

# SENATE . . . . . No. 3094

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## The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

SENATE, July 31, 2022.

The committee on Consumer Protection and Professional Licensure, to whom was referred the petitions (accompanied by bill, Senate, No. 177) of Cynthia Stone Creem for legislation to prohibit simulcast wagering on dog racing; (accompanied by bill, Senate, No. 2535) (subject to Joint Rule 12) of Paul R. Feeney and Tackey Chan for legislation to revitalize agriculture, conditioning and simulcasting; and (accompanied by bill, House, No. 448) of Smitty Pignatelli and Adam G. Hinds (by vote of the town) relative to horse racing within the town of Great Barrington, reports the accompanying bill (Senate, No. 3094).

For the committee,  
Susan L. Moran

**SENATE . . . . . No. 3094**

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**The Commonwealth of Massachusetts**

**In the One Hundred and Ninety-Second General Court  
(2021-2022)**

An Act to revitalize agriculture, conditioning and 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. Section 7 of chapter 4 of the General Laws, as appearing in the 2018  
2 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof  
3 the following:-

4           Tenth, “Illegal Gaming”, a banking or percentage game played with cards, dice, tiles or  
5 dominoes or an electronic, electrical or mechanical device or machine for money, property,  
6 checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the  
7 state lottery commission under sections 24, 24A and 27 of chapter 10; (ii) a game conducted  
8 under chapter 23K; (iii) wagering on races under chapters 23K ¼ and 23K ½; (iv) a game of  
9 bingo conducted under chapter 271; and (v) charitable gaming conducted under said chapter 271.

10           SECTION 2. Section 2 of chapter 23K of the General Laws, as so appearing, is hereby  
11 amended by inserting after the definition of “Application”, the following definition:-

12           “Board”, the state racing board established in section 7A.

13 SECTION 3. Section 4 of chapter 23K of the General Laws, as so appearing, is hereby  
14 amended in clause (29) by inserting after the word “the”, in line 113, the following:- board or.

15 SECTION 4. Section 7 of chapter 23K of the General Laws, as amended by section 117  
16 of chapter 194 of the acts of 2011, is hereby further amended by striking out the section entirely,  
17 and inserting in place of the following:-

18 Section 7. (a) The commission shall administer and enforce appeals of decisions of the  
19 board related to pari-mutuel wagering and simulcasting.

20 (b) The commission may grant a simulcasting license to a gaming establishment subject  
21 to the provisions of sections 8 and 9 of chapter 23K  $\frac{1}{2}$ ; provided, however, that in granting any  
22 such license to a gaming establishment, the commission shall take into consideration the impact  
23 on facilities licensed under chapters 23K  $\frac{1}{4}$  and 23K  $\frac{1}{2}$ .

24 SECTION 5. Said chapter 23K of the General Laws, as so appearing, is hereby amended  
25 by inserting after section 7 the following section:-

26 Section 7A. There shall be within the commission a board to be known as the state racing  
27 board, in this chapter and in chapters 23K  $\frac{1}{4}$  and 23K  $\frac{1}{2}$  called the board.

28 The board shall consist of three members, one who shall serve as chair, all to be  
29 appointed by the governor. Not more than two of such members shall be of the same political  
30 party. No person shall be appointed to the board nor be an employee thereof nor officiate at pari-  
31 mutuel meetings conducted in this commonwealth who is licensed or regulated, directly or  
32 indirectly, by the board other than for the position to which such person is appointed nor shall  
33 such person have any legal or beneficial interest, direct or indirect, pecuniary or otherwise, in

34 any firm, association or corporation so licensed or regulated or which participates in pari-mutuel  
35 wagering or simulcasting in any manner nor shall such person participate in pari-mutuel  
36 wagering or simulcasting in any manner other than in such person's official capacity. No person  
37 shall be a member of the board who is not of good moral character or who has been convicted of,  
38 or is under indictment for, a felony under the laws of Massachusetts or any other state, or the  
39 United States. Members of the board shall each possess not less than five years of responsible  
40 administrative experience in public or business administration; provided that the chair shall also  
41 have professional experience in gaming or racing regulatory administration or gaming or racing  
42 industry management; provided, further, that at least one member shall be licensed to practice  
43 veterinary medicine in the commonwealth with equine racing diagnosis and treatment or research  
44 experience.

45 Members shall receive salaries not greater than three-fourths of the salary of the  
46 commissioner of administration under section 4 of chapter 7; provided, however, that the chair  
47 shall receive a salary equal to the salary of the commissioner of administration. Members shall  
48 devote their full time and attention to the duties of their office.

49 Each member shall serve for a term of five years and shall hold office until  
50 reappointment, or the appointment and qualification of their successor; provided, however, that  
51 no member shall serve more than 15 years. The governor may remove any member for cause and  
52 shall fill any vacancy for the unexpired term. Whenever any action by the board is required to be  
53 in writing, such writing shall be sufficient when signed by the board chair.

54 Notwithstanding the provisions of section 7, the board shall administer and enforce  
55 chapters 23K ¼ and 23K ½ and any general and special law related to live racing, pari-mutuel

56 wagering and simulcasting. The board shall serve as a host racing commission and an off-track  
57 betting commission for purposes of 15 U.S.C. 3001, et seq.

58         The day-to-day operations and general administration of the board, including all  
59 administrative functions of the board and all actions not expressly required by statute or  
60 regulation to be carried out by the board itself, shall, at the direction and under the board, be  
61 under the supervision of an executive director of racing, who shall be appointed by the chair of  
62 the board. The executive director of racing shall devote their full time during business hours to  
63 their duties hereunder. Subject to the provisions of subsections (k) through (w), inclusive, of  
64 section 3, the board may employ such other persons, in addition to the aforementioned executive  
65 director of racing, as the board may determine to be necessary to carry out such day-to-day  
66 operations and general administration of the board.

67         The board shall make an annual report in January of each year to the general court. That  
68 report shall include the following information with respect to the previous calendar year:  
69 statements of monies deposited in the Race Horse Development Fund established under section  
70 60, the Thoroughbred Horse Capital Improvements Trust Fund established under section 60A,  
71 and the Standardbred Horse Capital Improvements Trust Fund established under section 60B,  
72 together with a detailed account of monies disbursed from the funds, the specific capital  
73 improvements for which the disbursements were intended, and a report on which of the  
74 improvements have been accomplished; a statement of racing dates awarded to licensees,  
75 including those awarded in connection with a state or county fair; and a statement of the total  
76 amounts wagered at each race track, together with the monies paid to the commonwealth and the  
77 board, purses paid to horse owners and monies retained by each licensee, together with a  
78 statement of the net profit of each licensee taken from the financial statements filed under section

79 11 of chapter 23K ¼. Copies of the report shall be transmitted to the governor, the president of  
80 the senate, the speaker of the house of representatives, the chairs of the house and senate  
81 committees on ways and means, the joint committee on consumer protection and professional  
82 licensure, and the joint committee on revenue.

83 SECTION 6. Section 19 of said chapter 23K, as so appearing, is hereby amended by  
84 striking out the figure “128A” each time it appears, and inserting in place thereof the following:-  
85 23K ¼.

86 SECTION 7. Said section 19 of said chapter 23K, as so appearing, is hereby further  
87 amended by striking out figure “128C” each time it appears, and inserting in place thereof the  
88 following:- 23K ½.

89 SECTION 8. Section 20 of said chapter 23K, as so appearing, is hereby amended by  
90 striking out the figure “128A” each time it appears, and inserting in place thereof the following:-  
91 23K ¼.

92 SECTION 9. Said section 20 of said chapter 23K, as so appearing, is hereby further  
93 amended by striking out figure “128C” each time it appears, and inserting in place thereof the  
94 following:- 23K ½.

95 SECTION 10. Section 24 of said chapter 23K, as so appearing, is hereby amended by  
96 striking out the figure “128A”, in line 2, and inserting in place thereof the following:- 23K ¼.

97 SECTION 11. Chapter 23K of the General Laws, as so appearing, is hereby amended by  
98 striking out section 60, and inserting in place thereof the following:-

99           Section 60. (a) There shall be established and set up on the books of the commonwealth a  
100 Race Horse Development Fund to be administered by the board. The fund shall consist of monies  
101 deposited under subsection (c) of section 55. The board shall make distributions from the Race  
102 Horse Development Fund to each licensee under chapter 23K ¼.

103           (b) The board shall make recommendations on how the funds received in subsection (a)  
104 shall be distributed between thoroughbred and standardbred racing facilities to support the  
105 thoroughbred and standardbred horse racing industries under this section. In making its  
106 recommendations, the board shall consider certain criteria including, but not limited to: (i) the  
107 average purses awarded at thoroughbred and standardbred racing facilities; (ii) the total  
108 employment numbers, both direct and indirect, attributable to each horse racing industry; (iii) the  
109 relative needs of each horse racing industry for increased purses; (iv) the amount of the live  
110 racing handle generated by each horse racing industry; and (v) the number of breeding and  
111 training farms of each industry that are located in the commonwealth. The board shall submit  
112 distribution recommendations to the clerks of the senate and house of representatives not later  
113 than 30 days before changing the distribution percentage; provided, however, that the total  
114 distribution percentage between the thoroughbred and standardbred racing industries shall not be  
115 changed by more than 10 percentage points in a given year.

116           (c) Funds received from the Race Horse Development Fund shall be distributed between  
117 thoroughbred and standardbred accounts, as approved by the board, as follows:

118           (i) 80 per cent of the funds approved by the board shall be deposited weekly into a  
119 separate, interest-bearing purse account to be established by and for the benefit of the horsemen;  
120 provided, however, that the earned interest on the account shall be credited to the purse account;

121 and provided further, that licensees shall combine these funds with revenues from existing purse  
122 agreements to fund purses for live races consistent with those agreements with the advice and  
123 consent of the horsemen;

124 (ii) 16 per cent of the funds approved by the board shall be deposited as follows: (A) for a  
125 thoroughbred track, into the Massachusetts Thoroughbred Breeding Program authorized by the  
126 board; or (B) for a standardbred track, into the Massachusetts Standardbred Breeding Program  
127 authorized by the board;

128 (iii) 4 per cent shall be used to fund health and pension benefits for the members of the  
129 horsemen's organizations representing the owners and trainers at a horse racing facility for the  
130 benefit of the organization's members, their families, employees and others under the rule and  
131 eligibility requirements of the organization, as approved by the board; provided, however, that  
132 this amount shall be deposited within 5 business days of the end of each month into a separate  
133 account to be established by each respective horsemen's organization at a banking institution of  
134 its choice; and provided further, that of this amount, the board shall determine how much shall be  
135 paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred  
136 drivers organization at the horse racing facility for health insurance, life insurance or other  
137 benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and  
138 eligibility requirements of that organization.

139 SECTION 12. Said Chapter 23K of the General Laws, as so appearing, is hereby  
140 amended by inserting after section 60, the following 2 new sections:-

141 Section 60A. There shall be established and set up on the books of the commonwealth a  
142 Thoroughbred Horse Capital Improvements Trust Fund to be administered by the board. During

143 each calendar year each running horse track licensee under section 3 of chapter 23K ¼, other  
144 than a licensee holding a racing meeting in connection with a state or county fair, shall daily pay:  
145 the total sum of the so-called breaks, as defined in section 9 of said chapter 23K ¼ , less one  
146 hundred thousand dollars, into the said trust fund under the direction and supervision of the state  
147 racing board members, as they are individuals, as trustees of said trust; provided, however, that  
148 the aforementioned sum of one hundred thousand dollars shall be allocated, subject to  
149 appropriation, to the Massachusetts council on compulsive gambling. Said trustees shall deposit  
150 all monies in said trust fund in one or more banks, at interest, within the commonwealth.

151 Said trustees may expend without appropriation all or any part of the Thoroughbred  
152 Horse Capital Improvements Trust Fund to a running horse track licensee in proportion to the  
153 amount deposited in said fund by said running horse track licensee for use as all or part of a  
154 capital expenditure for alterations, additions, replacements, changes, improvements or major  
155 repairs to or upon the property owned or leased by such licensee and used by it for the conduct of  
156 racing, but not for the costs of maintenance or of other ordinary operations, whether such costs  
157 have been incurred or not. Said trustees may expend to a licensee all amounts accumulated in  
158 such trust fund which are attributable to racing operations conducted at a running horse track.

159 Said trustees shall prescribe terms and conditions for such grants and may designate  
160 specific capital improvements to be undertaken by a licensee; provided, however, that, prior to  
161 approving any expenditures from said trust funds for purposes not designated by the trustees, the  
162 trustees shall require the licensee to submit to them detailed business plans describing the  
163 specific capital improvements contemplated by the licensee and shall formally vote to permit  
164 such expenditures; provided, further, that under no circumstances shall the trustees permit the  
165 expenditure of trust funds for purposes not directly related to the improvement of running horse

166 racing; and provided, further, that such terms and conditions for capital improvement projects  
167 shall include schedules of periodic payments to be prepared by the trustees in accordance with  
168 schedules contained in construction contracts for such capital improvement projects. Such  
169 licensee shall comply with all applicable provisions of chapter 149 unless such compliance is  
170 waived by the commission for cause.

171         No such expenditure for such capital improvements shall be approved by the trustees if  
172 such improvements are to be accomplished pursuant to a contract with a person, corporation,  
173 partnership, trust or any combination of the same or any other entity owned wholly or in part by  
174 a person, corporation, partnership, trust or any combination of the same or any other entity which  
175 owns or operates or holds any interest in any racetrack in the commonwealth.

176         The trustees shall hire the services of such architectural and engineering consultants or  
177 the services of such other consultants as they deem appropriate to advise them generally and to  
178 evaluate proposed capital improvement projects submitted to them for their approval.

179         Nothing herein contained shall preclude a running horse track from making capital  
180 improvements not funded in whole or in part from such funds; provided, however, that all sums  
181 approved by said trustees hereunder shall be expended in their entirety for capital improvements;  
182 provided, further, that any revision by said licensee in the making of capital improvements as  
183 hereinbefore provided, shall require separate written approval by the trustees therefor. All  
184 financial statements required under section 11 of chapter 23K ¼ shall be accompanied by a  
185 statement signed under the pains and penalties of perjury by the chief financial officer of the  
186 licensee, setting forth the capital improvements made with funds obtained under this section and

187 further certifying that such expenditures are treated as capital expenditures in the accompanying  
188 financial statements.

