

The Commonwealth of Massachusetts

JOURNAL OF THE SENATE.



THURSDAY, APRIL 28, 2022

[36]

JOURNAL OF THE SENATE

Thursday, April 28, 2022.

Met at eleven minutes past eleven o'clock A.M. (Mr. Brownsberger in the Chair) (having been appointed by the President, under authority conferred by Senate Rule 4, to perform the duties of the Chair).

The Chair (Mr. Brownsberger), members, guests and staff then recited the pledge of allegiance to the flag.

Pledge of allegiance.

Distinguished Guests.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Feeney for the purpose of an introduction. Mr. Feeney then introduced, in the rear of the Chamber, the Attleboro High School Cheerleading Squad. The team was recognized for winning the 2022 AmeriCheer National Cheerleading Competition in the Advanced Small Varsity Flat Mat competition with a score of 94.02. In recognition of the team's great sportsmanship throughout the tournament, the Cheerleaders were honored with the "Show Your Spirit" Award. The Senate applauded their accomplishments and they withdrew from the Chamber. They were accompanied by Coach Julie Marino, Coach Jenna Shellard, Attleboro High School President Allison McLean and the Cheerleader Boosters. They were also guests of Senator Rausch and Representative Hawkins of Attleboro.

Attleboro High School Cheerleading Squad.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Brownsberger) handed the gavel to Messrs. Timilty and Brady for the purpose of an introduction. Mr. Timilty then introduced, in the rear of the Chamber, the Randolph High School Blue Devils Football Team, Basketball Team, Track Relay Team and Cheerleading Squad. The football team was recognized for winning their first championship title in December, with a 20-14 win over Hull. The basketball team was also recognized for winning their first championship title in March, defeating St. Joseph Prep, 71-56 to complete the season with a 23-1 record. All of the teams were recognized for their teamwork, commitment and leadership. The Senate applauded their accomplishments and they withdrew from the Chamber. The teams were accompanied by Athletic Director Tony Price, Principal Dr. William Conrad, Varsity Football Coach Jon Marshall, Basketball Head Coach Kalon Jenkins, Basketball Assistant Coach Dan Kiser, Football Coaches Lou Ottaviani, Elgin Williams and Elgin Williams, Jr., Cheer Assistant Coach Kayla Bynoe and Track Head Coach Lee Carlson.

Randolph High School Sports Teams.

There being no objection, the Chair (Mr. Brownsberger) handed the gavel to Mr. Brady for the purpose of an introduction. Mr. Brady then introduced, in the rear of the Chamber, the Massasoit Women's Soccer Team. The team was recognized for winning the Region 21 Championship, defeating Holyoke with a 1-0 victory, with only 13 players on the roster. This win advanced the Warriors to their first NJCAA National Tournament since 1989. The Senate applauded their accomplishments and they withdrew from the Chamber. The team was accompanied by Head Coach Jim Stapleton and Assistant Coaches Joe Esteves and Dineida Gomes. They were also guests of Senators Pacheco, Keenan, Montigny and Timilty.

Massasoit Women's Soccer Team.

UNCORRECTED PROOF.

Communication.

Communication from the Executive Office of Health and Human Services (pursuant to item 4000-0020 of Section 2 of Chapter 24 of the Acts of 2021) submitting its fiscal year 2021 report on the Nursing and Allied Health Workforce Development Trust Fund (received April 20, 2022),-- **was placed on file.**

EOHHS,-- NAH trust report.
SD3126

Reports.

The following reports were severally received and placed on file, to wit:

Report of the Division of Insurance (pursuant to Section 4A of Chapter 175 of the General Laws) submitting its annual home insurance report for calendar year 2020 (copies having been forwarded as required to the Senate Committee on Ways and Means, joint committee on Financial Services and the Attorney General) (received April 26, 2022);

DOI,-- home insurance report.
SD3125

Report of the Alzheimer's Disease Research and Treatment Advisory Council (pursuant to Section 16AA(b)(3) of Chapter 6A of the General Laws) submitting its second annual report and the Alzheimer's and related dementias state plan (received April 27, 2022); and

AD Council,-- annual report.
SD3131

Report of the Bristol County Registry of Deeds (pursuant to Section 2KKK(a) of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received April 28, 2022).

