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## UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



### JOURNAL OF THE SENATE.

*Friday, June 25, 2010.*

[being the continuation of the session of Thursday, June 24, 2010]

Met at twenty-nine minutes past eleven o'clock A.M.

The President, members, guest and employees then recited the pledge of allegiance to the flag.

#### *Distinguished Guests.*

There being no objection, during consideration of the Orders of the Day, the President handed the gavel to Mr. Baddour for the purpose of an introduction. Mr. Baddour then introduced, in the rear of the Chamber, John Halloran, the Science Director of the Gulf of Maine Institute in Newburyport. The Newburyport GOMI team's objective is to raise awareness of environmental issues in Newburyport and the Great Marsh through education and outreach. The Senate welcomed him with applause and he withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the Chair (Ms. Menard) introduced, in the rear of the Chamber, Daishawn Daley and Charles Blakeman from Brockton. They are visiting the State House through the School-To-Career Leadership Program and learning about the different aspects of state government. They Senate welcomed them with applause and they withdrew from the Chamber. They were guests of Senator Kennedy.

#### **PAPERS FROM THE HOUSE**

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 4805) of Sean Garballey, Kenneth J. Donnelly and others (by vote of the town) that the town of Arlington be authorized to establish senior citizen safety zones adjacent to certain facilities used by elderly persons in said town;

Petition (accompanied by bill, House, No. 4806) of Aaron Michlewitz (with the approval of the mayor and city council) for legislation to authorize the city of Boston to grant certain easements for the replacement of an elevator at Park Street Station located on the Boston Common;

#### *Bills*

Relative to certain land in the town of Sherborn (printed in House, No. 4614,-- being a message from his Excellency the Governor);

Designating Eunice Kennedy Shriver day (House, No. 4796,-- on petition);

Relative to the pooling of tips (House, No. 4814, -- on House, No 4324);

**Were severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

#### *Reports of Committees.*

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Stephen M. Brewer and Lewis G. Evangelidis for legislation to validate certain proceedings of the Pathfinder Regional Vocational Technical High School District.

**The rules were suspended, on motion of Ms. Walsh, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Education.**

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Marc R. Pacheco and James H. Fagan for legislation to designate the recovery center at Taunton State Hospital as the Dr. Marie King Recovery Resource Center.

**The rules were suspended, on motion of Ms. Walsh, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight.**

**Severally sent to the House for concurrence.**

*Motion to Reconsider.*

Ms. Walsh moved that the Senate reconsider the vote by which, at the previous session, the Senate adopted amendment #35, filed by Mr. Petrucci, in section 13, by inserting after the word “applicant”, in line 890, the following words:- “; provided further that, for purposes of this paragraph only, if the gaming establishment will be located in a city of 125,000 or more residents according to the most recent enumerated federal census, ‘host community’ shall mean only a 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”. After debate, the question on reconsideration was determined by a call of the yeas and nays, at thirteen minutes before twelve o’clock noon, on motion of Ms. Walsh, as follows, to wit (*yeas 13 – nays 25*) [**Yeas and Nays No. 311**]:

INSERT ROLL CALL “311”

**The yeas and nays having been completed at eight minutes before twelve o’clock noon, the motion to reconsider was negatived.**

**PAPER FROM THE HOUSE.**

*Engrossed Bill.*

An engrossed Bill relative to safe driving (see House, No. 4795) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

*Orders of the Day.*

The Orders of the Day were considered, as follows:

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4619),-- **was considered, the main question being on ordering it to a third reading.**

Pending the question of adoption of the Ways and Means new text (Senate, No. 2495), Mr. Eldridge, Ms. Fargo and Ms. Creem moved that the proposed new text be amended in line 1497, inserting after the words “purchases or services” the following new subsection:

“(x) The commission shall, in consultation with the department of transitional assistance, the department of labor and workforce development, the department of housing and community development or the applicable administering agency establish by regulation, under section 5, procedures and standards to prohibit an establishment or any person acting on behalf of an establishment from: (1) cashing a government-issued check, (2) from operating on its premises any credit card or ATM machine that would allow a patron to obtain cash from a government-issued Electronic Benefits Transfer (EBT) Card and (3) from extending or issuing credit to a patron of a gaming establishment who receives any form of income-based public assistance including, but not limited to, Supplemental Nutrition Assistance Program, Temporary Assistance for Needy Families, Emergency Aid to Elders, Disabled and Children, public housing assistance, MassHealth and unemployment insurance. Such procedures and standards established shall ensure the privacy of all patrons receiving public assistance.”

**The amendment was adopted.**

Ms. Fargo and Mr. Brewer moved to amend the proposed new text, in subsection (i) of section 64 of Section 13, by striking the words “one-third” and inserting in place thereof the following words:- “two-tenths”; in subsection (ii) of section 64 in Section 13, by striking the words “one-third” and inserting in place thereof the following words:- “six-tenths”; in subsection (iii) of section 64 in Section 13, by striking the words “one-third” and inserting in place thereof the following words:- “two-tenths”; and in section 2BBBB of Section 16, by inserting after the words “as a supplement to other sources of local aid distributions” the following words:- “including, but not limited to, Chapter 70 funding”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twelve minutes before one o’clock P.M., on motion of Mr. Tisei, as follows, to wit (*yeas 13 – nays 25*) [**Yeas and Nays No. 312**]:

INSERT ROLL CALL "312"

The yeas and nays having been completed at six minutes before one o'clock P.M., the amendment was *rejected*.

Ms. Fargo, Ms. Chang-Diaz and Ms. Creem moved to amend the proposed new text by inserting the following section:-  
"SECTION XX. Paragraph (2) of subsection (b) of section 22 of chapter 270 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after the words "or enclosed outdoor platform" the following words:- "; or a gaming establishment licensed under chapter 23K, notwithstanding any general or special laws to the contrary".

Pending the question on adoption of the amendment, Mr. Tisei moved that the proposed amendment be further amended by striking the text and adding in place thereof the following:- "Notwithstanding any general or special law to the contrary, no purveyor of food for consumption shall sell any item containing trans fats."

After debate, the question on adoption of the further amendment (Tisei) was determined by a call of the yeas and nays, at three minutes past one o'clock P.M., as follows, to wit (*yeas 4 – nays 34*) [**Yeas and Nays No. 313**]:

INSERT ROLL CALL "313"

The yeas and nays having been completed at seven minutes past one o'clock P.M., the further amendment was *rejected*.

**The pending amendment (Fargo, et al) was then laid aside as similar to an amendment previously adopted.**

Ms. Fargo and Ms. Chang-Diaz moved to amend the proposed new text by striking paragraph (4) of subsection (d) of section 17 of Section 13 in its entirety and inserting in place thereof the following paragraph:-

"(4) A licensee under this section shall not be permitted to distribute alcohol free of charge."

Pending the question on adoption of the amendment, Mr. Hedlund moved that the amendment be further amended by striking the text and adding in place there of the following: -

"Notwithstanding any special or general law to the contrary all establishments licensed to serve alcoholic beverages shall be granted the same authority to serve promotion alcoholic beverages as gaming enterprises provided in paragraph (4) of subsection (d) of Section 17 proposed chapter 23K."

After debate, the further amendment (Hedlund) was rejected.

The pending amendment (Fargo-Chang-Diaz) was then rejected.

