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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, September 27, 2011.

Met at twenty-three 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, the President handed the gavel to Mr. Rosenberg for the purpose of an introduction. Mr. Rosenberg then introduced, in the Senate Gallery, a group of government officials from Pakistan. The Massachusetts Municipal Association, in partnership with the Institute for Training and Development in Amherst, has been awarded a State Department grant to bring 75 Pakistani government officials to Massachusetts for professional attachment opportunities. Over the next three years they will come in groups of 15 to learn about the operation of our state government and have a tour of the State House. The Senate welcomed them with applause and they withdrew from the Gallery.

Report.

A report of the Executive Office of Energy and Environmental Affairs (under the provisions of Chapter 298 of the Acts of 2008) submitting its report "Massachusetts Climate Change Adaptation Report, September 2011" (received in the Office of the Clerk of the Senate on Tuesday, September 27, 2011),-- **was placed on file.**

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Authorizing the town of Milton to grant a license for the sale of wines and malt beverages to be drunk on the premises of a certain restaurant (Senate, No. 2019);

Authorizing the town of Millbury to issue an additional liquor license (Senate, No. 2020); and

Authorizing a design and build contract for a recreational facility in the town of Braintree (House, No. 3660):

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

The House Bill establishing expanded gaming in the Commonwealth (House, No. 3711),-- **was considered, the main question being on ordering it to a third reading.**

The pending motion, previously moved by Mr. Tarr, to lay the matter on the table was considered; and it was negatived.

The pending Ways and Means amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015,-- was then considered.

Mr. Eldridge moved that the bill be amended in line 1700, by striking the proposed new Section 29 and inserting in place thereof the following:-

“SECTION 29. A gaming establishment shall be prohibited from offering a cashless wagering system.”
After debate, the amendment was *rejected*.

Messrs. Eldridge, Brewer, Montigny and Joyce moved that the bill be amended by inserting after section 84, the following section:-

"SECTION 84A. Section 5 of chapter 268A of the General Laws, as amended by chapter 28 of the acts of 2009, is hereby further amended by inserting after subsection (e) the following subsection:-

(e 1/2) a former member of the general court who acquires an interest in, or accepts employment with, an applicant or licensee under chapter 23K for a period of 1 year after the member leaves that body or."

Recess.

After debate, at two minutes before two o'clock P.M., for the purpose of a Democratic party caucus, the President declared a recess; and, at five minutes past three o'clock P.M., the Senate reassembled, the President in the Chair.

The pending amendment, previously moved by Messrs. Eldridge, Brewer Montigny and Joyce, was again considered; and, the question on adoption of the amendment was determined by a call of the yeas and nays, at five minutes past three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (*yeas 36 – nays 1*) [**Yeas and Nays No. 79**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Clark, Katherine M.	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E.
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. —
	36.

NAYS

Rodrigues, Michael J.
—1.

ABSENT OR NOT VOTING

Donoghue, Eileen M.	Rush, Michael F.—
	2.

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

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

“(i) The commission shall appoint an executive director. The executive director shall serve at the pleasure of the commission, shall receive such salary as may be determined by the commission, and shall devote full time and attention to the duties of the office. The executive director shall be a person with skill and experience in gaming regulatory administration or gaming industry

management, provided he or she was not employed by, retained, or served in any capacity on behalf of, an applicant, gaming licensee, gaming vendor, holding company or subsidiary within 5 years of appointment, and shall be the executive and administrative head of the commission and shall be responsible for administering and enforcing the provisions of law relative to the commission and to each administrative unit thereof. The executive director shall appoint and employ a chief financial and accounting officer and may, subject to the approval of the commission, employ other employees, consultants, agents, and advisors, including legal counsel, and shall attend meetings of the commission. The chief financial and accounting officer of the commission shall be in charge of its funds, books of account and accounting records. No funds shall be transferred by the commission without the approval of the commission and the signatures of the chief financial and accounting officer and the treasurer. In the case of an absence or vacancy in the office of the executive director, or in the case of disability as determined by the commission, the commission may designate an acting executive director to serve as executive director until the vacancy is filled or the absence or disability ceases. The acting executive director shall have all the powers and duties of the executive director and shall have similar qualifications as the executive director.”