Bristol ROD,-- tech fund report.
SD3133

Petition.

Mr. Kennedy presented a petition (accompanied by bill) (subject to Joint Rule 12) of Edward J. Kennedy for legislation relative to liability for release of hazardous materials, - **and the same was referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Hazardous materials, - liability.
SD3128

Reports of a Committee.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 113), a Bill creating a special commission to study the current refugee resettlement infrastructure and ensure the successful integration of refugees in Massachusetts (Senate, No. 2847);

Refugee integration, - commission.

Read and, under Joint Rule 29, referred to the committees on Rules of the two branches, acting concurrently.

By Mr. Gomez, for the committee on Children, Families and Persons with Disabilities, on petition (accompanied by bill, Senate, No. 104), a Bill to authorize the Commonwealth of Massachusetts to establish additional mandated reporters for the purpose of the protection and care of children (Senate, No. 2846); and

Mandated reporters,-- child protection.

By the same Senator, for the same committee, on petition (accompanied by bill, Senate, No. 124), a Bill relative to supported decision-making agreements for certain adults with disabilities (Senate, No. 2848);

Adults with disabilities,-- decision-making.

Severally read and, under Senate Rule 27, referred to the committee on Ways and Means.

Committees Discharged.

Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, reported, asking to be discharged from further consideration

UNCORRECTED PROOF.

Of the Senate Order relative to authorizing the joint committee on the Judiciary to make an investigation and study of certain current Senate documents relative to judicial matters (Senate, No. 2838); and

Judiciary committee,-
- study.

Of the Senate Order relative to authorizing the joint committee on Economic Development and Emerging Technologies to make an investigation and study of a certain current Senate document relative to extending third-party delivery cost containment for restaurants (Senate, No. 2839).

Economic Development
and Emerging
Technologies
committee,-- study.

And recommending that the same severally be referred to the committee on Rules.

Under Senate Rule 36, the reports were severally considered forthwith and accepted.

Orders.

Orders were severally presented and referred as follows:--

By Mr. Eldridge, an Order relative to granting the committee on the Judiciary until June 30, 2022 within which time to make its final report on current Senate documents numbered 2791 and 2810 relative to judicial matters (Senate, No. 2849); and

Judiciary,--
extension.

By Mr. Cronin, an Order relative to granting the committee on Municipalities and Regional Government until May 31, 2022 within which time to make its final report on a current Senate document numbered 2798 relative to municipal matters (Senate, No. 2850);

Municipalities and
Regional
Government,--
extension.

Severally referred, under Joint Rule 30, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

A Bill protecting motorists and emergency personnel (House, No. 3519,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Rules.**

Motorists and
emergency personnel.

A Bill authorizing the town of Clinton to accept certain streets as public ways (House, No. 4247,-- on petition) [Local approval received],-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Clinton,-- public
ways.

Resolutions.

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

Resolutions (filed by Messrs. Tarr, Feeney, Timilty, Brady, Brownsberger, Crighton, Cronin and DiDomenico, Ms. DiZoglio, Messrs. Eldridge, Fattman and Keenan, Ms. Lovely, Mr. Moore, Ms. Moran and Messrs. O'Connor, Pacheco, Rush and Velis) "commending the Federation of Hellenic American Societies of New England, Inc. for their celebration of Greek Independence Day and the two hundred first anniversary of the Greek War of Independence on March 25, 2022"; and

Federation of
Hellenic American
Societies of New
England, Inc.