Ms. Fargo moved to amend the proposed new text by inserting at the end of subsection (a) of section 17 of Section 13, the following paragraph:-

"Each license for a gaming establishment issued in a region shall be restricted to a specific location in the host municipality in such region. The commission shall not issue a license for a specific location in a region unless the voters in the host municipality where the gaming establishment is proposed to be located, vote in favor of such gaming license by a certified and binding 2/3rd vote in favor of such license on a ballot question at an election and the voters in each of the other nearby municipalities vote in favor of such gaming license by a certified and binding majority vote in favor of such license on a ballot question at an election in each such nearby municipality. A nearby municipality shall be defined as any municipality that is not the host municipality that is within a 10 mile radius of the proposed gaming establishment location. The state secretary with the approval of the attorney general shall by regulation establish the procedures for such ballot question elections including the ballot election question to be submitted to the voters in all host and nearby municipalities, which wording shall be uniform in nature, except for the listing of the specific municipality holding such election and the host community of the proposed gaming establishment location that is the subject of such ballot question. The local municipal authority of a nearby municipality, in a town the board of selectmen, in a city the council, or in a municipality with a town council form of government, the town council, shall within 45 days after a written request to hold a ballot question election is received from the commission, call for such election to be held in the municipality within 9 months of such request. Notwithstanding, the commission shall not issue a request to a nearby municipality for such ballot question election unless an application for a gaming license for a specific location has first been submitted to the commission, and provided, the local municipality authority for the host community has first approved that question be placed on the election ballot of the host community pursuant to paragraph (7) of section 12 of section 13. Each host and nearby municipality shall be reimbursed 100 percent of the actual costs for holding such election, as certified by the town or city clerk, by the commission within 90 days following such election, less any other amounts received by the municipality from any other sources for holding such election. The commission shall assess the estimated costs of such ballot question elections to the applicant seeking such gaming establishment license as an additional application fee, which estimated amount so assessed shall be subject to adjustment for the actual costs of such municipal elections so incurred by the commission."; and by striking paragraph (7) of section 12 of Section 13 and inserting in place thereof the following paragraph:-

"(7) have received a certified and binding 2/3rd vote on a ballot question at an election in the host community, in favor of such license; provided that the vote must take place after the effective date of this chapter; provided further, the question must be first approved to be placed on the election ballot by the local municipal authority of the host community, in a town the board of selectmen, in a city the council, or in a municipality with a town council form of government, the town council; provided further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the host community and the applicant as provided in subsection (10); provided further, that all nearby municipalities have voted favorably on such license as provided in the last paragraph of subsection (a) of section 17 of section 13."

After remarks, the amendment was rejected.

Mr. Michael O. Moore moved to amend the proposed new text by inserting in Section 16 at line 1163, the following new

subsection:

“(17) the degree to which the proposed gaming establishment provides a suitable buffer to residential and commercial abutters.”

The amendment was adopted.

Messrs. Michael O. Moore and Knapik moved to amend the proposed new text by the addition of the following section:-

“Section X. Section 24 of Chapter 10 of the General Laws is hereby amended by inserting after the word "sold" in line 25, the following words:- ‘, provided, however, upon the operation of a casino in the Commonwealth the commission paid to licensed sales agents of tickets or shares shall be not less than seven per cent’.”

The amendment was rejected.

Mr. Michael O. Moore moved to amend the proposed new text in line 1615 by striking the word “and”; and in line 1616 by adding after the word “establishment” the following:- “; and (v) the reimbursement of law enforcement officers from the host community”.

The amendment was rejected.

Ms. ~~Menard~~ moved to amend the proposed new text in Section 13 in section 5 of proposed chapter 23K by adding the following clause:-

“(18) establish procedures and ensure compliance with the timelines for making the capital investments required in clause (2) of subsection (a) of section 12 to ensure that minimum capital investments are made as quickly as possible after the beginning of operations.”; and

In Section 13, by striking out, in line 873, the words “prior to beginning operations” and inserting in place thereof the following words: “in accordance with the design plans required under clause (13) of subsection (a) of section 13 and in consultation with the secretary of transportation and the secretary of housing and economic development”.

The amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved to amend the proposed new text by striking the text of subparagraph (i) of subsection c of Section 64 and inserting in place thereof the following: -“all proceeds shall be distributed through the state gaming and lottery fund”.

After remarks, the amendment was rejected.

Ms. Chang-Díaz moved to amend the proposed new text by inserting after section 32, the following new sections:-

“SECTION 32A. Section 47B of chapter 175 of the General Laws is hereby amended by inserting after ‘(13) autism’ the following:- ‘(14) pathological gambling’.

SECTION 32B: Section 8A of chapter 176A of the General Laws is hereby amended by inserting after ‘(13) autism’ the following:- ‘(14) pathological gambling’.

SECTION 32C: Section 4A of chapter 176B of the General Laws is hereby amended by inserting after ‘(13) autism’ the following:- ‘(14) pathological gambling’.

SECTION 32D: Section 4M of chapter 176G of the General Laws is hereby amended by inserting after ‘(13) autism’ the following:- ‘(14) pathological gambling’.”;

In section 13, by inserting, in section 1 of proposed chapter 23K, after the definition of “Non-gaming vendor” the following new definition:-

““Pathological gambling’, persistent and recurrent maladaptive gambling behavior that disrupts personal, family or vocational pursuits, or any subsequent definition put forth according to the latest edition of the American Psychiatric Association’s Diagnostic and Statistical Manual of Mental Disorders.” and

In section 13, by inserting, in section 18 of proposed Chapter 23K, the following new subsection at the end thereof:-

“(XX) All gaming licensees shall reimburse the costs of health care for pathological gambling to any health insurer providing coverage for pathological gambling as required by Section 47B of chapter 175, Section 8A of chapter 176A, Section 4A of chapter 176B, and Section 4M of chapter 176G. The Massachusetts Gaming Commission and Massachusetts Gaming Control Board, each as defined in section 1 of this chapter, shall promulgate regulations to implement this section, including a structure for providing timely reimbursement to health insurers.”

Mr. Tolman in the Chair, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before two o’clock P.M., on motion of Ms. Chang-Díaz, as follows, to wit (yeas 9 – nays 30) [Yeas and Nays No. 314]:

INSERT ROLL CALL “314”

The President in the Chair, the yeas and nays having been completed at three minutes before two o’clock P.M., the amendment was rejected.

Mr. Rosenberg, Ms. Spilka and Messrs. Brewer and DiDomenico moved to amend the proposed new text by inserting after line 1390 the following new subclause:-

“(29) No gaming licensee or gaming establishment shall authorize or conduct direct marketing and promotional communications relative to gaming to target persons under the age of 21.”

The amendment was adopted.

Ms. Candaras moved to amend the proposed new text in section 15, by striking out, in line 2357, the words “by the general public” and inserting in place thereof the following words:- “, in whole or in part, by the general public or by representatives of member cities or towns”.

The amendment was adopted.

Ms. Spilka moved to amend the proposed new text by adding at the end thereof the following three sections:

“SECTION X. Section 13C of said chapter 23A, as so appearing, is hereby amended by striking in line 21, the figure ‘31’ and inserting in place thereof the following: ‘32’.

SECTION XX. Section 13C of said chapter 23A, as so appearing, is hereby amended by inserting after the word ‘Commerce’, in line 38, the words:- ‘, the MetroWest Tourism and Visitor’s Bureau,’.