The amendment was *rejected*.

Messrs. Eldridge and Montigny moved that the bill be amended in line 508, in Section 3(p) of the proposed Chapter 23K, by striking out the number “3” and inserting in place thereof the number “5”.

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in Section 16, by striking out in section 2 of proposed chapter 23K of the General Laws, in line 253, the words “and independent testing laboratories”; and, in said Section 16, by striking out in section 66 of said proposed chapter 23K, in line 2540, the words “obtained a license as a gaming vendor” and inserting in place thereof the following words:- “been approved by the commission as qualified”.

Mr. Keenan moved that the bill be amended in Section 16, in section 3 of proposed chapter 23K by striking out subsection (l) and inserting in place thereof the following subsection:-

“(l) The commission shall require a prospective employee to: (i) submit an application and a personal disclosure on a form prescribed by the commission which shall include a complete criminal history, including convictions and current charges for all felonies and misdemeanors; (ii) undergo testing which detects the presence of illegal substances in the body; (iii) provide fingerprints and a photograph consistent with standards adopted by the state police; and (iv) provide authorization for the commission to conduct a credit check. The commission shall verify the identification, employment and education of each prospective employee, including: (i) legal name, including any alias; (ii) all secondary and post secondary educational institutions attended regardless of graduation status; (iii) place of residence; and (iv) employment history.

The commission shall not hire a prospective employee if the prospective employee has: (i) been convicted of a felony within 10 years of the prospective employee's application; (ii) been convicted of a felony more than 10 years prior to the prospective employee's application or a misdemeanor that, in the discretion of the commission, bears a close relationship to the duties and responsibilities of the position for which employment is sought; (iii) been dismissed from prior employment for gross misconduct or incompetence; or (iv) intentionally made a false statement concerning a material fact in connection with the prospective employee's application to the commission. If an employee of the commission is charged with a felony while employed by the commission, the commission shall suspend the employee, with or without pay, and terminate employment with the commission upon conviction. If an employee of the commission is charged with a misdemeanor while employed by the commission, the commission may suspend the employee, with or without pay, and terminate employment with the commission upon conviction if in the discretion of the commission the offense for which the employee is convicted bears a close relationship to the duties and responsibilities of the position held with the commission.”

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

“(a) There shall be a Massachusetts gaming commission which shall consist of 5 commissioners, 1 of whom shall be appointed by the governor; 1 of whom shall be appointed by the attorney general who shall have experience in criminal investigations and law enforcement; 1 of whom shall be appointed by the treasurer and receiver general who shall have experience in corporate finance and securities; and 2 of whom shall be appointed by the approval of 2 of the 3 appointing authorities, 1 of whom shall have experience in legal and policy issues related to gaming and 1 of whom may have professional experience in gaming regulatory administration or gaming industry management. The governor shall designate the chair of the commission. The chair shall serve in that capacity for a term not to exceed 5 years. Prior to appointment to the commission, a background investigation shall be conducted into the financial stability, integrity and responsibility of a candidate, including the candidate's reputation for good character, honesty and integrity. No person who has been convicted of a felony, or who has held within the last 365 days prior to appointment a federal, state or local elected office, or has served within the last 365 days prior to appointment as an official in a political party, or who has within the 5 years preceding appointment been employed by, retained, or served in any capacity on behalf of, an applicant, gaming licensee, gaming vendor, holding company or subsidiary, shall be eligible to serve on the commission.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in Section 16 by striking subsections (m) through (v), inclusive, of section 3 in their entirety and inserting in place thereof the following subsections:-

“(m) Chapters 268A and 268B shall apply to the commissioners and to employees of the commission; provided, however, that the commission shall establish a code of ethics for all members and employees that shall be more restrictive than said chapters 268A and 268B. A copy of the code shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out the purposes of this chapter and any other laws subject to the jurisdiction of the commission including, but not limited to: (i) prohibiting the receipt of gifts or other things of value by commissioners and employees or by their immediate family members from any gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission or from the holder of any gaming license, applicant for a gaming license, close associate or affiliate of any licensee or applicant for a license for any other gaming establishment, regardless of where it is located.; (ii) prohibiting the participation by commissioners and employees in a particular matter as defined in section 1 of said chapter 268A that affects the financial interest of a relative within the third degree of consanguinity or a person with whom such commissioner or employee has a significant relationship as defined in the code; and (iii) providing for recusal of a commissioner in a licensing decision due to a potential conflict of interest.

