said request. The commission shall provide this list
1531 to the credit department of each gaming establishment; provided, however, that neither the
1532 commission nor the credit department of a gaming establishment shall divulge the names on this
1533 list to any person or entity other than those provided for in this subsection. If such a person
1534 wishes to have their name removed from the list, the person shall petition the commission in
1535 accordance with procedures for removal set forth by the commission. If the commission
1536 approves the request, the commission shall so inform the credit department of the gaming
1537 establishments no later than 7 days after approving the request.

1538 (g) Debt collections pursuant to this section and regulations promulgated thereunder shall
1539 be limited to gaming key employees or attorneys acting directly on behalf of gaming licensees;

1540 provided further that a gaming key employee shall be prohibited from making any such
1541 collections if they serve as a junket representative for the gaming licensee.

1542 Section 32. (a) No junkets may be organized or permitted and no person may act as a
1543 junket representative or junket enterprise except as authorized by the commission pursuant to
1544 this chapter.

1545 (b) A junket representative employed by a gaming licensee or affiliate of said licensee
1546 shall be licensed as a gaming employee including provisions for the issuance of a temporary
1547 license; provided, however that said licensee need not be a resident of the commonwealth. Any
1548 person who holds a valid gaming employee license may act as a junket representative while
1549 employed by a gaming license or an affiliate. No gaming licensee shall employ or otherwise
1550 engage a junket representative who is not licensed pursuant to this chapter.

1551 (c) The commission shall deny an application for a license under this section if the
1552 commission finds that an applicant is disqualified pursuant to section 14 or may be unsuitable for
1553 licensure under any of the criteria set forth in section 18.

1554 (d) Each gaming licensee, junket representative or junket enterprise shall file a report
1555 with the bureau with respect to each list of junket patrons or potential junket patrons purchased
1556 directly or indirectly by the gaming licensee, junket representative or enterprise.

1557 (e) No junket enterprise or junket representative or person acting as a junket
1558 representative shall: (i) engage in efforts to collect upon checks that have been returned by banks
1559 without full and final payment; (ii) exercise approval authority with regard to the authorization or
1560 issuance of credit pursuant to this chapter; (iii) act on behalf of or under any arrangement with a
1561 gaming licensee or a gaming patron with regard to the redemption, consolidation, or substitution

1562 of the gaming patron's checks awaiting deposit; (iv) individually receive or retain any fee from a
1563 patron for the privilege of participating in a junket; or (v) pay for any services, including
1564 transportation, or other items of value provided to, or for the benefit of, any patron participating
1565 in a junket.

1566 Section 33. (a) No gaming licensee shall offer to provide any complimentary services,
1567 gifts, cash or other items of value to any person unless the complimentary consists of room, food,
1568 beverage, transportation, or entertainment expenses provided directly to the patron and his guests
1569 by the licensee or indirectly to the patron and his guests on behalf of a third party, or the
1570 complimentary consists of coins, tokens, cash or other complimentary items or services provided
1571 through a complimentary distribution program which shall be filed and approved by the
1572 commission upon the implementation of the program or maintained pursuant to regulation.

1573 (b) Gaming licensees shall submit quarterly reports to the board covering all
1574 complimentary services offered or engaged in by the licensee during the immediately preceding
1575 quarter. The reports shall identify regulated complimentary services and the costs of those
1576 services, the number of people who received each service or item and such other information as
1577 the board may require. The report shall also document any services or items valued in excess of
1578 \$2,000 that were provided to patrons, including detailed reasons as to why they were provided.

1579 (c) Complimentary services or items shall be valued in an amount based upon the retail
1580 price normally charged by the gaming licensee for the service or item. The value of a
1581 complimentary service or item not normally offered for sale by a gaming licensee or provided by
1582 a third party on behalf of a gaming licensee shall be the cost to the gaming licensee of providing
1583 the service or item, as determined under rules adopted by the commission.

1584 Section34. (a) Upon revocation or suspension of a gaming license or upon the failure or
1585 refusal to renew a gaming license the commission may appoint a conservator to temporarily
1586 manage and operate the business of the licensee relating to the gaming establishment. Such
1587 conservator shall be a person of similar experience in the field of gaming management and, in
1588 the case of replacing a gaming licensee, shall have experience operating a gaming establishment
1589 of similar caliber in another jurisdiction, and shall be in good standing in all jurisdictions in
1590 which the conservator operates operate any gaming establishment.

1591 Upon appointment, a conservator shall agree to all licensing provisions of the former
1592 licensee.

1593 (b) A conservator shall, before assuming , managerial or operational duties, execute and
1594 file a bond for the faithful performance of such duties payable to the commission with such
1595 surety and in such form and amount as the commission shall approve.

1596 (c) The commission shall require that the former or suspended licensee purchase liability
1597 insurance, in an amount determined by the commission, to protect a conservator from liability for
1598 any acts or omissions of the conservator during his appointment which are reasonably related to,
1599 and within the scope of the conservator's duties.

1600 (d) During the period of temporary management of the gaming establishment, the
1601 commission shall initiate proceedings pursuant to this chapter to award a new gaming license to
1602 a qualified applicant whose gaming establishment shall be located at the site of the preexisting
1603 gaming establishment.

1604 (e) Applicants for a new gaming license shall be qualified for licensure pursuant to this
1605 chapter; provided, however, that the commission shall determine an appropriate level of
1606 investment by an applicant into the preexisting gaming establishment.

1607 Section 35. (a) The bureau shall have the authority to issue orders requiring persons to
1608 cease any activity which violates this chapter, a regulation adopted hereunder, or any law related
1609 to gaming in the commonwealth. The bureau may, in its order, require compliance with such
1610 terms and conditions as are reasonably necessary to effectuate the purposes of this chapter.

1611 (b) If the bureau finds, that a person is not in compliance with any order issued pursuant
1612 to this section, it shall assess a civil administrative penalty on such person as provided in said
1613 section 35 and the regulations adopted thereunder. The penalty may be assessed whether or not
1614 the violation was willful. In determining the amount of the civil penalty, the bureau shall
1615 consider: (i) the nature of the violation; (ii) the length of time the violation occurred; (iii) the risk
1616 to the public and to the integrity of gaming operations created by the conduct of the person; (iv)
1617 the seriousness of the conduct of the person; (v) any justification or excuse for such conduct by
1618 the person; (vi) the prior history of the particular person involved with respect to gaming
1619 activity; (vii) any corrective action taken by the person to prevent future misconduct; (viii) and
1620 other relevant factors.