SECTION XXX. Section 14 of said chapter 23A, as so appearing, is hereby amended by inserting after the word ‘Bureau’, in line 11, the words:- ‘, the MetroWest Tourism and Visitor’s Bureau,’.”

The amendment was adopted.

Ms. Menard moved to amend the proposed new text in section 69, subsection (c), by striking out clause (i), in lines 2786 through 2789 inclusive, and inserting in place thereof the following clause:-

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

After remarks, the amendment was adopted.

Ms. Menard moved to amend the proposed new text by striking out sections 73 and 75.

The amendment was rejected.

Mr. Morrissey and Ms. Menard moved to amend the proposed new text in Section 13, in paragraph (6) of subsection (a) of section 12 of chapter 23K, by inserting after the word “revenues” in line 884, the following:- “; and demonstrate the ability to raise and commit to invest the funds required in paragraph (2) of this section;”.

The amendment was adopted.

Messrs. Morrissey, Knapik, Buoniconti, Brewer and McGee moved to amend the proposed new text in Section 16, by inserting after the word “initiatives” in line 2375, the following:- “; provided that 25 per cent of all revenues transferred into the Gaming Economic Development Fund shall be used to increase MassHealth rates for hospitals (priority to be given to disproportionate share hospitals) as described in Section 128 of Chapter 58 of the Acts of 2006, community health centers and physicians (including by not limited to a loan repayment program to encourage physicians to establish and maintain practices in the Commonwealth, and Medical Homes) and MassHealth managed care plans”.

The amendment was rejected.

Mr. Hedlund moved that the proposed new text be amended by striking Section 16 of the bill and replacing it with the following language:

“SECTION 16. Chapter 29 of the General Laws is hereby amended by inserting after section 2AAAA the following 2 sections:

Section 2BBBB There shall be established and set up on the books of the commonwealth a separate fund to be known as the Local Aid Stabilization Fund. The Local Aid Stabilization Fund shall consist of monies transferred from the Gaming Revenue Fund, established in section 64 of chapter 23K, to the fund, 10% of all monies received by the Commonwealth as taxes imposed under chapters 64H and 64I, proceeds from the investment of such funds, and all other monies credited or transferred from any other fund or source. Subject to appropriation, the fund shall be distributed to cities and towns as a supplement to other sources of local aid distributions, but shall not be subject to section 5C of chapter 29.

Section 2CCCC. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Gaming Economic Development Fund. The fund shall be credited with revenues transferred to it from the Gaming Revenue Fund, established in section 64 of chapter 23K. Amounts credited to the fund shall be expended, subject to appropriation, to support economic development and job growth in the commonwealth including, but not limited to: (1) workforce training, including transfers to the Workforce Competiveness Trust Fund; (2) tourism promotion; (3) summer jobs; (4) Massachusetts Marketing Partnership, (5) higher education scholarships; (6) regional economic development initiatives; (7) small business lending; (8) green jobs promotion; and (9) STEM pipeline initiatives.”

The amendment was rejected.

Mr. Morrissey moved to amend the proposed new text in Section 13, by striking out, in line 2338, the words “addiction prevention and treatment services” and inserting in place thereof the following words:- “problem gambling prevention, intervention and treatment services”.

The amendment was rejected.

Mr. Morrissey and Ms. Flanagan moved to amend the proposed new text in Section 13, by inserting after subsection (6) of section 12 the following new subsection:-

“(6a) commit to paying 2.5 per cent of all gross gaming revenue for the purpose of funding purses for live horse races, horse breeding programs and other programs to promote the live horse racing industry in the Commonwealth;”;

and In Section 13, by inserting after section 65 the following new section:-

“Section 65A. There is hereby established and placed upon the books of the board a fund to be known as the Live Horse Racing Mitigation Fund, which shall consist of funds collected pursuant to subsection (6a) of Section 12 of this chapter for the purpose of funding purses for live horse races, horse breeding programs, and other programs to promote the live horse racing industry.

The board shall be the trustee of the fund.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes past two o’clock P.M., on motion of Mr. Panagiotakos, as follows, to wit (yeas 16 – nays 23) [Yeas and Nays No. 315]:

INSERT ROLL CALL “315”

The yeas and nays having been completed at twenty-five minutes past two o'clock P.M., the amendment was rejected.

Ms. Tucker moved to amend the proposed new text by striking in Section 64 (c) subsection (i), the following words:- "one third" and inserting in place thereof, the following words "one quarter"; by striking in subsection (ii), the following words:- "one third" and inserting in place thereof, "one quarter"; by striking in subsection (iii), the following words:- "one third" and inserting in place thereof, "one quarter"; by inserting the following subsection after subsection (iii), the following words:- "one quarter of the amount remitted to the Gambling Victims Compensation Fund"; and by inserting after Section 65, the following section:-

"There is hereby established and set up on the books, the Gambling Victim's Compensation Fund. The Gambling Victim's Compensation Fund shall consist of monies transferred under Section 64 of this act. The board shall be the trustee of this fund.

(a) The board shall administer the Gambling Victim's Compensation Fund to address impacts of gambling and to compensate businesses, families and individuals affected by problem gambling and gambling addiction, the investigation and incarceration costs of any person that commits crimes related to gambling, and any other costs and losses directly attributable to the expansion of gambling.

(b) The board shall promulgate regulations for the eligibility of individuals, businesses, and others to access monetary awards from the Gambling Victim's Compensation Fund, which shall include, but not be limited to attributing costs to the following practices by a gaming establishment:

(i) the gaming establishment permitting a highly intoxicated person to gamble in a venue;

(ii) the gaming establishment cashing checks for a patron, extending credit to a patron if the patron specifically requested that the provider not provide credit or cash checks;

(iii) the gaming establishment failing to advise a patron that because of the patron's vulnerability to problem gambling, that the patron should leave the gambling establishment;

(iv) the gaming establishment offering inducements, including the provision of check-cashing facilities or automatic teller machines that allow patrons to make withdrawals from credit accounts, supplying complimentary products such as free food or alcohol, transport or accommodation, complimentary tickets to events;

(v) the gaming establishment failing to implement adequate systems to enable the detection of gamblers who are subject to exclusion orders or bans on entry into a gambling establishment; and

(vi) the gaming establishment failing to implement adequate systems or provide staff with adequate training to remove excluded persons who have entered a gambling venue or are gambling."

After remarks, the amendment was rejected.

Mr. Tarr moved to amend the proposed new text by adding at the end the following new section:-

"SECTION XX. Chapter 271 of the General Laws is hereby amended by inserting, after Section 5A, the following new section:

Section 5B: Bona fide coin-operated amusement machines

(a) For the purposes of this chapter, the following definitions shall apply:

'Some skill' means any presence of the following factors, alone or in combination with one another:

(1) A learned power of doing a thing competently;

(2) A particular craft, art, ability, strategy, or tactic;

(3) A developed or acquired aptitude or ability;

(4) A coordinated set of actions, including, but not limited to, eye-hand coordination;

(5) Dexterity, fluency, or coordination in the execution of learned physical or mental tasks or both;

(6) Technical proficiency or expertise;

(7) Development or implementation of strategy or tactics in order to achieve a goal; or

(8) Knowledge of the means or methods of accomplishing a task.

The term 'some skill' refers to a particular craft, coordinated effort, art, ability, strategy, or tactic employed by the player to affect in some way the outcome of the game played on a bona fide coin operated amusement machines. If a player can take no action to affect the outcome of the game, the bona fide coin operated amusement machine does not meet the "some skill" requirement of this section.