(n) Immediately upon assuming office, each commissioner and employee of the commission, except for secretarial and clerical personnel, shall swear or affirm that the commissioner or employee, or the immediate family member of each possesses no present interest, or has possessed any interest in the 5 years preceding the assumption of office, in, an applicant, gaming licensee, gaming vendor, holding company or subsidiary under this chapter. No individual shall be employed by the commission if, during the period commencing 5 years prior to employment, that individual or immediate family member of that individual held any direct or indirect interest in, or was employed by, an applicant, gaming licensee, gaming vendor, holding company or subsidiary under this chapter.

(o) No employee of the commission shall pursue any other business or occupation or other gainful employment outside of the commission without the prior written approval of the commission that such employment shall not interfere or be in conflict with the employee’s duties to the commission.

(p) No commissioner or immediate family member shall hold a direct or indirect interest in, be employed by, or retained to represent an applicant, gaming licensee, gaming vendor, holding company or subsidiary or by a person licensed by the commission for a period of 3 years after the termination of employment with the commission.

(q) No employee or immediate family member of an employee of the commission holding a major policy making position shall acquire an interest in, or accept employment with, an applicant or gaming licensee, gaming vendor, holding company or subsidiary for a period of 3 years after the termination of employment with the commission.

(r) No employee or immediate family member of the commission in a non-major policy making position shall acquire an interest in, or accept employment with, an applicant or gaming licensee, gaming vendor, holding company or subsidiary under this chapter for a period of 1 year after termination of employment with the commission.

(s) Any commission employee assigned to a gaming establishment shall be considered an essential state employee.

(t) No commissioner or employee, or immediate family member of a commissioner or employee, other than in the performance of the commissioner’s or employee’s official duties, shall place a wager in a gaming establishment.

(u) The commissioners and those employees holding major policy-making positions shall be sworn to the faithful performance of their official duties. The commissioners and those employees holding major policy-making positions shall conduct themselves in a manner so as to render decisions that are fair and impartial and in the public interest; avoid impropriety and the appearance of impropriety in all matters under their jurisdiction; avoid all prohibited communications; require staff and personnel subject to their direction and control to observe the same standards of fidelity and diligence; disqualify themselves from proceedings in which their impartiality might reasonably be questioned; and refrain from financial or business dealings which would tend to reflect adversely on impartiality.

(v) The commissioners and employees shall not own, or be in the employ of, or own any stock in, a business which holds a license under this chapter, nor shall they have, directly or indirectly, a pecuniary interest in, or be connected with, any such business or in the employ or connected with any person financing any such business; provided further, that immediate family members of commissioners and employees holding major policy making positions shall not own, or be in the employ of, or own stock in, any business which holds a license under this chapter.

The commissioners and employees shall not personally, or through a partner or agent, render professional services or make or perform any business contract with or for any regulated entity, except contracts made with the commissioners for the furnishing of services, nor shall the commissioners or employees, or immediate family members of commissioners or employees, directly or indirectly receive any commission, bonus, discount, gift or reward from a regulated entity.”

The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in Section 16 by adding at the end of subsection (b) in section 6 the following:

“Employees of the bureau shall be classified as group 1 pursuant to section 3(2)(g) of Chapter 32 of the Massachusetts General Laws.”

After remarks, the amendment was adopted.

