

Wednesday, September 14, 2011.

Met according to adjournment at eleven o'clock A.M., with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Pledge of
allegiance.

At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Naughton of Clinton.

A statement of Mr. Naughton of Clinton was spread upon the records of the House, as follows:

Statement of
Mr. Naughton
of Clinton.

MR. SPEAKER: I would like to call to the attention of the House the fact that I will not be present in the House Chamber for the remainder of today's sitting due to being on military duty. My missing of roll calls for the remainder of today will be due entirely to the reason stated.

Statement Concerning Representative Vallee of Franklin.

A statement of Mr. Mariano of Quincy concerning Mr. Vallee of Franklin was spread upon the records of the House, as follows:

Statement
concerning
Mr. Vallee
of Franklin.

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Vallee of Franklin is unable to be present in the House Chamber for today's sitting due to his being on active military duty. His missing of roll calls today is due entirely to the reason stated.

Guests of the House.

Madison
Marcum
and Stacey
Lima.

During the session, the Speaker took the Chair, declared a brief recess, and introduced Madison Marcum and her mother, Stacey Lima, from Swansea. Madison's father SOCS John Wayne Marcum, a Navy SEAL, was sent to fight for our freedom in Afghanistan as part of Operation Enduring Freedom. On September 11, 2008, her dad was killed in Bagram, Afghanistan. Madison's father was part of the Naval Special Warfare Development Group, which is the same group that was responsible for finding Osama Bin Laden.

Madison is now ten years old and a fifth grader at the Montessori School of the Angels in Westport. She devotes her time to trying to make a difference. She raises money and awareness for the American Heart Association. She is part of the Remembrance Memorial, a memorial that consists of figures made for each and every man or woman killed in Afghanistan and Iraq since September 11, 2001.

This past Memorial Day, Madison was the guest of honor in the Swansea Memorial Day parade and ceremony and was able to speak about her father.

She tries very hard to keep her dad's memory alive and talks about him to as many people as she can. She is extremely proud to call her dad an American hero. She and her mother were the guests of Representative Howitt of Seekonk and Speaker *pro tempore* Haddad of Somerset.

The Speaker then recited a poem written by Madison in honor of her father, as follows:

MY DAD, MY HERO

Written by: Madison Marcum

To you, I may be quite small. You may think I do not know much at all.

But I have learned to grow up rather fast. My entire life this war has past.

My dad is a hero to all of you. A Navy SEAL brave and true. He gave his all went out to fight. Took a fall and did not make it home that night.

He is gone it makes me sad. I will admit it makes me mad. My dad is an American hero. A mighty warrior, brave and strong.

My dad is my hero, a hero I call dad.

— I love you and miss you daddy.

Resolutions.

Mr. Donato of Medford being in the Chair,— The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed Mrs. Poirier of North Attleborough) congratulating Andrew Joseph Forte on receiving the Eagle Scout Award of the Boy Scouts of America;

Andrew
Joseph
Forte.

Resolutions (filed by Messrs. Kuros of Uxbridge and Fattman of Sutton) congratulating Leda Phoenix on the occasion of her one hundredth birthday; and

Leda
Phoenix.

Resolutions (filed by Mr. Sullivan of Fall River) congratulating the Holy Union Sisters on the occasion of its one hundred and twenty-fifth anniversary;

Holy Union
Sisters.

Mr. Binienda of Worcester, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Balsler of Newton, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Monthly Report.

A monthly report of the Division of Unemployment Assistance (under the provisions of Chapter 142 of the Acts of 2003) relative to the condition of the Commonwealth's Unemployment Trust Fund for August, 2011.

Unemployment
Trust Fund.

Petition.

Representative Hill of Ipswich and Senator Tarr presented a joint petition (accompanied by bill, House, No. 3710) Bradford Hill and Bruce E. Tarr (by vote of the town) for legislation to authorize the town of Hamilton to establish a Hamilton development corporation; and the same was referred to the committee on Economic Development and Emerging Technologies. Sent to the Senate for concurrence.

Hamilton,—
development
corporation.

Paper from the Senate.

Hamilton,—
group
insurance.
A petition (accompanied by bill, Senate, No. 2011) of Bruce E. Tarr (by vote of the town) for legislation to authorize the town of Hamilton to negotiate and purchase group insurance policies, was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

Disabled
persons.
By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to the authority of the Disabled Persons Protection Commission (House, No. 62).

Financial
stability and
development.
By the same member, for the same committee, on a petition, a Bill to promote financial stability and asset development (House, No. 1858).

Disabled
persons.
By the same member, for the same committee, on a petition, a Bill clarifying the investigative powers of the Disabled Persons Protection Commission (House, No. 1863).

Transitional
assistance.
By the same member, for the same committee, on House, No. 1860, a Bill relative to the tuition of children under the control of the Department Transitional Assistance living in family shelters (House, No. 3698).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Disabled
Persons
Protection
Commission.
By Ms. Khan of Newton, for the committee on Children, Families and Persons with Disabilities, on a petition, a Bill relative to the disclosure of information held by the Disabled Persons Protection Commission (House, No. 57).

Abuse,—
reporting.
By the same member, for the same committee, on a petition, a Bill relative to the reporting of the abuse of mentally retarded persons (House, No. 80).

Haverhill,—
election.
By Mr. Moran of Boston, for the committee on Election Laws, on a petition, a Bill authorizing the City Clerk of the city of Haverhill to arrange the names of candidates for municipal elective office by random drawing (House, No. 3705) [Local Approval Received].

Chelsea
Creek.
By Ms. Gobi of Spencer, for the committee on Environment, Natural Resources and Agriculture, a Bill exempting certain water dependent structures from certain harbor lines in Chelsea Creek (House, No. 3690).

Elaine Strout-
Clement,—
sick leave.
By Mr. O'Flaherty of Chelsea, for the committee on the Judiciary, on a joint petition, a Bill establishing a sick leave bank for Elaine Strout-Clement (House, No. 3704).

Braintree,—
design and
build
contract.
By Mr. Kane of Holyoke, for the committee on Municipalities and Regional Government, on a petition, a Bill authorizing a design and build contract for a recreational facility in the town of Braintree (House, No. 3660) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Recess.

Recess.
At three minutes after eleven o'clock A.M., on motion of Mr. Hill of Ipswich (Mr. Donato of Medford being in the Chair), the House recessed until the hour of one o'clock P.M.; and at that time the House was called to order with Mr. Pedone of Worcester in the Chair.

Engrossed Bills — Land Takings.

The engrossed Bill authorizing the town of Truro to lease certain land to the town of Provincetown (see House, No. 573) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Truro,—
land.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (Mr. Mariano of Quincy being in the Chair) 149 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 105.

[See Yea and Nay No. 105 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

The engrossed Bill relocating certain harbor lines in the Fairhaven and New Bedford harbors (see House, No. 3402, amended) (which originated in the House), having been certified by the Clerk to be rightly and truly prepared for final passage, was put upon its final passage.

Fairhaven and
New Bedford,—
harbor lines.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call (the Speaker being in the Chair) 148 members voted in the affirmative and 0 in the negative.

Bill enacted
(land taking),—
yea and nay
No. 106.

[See Yea and Nay No. 106 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Engrossed Bills.

Mr. Pedone of Worcester being in the Chair,—

Engrossed bills

Authorizing the city of Westfield to convert a seasonal license for the sale of all alcoholic beverages not to be drunk on the premises to an annual license for the sale of all alcoholic beverages not to be drunk on the premises (see Senate, No. 1939) (which originated in the Senate); and

Bills
enacted.

Relative to the acceptance of streets as public ways in the city of Woburn (see House, No. 912) (which originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and it were signed by the acting Speaker and sent to the Senate.

*Motion to Discharge a Certain Matter
in the Orders of the Day.*

Mr. Mariano of Quincy being in the Chair,—

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3702), reported by the committee on Bills in the Third Reading to be correctly drawn, was discharged from its position in the Orders of the Day and read a third time forthwith, under suspension of Rule 47, on motion of Mr. Wagner of Chicopee.

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gaming.

Expanded
gaming.

After debate on the question on passing the bill to be engrossed, Mr. Koczera of New Bedford moved to amend it section 16, in lines 2371 to 2378, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(a) 2 per cent of revenues to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit or municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council;”.

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in lines 228 and 229 by striking out the words “‘gaming device or gaming equipment’ an electronic, electrical, or mechanical contrivance or machine used in connection with gaming or game.” and inserting place thereof the words “‘gaming device’ means any game of chance mechanical, electronic or otherwise featuring coin drop and payout as well as printed tabulations or credits to a paper or electronic account, whereby the software or hardware of the device predetermines the presence or lack of a winning combination and payout, including micro-processor-controlled electronic devices that allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency or by the use of a credit and awards game credits, cash, tokens, replays or a written statement of the player’s accumulated credits, which written statements are redeemable for cash; and including slot machines, video lottery terminals and video facsimile machines of any type.