Resolutions (filed by Messrs. Timilty and DiDomenico, Ms. DiZoglio, Messrs. Eldridge and Feeney, Ms. Gobi, Ms. Jehlen, Messrs. Keenan and Moore, Ms. Moran and Messrs. O'Connor, Pacheco and Velis) "commending the Greater Boston Chapter of the American Society of Safety Professionals on their recognition of North American Occupational Safety and Health Week and Occupational Safety and Health Professional Day."

American Society of
Safety Professionals.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael D. Brady and Gerard J. Cassidy (with approval of the mayor and city council) for legislation relative to bidding requirements for a certain affordable housing project in the city of Brockton.

Brockton,--
affordable housing.
SD3107

Senate Rule 36 was suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Housing.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Michael D. Brady for legislation relative to the retirement allowance of Christopher Ahlborg.

Christopher
Ahlborg,--
retirement. SD2996

Senate Rule 36 was suspended, on motion of Mr. O'Connor, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Public Service.

Severally sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills.

The following engrossed bills (all of which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, were severally passed to be enacted and were signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation, to wit:

Bills laid before the
Governor.

Authorizing the investment of certain trust funds in the town of Weston (see House, No. 3894);

Changing the name of the board of selectmen in the town of Norwell (see House, No. 3916); and

Authorizing the town of Amherst to continue the employment of Walter (Tim) Nelson (see House, No. 4593).

Matter Taken Out of the Notice Section of the Calendar.

There being no objection, the following matter was taken out of the Notice Section of the Calendar and considered as follows:

The House Bill amending the charter of the town of Hull to make it more gender neutral (House, No. 4286),-- **was read a third time and passed to be engrossed, in concurrence.**

Hull,-- charter.

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

Second reading bills.

Eliminating the department of finance and budget in the town of Groveland (Senate, No. 2742);

Authorizing the town of Lincoln to establish a means tested senior citizen property tax exemption (House, No. 4107); and

Relative to the Mashpee Select Board (House, No. 4682);

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

There being no objection, during consideration of the Orders of the Day, the following

matters were considered as follows:

PAPERS FROM THE HOUSE

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Service be granted until Friday, May 20, 2022 within which time to make its final report on current House document numbered 4568.

Public Service,--
extension order.

The rules were suspended, on motion of Mr. Brady, and, after remarks, the order (House, No. 4710) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Environment, Natural Resources and Agriculture be granted until Thursday, May 12, 2022 within which time to make its final report on current Senate documents numbered 495, 496, 502, 503, 513, 517, 525, 557, 558, 561, 562, 569, 570, 579, 603 and 610, and House documents numbered 846, 856, 860, 869, 870, 871, 878, 902, 907, 912, 945, 948, 967, 968, 982, 983, 988, 992, 1002 and 1007.

Environment, Natural
Resources and
Agriculture,--
extension order.

The rules were suspended, on motion of Ms. Rausch, and, after remarks, the order (House, No. 4662) was considered forthwith; and adopted, in concurrence.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on Advanced Information Technology, the Internet and Cybersecurity until April 30, 2022 within which time to make its final report on current Senate document numbered 51 and House documents numbered 118 and 130 relative to Advanced Information Technology, the Internet and Cybersecurity (Senate, No. 2633).

Advanced
Information
Technology, the
Internet and
Cybersecurity,--
extension order.

The rules were suspended, on motion of Mr. Finegold, and, the order was considered forthwith.

Pending the question on adoption of the order, Mr. Finegold moved that the order be amended, in line 2 by striking out the words "April 30, 2022" and inserting in place thereof the following words:- "July 31, 2022".

After remarks, the amendment was adopted.

The order (Senate, No. 2633, amended) was then adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Orders.

The following House Orders (severally approved by the committees on Rules of the two branches, acting concurrently) were considered as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Revenue be granted until Wednesday, May 4, 2022 within which time to make its final report on current Senate documents numbered 788, 1798, 1799, 1821, 1832, 1841, 1842, 1852, 1885 and 1984, and House documents numbered 2866, 2871, 2888, 2922, 2959, 2979, 2984, 3036, 3043, 3044 and 3090.

