

NOTICE: While reasonable efforts have been made to assure the accuracy of the data herein, this is **NOT** the official version of Senate Journal. It is published to provide information in a timely manner, but has **NOT** been proofread against the events of the session for this day. All information obtained from this source should be checked against a proofed copy of the Senate Journal.

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

JOURNAL OF THE SENATE.

Monday, September 26, 2011.

Met at twenty-four minutes past one o'clock P.M.

The President, members, guests 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, several guests were recognized, as follows:

The President introduced, in the rear of the Chamber, a group of students from Stonehill College. They were visiting the State House and learning about the different aspects of state government. The Senate welcomed them with applause and they withdrew from the Chamber. They were guests of Senator Chandler.

The President handed the gavel to Mr. Tolman for the purpose of an introduction. Mr. Tolman then introduced, in the rear of the Chamber, Tony and Jean Hynes from Ireland. They were recognized for having raised 5 children and operating a butcher shop in Ireland for 35 years. Jean and Tony were traveling in Massachusetts visiting relatives and taking a tour of the State House. The Senate welcomed them with applause and they withdrew from the Chamber. They were also guests of Senators Joyce and Hart.

Reports of a Committee.

By Mr. McGee, for the committee on Transportation, on petition, a Bill relative to identification cards (Senate, No. 1718); and

By the same Senator, for the same committee, on petition, a Bill designating a certain bridge in the city of Leominster as the Jonathan Roberge Memorial Bridge (Senate, No. 1741);

Severally read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

PAPERS FROM THE HOUSE.

A petition (accompanied by bill, House, No. 3719) of Theodore C. Speliotis (by vote of the town) for legislation to authorize an exchange of land between Brigitte and Timothy O'Malley of Topsfield and the town of Topsfield,-- **was referred, in concurrence, to the committee on Municipalities and Regional Government.**

A Bill relative to the order of placement of a certain person on the civil service eligibility list (House, No. 2967,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Bills

Creating a water supply system in the town of Rochester (House, No. 576,-- on petition) [Local approval received];
Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620,-- on petition) [Local approval received];
Relative to the charter of the town of Amesbury (House, No. 3621,-- on petition) [Local approval received];
Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622,-- on petition) [Local approval received]; and
Authorizing the town of Needham to convey a certain parcel of land and grant an easement to support natural gas transmission (House, No. 3667,-- on petition) [Local approval received];

Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

Report of the committee on Public Service asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 1588) of Christine E. Canavan and others relative to collective bargaining of certain school employees in response to "rapid academic achievement," so called,-- and recommending that the same be referred to the committee on Education,-- **was considered forthwith, under Senate Rule 36, and accepted, in concurrence.**

Notice was received from the House announcing the following appointment by the Minority Leader of the House of Representatives: That Representative Levy of Marlborough has been appointed to serve as his designee on the special commission established (under Section 160 of Chapter 68 of the Acts of 2011) to review and evaluate the administration and fiscal impact of tax expenditures, as defined in section 1 of chapter 29 of the General Laws, and make recommendations to the General Court on the administrative efficiency and cost benefit of tax expenditures.

Orders of the Day.

Bills

Authorizing the town of Newbury to use certain fund balances for capital expenditures (Senate, No. 1934);
Relative to the charter of the town of Holden (Senate No. 1984); and
Authorizing the town of Norton to grant easements and restrictions over certain town-owned land (House, No. 3431);

Were severally read second time and ordered to a third reading.

The Senate Bill establishing expanded gaming in the Commonwealth (House, No. 3711),-- was a read a second time.

Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015 and pending the main question on ordering the bill to a third reading, Messrs. [Berry](#) and Wolf moved that the bill be amended in section 89 by striking out subsection (c) and inserting in place thereof the following subsection:-

"Subsection (c) The governor shall only enter into negotiations under this section with a tribe once the tribe has identified viable sites that it has purchased, entered into an agreement to purchase, or demonstrated the financial ability to purchase a parcel of land for the proposed tribal gaming development. The tribe shall schedule a vote with the election officials in the host community for approval of the proposed gaming development. The host community 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."

After remarks, the amendment was adopted.

Mr. Wolf moved that the bill be amended in section 89 by striking out subsection (d) and inserting in place thereof the following new subsection:-

“(d) The governor shall enter into compact negotiations within 14 days of receiving notice from the tribe that it has satisfied the conditions regarding land in subsection (c). A compact negotiated and agreed to by the governor and the tribe shall be submitted to the general court for approval. The general court shall vote to approve or disapprove the compact no later than 30 days after it has been filed by the Governor provided that the general court is meeting in formal sessions according to its rules. If the formal sessions of the general court have concluded the general court shall have 30 days to approve or disapprove the compact upon the resumption of formal sessions.”

The amendment was *rejected*.

Messrs. Hart and Wolf moved that the bill be amended by striking out in lines 3247 to 3249 the following words:- “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” and inserting in place thereof the following words:- “that upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust”.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended by striking section 89 in its entirety from the bill.

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended in section 89(a) by adding the language “a state or” after “compact with”.

As amended, section 89(a) will appear as follows:

“SECTION 89. (a) Notwithstanding any general or special law or rule or regulation to the contrary, the Governor may enter into a compact with a state or federally recognized Indian tribe in the Commonwealth.”