“Gaming equipment” means any tool or machines, which is not a gaming device, required to conduct gaming and is approved or licensed by the commission.”, in line 322, by inserting after the word “association.” the following paragraph:

“‘player’ person who engages in wagering at a licensed gaming establishment.”, and in line 1493 by inserting after the word “applicable.” the following paragraph:

“The commission shall establish rules and regulations regarding the use and manner of how gaming devices may accept wagers deposited by the player, how they dispense funds deposited or credited to the player, what the maximum amount of money that a gaming device can receive from a player, what is the expiration date on a ticket or voucher dispensed from an gaming device, what the manner of how a player receives his or her reimbursement from a from a ticket or voucher dispensing gaming device, how machines that can dispense cash in exchange for a ticket of voucher dispensed from an electronic gaming device; and circumstances by which a game device prize may be voided. The commission shall require a licensee to provide instructions on how a gaming device is to be played, under what conditions a prize may be voided and shall enforce any direct or indirect commitments from the licensee to the player, which shall include any form of advertising. The commission shall establish the manner in which winnings, compensation from games, and gaming devices must be compiled and reported by the commission, provided, further, electronic gaming

devices shall return as winnings at a minimum 85% of all sums wagered. The commission shall establish a process by which a player may file a complaint for unfair gaming practices or complaint for non-payment of prizes of any type of game conducted by the licensee, and the commission shall record and investigate said complaints.”.

The amendments were rejected.

Representatives Dykema of Holliston and Brownsberger of Belmont then moved to amend the bill in section 16, in line 810, by inserting after the word “establishment” the following: “; provided, however that nothing contained in any such study or report shall be deemed to preclude a municipality from seeking funding approval to subsection 7 of Section 4 of this chapter for professional services to examine and or evaluate a cost, benefit or other impact described therein”. The amendment was rejected.

Mr. McMurtry of Dedham then moved to amend the bill in section 16, in line 2371, by striking out the words “one-quarter” and inserting in place thereof the words “one-half”, and in line 2373, by striking out the words “three-quarters” and inserting in place thereof the words “one-half”. The amendments were rejected.

Mr. Conroy of Wayland then moved to amend the bill in section 16, in line 2319, by inserting after the figures “58.” the following two sentences: “The commission shall also assess an amount equal to a CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities, less the amount of gross gaming revenue dedicated to local aid in Section 59, subsections (e) and (f). The CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities shall be calculated in the first year in which a licensee under this bill shall commence operation with a baseline of lottery distribution to localities equal to the average of the previous 5 years of distributed funds, and a CPI adjustment as calculated for the same year licensee operations have commenced. Such assessed fees shall be deposited into the Gaming Local Aid Fund established pursuant to section 63.”. The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in line 1262, by inserting after the following: “128C” the following: “and the commission shall require the gaming licensee to comply with chapter 128C as a condition of gaming licensure”, in line 1263, by inserting after the word “license” the following: “until the gaming licensee is in compliance with chapter 128C”, in line 1266, by inserting after the following: “128A” the following: “and the commission shall require the gaming licensee to comply with chapter 128A as condition of gaming licensure”, in line 1267, and also in line 1287, by inserting after the word “license”, in each instance, the following: “until the gaming licensee is in compliance with chapter 128A”, in line 1467, by inserting after the word “premises” the following: “and meet the requirements of chapter 128A and the commission shall require the gaming licensee to comply with Chapter 128A as a condition of gaming licensure”, in line 1475, by inserting after the following: “subsection (a)” the words “and this subsection”, and also in said line, by inserting after the word “license” the following: “until the gaming licensee is in compliance with this subsection and subsection (a)”. The amendments were rejected.

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The same member then moved to amend the bill in section 16, in lines 2289, 2290 and 2291, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“(c) In addition to the tax imposed under subsection (b), should a live racing meeting licensee under chapter 128A and chapter 128C is licensed as either a category 1 or a category 2 gaming establishment, the racing meeting licensee shall pay 9 per cent their gross gaming revenues to the purse account where it is licensed as a racing meeting licensee; and provided that, any category 1 or category 2 licensed gaming establishment authorized to conducting simulcast wagering and is not a racing meeting licensee under chapter 128A and chapter 128C, shall pay 9 per cent of its gross gaming revenues to be deposited in the Massachusetts race horse development fund under section 60.”, and in lines 2413 and 2414, by striking out the sentence contained in those lines and inserting in place thereof the following sentence: “The commission shall make distributions from the Race Horse Development Fund to each racing meeting licensee, which conducts live racing days under chapter 128A and chapter 128C; provided further that the commission shall establish a formula to distribute said funds as to encourage the growth of the racing industry and distribute said funds in reasonable time and manner to each racing meeting licensee’s purse account.”

The amendments were rejected.

Mr. Lewis of Winchester then moved to amend the bill by inserting after section 103 the following section:

“SECTION 103A. The definition of ‘slot machine’ in section 2 of chapter 23K of the General Laws is hereby amended by adding the following paragraph:—

All slot machines must be affixed with a sticker or label delineating 1. information regarding the programming and therefore non-randomness of slot machines, and 2. compulsive gambling hotline number. These stickers or labels must be affixed to the front of the machine, in plain sight of the machine user and of sufficient size to be easily read.”

The amendment was rejected.

Mr. Conroy of Wayland then moved to amend the bill in section 16, in line 153, by inserting after the word “chapter.” the following paragraph:

“(11) applicants for gaming licenses and gaming licensees shall demonstrate their commitment to supporting the right of all employees to organize, to paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and to offering all part time and full time employees health insurance that meets or exceeds the Massachusetts minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services”, in line 801, by striking out the word “employees” and inserting in place thereof the words “both full and part time employees in each functional job category, including on-site subsidized child care services and associated hourly rates for such services, health insurance rates, paid sick days and retirement benefit plans and expected owner/operator contribution levels”, in line 833, by inserting after the word “hotel” the words “a child care center”, in line 1020, by inserting

after the word “development” (the first time it appears) the words “including collaborating with organized labor, supporting the right of employees to organize, showing their commitment to paying employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and committing to offering both part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services”, in line 1106, by inserting after the word “applicant” the following: “(v) does not have a history of collaboration with organized labor or is not currently operating a gaming facility with organized labor within its employee base; (vi) has not clearly demonstrated in its application that it shall hire employees from organized labor unions”, in lines 1172 to 1175, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

(4) implementing a workforce development plan to utilize the existing labor force in the Commonwealth and to offer fair wages and robust benefits, which includes:

(A) supporting the right of employees to organize;

(B) collaborating with organized labor;

(C) paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety;

(D) offering all part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards;

(E) offering all part time and full time employees a robust benefits package including paid sick days, subsidized on-site childcare, retirement benefit plans and expected owner-/operator contribution levels;

(F) developing workforce training programs that serve the unemployed;

(G) estimating the number of permanent jobs and temporary construction jobs a proposed gaming establishment will generate and the mean and median wage for such jobs;

(H) making employment at the gaming establishment accessible.”

The amendments were rejected.

Mr. Atsalis of Barnstable then moved to amend the bill in section 18, in line 2671, by inserting after the word “Fund” the words “; funds to be administered by the existing workforce development system led by local Workforce Development Boards for retraining workers in contiguous counties negatively impacted by casino employment”. The amendment was rejected.

Mr. Chan of Quincy then moved to amend the in section 16, in line 1256, by inserting after the word “commonwealth.” the following sentence: “Should the commission approve a transfer of a gaming license, the commission shall require a reasonable fee to be paid; provided that nothing in this paragraph shall be in conflict with the commission’s transfer requirements under section 21, subsection (b).” and in line 1300, by inserting after the word “establishment” the following: “; provided that nothing in this paragraph shall be in conflict with the commission’s transfer requirements under section 21, subsection (b)”. The amendments were rejected.

The same member then moved to amend the bill in section 16, in line 2360, by inserting after the word “services,” the words “which a

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percentage of the funding shall be set by the commissioner targeting minority and immigrant communities,"; and the amendment was rejected.

Mr. Chan then moved to amend the bill in section 16, in lines 380 and 381, by striking out the words "The governor may remove a commissioner if the commissioner" and inserting in place thereof the words "The governor, the attorney general and the treasurer and receiver general may remove their own appointment to the commission if said commissioner", and in line 384, by inserting after the word "felony" the following sentence: "A commissioner appointed through the approval of 2 of the 3 appointing authorities under this section may be removed through the approval of 2 of the 3 appointing authorities; provided that said commissioner is (i) guilty of malfeasance in office; (ii) substantial neglects the duties of the commissioner; (iii) is unable to discharge the power and duties of the commissioner's office; (iv) commits gross misconduct; or (v) is convicted of a felony.". The amendments were rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in lines 205 and 206, by striking out the definition contained in those lines and inserting in place thereof the following definition:

"'Complimentary service or item', a service or item provided at no cost or at a reduced cost to a patron of a gaming establishment, but shall not include a service or item provided to the general public.", in lines 251 to 257, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following definition:

"'Gross revenue' or 'gross gaming revenue', the total of all sums actually received by a gaming licensee from gaming operations less the total of all sums paid out as winnings to patrons; and provided further, that 'Gross revenue' shall not include any amount received by a gaming licensee from simulcast wagering or from credit extended or collected by the gaming licensee.", and in lines 230 to 234, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following definition:

"'Gaming employee', an employee of a gaming establishment who: (i) is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment; (ii) provides security in a gaming establishment; (iii) has access to a restricted area of a gaming establishment; or (iv) is so designated by the commission.".