Revenue,-- extension
order.

The rules were suspended, on motion of Mr. Hinds, and, after remarks, the order (House, No. 4687) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, May 6, 2022 within which time to make its final report on current Senate documents numbered 2256, 2353 and 2356, and House documents numbered 3482 and 3615.

Transportation,--
extension order.

The rules were suspended, on motion of Mr. Crighton, and, after remarks, the order (House, No. 4564) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Transportation be granted until Friday, May 6, 2022 within which time to make its final report on current House document numbered 4561.

Id.

The rules were suspended, on motion of Mr. Crighton, and the order (House, No. 4707) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Friday, May 13, 2022 within which time to make its final report on current Senate documents numbered 1181, 1197, 1198, 1205, 1212, 1216 and 1224, and House documents numbered 1953, 1954, 1955, 1979, 2010, 2034 and 4202.

Labor and Workforce
Development,--
extension order.

The rules were suspended, on motion of Ms. Jehlen, and, after remarks, the order (House, No. 4684) was considered forthwith; and adopted, in concurrence.

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Labor and Workforce Development be granted until Friday, May 13, 2022 within which time to make its final report on current House documents numbered 4557 and 4647.

Id.

The rules were suspended, on motion of Ms. Jehlen, and the order (House, No. 4706) was considered forthwith; and adopted, in concurrence.

Reports of Committees.

By Ms. Lovely, for the committees on Rules of the two branches, acting concurrently, that the Senate Order granting the committee on Telecommunications, Utilities and Energy be granted until May 2, 2022 within which time to make its final report on current Senate documents relative to issues of continued concern to the committee (Senate, No. 2647).

Telecommunications,
Utilities and Energy,-
- extension order.

The rules were suspended, on motion of Mr. Barrett, and, the order was considered forthwith.

Pending the question on adoption of the order, Mr. Barrett moved that the order be amended, in line 2, by striking out the date:- “May 2, 2022” and inserting in place thereof the following date:- “June 2, 2022”; and in line 5 by striking out “and 2606” and inserting in place thereof the following:- “, 2606 and 2840”.

After remarks, the amendment was adopted.

The order (Senate, No. 2647, amended) was then adopted.

Sent to the House for concurrence.

PAPERS FROM THE HOUSE

Engrossed Bills—Land Takings for Conservation Etc.

An engrossed Bill authorizing the town of Westport to convey a non-exclusive access easement at the Westport town landing at the head of the Westport river (see Senate, No. 1357, amended) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this

Westport,--
easement.

being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at ten minutes past one o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 156]:

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gomez, Adam |
| Brady, Michael D. | Hinds, Adam G. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crichton, Brendan P. | Montigny, Mark C. |
| Cronin, John J. | Moore, Michael O. |
| Cyr, Julian | Moran, Susan L. |
| DiDomenico, Sal N. | O'Connor, Patrick M. |
| DiZoglio, Diana | Pacheco, Marc R. |
| Edwards, Lydia | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |
| Feeney, Paul R. | Tarr, Bruce E. |
| Finegold, Barry R. | Timilty, Walter F. |
| Friedman, Cindy F. | Velis, John C. – 39. |
| Gobi, Anne M. | |

NAYS – 0.

The yeas and nays having been completed at nineteen minutes past one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

An engrossed Bill authorizing the conservation commission of the town of Westford to transfer certain easements to the select board of the town of Westford (see House, No. 4432, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage,-- was put upon its final passage; and, this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution, the question on passing it to be enacted was determined by a call of the yeas and nays, at twenty minutes past one o'clock P.M., as follows, to wit (yeas 39 - nays 0) [Yeas and Nays No. 157]:

Westford,--
easements.