189 The trustees shall require from a running horse racetrack such vouchers, cancelled checks  
190 or other documents as said trustees deem necessary to verify that the expenditures from said  
191 funds were carried out in accordance with the provisions of this section.

192 Funds paid by licensees and deposited by the board in the Thoroughbred Horse Capital  
193 Improvements Trust Fund shall remain in said funds until expended under this section; provided,  
194 however, that any amount in said accounts as of December 31st of each year which has not been  
195 so expended or as to which no binding commitment has been made by said trustees shall  
196 thereupon be deposited in the Race Horse Development Fund established under section 60 of  
197 chapter 23K.

198 Section 60B. There shall be established and set up on the books of the commonwealth a  
199 Standardbred Horse Capital Improvements Trust Fund to be administered by the board. During  
200 each calendar year each harness horse track licensee under section 3 of chapter 23K  $\frac{1}{4}$ , other  
201 than a licensee holding a racing meeting in connection with a state or county fair shall daily pay:  
202 the total sum of the so-called breaks, as defined in section 9 of said chapter 23K  $\frac{1}{4}$ , and a sum  
203 equal to 2 per cent of the total amount wagered by patrons wagering on the speed or ability of a  
204 combination of more than one harness horse in a single pool, exotic wagering, so-called, into the  
205 said trust fund under the direction and supervision of the state racing board members, as they are  
206 individuals, as trustees of said trust. Said trustees shall deposit all monies in said trust fund in  
207 one or more banks, at interest within the commonwealth.

208 Said trustees may expend without appropriation all or any part of the Standardbred Horse  
209 Capital Improvements Trust Fund to a harness horse track licensee for use as all or part of a  
210 capital expenditure for alterations, additions, replacements, changes, improvements or major  
211 repairs to or upon the property owned or leased by such licensee and used by it for the conduct of  
212 racing, but not for the costs of maintenance or of other ordinary operations, whether such costs  
213 have been incurred or not. Said trustees may expend to a licensee all amounts accumulated in  
214 such trust fund which are attributable to racing operations conducted at a harness horse track.

215 Said trustees shall prescribe terms and conditions for such grants and may designate  
216 specific capital improvements to be undertaken by the licensee; provided, however, that prior to  
217 approving any expenditures from said trust fund for purposes not designated by the trustees, the  
218 trustees shall require the licensee to submit to them detailed business plans describing the  
219 specific capital improvements contemplated by the licensee and shall formally vote to permit  
220 such expenditures; provided, further, that under no circumstances shall the trustees permit the  
221 expenditure of trust funds for purposes not directly related to the improvement of harness horse  
222 racing; provided, further, that such terms and conditions for capital improvement projects shall  
223 include schedules of periodic payments to be prepared by the trustees in accordance with  
224 schedules contained in construction contracts for such capital improvement projects. Such  
225 licensee shall comply with all applicable provisions of chapter 149 unless such compliance is  
226 waived by the commission in writing for cause.

227 No such expenditure for capital improvements shall be approved by the trustees if such  
228 improvements are to be accomplished pursuant to a contract with a person, corporation,  
229 partnership, trust or any combination of the same or any other entity owned wholly or in part by

230 a person, corporation, partnership, trust or any combination of the same or any other entity which  
231 owns or operates or holds any interest in any racetrack in the commonwealth.

232 The trustees shall hire the services of such architectural and engineering consultants or  
233 the services of such other consultants as they deem appropriate to advise them generally and to  
234 evaluate capital improvement projects submitted to them for their approval.

235 Nothing herein contained shall preclude a harness horse track from making capital  
236 improvements not funded in whole or in part from such funds; provided, however, that all sums  
237 approved by said trustees hereunder shall be expended in their entirety for capital improvements;  
238 provided, further, that any revision by said licensee in the making of capital improvements as  
239 hereinbefore provided, shall require separate written approval by the trustees therefor. All  
240 financial statements required under section 11 of chapter 23K ¼ shall be accompanied by a  
241 statement signed under the pains and penalties of perjury by the chief financial officer of the  
242 licensee, setting forth the capital improvements made with funds obtained under this section and  
243 further certifying that such expenditures are treated as capital expenditures in the accompanying  
244 statements.

245 The trustees shall require from a harness racetrack such vouchers, cancelled checks or  
246 other documents as said trustees deem necessary to verify that the expenditures from said funds  
247 were carried out in accordance with the provisions of this section.

248 Funds paid by licensees and deposited by the board in the Standardbred Horse Capital  
249 Improvements Trust Fund shall remain in said funds until expended under this section; provided,  
250 however, that any amount in said accounts as of December 31st of each year which has not been  
251 so expended or as to which no binding commitment has been made by said trustees shall

252 thereupon be deposited in the Race Horse Development Fund established under section 60 of  
253 chapter 23K.

254 SECTION 13. The General Laws, as so appearing, is hereby amended by inserting after  
255 Chapter 23K the following two chapters:-

256 CHAPTER 23K ¼.

257 HORSE RACING MEETINGS.

258 Section 1. Terms used in this chapter shall, unless the context otherwise requires, be  
259 construed as follows:-

260 "Board", the state racing board established in chapter 23K.

261 "Breaks", in the case of racing meetings conducted in the commonwealth by a racing  
262 meeting licensee, the odd cents over any multiple of 10 cents of winnings per \$1 wagered.

263 "Commission", the Massachusetts gaming commission established in chapter 23K.

264 "Racing meeting" shall include every meeting within the commonwealth where horses are  
265 raced and where any form of betting or wagering on the speed or ability of horses shall be  
266 permitted, but shall not include any meeting where no such betting or wagering is permitted even  
267 though horses or their owners, are awarded certificates, ribbons, premiums, purses, prizes or a  
268 portion of gate receipts for speed or ability shown.

269 "Race track" shall include the track, grounds, auditorium, amphitheatre or bleachers, if  
270 any, and adjacent places used in connection therewith, where a horse racing meeting may be  
271 held; provided, however, that each person licensed to conduct a running horse racing meeting,

272 other than a licensee holding a racing meeting in connection with a state or county fair, shall  
273 conduct the racing meeting on a race track with a racing strip of not less than 1 mile.

274 "Rebate", money returned, which was not the result of winning a prize from the wagered  
275 competition pursuant to this chapter and chapter 23K ½, to a bettor by a racing meeting licensee  
276 based on a percentage of his wager.

277 "State or county fair" shall mean an agricultural fair or exhibition, the main purpose of  
278 which is the encouragement, improvement or extension of agriculture by competitive exhibits of  
279 agricultural products, including exhibits described in paragraph (f) of section 2 of chapter 128,  
280 and of varied types of available livestock, with youth participation therein, and the display of  
281 agricultural machinery, implements and other improvements of interest to dairy and produce  
282 farmers and horticulturists.

283 Section 2. Any person desiring to hold or conduct a horse racing meeting within the  
284 commonwealth shall make an application to the state racing board established in chapter 23K for  
285 a license so to do. Such application shall state:

286 (1) The name of the applicant.

287 (2) The post office address of the applicant, and if a corporation, the name of the state  
288 under the laws of which it is incorporated, the location of its principal place of business and the  
289 names and addresses of its directors and stockholders.

290 (3) The location of the race track where it is proposed to hold or conduct such meeting.

291 (4) The days on which it is intended to hold or conduct such a meeting.

292 (5) The hours of each day between which it is intended to hold or conduct racing at such  
293 meeting, which hours shall be not before ten o'clock ante meridian for horse racing except as  
294 provided for in section 3, nor later than seven o'clock post meridian for running horse racing nor  
295 later than twelve o'clock midnight for harness horse racing.

296 (6) Answers to such other questions as the board may prescribe, and

297 (7) That the applicant will comply, in case such license be issued, with all applicable laws  
298 and with all applicable rules and regulations prescribed by the board.

299 Such application shall be filed with the board on or before October 1st of the calendar  
300 year preceding the calendar year for which application requests a license to be issued under this  
301 chapter; and the board shall grant or dismiss such application not later than the November 15th  
302 next following; provided, however, that a supplementary application by a licensee for a  
303 subsequent license in the calendar year for which a license had theretofore been issued to such  
304 licensee and relating to the same premises as were specified in the previously issued license, and  
305 supplementary applications by a licensee for additional licenses under section 4, may be filed  
306 with the board at any time prior to the expiration of said calendar year for which a license had  
307 theretofore been issued to said licensee; and the board shall grant or dismiss such applications  
308 within 30 days of the date of filing. Such applications shall be signed and sworn to, if made by  
309 an individual, by such individual; if made by two or more individuals or a partnership, by one of  
310 such individuals or by a member of such partnership, as the case may be, if made by a trust, by a  
311 trustee of such trust, and, if made by an association or corporation, by the president or vice  
312 president thereof. The board may prescribe forms to be used in making such applications.

313           With such application there shall be delivered to the board a certified check or bank draft,  
314 payable to the board, weekly in advance for the full amount of the license fee required by this  
315 chapter.

316           Section 3. If any application for a license, filed as provided by section 2, shall be in  
317 accordance with the provisions of this chapter, the board, after reasonable notice and a public  
318 hearing in the city or town wherein the license is to be exercised, may issue a license to the  
319 applicant to conduct a racing meeting, in accordance with the provisions of this chapter, at the  
320 race track specified in such application; provided, that if the board has already taken action on an  
321 application for any calendar year, after such notice and public hearing, no other public hearing  
322 need be held on any other application from the same applicant relating to the same premises filed  
323 prior to the expiration of said year; and provided, further, that on an application for a license to  
324 conduct a horse racing meeting in connection with a state or county fair the applicant shall show  
325 a certificate from the commissioner of food and agriculture that (1) such fair is a state or county  
326 fair as defined in section one, (2) such fair has been operating for each of the five consecutive  
327 years immediately preceding the date of filing such application and had received for each of said  
328 five consecutive years assistance from the agricultural purposes fund, (3) such fair is properly  
329 qualified as hereinafter in this paragraph provided and (4) the location where such racing  
330 meeting is to be held is annually approved by him and by the board of agriculture; and provided,  
331 further, that on an application for a license to conduct a horse racing meeting in connection with  
332 a state or county fair by an applicant to whom a prior license to conduct such a racing meeting at  
333 the race track specified in said application has been granted by the board, no hearing need be  
334 held, unless a request, signed by at least one per cent of the registered voters of the city or town  
335 in which the track is located, is filed with the board not later than thirty days following the

336 granting of said license. In determining whether a fair is properly qualified under this paragraph,  
337 the commissioner of food and agriculture shall consider the number of days such fair has  
338 operated each previous year, the area of the land used for fair purposes, the number of entries in  
339 agricultural show events in previous years, the number and value of prizes offered in such events  
340 and whether or not the granting of a racing license would tend to promote the agricultural  
341 purposes of the fair.

342 Such license shall state:

343 (1) The name of the person to whom the same is issued,

344 (2) The location of the race track where the racing meeting thereby authorized is to be  
345 held,

346 (3) The days on which such meeting may be held or conducted,

347 (4) The hours of each day between which racing may take place at such meeting, and

348 (5) That the required license fee has been received by the commission.

349 No license shall be issued which would permit a racing meeting to be held or conducted  
350 except under the following conditions:

351 (a) No license shall be issued for more than an aggregate of 200 racing days in any 1 year  
352 at all running horse racing meetings combined, not including running horse racing meetings held  
353 in connection with state or county fairs.

354 (b) No license shall be issued for more than an aggregate of 200 racing days in any 1 year  
355 at all harness horse racing meetings combined, including harness horse racing meetings at state  
356 or county fairs.

357 (c) Licenses shall permit racing meetings only between the hours of 10:00 a.m. and 12:00  
358 midnight. The board shall grant authorized dates at such times that are consistent with the best  
359 interests of racing and the public; provided, however, that dates for racing meetings held in  
360 connection with a state or county fair may only be awarded during the period between June 15  
361 and October 15. The board may, in its discretion, on written application from a racing licensee  
362 made at least 7 days prior to the date of any proposed change of time stated in the racing license  
363 and without necessity for further public hearing, change the hours of conducting such racing  
364 meeting between any of the aforesaid hours, notwithstanding the hours set forth on the license;  
365 provided, however, that, if by reason of state or national emergency, night illumination is  
366 forbidden by public authority, then the board may, in its discretion, issue a license to permit  
367 racing at such hours as the board shall determine between the hours of 10:00 a. m. and 12:00  
368 midnight. For the purpose of imposing the fee provided for in section 4, computing the sums  
369 payable to the board under section 9 and counting the number of days authorized by clauses (a)  
370 and (b), any racing meeting held after 7:00 p.m. on the same day on which a racing meeting is  
371 held at the same race track prior to 7:00 p.m. shall be considered a separate day of racing.

372 (d) Each county shall have not more than 1 racing meeting licensee, except in connection  
373 with a state or county fair.

374 (e) No license shall be issued to any person who is in any way in default, under the  
375 provisions of this chapter, in the performance of any obligation or in the payment of any debt to

376 the board; provided, however, that no license shall be issued to any person who has, within 10  
377 years of the time of filing the application for the license, been convicted of violating section 9.

378 (f) In granting authorized dates under this section, the board shall take into consideration,  
379 in addition to any other appropriate and pertinent factors, the following: the financial ability of  
380 an applicant to operate a race track; the maximization of state revenues; the suitability of racing  
381 facilities for operation at the time of the year for which dates are assigned; the circumstance that  
382 large groups of spectators require safe and convenient facilities; the interest of members of the  
383 public in racing competition honestly managed and of good quality; the necessity of having and  
384 maintaining proper physical facilities for racing meetings and the necessity of according fair  
385 treatment to the economic interest and investments of those who in good faith have provided and  
386 maintain such facilities. Notwithstanding the foregoing provisions of this section, the board shall  
387 have the right to review and reconsider without further notice or public hearing any application  
388 made prior to October 1 for which racing dates have been requested for the following year;  
389 provided that the application has had a public hearing prior to November 15; and provided,  
390 further, that any applicant who has been denied these racing dates makes a written request for  
391 review and reconsideration within 90 days of receiving notice of the denial; and provided further,  
392 that the commission shall reconsider and review the request within 180 days of the denial.