The amendments were rejected.

The same member then moved to amend the bill in section 16, in line 365, by inserting after the word "experience" the words "in the pari-mutual racing industry and". The amendment was rejected.

Representatives Dykema of Holliston and Brownsberger of Belmont then moved to amend the bill in section 16

In lines 344 to 347, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following two definitions:

"'Substantially impacted community', a municipality, other than a host community, (i) that has residentially zoned property within 2 miles of a proposed gaming establishment; and (ii) that has been designated as such by the commission under clause 33A of section (4).

'Surrounding community', a municipality, other than a substantially impacted community, that is in proximity to a host community and

which the commission determines experiences or is likely to experience impacts from the development or operation of a gaming establishment, including a municipality from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.";

In line 630, by inserting after the word "boundaries;" the following clause:

"(33A) Designate a municipality, other than a host community, as a substantially impacted community if requested to do so by a municipality: (i) that has residentially zoned property within 2 miles of a proposed gaming establishment and (ii) whose legislative body, subject to the charter of the municipality, has voted to request such designation. The commission shall not consider any factors other than the 2-mile requirement and the request made by the municipality.";

In lines 802 to 810, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

"(13) completed studies and reports as required by the commission, which shall include, but not be limited to, an examination of the proposed gaming establishment's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community, substantially impacted communities and surrounding communities; (iv) cost to the host community, substantially impacted communities and surrounding communities and the commonwealth for the proposed gaming establishment to be located at the proposed location; and (v) the estimated municipal and state tax revenue to be generated by the gaming establishment";

In lines 1019 to 1022, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

"(6) demonstrate to the commission how the applicant proposes to address lottery mitigation, compulsive gambling problems, workforce development and community development, as well as the impact on the host community, substantially impacted communities and surrounding communities and mitigation issues as set forth in the memoranda of understanding required under this chapter";

In lines 1023, 1024 and 1025, by striking out the clause contained in those lines and inserting in place thereof the following clause:

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

In line 1031 by inserting after the word "establishment" the following clause:

"(8A) provide to the commission a signed agreement between the substantially impacted communities and the applicant setting forth the conditions to have a gaming establishment located in proximity to the substantially impacted communities; provided, however, that the agreement shall include a community impact fee for each substantially impacted community and all stipulations of responsibilities between each substantially impacted community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment";

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In lines 1051 to 1075, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(13) have received a certified and binding, favorable vote on a ballot question at an election in the host community, in favor of such license; have received a certified and binding, favorable vote on a ballot question at an election in each of the substantially impacted communities; provided, however that the vote shall take place after the effective date of this chapter; provided further that upon receipt of a request for an election, the governing body of the municipality shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received; provided further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the municipality and the applicant as provided in clause (8) for host communities and in clause (8A) for substantially impacted communities; provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, ‘host community’ shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided further, that, upon the signing of an agreement between the municipality and the applicant as provided for in clause (8) for host communities and in clause (8A) for substantially impacted communities, and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the municipality; provided further, that at such election, the question submitted to the voters shall be worded as follows: ‘Shall the (city/town) of _____ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at _____ [description of site] _____? YES _____ NO _____’; provided further, that if a majority of the votes cast in a host community in answer to the ballot question is in the affirmative, the host community shall be taken to have voted in favor of the applicant’s license; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license; provided further, that if a majority of the votes cast in a substantially impacted community in answer to the ballot question is in the affirmative, the substantially impacted community shall be taken to have voted in favor of the applicant’s license;”;

In line 1106 by inserting after the word “applicant.” the following paragraph:

“Section 16A. Prior to completing its review of the entire application and any independent evaluations, the commission shall complete any pending requests for designation as a substantially impacted community made under clause 33A of section 4. If the applicant has not included a signed agreement with each substantially impacted community in its application, the applicant shall negotiate a signed agree-

ment with that community within 30 days and no action shall be taken on its application prior to the execution of that agreement. When necessary the commission may facilitate the negotiation of fair and reasonable agreements between the applicant and substantially impacted communities.”;

In lines 1134 to 1138, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(c) The commission shall conduct a public hearing on the application pursuant to section 11½ of chapter 30A. An applicant for a gaming license and a municipality designated as a host, substantially impacted or surrounding community shall be given at least 30 days notice of the public hearing. The commission shall hold the public hearing within the host community; provided, however, that the host community may request that the commission hold the hearing in another city or town.”;

In lines 1167, 1168 and 1169, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(2) promoting local businesses in host, substantially impacted and surrounding communities, including developing cross-marketing strategies with local restaurants, hotels, retail outlets and impacted live entertainment venues.”;

In lines 1215 and 1216, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(14) mitigating potential impacts on host, substantially impacted and surrounding communities which might result from the development or operation of the gaming establishment.”;

In lines 1545 to 1554, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(j) Each gaming establishment shall file an emergency response plan with the fire department and police departments of the host community and substantially impacted communities which shall include, but not be limited to: (i) a layout identifying all areas within the facility and grounds, including support systems and the internal and external access routes; (ii) the location and inventory of emergency response equipment and the contact information of the emergency response coordinator for the gaming establishment; (iii) the location of any hazardous substances and a description of any public health or safety hazards present on site; (iv) a description of any special equipment needed to respond to an emergency at the gaming establishment; (v) an evacuation plan; and (vi) any other information relating to emergency response as requested by the commission, the fire department or the police department of the host community or substantially impacted communities.”;

In lines 2210 to 2219, inclusive, by striking out the paragraph contained in those lines and inserting in place thereof the following paragraph:

“Section 47. All political contributions or contributions in kind made by an applicant for a gaming license to a municipality or a municipal employee, as defined in section 1 of chapter 268A, of the host community or of a substantially impacted community of the applicant’s proposed gaming establishment shall be disclosed, by the applicant, to the commission and the city or town clerk of the host

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community or substantially impacted community, as applicable. Such disclosure shall be made by the applicant bi-annually, on or before July 15 for the period covering January 1 through June 30 of that year and on or before January 15 for the period covering July 1 through December 31 of the preceding year. The office of campaign and political finance shall promulgate regulations to provide for timely and expeditious public reporting, which shall include electronic means or public posting in a city or town hall and post office, by city and town clerks of the contribution disclosures they receive from applicants.”;

In lines 2444 to 2454, inclusive, by striking out the two paragraphs contained in those lines and inserting in place thereof the following two paragraphs:

“(b) The commission shall administer the fund and, without further appropriation, shall expend monies in the fund to assist the host community, substantially impacted communities and surrounding communities in offsetting costs related to the construction and operation of a gaming establishment including, but not limited to, communities and water and sewer districts in the vicinity of a gaming establishment, local and regional education, transportation, infrastructure, housing, environmental issues and public safety, including the office of the county district attorney, police, fire and emergency services.

(c) Parties requesting appropriations from the fund shall submit a written request for funding to the commission before February 1 of each year. The commission may hold a public hearing in the region of a gaming establishment to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on demonstrated need; provided, however, that parties from substantially impacted communities receive at least 60 per cent of the total funds distributed to parties from surrounding communities and parties from substantially impacted communities.”;

In lines 2504 to 2577, inclusive, by striking out the six paragraphs contained in those lines and inserting in place thereof the following six paragraphs:

“Section 68. (a) There shall be a gaming policy advisory committee to consist of the governor or the governor’s designee, who shall serve as chair; the commission chair; the senate president or the president’s designee; the speaker of the house of representatives or the speaker’s designee; the commissioner of public health or the commissioner’s designee; and 8 persons to be appointed by the governor, 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a federally recognized Indian tribe in the commonwealth, 1 of whom shall be a representative of organized labor and 3 of whom shall be appointed from the vicinity of each gaming establishment, as defined by host community, substantially impacted community and surrounding community, upon determination of the licensee and site location by the commission. The committee shall designate subcommittees to examine community mitigation, compulsive gambling and gaming impacts on cultural and tourism. Members of the committee shall serve for 2 year terms. The committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The recommendations of the

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

(b) There shall be a subcommittee on community mitigation under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be appointed from the host community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of whom shall be appointed from the host community in region 3; 1 of whom shall be a representative from the department of revenue’s division of local services; 1 of whom shall be a representative of the commission; 1 of whom shall be appointed by the governor and have professional experience in community mitigation related to gaming; and 1 of whom shall be a representative from the Massachusetts municipal association. The subcommittee shall develop recommendations to be considered by the commission to address issues of community mitigation as a result of the development of gaming establishments in the commonwealth, including, but not limited to: how funds may be expended from the Community Mitigation Fund, the impact of gaming establishments on the host community, substantially impacted communities, and surrounding communities including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and how to address that impact. The subcommittee shall receive input from local community mitigation advisory committees. The subcommittee shall review annually the expenditure of funds from the Community Mitigation Fund and make recommendations to the commission relative to appropriate and necessary use of community mitigation funds. The commission may promulgate such regulations as advised by the subcommittee.

(c) There shall be a subcommittee on addiction services under the gaming policy advisory committee consisting of 5 members: 1 of whom shall be a representative from the department of public health’s bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall be a representative of the commission; and 2 of whom shall be appointed by the governor with professional experience in the area of gambling addictions. The subcommittee shall develop recommendations for regulations to be considered by the commission in addressing issues related to addiction services as a result of the development of gaming establishments in the commonwealth, including by not limited to, prevention and intervention strategies.