YEAS.

- | | |
|--------------------------|---------------------|
| Barrett, Michael J. | Gomez, Adam |
| Brady, Michael D. | Hinds, Adam G. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |

Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Fattman, Ryan C.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
O'Connor, Patrick M.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 39.

NAYS – 0.

The yeas and nays having been completed at twenty-seven minutes past one o'clock P.M., the bill was passed to be enacted, two-thirds of the members present having agreed to pass the same, and it was signed by the Acting President (Mr. Brownsberger) and laid before the Governor for his approbation.

Order.

The following House Order (approved by the committees on Rules of the two branches, acting concurrently) was considered forthwith as follows:

Ordered, That, notwithstanding the provisions of Joint Rule 10, the committee on Public Safety and Homeland Security be granted until Wednesday, May 4, 2022 within which time to make its final report on current House document numbered 4476.

The rules were suspended, on motion of Mr. Timilty, and, after remarks, the order (House, No. 4560) was considered forthwith; and adopted, in concurrence.

Public Safety and
Homeland Security,--
extension order.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill regulating sports wagering (House, No. 3993),-- was read a second time.

Sports wagering.

After remarks, pending the question on ordering the bill to a third reading and 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 2844), Ms. Rausch and Ms. Edwards moved that the proposed new text be amended in section 8, by inserting after the word “publish”, in line 675, the following words:- “on its website”;

1

In said section 8, in proposed subsection (a) of section 19 of chapter 23N, by adding the following sentence:- “The commission shall publish the reports on its website after redacting any confidential or proprietary business information and any personal information as required by law.”; and

In said section 8, in proposed subsection (b) of section 21 of said chapter 23N, by adding the following sentence:- “The recommendations shall be posted on the commission’s website.”

After remarks, the amendment was adopted.

Ms. Rausch, Mr. Gomez and Ms. Edwards moved that the proposed new text be amended in section 8, in proposed section 23 of chapter 23N, by adding the following sentence:- “Any researcher report received by the commission under this section shall be

2

posted on the commission’s website.”

After remarks, the amendment was adopted.

Ms. Rausch moved that the proposed new text be amended in section 8, in lines 811-812, by striking the words “not less than 1 but” and the words “not less than \$25,000 and”.

3

After remarks, the amendment was adopted.

Ms. Edwards, Messrs. O'Connor and Montigny and Ms. Rausch moved that the proposed new text be amended by inserting after section 29 the following section:-

5

“SECTION 29A. The Massachusetts gaming commission, in consultation and cooperation with the trial court of the commonwealth, shall report on court activity related to illegal gaming, as defined in section 7 of chapter 4 of the General Laws, based on actions that constitute sports wagering as defined in section 2 of chapter 23N, as reasonably practicable, but for a period of not less than 10 years prior to the effective date of this act. The report shall include, but not be limited to: (i) the incarceration rates of those convicted of illegal gaming based on actions that constitute sports wagering; (ii) fines assessed to individuals found guilty of illegal gaming based on actions that constitute sports wagering; (iii) the number of indictments and arrests related to illegal gaming based on actions that constitute sports wagering; and (iv) where possible, a demographic breakdown including, but not limited to, the income, race, ethnicity and gender of individuals who are or have been incarcerated, fined, indicted or arrested for activity related to illegal gaming based on actions that constitute sports wagering. Personally identifiable information shall be redacted from the report. The report shall be submitted to the clerks of the senate and house of representatives, the senate and house committees on ways and means and the joint committee on the judiciary not later than August 31, 2023.”

After remarks, the amendment was adopted.