Mr. Keenan moved that the bill be amended in Section 16 by inserting at the end of subsection (a) of section 28 the following:

“No complimentary services, gifts, cash or other items of value shall be provided to commission members, employees of the commission, the alcoholic beverage control commission, any member of the state police, any employee of the municipality where the gaming establishment is located, or any individual who holds a federal, state or local elected office, or the immediate family

members of such individuals.”
The amendment was *rejected*.

Mr. Keenan moved that the bill be amended in Section 16 by inserting in paragraph (e) of section 17, after the word “Not” the following:- “sooner than 30 days nor”.

After remarks, the amendment was adopted.

Mr. Eldridge moved that the bill be amended by inserting in line 1381 the following new subsection:

“(17) agree to be a ‘contributing employer’ as defined in Chapter 149, Section 188.”

After debate, the amendment was *rejected*.

Mr. Keenan and Ms. Jehlen moved that the bill be amended in Section 6 by adding the following new paragraph to subsection (a) of section 5:-

“(19) establish the form of an annual budget and procedures for the adoption thereof by the commission; provided the fiscal year for the commission shall be July 1 through June 30; provided, the commission shall annually prepare a budget and file same on or before April 1 of each year with the secretary of administration and finance, the chairs of the house and senate committees on ways and means, and the chairs of the joint committee on economic development and emerging technologies; provided the budget shall include appropriations for the efficient operation of the commission and proposed expenditures from the funds established in sections 57, 58, 59, 61, 62, 63, 64; provided the form of said budget shall be based upon generally accepted accounting principles as promulgated for governments by the Governmental Accounting Standards Board and approved by the secretary of administration and finance; provided the commission shall post its proposed budget on its official website and shall publish notification of the filing of the budget in a newspaper of general circulation on or before April 1 of each year; provided the commission shall hold a public hearing on the proposed budget on or before May 15 of each year, with notice of the public hearing posted on the commission’s website and advertised in a newspaper of general circulation; provided the budget shall be voted upon by a majority of the commission on or before June 30 of each year; provided that no expenditure shall be made by the commission in a fiscal year until the recording of an affirmative vote on the budget by a majority of commission members; and, provided further, that every five years that a study be conducted by a third party mutually agreed upon by the governor, treasurer and attorney general and that the study shall include, but not be limited to the management structure of the commission, the number of full-time commission employees, wages and benefits paid to commission employees, and that the study may include any recommendations based on industry best practices to improve the efficiency of the commission, and that copies of the study be made public by the commission and posted on the commission website in a conspicuous place.”

After remarks, the amendment was *rejected*.

Mr. Hedlund moved that the bill be amended in subsection (b) in section 19 of the proposed chapter 23K by inserting at the end thereof the following sentences:-

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

The amendment was *rejected*.

Ms. Flanagan moved that the bill be amended in section 16, by inserting in section 7 of proposed chapter 23K of the General Laws, after the words “et seq”, in line 752, the following subsection:-

“(b) The commission may grant a simulcasting license to a gaming establishment; provided, however, that a reasonable percentage, as determined by the commission, of the wagering received on instate and out-of-state thoroughbred and harness races shall be allocated to the Race Horse Development Fund established in section 60 to support purse assistance and breeding programs; provided, however, that in granting said license to a gaming establishment, the commission shall take into consideration the impact on preexisting facilities licensed pursuant to chapters 128A and 128C.”

The amendment was *rejected*.

Messrs. Tarr, Knapik, Ross and Downing moved that the bill be amended by inserting after the words “debt portfolio”, in line 2448, the following: “; provided, further, that this program shall use these monies to set forth and fund a process through which the operating costs of any state agency, including, but not limited to, full-time personnel expenses and expenses incurred by the agency as part of its normal operations, currently paid for through bond proceeds shall be transferred to that agency’s operating budget”.