1621 (c) In addition to collecting any civil penalties recoverable under this chapter or any other
1622 general or special law, the bureau may bring an action in the superior court to restrain, prevent or
1623 enjoin any conduct prohibited by this chapter or to compel action to comply immediately and
1624 fully with any order issued by the bureau. Except in cases of emergency where, in the opinion of
1625 the court, immediate abatement of the unlawful conduct is required to protect the public interest,

1626 the court may in its decree fix a reasonable time during which the person responsible for the
1627 unlawful conduct may abate and correct the violation. The expense of the proceeding shall be
1628 recoverable from the subject of the proceeding.

1629 (d) Upon a recommendation from the bureau, the commission shall issue orders to
1630 condition, suspend or revoke a license or permit issued under this chapter.

1631 (e) the bureau shall issue an order to cease and desist any activity if the bureau finds that
1632 a licensee has engaged in or is about to engage in an act or practice which constitutes a violation
1633 of this chapter or laws of the commonwealth and may take such affirmative action to effectuate
1634 the order. If the bureau finds that the licensee is engaged in an act or practice that would cause
1635 irreparable harm to the security and integrity of the gaming establishment or the interests of the
1636 commonwealth in ensuring the security and integrity of gaming under this chapter, the bureau
1637 may issue a temporary suspension of the license.

1638 (f) Any licensee who has been issued a temporary order of suspension by the bureau shall
1639 be entitled to a hearing before the commission on such suspension within 7 days that the order
1640 was issued. At the conclusion of the hearing, the commission may issue a final order to
1641 condition, suspend or revoke the license in question.

1642 (g) Any licensee shall have the right to an adjudicatory hearing on an order issued by the
1643 bureau pursuant to chapter 30A.

1644 Section 45. (a) The commission shall, by regulation, shall provide for the establishment
1645 of a list of excluded persons who are to be excluded or ejected from a gaming establishment. In
1646 determining the list of excluded persons, the board may consider, but shall not be limited to:

1647 (1) whether a person has been convicted of a criminal offense under the laws of any state
1648 or the United States that is punishable by more than 6 months in prison, a crime of moral
1649 turpitude or a violation of the gaming laws of any state;

1650 (2) whether a person has violated or conspired to violate this chapter relating to:

1651 (i) failure to disclose an interest in a gaming establishment for which the person must
1652 obtain a license; or

1653 (ii) willful evasion of fees or taxes;

1654 (3) whether a person has a notorious or unsavory reputation which would adversely affect
1655 public confidence and trust that the gaming industry is free from criminal or corruptive elements;
1656 and

1657 (4) the potential of injurious threat to the interests of the commonwealth in the
1658 gaming establishment.

1659 (b) No person shall be placed on the list of excluded persons due to race, color, religion,
1660 national origin, ancestry, sexual orientation, disability or sex.

1661 (d) Whenever the board places a name on the list of excluded persons, the board shall
1662 serve written notice upon that person by personal service, registered or certified mail return
1663 receipt requested to the last ascertainable address, or by publication in a daily newspaper of
1664 general circulation for 1 week.

1665 (e)(1) Within 30 days of receipt of service by mail or 60 days after the last publication
1666 under subsection (d), a person placed on the list of excluded persons may request an adjudicatory
1667 hearing before the commission under chapter 30A and show cause as to why the person should

1668 be removed from the list of excluded persons. Failure to demand a hearing within the time
1669 allotted in this section shall preclude the person from having an administrative hearing, but in no
1670 way affect the person's right to petition for judicial review.

1671 (2) Upon receipt of a demand for hearing, the commission shall set a time and place for
1672 the hearing. This hearing shall be held not later than 30 days after receipt of the demand for the
1673 hearing, unless the time of the hearing is changed by agreement of the commission and the
1674 person demanding the hearing.

1675 (3) If, upon completion of the hearing, the commission determines that the person was
1676 wrongfully placed on the list of excluded persons, the commission shall remove the person's
1677 name from the list of excluded persons and notify all gaming licensees. A person aggrieved by a
1678 final decision of the commission in an adjudicatory proceeding under this section may petition
1679 for judicial review under section 14 of chapter 30A.

1680 (f) The board shall establish a list of self-excluded persons from gaming establishments.
1681 A person may request such person's name to be placed on the list of self-excluded persons by
1682 filing a statement with the board acknowledging that the person is a problem gambler and by
1683 agreeing that, during any period of voluntary exclusion, the person may not collect any winnings
1684 or recover any losses resulting from any gaming activity at a gaming establishment. The
1685 commission shall adopt further regulations, under section 5, for the self-excluded persons list
1686 including procedures for placement, removal and transmittal of such list to gaming
1687 establishments.

1688 (g) Gaming establishments shall not market to persons on the excluded persons list and
1689 shall deny access to complimentarys, check cashing privileges, club programs and other similar
1690 benefits to persons on the self-excluded persons list.

1691 (h) Notwithstanding any other law to the contrary, the self-excluded persons list shall not
1692 be open to public inspection. Nothing in this section, however, shall prohibit a gaming
1693 establishment from disclosing the identity of persons on the self-excluded persons list under this
1694 section to affiliated gaming establishments in this commonwealth or other jurisdictions for the
1695 limited purpose of assisting in the proper administration of responsible gaming programs
1696 operated by affiliated gaming establishments.

1697 Section 46. A gaming establishment offering a cashless wagering system shall allow
1698 individuals to monitor and impose betting limits on their cashless wagering. The gaming
1699 establishment shall allow individuals to set betting limits on their cashless wagering including,
1700 but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An
1701 individual may lower limits and increase limits; provided, that, the player shall not increase
1702 betting limits more than once in a 24 hour period. Upon request by an individual, the gaming
1703 establishment shall provide to that individual a statement of that individual's cashless wagering
1704 activity for any given time period including total bets, wins and losses. Activity under this
1705 section shall be monitored by the board. Individuals on the list of excluded persons or list of self-
1706 excluded persons shall not be permitted to participate in a cashless wagering system.