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended as follows:

In Section 1, in section 89(a) by inserting the language ‘a state or’ before ‘federally recognized...’.

As amended, section 89(a) will appear as follows:

“(a) Notwithstanding any general or special law or rule or regulation to the contrary, the Governor may enter into a compact with a state or federally recognized Indian tribe in the Commonwealth.”;

In Section 2, in section 89(d) to require two-thirds vote from each body of the General Court to obtain approval.;

As amended, section 89(d) will appear as follows:

“(d) A compact negotiated and agreed to by the governor and tribe shall be submitted to the general court for approval and require a two-thirds vote of approval by each body.”; and

In Section 3, in section 89 by inserting the following language after section 89(e):

“(f) A negotiated compact shall include language that precludes the tribe from ever pursuing gaming in the commonwealth under the Indian Gaming Regulatory Act (25 U.S.C. Section 2701 et seq.).”

The amendment was *rejected*.

Mr. Richard T. Moore moved that the bill be amended in section 89, by inserting after the word “development”, in line 3240, the following words:- “; provided, however, that the governor shall not begin negotiations until the tribe has presented a statement of the financial investment or investment rights of any individual or entity which has made an investment to the tribe, its affiliates, or predecessor applicants of the tribe for the purpose of securing a gaming license for that tribe under its name or any subsidiary or affiliate since 2005”.

The amendment was adopted.

Messrs. Michael O. Moore and DiDomenico moved that the bill be amended in section 18 by inserting after the words “support for”, in line 2725, the following words:- “minority owned and”.

The amendment was *rejected*.

Mr. Wolf moved that the bill be amended in Section 16, section 59(2)(a) by striking out in line 2416 the word “one-quarter” and inserting in place thereof “one-half”; and in line 2418 by striking out the word “three quarters” and inserting in place thereof “one-half”.

The amendment was *rejected*.

Mr. Wolf moved that the bill be amended in Section 23K, section 9(a)(11) by striking out, in line 807, the figure “1,000” and inserting in place thereof the figure “500”; and, in line 807 by striking out the figure “3,500” and inserting in place thereof the figure “5,000.”

The amendment was *rejected*.

Mr. Finegold moved that the bill be amended in section 16 by striking out, in line 2360, the figure “\$5,000,000” and inserting in place thereof the following figure:- “\$10,000,000”; and in section 16, after line 2407, by inserting the following paragraph:-

“Section 58A. Notwithstanding any general or special law to the contrary, if a new gaming establishment is established in a state abutting the commonwealth after January 1, 2012, not less than 20 per cent of the revenues deposited into the Public Health Trust Fund established in section 58 shall be awarded to communities located within 20 miles of the commonwealth’s border with the state in which the new gaming establishment is located that: (1) have a population of at least 55,000; (2) have an unemployment rate of at least 10 per cent; and (3) in which at least 10 per cent of residents have a gross annual household income at or below the federal poverty level to address problems associated with compulsive gambling.”.

After debate, the amendment was *rejected*.

Ms. Spilka moved that the bill be amended in section 9 of chapter 23k, as inserted by section 16, by inserting at the end of paragraph (13) the following:- “provided, however, that nothing contained in any such study or report shall be deemed to preclude a municipality

from seeking funding approval pursuant to subsection (7) of section 4 for professional services to examine or evaluate a cost, benefit or other impact”.

After remarks, the amendment was adopted.

Ms. Spilka moved that the bill be amended in section 19 of chapter 23K, as inserted by Section 16, by striking out subsection (d) and inserting in place thereof the following new subsection:-

“(d) The commission shall take into consideration the physical distance in selecting the locations of the gaming establishments as they relate to each other, how they maximize benefits to the commonwealth and how to prevent a concentration of gaming establishments in a particular geographic area of the commonwealth.”

The amendment was *rejected*.

Mr. Hart moved that the bill be amended in section 15(10) by inserting a new subsection (10a) after line 1054:-

“(10a) provide to the commission a signed agreement between the Massachusetts Convention Center Authority and the applicant setting forth the conditions by which the gaming establishment shall seek to minimize the impact on conventions and meetings sought to be held at Authority owned facilities. The agreement shall include, but not be limited to, terms relating to the nature and size of ballroom and exhibition space, and terms placing quantitative size limitations on such uses in connection with gaming establishments so as to not exceed 10,000 square feet of exhibit/meeting room space per 100 hotel rooms associated with such gaming establishment but in no case more than 70,000 square feet dedicated to such use, or the equivalent of the largest hotel ballroom space in Boston, whichever is greater. A gaming licensee’s compliance with such agreement shall be considered upon a gaming licensee’s application for renewal of the gaming license.”

The amendment was *rejected*.

Mr. Michael O. Moore moved that the bill be amended in Section 16, by inserting, in subsection (d) of section 19 of proposed chapter 23K of the General Laws, after the word “commonwealth”, in line 1283, the following words:- “; provided, however, that a licensee’s additional structures that do not contain gaming may be located in an immediately abutting region”.

The amendment was *rejected*.

Mr. DiDomenico and Ms. Clark moved that the bill be amended in section 71, line 2686, by inserting after “public assistance; and” the following:-

“(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 in section 71, subsection (2), line 2687, by replacing “vii” with the following:- “viii”.

The amendment was adopted.