After remarks, the amendment was *rejected*.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended by inserting after the words “necessary to staff the unit”, in line 45, the following: “; provided, further, that the code of ethics established in subsection (m) of section 3 of chapter 23K shall apply to all investigators and employees of the unit”; by inserting after the word “police”, in line 112, the following: “; provided that the code of ethics established in subsection (m) of section 3 of chapter 23K shall apply to all officers and employees of the unit”; and by inserting after the words “deputy director of investigations and enforcement”, in line 706, the following: “; provided, further, that the code of ethics established in subsection (m) of section 3 of chapter 23K shall apply to all

employees of the bureau”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes past three o’clock P.M., on motion of Mr. Baddour, as follows, to wit (*yeas 38 – nays 0*) [**Yeas and Nays No. 80**]:

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Clark, Katherine M.	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 38.

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—

1.

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

Ms. Creem moved that the bill be amended in Section 16, by inserting, after subsection (a) of section 5 of proposed Chapter 23K of the general laws, the following new subsection: -

“(b) The commission shall be required to submit proposed regulations to the senate and house chairs of the Joint Committee on Economic Development and Emerging Technologies and the Joint Committee on Revenue, as well as the clerks of the house and senate. Proposed regulations shall be submitted for comment and review 90 days before their effective date.”

The amendment was *rejected*.

Ms. Candaras moved that the bill be amended in section 19, by striking out, in line 1273, “15” and inserting in the place thereof “20”.

The amendment was *rejected*.

Messrs. Wolf and Richard T. Moore moved that the bill be amended by inserting the following new section:-

“SECTION X. Notwithstanding any general or special law, rule or regulation to the contrary for the purposes of chapter 62, gross revenue or gross gaming revenue as defined in chapter 23K of the General Laws shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited; provided, however, that monies received by the commonwealth as the result of a revenue sharing agreement between the commonwealth and a federally recognized tribe set forth

in a negotiated compact shall not be considered budgeted fund state tax revenue.”; and by inserting the following new section:-
“SECTION XX.The commissioner of revenue, in consultation with the commissioner of education, and the treasurer and receiver general of the commonwealth shall report to the general court on the following matters: 1) the primary sources of current and recent funding for each major program of state assistance to the cities, towns, and school districts of the commonwealth; including, but not limited to lottery aid, unrestricted general government assistance, PILOT payments for state owned land, and major aid programs in support of local education and transportation. Where feasible, those amounts and sources of funding shall be disaggregated by city and town, 2) the net dollar relationship between distributions to cities, towns, and school districts under each of the programs reviewed and the primary sources of funding that support them, 3) the prospective cost and feasibility of establishing equitable minimum and maximum distribution targets based on criteria including, but not limited to, students qualifying for free and reduced lunch programs and mean age levels of residents for each program based on the disaggregated source of funding for each program; and 4) any potential alternative sources of funding to establish such equitable minimum target aid levels; including the Gaming Local Aid Fund and the Local Stabilization Funds, created under the provisions of this Act. Said report shall be filed by the commissioner of revenue with the clerks of the house and senate by July 31, 2012. Prior to any distribution of gaming revenues from the Gaming Local Aid Fund, the legislature shall review the report and adopt an equitable distribution program for the Gaming Local Aid Fund and the Local Aid Stabilization Fund.”
After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before four o’clock P. M. , on motion of Mr. Tarr, as follows, to wit (*yeas 8 – nays 30*) [**Yeas and Nays No. 81**]:

YEAS

Downing, Benjamin B.	Ross, Richard J.
Hedlund, Robert L.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
Moore, Richard T.	Wolf, Daniel A. — 8.

NAYS

Baddour, Steven A.	Hart, John A., Jr.
Berry, Frederick E.	Jehlen, Patricia D.
Brewer, Stephen M.	Joyce, Brian A.
Candaras, Gale D.	Keenan, John F.
Chandler, Harriette L.	Kennedy, Thomas P.
Chang-Diaz, Sonia	McGee, Thomas M.
Clark, Katherine M.	Montigny, Mark C.
Creem, Cynthia Stone	Moore, Michael O.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Eldridge, James B.	Rosenberg, Stanley C.
Fargo, Susan C.	Timilty, James E.
Finegold, Barry R.	Tolman, Steven A.
Flanagan, Jennifer L.	Welch, James T. — 30.

ABSENT OR NOT VOTING

Rush, Michael F.—
1.