1707 Section 47. (a) No applicant for a gaming license, nor any holding, intermediary or
1708 subsidiary company thereof, nor any officer, director, gaming key employee or principal
1709 employee of an applicant for or holder of a gaming license or of any holding, intermediary or

1710 subsidiary company thereof nor any person or agent on behalf of any such applicant, holder,
1711 company or person, shall directly or indirectly, pay or contribute any money or thing of value to
1712 any candidate for nomination or election to any public office in the commonwealth or to any
1713 group, political party, committee or association organized in support of any such candidate or
1714 political party; except that the provisions of this section shall not be construed to prohibit any
1715 individual who is a candidate for public office from contributing to the candidate's own
1716 campaign.

1717 Section 48. All political contributions or contributions in kind made by an applicant for a
1718 gaming license to a municipality or a municipal employee, as defined in section 1 of chapter
1719 268A, of the host community of the applicant's proposed gaming establishment shall be
1720 disclosed, by the applicant, to the board and the city or town clerk of the host community. Such
1721 disclosure shall be made by the applicant bi-annually, on or before July 15 for the period
1722 covering January 1 through June 30 of that year and on or before January 15 for the period
1723 covering July 1 through December 31 of the preceding year. The office of campaign and
1724 political finance shall promulgate regulations to provide for timely and expeditious public
1725 reporting, which shall include electronic means or public posting in a city or town hall and post
1726 office, by city and town clerks of the contribution disclosures they receive from applicants.

1727 Section 56. A gaming establishment, including any business located within such
1728 establishment, shall not be a certified project within the meaning of section 3F of chapter 23A.
1729 Gaming establishments shall not be designated an economic opportunity area within the meaning
1730 of section 3E of chapter 23A. Gaming establishments are not eligible for tax increment financing
1731 as set forth in section 59 of chapter 40 or special tax assessments set forth in section 3E of
1732 chapter 23A. Gaming establishments may not be classified and taxed as recreational land under

1733 the provisions of chapter 61B. Gaming establishments may not be designated as a development
1734 district within the meaning of chapter 40Q. Unless otherwise provided, a gaming establishment
1735 or any business located or to be located within a gaming establishment is not eligible for the
1736 following credits or deductions listed in chapter 62 or chapter 63: the investment tax credit under
1737 section 31A of chapter 63, the employment credit under section 31C of chapter 63, the van pool
1738 credit under section 31E of chapter 63, the deduction for expenditures for industrial waste
1739 treatment or air pollution control under section 38D of chapter 63, the deduction for
1740 compensation paid to an eligible business facility's employees domiciled in a section of
1741 substantial poverty under section 38F of chapter 63, the film tax credit under subsection (l) of
1742 section 6 of chapter 62 and section 38X of chapter 63, the alternative energy sources deduction
1743 under section 38H of chapter 63, the research expense credit under section 38M of chapter 63,
1744 the economic opportunity area credit under section 6(g) of chapter 62, and section 38N of
1745 chapter 63, the abandoned building deduction under section 3B(a)(10) of chapter 62, and section
1746 38O of chapter 63, the harbor maintenance tax credit under section 38P of chapter 63, the
1747 brownfields credit under section 6(j) of chapter 62, and section 38Q of chapter 63, the historic
1748 rehabilitation tax credit under section 6J of chapter 62 and section 38R of chapter 63, the
1749 automatic sprinkler system depreciation deduction under section 38S of chapter 63, and the
1750 credit for a solar water heating system under section 38T of chapter 63.

1751 Section 57 The sale, assignment, transfer, pledge or other disposition of any security
1752 issued by a corporation, which holds a gaming license is conditional and shall be ineffective if
1753 disapproved by the commission. If at any time the commission finds that an individual owner or
1754 holder of any security of a corporate licensee or of a holding or intermediary company with
1755 respect thereto is not qualified under this chapter, and if as a result the corporate licensee is no

1756 longer qualified to continue as a gaming licensee in the commonwealth, the commission shall
1757 take any action necessary to protect the interests of the commonwealth including, but not limited
1758 to, suspension or revocation of the gaming license of the corporation.

1759 Each corporation which has been issued a gaming license pursuant to the provisions of
1760 this chapter shall file a report of any change of its corporate officers or members of its board of
1761 directors with the commission. No officer or director shall be entitled to exercise any powers of
1762 office until qualified by the commission.

1763 Section 58. The commission shall audit as often as the commission determines
1764 necessary, but not less than annually, the accounts, programs, activities, and functions of all
1765 licensees, and for said purpose the authorized officers and employees of the commission shall
1766 have access to such accounts at reasonable times and the commission may require the production
1767 of books, documents, vouchers and other records relating to any matter within the scope of such
1768 audit, except tax returns. The superior court shall have jurisdiction to enforce the production of
1769 records that the commission requires to be produced pursuant to this section, and the court shall
1770 order the production of all such records within the scope of any such audit. All such audits shall
1771 be conducted in accordance with generally accepted auditing standards established by the
1772 American Institute of Certified Public Accountants. In any audit report of the accounts, funds,
1773 programs, activities, and functions of a licensee issued by the commission, containing adverse or
1774 critical audit results, the commission may require a response, in writing, to such audit results.
1775 Such response shall be forwarded to the commission within 15 days of notification by the
1776 commission.

1777 On or before April 1 of each year, the commission shall submit a report to the clerks of
1778 the house of representatives and the senate who shall forward the same to the house and senate
1779 committees on ways and means which shall include, but not be limited to: (i) the number of
1780 audits performed under this section; (ii) a summary of findings under said audits; and (iii) the
1781 cost of each audit.

1782 Section 59. Unless the commission otherwise determines it to be in the best fiscal
1783 interests of the commonwealth, the commission shall utilize the services of a independent testing
1784 laboratory that has obtained a license as a gaming vendor to perform the testing of slot machines
1785 and other gaming equipment, and may also utilize applicable data from any such independent
1786 testing laboratory, or from a governmental agency of a state other than the Massachusetts,
1787 authorized to regulate slot machines and other gaming equipment.