Mr. DiDomenico moved that the bill be amended in Section 16, by striking out, in line 2566, the figure “7” and inserting in place thereof the following figure:- “9”; and in said section 16, by inserting after the word “gaming”, in line 2571, the following words:- “; 2 of whom shall be appointed by the governor, 1 of whom shall be a small business owner in a host community; and 1 of whom shall be a representative from a Chamber of Commerce serving a host community who shall be chosen from a list of 3 candidates selected by the chambers of commerce in the surrounding communities”.

After remarks, the amendment was adopted.

Ms. Jehlen moved that the bill be amended by adding the following section:-

“SECTION XXXX: The executive office of administration and finance shall biannually complete a comprehensive cost/benefit analysis of expanding gaming in the Commonwealth. The analysis will include but not be limited to 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. Such report shall include recommendations for legislative, regulatory, and budgetary changes, including, if appropriate, the elimination of the expansion of this act or the sunset of this act. 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 within two years of the opening of one casino in the Commonwealth, thereafter the report shall be issued by the start of the new fiscal year July 1, 20xx.”

After debate, the amendment was *rejected*.

Ms. Jehlen moved that the bill be amended 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.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-four minutes before three o’clock P.M., on motion of Ms. Jehlen, as follows, to wit (yeas 38 — nays 0) [Yeas and Nays No. 72]:

YEAS

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Candaras, Gale D.
Chandler, Harriette L.
Chang-Diaz, Sonia
Clark, Katherine M.

Joyce, Brian A.
Keenan, John F.
Kennedy, Thomas P.
Knapik, Michael R.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.

Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Donoghue, Eileen M.
Downing, Benjamin B.
Eldridge, James B.
Fargo, Susan C.
Finegold, Barry R.
Flanagan, Jennifer L.
Hart, John A., Jr.
Hedlund, Robert L.
Jehlen, Patricia D.

Moore, Richard T.
Pacheco, Marc R.
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E
Tolman, Steven A.
Welch, James T.
Wolf, Daniel A. — **38.**

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

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

Messrs. Hart and DiDomenico moved to amend the bill in section 16, by striking out, in line 2330, in section 59 of proposed chapter 23K, the figure “25” and inserting in place thereof the following figure:- “26”; in section 16, by inserting after subsection (k) in line 2456, in said section 59 of said proposed chapter 23K, the following new section:-

“(l) 1 percent to the Fire Safety Fund.”; and

By inserting the following new section:-

“Section XXX. There shall be established and set up on the books of the commonwealth a Fire Safety Fund. The fund shall be credited with any monies transferred under section 59(l) of chapter 23K and any monies credited or transferred to the fund from any other fund or source. The fund shall be administered by the Secretary of Public Safety and shall be used to supplement and not supplant existing funding for municipal fire firefighter staffing based on demonstrated need.”

After remarks, the amendment was *rejected*.

Mr. Ross moved that the bill be amended by inserting, in line 1182, after the words “local restaurant”, the following: “small businesses,”.

The amendment was adopted.

Messrs. Keenan and Richard T. Moore, Ms. Fargo, Ms. Jehlen and Messrs. Wolf, DiDomenico and Joyce moved that the bill be amended in Section 16, by adding, in line 133, after the word “unemployed” the following:- “residents of Massachusetts”; and in said Section 16 by striking out paragraph 4 of section 18 and inserting in place thereof the following:-

“(4) implementing a workforce development plan that utilizes the existing labor force, with a priority on employing Massachusetts residents, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;.”

Pending the question on adoption of the amendment, Ms. Fargo and Ms. Jehlen moved that the amendment (Keenan et al) be amended by striking item (12) of subsection (a) of Section 21 of Chapter 23K of the General Laws, as inserted by Section 16 in its entirety and inserting in place thereof the following paragraph: -

“(12) collect and annually report to the commission a detailed statistical report on the number, job titles, place of residence, benefits and salaries of employees hired and retained in employment at the gaming establishment.”; and by inserting after item (25) of subsection (a) of Section 21 of Chapter 23K of the General Laws, as inserted by Section 16 in inserting the following paragraph: -

“(XX) provided further that a gaming establishment shall have a majority of employees having Massachusetts residency, by one year of opening to the public.”

After debate, the further amendment (Fargo) was *rejected*.

The pending amendment (Keenan et al) was then considered and, after remarks, was adopted.

Ms. Chandler, Mr. Michael O. Moore, Ms. Donoghue, Messrs. Hedlund, Wolf and DiDomenico, Ms. Candaras, Mr. Tarr, Ms. Creem, Mr. Brewer and Ms. Flanagan moved that the bill be amended in Section 16 in section 21 of proposed chapter 23K of the General Laws by adding the following subsection:-

“(d) gaming licensees shall meet with a coalition of municipally-owned or not-for-profit performance venues located in the Commonwealth to discuss and negotiate a mitigation agreement which may include, but shall not be limited to, agreements regarding event scheduling, promotions, ticket prices, marketing and other operations which may impact the viability of such municipally-owned or not-for-profit performance venues. The commission shall encourage the establishment of such an agreement through fair and reasonable negotiations.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twelve minutes before three o'clock P.M., on motion of Ms. Chandler, as follows, to wit (yeas 38 — nays 0) [**Yeas and Nays No. 73**]:

YEAS

Baddour, Steven A.