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

Mr. Montigny moved that the bill be amended in Section 16, in line 2330, by striking the number “25” and inserting the following number:- “30”.

The amendment was *rejected*.

Mr. Pacheco moved that the bill be amended by inserting in Section 16, section 2, at the end of line 172 a new category:-
“‘Category 2 limited license’ a single license issued by the Commission to the Massachusetts State Lottery for the operation of slot machines, at a number to be determined by the Commission, in the airline terminals of Logan International Airport. The Commission shall work in conjunction with the Massachusetts Port Authority and the State Lottery to identify said areas and the commission shall promulgate all rules and regulations governing the license at this facility; provided further, that the Massachusetts State Lottery shall be required to meet all existing statute of the Federal Aviation Administration and that of the Massachusetts Port Authority. The revenue generated at said facility shall be deposited into the ‘Gaming Local Aid Fund’.”; and in Section 59 (1) line 2412 by inserting after the words “category 2” the words “and category 2 limited”.

After debate, the amendment was rejected, by a vote of 1 to 18.

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

“SECTION __. Notwithstanding any general or special law, rule or regulation to the contrary, for the purposes of chapter 62, gross revenue or gross gaming revenue as defined in chapter 23K shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at sixteen minutes before five o’clock P.M., on motion of Mr. Tarr, as follows, to wit (*yeas 6 – nays 32*) [**Yeas and Nays No. 82**]:

YEAS

Baddour, Steven A. Ross, Richard J.
Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E — **6.**

NAYS

Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Candaras, Gale D. Keenan, John F.
Chandler, Harriette Kennedy, Thomas P.
L.
Chang-Diaz, Sonia McGee, Thomas M.
Clark, Katherine M. Montigny, Mark C.
Creem, Cynthia Moore, Michael O.
Stone
DiDomenico, Sal N. Moore, Richard T.
Donnelly, Kenneth Pacheco, Marc R.
J.
Donoghue, Eileen Petruccelli, Anthony
M.
Downing, Benjamin Rodrigues, Michael J.
B.
Eldridge, James B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Tolman, Steven A.
Flanagan, Jennifer Welch, James T.
L.
Hart, John A., Jr. Wolf, Daniel A. — **30.**

ABSENT OR NOT VOTING

Rush, Michael F.—
1.

The yeas and nays having been completed at twelve minutes before five o'clock P.M., 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, Ms. Candaras 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.

Resolutions.

The following resolutions (having been filed with the Clerk) were considered forthwith and adopted, as follows:-

Resolutions (filed by Mr. Pacheco) "congratulating William C. Bochman on his retirement from Taunton High School."

Mr. Tolman presented "Resolutions memorializing the Congress of the United States to support legislation that reforms the Toxic Substances Control Act of 1976."

The resolutions were read. Pending the question on adoption of the resolutions, Mr. Tarr moved that the resolutions 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 on Thursday next at eleven o'clock A.M., and that the Clerk be directed to dispense with the printing of a calendar.

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Al Gricus.

Adjournment in Memory of Al Gricus.

The Senator from Suffolk and Middlesex, Mr. Tolman, moved that when the Senate adjourns today, it adjourn in memory of Al Gricus.

Al was a retired electrician and proud member of Local 103 IBEW; the beloved husband of the late Anna, and the devoted father of Chuck and his wife Patti. Al was a Massachusetts Silver-Haired Legislator, a Goodwill Ambassador, a former board member of the Veronica Smith Senior Center, a member of the Mayor's Advisory Council for the City of Boston's Commission on Affairs of the Elderly, and a committed supporter of numerous other organizations.

Al climbed the stairs of the Prudential Center several times in his eighties to raise money for charities.

Al lived his life as a very proud union member, looking out for his family, friends and neighbors at all times. Al Gricus passed away on September 23, 2011 at the age of 95.

Accordingly, as a mark of respect to the memory of Al Gricus, at six minutes before five o'clock P.M., on motion of Mr. Berry, the Senate adjourned to meet again on Thursday next at eleven o'clock A.M.