1788 Section 45. Live entertainment in an entertainment venue in the gaming establishment
1789 with more than 1,000 seats shall require approval by the board. A gaming establishment shall
1790 submit information regarding a planned performance for live entertainment in an entertainment
1791 venue in the gaming establishment with more than 1,000 seats to the board not less than 3
1792 months prior to the performance. The board shall submit this information to the subcommittee on
1793 cultural facilities as established in subsection (b) of section 46 for a recommendation on whether
1794 to approve or deny the performance. The subcommittee may also make recommendations as to
1795 whether the performance should be approved under certain conditions, which may include, but
1796 not be limited to, a contract term requiring the live entertainment performer to perform another
1797 show in the commonwealth, not at a gaming establishment, within 6 months of performing at the
1798 gaming establishment. If the board deviates from the subcommittee's recommendation, the board
1799 shall state its reasons for doing so in writing.

1800 Section 60 The commission shall continue to evaluate the progress of federally
1801 recognized tribes in the commonwealth as they proceed with any applications to place land into
1802 trust for the purposes of tribal economic development. The commission shall determine whether
1803 it would be in the best interest of the commonwealth to enter into any negotiations with said
1804 tribes for the purposes of establishing Class III gaming on tribal land and shall submit reports as
1805 it deems necessary, but not less than once a year, to the governor and the clerks of the senate and
1806 house of representatives detailing any land in trust issues as well as the financing capabilities of a
1807 proposed tribal casino.

1808 Section 46. (a) There shall be a gaming policy advisory committee consisting of 14
1809 members: 1 of whom shall be the governor, or the governor's designee, who shall serve as chair;
1810 1 of whom shall be the chair of the commission; 1 of whom shall be the chair of the board; 1 of
1811 whom shall be the senate president or the president's designee; 1 of whom shall be the speaker of
1812 the house of representatives or the speaker's designee; 1 of whom shall be the commissioner of
1813 public health or the commissioner's designee; and 7 of whom shall be appointed by the governor,
1814 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a
1815 federally recognized Native American tribe in the commonwealth, 1 of whom shall be a
1816 representative of organized labor and 3 of whom shall be appointed from the vicinity of each
1817 gaming establishment, as defined by host community and surrounding community, upon
1818 determination of the licensee and site location by the commission. The committee shall designate
1819 subcommittees to examine community mitigation, compulsive gambling and gaming impacts on
1820 cultural and tourism. Members of the committee shall serve for 2 year terms. The committee
1821 shall meet at least once annually for the purpose of discussing matters of gaming policy. The

1822 recommendations of the committee concerning gaming policy made under this section are
1823 advisory and shall not be binding on the commission and board.

1824 (b) There shall be a subcommittee on cultural facilities under the gaming policy advisory
1825 committee consisting of 5 members: 1 of whom shall be a representative of the Massachusetts
1826 performing arts center coalition; 1 of whom shall be a representative from the Massachusetts
1827 cultural council; 1 of whom shall be a representative of the board; and 2 of whom shall be
1828 appointed by the governor, 1 of whom shall have professional experience in the gaming
1829 entertainment booking industry and 1 of whom shall be a representative of organized labor. The
1830 subcommittee shall develop recommendations for regulations to be developed by the board to
1831 address cultural mitigation including, but not limited to, the relationship between gaming
1832 entertainment venues and currently existing performing arts centers in the commonwealth and
1833 standards for granting waivers of the requirements in section 45.

1834 (c) There shall be a subcommittee on community mitigation under the gaming policy
1835 advisory committee consisting of 7 members: 1 of whom shall be appointed from the host
1836 community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of
1837 whom shall be appointed from the host community in region 3; 1 of whom shall be a
1838 representative from the department of revenue's division of local services; 1 of whom shall be a
1839 representative of the board; 1 of whom shall be appointed by the governor and have professional
1840 experience in community mitigation related to gaming; and 1 of whom shall be a representative
1841 from the Massachusetts municipal association. The subcommittee shall develop
1842 recommendations to be considered by the board to address issues of community mitigation as a
1843 result of the development of gaming establishments in the commonwealth, including, but not
1844 limited to: how funds may be expended from the Community Mitigation Fund, the impact of

1845 gaming establishments on the host community as well as surrounding communities including,
1846 but not limited to, the impact on local resources as a result of new housing construction and
1847 potential necessary changes to affordable housing laws, increased education costs and curriculum
1848 changes due to population changes in the region, development and maintenance of infrastructure
1849 related to increased population and utilization in the region and public safety impacts resulting
1850 from the facility and how to address that impact. The subcommittee shall receive input from
1851 local community mitigation advisory committees. The subcommittee shall review annually the
1852 expenditure of funds from the Community Mitigation Fund and make recommendations to the
1853 board relative to appropriate and necessary use of community mitigation funds. The commission
1854 shall promulgate such regulations as advised by the subcommittee.

1855 (d) There shall be a subcommittee on addiction services under the gaming policy
1856 advisory committee consisting of 5 members: 1 of whom shall be a representative from the
1857 department of public health's bureau of substance abuse services; 1 of whom shall be a
1858 representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall
1859 be a representative of the board; and 2 of whom shall be appointed by the governor with
1860 professional experience in the area of gambling addictions. The subcommittee shall develop
1861 recommendations for regulations to be developed by the board to address issues related to
1862 addiction services as a result of the development of gaming establishments in the
1863 commonwealth, including by not limited to, prevention and intervention strategies.

1864 (e) There shall be a subcommittee on public safety under the gaming policy advisory
1865 committee consisting of 7 members: 1 of whom shall be a member of the board; 1 of whom shall
1866 be the secretary of the executive office of public safety or the secretary's designee; 1 of whom
1867 shall be the attorney general or the attorney general's designee; 1 of whom shall be a

1868 representative from the Massachusetts District Attorneys Association; 1 of whom shall be the
1869 colonel of the state police or the colonel's designee; 1 of whom shall be a representative from the
1870 Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of a public
1871 safety labor union. The subcommittee shall develop recommendations for regulations to be
1872 developed by the board to address public safety issues as a result of the development of gaming
1873 establishments in the commonwealth, including but not limited to, how to mitigate the impact of
1874 gaming establishments on crimes committed in the commonwealth. The subcommittee shall also
1875 study the impact of gaming establishments on all aspects of public safety in the commonwealth.