Joyce, Brian A.

Berry, Frederick E.
Brewer, Stephen M.
Candaras, Gale D.
Chandler, Harriette L.
Chang-Diaz, Sonia
Clark, Katherine M.
Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Donoghue, Eileen M.
Downing, Benjamin B.
Eldridge, James B.
Fargo, Susan C.
Finegold, Barry R.
Flanagan, Jennifer L.
Hart, John A., Jr.
Hedlund, Robert L.
Jehlen, Patricia D.

Keenan, John F.
Kennedy, Thomas P.
Knapik, Michael R.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
Moore, Richard T.
Pacheco, Marc R.
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tolman, Steven A.
Welch, James T.
Wolf, Daniel A. — **38.**

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

The yeas and nays having been completed at nine minutes before three o'clock P.M., the amendment was adopted.

Mr. Keenan moved that the bill be amended in Section 16 by striking the definition of "Impacted live entertainment venue" and inserting in place thereof the following:-

"'Impacted live entertainment venue', a for profit, not-for-profit or municipally-owned performance venue designed in whole or in part for the presentation of live concerts, comedy or theatrical performances, which the commission determines experiences, or is likely to experience, a negative impact from the development or operation of a gaming establishment."

The amendment was *rejected*.

Mr. DiDomenico moved that the bill be amended in Section 94, by inserting, in line 3327, after the word "establishment", the following sentence:- "Further, in each host community's municipal zoning code, gaming, as defined herein and as permitted through a gaming license, shall be an identified use and gaming shall be an allowed use at a gaming establishment licensed under chapter 23K."

The amendment was adopted.

Mr. Eldridge moved that the bill be amended in line 1062, by adding at the end thereof the following:- "and provided further that not less than \$50,000 of the application fee shall be utilized to engage one or more regional planning agencies, to which at least 1 of the host or surrounding communities belongs, for an independent review and analysis of any studies submitted by the applicant pursuant to Chapter 23K Section 9(a) (13) regarding economic benefits to the region and the commonwealth; local and regional social, environmental, traffic and infrastructure impacts; impacts on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities; costs to the host community and surrounding communities and the Commonwealth; and the estimated municipal and state tax revenue to be generated. Such independent review and analysis shall be submitted to the Commission for its consideration".

After debate, the amendment was *rejected*.

Mr. Tarr moved that the bill be amended by inserting after the word "source.", in line 2513, the following sentence:- "Funds shall be distributed to cities and towns in accordance with the formula used to distribute lottery aid."

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at eighteen minutes past three o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 13 — nays 25) [**Yeas and Nays No. 74**]:

Chang-Diaz, Sonia
Creem, Cynthia Stone
Fargo, Susan C.
Finegold, Barry R.
Hedlund, Robert L.
Jehlen, Patricia D.
Knapik, Michael R.

YEAS

Moore, Michael O.
Moore, Richard T.
Ross, Richard J.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E. — **13.**

NAYS

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Candaras, Gale D.
Chandler, Harriette L.
Clark, Katherine M.
DiDomenico, Sal N.
Donnelly, Kenneth J.
Downing, Benjamin B.
Donoghue, Eileen M.
Eldridge, James B.
Flanagan, Jennifer L.
Hart, John A., Jr.

Joyce, Brian A.
Keenan, John F.
Kennedy, Thomas P.
McGee, Thomas M.
Montigny, Mark C.
Pacheco, Marc R.
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Tolman, Steven A.
Welch, James T.
Wolf, Daniel A. — 25.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

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

Mr. DiDomenico moved that the bill be amended in section 9(a), subsection (11), line 808, by inserting after "seats" the following:-
"provided however that in no event shall said live indoor entertainment venue exceed 10,000;"

The amendment was *rejected*.

Mr. Eldridge moved that the bill be amended in line 335 by inserting the following new definition:-

"'Rewards card,' a card issued to patrons that tracks the amount of money and/or time spent gaming in order to determine the value of provisions or complimentary services to their patrons"; in line 1705, in the proposed new section 29, by striking the words:- "Upon request by an individual, the gaming establishment shall provide to that individual a statement of that individual's cashless wagering activity for any given time period including total bets, wins and losses."; and in line 1709, in the proposed new section 29, by inserting after the word "system" the following:- "Licensees are required to issue a monthly statement, mailed to the patron's physical mailing address, to each patron who has been issued a rewards card or participates in a cashless wagering system by the gambling establishment, including total bets, wins and losses.

On an annual basis, licensees are required to report to the commission the amount of money spent and lost by patrons who have been issued a rewards card or who have participated in a cashless wagering system, aggregated by zip code. Notwithstanding any special or general laws to the contrary, this report shall be considered public record."

After remarks, the amendment was adopted.

Mr. Keenan and Ms. Jehlen moved that the bill be amended by inserting the following sections:

"SECTION XX: Section 1 through 102, inclusive shall take effect six months after the passage of this act.

SECTION XX: Immediately after the passage of this act, the governor shall convene a meeting of the governors of all contiguous states, plus the state of Maine, for the purposes of discussing a regional gaming compact under which the states involved agree to a master plan of existing and future expanding gaming locations in order to maximize revenue and economic development, and enter into a revenue sharing agreement. Any compact will require the involvement of four of the six states. For the purposes of finalizing a compact, the governor may extend the effective date of sections 1 through 102 of this act for an additional 6 months."