393 (g) No license shall be transferable, except with the approval of the board.

394 (h) No license shall be issued to permit horse racing meetings to be held on premises  
395 owned by the commonwealth or any political subdivision thereof.

396 (j) No license shall be issued to any person to hold or conduct a horse racing meeting in  
397 connection with a state or county fair or any exhibition for the encouragement or extension of

398 agriculture under the reduced license fee provided in section 4, unless the applicant shall first  
399 satisfy the board that the main purpose of the fair or exhibition is the encouragement or extension  
400 of agriculture and that the same constitutes a bona fide exhibition of that character. No license  
401 shall be issued to a person to hold or conduct a horse racing meeting in connection with a state or  
402 county fair or any exhibition for the encouragement or extension of agriculture for more than 15  
403 days in a calendar year.

404 (k) No license shall be issued unless the person applying therefor shall have executed and  
405 delivered to the board a bond payable to the board in the amount of \$1,250,000 with a surety or  
406 sureties approved by the board conditioned upon the payment of all sums which may become  
407 payable to the board under this chapter; provided, however, that the amount of such bond, in the  
408 case of any person holding or conducting a racing meeting in connection with a state or county  
409 fair, shall be \$250,000.

410 (l) Every license shall be recorded in the office of the clerk of the city or town in which  
411 the racing meeting is held or conducted at a time not less than 5 days before the first day of the  
412 meeting or forthwith upon the issuance of the license if the same shall be issued after that time.  
413 After the license is so recorded, a duly certified copy thereof shall forthwith be conspicuously  
414 displayed and shall be kept so displayed continuously during the racing meeting in the principal  
415 business office at the race track where the meeting is held and at all reasonable times shall be  
416 exhibited to any person requesting to see the same.

417 (m) Every licensee shall keep conspicuously posted in various places on its premises a  
418 notice containing the name and numbers of the council on compulsive gambling and a statement  
419 of its availability to offer assistance.

420           Section 4. The fee for the license provided for in section 3 shall be \$300 or three-fourths  
421 of one-tenth of one per cent of the average daily handle of the previous calendar year for each  
422 day of any running horse or harness horse racing meeting, whichever is the greater amount;  
423 provided, however, that a reduced fee, applicable to a license to any person holding or  
424 conducting a horse racing meeting in connection with a state or county fair, or any exhibition for  
425 the encouragement or extension of agriculture, shall not exceed \$100 for each day of such horse  
426 racing meeting.

427           If for any reason or cause, beyond the control of and through no fault or neglect of any  
428 licensee and while such licensee is not in default, it should become impossible or impracticable  
429 to conduct racing upon any day or successive days specified in a license issued by the board, the  
430 board at the request of the licensee may, and upon proper showing shall, request the state  
431 treasurer to refund to the licensee an amount equal to the license fees paid for days on which  
432 such licensee does not hold or conduct a racing meeting under the terms of the license issued for  
433 such purpose. Upon receipt of such request, the state treasurer shall forthwith pay such amount to  
434 such licensee. The board may, upon application of any such licensee, and upon the payment of  
435 the required license fees, grant an additional license for not more than the number of days on  
436 which it was impossible or impracticable to conduct racing, which days shall not be counted in  
437 the aggregate of racing days permitted by section 3. The decision of the board as to such  
438 impossibility or impracticability shall be final.

439           No license fee for the privilege of holding or conducting a horse racing meeting, or for  
440 any other purpose peculiarly incidental to the holding or conducting of such a meeting, shall be  
441 imposed upon or collected from such a licensee by any city or town.

442 Section 5. (a) The provisions of section 181 of chapter 140, and of sections 31, 33 and 34  
443 of chapter 271, and of chapter 494 of the acts of 1908 shall not apply to race tracks or racing  
444 meetings laid out and conducted by licensees under this chapter or to animals eligible to race at  
445 such meetings; except that no license shall be granted by the board for a racing meeting in any  
446 city or town, except in connection with a state or county fair, unless the location of the race track  
447 where such meeting is to be held or conducted has been once approved by the mayor and city  
448 council or the town council or the selectmen as provided by said section 33 of said chapter 271,  
449 after a public hearing, seven days' notice of the time and place of which hearing shall have been  
450 given by posting in a conspicuous public place in such city or town and by publication in a  
451 newspaper published in such city or town, if there is any published therein, otherwise in a  
452 newspaper published in the county wherein such city or town is situated, and a majority of the  
453 registered voters of such city or town voting on the described location relative to granting such  
454 licenses have voted in the affirmative within the same calendar year as such approval by a mayor  
455 and city council or the town council or the selectmen.

456 (b) A certified copy of the results of a vote on a question submitted to the voters of a  
457 political subdivision, in accordance with the provisions of this chapter, relative to granting a  
458 license for a horse racing meeting or horse races at fairs, shall be sent by the state secretary, or  
459 by the city or town clerk in the case of a vote by a city or town, to the board within 90 days after  
460 the election.

461 Section 6. The board shall have full discretion to refuse to grant a license to any applicant  
462 for a license or to suspend or revoke the license of any licensee. If any license is suspended or  
463 revoked, the board shall make a record of its reasons for doing so and such record shall be made  
464 available to any person requesting to inspect the same.

465           Section 7. Except in the case of a publicly held corporation, no person, firm, partnership,  
466 trust, association or corporation who has been granted a license to conduct a horse racing  
467 meeting, or an officer, director or the beneficial owner of 10 per cent or more of the stock of a  
468 corporation holding such a license, shall sell, transfer, convey or cause to be transferred, singly  
469 or in concert with others, more than 10 per cent of the value or stock of the facility or corporation  
470 so licensed without first obtaining the written approval of the board.

471           The board shall approve such sale, transfer or conveyance unless it finds that the  
472 consideration therefor is (i) inadequate or (ii) without good cause, (iii) that the sale or transfer  
473 results in an undesirable concentration of ownership of racing facilities within the  
474 commonwealth, or (iv) that the sale or transfer has an adverse impact upon the integrity of the  
475 racing industry.

476           A publicly held corporation, shall, prior to the sale, transfer or conveyance of more than  
477 10 per cent of the stock of the corporation, file notice of such action with the board. A copy of  
478 any filing required by state or federal securities law regarding notice of such sale, transfer or  
479 conveyance shall be simultaneously filed with the board. The board shall have the same rights as  
480 to transferees as it would have with respect to original applicants for licensure.

481           Section 8. At least 85 per cent of the persons employed by a licensee at a racing meeting  
482 held or conducted by them shall be citizens of the commonwealth and shall have been such  
483 citizens for at least two years immediately prior to such employment.

484           Section 9. (a) Before holding or conducting a racing meeting, every licensee shall provide  
485 a place or places, equipped as hereinafter provided, on the grounds where such meeting is held or  
486 conducted or adjacent thereto, but not elsewhere, at which such licensee shall conduct and

487 supervise the pari-mutuel or certificate system of wagering on the speed or ability of horses  
488 performing in the races held or conducted by such licensee at such meeting, and such pari-mutuel  
489 or certificate method of wagering upon such races so conducted shall not under any  
490 circumstances be held or construed to be unlawful, notwithstanding any general or special law to  
491 the contrary. Such place or places shall be equipped with automatic betting machines capable of  
492 accurate and speedy determination of awards or dividends to winning patrons, and all such  
493 awards or dividends shall be calculated by a totalisator machine or like machine, except at state  
494 or county fairs.

495 (b) No other place or method of betting, poolmaking, wagering or gambling shall be used  
496 or permitted by the licensee, nor shall this chapter be deemed to authorize or legalize the pari-  
497 mutuel or certificate system of wagering on any races except at the track where such pari-mutuel  
498 or certificate system of wagering is conducted; provided, however, that this prohibition shall not  
499 apply to simulcast wagering authorized under chapter 23K ½ nor to account wagering  
500 authorized under section 10 of said chapter.

501 (c) Each licensee conducting a running horse racing meeting, other than a licensee  
502 holding a racing meeting in connection with a state or county fair, shall return to the winning  
503 patrons wagering on the speed or ability of any 1 running horse in a race or races all sums so  
504 deposited as an award or dividend, according to the acknowledged and recognized rules and  
505 methods under which such pari-mutuel or certificate system has been operated, less the breaks  
506 and less an amount not to exceed 19 per cent of the total amount so deposited by patrons  
507 wagering on the speed or ability of any 1 running horse; and each such licensee shall return to  
508 the winning patrons wagering on the speed or ability of a combination of more than 1 horse in a  
509 single pool, also known as an exotic wager, all sums so deposited as an award or dividend,

510 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
511 or certificate system has been operated, less the breaks and less an amount not to exceed 26 per  
512 cent of the total amount deposited. Each licensee shall:

513 (1) pay to the board on the day following each day of such running horse racing meeting  
514 a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so  
515 wagering at the meeting, the percentage to be paid from the 19 per cent or 26 per cent withheld,  
516 as provided in this section, from the total amount wagered;

517 (2) pay to the Massachusetts Thoroughbred Breeders Association, Inc. on the day  
518 following each day of such running horse racing meeting a sum equal to 1 per cent of the total  
519 amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld and  
520 from the 26 per cent withheld from exotic wagers, the monies to be used for the purposes of  
521 subsection (g) of section 2 of chapter 128;

522 (3) allocate from the total amount deposited daily by the patrons wagering at the meeting  
523 a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from  
524 the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to  
525 the horse owners in accordance with the rules and established customs of conducting running  
526 horse racing meetings and, with the approval of the appropriate horsemen's association  
527 representing the horse owners racing at that meeting, for payment of administrative and  
528 horseracing operations, and the monies shall be in addition to monies deposited into a separate  
529 purse account as simulcast premiums received pursuant to section 2 of chapter 23K ½;

530 (5) pay a sum equal to 0.25 per cent from the 19 per cent and 26 per cent withheld from  
531 the total amount wagered by patrons so wagering and the total sum of the breaks annually into

532 the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund, under the  
533 direction and supervision of the state racing board members as they are individuals as trustees of  
534 said trust;

535 (6) pay to Tufts University School of Veterinary Medicine on the day following each day  
536 of such running horse racing meeting a sum equal to 0.5 per cent of the total amount deposited  
537 by the patrons, less the breaks, from the 26 per cent withheld from exotic wagers, to be used for  
538 equine research scholarships and loans.

539 Each licensee may retain as its commission on the total of all sums so deposited, a sum  
540 not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the  
541 total amounts wagered less the amounts required to be paid under clauses (1) to (6), inclusive.

542 (d) Each licensee conducting a harness horse racing meeting shall return to the winning  
543 patrons wagering on the speed or ability of any 1 harness horse in a race or races all sums so  
544 deposited as an award or dividend, according to the acknowledged and recognized rules and  
545 methods under which such pari-mutuel or certificate system has been operated, less the breaks  
546 and less an amount not to exceed 19 per cent of the total amount so deposited by patrons  
547 wagering on the speed or ability of any 1 harness horse; and each such licensee shall return to the  
548 winning patrons wagering on the speed or ability of a combination of more than 1 horse in a  
549 single pool, also known as an exotic wager, all sums so deposited as an award or dividend,  
550 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
551 or certificate system has been operated, less the breaks and less an amount not to exceed 26 per  
552 cent of the total amount so deposited. Each such licensee, including a licensee holding a harness  
553 horse racing meeting in connection with a state or county fair, shall:

554 (1) pay to the board on the day following each day of such harness horse racing meeting,  
555 excluding races conducted in connection with a state or county fair, a sum equal to 0.75 per cent  
556 of the total amount deposited on the preceding day by patrons so wagering at the meeting, the  
557 percentage to be paid from the 19 per cent withheld from the straight wagers or 26 per cent  
558 withheld from the exotic wagers as provided under this section;

559 (2) pay to the Massachusetts Standardbred Breeders program established under  
560 subsection (j) of section 2 of chapter 128, on the day following each day of the harness horse  
561 racing meeting a sum equal to 0.5 per cent of the total amount deposited by the patrons, less the  
562 breaks, and taken from the 19 per cent withheld from the straight wagers and a sum equal to 1.5  
563 per cent of the total amount deposited by the patrons, less the breaks, from the 26 per cent  
564 withheld from the exotic wagers; the monies to be used for the purposes of said subsection (j) of  
565 said section 2 of said chapter 128;

566 (3) allocate from the total amount deposited daily by the patrons wagering at such  
567 meeting a sum equal to 8 per cent from the 19 per cent withheld and a sum equal to 10 per cent  
568 from the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses  
569 to the horse owners in accordance with the rules and established customs of conducting harness  
570 horse racing meetings; the monies shall be in addition to monies deposited into a separate purse  
571 account as simulcast premiums received under section 2 of chapter 23K ½ ;

572 (5) pay the total sum of the breaks and a sum equal to 2 per cent of the total amount of  
573 the exotic wagers into the trust fund known as the Standardbred Horse Capital Improvements  
574 Trust Fund, under the direction and supervision of the state racing board members as they are  
575 individuals as trustees of the trust.

576 Each licensee may retain as its commission on the total of all sums deposited, a sum not  
577 exceeding the balance of the 19 per cent withheld from the straight wagers or the 26 per cent  
578 withheld from the exotic wagers as provided in this section less the amounts required to be paid  
579 under clauses (1) to (5), inclusive.

580 (f) Each licensee conducting a running horse racing meeting in connection with a state or  
581 county fair shall return to the winning patrons wagering on the speed or ability of any 1 running  
582 horse in a race or races all sums so deposited as an award or dividend, according to the  
583 acknowledged and recognized rules and methods under which such pari-mutuel or certificate  
584 system has been operated, less the breaks and less an amount not to exceed 19 per cent of the  
585 total amount so deposited by patrons wagering on the speed or ability of any 1 running horse.