1876 (f) Each region, as defined in section 17, may establish a local community mitigation
1877 advisory committee, which shall include not fewer than 6 members: 1 of whom shall be
1878 appointed by each of the host and surrounding communities; 1 of whom shall be appointed by
1879 each regional planning agency to which at least 1 of the host or surrounding communities
1880 belongs; and 4 of whom shall be appointed by the board, of whom at least 1 shall represent a
1881 chamber of commerce in the region, 1 shall represent a regional economic development
1882 organization in the region, and 2 shall represent human service providers in the region. Each
1883 local committee shall annually elect a chair and such other officers as it deems necessary to carry
1884 out its duties.

1885 Each local committee may provide information and develop recommendations for the
1886 subcommittee on community mitigation on any issues related to the gaming establishment
1887 located in its region including, but not limited to: issues of community mitigation; how funds
1888 may be expended from the community mitigation fund; and the impact of the gaming
1889 establishments on the host and surrounding communities. Additionally, each local committee

1890 may present information to the commission or board, consistent with the rules of the commission
1891 or board, on any issues related to the gaming establishment located in its region.

1892 Section 60. The board shall report monthly to the governor, the attorney general, the
1893 senate and house committees on ways and means and the chairs of the joint committee on
1894 revenue the total gaming revenues, prize disbursements and other expenses for the preceding
1895 month and shall make an annual report to the same recipients which shall include a full and
1896 complete statement of gaming revenues, prize disbursements and other expenses, including such
1897 recommendations as the board considers necessary or advisable. The board shall report
1898 immediately to the governor, the attorney general, the senate and house committees on ways and
1899 means and the chairs of the joint committee on revenue any matter which requires immediate
1900 changes in the laws of the commonwealth in order to prevent abuses or evasions of the laws,
1901 rules or regulations related to gaming or to rectify undesirable conditions in connection with the
1902 administration or operation of gaming in the commonwealth.

1903 Section 62. The commission shall annually submit a complete and detailed report of the
1904 commission's activities within 90 days after the end of the fiscal year to the clerk of the house of
1905 representatives, the clerk of the senate, the chairs of the joint committee on economic
1906 development and emerging technologies and the chairs of the house and senate committees on
1907 ways and means.

1908 SECTION 14. Section 62 of chapter 23K of the General Laws is hereby repealed.

1909 SECTION 15. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby
1910 amended by inserting after the word "connector", in line 211, the following words:- , the

1911 Massachusetts Gaming Commission.,SECTION 16. Section 2 of chapter 32A of the General

1912 Laws, as so appearing, is hereby amended by inserting after the word “authority”, in line 12, the
1913 following words:- , the Massachusetts gaming commission.

1914 SECTION 17. Section 94 of chapter 41 of the General Laws, as so appearing, is hereby
1915 amended by inserting after the word “and”, in line 7, the first time it appears, the following word:
1916 illegal.

1917 SECTION 18. Section 7A of chapter 55 of the General Laws, as so appearing, is hereby
1918 amended by adding the following subsection:-

1919 (c) The aggregate of all contributions by a person who holds a valid license issued by the
1920 Massachusetts gaming commission, who was required to apply for that license under section 10
1921 of chapter 23K, for the benefit of any 1 candidate and such candidate’s committee shall not
1922 exceed \$200 in any 1 calendar year. The aggregate of all contributions by a person who holds a
1923 valid license issued by the Massachusetts gaming commission, who was required to apply for
1924 that license under section 10 of chapter 23K, for the benefit of any other political committee,
1925 other than a ballot question committee, shall not exceed \$200 in any 1 calendar year.

1926 SECTION 19. Section 18D of chapter 58 of the General Laws is hereby repealed

1927 SECTION 20. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby
1928 amended by inserting after the word “Lottery”, in line 355, the following words:- and Gaming.

1929 SECTION 21. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby
1930 amended by striking out, in line 99, the words “or dog”.

1931 SECTION 22. Said section 2 of said chapter 128, as so appearing, is hereby further
1932 amended by striking out subsection (i).

1933 SECTION 23. Section 1 of chapter 128A of the General Laws, as so appearing, is hereby
1934 amended by striking out, in line 6, the words “state racing commission” and inserting in place
1935 thereof the following words:- Massachusetts gaming commission established pursuant to chapter
1936 23K.

1937 SECTION 24. Chapter 128A of the General Laws is hereby repealed.

1938 SECTION 25. Section 1 of chapter 128C of the General Laws, as appearing in the 2008
1939 Official Edition, is hereby amended by striking out, in line 12, the words “state racing
1940 commission” and inserting in place thereof the following words:- Massachusetts gaming
1941 commission established pursuant to chapter 23K.

1942 SECTION 26. Said chapter 128C of the General Laws is hereby repealed.

1943 SECTION 27. Section 1 of chapter 137 of the General Laws, as appearing in the 2008
1944 Official Edition, is hereby amended by inserting after the words “gaming,” in line 2, the
1945 following words:- ,except for gaming conducted in licensed gaming establishments pursuant to
1946 chapter 23K.

1947 SECTION 28. Section 2 of said chapter 137, as so appearing, is hereby amended by
1948 striking out, in line 2, the word “where” and inserting in place thereof the following words:- ,
1949 except for an owner or operator of a licensed gaming establishment pursuant to chapter 23K,
1950 where.

1951 SECTION 29. Section 3 of said chapter 137, as so appearing, is hereby amended by
1952 inserting after the words “betting,” in line 5, the following words:- , except for legalized gaming
1953 conducted pursuant to chapter 23K.

1954 SECTION 30. Section 18 of chapter 139 of the General Laws, as so appearing, is hereby
1955 amended by inserting after the word “of”, in line 6, the word:- illegal.

1956 SECTION 31. Section 177A of chapter 140 of the General Laws, as so appearing, is
1957 hereby amended by inserting after the word “machines”, in line 12, the following words:- , and
1958 excluding slot machines as defined by chapter 23K.

1959 SECTION 32. Section 26A of chapter 180 of the General Laws, as so appearing, is
1960 hereby amended by striking out, in lines 4 and 16, the following words “ or dog”.

1961 SECTION 38A. Section 6 of chapter 268B, as appearing in section 95 of chapter 28 of
1962 the acts of 2009, is hereby amended by adding the following paragraph:-

1963 “For the purposes of this section, any person who holds a license issued by the
1964 Massachusetts gaming commission, who was required to apply for that license under section 10
1965 of chapter 23K, shall be considered a legislative agent.