After remarks, the amendment was *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended by inserting, in line 2510, after the word "maintenance" the following:-
"; provided however, 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 clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws".

The amendment was *rejected*.

Mr. Eldridge moved that the bill be amended in line 1426, in the proposed Section 21, by adding the following new subsection:-

"(x) agree to job creation minimum targets set by the commission. The commission shall set job creation targets for the licensee based on the licensee's application, provided that the job creation target shall not be less than the licensee had proposed in said application."; and in line 1463, in the proposed Section 23(a), inserting after the words "by the commission", the following new words:-
"; provided, however, and notwithstanding any other laws or regulations to the contrary, if the licensee should fail to achieve the minimum job creation target set by the commission within 1 year of the start of operations, the commission shall automatically assess a fee equal to \$35,000 for each jobs less than minimum job creation target set by the commission. This fee shall be assessed in each year that the licensee falls below its minimum job creation target".

After debate, the amendment was *rejected*.

Messrs. Hedlund, Ross, Tarr, Richard T. Moore and Michael O. Moore moved that the bill be amended by adding, after section 19(g), the following new sections:-

"Section 19(h). The gaming commission shall develop and promulgate regulations to ensure that a person receiving funds pursuant to a contract awarded by a gaming licensee regarding the licensee's gaming establishment is in compliance with federal laws pertaining

to immigration and citizenship including, but not limited to 42 U.S.C. section 1436(a). Such regulations shall include, but not be limited to, ascertaining and verifying immigration and citizenship status through a work authorization program.

Section 19(i). For the purpose of this Chapter, ‘Work authorization program’, shall mean an electronic verification of work authorization program or an equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency or by a private verification system authorized by the director of labor to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 and its successor acts.

Section 19(j). No funds shall be expended in accordance with a contract awarded by or to a gaming licensee which will result in the payment of any kind to a person not in compliance with any and all federal laws pertaining to immigration and citizenship, including but not limited to 42 U.S.C. 1436(a).”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-six minutes before four o’clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 32 — nays 6) [**Yeas and Nays No. 75**]:

YEAS

Baddour, Steven A.	Kennedy, Thomas P.
Berry, Frederick E.	Knapik, Michael R.
Brewer, Stephen M.	McGee, Thomas M.
Candaras, Gale D.	Montigny, Mark C.
Chandler, Harriette L.	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Donnelly, Kenneth J.	Pacheco, Marc R.
Donoghue, Eileen M.	Petrucelli, Anthony
Downing, Benjamin B.	Rodrigues, Michael J.
Finegold, Barry R.	Ross, Richard J.
Flanagan, Jennifer L.	Spilka, Karen E.
Hart, John A., Jr.	Tarr, Bruce E.
Hedlund, Robert L.	Timilty, James E
Jehlen, Patricia D.	Tolman, Steven A.
Joyce, Brian A.	Welch, James T.
Keenan, John F.	Wolf, Daniel A. — 32.

NAYS

Chang-Diaz, Sonia	Eldridge, James B.
Creem, Cynthia Stone	Fargo, Susan C.
DiDomenico, Sal N.	Rosenberg, Stanley C. — 6.

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

The yeas and nays having been completed at twenty-one minutes before four o’clock P.M., the amendment was *rejected*.

Messrs. Eldridge and Brewer moved that the bill be amended in line 2496 by inserting after the words “emergency services” the following:- “The commission may, at its discretion, distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than one municipality, provided that said entity shall submit a written request for funding in the same manner as a municipality would be required to submit under subsection (c) herein.”

After remarks, the amendment was adopted.

Mr. Eldridge moved that the bill be amended by inserting after line 208 the following new definition:-

“‘Community Memorandum of Understanding’- signed agreements between the host community or surrounding communities and the applicant setting forth the conditions to have a gaming establishment located in the host community or in proximity to the surrounding communities and documentation of public outreach to those surrounding communities; provided, however, that the agreement shall include a community impact fee for each host community and surrounding community and all stipulations of responsibilities between each host community and surrounding community and the applicant, including stipulations of known impacts from the development and operation of a gaming establishment.”;

By inserting after line 277 the following new definition:-.

“‘Impact fee’ shall include any agreement in writing between a host community or surrounding community and the applicant which

specifies without limitation any direct payments or other commitments by the applicant to provide the host community or surrounding community with new or upgraded infrastructure, capital or operating costs for transportation, education, or public safety, or to minimize impacts on the environment, water and sewer infrastructure, or to meet the increased demand for housing, social programs, and municipal services. The cost of these payments or agreements shall not be awarded from the Mitigation Trust Fund. Any such agreement shall not disqualify a host community or surrounding community from making application to the Mitigation Trust Fund for further mitigation.”;

By inserting after line 634 the following:-

“(33a) ensure that all environmental laws and regulations are followed and that impacts on natural resources in the host and surrounding communities as a result of a gaming facility are mitigated.”; and

In line 2554 by adding after the words “commissioner’s designee” the following:- “1 of whom shall be the secretary of energy and environmental affairs, or his designee”.

The amendment was *rejected*.