'Bona fide coin-operated amusement machine' means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player, and which can be legally shipped interstate according to federal law. Examples of bona fide coin-operated amusement machines include, but are not limited to, the following:

1. Pinball machines.

2. Console machines, including 8-line slot machines.

3. Video games.

4. Crane machines.

5. Claw machines.

6. Pusher machines.

7. Bowling machines.

8. Novelty arcade games.

9. Foosball or table soccer machines.

10. Miniature racetrack or football machines.

11. Target or shooting gallery machines.

12. Basketball machines.

13. Shuffleboard games.
14. Kiddie ride games.
15. Skee-ball machines.
16. Air hockey machines.
17. Roll down machines.
18. Coin-operated pool table or coin-operated billiard table.
19. Any other similar amusement machine which can be legally operated in Massachusetts.
20. Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, such as jukeboxes or other similar types of music machines. 'Play' is an individual bet that can, apart from any other bet made by a player, result in a winning outcome. More than one play may be made simultaneously on the same amusement machine.

(b) Nothing in this chapter shall apply to a coin operated game or device designed and manufactured for bona fide amusement purposes only which may, by application of some skill, entitle the player to earn replays of the game or device at no additional cost and to discharge the accumulated free replays only by reactivating the game or device for each accumulated free replay or by reactivating the game or device for a portion or all of the accumulated free plays in a single play. This section shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming tax stamp under applicable provisions of the Internal Revenue Code.

(c) (1) Nothing in this chapter shall apply to a coin operated game or device designed and manufactured only for bona fide amusement purposes which involves some skill in its operation if it rewards the player exclusively with:

(A) Free replays;

(B) Merchandise limited to non-cash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than \$25.00 received for a single play of the game or device;

(C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for rewards set out in subparagraph (A) of this paragraph or subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph (A) and subparagraph (B) of this paragraph; or

(D) Any combination of rewards set out in two or more of subparagraph (A), (B), or (C) of this paragraph.

This subsection shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

(2) A player of bona fide coin operated amusement games or devices described in paragraph (1) of this section may accumulate winnings for the successful play of such bona fide coin operated amusement games or devices through tokens, vouchers, points, or tickets. Points may be accrued on the machine or device. A player may carry over points on one play to subsequent plays. A player may redeem accumulated tokens, vouchers, or tickets for non-cash merchandise, prizes, toys, gift certificates, or novelties so long as the amount of tokens, vouchers, or tickets received does not exceed \$25.00 for a single play.

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text in Section 13, by striking sections 2(m) and 3(s).

The amendment was rejected.

Ms. Tucker and Ms. Creem moved to amend the proposed new text by striking out the first paragraph in paragraph (e) of section 17 and inserting in place thereof the following paragraph:-

“(e) A gaming license issued under this chapter shall be valid for a period of 5 years from the date of first issuance. Five years after issuance, and every 5 years thereafter, the commission shall perform a thorough review of the business strategy of the gaming establishment which shall include plans for expansion and marketing submitted by the licensee. The commission shall establish procedures for renewal and set the renewal fee based on the cost associated with the evaluation of a licensee requesting a renewed gaming license. A gaming licensee shall issue an annual report to the board explicitly stating its progress on meeting each of the stated goals and stipulations from the licensee’s original application. If a licensee is unable to meet stated goals within a reasonable time frame, as determined by the board, the board may levy additional fees, so long as the fees are fair and reasonable and the commission may revoke the license, so long as the licensee has been afforded a proper hearing on the matter.”

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text in section 3(n) of Section 13, by striking subsection (1) and inserting in place thereof the following subsection:-

“The board shall not hire a prospective employee if the prospective employee has: (A) been convicted of a felony; (B) been convicted of a misdemeanor that, in the discretion of the board, bears a close relationship to the duties and responsibilities of the position for which employment is sought; or (C) intentionally made a false statement concerning a material fact in connection with the prospective employee’s application to the board.”

The amendment was adopted.

Messrs. Tarr, Ross and Knapik moved to amend the proposed new text in Section 13 by striking section 64(c) and inserting in place thereof the following section:-

“(c) The board shall transfer 10 per cent of collected revenues to the Gaming Mitigation Trust Fund, created in section 65, and remit the remaining 90 per cent of collected revenues to the comptroller. The comptroller may make all necessary transfers among funds to ensure that monies in the fund are transferred as follows:-

(i) one-half of the amount remitted to the General Fund, subject to appropriation, shall be transferred to the Stabilization Fund established in section 2H of chapter 29; and

(ii) one-half of the amount remitted to the State Lottery and Gaming Fund, created in section 35 of chapter 10; provided that, the

total transfer to the State Lottery and Gaming Fund shall not exceed \$150,000,000 in any fiscal year; and provided further that, any amount in excess of \$150,000,000 shall be transferred to the Local Aid Stabilization Fund, created in section 2BBBB of chapter 29"; and

By striking Section 16 and inserting in place thereof the following section:-

"SECTION 16. Chapter 29 of the General Laws is hereby amended by inserting after section 2AAAA the following section: Section 2BBBB. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Local Aid Stabilization Fund. The Local Aid Stabilization Fund shall consist of monies transferred from the Gaming Revenue Fund, established in section 64 of chapter 23K, to the fund, all other monies credited or transferred from any other fund or source and proceeds from the investment of such funds. Subject to appropriation, the fund shall be distributed to cities and towns, in accordance with the lottery distribution formula, as a supplement to other sources of local aid distributions, but shall not be subject to section 5C of chapter 29."

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text in section 2(g) of Section 13, by striking out the word "may" and inserting in place thereof the word "shall"; and in section 3(d) of Section 13, by striking out the word "may" and inserting in place thereof the word "shall".

The amendment was rejected.

Mr. Tarr moved to amend the proposed new text in section 2(b)(2) of Section 13, by striking out the words "or shall become a resident within 90 days of appointment".

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-eight minutes before three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 14 – nays 25) [Yeas and Nays No. 316]:

INSERT ROLL CALL "316"

The yeas and nays having been completed at twenty-two minutes before three o'clock P.M., the amendment was rejected.

Mr. Tarr moved to amend the proposed new text in section 3(c) of Section 13, by striking out the words "equal to the salary" and inserting in place thereof the following words:- "not greater than the salary".

The amendment was adopted.

Ms. Spilka, Messrs. Rosenberg and Brewer and Ms. Tucker moved that the proposed new text be amended by adding at the end thereof the following new section:

"Section XX The Massachusetts Gaming Control Board, hereinafter 'board', with the advice of the Gaming Policy Advisory Committee, hereinafter 'committee', shall develop an annual research agenda in order to understand the social and economic effects of expanding gaming in the commonwealth and to obtain scientific information about the neuroscience, psychology, sociology, epidemiology and etiology of gambling. The board shall be authorized to expend funds from the Gaming Mitigation Trust Fund to implement the objectives of the research agenda which shall include, but not be limited to the following:

1) a baseline study of the existing occurrence of problem gambling in the Commonwealth. The study shall examine and describe the current levels of problem gambling as well as the current programs in the Commonwealth that prevent and address the harmful consequences of problem gambling. The board shall contract with scientists and medical doctors to examine the current research as to the causes for problem gambling and the health effects of problem gambling and the treatment methods currently available in the commonwealth. The board shall report on the findings of the baseline study and provide recommendations to the Massachusetts Gaming Commission, the house committee on ways and means, the senate committee on ways and means, the joint committee on economic development and emerging technologies, the joint committee on mental health and substance abuse, and the joint committee on public health on methods to supplement or improve current problem gambling prevention and treatment services no later than 2 years from the effective date of this act;

2) comprehensive legal and factual studies of the social and economic impacts of gambling in Massachusetts on (i) state, local, and Native American tribal governments; and (ii) communities and social institutions generally, including individuals, families, and businesses within such communities and institutions.