(d) There shall be a subcommittee on public safety under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be a member of the commission; 1 of whom shall be the secretary of the executive office of public safety or the secretary’s designee; 1 of whom shall be the attorney general or the attorney general’s designee; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the colonel of the state police or the colonel’s designee; 1 of whom shall be a representative from the Massachusetts Chiefs of Police Association; and 1 of whom

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shall be a representative of a public safety labor union. The subcommittee shall develop recommendations for regulations to be considered by the commission to address public safety issues as a result of the development of gaming establishments in the commonwealth, including but not limited to, how to mitigate the impact of gaming establishments on crimes committed in the commonwealth. The subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the commonwealth.

(e) Each region, as defined in section 19, may establish a local community mitigation advisory committee, which shall include not fewer than 6 members: 1 of whom shall be appointed by each of the host, substantially impacted and surrounding communities; 1 of whom shall be appointed by each regional planning agency to which at least 1 of the host or surrounding communities belongs; and 4 of whom shall be appointed by the commission, of whom at least 1 shall represent a chamber of commerce in the region, 1 shall represent a regional economic development organization in the region, and 2 shall represent human service providers in the region. Each local committee shall annually elect a chair and such other officers as it deems necessary to carry out its duties.

Each local community mitigation advisory committee may provide information and develop recommendations for the subcommittee on community mitigation on any issues related to the gaming establishment located in its region including, but not limited to: (i) issues of community mitigation; (ii) how funds may be expended from the Community Mitigation Fund; and (iii) the impact of the gaming establishments on the host, substantially impacted and surrounding communities. Additionally, each local community mitigation advisory committee may present information to the commission consistent with the rules of the commission on any issues related to the gaming establishment located in its region.”; and

In lines 3177 to 3180, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(c) The governor shall only enter into negotiations under this section with a tribe that has purchased, or entered into an agreement to purchase, a parcel of land for the proposed tribal gaming development and scheduled a vote in the host communities and a vote in any substantially impacted communities for approval of the proposed tribal gaming development.”.

The amendments were rejected.

Ms. Khan of Newton then moved to amend the bill in section 16, in line 1237, by inserting after the word “licenses” the following “, and one of which should be 100% non-profit and monies earned will be equally distributed across Massachusetts-based non-profit charities”. The amendment was rejected.

Mr. Brady of Brockton and other members of the House then moved to amend the bill by striking out section 90 and inserting in place thereof the following section:

“SECTION 90. Notwithstanding section 2 of chapter 128A of the General Laws and sections 1, 2 and 2A of chapter 128C of the General Laws or any other general or special law, rule or regulation to the contrary, the greyhound meeting licensees located in Bristol county and

the greyhound meeting licensee located in Suffolk county licensed to conduct live racing pursuant to said chapter 128A in calendar year 2009 and simulcast wagering pursuant to said chapter 128C in calendar year 2011, shall not be required to apply for or receive a license under said chapter 128A in order to remain licensed as greyhound racing meeting licensees pursuant to said chapter 128C; provided, however, that the days after January 1, 2010 shall be dark days pursuant to said chapter 128C and the licensees shall continue to be precluded from conducting live racing during that period and as provided in chapter 388 of the acts of 2008; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et 3200 seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen’s Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.”.

The amendment was rejected.

Mr. Brady and other members of the House then moved to amend the bill in section 85, in lines 3091 to 3118, inclusive, by striking out the two paragraphs contained in those lines and inserting in place thereof the following paragraph:

“SECTION 85. (a) Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the Massachusetts Gaming Commission, hereinafter known as the commission, established pursuant to chapter 23K of the General Laws. The fund shall consist of all revenues dedicated pursuant to this act. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, monies in the Racing Stabilization Fund shall be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted.”.

The amendment was rejected.

Mr. Brady of Brockton and other members of the House then moved to amend the bill by adding the following section:

“SECTION 110. (a) Section 2 of chapter 128C of the General Laws, as appearing in the 2008 official edition, is hereby amended by striking out, in lines 39 through 49, inclusive, the following words:

“(2) The greyhound dog racing meeting licensees located in Bristol county shall have the right to simulcast: (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing from and after 6:00 p.m., plus the entire racing cards from any 2 running horse racing meetings in the state of California; and simul-

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casts of the Suffolk county running horse racing meetings licensee's live races during its racing season and 2 so-called companion cards; and 4 interstate running horse simulcasts prior to 4:00 p.m. on any day the Suffolk county running horse racing meeting licensee does not conduct live races; and (c) a total of 4 harness horse racing performances on any day of the calendar year,' and inserting in place thereof the following:—

(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast on any day during the calendar year (a) unlimited interstate greyhound dog racing meetings; (b) unlimited running horse racing meetings on any day when live racing performances are not held by the running horse racing meeting licensee located in Suffolk county, and unlimited running horse racing from and after 6:00 PM on any day when live racing performances are held by the running horse racing meeting licensee located in Suffolk county; (c) simulcasts from the Suffolk county running horse racing meeting licensee's live races performances during its racing season and 2 companion cards; and (d) a total of 4 harness horse racing performances in any day of the calendar year.

(b) Section 1 of chapter 128C of the General Laws, as so appearing, is hereby amended by inserting the following words at the end of the definition or racing meeting licensee:— and after January 1, 2010, a racing meeting licensee shall include a greyhound dog racing meeting licensee without necessity that said licensee continue to apply for or receive a license under chapter 128A after January 1, 2010.”

The amendment was rejected.

Mr. Brady and other members of the House then moved to amend the bill by adding the following section:

“SECTION 110. Section 12A of chapter 494 of the acts of 1978, inserted by section 4 of chapter 277 of the acts of 1986, is hereby repealed.”

The amendment was rejected.

Mr. Brady of Brockton and other members of the House then moved to amend the bill in section 16, in line 1236, by inserting after the word “establishment.” the following clause:

“(18) Avoiding the adverse environmental impact caused by replacing existing trees and vegetation with impervious surfaces.”

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill by striking out sections 38, 40, 105 and 108; and the amendments were rejected.

The same member then moved to amend the bill in section 16, in line 875, by inserting after the word “section.” the following sentence: “A category 1 license shall not be transferable for a minimum of 5 years from the date of issuance.” The amendment was rejected.

Mr. Chan then moved to amend the bill in section 16, in line 1570, by inserting after the word “ areas” the words “; including areas where the licensee will lease out to a third party requiring an alcohol license.”;

In line 1584, by inserting after the word “commission,” words “; provided that no gaming beverage license shall be transferred off the premises of the licensee's property where the gaming establishment is licensed”; and

In line 1589 by inserting after the figures “138.” the following clause:

“(h) the gaming licensee shall submit to the commission any changes to any leased property or designated alcohol consumption and selling locations on the premises for the commission's approval. Failure of a gaming licensee to comply with this section may result in either a suspension of the gaming beverage license for time determined by the commission.”

The amendments were rejected.

Ms. Dykema of Holliston and other members of the House then moved to amend the bill in section 16, in line 554, by inserting after the word “assistance;” the following: “In exercising its authority under this subsection, the commission shall be authorized to receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for negotiation and execution of agreements as provided in subsection 8 and 9 of Section 15 and subsection a of Section 17, all of this Chapter, and to require that such costs be paid by the applicant, prospective applicant or other entity with which the municipality seeks to negotiate;”

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in line 571, by inserting after the word “license” the following: “; and provided that the minimum debt to equity ratio shall not be less than 4 to 1 for applicants of a category 1 license”. The amendment was rejected.

The same member then moved to amend the bill in section 16, in line 810, by inserting after the word “establishment” the words “commencing on the deadline for receipt of application for a gaming license”; and

In line 1211, by striking out the paragraph contained in that line and inserting in place thereof the following paragraph:

“(11) maximizing revenues for the commonwealth, including but not limited to gaming license fees, daily taxes on gross gaming revenue, and corporate, income, payroll and other taxes and fees commencing as the deadline for the receipt of an application for a gaming license;”

The amendments were rejected.

Mr. Kuros of Uxbridge then moved to amend the bill by adding the following section:

“SECTION 110. Notwithstanding any general or special law to the contrary, the commission shall establish regulations to ensure that prior to disbursement of cash or a prize in excess of \$600, an authorized employee of the gaming enforcement unit, established in section 70 of chapter 23K, shall review information made available by the United States Department of Homeland Security Immigration and Customs Enforcement to ascertain whether the winner of the cash or prize is lawfully residing in or visiting the United States under a current student visa, under a current employment permit or visa, or under the employment authorization of the attorney general or other federal official. If the winner of the cash or prize is found to be unlawfully

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residing in or visiting the United States, the gaming licensee shall not disburse to the holder any portion of the cash or prize.”.

The amendment was rejected.

Mr. Chan of Quincy then moved to amend the bill in section 16, in lines 1841 to 1846, inclusive, by striking out the clause contained in those lines and inserting in place thereof the following clause:

“(b) A junket representative may be an independent agent registered with the commission; provided, however, that the junket representative need not be a resident of the commonwealth. A person who holds a valid gaming employee license may act as a junket representative while employed by a gaming licensee or an affiliate. No gaming licensee shall employ or otherwise engage a junket representative who is not licensed under this chapter.”.