Mr. DiDomenico, Ms. Creem and Messrs. Donnelly, Knapik, Finegold, Wolf and Richard T. Moore moved that the bill be amended in section 59, in subsection (e), line 2429, by striking out the figure “25” and inserting in place thereof the figure:- “20”;

In Section 59, line 2456, by inserting after “Public Health Trust Fund” the following:-

“(l) 5 per cent shall be transferred to the Massachusetts Community Preservation Trust Fund, established in section 9 of chapter 44B.”;

In Section 91, in subsection (3), line 3277, by striking out the figure “11” and inserting in place thereof the figure:- “9”; and

In said Section 91, line 3286, by inserting after “General Laws;” the following:-“(9) 2 per cent shall be transferred to the Massachusetts Community Preservation Trust Fund, established in section 9 of chapter 44B;”.

The amendment was *rejected*.

Ms. Donoghue, Messrs. Downing, Tarr, DiDomenico and Knapik, Ms. Clark and Ms. Creem moved that the bill be amended in Section 16, section 59(2)(a), by striking out in line 2416 the word “one-quarter” and inserting in place thereof the following: “one-half”; and by striking out in line 2418 the word “three-quarters” and inserting in place thereof the following: “one-half”.

The amendment was *rejected*.

Ms. Donoghue and Messrs. Tarr, Wolf and Downing moved that the bill be amended in Section 16, section 59(2)(b), by striking out, in line 2424, the figure “1/2” and inserting in place thereof the following:- “1”; in said Section 16, section 59(2)(b), by adding, in line 2425, after the figure “10” the following:- “provided further, that said funds shall be in addition to funds allocated in line item 7008-1000 of the fiscal year budget and shall not be in replacement of said funds”; and in said Section 16, section 59(2)(f), by striking out in line 2430, the figure “10” and inserting in place thereof the following:-“9.5”.

After remarks, the amendment was adopted.

Ms. Chang-Díaz, Ms. Jehlen, Messrs. Eldridge and DiDomenico, Ms. Clark, Mr. Donnelly and Ms. Fargo moved that the bill be amended in Section 16 in section 2, in proposed Chapter 23K, 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.”;

In Section 16 in section 2, in proposed Chapter 23K, by inserting after the definition of the term “Major policy making position” 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;”;

In Section 16 in section 2, in proposed Chapter 23K, 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 said Section 16 in section 4, in proposed Chapter 23K, by striking paragraph (12) and inserting in place thereof the following new paragraph:-

“(12) 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 and the region in which a gaming establishment is to be located; provided that the criteria so developed shall include and give additional consideration to a joint venture application;”;

In said Section 16 in section 4, in proposed Chapter 23K, by inserting at the end thereof the following new paragraphs:-

“(42) to receive and investigate or cause to be investigated pursuant to regulations promulgated by the board complaints by any person which allege practices that are inconsistent with meeting or contrary to the commitments made by the licensee pursuant to paragraphs (12), (23), and (24) of section 21 of this chapter; and

(43) 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 paragraphs (20), (21), and (22) of section 21 of this chapter; and

(44) 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 (12), (20), (21), (22), (23), and (24) of Section 21 of this chapter.”;

In said Section 16 in section 18, in proposed Chapter 23K, by inserting at the end thereof the following new paragraph:-

“(19) Implementing and abiding by an affirmative-action program of equal opportunity that 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.”;

In said Section 16 in section 21, in proposed Chapter 23K, by striking paragraph (12) and inserting in place thereof the following paragraph:-

“(12) collect and annually report to the commission a detailed statistical report, which the commission shall publish on a publicly available website in machine-readable format, on the number, job titles, salary, gender, race, ethnicity and disability of employees hired and retained in employment at the gaming establishment;”;

In said Section 16 in section 21, in proposed Chapter 23K, by striking paragraph (23) and inserting in place thereof the following paragraph:-

“(23) provide to the commission, on a quarterly basis, a detailed statistical report, which the commission shall publish on a publicly available website in machine-readable format, on the number, gender, ethnicity and race of individuals hired to perform labor as part of the construction of the gaming establishment;”;

In said Section 16 in section 21, in proposed Chapter 23K, by striking paragraph (24) and inserting in place thereof the following paragraph:-

“(24) All gaming licensees shall collect and annually provide to the board a detailed statistical report, which the commission shall publish on a publicly available website in machine-readable format, 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 amendment was adopted.

Ms. Candaras moved that the bill be amended in section 10, by striking out, in line 856, the word “may” and inserting in the place thereof the word “shall”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in subsection (7) of section 4 of Chapter 23k, as inserted by Section 16, by inserting at the end thereof the following new sentence:- “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 the negotiation and execution of agreements as provided in 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 adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended by inserting after Section __ the following new section:

“SECTION __. 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 ensure 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’.”

After remarks, Mr. Tarr moved that the question on adoption of the amendment be determined by a call of the yeas and the nays.

An insufficient number of members joining him in this request, the yeas and nays were not ordered.

The amendment was then *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended in line 1338 by striking out clause (4) in its entirety and inserting in place thereof the following:-

“(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;”.

After debate, the amendment was *rejected*.