Ms. Rausch and Messrs. Cyr, Collins, O'Connor, Gomez and Tarr moved that the proposed new text be amended in section 5 by inserting at the end thereof the following paragraph:-

6

“The secretary of health and human services, in consultation with the commissioner of elementary and secondary education, shall expend money in the fund to ensure that each elementary and each secondary school in the commonwealth is staffed with at least one school mental health professional; provided, however, that for purposes of this paragraph, the term ‘school mental health professional’ shall mean a school counselor, a school psychologist, or a school social worker; and provided further, that consistent with applicable scopes of practice, school mental health professionals may: (i) provide mental health services to students; (ii) offer training and resources to school faculty and administrators; (iii) provide the school with culturally competent, linguistically diverse resources to develop and improve the social and emotional health of students; (iv) provide direct social and emotional skill building; (v) assist students and their families with applying for and obtaining necessary public benefits for which each student and the student’s family is eligible; (vi) provide services and supports to students who have an individualized education program; (vii) consult and coordinate with other school professionals on behalf of students and support families accessing community-based resources as needed and appropriate; and (viii) identify food insecurity, homelessness, and other issues affecting students and make referrals to services with the community, bringing those services into the school where possible.”;

In section 8, in line 213, by striking out the figure “9” inserting in place thereof the following figure:- “18”; and

In said section 8, in line 215, by inserting after the figure “23K” the following words:- “; and provided further, that not less than 9 percent of said fees, surcharges, civil penalties and taxes deposited in said public health trust fund shall be expended to provide for school mental health professionals”.

After remarks, the amendment was *rejected*.

Ms. Creem in the Chair, Messrs. Gomez, Velis and O'Connor, Ms. DiZoglio, Mr. Brady, Ms. Gobi, Messrs. Cronin, Hinds and Crighton, Ms. Edwards, Ms. Lovely, Mr. Tarr and Ms. Moran moved that the proposed new text be amended by adding the following section:-

8

“SECTION X. The Massachusetts gaming commission shall conduct a study on the participation by minority business enterprises, women business enterprises and veteran business enterprises in the sports wagering industry in the commonwealth. The study shall include, but not be limited to, an analysis of: (i) participation in activities related to the regulation, licensing and promotion of sports wagering operators; (ii) the level of participation of women, minority and veteran employees working for sports wagering licensees and employers; (iii) the level of participation by minority and women-owned businesses that contract with or provide services to sports wagering licensees and employers; (iv) any barriers to employment of women and minorities in the sports wagering industry; and (v) methods for increasing racial and gender diversity in the workforce in the sports wagering industry, including whether to set reasonable and appropriate goals and procedures for increasing the number of minority business enterprises providing sports wagering industry-related services to sports wagering licensees and employers. The commission shall report on its findings and submit any recommendations to the clerks of the house and senate, the house and senate committees on ways and means, the joint committee on racial equity, civil rights, and inclusion and the joint committee on economic development and emerging technologies no later than December 31, 2022.”

After remarks, the amendment was adopted.

Messrs. Keenan and O'Connor moved that the proposed new text be amended in section 8, by inserting after the word “patrons”, in line 448, the following words:- “and shall post the house rules as required by the commission, including on a prominent place on the operator's public website and mobile application or other digital platform”.

11

The amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 8, by striking out, in section 3(b), the second sentence of this subsection.

12

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 5, by striking out, in line 42, the words “, referrals and direct or indirect financial recovery” and inserting in place thereof the following words:- “and referrals”; and

13

By striking out, in line 44, the words “and attend treatment or other counselling to be eligible for direct or indirect financial recovery; provided, however, that financial recovery shall not exceed \$5,000 per participant.”.

The amendment was *rejected*.

Messrs. Keenan and Tarr moved that the proposed new text be amended in section 8, by striking out, in lines 587 to 589, inclusive, the words “and (ix) timely file with the commission any additional reports required by rule, regulation or this chapter” and inserting in place thereof the following words:- “(ix) timely file with the commission any additional reports required by rule, regulation or this chapter; and (x) use commercially reasonable efforts to prevent a person under 21 years old from placing a wager”.

14

The amendment was adopted.