The amendment was rejected.

The same member then moved to amend the bill in section 16, in line 744, by inserting after “seq.” the following two sentences: “The commission shall provide recommendation for legislation on permanently legalizing simulcasting at facilities without a pari-mutual race-track, as defined under chapter 128A; provided that the commission shall include with the recommended legislation a report on the a structure of wager distribution, the estimated amounts of wager distribution, operational costs associated with this type of wagering, impact to the state’s racing and horse breeding industries and law and regulations in other states that has legalized this type of wagering. The commission shall file said legislation and report to the House and Senate Clerks, the Joint Committee on Consumer Protection and Professional Licensure and the Joint Committee on Economic Development and Emerging Technologies on January 31, 2013.”. The amendment was rejected.

Ms. Atkins of Concord and other members of the House then moved to amend the bill in section 16, in line 1399, by inserting after item the word “firms.” the following clause:

“(25) require its security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the local police in the municipality where the gaming establishment is located.”.

After remarks the amendment was adopted.

Mr. Koczera of New Bedford then moved to amend the bill by inserting after section 5 the following section:

“SECTION 5A. Chapter 10 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 35QQ, as added by chapter 14 of the acts of 2011, the following section:—

Section 35RR. There shall be established and set up on the books of the commonwealth a Public Safety Building Assistance Fund for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of the fund shall be administered by the state treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula. The fund shall accept private contributions, publicly or privately-funded

grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment.”; and

In section 16, in line 2463, by inserting after the word “maintenance” the following: “; provided, however, that \$20 million annually from the Fund shall be transferred to the Public Safety Building Assistance Fund, established in section 35RR of chapter 10 for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of said building assistance fund shall be administered by the state Treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula”.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays, at the request of Mr. Winslow of Norfolk; and on the roll call 39 members voted in the affirmative and 115 in the negative.

Amendments
rejected,—
yea and nay
No. 107.

[See Yea and Nay No. 107 in Supplement.]

Therefore the amendments were rejected.

The Speaker being in the Chair,—

Ms. Ferrante of Gloucester then moved to amend the bill in section 16, in line 1467, by inserting after the word “shall” the following: “conduct live horse racing of the same horse breed that raced at the existing facility under Chapter 128A in the year 2010 and shall”. After remarks the amendment was adopted.

Mr. Mariano of Quincy being in the Chair,—

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 16, in line 2408, by striking out the figures “15” and inserting in place thereof the figures “13”;

In line 2409, by striking out the word “and”;

In line 2410, by inserting after the word “Fund” the following two paragraphs:

“(l) 1 per cent, divided equally, to the district attorney’s offices of the counties where a host community of a category 1 licensee is situated; and

(m) 1 per cent to the State Police.”.

The amendments were rejected.

The same member then moved to amend the bill in section 16, in line 1249, by striking out the figures “15” and inserting in place thereof the figures “20”; and the amendment was rejected.

Ms. Coakley-Rivera then moved to amend the bill in section 16, in line 846, by striking out the word “may” and inserting in place thereof the word “shall”. The amendment was rejected.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 16, in line 2409, by striking out the word “and”;

In line 2410, by inserting after the word “Fund” the following two paragraphs:

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“(l) 1 per cent, divided equally, to the district attorney’s offices of the counties where a host community of a category 1 licensee is situated; and

(m) 1 per cent to the State Police.”.

The amendments were rejected.

Mr. Michlewitz of Boston then moved to amend the bill in section 16, in line 798, by inserting after the figures “3,500” the following: “; provided however that in no event shall said live indoor entertainment venue exceed 10,000”. The amendment was rejected.

Mr. Walsh of Lynn then moved to amend the bill in section 91, in line 3223, by striking out the figures: “99” and inserting in place thereof the figures: “98”; and the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed (the Speaker being in the Chair), Ms. Dykema of Holliston and other members of the House moved to amend it in section 16, in lines 344 to 347, inclusive, by striking out the definition contained in those lines and inserting in place thereof the following definition:

“ ‘Surrounding communities’, municipalities (a) that are located in whole or in part within two miles of the site of an existing or proposed gaming establishment; or (b) from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment in proximity to a host community; or (c) that the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment.”.

After debate on the question on adoption of the amendment (Mr. Mariano of Quincy being in the Chair), the sense of the House was taken by yeas and nays, at the request of Ms. Dykema; and on the roll call 51 members voted in the affirmative and 103 in the negative.

[See Ye and Nay No. 108 in Supplement.]

Therefore the amendment was rejected.

Representatives Provost of Somerville and Hecht of Watertown then moved to amend the bill by adding the following section:

“SECTION 110. The executive office of administration and finance shall complete a comprehensive cost/benefit analysis of expanding gaming in the Commonwealth, as established by H.3702, including the assumption that at least one regional casino will be a tribal casino operating under a tribal compact with the state, in the region where such tribal casino is most likely to be located. The analysis will be broken down by regions A, B, and C, as set out in H.3702, and will include, but not be limited to, expected revenues, including income and property tax revenues, licensing fees, and regional economic development; job creation; welfare utilization; infrastructure expansion and maintenance thereof; municipal and regional mitigation compensation; state and regional oversight expenses, including additional state and regional personnel, equipment, and overtime compensation; and social mitigation, including gambling addiction services, domestic violence services and financial counseling. The executive office of administration and finance shall complete the analysis and submit the report to the senate committee on ways and means, the house committee on ways and means, and the joint committee on economic development and emerging technologies by July 1, 2012. No license for a gaming establishment shall be issued prior to the completion of the analysis. If

Amendment
rejected,—
yea and nay
No. 108.

any region is shown to be disadvantaged compared to other regions, then H.3702 will be redrafted to create economic equity among regions. Should the analysis find that net revenues from expanding gaming are insufficient for purposes of the bill’s objectives, no gaming license shall be issued.”.

After debate the amendment was rejected.

Ms. Forry of Boston then moved to amend the bill in section 16, in line 2519, by striking out the figure “7” and inserting in place thereof the figure “9”; and

In line 2524, by inserting after the word “gaming” the following: “; 1 of whom shall be appointed by the governor and shall be a small business owner in a host community; 1 of whom shall be a representative from a Chamber of Commerce serving a host community”.

After remarks the amendments were adopted.

The same member then moved to amend the bill in section 16, in line 2636, by striking out the clause contained in that line and inserting in place thereof the following two clauses:

“(vii) an assessment of the impact of gambling facility development and gambling facilities on small businesses in host communities and surrounding communities, including a review of any economic harm experienced and potential solutions to mitigate associated economic harm; and

(viii) the costs of implementing chapter 23K of the General Laws; and”.

The amendment was adopted.

Mr. Sullivan of Fall River then moved to amend the bill in section 18, in line 2681, by inserting after the word “source.” the following three paragraphs:

“Section 2FFFF. The small business economic rebate/coupon program will help to mediate impacts to small businesses existing within a 2 mile radius of an established resort casino in the Commonwealth, regardless of city or town boundaries. The rebates or coupons will be used for those businesses that provide similar services and goods available at the resort casino complex and being impacted by its direct competition. Revenues generated by the Host Resort Casino will fund this program at an amount that shall not be less than \$ 3,000,000 per year to be increased on a 5 year basis provided that revenues increase. A formula shall be established for such increases by an objective oversight committee to be created by commission recommendations.

A commission shall be established that will include representation by the host communities, 3 from the Chamber of Commerce and other independent host community business organizations. There shall be an appointment of additional 2 members to the commission by the host community’s appointing authority (Mayor or Selectmen).

The commission’s task will be to promulgate rules and regulation to adequately and fairly govern the ECONOMIC REBATE/ COUPON MEDIATION PROGRAM FOR SMALL BUSINESSES. The commission will come up with recommendation on how businesses that may be outside the borders of the host community but fall within the two mile radius of the resort casino can participate and benefit from such program if deemed eligible. Also, recommend a permanent entity to govern said program and the method for the

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selection of its members. Rebates and coupons will be distributed at convenient locations to be determined by the programs' board."

The amendment was rejected.

Mr. Dempsey of Haverhill then moved (consolidated racing) to amend the bill in section 16, in line 744, by inserting after "seq." the following paragraph:

"The commission may grant a simulcasting license to a gaming establishment; provided, however, that a reasonable percentage, as determined by the commission, of the wagering received on in-state and out-of-state thoroughbred and harness races shall be allocated to the Race Horse Development Fund established in section 60 to support purse assistance and breeding programs [A].";

In line 1472, and also in line 1473, by striking out the following: "category 2" and inserting in place thereof, in each instance, the word "gaming"; and

By inserting after section 103 the following new section:

"SECTION 103A. Sections 4, 11, 12, 13, 37, 39 and section 7 of chapter 23K shall take effect 180 days after the effective date of this act."

Pending the question on adoption of the amendments, Mr. D'Emilia of Bridgewater moved to amend them by inserting, after the word "programs" [at "A"] the following: "; provided, however, that in granting said license to a gaming establishment, the commission shall take into consideration the impact on preexisting facilities licensed pursuant to chapters 128A and 128C".