The matters to be examined in such studies shall include, but not be limited to: -

(i) a review of existing Federal, State, local and Native American tribal government policies and practices with respect to the legalization or prohibition of gambling, including a review of the costs of such policies and practices;

(ii) an assessment of the relationship between gambling and levels of crime, and of existing enforcement and regulatory practices that are intended to address any such relationship;

(iii) an assessment of pathological or problem gambling, including its impact on individuals, families, businesses, social institutions, and the economy;

(iv) an assessment of the impacts of gambling on individuals, families, businesses, social institutions, and the economy generally, including the role of advertising in promoting gambling and the impact of gambling on depressed economic areas;

(v) an assessment of the extent to which gaming has provided revenues to other state, local, and Native American tribal governments; and

(vi) an assessment of the costs of added infrastructure, police force, increased unemployment, increased health care, and dependency on public assistance, etc.

(vii) the costs of implementing chapter 23K as inserted in the General Laws by this act;

3) individual studies conducted by Massachusetts academic institutions and individual researchers located in Massachusetts to study topics which include but are not limited to: (i) reward and aversion, neuroimaging and neuroscience in humans, addiction



phenotype genotype research, gambling-based experimental psychology, and mathematical modeling of reward-based decision-making; (ii) the sociology and psychology of gambling behavior, gambling technology, and marketing; (iii) the epidemiology and etiology of gambling and problem gambling in the general population. When contracting with researchers to study these issues, the board shall encourage the collaboration among researchers in Massachusetts and other states and jurisdictions. The board and the committee shall annually make scientifically-based recommendations which reflects the results of this research to the Massachusetts Gaming Commission and to the house committee on ways and means, the senate committee on ways and means, the joint committee on economic development and emerging technologies, the joint committee on mental health and substance abuse, and the joint committee on public health. The Commission and the board shall consider any such recommendations, research and findings in all decisions related to enhancing responsible gambling and mitigating problem gambling.

The amendment was adopted.

Mr. Hart moved to amend the proposed new text in section 4, line 20 by inserting after “Gaming establishment”, the following: “the premise approved under a gaming license which includes a gaming area and other nongaming structures related to the gaming area, including, but not limited to, hotels, restaurants, or other amenities, provided however that no such gaming establishment shall include in excess of 10,000 square feet of exhibit/meeting room per 100 hotel rooms associated and in no case more than 70,000 square feet of exhibit/meeting room space in total”.

The amendment was rejected.

Ms. Tucker moved to amend the proposed new text by striking in Section 13, subsection 3(a), the words:- “which shall be comprised of 3 members who shall be appointed by the governor; 1 of whom shall be a certified public accountant or have experience in corporate finance; and 1 of whom shall have experience in law enforcement, investigation or law” inserting in place thereof:- “which shall be comprised of 7 members; 3 of whom shall be appointed by the governor; 1 of whom shall be appointed by the attorney general; 1 of whom shall be appointed by the inspector-general, 1 of whom shall be appointed by the treasurer; and 1 of whom shall be appointed by the auditor. 1 member shall be a certified public accountant or have experience in corporate finance; 1 shall have experience in the regulation and prosecution of public corruption and financial crimes; 1 shall have experience in economic development; and 1 shall have experience in public health and behavioral science”.

The amendment was rejected.

Mr. McGee moved to amend the proposed new text in Section 13, in subsection (a) of section 13 of proposed chapter 23K by adding the following subsection:-

“(28) a plan to identify, evaluate and mitigate transportation infrastructure impacts in surrounding communities.”.

The amendment was adopted.

Mr. Hart moved to amend the proposed new text in Section 65 and inserting after line 2759 the following:- “, Notwithstanding the above all such initial appointments shall be made not later than 30 days after the effective date of this act; provided further that notwithstanding any general or special law to the contrary said commission shall promulgate the regulations required pursuant to subsections (1) through (5) of Section 5 of Section 12 of said Chapter 23K not later than 60 days after the effective date of this act; provided further that said commission shall issue a request for applications for gaming licenses pursuant to Section 10(a) of said Section 12 not later than 60 days after the effective date of this act; provided further that said commission shall conduct a public hearing on any application received pursuant to Section 18(c) of said Section 12 not later than 45 days after its receipt of such application; and provided further that said commission shall conduct a public hearing on any application received pursuant to Section 18(c) of said Section 12 not later than 45 days after its receipt of such application; and provided further that said commission shall approve or deny any application for a gaming license pursuant to said Section 12 not later than 90 days after its receipt of such application.”

The amendment was rejected.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved to amend the proposed new text by striking the text of subparagraph (i) of subsection c of section 64 and inserting in place thereof of the following: - “ to the commonwealth’s stabilization fund” .

The amendment was rejected.

Mr. Hart moved to amend the proposed new text in Section 16 (a), line 1128, by inserting after the word “organizations;” the following:- “how well the proposal complements and encourages, rather than detracts from existing commonwealth convention, and meeting business”.

The amendment was rejected.

Mr. Tisei moved to amend the proposed new text in subparagraph d(2) of section 17 by adding at the end thereof the following: - “Notwithstanding that said gaming beverage license may permit a gaming facility to provide promotional alcohol beverages in accordance with competitive practices.”

The amendment was rejected.

Mr. Hart moved to amend the proposed new text in Section 12 subsection (5) line 879 by striking out the words ”own or acquire within 60 days after a license has been awarded,” and replacing them with the words “At the time application is submitted prospective Licensee shall either own or have a fully executed and enforceable lease agreement for”.

The amendment was rejected.

Ms. Chang-Diaz moved to amend the proposed new text in Section 13 in section 1 by inserting after the definition of the term “Intermediary company” the following definition:-

“‘Joint venture application’, an application submitted by an association of two or more businesses in which one of the businesses is a minority business enterprise or a women business enterprise.” ;

By inserting after the definition of the term “Lottery” the following definition:-

“‘Minority business enterprise’ or ‘MBE’, shall have the same meaning as the term is defined in section 58 of chapter 7 of the General Laws;”

By inserting after the definition of the term “Wager” the following definition:-

“‘Women business enterprise’ or ‘WBE’, shall have the same meaning as the term is defined in section 58 of chapter 7 of the General Laws.”