Mr. Keenan, Ms. Moran and Messrs. Gomez, Montigny and Tarr moved that the proposed new text be amended in section 8, by striking out, in line 117, the words “or sleep patterns” and inserting in place thereof the following words:- “, sleep patterns or any other medical or personal health records.”

15

After remarks, the amendment was *rejected*.

Report of a Committee.

There being no objection, during consideration of the Orders of the Day, the following matters were considered as follows:

Ms. Lovely, for the committee on Rules, reported that the House Bill relative to work and family mobility (House, No. 4470), be placed in the Orders of the Day for Thursday, May 5, 2022 with an amendment striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2851.

Work and family mobility.

Order Adopted.

Ms. Lovely presented the following order, to wit:

Ordered, That notwithstanding Senate Rule 7 or any other rule to the contrary, the House Bill relative to work and family mobility (House, No. 4470) (the committee on Rules having recommended that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2851) shall be placed in the Orders of the Day for a second reading on Thursday, May 5, 2022.

Procedural order.

All amendments shall be filed electronically in the office of the Clerk of the Senate by 5:00 P.M., on Monday, May 2, 2022. All such amendments shall be second reading-amendments to the Senate Rules new text (Senate, No. 2851), but further amendments in the third degree to such amendments shall be in order. The Clerk shall further specify the procedure and format for filing all amendments, consistent with this order.

After the bill, as amended, is ordered to a third reading, it shall immediately be read a third time and the question shall then immediately be on passing it to be engrossed, and no amendments shall be in order at the third reading of the bill unless recommended by the committee on Bills in the Third Reading.

The rules were suspended, on motion of Ms. Edwards, and the order was considered forthwith and adopted.

The bill will be placed in the Orders of the Day for Thursday, May 5, 2022, for a second reading with the amendment pending.

Recess.

There being no objection, at twenty-nine minutes before three o'clock P.M., the Chair (Ms. Creem) declared a recess subject to the call of the Chair; and at twenty-eight minutes before four o'clock P.M., the Senate reassembled, Ms. Creem in the Chair.

Recess.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill regulating sports wagering (House, No. 3993),-- was further considered, the main question being on ordering the bill to a third reading.

Sports wagering.

Ms. Gobi, Messrs. Feeney, O'Connor, Brady, Gomez and Cronin, Ms. Moran and Ms. Rausch moved that the proposed new text be amended by striking out section 30 and inserting in place thereof the following 2 sections:-

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“SECTION 30. Section 6 shall take effect on January 1, 2025.

SECTION 31. Section 7 shall take effect on January 1, 2027.”

After remarks, the amendment was adopted.

Mr. Moore moved that the proposed new text be amended in section 8, by striking subsection (vi) of subsection (2) in section 3 of new chapter 23N, and replacing it with the following language:- “allow a consumer to withdraw funds without further solicitations or promotions in the manner in which the funds were deposited”.

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After remarks, the amendment was adopted.

Messrs. O'Connor and Tarr moved that the proposed new text be amended by inserting at the end of section 8 the following:-

“Section 23. (a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Financial Literacy Trust Fund. The fund shall be administered by the commissioner of elementary and secondary education. The fund shall be credited with: (i) revenue from appropriations or other money authorized by the general court and specifically designated to be credited to the fund, including, but not limited to, 5% of revenues collected pursuant to Section 13 of this chapter; (ii) interest earned on such revenues; and (iii) funds from public and private sources such as gifts, grants and donations to further financial education and professional development. Amounts credited to the fund shall not be subject to further appropriation and any money remaining in the fund at the end of a fiscal year shall not revert to the General Fund.