586 Each such licensee shall return to the winning patrons wagering on the speed or ability of  
587 a combination of more than 1 horse in a single pool, also called an exotic wager, all sums so  
588 deposited as an award or dividend, according to the acknowledged and recognized rules and  
589 methods under which pari-mutuel or certificate system has been operated, less the breaks and  
590 less an amount not to exceed 26 per cent of the total amount so deposited. Each licensee shall:

591 (1) pay to the board on the day following each day of such running horse racing meeting  
592 a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons  
593 wagering at the meeting, the percentage to be paid from the 19 per cent and 26 per cent withheld,  
594 as provided under this section, from the total amount wagered on straight wagers and exotic  
595 wagers, respectively;

596 (2) allocate from the total amount deposited daily by the patrons wagering at the meeting  
597 a sum equal to 8 per cent from each of the respective 19 per cent withheld and 26 per cent

598 withheld as provided in this subsection to be used solely for the payment of purses to the horse  
599 owners in accordance with the rules and established customs for the conduct of running horse  
600 racing meetings; and

601 (3) pay a sum equal to 1 per cent of the total handle at the end of its racing schedule to  
602 the Massachusetts Thoroughbred Breeders Association, Inc.; provided, however, that the  
603 Association shall utilize the monies to develop a program to support horse racing at agricultural  
604 fairs including, but not limited to, owners' and breeders' awards for Massachusetts-bred  
605 thoroughbreds and provisions to supplement the purses of races or to provide the entire purse for  
606 the Massachusetts-bred thoroughbred races.

607 Each licensee may retain as its commission on the total of all sums so deposited, a sum  
608 not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from the  
609 total amounts wagered less the amounts required to be paid under clauses (1) to (3), inclusive.

610 (h) All pari-mutuel taxes paid to the board under this section, together with all pari-  
611 mutuel taxes paid to the board under section 2 of chapter 23K ½, and all assessments, association  
612 licensing fees, occupational licensing fees, fines, penalties and miscellaneous revenues, other  
613 than unclaimed wagers, paid to the board shall be deposited in the race horse development fund  
614 established in chapter 23K.

615 (j) 3.5 per cent of all purses at all running horse racing meeting licensees' tracks in the  
616 commonwealth shall be paid to the Massachusetts Thoroughbred Breeders' Association, Inc.

617 Section 10. Monies from all unclaimed live wagers made under this chapter and chapter  
618 23K ½ shall be deposited with the board. Subject to the rules and regulations established by the  
619 board, the board shall deposit the unclaimed live wagers into the purse accounts of the racing

620 meeting licensees that generated those unclaimed live wagers. A notice of the limitation  
621 prescribed by this section, in such form as the board shall prescribe, shall be posted by each  
622 licensee in a conspicuous place at each window or booth where pari-mutuel tickets are sold.

623         Section 11. Accurate records and books shall at all times be kept and maintained by each  
624 licensee, showing the number, nature and amount of all wagers made in connection with such  
625 meeting. The board, or its duly authorized representatives, shall at all reasonable times have  
626 access to the records and books of any licensee for the purpose of examining and checking the  
627 same, and ascertaining whether or not the proper amount has been or is being paid to the  
628 commission as herein provided.

629         Within 60 days after the close of a racing meeting, each licensee conducting a horse  
630 racing meeting shall submit, on forms prescribed by the board, financial statements certified to  
631 the board by a certified public accountant; provided, however, that said licensee with the prior  
632 written approval of the board, may submit said statements annually within 60 days after the close  
633 of its fiscal year, if any. The board, or its duly authorized representatives, shall at all reasonable  
634 times have access to all records and books of the licensee for the purpose of examining and  
635 certifying the same.

636         The board may also from time to time require sworn statements of such wagers and may  
637 prescribe blanks upon which such reports shall be made. Any licensee failing or refusing to make  
638 such report as herein provided, or failing or refusing to pay the amount found to be due as  
639 provided in this chapter, shall be deemed guilty of larceny and upon conviction shall be punished  
640 by a fine of not less than \$1,000 nor more than \$10,000.

641           Section 12. The board shall appoint two stewards to each track licensed to conduct racing  
642 meetings, who shall not be subject to chapter 31 or section 9A of chapter 30. The board shall  
643 assign, by regulation, duties to be performed by him. The compensation of the board-appointed  
644 steward shall be fixed by the board.

645           The board may also appoint one or more other representatives to attend each racing  
646 meeting held or conducted under a license issued under this chapter, and the appointment of said  
647 representatives shall not be subject to chapter 31 or section 9A of chapter 30. The compensation  
648 and duties of each such representative shall be fixed by the board.

649           Each such representative appointed by the board to attend a racing meeting shall have full  
650 and free access to the space or enclosure where the pari-mutuel or certificate system of wagering  
651 is conducted or supervised for the purpose only of ascertaining whether or not the provisions of  
652 this chapter are being properly observed. They shall also, for the same purpose only, have full  
653 and free access to the books, records and papers pertaining to such pari-mutuel or certificate  
654 system of wagering. All employees of the board assigned to the tracks for security purposes and  
655 all police officers assigned to the board shall be under the control and authority of one of the  
656 representatives of the board at each track. Said representative shall have full and free access to  
657 any other areas used in connection with the conduct of racing. They shall investigate, ascertain  
658 and report to the board in writing under oath as to whether or not he has discovered any violation  
659 at such meeting of any of the provisions of this chapter, and, if so, the nature and character of  
660 such violations. Such report shall be made within 10 days after the termination of the duties of  
661 such representative at any racing meeting.

662           If any such report shows any violation of this chapter, the board shall transmit a copy of  
663 such report to the attorney general for such action as they shall deem proper.

664           Section 13. The board shall apply to the department of public safety for the assignment of  
665 a complement of police officers to the board on a regular basis and said department shall assign  
666 such complement to the board. The board shall assign such police officers to guard and protect  
667 the lives and safety of the public, property and the animals to be raced at any such meeting, and  
668 to perform any such other duties which may be required by said board in order to maintain fair  
669 and honest pari-mutuel racing at any such meeting. The police officers so assigned shall, except  
670 in the case of an emergency, and while on duty at any such racing meeting, be subject to the  
671 operational authority of the board; provided, however, that such assignment or reassignment  
672 shall not in any way impair any rights to which any officer may be entitled.

673           The board shall from funds available pay to the department of public safety the cost of  
674 the salaries of the police officers so assigned from funds appropriated to the board.

675           All assignments and reassignments to the board, except as the commissioner of public  
676 safety shall determine that an emergency exists or is threatened, shall be subject to the approval  
677 of the chair of the board. Nothing herein shall prevent licensees from applying to the state police  
678 if they have jurisdiction in the area where a racing meeting is to be held, or to the police  
679 department of a city or town wherein a racing meeting is to be held, in order that such police  
680 agency may furnish a police detail for safety or traffic purposes at any racing meeting authorized  
681 by this chapter. The total cost for any such police detail shall be a sum equal to the salaries of the  
682 police officers comprising such detail, plus a sum to cover the administrative expenses incurred  
683 by the department of each such police officer.

684           The board shall employ as many veterinarians, chemists and laboratory technicians as it  
685 deems necessary to insure the legitimate performance of the animals to be raced at any racing  
686 meetings authorized by this chapter and to protect the health of such animals and the department  
687 of public safety shall provide that such veterinarians, chemists and laboratory technicians shall  
688 have access to the department's laboratory facilities.

689           Section 14. The board shall make periodic inspections of all of the installations and  
690 facilities operated by its licensees, including stable areas and the office of the racing secretary  
691 during the time that entries are being filed. Each member shall from time to time personally visit  
692 the jockeys' room to observe the activity of the custodians and valets, and the operation of the  
693 clerk of the scales, weighing procedures and security provisions. The activities of stewards,  
694 placing judges, patrol judges and starters shall be closely supervised by said board and the  
695 calculating and tote control room of the various tracks shall be regularly spot-checked to insure  
696 fair and equitable results for the wagering public.

697           Section 15. The board shall have full power to prescribe rules, regulations and conditions  
698 under which all horse races at horse racing meetings shall be conducted in the commonwealth  
699 and may by rule or regulation prohibit licensees from admitting minors to horse racing meetings.

700           The board shall have power to prescribe special rules, regulations and conditions  
701 applicable to horse racing meetings held under licenses granted hereunder in connection with a  
702 state or county fair, or any exhibition for the encouragement or extension of agriculture.

703           The board shall prescribe rules and regulations under which betting accounts for account  
704 wagering, as provided in section 10 of chapter 23K ½, shall be established, maintained and  
705 operated.

706 Rules and regulations so prescribed shall be printed by the board and furnished in  
707 reasonable numbers to anyone who may request them.

708 Any person violating any such rule or regulation shall, upon a complaint brought by the  
709 board, be punished by a fine not exceeding \$5,000 or by imprisonment not exceeding one year,  
710 or by both.

711 Section 16. For the purpose of enabling the board to exercise and maintain a proper  
712 control over horse racing conducted under the provisions of this chapter, the rules, regulations  
713 and conditions prescribed by the board under section 15 shall provide for the licensing and  
714 registering at reasonable and uniform fees, of agents, assumed names, colors, partnerships and  
715 minor agreements and shall provide for the licensing at reasonable and uniform fees of  
716 veterinarians, blacksmiths, owners, trainers, jockeys and stable employees at horse tracks  
717 participating in such racing, and any other persons having access to horses and all pari-mutuel  
718 clerks and other persons with access to money wagered on races.

719 Such rules and regulations shall also provide for the fingerprinting of all licensees. Every  
720 person so licensed shall be required to display and wear a badge containing a photograph. Such  
721 rules and regulations may also provide for the suspension and revocation of licenses so granted  
722 and for the imposition on persons so licensed of reasonable forfeitures and penalties for the  
723 violation of any rule or regulation prescribed by the board and for the use of the proceeds of such  
724 penalties and forfeitures.

725 The board shall have access to criminal offender record information of applicants for any  
726 license granted under this chapter or chapter 23K ¼, including officers, directors and beneficial  
727 owners of 10 per cent or more of the stock of a corporation applying for such a license, and for

728 applicants for employment by the board. Such access shall be exercised in accordance with  
729 sections 167 to 178, inclusive, of chapter 6.

730           Section 17. Notwithstanding the provisions of section 5 of chapter 30A, no rule,  
731 regulation or condition of the board promulgated under the provisions of this chapter shall take  
732 effect except as hereinafter provided.

733           A copy of every such rule, regulation or condition shall be filed with the clerk of the  
734 senate and shall be forthwith referred by them to the joint committee on consumer protection and  
735 professional licensure.

736           Said committee shall file a written report with the clerks of the house and senate within  
737 30 days after the filing of the copy thereof with said clerks, stating whether said rules,  
738 regulations and conditions are consistent with the statutory provisions under which they were  
739 promulgated.

740           Said rules, regulations and conditions shall take effect unless disapproved by a majority  
741 vote of both branches of the general court within 60 days after the filing of the copy thereof with  
742 the clerks of the house and senate unless the general court has prorogued within said 60 days.

743           If the general court prorogues within 60 days of the filing, with the clerks of the house  
744 and senate of such rules, regulations and conditions, the clerks of the house and senate shall refer  
745 the same to the committee on consumer protection and professional licensure the next session of  
746 the general court.

747           Said committee shall report as hereinbefore provided within 30 days of the first day of  
748 such session and such rules, regulations and conditions shall take effect unless disapproved by a

749 majority vote of both branches of the general court within 60 days of the first day of such  
750 session.

751 The clerks of the house and senate shall notify the board of the action taken thereon by  
752 the general court.

753 Notwithstanding the provisions of this section, the board may adopt emergency rules or  
754 regulations to protect the health or safety of the public, participants, or animals; provided,  
755 however, that no emergency rule or regulation shall attempt to regulate the dates, manner of  
756 wagering, or economic terms or conditions of horse racing within the commonwealth; and  
757 provided, further, that such emergency rules and regulations shall expire within 90 days.

758 Section 18. (a) Whoever, being under 21 years old, participates, whether personally or  
759 through an agent, in the pari-mutuel or certificate system of wagering at a racing meeting held or  
760 conducted by a licensee shall be punished by a fine not to exceed \$1,000.

761 (b) Whoever, being a licensee or an employee of a licensee, who knowingly allows a  
762 person under the age of 21 to participate, whether personally or through an agent, in the pari-  
763 mutuel or certificate system of wagering at a racing meeting held or conducted by such licensee  
764 shall be punished, for a first offense, by imprisonment in the house of correction for not more  
765 than 1 year or a fine not to exceed \$10,000, or both, and in the case of a person other than a  
766 natural person, by a fine not to exceed \$500,000 and, for a second or subsequent offense, by  
767 imprisonment in the house of correction for not more than 2 years or a fine not to exceed  
768 \$50,000, or both, and in the case of a person other than a natural person, by a fine not to exceed  
769 \$1,000,000.

770 (c) Whoever knowingly participates in the pari-mutuel or certificate system of wagering  
771 at a racing meeting held or conducted by such licensee for or on behalf of a person under 21  
772 years of age shall be punished by imprisonment in a house of correction for not more than 6  
773 months or by a fine of not more than \$1,000 or both.

774 Section 19. Whoever, with intent to defraud, falsely makes, alters or forges a pari-mutuel  
775 betting ticket issued under the provisions of section 9, or whoever, with intent to defraud, utters  
776 and publishes as true a false, forged or altered pari-mutuel betting ticket issued under the  
777 provisions of said section 9, knowing the same to be false, forged or altered, shall be punished by  
778 a fine of not more than \$1,000 or by imprisonment in the state prison for not more than five years  
779 or in a jail for not more than two years.

780 Section 20. Any person making a handbook, at any race track within the commonwealth,  
781 or holding or conducting a gambling pool or managing any other type of wagering or betting on  
782 the results of any horse or dog race, or aiding or abetting any of the foregoing types of wagering  
783 or betting, except as permitted by this chapter, shall for a first offence be punished by a fine of  
784 not more than two thousand dollars and imprisonment for not more than one year, and for a  
785 subsequent offence by a fine of not more than \$10,000 and imprisonment for not more than two  
786 years.

787 Section 21. Any jockey, trainer or owner of horses participating in horse racing, if found  
788 guilty by the board of unfair riding or crooked tactics, may be barred or suspended from further  
789 participation in racing throughout the commonwealth.