In section 6 by striking paragraph (9) and inserting in place thereof the following new paragraph:-

“(9) to develop criteria, in addition to those outlined in this chapter, to assess which applications for gaming licenses will provide the highest and best value to the commonwealth; provided that the criteria so developed shall include and give additional consideration to a joint venture application;”

In Section 7 by inserting at the end thereof the following new paragraphs:-

“(30) to receive and investigate or cause to be investigated pursuant to regulations promulgated by the board complaints by employees and prospective employees including contract labor employees, minority business enterprises, and women business enterprises which allege practices that are inconsistent with meeting or contrary to the commitments made by the licensee pursuant to subsections (18), (19), (20) and (21) of section 16 of this chapter; and

(31) to establish a system of sanctions, including but not limited to fines and penalties, for failure to comply with the requirements of a gaming license, in particular subsections (18), (19), (20), (20), (21) and (22).” and

In section 12 by striking paragraph (12) and inserting in place thereof the following new paragraphs:

“(12) shall formulate for board approval and abide by an affirmative marketing program by which the applicant identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of (i) minority business enterprises and women business enterprises to participate as contractors in the design phase of the gaming establishment, (ii) minority business enterprises and women business enterprises to participate as contractors in the construction phase of the gaming establishment, and (iii) minority business enterprises and women business enterprises to participate as vendors in the provision of goods and services procured by the gaming facility and any businesses operated as part of the gaming establishment; and

(13) shall formulate for board approval and abide by an affirmative-action program of equal opportunity whereby the applicant establishes specific goals for the utilization of minorities and women on said design phase and construction phase jobs; provided that such goals be equal to or greater than the goals contained in the Executive Office of Administration and Finance Administration Bulletin #14. In furtherance of specific goals for the utilization of minorities and women on said construction jobs, the licensee will send to each labor union or representative of workers with which the applicant has a collective bargaining agreement or other contract or understanding, a notice advising the labor union or workers' representative of the applicant's commitments.”; and

By striking section 16 and inserting in place thereof the following new section:-

“Section 16. In determining whether an applicant should receive a gaming license, the commission shall evaluate and issue a statement of findings of how each applicant proposes to advance the following objectives: (1) protecting the lottery from any adverse impacts due to expanded gaming, including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents; (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, hotels, retail outlets and performing arts organizations; (3) implementing an affirmative marketing program that identifies specific goals, expressed as an overall program goal applicable to the total dollar amount of contracts, for the utilization of (i) minority business enterprises and women business enterprises to participate as contractors in the design of the gaming establishment, (ii) minority business enterprises and women business enterprises to participate as contractors in the construction of the gaming establishment, and (iii) minority business enterprises and women business enterprises to participate as vendors in the provision of goods and services procured by the gaming facility and any businesses operated as part of the gaming establishment; (4) implementing a workforce development plan that (i) incorporates an affirmative-action program of equal opportunity by which the applicant guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with a disability, (ii) utilizes the existing labor force in the commonwealth, (iii) estimates the number of construction jobs a proposed gaming establishment will generate and provides for equal employment opportunities and which includes specific goals for the utilization of minorities and women on said construction jobs, (iv) identifies workforce training programs offered by the gaming establishment, and (v) identifies the methods for accessing employment at the gaming establishment; (5) building a gaming establishment with a variety of amenities as part of the gaming establishment and operated in partnership with local hotels, dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry; (6) taking additional measures to address problem gambling, including, but not limited to, training gaming employees to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations; (7) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments; (8) utilizing sustainable development principles, including, but not limited to: (i) being certified or capable of being certified as gold or higher under the U.S. Green Building Council Neighborhood Development Rating System, the green building rating system established by the Leadership in Environmental and Energy Design, gold or higher pursuant to the National Green Building Standard, a Three Globe rating or higher under the Green Globes rating system or an alternative rating system approved by the executive office of energy and environmental affairs; (ii) meeting United States Environmental Protection Agency efficiency standards for the electrical equipment and appliances used by the gaming establishment; (iii) procuring 10 per cent of its annual electricity consumption from renewable sources identified by the division of energy resources under section 11F of chapter 25A; and (iv) developing an ongoing plan to monitor of energy usage

and efficiency (9) establishing, funding and maintaining human resource hiring and training practices promoting the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths within the establishment, leading to increased responsibility and pay, with measurable criteria designed to assist employees pursuing career advancement and promotion; (ii) provides employees access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire education or job training needed to advance on those career paths; (iii) supports and works in tandem with the workforce development plan required in this section, and (iv) establishes an on-site child day care program; and (10) contracting with local business owners for the provision of services and goods to the gaming establishment.”; and

In Section 16 by inserting at the end thereof the following new paragraphs:-

“(17) All gaming licensees shall collect and annually report to the board a detailed statistical report on the number, job titles, salary, gender, race, ethnicity and disability of employees hired and retained in employment at the gaming establishment;

(18) All gaming licensees shall formulate for board approval and abide by an affirmative-action program of equal opportunity whereby the licensee guarantees to provide equal employment opportunities to all employees qualified for licensure in all employment categories, including persons with a disability, under the laws of the commonwealth and whereby the licensee shall establish specific goals for the utilization of minorities and women; provided that such goals be equal to or greater than the proportion of minority and women population in the Commonwealth as reported by the most recent U.S. Census data.

(19) All gaming licensees shall formulate for board approval and abide by an affirmative marketing program by which the licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar amount or value of contracts entered into, for the utilization of (i) minority business enterprises and women business enterprises to participate as contractors in the design phase of the gaming establishment, (ii) minority business enterprises and women business enterprises to participate as contractors in the construction phase of the gaming establishment, and (iii) minority business enterprises and women business enterprises to participate as vendors in the provision of goods and services procured by the gaming facility and any businesses operated as part of the gaming establishment. Said specific goals for the utilization of such minority business enterprises and women business enterprises shall be based on the availability of such minority business enterprises and women business enterprises engaged in the type of work to be contracted by the licensee.

(20) All gaming licensees shall formulate for board approval and abide by an affirmative-action program of equal opportunity whereby the licensee establishes specific goals for the utilization of minorities and women on said design phase and construction phase jobs; provided that such goals be equal to or greater than the goals contained in Executive Office of Administration and Finance Administration Bulletin #14. In furtherance of said specific goals for the utilization of minorities and women on said construction jobs, the licensee will send to each labor union or representative of workers with which the licensee or its agent has a collective bargaining agreement or other contract or understanding a notice advising the labor union or workers' representative of the licensee's commitments.”

(21) All gaming licensees shall provide to the board, on a quarterly basis, a detailed statistical report on the number, gender, ethnicity and race of individuals hired to perform labor as part of the construction phases of the gaming establishment.

(22) All gaming licensees shall collect and annually provide to the board a detailed statistical report on the total dollar amounts contracted with and actually paid to minority business enterprises and women business enterprises in (i) design phase contracts, (ii) construction phase contracts) and (iii) contracts for each and every good and service procured by the gaming establishment. Said statistical report shall also identify the amounts so contracted as a percentage of total dollar amounts contracted with and actually paid to all firms.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at one minute before three o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (yeas 10 – nays 29) [Yeas and Nays No. 317]:

INSERT ROLL CALL “317”

The yeas and nays having been completed at four minutes past three o'clock P.M., the amendment was rejected.

Ms. Menard in the Chair, Mr. Tisei moved to amend the proposed new text by adding at the end thereof the following section: - “SECTION X. Any license for expanded gaming shall only be granted after a request for proposals from the gaming control board.”

Pending the question on adoption of the amendment, Mr. Hedlund moved that the amendment be further amended by adding the text of Senate document numbered 2522, relative to maximizing gambling benefits to the Commonwealth.

After debate, the question on adoption of the further amendment was determined by a call of the yeas and nays, at twenty-four minutes past three o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 13 – nays 26) [Yeas and Nays No. 318]:

INSERT ROLL CALL “318”

The yeas and nays having been completed at twenty-nine minutes past three o'clock P.M., the further amendment was rejected. The pending amendment (Tisei) was then considered; and it was rejected.