Quorum.

Pending the question on adoption of the further amendment, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Mariano of Quincy), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 109.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call (the Speaker being in the Chair) 148 members were recorded as being in attendance.

[See Yea and Nay No. 109 in Supplement.]

Therefore a quorum was present.

After remarks the further amendment was adopted.

The amendments offered by Mr. Dempsey of Haverhill, as amended, then also were adopted.

Mr. Mariano of Quincy being in the Chair,—

Mr. Frost of Auburn then moved to amend the bill in section 16, in line 869, by striking out the word "region" and inserting, in place thereof the word "license";

In lines 1237 to 1248, inclusive, by striking out the subsection contained in those lines and inserting in place thereof the following subsection:

"Section 19. (a) The commission may issue not more than 3 category 1 licenses based on the applications and bids submitted to the commission.

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter, as determined by the commission. The commission shall only issue a license if it is convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to

the region in which the gaming establishment is proposed to be located and to the commonwealth.", and

In lines 1257 to 1273, inclusive, by striking out the four paragraph contained in those lines and inserting in place thereof the following three paragraphs:

"(d) If a category 1 license is awarded to an applicant with a simulcasting license under chapter 128C as of July 1, 2011, a condition of the gaming license shall be to maintain the simulcasting license under said chapter 128C. Upon failure to conduct simulcast wagering, the commission shall suspend the category 1 license.

(e) If a category 1 license is awarded to an applicant with live racing under chapter 128A as of July 1, 2011, a condition of the gaming license shall be to maintain and complete the annual live racing season under said chapter 128A. Upon failure to conduct live racing the commission shall suspend the category 1 license.

(f) For the purposes of subsections (e) and (f), an applicant for a gaming license shall be considered to be the holder of a license under chapter 128A or chapter 128C if the applicant: (i) owns 50.1 or more per cent of the common stock of the company which obtained a license under said chapter 128A or 128C; and (ii) is a person who owns more than 5 per cent of the common stock of the applicant company, directly or indirectly, or is an institutional investor in the gaming license."; and

In section 89, in lines 3186 to 3190, inclusive, by striking out the following: "issue a request for applications for a category 1 license in Region C pursuant to chapter 23K of the General Laws not later than October 31, 2012; provided, however, that if, at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior, the commission shall consider bids for a category 1 license in Region C under said chapter 23K" and inserting, in place thereof the following: "issue a request for only 2 applications for a category 1 license; provided, however, that if, at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior, the commission shall consider bids for a third category 1 license under said chapter 23K".

After remarks the amendments were rejected.

Mr. Smola of Palmer then moved to amend the bill in section 16, in line 798, by striking the out the figures "1,000" and inserting in place thereof the figures "1,500". The amendment was rejected.

Mr. Swan of Springfield then moved to amend the bill in section 16, in lines 869 to 872, inclusive, by striking out the two sentences contained in those lines and inserting in place thereof the following sentence: "(d) A category 1 licensee shall pay to the commission a fee of [not less than \$85,000,000] within 30 days of the final award of the license which sets forth the conditions to be satisfied by the licensee before the gaming establishment may be opened to the public.". The amendment was rejected.

Mr. Bastien of Gardner then moved to amend the bill in section 16, in lines 1240 and 1241, by striking out the two paragraphs contained in those lines and inserting in place thereof the following two paragraphs:

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“(1) region A: Suffolk, Middlesex, Essex and Norfolk counties;
(2) region B: Hampshire, Hampden, Franklin, Berkshire and Worcester counties; and.”

Amendment
rejected,—
yea and nay
No. 110.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of Mr. Frost of Auburn; and on the roll call 30 members voted in the affirmative and 125 in the negative.

[See Yea and Nay No. 110 in Supplement.]

Therefore the amendment was rejected.

Subsequently a statement of Ms. Fox of Boston was spread upon the records, as follows:

Statement of
Ms. Fox of
Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

Mr. Winslow of Norfolk then moved to amend the bill in section 101, in line 3316, by inserting after the word “laws” the following: “; provided, further, that notwithstanding any general or special law to the contrary, charitable gaming, conducted under chapter 271, shall not be prohibited from occurring at any race track, as defined by section 1 of chapter 128A”. The amendment was rejected.

The same member then moved to amend the bill in section 16, in line 1076, by inserting after the word “community” the following: “; provided, however, that an equivalent amount, divided equally, shall be paid to each of the surrounding communities as defined by the commission pursuant to section 17 of chapter 23K”. The amendment was rejected.

Mr. Winslow then moved to amend the bill in section 16, in line 1076, by inserting after the word “community;” the following: “; provided, however, that an equivalent amount, divided equally, shall be paid to each of the surrounding communities; provided, further, that all communities that abut a host community and have a public way that crosses a municipal border into the host community or have dwelling units within a ¼ mile radius of the gaming establishment shall be deemed surrounding communities”. The amendment was rejected.

Mr. Jones of North Reading and other members of the House then moved to amend the bill in section 16, in line 2466, by inserting after the word “source.” the following sentence: “Funds shall be distributed to cities and towns in accordance with the formula used to determine the distribution of Unrestricted General Government Aid under section 3 of the general appropriations act.”

Amendment
adopted,—
yea and nay
No. 111.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays, at the request of the same member; and on the roll call 154 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 111 in Supplement.]

Therefore the amendment was adopted.

Mr. Atsalis of Barnstable then moved to amend the bill in section 89, in lines 3187, 3188 and 3189, by striking out the following: “if, at any time on or after [A] August 1, 2012 the commission determines that the tribe will not be granted land-in- trust by the Bureau of

Indian Affairs at the United States Department of the Interior” and inserting in place thereof the words “upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust”.

Pending the question on adoption of the amendment, Mr. Dempsey of Haverhill moved to amend it by striking out [at “A”] the following: “August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior” and inserting in place thereof “August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction”. The further amendment was adopted.

The amendment offered by Mr. Atsalis, as amended, then also was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 16, in line 1038, by inserting after the word “establishment” the following: “; provided further that, in the event that an applicant cannot reach agreement with [A] one or more surrounding communities, such applicant shall submit for the commission’s consideration a report of the full course of negotiations with such surrounding community, including the last position such applicant presented to, and was rejected by, such surrounding community. As a condition of a license grant hereunder the commission may require that an applicant fulfill the terms set forth within its last proposal to such surrounding community, or impose such reasonable additional or alternative terms as the commission deems appropriate. At the direction of the commission, the funds necessary to fulfill the terms and conditions of the agreements or commission order of mitigation shall be paid from the mitigation fund provided for in Section 61[B]”.

Pending the question on adoption of the amendment, Mr. Dempsey of Haverhill moved to amend it by striking out [at “A”] the following: “one or more surrounding communities, such applicant shall submit for the commission’s consideration a report of the full course of negotiations with such surrounding community, including the last position such applicant presented to, and was rejected by, such surrounding community. As a condition of a license grant hereunder the commission may require that an applicant fulfill the terms set forth within its last proposal to such surrounding community, or impose such reasonable additional or alternative terms as the commission deems appropriate. At the direction of the commission, the funds necessary to fulfill the terms and conditions of the agreements or commission order of mitigation shall be paid from the mitigation fund provided for in Section 61” and inserting in place thereof the words “a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable”; and by adding at the end of said

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amendment [at "B"] the following: "; and in lines 1116 and 1117, by striking out the words 'included a signed agreement with that community in its application' and inserting in place thereof the following:—finalized negotiations with that community in its application pursuant to section 15." The further amendments were adopted.

The amendment offered by Mr. Fernandes, as amended, then also was adopted.

Mr. Fernandes of Milford then moved to amend the bill in section 16, in line 1562, by inserting after the word "fee", the second time it appears, the words "; provided further, that a portion of said application or renewal fee in an amount equal to the annual all-alcohol-related licensing fee of the host community shall revert exclusively back to the host community." The amendment was rejected.

Mr. Cabral of New Bedford then moved to amend the bill in section 89 [A], in lines 3187 to 3190, inclusive, by striking out the following: "; provided, however, that if, at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior, the commission shall consider bids for a category 1 license in Region C under said chapter 23K" and by adding at the end of said section the following paragraph:

"(f) Notwithstanding any general or special law or rule or regulation to the contrary, if by October 31, 2012 the tribe has not received a favorable vote in the host community; or the land the tribe has purchased or entered into an agreement to purchase in the host community, in satisfaction of the requirements contained in subsection (c), has not been accepted as tribal land in trust by the Bureau of Indian Affairs; or the tribe has not received all other federal approvals necessary to allow the land to be used for class III gaming as defined by the Indian Gaming Regulatory Act, the commission shall issue a request for applications for a category 1 license in Region C under said chapter 23K no later than November 31, 2012 and shall issue said license to a qualified applicant no later than December 31, 2012. The issuance of a request for applications pursuant to this subsection (f) shall only be reviewable by a single justice of the Suffolk County Superior Court with no further appeal and no interlocutory findings."