790 Section 22. No person shall administer or cause to be administered any drug, internally or  
791 externally by injection, drench or otherwise, to any horse for the purpose of retarding,

792 stimulating or in any other manner affecting the speed of such horse in or in connection with a  
793 race conducted under the provisions of this chapter. Whoever violates this section shall be  
794 punished by a fine of \$5,000 or by imprisonment for one year, or both.

795         Section 23. No person shall influence, induce or conspire or connive with, or attempt so  
796 to do, any owner, trainer, jockey, agent, driver, groom or other person associated with or  
797 interested in or having charge of or access to any horse entered or to be entered in a race for the  
798 purpose of fraudulently affecting the ultimate result of such race. Whoever violates this section  
799 shall be punished by a fine of not less than \$100 nor more than \$3,000 or by imprisonment for  
800 not more than one year, or both.

801         Section 24. Any board member or representative of the board or any person licensed to  
802 conduct a horse racing meeting, including racing meetings conducted in connection with state or  
803 county fairs, shall have the right to refuse admission to or eject from its premises any person  
804 whose presence on said premises is detrimental, in the sole judgment of the board member or  
805 representative of the board or of said licensee, to the proper and orderly conduct of a racing  
806 meeting.

807         Any person who has been notified by any board member or representative of the board or  
808 a licensee of a racing meeting not to enter or attempt to enter its premises and who thereafter,  
809 without the express approval of any board member or representative of the board or the licensee,  
810 enters or attempts to enter such premises while a racing meeting is being conducted therein, shall  
811 be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months,  
812 or both. Any person so excluded by any board member or representative of the board or by a  
813 licensee shall have a right of appeal to the commission. The commission shall hold a hearing

814 within ten days after any such person requests an appeal and may after such hearing by vote  
815 allow such person admission to such meeting.

816 Section 25. No person shall hold or conduct, or assist, aid or abet in holding or  
817 conducting, any horse racing meeting within the commonwealth unless such person shall comply  
818 with the provisions of this chapter.

819 Any person holding or conducting or any person aiding or abetting in holding or  
820 conducting, any horse racing meeting within the commonwealth in violation of any of the  
821 provisions of this chapter shall, unless some other penalty for such violation is provided in this  
822 chapter, be punished for each such offence by a fine of not more than \$10,000 or by  
823 imprisonment for not more than one year, or both.

824 For the purpose of this section, each day on which any horse racing meeting shall be held  
825 or conducted in violation of any of the provisions of this chapter shall be considered a separate  
826 and distinct offence.

827 Section 26. Notwithstanding the provisions of this chapter or any general or special law  
828 to the contrary, no dog racing or racing meeting where any form of betting or wagering on the  
829 speed or ability of dogs occurs shall be conducted or permitted in this commonwealth and the  
830 board is hereby prohibited from accepting or approving any application or request for racing  
831 dates for dog racing.

832 Any person violating any provision of this section relative to dog racing shall be subject  
833 to a civil penalty of not less than \$20,000 which shall be payable to the board and used for  
834 administrative purposes of the board subject to appropriation.

835 CHAPTER 23K ½.

836 SIMULCAST WAGERING OF RACING.

837 Section 1. As used in this chapter, the following words shall have the following meanings  
838 unless the context clearly requires otherwise:

839 "Advance deposit wagering", a form of pari-mutuel wagering in which a person deposits  
840 money in an account with an advance deposit wagering hub operator licensed by the board to  
841 conduct advance deposit wagering. The money is used to pay for pari-mutuel wagers made in  
842 person, by telephone, or through a communication by other electronic means on horse or dog  
843 races held in or outside the Commonwealth.

844 "Advance deposit wagering hub operator", a simulcast and interactive wagering hub  
845 business operated by a racing meeting licensee or gaming licensee directly, or through an  
846 agreement with an authorized and licensed service provider, and licensed by the board that,  
847 through a subscriber-based service located in this or another state, conducts pari-mutuel  
848 wagering on the races that it simulcasts and on other races that it carries in its wagering menu  
849 and that uses a computer that registers bets and divides the total amount bet among those who  
850 won.

851 "Board", the state racing board established in chapter 23K.

852 "Breaks", in the case of racing meetings conducted in the commonwealth by a racing  
853 meeting licensee, the odd cents over any multiple of 10 cents of winnings per 1 dollar wagered.  
854 In the case of racing meetings conducted at a host track outside the commonwealth, the amount

855 of the breaks shall be determined in accordance with the laws of the state in which the host track  
856 is located.

857 "Commission", the Massachusetts gaming commission established in chapter 23K.

858 "Dark days", those days during a racing season on which live racing is not conducted.

859 "Dark season", that period of consecutive days between racing seasons during which a  
860 racing meeting licensee may not conduct live racing performances.

861 "Full schedule of live racing performances", the conduct of no fewer than seven live races  
862 at not less than four separate racing performances each full week during a racing season.

863 "Gaming licensee", a person or entity who holds a gaming license under chapter 23K.

864 "Guest track", a racing meeting licensee or an out-of-state pari-mutuel wagering facility  
865 which accepts any simulcast wager on a live race conducted at another track which is presented  
866 by simulcast at its facility.

867 "Host track", a racing meeting licensee or an out-of-state track which conducts a live race  
868 which is the subject of inter-track simulcasting and simulcast wagering.

869 "Inter-track simulcasting", the simulcast of a live race conducted at one track to another  
870 track, whether either of said tracks is inside or outside the commonwealth, to permit the recipient  
871 of the simulcast to accept simulcast wagers on the race.

872 "Racing card", a full program of races on a specified day as approved by the state racing  
873 commission at a racing meeting licensee, a pari-mutuel licensee, or other licensed wagering  
874 facility located outside the commonwealth.

875 "Racing day", a day on which 1 or more racing performances are conducted.

876 "Racing meeting licensee", a person licensed by the board, under chapter 23K ¼ to  
877 conduct live horse racing meetings; provided, however, that for the purposes of this chapter the  
878 words racing meeting licensee shall not include licensees holding racing meetings in connection  
879 with a state or county fair.

880 "Racing performance", the conduct of at least seven live races during one day.

881 "Racing season", that period of consecutive days including dark days during which a  
882 racing meeting licensee conducts a full schedule of live racing performances pursuant to his  
883 operating license.

884 "Simulcast", the broadcast, transmission, receipt or exhibition, by any medium or manner,  
885 of a live race, including but not limited to, a system, network, or programmer which transmits, or  
886 receives, television or radio signals by wire, satellite, or otherwise.

887 "Simulcast wager", a wager taken at a guest track on a race conducted live at another  
888 track, whether inside or outside the commonwealth.

889 "Source market fee", the portion of a wager made with a licensed advance deposit  
890 wagering hub operator by a Massachusetts resident that is paid to the board.

891 "Takeout", that amount of money wagered which is not returned as prize money to the  
892 wagerers and which does not include the breaks as defined in section 9 of chapter 23K ¼.

893 Section 2. A racing meeting licensee, except a licensee operating within Berkshire  
894 county, or gaming licensee shall have the right to simulcast live races, for wagering purposes or  
895 otherwise, within the commonwealth except in Berkshire county and to and from pari-mutuel

896 licensees or other licensed wagering facilities located outside the commonwealth. Such right  
897 shall only be exercised on any calendar day on which a racing meeting licensee conducts a racing  
898 performance, a dark day or during a dark season. Any violation of the provisions of this chapter  
899 shall be cause for the board to invoke its power to suspend or revoke a racing meeting licensee's  
900 operating license under section 6 of chapter 23K ¼ or for the commission to invoke its power to  
901 suspend or revoke a gaming licensee's operating license under section 3 of chapter 23K. A  
902 racing meeting licensee shall make simulcasts of live races conducted by such racing meeting  
903 licensee available to all otherwise eligible racing meeting licensees and gaming licensees who  
904 have successfully made application to the board or commission to simulcast, on the same terms,  
905 to include economic terms, and conditions.

906 All racing meeting licensees and gaming licensees, whether acting as a host or guest track  
907 for simulcasting purposes shall file with the board, clerk of the senate and clerk of the house of  
908 representatives a copy of all contracts, agreements, or conditions under which simulcast events  
909 are broadcast, transmitted or received which shall include provisions for takeout, commissions  
910 and charges.

911 No racing meeting licensee, whether acting as a guest track or a host track shall simulcast  
912 live races unless said licensee conducts a full schedule of live racing performances during a  
913 racing season except that if the board determines that a licensee cannot conduct a full schedule of  
914 live racing performances due to weather conditions, race track conditions, strikes, work  
915 stoppages, sickness or quarantine not within the control of the licensee, the board may permit the  
916 licensee to continue simulcasting, and if it appears that a racing meeting licensee is or will  
917 become unable to conduct a full schedule of live racing performances, the board shall suspend  
918 such right to simulcast until said licensee conducts or resumes a full schedule of live racing

919 performances; provided, further, that no racing meeting licensee shall simulcast live races unless  
920 each said racing meeting licensee is licensed to conduct no fewer than a total of 60 racing  
921 performances.

922 All simulcasts shall comply with the provisions of the Interstate Horseracing Act of 1978,  
923 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all  
924 simulcasts from states whose racing associations do not require approval in compliance with the  
925 Interstate Horseracing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the  
926 month of August, shall require the approval of the New England Horsemen's Benevolent and  
927 Protective Association, or other entity deemed appropriate by the board, prior to being simulcast  
928 to any racing meeting licensee within the commonwealth; provided, further, that if said  
929 association agrees to approve such simulcast for one racing meeting licensee, it shall approve the  
930 simulcast for all otherwise eligible racing meeting licensees.

931 Each racing meeting and gaming licensee shall pay a fee for those days, whether a dark  
932 day, a day during a dark season, or any day between periods of racing under an operating license,  
933 when no live races are conducted but simulcast races are shown and simulcast wagers are  
934 accepted. Such fee shall be determined by the board in accordance with the license fees charged  
935 under the provisions of chapter 23K  $\frac{1}{4}$ . No other daily fee shall be assessed.

936 Section 3. All wagers on simulcast races accepted by a racing meeting licensee or gaming  
937 licensee within the commonwealth or by a pari-mutuel licensee in another jurisdiction when such  
938 licensee is operating as a guest track shall be included in the pari-mutuel pool of the racing  
939 meeting licensee which conducts the live race, unless the board approves a different procedure.

940           The board shall promulgate rules as are necessary to facilitate the commingling of pari-  
941   mutuel pools, to ensure the proper calculations and distributions of payments and takeouts on  
942   such wagers and to regulate the distribution of net proceeds as provided in this chapter.

943           Section 4. The unclaimed simulcast wagers collected by the gaming licenses, the running  
944   horse racing meeting licensee, and the harness horse racing meeting licensee shall be deposited  
945   in a separate account under the control and supervision of the board for payment to the purse  
946   accounts of the racing meeting that generated the unclaimed wagers.

947           Section 5. (a) Each racing meeting licensee within the commonwealth acting as a guest  
948   track and simulcasting a live running horse race from a host track within the commonwealth  
949   shall pay daily from such simulcast wagers a sum equal to 0.125 per cent and the total sum of the  
950   breaks into the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund  
951   under the direction and supervision of the state racing board members.

952           Each such racing meeting licensee acting as a guest track shall return to the winning  
953   patrons wagering on such simulcast race all sums so deposited as an award or dividend,  
954   according to the acknowledged and recognized rules and methods under which such pari-mutuel  
955   or certificate system has been operated, less such breaks and less an amount not to exceed 19 per  
956   cent of the total amount so deposited by patrons wagering on the speed or ability of any one  
957   running horse, also known as a straight wager, and, each such licensee shall return to the winning  
958   patrons wagering on the speed or ability of a combination of more than one horse in a single  
959   pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such  
960   breaks, and less an amount not to exceed 26 per cent of the total amount so deposited.

961           The licensee shall pay to the board on behalf of the commonwealth on the day following  
962 each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
963 breeders association of the most recent live racing performance at the guest track for the  
964 purposes of promoting the respective breeding in the commonwealth pursuant to law; a sum  
965 equal to 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid  
966 from the 26 per cent withheld to the horse owners at the host track for purses in accordance with  
967 the rules and established customs of conducting running horse racing meetings or, with the  
968 approval of the appropriate horsemen's association representing the horse owners racing at that  
969 meeting, for payment of administrative and horseracing operations; said percentage to be paid  
970 from the 19 per cent and the 26 per cent withheld, as provided in this section.

971           The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
972 wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the  
973 straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
974 racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall  
975 be paid to the horse owners, of the most recent live racing performance at the guest track, for  
976 purses or, with the approval of the appropriate horsemen's association representing the horse  
977 owners racing at that meeting, for payment of administrative and horseracing operations, said  
978 percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

979           (b) Each racing meeting licensee within the commonwealth acting as a guest track and  
980 simulcasting a live running horse race from a host track from outside the commonwealth shall  
981 pay daily from such simulcast wagers the sum of 0.125 per cent and the total sum of the such  
982 breaks into the trust fund known as the Thoroughbred Horse Capital Improvements Trust Fund  
983 under the direction and supervision of the state racing board members.

984 Each licensee shall return to the winning patrons all sums so deposited less the breaks  
985 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
986 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
987 exercising regulatory authority over the host track; provided, however, that, from the total of the  
988 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the  
989 commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the  
990 most recent live racing performance at the guest track for the purposes of promoting the  
991 respective breeding of the animals in the commonwealth pursuant to law; and the remaining  
992 percentages shall be retained by the racing meeting licensee as their commission; provided  
993 further, that the running horse racing meeting licensee and the appropriate horseman's  
994 association representing the horse owners racing at that race track shall contract between  
995 themselves a percentage of not less than 4 per cent and not more than 7.5 per cent of the  
996 remaining percentages to be paid to the horse owners.

997 Section 5A. (a) Each racing meeting licensee within the commonwealth acting as a guest  
998 track and simulcasting a live harness horse race from a host track within the commonwealth shall  
999 pay daily from such simulcast wagers the total sum of the breaks, and a sum equal to 1 per cent  
1000 of the exotic wagering pool into the trust fund known as the Standardbred Horse Capital  
1001 Improvements Trust Fund under the direction and supervision of the state racing board members.