1966 SECTION 33. Section 1 of chapter 271 of the General Laws, as appearing in the 2008
1967 Official Edition, is hereby amended by inserting after the word “gaming”, in lines 3 and 4, the
1968 following words:- ,except as permitted under chapter 23K.

1969 SECTION 34. Section 2 of said chapter 271, as so appearing, is hereby amended by
1970 inserting after the words “playing”, in line 4, the following words:- ,except as permitted under
1971 chapter 23K.

1972 SECTION 35. Section 3 of said chapter 271, as so appearing, is hereby amended by
1973 inserting after the words “gaming”, in line 3, the following words:- ,except as permitted under
1974 chapter 23K.

1975 SECTION 36. Section 5 of said chapter 271, as so appearing, is hereby amended by
1976 inserting after the words “thing,” in line 7, the following words:- except as permitted under
1977 chapter 23K.

1978 SECTION 37. The second paragraph of section 5A of chapter 271, as so appearing, is
1979 hereby amended by adding the following sentence:- This section shall not apply to persons who
1980 manufacture, transport, sell, offer for sale, store, display, repair, recondition, possess or use any
1981 gambling device or parts for use in such a device for licensed gaming conducted under chapter
1982 23K.

1983 SECTION 38. Section 6 of said chapter 271, as so appearing, is hereby amended by
1984 striking out, in lines 3 and 4, the words “gambling or unlawful game” and inserting in place
1985 thereof the words:- illegal gaming.

1986 SECTION 39. Section 7 of said chapter 271, as so appearing, is hereby amended by
1987 inserting after the word “device”, in line 7, the first time it appears, the following words:- that is
1988 taking place in a legalized gaming establishment pursuant to chapter 23K,.

1989 SECTION 40. Section 14 of said chapter 271, as so appearing, is hereby further amended
1990 by inserting after the word “ by”, in line 3, the first time it appears, the following words:- illegal
1991 gaming, including games of.

1992 SECTION 41. Section 16A of said chapter 271, as so appearing, is hereby amended by
1993 inserting after the word “wagerers”, in line 14, the following words:- or to persons who organize,
1994 supervise, manage or finance persons for the purpose of gaming conducted under chapter 23K.

1995 SECTION 42. Section 17 of said chapter 271, as so appearing, is hereby amended by
1996 adding the following sentence:-

1997 This section shall not apply to persons who organize, supervise, manage or finance
1998 persons for the purpose of gaming conducted under chapter 23K.

1999 SECTION 43. Section 19 of said chapter 271, as so appearing, is hereby amended by
2000 inserting after the word “hazard”, in line 16, the following words:- ; provided, however, that this
2001 section shall not apply to advertising of legalized gaming conducted pursuant to chapter 23K.

2002 SECTION 44. Section 20 of said chapter 271, as so appearing, is hereby amended by
2003 adding the following sentence:- Nothing in this section shall prohibit a gaming establishment
2004 licensed under chapter 23K from posting or exposing materials relevant to its gaming operations.

2005 SECTION 45. Section 22 of said chapter 271, as so appearing, is hereby amended by
2006 inserting after the word “ of”, in line 6, the third time it appears, the following word:- illegal.

2007 SECTION 46. Section 23 of said chapter 271, as so appearing, is hereby amended by
2008 inserting after the word “for”, in line 28, the following words:-; provided, however, that such
2009 provision shall not apply to legalized gaming conducted pursuant chapter 23K.

2010 SECTION 47. Section 28 of said chapter 271, as so appearing, is hereby amended by
2011 inserting after the word “of”, in line 3, the third time it appears, the following word:- illegal.

2012 SECTION 48. Section 31 of said chapter 271, as so appearing, is hereby amended by
2013 inserting after the word “both”, in line 8, the following words:- ;provided, however, that this
2014 section shall not apply to legalized racing conducted pursuant to chapter 23K.

2015 SECTION 49. Section 39 of chapter 272 of the General Laws, as appearing in the 2008
2016 Official Edition, is hereby amended by inserting after the word “in”, in line 7, the following
2017 word:- illegal.

2018 SECTION 50. Section 13 of chapter 494 of the acts of 1978, as most recently amended
2019 by section 2 of chapter 114 of the acts of 1991, is hereby amended by striking out clause (c).

2020 SECTION 51. Clause (d) of said section 13 of said chapter 494, as appearing in said
2021 section 2 of said chapter 114, is hereby amended by striking out, in line 21, the words “(b) or (c
2022)” and inserting in place thereof the following words:- and (b).

2023 SECTION 52. Said section 13 of said chapter 494, as most recently amended by said
2024 section 2 of said chapter 114, is hereby further amended by striking out subsection (f)

2025 SECTION 53. The first paragraph of section 12A of chapter 494 of the acts of 1978 is
2026 hereby amended by striking out the words “and until July 31, 2010”, inserted by section 1 of
2027 chapter 167 of the acts of 2009, and inserting in place thereof the following words:- December
2028 31, 2013.

2029 SECTION 54. The last paragraph of said section 12A of said chapter 494 is hereby
2030 amended by striking out the words “July 31, 2010”, inserted by section 2 of said chapter 167, and
2031 inserting in place thereof the following words:- December 31, 2013.