Messrs. Cabral of New Bedford and Koczera of New Bedford then moved that the pending amendment be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the words "by adding the following sentence:— The commission shall prepare quarterly reports on the status of a federally recognized tribe's application with the Bureau of Indian Affairs to approve any negotiated compact or place land into trust for the purposes of conducting Indian gaming pursuant to the Indian Gaming Regulatory Act. The commission shall file such reports with the clerks of the house and senate and the chairs of the joint committee on economic development and emerging technologies." The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Frost of Auburn then moved to amend the bill by inserting after section 26, the following new section:

"[A] SECTION 26A. Section 3 of chapter 62 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by inserting, after subparagraph (15), the following new subparagraph:—

(16) The amount as is described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts."

Mr. Frost of Auburn then moved that the pending amendment be amended by striking out the text of said amendment [at "A"] and inserting in place thereof the following:

"SECTION 26A. Notwithstanding any general or special law to the contrary, the department of revenue shall study the tax revenue loss incurred by establishing a deduction, under section 3 of chapter 62, similar to the deduction described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts. The department shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on revenue not later than June 30, 2012."

The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Fernandes of Milford then moved that the bill be amended in section 89 by adding the following clause:

"(f) Any compact negotiated and agreed to by the governor and an approved Indian tribe shall verify that the Indian tribe has recognized and acknowledged the financial investment or investment rights of any individual or entity which has made such investment to said tribe, its affiliates, or predecessor applicants of the tribe for the purpose of securing a gaming license for said tribe under its name or any subsidiary or affiliate since 2005."

The amendment was rejected.

Mr. Lewis of Winchester then moved to amend the bill in section 16, in line 2354, by striking out the words "Public Health Trust Fund" and inserting in place the words "Addictions Prevention and Mitigation Trust Fund"; and, in lines 2354 and 2357, by striking out the words "public health trust fund" and inserting in place thereof, in each instance, the words "addictions prevention and mitigation trust fund". The amendments were adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 16, in line 256, by striking out the words "or from credit extended or collected by the gaming licensee for purposes other than gaming"; and by inserting before line 258 the following sentence: "Provided further, the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit shall not be considered as gross revenue or gross gaming revenue." The amendment was adopted.

Mr. Murphy of Burlington then moved to amend the bill in section 16, in line 656, by inserting after the word "surrounding" the words "including, but not limited to potential access to multi-modal means of transportation,"; and the amendment was adopted.

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Messrs. Hill of Ipswich and Webster of Pembroke then moved to amend the bill by inserting after section 4 the following two sections:

“SECTION 4A. Notwithstanding any special or general law to the contrary, the state lottery commission, established in section 23 of chapter 10, shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred to the Massachusetts gaming commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of chapter 10 and which is not inconsistent with chapter 23K.

SECTION 4B. Section AA shall take effect 180 days after the passage of this act.”

The amendment was rejected.

Mr. Hill then moved to amend the bill by adding the following section: “SECTION 113. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the restructuring and possible merger of the state lottery commission with the Massachusetts gaming commission. The commission shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives, the house and senate chairs of the joint committee on economic development and emerging technologies, and the office of the treasurer and receiver general of the commonwealth not later than July 1, 2012.”

The amendment was rejected.

Ms. O’Connell of Taunton then moved to amend the bill [A] by inserting after section 32 the following section:

“SECTION 32A. Section 39 of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:

A business corporation, employing less than 50 full time employees, and located within a host community or surrounding communities, as defined by section 2 of chapter 23K, shall not be subject to subsection (b).”

Ms. O’Connell then moved that the pending amendment be amended by striking out the text of said amendment [at “A”] and inserting in place thereof the following: “in section 16, in line 1168, by inserting after the word ‘restaurants,’ the words ‘small businesses.’”

The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Dempsey of Haverhill then moved (consolidated regulatory and crime enforcement) to amend the bill, in section 16, in line 44, by inserting after the word “unit” the following: “; provided further, that the code of ethics established in section 3 of chapter 23K shall apply to all investigators and employees of the unit.”

In line 112, by inserting after the following “chapter 23K” the following: “; provided further, that the code of ethics established in section 3 of chapter 23K shall apply to all officers and employees of the unit”;

In lines 466 and 467, by striking out the following: “and (iv) employment history”, and inserting in place thereof the following: “(iv) permanent residency; and (v) employment history”;

In line 727, by striking out the words “and, in consultation with the commission, shall execute”, and inserting in place thereof the following: “The commission, in consultation with the colonel of the state police, shall facilitate the execution of”;

In line 1525, by inserting after the word “purpose”, the words: “; provided, however, that this subsection shall not apply to licensed gaming vendors who operate a warehouse, showroom or sales facility within the commonwealth subject to the approval of the commission”;

In line 1568, by inserting after the figures “21” the following: “; provided further, that such regulations shall include requirements relative to alcohol training certification for any employee who serves alcohol at the gaming establishment”;

In line 1680, by inserting after the word “applicant”, the first time it appears, the words ‘and place of permanent residency’;

In line 2506, by inserting after the word “designee”, the second time it appears, the words “the senate minority leader or the senate minority leader’s designee; the house minority leader or the house minority leader’s designee”;

In section 86 by adding the following sentence: “Commissioners shall be appointed within 90 days of the effective date of this act; provided, however, that no person shall be allowed to serve on the commission prior to the completion of a background investigation pursuant to section 3 of chapter 23K of the General Laws.”

The amendments were adopted.

Mr. Winslow of Norfolk moved to amend the bill [A] in section 16, after line 168, by inserting the following definition:

“ ‘Category 3 license’, a license issued by the commission that permits the licensee to operate internet-based poker games subject to the regulations established by the commission and oversight of the commission.”; and, by adding the following two sections:

“SECTION 113. Internet Poker Consumer Protection and Revenue Generation. [Reserved].;

SECTION 114. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the issuance and implementation of category 3 licenses, as defined in section 1 of chapter 23K. The legislation and regulations shall include the following provisions: issuance of up to 5 category 3 licenses of no more than 5 years’ initial duration subject to renewal for additional terms of 5 years; requirements to ensure that poker games cannot be played by persons who reside in jurisdictions that expressly prohibit participation in internet poker or by persons under 21 years of age; requirements to ensure that all internet poker games consist of games of skill and not games of chance; requirements to ensure the integrity of the games and to prevent cheating; requirement of a rake of 10 percent from the amount of all monies wagered in each game, and require payment to the commonwealth of no less than 70% of the rake or other net proceeds to the licensee; requirements that the majority of the employees, internet servers and data storage for each licensee be located in the commonwealth; and such other provisions to ensure the integrity of internet poker and distribution of revenue consistent with the purposes of this act. The commission shall report its findings and recommenda-

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tions, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than July 1, 2012.”.

Mr. Winslow then moved that the pending amendments be amended by striking out the text of said amendments [at “A”] and inserting in place thereof the following: “by adding the following section:

“SECTION 110. The Massachusetts gaming commission shall, in consultation with the state lottery commission, establish a committee to analyze and develop recommendations and model legislation with respect to the issuance and implementation of internet poker licenses. The committee, in addition to members of the Massachusetts gaming commission and the state lottery commission, shall include: 2 members appointed by the speaker of the house; 1 member appointed by the minority leader of the house; 2 members appointed by the senate president; and 1 member appointed by the minority leader of the senate; provided, however, that the recommendations and model legislation shall include an analysis of applicable federal and state law. The committee shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than July 31, 2012.”.

The further amendment was adopted, thus precluding a vote on the pending amendment.

Mr. Wong of Saugus moved to amend the bill by inserting after section 55 the following section:

“SECTION 55A. Section 7A of chapter 271 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended, by inserting at line 36, after the word ‘bazaar’, the following: ‘, except that the sponsoring organization may retain, at a reasonable fee, non-members to assist in the operation of such raffle or bazaar, including providing paid dealers and game supervisors to insure that the rules of the game are properly administered and complied with, so long as only qualified members of the sponsoring organization handle the funds collected and disbursed at the raffle or bazaar.’”.

The amendment was adopted.

Mr. Bastien of Gardner then moved to amend the bill by adding the following section:

“SECTION 113. Notwithstanding any general or special law to the contrary, the commission shall, as a condition of licensure, prohibit a gaming establishment from entering into a contract with any performer or live entertainment act which restricts said performer or live entertainment act from performing in any live entertainment venue in the commonwealth for more than 15 days before or prior to the first day said performer or live entertainment act is scheduled to perform at the gaming establishment as required by the terms of said contract.”.

After remarks the amendment was rejected.

Pending the question on passing the bill to be engrossed, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum

was present. The Chair (Mr. Mariano of Quincy), having taken the Chair, determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presences of a quorum; and on the roll call (the Speaker being in the Chair) 147 members were recorded as being present.

[See Yea and Nay No. 112 in Supplement.]

Therefore a quorum was present.

After remarks, Mr. Dempsey of Haverhill moved (consolidated licensing) to amend the bill in section 16, in line 1040 and also in line 1127, by inserting after the word “Venues” the words “or its designee”;

In line 1236, by adding the following clause:

“(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractor; the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; and completed studies and reports as required by the commission, which shall include, but are not limited to, an economic benefit study, both for the commonwealth and region; and whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, re-construction, renovation, development and operation of the gaming establishment.”.