1002 Each such racing meeting licensee acting as a guest track shall return to the winning  
1003 patrons wagering on such simulcast race all sums so deposited as an award or dividend,  
1004 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
1005 or certificate system has been operated, less the such breaks and less an amount not to exceed 19  
1006 per cent of the total amount so deposited by patrons wagering on the speed or ability of any one

1007 harness horse, also known as a straight wager, and each such licensee shall return to the winning  
1008 patrons wagering on the speed or ability of a combination of more than one horse in a single  
1009 pool, also known as an exotic wager, all sums so deposited as an award or dividend, less such  
1010 breaks and less an amount not to exceed 26 per cent of the total amount so deposited.

1011           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1012 each day of simulcasting a sum equal to 0.375 per cent; a sum equal to 0.25 per cent to the  
1013 breeders association of the most recent live performance at the guest track for the purpose of  
1014 promoting the respective breeding of such animals in the commonwealth pursuant to law; a sum  
1015 equal to 5 per cent shall be paid to the horse owners for purses at the host track in accordance  
1016 with the rules and established customs of conducting harness horse racing meetings; a sum equal  
1017 to 5.875 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 7.5  
1018 per cent shall be retained by the racing meeting licensee at the guest track; provided, however,  
1019 that not less than 3.5 per cent shall be paid to the horse owners of the most recent live racing  
1020 performance at the guest track, for purses, said percentages to be paid from the 19 per cent  
1021 withheld from the straight wager as provided in this section.

1022           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1023 each day of simulcasting a sum equal to 0.375 per cent; a sum equal to 0.75 per cent to the  
1024 breeders association of the most recent live racing performance at the guest track for the purpose  
1025 of promoting the respective breeding of such animals in the commonwealth pursuant to law; a  
1026 sum equal to 6 per cent to be paid to the horse owners at the host track for purses in accordance  
1027 with the rules and established customs of conducting harness horse racing meetings; a sum equal  
1028 to 6.875 per cent shall be paid to the racing meeting licensee at the host track; a sum equal to 11  
1029 per cent shall be retained by the racing meeting licensee at the guest track; provided, however,

1030 that not less than 3.5 per cent shall be paid to the horse owners, of the most recent live racing  
1031 performance at the guest track, for purses, said percentages to be paid from the 26 per cent  
1032 withheld from the exotic wager pool as provided in this section.

1033 (b) Each racing meeting licensee within the commonwealth acting as a guest track and  
1034 simulcasting a live harness horse race from a host track from outside the commonwealth shall  
1035 pay daily from such simulcast wagers the total sum of such breaks into the trust fund known as  
1036 the Standardbred Horse Capital Improvement Trust Fund under the direction and supervision of  
1037 the state racing board members.

1038 Each licensee shall return to the winning patrons all sums so deposited less such breaks  
1039 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
1040 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
1041 exercising regulatory authority over the host track; provided, however, that, from the total of the  
1042 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the  
1043 commonwealth; the sum of 1 per cent of the exotic wagering pool shall be paid daily to the  
1044 Standardbred Horse Capital Improvement Trust Fund under the direction and supervision of the  
1045 state racing board members; the sums of 0.25 per cent of the straight wagering pool and 0.75 per  
1046 cent of the exotic wagering pool shall be paid daily to the breeders' association of the most recent  
1047 live racing performance at the guest track for the purposes of promoting the breeding of the  
1048 animals in the commonwealth pursuant to law; and the remaining percentages shall be retained  
1049 by the racing meeting licensee as their commission; provided, however, that the harness horse  
1050 racing meeting licensee and the appropriate horseman's association representing the horse  
1051 owners racing at the race track shall contract between themselves a percentage of not less than 4

1052 per cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse  
1053 owners.

1054 Section 6. (a) If a new running horse racing meeting licensee should replace the existing  
1055 running horse meeting licensee during any point in a calendar year and a new contract is not  
1056 agreed upon between the new running horse meeting licensee and the horseman's association  
1057 before the start of the next racing season, then the last signed, executed and completed contract  
1058 between the previous running horse racing meeting licensee and the horseman's association shall  
1059 remain in effect for the racing season only or until a new contract is agreed upon.

1060 (b) If a new harness horse racing meeting licensee should replace the existing harness  
1061 horse meeting licensee during any point in a calendar year and a new contract between the new  
1062 harness horse meeting licensee and the horseman's association is not agreed upon before the start  
1063 of the next racing season, then the last signed, executed and completed contract between the  
1064 previous harness horse racing meeting licensee and the horseman's association shall remain in  
1065 effect for the racing season only or until a new contract is agreed upon

1066 Section 7. Notwithstanding section 2, a running horse racing meeting licensee, excluding  
1067 a licensee in Berkshire county, which is conducting running horse racing meetings in connection  
1068 with a state or county fair, may, with the permission of the board and subject to the approval of  
1069 the city council and mayor or board of selectmen and town meeting of a city or town where the  
1070 fair is located, and following a demonstration by said licensee of its ability to complete no less  
1071 than 50 per cent of the live races performances approved by the board, simulcast unlimited  
1072 thoroughbred horse races and the intrastate live races of the racing meeting licensees in the  
1073 commonwealth on any day if such simulcast is conducted in connection with a state or county

1074 fair, for wagering purposes or otherwise, from pari-mutuel wagering facilities located within the  
1075 commonwealth except in Berkshire county; but, if the board determines that a licensee cannot  
1076 conduct 50 per cent of live racing performances due to weather conditions, race track conditions,  
1077 strikes, work stoppages, sickness or quarantine not within the control of the licensee, the board  
1078 may permit the licensee to continue simulcasting on that day despite the stoppage of the  
1079 performances for said reasons. The total number of days of simulcast at the state or county fair,  
1080 which is licensed by the board for live running horse racing meetings, shall not exceed the total  
1081 number of days the live racing licensee is licensed to operate or 15 days, whichever is less. The  
1082 licensee shall simulcast its live racing performances and receive a fee therefor of 11 per cent;  
1083 provided, however, that said simulcast shall not be considered a live in-state racing performance  
1084 for purposes of the fourth paragraph of section 2.

1085         The racing meeting licensees conducting running horse racing meetings in connection  
1086 with a state or county fair and simulcasting a live running horse race from a host track within the  
1087 commonwealth shall pay daily from such simulcast wagers the total sum of the breaks and a sum  
1088 equal to 0.125 per cent into the host track trust fund known as the Running Horse Capital  
1089 Improvements Trust Fund, under the direction and supervision of the state racing board  
1090 members.

1091         The board shall promulgate rules and regulations for the simulcast of pari-mutuel races in  
1092 connection with state or county fairs.

1093         Each such racing meeting licensee acting as a guest track shall return to the winning  
1094 patrons wagering on such simulcast race all sums so deposited as an award or dividend,  
1095 according to the acknowledged and recognized rules and methods under which such pari-mutuel

1096 or certificate system has been operated, less the breaks and less an amount not to exceed 19 per  
1097 cent of the total amount so deposited by the patrons wagering on the speed or ability of any one  
1098 running horse, also known as a straight wager, and, each such licensee shall return to winning  
1099 patrons wagering on the speed or ability of a combination of more than one horse in a single  
1100 pool, also called an exotic wager, all sums so deposited as an award or dividend, less the breaks,  
1101 and less an amount not to exceed 26 per cent of the total amount so deposited; provided,  
1102 however, that a sum equal to 0.25 per cent of the total amount deposited on said exotic wagering  
1103 pool shall be payable to the division of fairs of the commonwealth; provided, further, that the  
1104 division of fairs may expend such funds without further appropriation and for such purposes as  
1105 authorized under the provisions of paragraph (f) of section 2 of chapter 128; and provided,  
1106 further, that such expenditures by the division of fairs shall not exceed \$50,000 in any fiscal  
1107 year.

1108         The licensee shall pay to the board on behalf of the commonwealth on the day following  
1109 each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
1110 breeders' association of the most recent live racing performance at the host track for the purposes  
1111 of promoting the breeding of such animals in the commonwealth pursuant to law; a sum equal to  
1112 5 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26  
1113 per cent withheld to the horse owners at the host track for the purses in accordance with the rules  
1114 and established customs of conducting running horse racing meetings.

1115         The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
1116 wagering pool shall be paid to the racing meeting licensee at the host track; and 8.75 per cent of  
1117 the straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
1118 racing meeting licensee at the guest track; provided, however, that not less than 3.5 per cent shall

1119 be paid to the horse owners, of the most recent live racing performance at the host track, for  
1120 purses, said percentages to be paid from the 19 per cent and 26 per cent withheld as provided in  
1121 this section.

1122 All simulcasts shall comply with the provisions of the Interstate Horse Racing Act of  
1123 1978, 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided, however, that all  
1124 simulcasts from states which have racing associations that do not require approval in compliance  
1125 with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts  
1126 during the month of August, shall require the approval of the New England Horsemen's  
1127 Benevolent and Protective Association, or other entity deemed appropriate by the board, prior to  
1128 being simulcast to any racing meeting licensee within the commonwealth; provided further, that  
1129 if the association agrees to approve such simulcast for 1 racing meeting licensee, it shall approve  
1130 the simulcast for all otherwise eligible racing meeting licensees.

1131 Section 8. (a) Each gaming licensee within the commonwealth acting as a guest track and  
1132 simulcasting a live running or harness horse race from a host track within the commonwealth  
1133 shall pay daily from such simulcast wagers a sum equal to 0.125 per cent and the total sum of the  
1134 breaks into the trust fund of the most recent live performance at the guest track under the  
1135 direction and supervision of the state racing board members.

1136 Each such gaming licensee acting as a guest track shall return to the winning patrons  
1137 wagering on such simulcast race all sums so deposited as an award or dividend, according to the  
1138 acknowledged and recognized rules and methods under which such pari-mutuel or certificate  
1139 system has been operated, less such breaks and less an amount not to exceed 19 per cent of the  
1140 total amount so deposited by patrons wagering on the speed or ability of any one running horse,

1141 also known as a straight wager, and, each such licensee shall return to the winning patrons  
1142 wagering on the speed or ability of a combination of more than one horse in a single pool, also  
1143 known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and  
1144 less an amount not to exceed 26 per cent of the total amount so deposited.

1145         The licensee shall pay to the board on behalf of the commonwealth on the day following  
1146 each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
1147 breeders association of the most recent live racing performance at the guest track for the  
1148 purposes of promoting the respective breeding in the commonwealth under law; a sum equal to 5  
1149 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26  
1150 per cent withheld to the horse owners at the host track for purses in accordance with the rules and  
1151 established customs of conducting running horse racing meetings or, with the approval of the  
1152 appropriate horsemen's association representing the horse owners racing at that meeting, for  
1153 payment of administrative and horseracing operations; said percentage to be paid from the 19 per  
1154 cent and the 26 per cent withheld, as provided in this section.

1155         The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
1156 wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the  
1157 straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
1158 gaming licensee at the guest track; provided, however, that not less than 3.5 per cent shall be  
1159 paid to the horse owners, of the most recent live racing performance at the guest track, for purses  
1160 or, with the approval of the appropriate horsemen's association representing the horse owners  
1161 racing at that meeting, for payment of administrative and horseracing operations, said  
1162 percentages to be paid from the 19 per cent and 26 per cent withheld as provided in this section.

1163 (b) Each gaming licensee within the commonwealth acting as a guest track and  
1164 simulcasting a live running or harness horse race from a host track from outside the  
1165 commonwealth shall pay daily from such simulcast wagers the sum of 0.125 per cent and the  
1166 total sum of the such breaks into the trust fund of the most recent live performance at the guest  
1167 track under the direction and supervision of the state racing board members.

1168 Each licensee shall return to the winning patrons all sums so deposited less the breaks  
1169 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
1170 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
1171 exercising regulatory authority over the host track; provided, however, that, from the total of the  
1172 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the  
1173 commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the  
1174 most recent live racing performance at the guest track for the purposes of promoting the  
1175 respective breeding of the animals in the commonwealth under law; and the remaining  
1176 percentages shall be retained by the gaming licensee as their commission; provided further, that  
1177 the gaming licensee and the appropriate horseman's association representing the horse owners  
1178 racing at the host race track shall contract between themselves a percentage of not less than 4 per  
1179 cent and not more than 7.5 per cent of the remaining percentages to be paid to the horse owners.

1180 Section 9. (a) Each racing meeting licensee within the commonwealth acting as a guest  
1181 track and simulcasting a live greyhound race from a host track from outside the commonwealth  
1182 shall return to the winning patrons all sums so deposited less such breaks and less either an  
1183 amount not to exceed 19 per cent of the total amount so deposited or an amount which would be  
1184 paid under the laws of the jurisdiction exercising regulatory authority over such host track;  
1185 provided, however, that a sum equal to 0.375 per cent of the total amount wagered shall be paid

1186 daily to the board on behalf of the commonwealth; a sum equal to 0.5 per cent of the total  
1187 amount wagered shall be paid to the Capital Improvement Trust Fund of the racing meeting  
1188 licensee acting as a guest track under the direction and supervision of the state racing board  
1189 members; and the remaining percentages shall be retained by the racing meeting licensee as their  
1190 commission; provided, however, that not less than 3.5 per cent shall be paid to the purses of the  
1191 racing meeting licensee acting as a guest track, and the remaining portion shall be applied to the  
1192 expenses as the racing meeting licensee is required to pay under contracts negotiated with the  
1193 host track.

1194 (b) Each gaming licensee within the commonwealth acting as a guest track and  
1195 simulcasting a live greyhound race from a host track from outside the commonwealth shall return  
1196 to the winning patrons all sums so deposited less such breaks and less either an amount not to  
1197 exceed 19 per cent of the total amount so deposited or an amount which would be paid under the  
1198 laws of the jurisdiction exercising regulatory authority over such host track; provided, however,  
1199 that a sum equal to 0.375 per cent of the total amount wagered shall be paid daily to the board on  
1200 behalf of the commonwealth; a sum equal to 0.5 per cent of the total amount wagered shall be  
1201 paid to the Race Horse Development Fund under the direction and supervision of the board  
1202 members; and the remaining percentages shall be retained by the gaming licensee as their  
1203 commission; provided, however, that not less than 3.5 per cent shall be paid to for school aid to  
1204 cities, towns, regional school districts, counties maintaining agricultural schools, independent  
1205 vocational schools and independent agricultural and technical schools to be distributed under  
1206 chapters 70 and 76 of the General Laws and section 3, and the remaining portion shall be applied  
1207 to the expenses as the gaming licensee is required to pay under contracts negotiated with the host  
1208 track.