2032 SECTION 55. The introductory paragraph of section 13 of said chapter 494 is hereby
2033 amended by striking out the words “and until July 31, 2010”, inserted by section 3 of said
2034 chapter 167, and inserting in place thereof the following words:- and until December 31,

2035 2013. SECTION 56. Section 15 of said chapter 494 is hereby amended by striking out the words

2036 “and until July 31, 2010”, inserted by section 4 of said chapter 167, and inserting in place thereof
2037 the following words:- and until December 31, 2013.SECTION 57. The first paragraph of section
2038 9 of chapter 277 of the acts of 1986 is hereby amended by striking out the words “and until July
2039 31, 2010”, inserted by section 5 of said chapter 167, and inserting in place thereof the following
2040 words:- and until December 31, 2013.SECTION 58. The first sentence of the first paragraph of
2041 section 3 of chapter 114 of the acts of 1991 is hereby amended by striking out the words “and
2042 until July 31, 2010”, inserted by section 6 of said chapter 167, and inserting in place thereof the
2043 following words:- and until December 31, 2013.SECTION 59. The last paragraph of said
2044 section 3 of said chapter 114 is hereby amended by striking out the words “July 31, 2010”,
2045 inserted by section 7 of said chapter 167, and inserting in place thereof the following words:-
2046 December 31, 2013. SECTION 60. The first paragraph of section 4 of said chapter 114 is
2047 hereby amended by striking out the words “and until July 31, 2010”, inserted by section 8 of said
2048 chapter 167, and inserting in place thereof the following words:- and until December 31,
2049 2013.SECTION 61. The last paragraph of said section 4 of said chapter 114 is hereby amended
2050 by striking out the words “July 31, 2010”, inserted by section 9 of said chapter 167, and inserting
2051 in place thereof the following words:- December 31, 2013.SECTION 62. The first paragraph of
2052 section 5 of said chapter 114 is hereby amended by striking out the words “and until July 31,
2053 2010”, inserted by section 10 of said chapter 167, and inserting in place thereof the following
2054 words:- and until December 31, 2013.SECTION 63. Section 13 of chapter 101 of the acts of
2055 1992 is hereby amended by striking out the words “July 31, 2010”, inserted by section 11 of said
2056 chapter 167, and inserting in place thereof the following words:- December 31, 2013.SECTION
2057 64. Section 45 of chapter 139 of the acts of 2001 is hereby amended by striking out the words

2058 “July 31, 2010”, inserted by section 12 of said chapter 167, and inserting in place thereof the
2059 following words:- December 31, 2013.

2060 SECTION 65. The second paragraph of section 2 of chapter 266 of the acts of 2002 is
2061 hereby amended by striking out the first sentence and inserting in place thereof the following
2062 sentence:- The Fall River Redevelopment Authority may develop the land for commercial,
2063 industrial and other economic development purposes, but expressly excluding any use of the land
2064 for landfill related purposes, without the necessity of adopting or adhering to an urban renewal
2065 plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to the land
2066 the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for
2067 land and structures and other property within an urban renewal project as defined by section 1 of
2068 said chapter 121B.

2069 SECTION 66. Section 7 of said chapter 266 is hereby repealed.

2070 SECTION 67. Section 20 of chapter 449 of the acts of 2006 is hereby amended by
2071 striking out the words “July 31, 2010”, inserted by section 13 of said chapter 167, and inserting
2072 in place thereof the following words:- December 31, 2013.

2073 SECTION 68. Section 24 of chapter 167 of the acts of 2009 is hereby amended by
2074 striking out the words “July 31, 2010” and inserting in place thereof the following words:- July
2075 31, 2012.

2076 SECTION 69. Notwithstanding any general or special law to the contrary, in making
2077 initial appointments to the board of directors of the Massachusetts gaming commission
2078 established pursuant to section 3 of chapter 23K of the General Laws, the governor, the attorney
2079 general and the treasurer and receiver general, by majority agreement, shall appoint 1

2080 commissioner to serve for a term of 3 years and 1 commissioner to serve for a term of 4 years,
2081 the commissioner appointed by the treasurer and receiver general shall serve for a term of 5
2082 years, the commissioner appointed by the attorney general shall serve for a term of 6 years, and
2083 the commissioner appointed by the governor shall serve for a term of 7 years.

2084 SECTION 70. The executive director of the Massachusetts gaming commission shall
2085 consider current employees of the state racing commission as eligible for employment with the
2086 commission and shall, subject to all other requirements and conditions of employment under
2087 chapter 23K of the General Laws, give preference to such individuals when making employment
2088 decisions.

2089 SECTION 71 . A gaming licensee awarded a gaming license under section 16 of chapter
2090 23K of the General Laws shall show preference in hiring to any qualified persons permanently
2091 employed as of June 1, 2010 at a facility authorized to conduct simulcasting under chapter 128C
2092 of the General Laws that is in operation on June 1, 2010 within the region for which the gaming
2093 license was granted if the facility authorized to conduct simulcasting terminates operation within
2094 1 year of the Massachusetts gaming commission awarding the gaming license, subject to all
2095 other requirements and conditions of employment under said chapter 23K; provided that said
2096 facility authorized to conduct simulcasting shall provide employment data on the number, names
2097 and addresses of employees in permanent employment with said facility as of June 1, 2010 to the
2098 commission to assist the gaming licensee in meeting this obligation.

2099 SECTION 72. (a) Notwithstanding any general or special law, rule or regulation to the
2100 contrary, a contract negotiated by the governor under this section may waive the requirement that
2101 a gaming license granted under section 17 of chapter 23K of the General Laws be renewed.

2102 (b) Notwithstanding any general or special law, rule or regulation to the contrary, the
2103 governor may enter into a gaming contract with a federally recognized Native American tribe in
2104 the commonwealth.

2105 (c) If the governor enters into a gaming contract, it shall include, but not be limited to, the
2106 following terms:

2107 (i) the tribe shall be subject to all laws, statutes, and bylaws of the
2108 commonwealth, the host community and any other properly constituted legal body, including
2109 chapter 23K of the General Laws; provided, however, that a fair and comparable payment in lieu
2110 of taxes may be substituted for any tax or fee required by the commonwealth; and

2111 (ii) if the tribe receives or has received a license to operate a gaming
2112 establishment under said chapter 23K, the governor shall support the tribe's application to obtain
2113 lands in trust on the site of the gaming establishment.

2114 (d) The contract may include, but shall not be limited to, the following terms:

2115 a grant of permanent exclusivity in the applicable region if the tribe receives a license to
2116 operate a gaming establishment under said chapter 23K; and

2117 a waiver of the requirement that a gaming establishment license granted under section 17
2118 of said chapter 23K be renewed.

2119 (e) If the contract includes either term in subsection (d), the contract shall also include an
2120 agreement that permanent regional exclusivity or a waiver of the license renewal requirement
2121 constitutes significant value.

2122 SECTION 73. The governing body of a host community which has adopted the
2123 provisions of chapter 43D shall file a proposal with the interagency permitting board to designate
2124 the site proposed for a category 1 facility as priority development site. In a community which
2125 has not adopted the provisions of chapter 43D, the planning board shall designate a local
2126 permitting ombudsman, who shall be a planning board member or a member of the planning
2127 board's professional staff, to help coordinate and expedite local permitting of the category 1
2128 facility.