In line 1250, by adding the following three sentences: “A category 1 license issued pursuant to this chapter shall be valid for an initial period of 20 years; provided, however, that after this initial period has elapsed, a renewed category 1 license issued pursuant to this chapter shall be valid for a period of 15 years. The commission shall establish procedures for renewal and set the renewal fee based on the cost of fees associated with the evaluation of a licensee. Any renewal fees shall be deposited into the Gaming Revenue Fund.”;

In lines 1314, 1315 and 1316, by striking out the clause contained in those lines and inserting in place the following clause:

“(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to the lesser of \$15 million or 3.5 per cent per year of the net gaming revenues derived from the establishment.”; and by striking out the section 28 and inserting in place thereof the following section:

“SECTION 28. The seventh paragraph of section 2 of chapter 62B of the General Laws, as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place thereof the following 2 sentences:— Every person, including the United States, the commonwealth or any other state, or any political subdivision or instrumentality of the foregoing, making any payment of lottery or wagering winnings, which are subject to tax under chapter 62 and which are subject to withholding under section 3402(q) of the Internal Revenue Code shall deduct and withhold from such payment an amount equal to 5 per cent of such payment. For the purposes of this chapter and chapter 62C, such payment of winnings shall be treated as if it were wages paid by an employer to an employee.”.

Quorum.—
yea and nay
No. 112.

Quorum.

Amendments
adopted—
yea and nay
No. 113.

On the question on adoption of the amendments offered by Mr. Dempsey of Haverhill, the sense of the House was taken by yeas and nays at the request of Mr. Walsh of Lynn; and on the roll call 150 members voted in the affirmative and 5 in the negative.

[See Yea and Nay No. 113 in Supplement.]

Therefore the amendments were adopted.

Mr. Dempsey of Haverhill then moved (consolidated revenue) to amended the bill in section 2A by adding the following item:

"0810-1204 For the implementation and operation of the division of gaming enforcement within the office of the attorney general, established pursuant to section 11M of chapter 12, for the investigation and prosecution of criminal activity relating to legalized gaming in the commonwealth pursuant to chapter 23K \$500,000";

In section 9 by adding the following paragraph:

"The division shall submit quarterly requests to the commission for expenses associated with the operation of the division and the commission shall reimburse the division for such expenses; provided, however, that the commission shall not approve such a request if the request would exceed an annual reimbursement of \$2,000,000.";

In section 16, in line 2383, by striking out the figures: "25" and inserting in place thereof the following figures: "20";

In section 59 by adding the following clause:

"(1) 5 per cent to the Community Preservation Fund.";

In line 2463, by adding after the word "maintenance", the following: "; provided, however, that not less than 50 per cent of such expenditures shall be dedicated for the purpose of supplementing, and not offsetting, any expenditures made for the construction and reconstruction of municipal ways as described in clause (b) of the second paragraph of section 4 of chapter 6C.";

In line 2466, by adding after the word "source", the words: "and shall be subject to appropriation. Monies from the fund shall be used in addition to the balance of the state lottery fund for distribution to cities and towns in accordance with the provisions of clause (c) of section 35 of chapter 10 and any monies so distributed shall be considered part of 'general revenue sharing aid' for purposes of annual aid and contribution requirements established pursuant to chapter 70 or section 3 of the annual general appropriation act.";

In line 2470, by adding after the word "fund", the following: "shall be subject to appropriation, provided further, that 35 per cent of funds received shall be appropriated for the purposes of higher education to supplement, and not offset, any reduction in the general appropriation act from the previous fiscal year and, provided further, that any expenditures from said fund.";

By striking out section 91, as amended (there being no objection), and inserting in place thereof the following section:

"SECTION 91. (a) There shall be established and set up on the books of the commonwealth a Gaming Licensing Fund which shall receive all licensing fees collected from applicants in receipt of a category 1 or category 2 license under chapter 23K of the General Laws.

The fund shall expire on December 31, 2015. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

(1) 5 per cent to the Race Horse Development Fund established in section 60 of chapter 23K of the General Laws.

(2) 10 per cent to the Community Mitigation Fund established in section 61 of chapter 23K of the General Laws.

(3) 14.5 per cent to the Transportation Infrastructure and Development Fund established in section 62 of chapter 23K of the General Laws.

(4) 1.5 per cent to the Tourism Fund established in section 35J of chapter 10 of the General Laws.

(5) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund, established in section 2CCCC of chapter 29 of the General Laws;

(6) 9 per cent to the Local Capital Projects Fund established in section 2EEEE of chapter 29 of the General Laws.

(7) 13 per cent to the Manufacturing Fund established in section 96.

(8) 17 per cent to the Community College Fund established in section 97.

(9) 23 per cent to the Healthcare Payment Reform Fund established in section 99.

(10) 2 per cent to the Community Preservation Fund.

(b) Upon receipt by the Massachusetts gaming commission of license fees from licensees, interim transfers and payments shall be made on a pro rata basis from the Gaming Licensing Fund as provided in clauses (1) and (2) of subsection (a); provided, however, that no transfer or payment under said clauses (1) and (2) of said subsection (a) shall occur until the fund reimburses \$20,000,000 to the Commonwealth Stabilization Fund as required by subsection (c) of section 92 of this act.";

In section 96, line 3293, in section 97, line 3296, and also in section 98, line 3299, by inserting after the word "source", in each instance, the words "and shall be subject to appropriation."; and

By adding the following two sections:

"SECTION 111. Notwithstanding any general or special law, rule or regulation to the contrary for the purposes of chapter 62, gross revenue or gross gaming revenue as defined in chapter 23K of the General Laws shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited; provided, however, that monies received by the commonwealth as the result of a revenue sharing agreement between the commonwealth and a federally recognized tribe set forth in a negotiated compact shall not be considered budgeted fund state tax revenue.

SECTION 112. The commissioner of revenue, in consultation with the commissioner of education, and the treasurer and receiver general of the commonwealth shall report to the general court on the following matters: 1) the primary sources of current and recent funding for each major program of state assistance to the cities, towns, and school districts of the commonwealth; including, but not limited to lottery aid, unrestricted general government assistance, PILOT payments for state owned land, and major aid programs in support of local education and

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transportation. Where feasible, those amounts and sources of funding shall be disaggregated by city and town, 2) the net dollar relationship between distributions to cities, towns, and school districts under each of the programs reviewed and the primary sources of funding that support them, 3) the prospective cost and feasibility of establishing equitable minimum and maximum distribution targets based on criteria including, but not limited to, population, real estate values, mean income level of the municipality as compared to the state mean income level and poverty levels based on relative criteria including, but not limited to, students qualifying for free and reduced lunch programs and mean age levels of residents for each program based on the disaggregated source of funding for each program; and 4) any potential alternative sources of funding to establish such equitable minimum target aid levels; including the Gaming Local Aid Fund and the Local Aid Stabilization Fund, created under the provisions of this Act. Said report shall be filed by the commissioner of revenue with the clerks of the house and senate by July 31, 2012."

Pending the question on adoption of the amendment, Mr. Dempsey moved to amend it by adding to proposed section 112 the following paragraph:

"Prior to any distribution of gaming revenues from the Gaming Local Aid Fund and the Local Aid Stabilization Fund, the legislature shall review the report and adopt an equitable distribution program for the Gaming Local Aid Fund and Local Aid Stabilization Fund."

The further amendment was adopted.

After remarks on the question on adoption of the amendments, as amended, the sense of the House was taken by yeas and nays at the request of Mr. Jones of North Reading; and on the roll call 146 members voted in the affirmative and 9 in the negative.

[See Ye and Nay No. 114 in Supplement.]

Therefore the amendments, as amended, was adopted.

Mr. Boldyga of Southwick then moved that the bill be amended in section 16 [A], in line 824, by inserting after the word "establishment;" the following: "and (20) a statement of intent, guaranteeing that a majority of gaming establishment's employees shall be legal residents of the commonwealth;" in line 1227, by striking out the word "and"; and, in line 1236, by inserting after the words "establishment" the following paragraph:

"; and (18) hiring employees who are legal residents of the commonwealth".

Mr. Boldyga then moved that the pending amendments be amended by striking out the text of said amendments [at "A"] and inserting in place thereof the following: "in line 1172, by inserting after the word 'existing' the word 'Massachusetts'".

After remarks the further amendment was adopted, thus precluding a vote on the pending amendments.

The question on passing the bill, as amended, to be engrossed, the sense of the House taken by yeas and nays, at the request of Mr. Wagner of Chicopee; and on the roll call 123 members voted in the affirmative and 32 in the negative.

[See Ye and Nay No. 115 in Supplement.]

Amendments
adopted,—
yea and nay
No. 114.

Bill passed to
be engrossed,—
yea and nay
No. 115.

Therefore the bill, as amended, was passed to be engrossed. Mr. Dempsey of Haverhill moved that this vote be reconsidered and, there being no objection, the motion was considered forthwith; and it was negated. The bill (House, No. 3702, amended) then was sent to the Senate.

Order.

Mr. Mariano of Quincy being in the Chair,—
On motion of Mr. DeLeo of Winthrop,—

Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M.

Next
sitting.

Mr. O'Day of West Boylston then moved that the House adjourn; and the motion prevailed. Accordingly, without further consideration of the remaining matters in the Orders of the Day, at four minutes after nine o'clock P.M. (Mr. Mariano of Quincy being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.