1209           Section 10. (a) The board may license an advance deposit wagering hub operator to  
1210 conduct advance deposit wagering. The board shall impose an initial non-refundable application  
1211 fee which of \$2,500 which shall be paid by each applicant for such license or renewal thereof.  
1212 Advance deposit wagering is prohibited and illegal unless it is conducted through an advance  
1213 deposit wagering hub operator licensed by the board.

1214           (b) A licensed advance deposit wagering hub operator:

1215           (1) may only accept advance deposit wagering money for races conducted in compliance  
1216 with the interstate horse racing act or by a licensed race meet;

1217           (2) may not accept a wager in an amount in excess of the money on deposit in the account  
1218 of a person who wishes to make the wager;

1219           (3) may not rebate any money to a bettor based on a wager made under this chapter or  
1220 chapter 23K  $\frac{1}{4}$ ;

1221           (4) may not allow a person under 18 years of age to open an account with the advance  
1222 deposit wagering hub operator, make a wager from an account, or otherwise have access to an  
1223 account;

1224           (5) shall include a statement in any of its advertising for advance deposit wagering that a  
1225 person under 18 years of age is not allowed to participate;

1226           (6) shall verify the identification, residence, and age of each person seeking to open an  
1227 advance deposit wagering account which shall not be assignable or otherwise transferable;

1228 (7) shall utilize personal identification numbers and such other technologies as the board  
1229 may specify to assure that only the account holder has access to the advance deposit wagering  
1230 account;

1231 (8) may require a minimum balance in an account, which the board shall prescribe by  
1232 regulation;

1233 (9) shall utilize appropriate totalizator and accounting controls to safeguard the  
1234 transmission of wagering data, and keep a system of accounts to maintain a separate record of  
1235 revenues and an accounting of costs relative to the operation of the hub operator;

1236 (10) shall agree to pay to the board a source market fee in an amount equal to a  
1237 percentage of the total amount wagered by Massachusetts residents from their accounts with the  
1238 advance deposit wagering hub operator; and

1239 (11) shall agree to a payment schedule of source market fees on or before the fifth  
1240 business day of each month covering payments due for the period of the preceding calendar  
1241 month.

1242 (c) A licensed advance deposit wagering hub operator shall pay a source market fee equal  
1243 to 5 per cent on each wager accepted from Massachusetts residents. Of the amounts collected  
1244 under this subsection:

1245 (1) 4 per cent shall be payable to for school aid to cities, towns, regional school districts,  
1246 counties maintaining agricultural schools, independent vocational schools and independent  
1247 agricultural and technical schools to be distributed under chapters 70 and 76 of the General Laws  
1248 and section 3;

1249 (2) 6 per cent shall be payable to the Race Horse Development Fund;

1250 (3) 10 per cent shall be payable to the General Fund; and

1251 (4) 80 per cent shall be payable to live race meet licensees based on each live race meet  
1252 licensee's percentage of the total annual on-track pari-mutuel handle during the previous live race  
1253 season. Prior to the beginning of each year's live race season, the correct percentage must be  
1254 distributed by the board to each live race meet licensee to be used for race purses or other  
1255 purposes that the board considers appropriate for the good of the horseracing industry; provided,  
1256 however, that a minimum of 20 per cent shall be dedicated to race purses.

1257 (d) Wagers placed with the operators shall result in the combination of all wagers placed  
1258 with such operators with the wagering pools at the host track so as to produce common pari-  
1259 mutuel betting pools for the calculation of odds and the determination of payouts from such  
1260 pools, which payout shall be the same for all winning tickets, irrespective of whether a wager is  
1261 placed at a host track or at an advance deposit wagering hub operator in compliance with this  
1262 chapter and chapter 23K ¼.

1263 (e) Each licensee shall, with respect to each betting account established with such  
1264 licensee, make tax withholdings and provide tax and revenue reporting, all as otherwise required  
1265 for wagers placed at a racing meeting licensee.

1266 (f) The balance in any betting account maintained by a person licensed under this section,  
1267 which account has been inactive for a period of 3 years, shall be presumed to be abandoned and  
1268 paid to the state treasurer under the provisions of chapter 200A.

1269 (g) The licensee may refuse to establish or maintain a betting account and may refuse  
1270 deposits to any such account if the licensee deems such refusal appropriate; provided, however,  
1271 that such licensee shall not establish or maintain a betting account for any person who has been  
1272 banned or prohibited from entering the premises of a racing meeting licensee or gaming  
1273 establishment in the commonwealth. The licensee may suspend or close any account at any time;  
1274 provided, however, that the licensee shall return to the account holder any funds that are on  
1275 deposit in the account at the time it is closed.

1276 (h) No race shall be telecast live to a public location outside of a guest track if used in  
1277 conjunction with the operation of the account wagering system in a manner that creates an off-  
1278 track betting center. This section prohibits any contract or other agreement of a person licensed  
1279 to conduct a running horse or harness horse racing meeting that facilitates or encourages off-  
1280 track betting as well as any arrangement involving dedicated or direct telephone lines or other  
1281 electronic connections between the licensee's facility and a public location outside the area of the  
1282 licensee's facility at which live telecasts of races are presented. This section shall not prohibit  
1283 television display of races at public locations when account wagering is incidental to the  
1284 presentation of such races and the telecasting does not occur in conjunction with the operation of  
1285 an off-track betting center within the commonwealth.

1286 (i) Betting accounts authorized by this section shall be established, maintained and  
1287 operated in accordance with rules and regulations promulgated by the board. The board shall  
1288 conduct annual audits of each advance deposit wagering hub operator within 90 days of the end  
1289 of each calendar year with respect to all monies attributable to account wagers. The board shall  
1290 report the findings of each such audit within 30 days of the completion of the audit to the house  
1291 and senate chairs of the joint committee on consumer protection and professional licensure.

1292 (j) A licensee failing to comply with this section shall be punished by a fine of not more  
1293 than \$10,000 or by imprisonment in the house of correction for not more than two years, or both.  
1294 A licensee failing to comply with the requirements of the section shall also be subject to  
1295 revocation of their license and civil penalties imposed by the board of not more than \$10,000 if,  
1296 after notice and a hearing, the board finds that a violation has occurred.

1297 Section 11. (a) The board shall have full power to promulgate rules, regulations, and  
1298 conditions under which all running horse, harness horse, or greyhound racing simulcasts and  
1299 simulcast and advance deposit wagers shall be conducted in the commonwealth.

1300 (b) Notwithstanding the provisions of this section, the board may adopt emergency rules  
1301 or regulations to protect the health or safety of the public, participants, or animals, or to insure  
1302 the integrity of racing and pari-mutuel and advance deposit wagering; provided, however, that no  
1303 emergency rule or regulation shall attempt to regulate the dates, manner of wagering, or  
1304 economic terms or conditions of racing within the commonwealth; provided, further, that such  
1305 emergency rules and regulations shall expire within 90 days of their promulgation.

1306 SECTION 14. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby  
1307 amended by striking out subsection (g) and inserting in place thereof the following subsection:-

1308 (g) Promote, develop and encourage through the Massachusetts Thoroughbred Breeding  
1309 Program, the breeding of thoroughbred horses by offering cash prizes to breeders of such horses  
1310 in the following manner: The Massachusetts Thoroughbred Breeders Association, Inc. shall from  
1311 time to time, after discussion with the chair of the state racing board, set the percentages for: (i)  
1312 bonuses to be awarded to the breeder of a Massachusetts-bred thoroughbred horse of the purse  
1313 monies won by such thoroughbred horse in a pari-mutuel running horse race if such horse

1314 finishes first, second, third, fourth or fifth; (ii) incentives to the owner of the stallion, at the time  
1315 of service to the dam of such purse winner; provided, however, that (A) the stallion shall have  
1316 been registered by February 1 and stood the entire breeding season for that year; (B) the horse  
1317 shall have finished first, second, third, fourth or fifth; and (C) the stallion shall be registered with  
1318 the Massachusetts Thoroughbred Breeders Association, Inc. and shall not be registered to stand  
1319 in any other state that year; and (iii) incentives for the purse monies won by such thoroughbred  
1320 horse in any unrestricted or restricted pari-mutuel running horse race held within or outside the  
1321 commonwealth to the owner of a Massachusetts-bred and accredited horse if such horse finishes  
1322 first, second, third, fourth or fifth.

1323           The Massachusetts Thoroughbred Breeders Association, Inc. may pay incentives for  
1324 races to be limited to Massachusetts-bred and accredited thoroughbred race horses from the  
1325 Massachusetts thoroughbred breeding program at licensed pari-mutuel race meetings authorized  
1326 by the state racing board and after discussion with the chair of said board, and to pay cash  
1327 incentives to encourage breeding in Massachusetts. Such races may be betting or non-betting  
1328 races and may be scheduled races by the licensee conducting the racing meeting. Purse monies  
1329 paid by the association under this section shall be in such amounts as the association shall  
1330 determine and may be the sole cash purse for such races or may be supplemental to the cash  
1331 purses established by the licensee; provided, however, that such discretion shall include the  
1332 discretion to set an overall cap on awards earned.

1333           No person shall be eligible for the prizes provided herein unless:

1334           (i) the foal of a thoroughbred mare that drops such foal in the commonwealth and is bred  
1335 back to a Massachusetts-registered stallion shall be deemed Massachusetts bred;

1336 (ii) the foal of a thoroughbred mare who resides in the commonwealth continuously for at  
1337 least 90 days, including foaling and foals in the commonwealth, is Massachusetts-bred;

1338 (iii) the foal that is raised in the commonwealth for six months continuously prior to  
1339 December 31 of its two-year old year is a Massachusetts-accredited horse; or

1340 (iv) in the case of clause (i),(ii) or (iii), each thoroughbred foal dropped or raised in the  
1341 commonwealth is registered with the Jockey Club and the Massachusetts Thoroughbred Breeders  
1342 Association, Inc.; and

1343 (v) prior to the first day of September of each year, each person standing a thoroughbred  
1344 stallion in the commonwealth at either private or public service shall file with the Massachusetts  
1345 Thoroughbred Breeders Association, Inc.: (A) a list of all thoroughbred mares bred to such  
1346 stallion in that year; and (B) a verified statement representing that said stallion stood the entire  
1347 breeding season in the commonwealth.

1348 A Massachusetts-accredited thoroughbred shall be eligible for any Massachusetts bred  
1349 race, except for Massachusetts restricted stakes races. For Massachusetts bred stake races,  
1350 Massachusetts-accredited horses may enter to fill the race after all Massachusetts-bred horses  
1351 have already been entered in the race. Full race shall be determined by Massachusetts  
1352 Thoroughbred Breeders Association, Inc. and the hosting track for the race.

1353 Prior to the first day of September annually, each person raising a weanling or yearling in  
1354 the commonwealth for six months prior to December 31 of the horse's two-year old year shall  
1355 file with the Massachusetts Thoroughbred Breeders Association, Inc. a verified statement that it  
1356 is raising the horse in the commonwealth and the location of the horse.

1357           The Massachusetts Thoroughbred Breeders Association, Inc. may pay foaling bonuses to  
1358 the owner of any mare that foals within the commonwealth. To be eligible for such bonus, prior  
1359 to foaling, the owner of such mare shall file with the Massachusetts Thoroughbred Breeders  
1360 Association, Inc. a verified statement that the mare is in foal, the expected due date and the  
1361 location of the mare.

1362           The Massachusetts Thoroughbred Breeders Association, Inc. may expend up to 12 per  
1363 cent of the amount received each fiscal year for the program for advertising, marketing,  
1364 promotion, and administration of the thoroughbred breeding program.

1365           The state auditor shall annually audit the books of the Massachusetts Thoroughbred  
1366 Breeders Association Inc., to ensure compliance with this section.

1367           SECTION 15. Said section 2 of said chapter 128 of the General Laws, as so appearing, is  
1368 hereby further amended by striking out subsection (j) and inserting in place thereof the following  
1369 subsection:-

1370           (j) Promote, develop and encourage, through the Massachusetts Standardbred Breeding  
1371 Program, the breeding of standardbred horses in the commonwealth by offering cash prizes to  
1372 breeders of such horses. The representative organization of standardbred breeders and owners  
1373 approved by the state racing board shall, from time to time in consultation with the chair of the  
1374 racing board and the commissioner of the department of food and agriculture, set the percentages  
1375 for purses to be awarded to the breeder of a Massachusetts standardbred horse.

1376           The representative organization of standardbred breeders and owners approved by the  
1377 state racing commission may pay cash purses and stallion awards for stakes races limited to  
1378 Massachusetts bred standardbred race horses and qualified Massachusetts stallions from the

1379 Massachusetts standardbred breeding program at licensed pari-mutuel racing meetings  
1380 authorized by the state racing board. Such races may be betting or non-betting races and may or  
1381 may not be scheduled races by the licensee conducting the racing meeting. All races for the  
1382 standardbred breeding program shall be held at a licensed pari-mutuel facility. Purse monies and  
1383 stallion awards paid by the representative organization of standardbred breeders and owners  
1384 approved by the state racing commission may be paid in such amounts as the representative  
1385 organization shall determine and may be either the sole cash purse for such races or may be  
1386 supplemental to the cash purses established by the licensee of the pari-mutuel facility.

