

**SENATE . . . . . No. 2215**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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An Act Text of the Senate amendment, printed as amended, relative to extending simulcasting.

*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. The first paragraph of section 12A of chapter 494 of the acts of 1978 is  
2 hereby amended by striking out the words “and until December 31, 2009”, inserted by section 1  
3 of chapter 290 of the acts of 2008, and inserting in place thereof the following words:- and until  
4 July 31, 2010.

5           SECTION 2. The last paragraph of said section 12A of said chapter 494 is hereby  
6 amended by striking out the words “December 31, 2009”, inserted by section 2 of said chapter  
7 290, and inserting in place thereof the following words:- July 31, 2010.

8           SECTION 3. The introductory paragraph of section 13 of chapter 494 is hereby amended  
9 by striking out the words “and until December 31, 2009”, inserted by section 3 of said chapter  
10 290, and inserting in place thereof the following words:- and until July 31, 2010.

11           SECTION 4. Section 15 of said chapter 494 is hereby amended by striking out the words  
12 “and until December 31, 2009”, inserted by section 4 of said chapter 290, and inserting in place  
13 thereof the following words:- and until July 31, 2010.

14 SECTION 5. The first paragraph of section 9 of chapter 277 of the acts of 1986 is hereby  
15 amended by striking out the words “and until December 31, 2009”, inserted by section 5 of said  
16 chapter 290, and inserting in place thereof the following words:- and until July 31, 2010.

17 SECTION 6. The first sentence of the first paragraph of section 3 of chapter 114 of the  
18 acts of 1991 is hereby amended by striking out the words “and until December 31, 2009”,  
19 inserted by section 6 of said chapter 290, and inserting in place thereof the following words:- and  
20 until July 31, 2010.

21 SECTION 7. The last paragraph of said section 3 of said chapter 114 is hereby  
22 amended by striking out the words “December 31, 2009”, inserted by section 7 of said chapter  
23 290, and inserting in place thereof the words:- July 31, 2010.

24 SECTION 8. The first paragraph of section 4 of said chapter 114 is hereby amended by  
25 striking out the words “and until December 31, 2009”, inserted by section 8 of said chapter 290,  
26 and inserting in place thereof the following words:- and until July 31, 2010.

27 SECTION 9. The last paragraph of said section 4 of said chapter 114 is hereby amended  
28 by striking out the words “December 31, 2009”, inserted by section 9 of said chapter 290, and  
29 inserting in place thereof the following words:- July 31, 2010.

30 SECTION 10. The first paragraph of section 5 of said chapter 114 is hereby amended by  
31 striking out the words “and until December 31, 2009”, inserted by section 10 of said chapter 290,  
32 and inserting in place thereof the following words:- and until July 31, 2010.

33 SECTION 11. Section 13 of chapter 101 of the acts of 1992 is hereby amended by  
34 striking out the words “December 31, 2009”, inserted by section 11 of said chapter 290, and  
35 inserting in place thereof the following words:- July 31, 2010.

36 SECTION 12. Section 45 of chapter 139 of the acts of 2001 is hereby amended by  
37 striking out the words “December 31, 2010”, inserted by section 12 of said chapter 290, and  
38 inserting in place thereof the following words:- July 31, 2010.

39 SECTION 13. Section 20 of chapter 449 of the acts of 2006 is hereby amended by  
40 striking out the words “December 31, 2009”, inserted by section 13 of said chapter 290, and  
41 inserting in place thereof the following words:- July 31, 2010.

42 SECTION 14. Notwithstanding section 2 of chapter 128A of the General Laws and  
43 sections 1,2 and 2A of chapter 128C of the General Laws or any other general or special law or  
44 rule or regulation to the contrary, the licenses granted to the greyhound meeting licensee located  
45 in Bristol county and the greyhound meeting licensee located in Suffolk county in calendar year  
46 2009 to conduct live racing pursuant to chapter 128A of the General Laws, including the right to  
47 conduct simulcast wagering pursuant to chapter 128C of the General Laws, shall remain in effect  
48 until July 31, 2010; provided, however, that the days between January 1, 2010, and July 31,  
49 2010, shall be dark days pursuant to said chapter 128C and the licensees shall continue to be  
50 precluded from conducting live racing during that period as provided in chapter 388 of the acts  
51 of 2008; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act  
52 of 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided further, that all  
53 simulcasts from states which have racing associations that do not require approval in compliance  
54 with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A) shall require the

55 approval of the New England Horsemen's Benevolent and Protective Association prior to being  
56 simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the  
57 association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the  
58 simulcast for all otherwise eligible racing meeting licensees.

59 SECTION 15. Notwithstanding section 5 of chapter 128A of the General Laws or any  
60 other general or special law or rule or regulation to the contrary, the greyhound meeting licensee  
61 located in Bristol county and the greyhound meeting licensee located in Suffolk county shall not  
62 be eligible for purse assistance pursuant to clause (6) of subsection (h) of said section 5 of said  
63 chapter 128A.