2129 SECTION 74. Notwithstanding any general or special law, rule or regulation to the
2130 contrary, gaming operations shall supply the Massachusetts gaming commission, hereinafter the
2131 commission, with customer tracking data collected or generated by loyalty programs, player
2132 tracking software, player card systems, online gambling transactions and any other such
2133 information system. The commission shall contract with an experienced non-profit research
2134 entity to develop an anonymizing system that automatically removes from the data: (a)
2135 personally identifying information, including player name, street address, bank or credit
2136 information and last four zip code digits, in compliance with section 2 of chapter 93H of the
2137 General Laws; and (b) game identifying information, including game name and device
2138 manufacturing company, in protection of corporate intellectual property. The data shall retain
2139 information on player characteristics, including, but not limited to, gender, age and region of
2140 residence, player behavior, including, but not limited to, frequency of play, length of play, speed
2141 of play, denomination of play, amounts wagered and, if applicable, number of lines or hands
2142 played and characteristics of games played, including, but not limited to, reel configuration,
2143 RTP, volatility index and denomination. The commission shall convey the anonymized data to
2144 the Inter-University Consortium for Political and Social Research (ICPSR), which operates to

2145 archive and make available public-use files for the social science research community. ICPSR
2146 will make the data available to qualified researchers for the purposes of: (1) conducting analyses
2147 that improve understanding of how gambling addiction develops and progresses; (2) developing
2148 evidence-based harm minimization strategies; and (3) developing evidence-based systems to
2149 monitor, detect and intervene in high-risk gambling. The commission will be responsible for
2150 requesting reports on researcher analyses of the behavioral data, which could inform suggestions
2151 to the Legislature on more effective regulation of state gambling operations. The commission
2152 may directly initiate studies assessing the effectiveness of any specific measures, programs or
2153 interventions which the commonwealth puts in place in gaming operations and which might be
2154 illuminated through the behavioral data in question.

2155 SECTION 75. (a) Notwithstanding any general or special law to the contrary, the
2156 commissioner of capital asset management and maintenance in consultation with department of
2157 conservation and recreation, shall execute and deliver in recordable form to the Fall River
2158 Redevelopment Authority an amendment to the release deed dated January 22, 2009 and
2159 recorded in book 07124, page 95 in the Bristol county Fall River district registry of deeds which
2160 shall incorporate the changes to chapter 266 of the acts of 2002 in section 62A and section 62B
2161 of this act.

2162 (b) The division of capital asset management and maintenance shall execute and deliver a
2163 release or termination of any other documentation which reflects a restriction in section 2 of said
2164 chapter 266 prior to the effective date of this section. Such restrictions shall be fully released
2165 from the subject property. The division of capital asset management and maintenance shall
2166 execute any other documentation reasonably requested by the Fall River Redevelopment

2167 Authority or any successor or assignee to effectuate said chapter 266 as amended by sections
2168 62A, 62B, and 72E..

2169 SECTION 76. Pursuant to section 2 of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1177,
2170 approved January 2, 1951, the commonwealth, acting by and through duly elected and qualified
2171 members of the general court, does declare and proclaim that the commonwealth shall be exempt
2172 from the provisions of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171 to 1178 for any gambling
2173 device authorized for use and transport under chapter 23K of the General Laws and any
2174 regulations promulgated thereunder.

2175 SECTION 77. All shipments of gambling devices into the commonwealth, including slot
2176 machines, the registering, recording and labeling of which has been duly had by the
2177 manufacturer or dealer thereof in accordance with sections 3 and 4 of an Act of Congress of the
2178 United States entitled "An act to prohibit transportation of gambling devices in interstate and
2179 foreign commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134, and also
2180 designated as 15 USC §§ 1171-1177 , shall be deemed legal shipments thereof into this
2181 commonwealth.

2182 SECTION 78. Notwithstanding any general or special law to the contrary, the
2183 Massachusetts gaming commission shall analyze the pari-mutuel and simulcasting statutes in
2184 effect as of the effective date of this act. Said analysis shall include a review of the efficacy of
2185 said statutes and the need to replace said statutes pursuant to the sunset of chapters 128A and
2186 128C of the General Laws established under this act. Said review shall not include a review of
2187 whether to increase the number of running horse, harness horse or greyhound racing meeting
2188 licensees. Said commission shall report its finding together with legislation, if any, to the clerks

2189 of the house of representatives and senate and to the chairs of the joint committee on economic
2190 development and emerging technologies no later than January 1, 2013.

2191 SECTION 79. Section 69 is hereby repealed.

2192 SECTION 80. Section 14 shall take effect on December 31, 2015.

2193 SECTION 81. Section 73 shall take effect on June 30, 2011.

2194 SECTION 82. Section 25 and 27 of this act shall take effect on July 31, 2014.

2195 SECTION 83. (a) Notwithstanding any general or special law, rule or regulation to the
2196 contrary, the requirement that a gaming license granted under section 17 of chapter 23K of the
2197 General Laws be renewed shall not apply to a party that has negotiated a contract with the
2198 governor under this section.

2199 (b) Notwithstanding any general or special law, rule or regulation to the contrary, the
2200 governor may enter into a contract with a federally recognized Native American tribe in the
2201 commonwealth.

2202 (c) If the governor enters into a contract, it shall include, but not be limited to, the
2203 following terms:

2204 the tribe shall be subject to all laws, statutes, and bylaws of the commonwealth, the host
2205 community and any other properly constituted legal body, including chapter 23K of the General
2206 Laws; provided, however, that a fair and comparable payment in lieu of taxes may be substituted
2207 for any tax or fee required by the commonwealth; and

2208 if the tribe receives or has received a license to operate a gaming establishment under
2209 said chapter 23K, the governor shall support the tribe's application to obtain lands in trust on the
2210 site of the gaming establishment.

2211 (d) The Governor shall seek legal consultation in entering into this contract from an
2212 expert in Indian Gaming Law.

2213 SECTION 84. Section 83 is hereby repealed.

2214 SECTION 85. Section 84 shall take effect on June 30, 2011.