1387           The standardbred horses eligible to participate in the purses provided herein shall be  
1388 limited to those of racing ages 2 and 3 and shall have met the following requirements:

1389           (1) the qualifying standardbred horses shall have been sired by a Massachusetts registered  
1390 stallion on file with the department of food and agriculture; provided, however, that the stallion  
1391 shall have stood the entire breeding season of February 1 to July 15, inclusive, in the  
1392 commonwealth in the year any such eligible foal was conceived; or

1393           (2) the foal of a standardbred mare that drops the foal in the commonwealth and is bred  
1394 back to a Massachusetts registered stallion; or the foal of a standardbred mare that resides in the  
1395 commonwealth from December 1 of the year prior to foaling and continues such residence until  
1396 foaling and foals in the commonwealth;

1397           (3) in either the case of subparagraph (1) or (2), each standardbred foal dropped in the  
1398 commonwealth shall be registered with the United States Trotting Association and the  
1399 department of food and agriculture.

1400 Prior to October 1 of each year, each breeder standing a standardbred stallion in the  
1401 commonwealth at either private or public service shall file with the department of food and  
1402 agriculture a list of all standardbred mares bred to such stallion in that year and a verified  
1403 statement representing that the stallion stood the entire breeding season in the commonwealth.

1404 The representative organization may expend up to 8 per cent of the amount received each  
1405 fiscal year for the program for advertising, marketing, promotion and administration of the  
1406 standardbred breeding program in the commonwealth.

1407 The state auditor shall annually audit the books of the qualified organization to ensure  
1408 compliance with this subsection.

1409 SECTION 16. Section 17A of chapter 271 of the General Laws, as so appearing, is  
1410 hereby amended by inserting after the word "year", in line 13, the following words:- ; provided,  
1411 however, that this section shall not apply to use of telephones or other devices or means to place  
1412 wagers authorized under section 10 of chapter 23K ½.

1413 SECTION 17. Section 12A of chapter 494 of the acts of 1978 is hereby repealed.

1414 SECTION 18. Section 13 of said chapter 494 of the acts of 1978 is hereby repealed.

1415 SECTION 19. Section 15 of said chapter 494 of the acts of 1978 is hereby repealed.

1416 SECTION 20. Section 9 of chapter 277 of the acts of 1986 is hereby repealed.

1417 SECTION 21. Sections 3 through 5, inclusive, of chapter 114 of the actions of 1991 are  
1418 hereby repealed.

1419 SECTION 22. Section 92 of chapter 2011 of the acts of 2011 is hereby repealed.

1420 SECTION 23. Section 17 of chapter 27 of the acts of 2021 is hereby repealed.

1421 SECTION 24. (a) Notwithstanding the live racing takeout structure under subsection (c)  
1422 of section 9 of chapter 23K  $\frac{1}{4}$  of the General Laws or the simulcast racing takeout structures  
1423 under sections 5, 5A and 9 of chapter 23K  $\frac{1}{2}$ , for not more than 5 years, a new running race  
1424 horse meeting licensee conducting a running horse racing meeting shall return to the winning  
1425 patrons wagering on the speed or ability of any one running horse in a race or races all sums so  
1426 deposited as an award or dividend, according to the acknowledged and recognized rules and  
1427 methods under which such pari-mutuel or certificate system has been operated, less the breaks  
1428 and less an amount not to exceed 19 per cent of the total amount so deposited by patrons  
1429 wagering on the speed or ability of any one running horse; and each such licensee shall return to  
1430 the winning patrons wagering on the speed or ability of a combination of more than one horse in  
1431 a single pool, also known as an exotic wager, all sums so deposited as an award or dividend,  
1432 according to the acknowledged and recognized rules and methods under which such pari-mutuel  
1433 or certificate system has been operated, less the breaks and less an amount not to exceed 26 per  
1434 cent of the total amount deposited. Such licensee shall:

1435 (1) pay to the board on the day following each day of such running horse racing meeting  
1436 a sum equal to 0.75 per cent of the total amount deposited on the preceding day by patrons so  
1437 wagering at the meeting, the percentage to be paid from the 19 per cent or 26 per cent withheld,  
1438 as provided in this section, from the total amount wagered;

1439 (2) pay to the Massachusetts Thoroughbred Breeders Association, Inc. on the day  
1440 following each day of such running horse racing meeting a sum equal to 1 per cent of the total  
1441 amount deposited by the patrons, less the breaks, and taken from the 19 per cent withheld and

1442 from the 26 per cent withheld from exotic wagers, the monies to be used for the purposes of  
1443 subsection (g) of section 2 of chapter 128;

1444 (3) allocate from the total amount deposited daily by the patrons wagering at the meeting  
1445 a sum equal to 8.5 per cent from the 19 per cent withheld and a sum equal to 9.5 per cent from  
1446 the 26 per cent withheld from the exotic wagers to be used solely for the payment of purses to  
1447 the horse owners in accordance with the rules and established customs of conducting running  
1448 horse racing meetings and, with the approval of the appropriate horsemen's association  
1449 representing the horse owners racing at that meeting, for payment of administrative and  
1450 horseracing operations, and the monies shall be in addition to monies deposited into a separate  
1451 purse account as simulcast premiums received pursuant to section 2 of chapter 23K ½;

1452 (4) pay to Tufts University School of Veterinary Medicine on the day following each day  
1453 of such running horse racing meeting a sum equal to 0.5 per cent of the total amount deposited  
1454 by the patrons, less the breaks, from the 26 per cent withheld from exotic wagers, to be used for  
1455 equine research scholarships and loans.

1456 Each such licensee may retain as its commission on the total of all sums so deposited, a  
1457 sum not exceeding the balance of the 19 or 26 per cent withheld as provided in this section from  
1458 the total amounts wagered less the amounts required to be paid under clauses (1) to (6),  
1459 inclusive.

1460 (b) Each such licensee acting as a guest track and simulcasting a live running or harness  
1461 horse race from a host track within the commonwealth shall pay daily from such simulcast  
1462 wagers a sum equal to 0.125 per cent and the total sum of the breaks into the trust fund of the

1463 most recent live performance at the guest track under the direction and supervision of the state  
1464 racing board members.

1465           Each such licensee acting as a guest track shall return to the winning patrons wagering on  
1466 such simulcast race all sums so deposited as an award or dividend, according to the  
1467 acknowledged and recognized rules and methods under which such pari-mutuel or certificate  
1468 system has been operated, less such breaks and less an amount not to exceed 19 per cent of the  
1469 total amount so deposited by patrons wagering on the speed or ability of any one running horse,  
1470 also known as a straight wager, and, each such licensee shall return to the winning patrons  
1471 wagering on the speed or ability of a combination of more than one horse in a single pool, also  
1472 known as an exotic wager, all sums so deposited as an award or dividend, less such breaks, and  
1473 less an amount not to exceed 26 per cent of the total amount so deposited.

1474           The licensee shall pay to the board on behalf of the commonwealth on the day following  
1475 each day of simulcasting, a sum equal to 0.375 per cent; a sum equal to 0.5 per cent to the  
1476 breeders association of the most recent live racing performance at the guest track for the  
1477 purposes of promoting the respective breeding in the commonwealth under law; a sum equal to 5  
1478 per cent to be paid from the 19 per cent withheld and a sum of 6 per cent to be paid from the 26  
1479 per cent withheld to the horse owners at the host track for purses in accordance with the rules and  
1480 established customs of conducting running horse racing meetings or, with the approval of the  
1481 appropriate horsemen's association representing the horse owners racing at that meeting, for  
1482 payment of administrative and horseracing operations; said percentage to be paid from the 19 per  
1483 cent and the 26 per cent withheld, as provided in this section.

1484           The sum of 4.25 per cent of the straight wagering pool and 7 per cent of the exotic  
1485 wagering pool shall be paid to the racing meeting licensee at the host track; 8.75 per cent of the  
1486 straight wagering pool and 11.75 per cent of the exotic wagering pool shall be retained by the  
1487 licensee at the guest track; provided, however, that not less than 3.5 per cent shall be paid to the  
1488 horse owners, of the most recent live racing performance at the guest track, for purses or, with  
1489 the approval of the appropriate horsemen's association representing the horse owners racing at  
1490 that meeting, for payment of administrative and horseracing operations, said percentages to be  
1491 paid from the 19 per cent and 26 per cent withheld as provided in this section.

1492           (c) Each such licensee acting as a guest track and simulcasting a live running or harness  
1493 horse race from a host track from outside the commonwealth shall pay daily from such simulcast  
1494 wagers the sum of 0.125 per cent and the total sum of the such breaks into the trust fund of the  
1495 most recent live performance at the guest track under the direction and supervision of the state  
1496 racing board members.

1497           Each licensee shall return to the winning patrons all sums so deposited less the breaks  
1498 and less either an amount not to exceed 19 per cent of the straight wagering pool and 26 per cent  
1499 of the exotic wagering pool or the amount which would be paid under the laws of the jurisdiction  
1500 exercising regulatory authority over the host track; provided, however, that, from the total of the  
1501 percentages withheld, the sum of 0.375 per cent shall be paid daily to the board on behalf of the  
1502 commonwealth; the sum of 0.5 per cent shall be paid daily to the breeders' association of the  
1503 most recent live racing performance at the guest track for the purposes of promoting the  
1504 respective breeding of the animals in the commonwealth under law; and the remaining  
1505 percentages shall be retained by the licensee as their commission.

1506 (d) Each such licensee acting as a guest track and simulcasting a live greyhound race  
1507 from a host track from outside the commonwealth shall return to the winning patrons all sums so  
1508 deposited less such breaks and less either an amount not to exceed 19 per cent of the total  
1509 amount so deposited or an amount which would be paid under the laws of the jurisdiction  
1510 exercising regulatory authority over such host track; provided, however, that a sum equal to  
1511 0.375 per cent of the total amount wagered shall be paid daily to the board on behalf of the  
1512 commonwealth; and the remaining percentages shall be retained by the racing meeting licensee  
1513 as their commission; provided, however, that not less than 3.5 per cent shall be paid to the purses  
1514 of the racing meeting licensee acting as a guest track, and the remaining portion shall be applied  
1515 to the expenses as the racing meeting licensee is required to pay under contracts negotiated with  
1516 the host track.

1517 SECTION 25. (a) Notwithstanding any general or special law to the contrary, the harness  
1518 race horse meeting licensee located in Norfolk county licensed to conduct live racing under  
1519 chapter 128A and simulcast wagering under chapter 128C in calendar year 2020 shall not be  
1520 subject to the provisions of section 5 of chapter 23K  $\frac{1}{4}$  except for at any time that said licensee  
1521 ceases live racing operations at the licensee's location.

1522 (b) The state racing board shall convert said licensee's live racing license issued under  
1523 chapter 128A to a live racing license issued under chapter 23K  $\frac{1}{4}$ , and shall convert said  
1524 licensee's simulcast wagering license issued under chapter 128C to a simulcast wagering license  
1525 issued under chapter 23K  $\frac{1}{2}$  for the remaining duration of time as such chapter 128A and 128C  
1526 licenses, respectively.

1527 SECTION 26. (a) Notwithstanding any general or special law to the contrary, as of the  
1528 effective date of this section, no person shall be required to pay any money into the Running  
1529 Horse Capital Improvements Trust Fund and the Running Horse Promotional Trust Fund, each  
1530 established pursuant to section 11 of chapter 494 of the acts of 1978, or into the Harness Horse  
1531 Capital Improvement Trust Fund and the Harness Horse Promotional Trust Fund, each  
1532 established pursuant to section 12 of said chapter 494, or into the Greyhound Capital  
1533 Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established pursuant  
1534 to section 12A of said chapter 494, all of which funds are referred to in this section as the  
1535 “Racing Trust Funds.” Any funds that were previously paid into the Racing Trust Funds and had  
1536 not been expended prior to the effective date of this section shall be paid by the state racing  
1537 board, without condition or restriction and within 30 days of the effectiveness of this section, to  
1538 the Race Horse Development Fund established under section 60 of chapter 23K.

1539 (b) Once all funds in a Racing Trust Fund shall have been so paid, the Racing Trust  
1540 Funds shall be dissolved.

1541 SECTION 27. Notwithstanding any general or special law to the contrary, any person  
1542 authorized at any point in 2021 prior to the effective date of this Act by any general or special  
1543 law to conduct horse racing, simulcasting, or pari-mutuel wagering including advance deposit  
1544 wagering under chapter 128A or chapter 128C shall remain authorized until July 31, 2022, to  
1545 conduct horse racing, simulcasting, or pari-mutuel wagering on the same terms and conditions in  
1546 effect as of July 1, 2019 except for any term or condition that terminates such authorization prior  
1547 to July 31, 2022.

1548 SECTION 28. Notwithstanding section 2 of chapter 23K ¼ of the General Laws and  
1549 sections 1, 2 and 7 of chapter 23K ½ of the General Laws or any other general or special law,  
1550 rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and  
1551 the greyhound meeting licensee located in Suffolk county licensed to conduct live racing under  
1552 chapter 128A and simulcast wagering under chapter 128C in calendar year 2009, may be  
1553 authorized by the state racing board to conduct simulcast wagering under said chapter 23K ½  
1554 until July 31, 2023; provided, however, that the days between January 1 and December 31 of  
1555 each year shall be dark days under said chapter 23K ½ and the licensees shall continue to be  
1556 precluded from conducting live racing during that period and as provided in chapter 388 of the  
1557 acts of 2008; provided further, that simulcasts shall be subject to section 7 of chapter 23K;  
1558 provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978,  
1559 15 U.S.C. Sec. 3001 et seq. or other applicable federal law; provided further, that all simulcasts  
1560 from states which have racing associations that do not require approval in compliance with the  
1561 Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during  
1562 the month of August, shall require the approval of the New England Horsemen's Benevolent &  
1563 Protective Association, or other entity deemed appropriate by the board, prior to being simulcast  
1564 to a racing meeting licensee within the commonwealth; and provided further, that if the  
1565 association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the  
1566 simulcast for all otherwise eligible racing meeting licensees.

1567 SECTION 29. Section 14 is hereby repealed.

1568 SECTION 30. Section 29 shall take effect 6 years after the issuance of a new running  
1569 race horse license by the state racing board.

1570           SECTION 31. Notwithstanding any general or special law or rule or regulation to the  
1571 contrary, any general and special laws outside of this Act, licenses, authorizations or approvals  
1572 relative to horse or dog racing, simulcasting or wagering thereof in effect on or before July 31,  
1573 2022 are hereby repealed after affirmative review by the state racing board.

1574           SECTION 32. This act shall take effect on August 1, 2022.