64 SECTION 16. Notwithstanding section 2 of chapter 128C of the General Laws or any  
65 other general or special law or rule or regulation to the contrary, the greyhound meeting licensee  
66 located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay  
67 all premiums received pursuant to said section 2 of said chapter 128C to the Racing Stabilization  
68 Fund established in section 20.

69 SECTION 17. Notwithstanding chapter 128C of the General Laws or any other general or  
70 special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound  
71 meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk  
72 county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders'  
73 associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in  
74 section 20.

75 SECTION 18. Notwithstanding chapters 128A and 128C of the General Laws or any  
76 other general or special law or rule or regulation to the contrary, amounts from unclaimed

77 winnings and breaks generated by the greyhound meeting licensee located in Bristol county and  
78 the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing  
79 Stabilization Fund established in section 20.

80 SECTION 19. Notwithstanding any general or special law or rule or regulation to the  
81 contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting  
82 licensee located in Suffolk county shall, unless otherwise provided in this act, be subject to  
83 chapter 128A of the General Laws, chapter 128C of the General Laws and chapter 139 of the  
84 acts of 2001.

85 SECTION 20. Notwithstanding any general or special law or rule or regulation to the  
86 contrary, there shall be a Racing Stabilization Fund that shall be administered by the executive  
87 office for administration and finance. The fund shall consist of all revenues dedicated pursuant  
88 to this act; provided, however, that in fiscal year 2010, the secretary of administration and  
89 finance shall transfer funds totaling not less than \$300,000 to the department of public health for  
90 a compulsive gamblers' treatment program; provided further, that not more than \$300,000 to  
91 assist efforts to secure alternative employment and retaining opportunities for displaced worker  
92 impacted by the passage of chapter 388 of the acts of 2008; provided further, that the state racing  
93 commission, or a successor agency, shall report to the executive office for administration and  
94 finance and the house and senate committees on ways and means not later than the last day of  
95 each month, the projected program revenue, program expenses and operating costs associated  
96 with overseeing simulcasting through July 31, 2010. In the event of a deficit, the secretary of  
97 administration and finance may transfer funds not to exceed \$100,000 for the operating costs of  
98 the said commission. Any balance in the fund at the end of the fiscal year shall not revert to the  
99 General Fund; provided , however, that the secretary shall distribute to owners of greyhound

100 dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of  
101 those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing  
102 meeting licensee within the commonwealth acting as a guest track and simulcasting a live  
103 greyhound race from a host track from outside the commonwealth; provided further, that before  
104 any amount is distributed, the secretary shall develop a method and criteria by which to distribute  
105 such funds in an equitable manner amongst dog owners.

106 SECTION 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any  
107 other general or special law or rule or regulation to the contrary, on January 1, 2010, the  
108 comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust  
109 Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of  
110 said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1,  
111 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital  
112 Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing  
113 Stabilization Fund within 10 days after receipt of those revenues.

114 SECTION 22. Notwithstanding any general or special law to the contrary, the greyhound  
115 meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk  
116 county shall report monthly to the state racing commission, or a successor agency, on their net  
117 and gross revenue, including an itemization of premiums received, fees received and any  
118 amounts dedicated to purse accounts, the Greyhound Capital Improvements Trust Fund and the  
119 Greyhound Promotional Trust Fund. The report shall include the number of part-time and full-  
120 time staff employed by the licensees at the close of the previous month. The report shall also  
121 include the total amount of premiums paid to the harness horse meeting licensees located in  
122 Norfolk county and the running horse meeting licensee located in Suffolk county. Failure to file

123 the report on the tenth day of each month shall be cause for suspension of the greyhound meeting  
124 license. The state racing commission, or a successor agency, shall forward all such reports to the  
125 house and senate committees on ways and means, the joint committee on economic development  
126 and emerging technologies and the joint committee on labor and workforce development.

127 SECTION 23. Notwithstanding any general of special law, rule or regulation to the  
128 contrary, monies in the Racing Stabilization Fund established in section 20 act may be used to  
129 assist efforts to secure alternative employment and retraining opportunities for displaced workers  
130 impacted by the passage of chapter 388 of the acts of 2008 including, but not limited to,  
131 coordinating the delivery of available state and federal resources and services; provided,  
132 however, that such funds from the fund shall only be expended after all federal funds from the  
133 Workforce Investment Act and the American Reinvestment and Recovery Act have been  
134 exhausted provided further, that state funds shall be distributed in accordance with section 20;  
135 provided further, that the secretary of labor and workforce development shall develop a plan to  
136 implement this section and submit a copy of the plan to the house and senate committees on  
137 ways and means, the joint committee on economic development and emerging technologies and  
138 the joint committee on labor and workforce development Not later than December 15, 2009.

139 SECTION 24. This act shall expire on July 31, 2010.