Messrs. Tarr, Knapik and Ross moved that the bill be amended in Section 16, in Chapter 23K of the General Laws, in section 24(c), by inserting the following sentence at the end thereof:- “No such adjustment shall be made, however, until 120 days following a report by the commission issued to the chairs of the house and senate committee on ways and means and the chairs of the house and senate committee on economic development and emerging technologies. The report shall include, but not be limited to, an analysis of the economic impact of the change, the reasons necessitating the change, and the changes impact on horsemen and the racehorse agricultural network.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund and Ross moved that the bill be amended in Section 16, in Chapter 23K of the General Laws, by inserting after the words “per region”, in line 1263 of section 19(a), the following words:- “nor shall more than 1 license be issued in any 365 day period”.

After debate, the amendment was *rejected*.

Ms. Jehlen moved that the bill be amended in section 19 by striking out, in lines 1276 to 1280, inclusive, the words “without the majority approval of the commission. A person seeking to acquire a gaming license through a transfer shall qualify for licensure under this chapter. The commission shall reject a gaming license transfer or a transfer of interest in the gaming establishment to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the commonwealth”; and in section 20 by striking out, in lines 1319 to 1324, inclusive, the words “without the approval of the commission; provided, however, that for 5 years after the initial issuance of a category 2 license, the commission shall only approve such a transfer if: (i) the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or other circumstances which the commission may consider, which, in the opinion of a majority of members of the commission, impact a

licensee's ability to successfully operate a gaming establishment"; and in section 21 by striking out, in line 1427, the words "a gaming license".

After remarks, the amendment was *rejected*.

Ms. Jehlen moved that the bill be amended by striking out the number "40" in Section 55(b) and inserting in place thereof the following number: "49"; by striking out Section 55 (c); and by striking out Section 60.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at seven minutes before five o'clock P.M., on motion of Ms. Jehlen, as follows, to wit (yeas 11 — nays 26) **[Yeas and Nays No. 76]:**

YEAS

Chang-Diaz, Sonia
Clark, Katherine M.
Creem, Cynthia Stone
Donnelly, Kenneth J.
Downing, Benjamin B.
Eldridge, James B.

Fargo, Susan C.
Finegold, Barry R.
Jehlen, Patricia D.
Montigny, Mark C.
Wolf, Daniel A. — **11.**

NAYS

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Candaras, Gale D.
Chandler, Harriette L.
DiDomenico, Sal N.
Flanagan, Jennifer L.
Hart, John A., Jr.
Hedlund, Robert L.
Joyce, Brian A.
Knapik, Michael R.
Keenan, John F.
Kennedy, Thomas P.

McGee, Thomas M.
Moore, Michael O.
Moore, Richard T.
Pacheco, Marc R.
Petruccelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tolman, Steven A.
Welch, James T. — **26.**

ABSENT OR NOT VOTING

Donoghue, Eileen M.

Rush, Michael F.— **2.**

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

Ms. Jehlen moved that the bill be amended by adding the following section:-

"Section xx. Notwithstanding the provisions of this act or any general or special law to the contrary, no simulcast betting or wagering on the speed or ability of dogs occurs shall be conducted or permitted in this Commonwealth after January 1, 2016."

After remarks, Ms. Jehlen moved that the question on adoption of the amendment be determined by a call of the yeas and the nays.

An insufficient number of members joining her in this request, the yeas and nays were not ordered.

After further remarks, at two minutes past five o'clock P.M., Ms. Creem doubted the presence of a quorum; and, a count of the Senate determined that a quorum was present.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at six minutes past five o'clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 10 — nays 27) **[Yeas and Nays No. 77]:**

YEAS

Chang-Diaz, Sonia
Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Eldridge, James B.

Fargo, Susan C.
Hedlund, Robert L.
Jehlen, Patricia D.
Ross, Richard J.
Wolf, Daniel A. — **10.**

NAYS

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.

McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.

Candaras, Gale D.
Chandler, Harriette L.
Clark, Katherine M.
Downing, Benjamin B.
Flanagan, Jennifer L.
Finegold, Barry R.
Hart, John A., Jr.
Joyce, Brian A.
Knapik, Michael R.
Keenan, John F.
Kennedy, Thomas P.

Moore, Richard T.
Pacheco, Marc R.
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E.
Tolman, Steven A.
Welch, James T. — 27.

ABSENT OR NOT VOTING

Donoghue, Eileen M.

Rush, Michael F.— 2.

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

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

“SECTION XX. Notwithstanding the provisions of this act or any general or special law to the contrary, retail establishments are not permitted within a gaming establishment licensed pursuant to this law or on the property thereof. This includes both retail establishment operated by the licensee and establishments operating on the licensee’s property with the permission of the licensee.”

After debate, the amendment was *rejected*.

Messrs. Tarr, Hedlund and Knapik moved that the bill be amended 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*.

Messrs. Tarr, Knapik and Ross moved that the bill be amended by striking lines 1273 through 1274, in its entirety, and inserting in place thereof, the following:

"(b) A category 1 license issued shall be valid for an initial period of 15 years, provided however, that the commission shall develop procedures and methodologies for the renewal, extension or award of licenses to new licensees not less than 180 days prior to the expiration of the first license granted pursuant to this act, and shall submit said procedures and methodologies, together with any legislative recommendations necessary to implement them, to the clerks of the house and senate."