Ms. Tucker moved to amend the proposed new text in section 13, by striking out paragraph (13) of section 5 of proposed chapter 23K and inserting in place thereof the following:- “require a sticker or label to be affixed to the front of all slots machines in a gaming establishment with the odds and holding percentage of the slot machines played in said gaming establishment and the compulsive gambling hotline number;” .

The amendment was adopted.

Mr. Hart moved to amend the proposed new text in Section 65 by inserting the following section:-

“65. (C) The Board shall transfer 10 per cent of collected revenues to the Gaming Mitigation Trust Fund created in section 65,

and 5 per cent of said collected revenues to the Convention Center Fund created by section 10 of chapter 152 of the acts of 1997, and remit the remaining 85 per cent of collected revenues to the comptroller. The comptroller may make all necessary transfers among funds to ensure that monies in the fund are transferred as follows:-

(i) one third of the amount remitted to the General Fund, subject to appropriation, shall be used for debt reduction through a program of debt defeasance and accelerated debt payments; provided, that, this program shall be developed jointly by the state treasurer and the secretary of administration and finance and shall be implemented in compliance with state finance law; provided, further, that this program shall prioritize the reduction of risk in the commonwealth's debt portfolio; provided further, that the state secretary and state treasurer shall provide a written description of the program to the finance advisory board established in section 97 of chapter 6 for the board's review and comment before the program is implemented and shall file a copy of that description with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets when it is submitted to the finance advisory board;.”

(ii) one third of the amount remitted to the State Lottery and Gaming Fund, created in section 35 of chapter 10; provided that, the total transfer to the State Lottery and Gaming Fund shall not exceed \$150,000,000 in any fiscal year; and provided further that, any amount in excess of \$150,000,000 shall be transferred to the Local Aid Stabilization Fund, created in section 2BBBB of chapter 29;

(iii) one third of the amount remitted to the Gaming Economic Development Fund, created in section 2CCCC of chapter 29.”

The amendment was rejected.

Ms. Chang-Díaz moved to amend the proposed new text in section 13, in subsection (f) of section 2 of proposed chapter 23K, by striking out the third sentence inserting in place thereof the following sentence:- “The commission shall adopt regulations establishing procedures, which may include electronic communications, by which a request to receive notice shall be made and the method by which timely notice may be given.”

The amendment was adopted.

The President in the Chair, Mr. Richard T. Moore moved to amend the proposed new text in Section 13, in the proposed chapter 23K, section 13, by inserting at the end thereof the following new subsection:-

“(x) Any approved Native American tribe applying for selection pursuant to this chapter shall verify that it 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, its agents, 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 January 1, 2005.”

After remarks, the amendment was rejected, by a vote of 6 to 9.

Messrs. Buoniconti, Hart, Brewer, and Rosenberg moved to amend the proposed new text in section 16, in proposed section 2CCCC of chapter 29 of the General Laws by striking out the third sentence and inserting in place thereof the following sentence:- “Amounts credited to the fund shall be expended, subject to appropriation, to support economic development and job growth in the commonwealth including, but not limited to: (1) workforce training, including transfers to the Workforce Competitiveness Trust Fund; (2) tourism promotion, including regional tourism promotion agencies and cultural and recreational attraction promotion; (3) summer jobs; (4) the Massachusetts Marketing Partnership, (5) higher education scholarships; (6) regional economic development initiatives; (7) support for small businesses, including small business lending; (8) green jobs promotion; (9) science, technology, engineering and mathematics career pipeline initiatives; and (10) agricultural development programs, including youth agricultural education.”

The amendment was adopted.

Ms. Candaras moved to amend the proposed new text in line 874 by striking the words “or 2 and not less than \$400,000,000 into a gaming establishment proposed to be located in region 3”; and inserting in place thereof the following:- “, not less than \$600,000,000 into a gaming establishment proposed to be located in region 2, and not less than \$600,000,000 into a gaming establishment proposed to be located in region 3”; and in line 882 by striking the words “or 2 or \$50,000,000 if the gaming establishment is to be located in region 3”; and inserting in place thereof the following:-“, at least \$75,000,000 if the gaming establishment is to be located in region 2, and at least \$75,000,000 if the gaming establishment is to be located in region 3”.

The amendment was adopted.

Ms. Creem moved to amend the proposed new text in section 18 by inserting, in line 1348, after the words “job titles” the following word:- “benefits”.

The amendment was adopted.

Ms. Creem and Ms. Fargo moved to amend the proposed new text in section 13 by inserting, in line 1005, after the word “institutions” the following words: - “and on small businesses in the host and surrounding communities”.

The amendment was adopted.

Ms. Jehlen moved that the proposed new text be amended by inserting at the end thereof the following section:-

“SECTION XX. No gaming establishment shall allow gaming between the hours of two o'clock antemeridian and eight o'clock antemeridian; provided further that any gaming establishment licensed to sell alcohol shall be subject to Section 12 of Chapter 138 of the Massachusetts General Laws.”

After debate, the amendment was rejected.

Ms. Jehlen moved to amend the proposed new text by inserting at the end thereof the following new section:-

“SECTION XX. Councils on Aging, as defined in Chapter 40, Section 8b, shall be prohibited from using state funding to sponsor trips or provide transportation to gaming facilities located out of state after the opening of a gaming establishment in the Commonwealth.”

The amendment was adopted.

Mr. Hart moved to amend the proposed new text in Section 13, in proposed chapter 23K by adding the following section:-  
“Section 67. The board shall report annually to the governor, the chairs of the senate and house committees on ways and means and the chairs of the joint committee on tourism, arts and cultural development regarding the effects of gaming establishments on tourism in the commonwealth, including, but not limited to how gaming establishments have enhanced the commonwealth’s position as a tourism venue.”

The amendment was adopted.

Messrs. McGee and DiDomenico moved to amend the proposed new text in Section 13, subsection 13(a), in line 997, by inserting after the word “application;” the words “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 facility;”.

The amendment was adopted.

Mr. Eldridge moved to amend the proposed new text in line 2348 by inserting the following new section:-

“Section 67. (a) Any vendor who operates an ATM machine on the premise of a gaming establishment shall be prohibited from selling or sharing any information about patrons using the machine with any party.

(b) Licensees are prohibited from using information about patrons’ usage of ATM machines, including but not limited to the identity of the patron, the address of the patron, the amounts withdrawn from the ATM machine, or the dates or times the machines are used, for marketing purposes.”

The amendment was adopted.

Ms. Fargo moved to amend the proposed new text by inserting the following section:-

“SECTION XX. Section 22 of chapter 270 of the General Laws, as appearing in the 2008 Official Edition is hereby amended by inserting after subsection (c), the following subsection:-

(d) Notwithstanding any other provision of this section or other law to the contrary, smoking shall be prohibited in any area of a gaming establishment licensed under chapter 23K, excepting such place pursuant to paragraph (3) of subsection (c).”

The amendment was rejected.

Mr. Montigny moved to amend the proposed new text by striking out sections 58 and 59 and inserting in place thereof the text of Senate document numbered 2523, relative to wiretap and electronic surveillance.

Pending the adoption of the amendment, Ms. Spilka moved that the amendment be further amended by striking out the text and inserting in place thereof the following text:-

“SECTION XX. Section 99 of chapter 272, as appearing in the 2008 Official Edition, is hereby amended by striking out, in lines 68 to 69, the following words:- section seventeen of chapter two hundred and seventy one of.

SECTION XX. Said section 99 of said chapter 272, as so appearing, is hereby further amended by inserting after the word ‘perjury’, in line 72, the following words:- , enterprise crime, money laundering.”

After remarks, the further amendment was adopted.

The pending amendment (Montigny), as amended (Spilka), was then adopted.

Messrs. Eldridge and Brewer, Ms. Creem and Mr. Montigny moved that the proposed new text be amended in line 336 by inserting the following new definition:-

“‘Principal employee’ - Any employee of an applicant who, by reason of remuneration or of a management, supervisory or policy-making position or such other criteria as may be established by the commission by regulation, holds or exercises significant authority over the operation and direction of the applicant and its business.”;

In line 852 by inserting at the end thereof the following new subsection:-

“(k) The commission and board shall require applicants and licensees to provide up to date lists of key gaming employees and principal employees to amend or augment such lists to better carry out the purposes of this chapter and that of chapter 55 section 6C of the General laws. Such lists shall be updated monthly and shall be provided to the director of the office of campaign and political finance.”;

In line 2345 by striking subsection 66 in its entirety and inserting in place thereof the following new section:-

“Section 66. No political contributions or contributions in kind shall be made by any gaming licensee, gaming key employee, or principal employee of an applicant to any campaign for public office in the Commonwealth or any political party as further regulated by chapter 55 section 6C.”;

In line 2833 by inserting at the end thereof the following new section:-

“Section XX: Chapter 55 of the General Laws is hereby amended by inserting the following new section.

Section 6C. No candidate or his or her candidates committee shall knowingly accept, nor shall any applicant for or holder of a gaming license in Massachusetts, nor any holding, intermediary or subsidiary company thereof, nor any officer, director, gaming key employee or principal employee of a current applicant for or holder of a gaming license or of any holding, intermediary or subsidiary company thereof nor any person or agent on behalf of any such applicant, holder, company or person, directly or indirectly, pay or contribute any money or thing of value to any candidate for nomination or election to any public office in the Commonwealth, or to any committee of any political party, or to any group, committee or association organized in support of any such candidate or political party including those described in section 18E; except that the provisions of this section shall not be construed in a way that is contrary to law regarding independent expenditures or contributions of a candidate to his or her own committee . The terms gaming licensee, gaming key employee, principal employee, are as defined by chapter 23K unless otherwise defined by the director.

Violation of any provision of this section shall be punished by imprisonment for not more than one year or by a fine of not more than ten thousand dollars or both.”

Pending the question on adoption of the amendment, Mr. Berry moved that the pending amendment be further amended by

striking out the text and inserting in place thereof the following text:-

By inserting after section 21 the following section:-

“SECTION 21A. Section 7A of chapter 55 of the General Laws, as so appearing, is hereby amended by adding the following subsection:-

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

By inserting after section 38 the following section:-

“SECTION 38A. Section 6 of chapter 268B, as appearing in section 95 of chapter 28 of the acts of 2009 is hereby amended by adding the following paragraph:- For the purposes of this section, any person who holds a license issued by the Massachusetts gaming commission, who was required to apply for that license under section 10 of chapter 23K, shall be considered a legislative agent.”

After remarks, the further amendment was adopted.

The pending amendment (Eldridge), as amended (Berry), was then considered; and it was adopted.

Ms. Chang-Díaz moved to amend the proposed new text in Section 13, by inserting, in section 66 of proposed chapter 23K the following new sentences at the end thereof:-

“Such disclosure shall be made by the applicant bi-annually, on or before July 15th for the period covering January 1st through June 30th of the year, and January 15th for the period covering July 1st through December 31st 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 Town Hall and Post Office, by city and town clerks of the contribution disclosures they receive from applicants.”

After remarks, the amendment was adopted.

Messrs. Tisei, Tarr, Knapik, Hedlund and Ross moved to amend the proposed new text by adding in section 16 at the end thereof the following: -

“SECTION X. Section 2dddd. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Property Taxpayers Relief Fund. The fund shall be credited with revenues transferred to it from the Gaming Revenue Fund, established in section 64 of chapter 23K; all such revenues collected in the gaming revenue fund in a calendar year shall transfer this fund automatically on December 31 of each year. On April 15 of each subsequent year the commonwealth shall distribute to all property owners of record on of the commonwealth funds in total of the balance of the amount in the property taxpayer’s relief fund from the previous year ending on December 31. Each property holder shall receive an amount equal to the total balance of the fund divided by the number of property holders. Such distribution shall be made in a form approved by the department of revenue.”

Pending the question on adoption of the amendment Ms. Fargo moved to further amend the amendment by striking out all text after the title and inserting in place thereof, at the end of section 16, the following text:-

“Section 2DDDD There shall be established and set up on the books of the commonwealth a separate fund to be known as the Property Taxpayers Relief Fund. The fund shall be credited with revenues transferred to it from the Gaming Revenue Fund established under section 64 of section 13 of chapter 23K. Monies in such fund shall be made available as grants to municipalities for local senior citizen property tax relief programs. The secretary of elder affairs shall distribute such grant funds on a non-competitive formula basis only to municipalities with local senior citizen property tax programs based on a fiscal year cycle. The secretary of elder affairs in conjunction with the department of revenue shall establish policies and procedures relating to such grant funding to include the grant formula; award and distribution of grant funding; and application and certification by a municipality seeking funding for such local senior programs. For each fiscal year, all grants shall be distributed to qualifying municipalities by April 15th prior to the beginning of the fiscal year for which such grant was awarded.”;

In section 16, by striking out, in line 2359, after the words, “the following”, the number “2” and inserting in place thereof, the number “3”; and in subsection (b) of section 64 of section 13, by inserting after the words, “The board shall transfer”, in line 2304, the words, “1 percent of the collected revenues to the Property Taxpayers Relief Fund created in section 16, and then, from such remaining amount shall transfer “.

After remarks, pending the adoption of the further amendment (Fargo), pending the adoption of the pending amendment (Tisei, et al), pending the adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Mr. Tisei moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

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#### Report of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported, that the following matter be placed in the Orders of the Day for the next session:

The House Bill authorizing the Bristol County Commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School (House, No. 4763).

There being no objection, the rules were suspended, on motion of Mr. Pacheco, and the bill was read a second time. Pending the question on ordering the bill to a third reading, Mr. Pacheco moved that the bill be amended by inserting before the enacting clause the following emergency preamble:-  
“Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to authorizing the Bristol county commissioners to borrow money for the repair of sewer extension facilities at the Bristol County Agricultural High School, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public safety.”  
The amendment was adopted.  
The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence, with the amendment.  
Sent to the House for concurrence in the amendment.

#### PAPER FROM THE HOUSE

Engrossed Bill—State Loan.

An engrossed Bill relative to debt restructuring (see House No. 4617, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage (this being a bill providing for the borrowing of money, in accordance with the provisions of Section 3 of Article LXII of the Amendments to the Constitution),-- was laid before the Senate.

After remarks and pending question on passing the bill to be enacted, Mr. Montigny moved that the engrossed bill be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

Order Adopted.

On motion of Mr. Baddour,  
Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at ten o'clock A.M., in a full formal session.

On motion of Mr. Berry, at twenty-three minutes past four o'clock P.M., the Senate adjourned to meet again tomorrow at ten o'clock A.M.