After remarks, the amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended in Section 16, by striking subsection 68 (a) in its entirety and inserting in place thereof the following:-

"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; three members of the senate, including the senate president or the president's designee, one member to be appointed by the senate president, and one member to be appointed by the senate minority leader; three members of the house of representatives, including the speaker of the house of representatives or the speaker's designee, one member to be appointed by the speaker of the house of representatives, and one member to be appointed by the house minority leader; 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 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 culture 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."

After remarks, the amendment was adopted.

Mr. Ross moved that the bill be amended by inserting, after section XX, the following:-

"SECTION XX. 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 amendment was *rejected*.

Messrs. Kennedy and Pacheco moved that the bill be amended in section 90 by deleting “shall remain licensed as greyhound racing meeting licensees until July 31, 2014”, and insert in place thereof- “shall not be required to receive a license under said chapter 128A in order to remain licensed as greyhound racing meeting licensees pursuant to said chapter 128C”.

The amendment was *rejected*.

Messrs. Kennedy and Pacheco moved that the bill be amended in Section 90 after the words “provided, however, that the days between January 1 and” strike the date “July 31” and replace with “December 31”.

After remarks, the amendment was adopted.

Mr. Ross moved that the bill be amended by striking, in line 2553, the words “the president’s designee; the speaker of the house of representatives or the speaker’s designee”, and inserting, in place thereof, the following:- “the president’s designee; the senate minority leader or the senate minority leader’s designee; the speaker of the house of representatives or the speaker’s designee; the house minority leader or the house minority leader’s designee”.

The amendment was *rejected*.

Messrs. Eldridge and Keenan moved that the bill be amended in section 16, by striking out section 46 of proposed chapter 23K and inserting in place thereof the following section:-

“Section 46. No applicant for a gaming license, nor any holding, intermediary or subsidiary company thereof, nor any officer, director, key gaming employee or principal employee of an 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, shall directly or indirectly, pay or contribute any money or thing of value to any individual who holds a municipal, county or state office, or any candidate for nomination or election to any municipal, county or state office; provided that the municipal officeholder or candidate has or would have direct or indirect control over any negotiations with the applicant for a gaming license or a gaming licensee, including, but not limited to, negotiations concerning community mitigation plans, conditions for having a gaming establishment located within a host community, or provision of services to a gaming licensee.”

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays at twenty-six minutes past five o’clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 37 — nays 0) **[Yeas and Nays No. 78]:**

YEAS

Baddour, Steven A.
Berry, Frederick E.
Brewer, Stephen M.
Candaras, Gale D.
Chandler, Harriette L.
Chang-Diaz, Sonia
Clark, Katherine M.
Creem, Cynthia Stone
DiDomenico, Sal N.
Donnelly, Kenneth J.
Downing, Benjamin B.
Eldridge, James B.
Fargo, Susan C.
Finegold, Barry R.
Flanagan, Jennifer L.
Hart, John A., Jr.
Hedlund, Robert L.
Jehlen, Patricia D.
Joyce, Brian A.

Keenan, John F.
Kennedy, Thomas P.
Knapik, Michael R.
McGee, Thomas M.
Montigny, Mark C.
Moore, Michael O.
Moore, Richard T.
Pacheco, Marc R.
Petrucelli, Anthony
Rodrigues, Michael J.
Rosenberg, Stanley C.
Ross, Richard J.
Spilka, Karen E.
Tarr, Bruce E.
Timilty, James E
Tolman, Steven A.
Welch, James T.
Wolf, Daniel A. — **37.**

NAYS — 0.

ABSENT OR NOT VOTING

Donoghue, Eileen M.

Rush, Michael F.— **2.**

The yeas and nays having been completed at twenty-nine minutes before six o’clock P.M., the amendment was adopted.

Mr. Eldridge moved that the bill be amended in line 1679, in proposed Section 27, by inserting at the end thereof the following new subsection:-

“(j) No licensee shall permit on its premises any credit card or ATM machine which would permit a patron to obtain a cash advance on said patron’s credit card. Similarly, no service shall be permitted on the premise of a licensed gambling establishment which would permit a patron to receive funds via wire transfer.”

After debate, the amendment was *rejected*.

Mr. Eldridge moved that the bill be amended in line 1163 by inserting after the word "license;" the following:- "(ii) grant the application of license of a gaming license with additional conditions to be met by the applicant;".

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in Section 16 by striking subsection (h) of section 3 in its entirety and inserting in place thereof the following subsection:-

"(h) A majority of all of the commissioners shall participate in the hearing and decision of any matter before the commission; provided further, that any such matter may be preliminarily heard, examined and investigated by an employee of the commission designated and assigned by the chair, with the concurrence of 1 other commissioner. Such employee shall make a report in writing relative to the hearing, examining and investigating of every such matter to the commission for its decision. For the purposes of hearing, examining and investigating any such matter, such employee shall have all of the powers conferred upon a commissioner by this section. For each hearing, the concurrence of a majority of the commissioners participating in the decision shall be necessary."

After remarks, the amendment was *rejected*.

After remarks, and pending the adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Mr. Tarr 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.

Order Adopted.

On motion of Mr. Berry,--

Ordered, That when the Senate adjourns today, it adjourn to meet again tomorrow at one o'clock P.M., in a full formal session with a calendar.

On motion of Mr. Brewer, at nineteen minutes before six o'clock P.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.