(b) All school districts, charter schools, approved private day or residential schools or collaborative schools shall offer financial literacy curriculum as a required subject to promote an understanding of personal finances and financial stability. Instruction shall include the topics of (i) loans; (ii) interest and interest accrual; (iii) credit card debt; (iv) online commerce; (v) rights and responsibilities of renting or buying a home; (vi) saving, investing and planning for retirement; (vii) the role of banking and financial services; (viii) balancing a checkbook; (ix) state and federal taxes; (x) charitable giving; (xi) evaluating media content, including online content, that relates to personal finance matters; (xii) saving, investing and planning for higher education or professional training, and (xiii) the risks of major monetary loss, dangers of addiction, and financial implications that are associated with all forms of gambling, including, but not limited to, sports wagering.”

After remarks, the amendment was *rejected*.

Mr. Gomez, Ms. DiZoglio, Ms. Gobi, Messrs. Tarr and Crighton, Ms. Chang-Diaz, Ms. Lovely and Ms. Rausch moved that the proposed new text be amended in section 8, by striking out, in line 843, the words “and (viii)” and inserting in place thereof the following words:- “(viii) the total dollar amounts that the operator contracted for and paid to minority business enterprises, women business enterprises and veteran business enterprises, as defined in section 58 of chapter 7, in: (A) design contracts; (B) construction contracts; and (C) contracts for every good and service procured by the operator; provided, however, that the report shall also identify the amounts so contracted as a percentage of the total dollar amounts contracted for and actually paid to all businesses by the operator; (ix) any diversity, equity, and inclusion initiatives the operator has implemented to support and encourage hiring and employment opportunities; and (x).”; and

In said section 8, in proposed chapter 23N, by adding the following section:-

“Section 24. Annually, not later than February 28, each operator shall prepare and submit a report on the demographic data of new employees hired in the preceding calendar year. The report shall include, but not be limited to: (i) a breakdown of new employees hired, by race, ethnicity and gender; (ii) the retention rate of minority employees; (iii) any perceived barriers or challenges to hiring minority employees; (iv) any diversity, equity and inclusion initiatives that the operator has implemented to support and encourage the hiring and retention of minority employees; and (v) any additional information that the commission deems necessary. The report shall be submitted to the commission and filed with the clerks of the senate and house of representatives, the house and senate committees on ways and means and the joint committee on economic development and emerging technologies.”

After remarks, the amendment was adopted.

Messrs. O'Connor and Tarr moved that the proposed new text be amended in section 8 by striking the definition of “Category 2 license” beginning in line 84 and inserting in place thereof the following new definition:-

“‘Category 2 license’, a license issued by the commission that permits the operation of sports wagering through 1 mobile application or other digital platform approved by the commission.”

The amendment was *rejected*.

Messrs. Feeney, O'Connor, Timilty and Brady moved that the proposed new text be amended in section 8, by inserting after the word “chapter”, in line 306, the following words:- “; and provided further, that an automated kiosk shall only be used when an authorized sports wagering employee is on site to resolve any consumer or technology issue that may arise with the use of the kiosk”. 34

After remarks, the amendment was adopted.

Messrs. O'Connor, Tarr and Timilty moved that the proposed new text be amended in section 8 by striking out lines 159 through 179 and inserting in place thereof the following:- 35

“(c) The commission shall promulgate regulations to prohibit: (i) the purchase or other use of any personal biometric data of an athlete for sports wagering or aiding a patron in placing a wager with sports wagering operators; and (ii) the following advertising, marketing and branding activities:

(A) advertisements, marketing and branding in such a manner that it is deceptive, false, misleading, or untrue, or tends to deceive or create a misleading impression whether directly, or by ambiguity or omission;

(B) use of unsolicited pop-up advertisements on the internet or by text message directed to an individual on the list of self-excluded persons established pursuant to paragraph (2) of subsection (e) of section 13;

(C) any form of advertising, marketing or branding that the commission deems unacceptable or disruptive to the viewer experience at a sports event;

(D) advertising, marketing and branding deemed to appeal directly to a person younger than 21 years old; and

(E) advertising on any billboards, or any other public signage, which fails to comply with any federal state or local law.”

After remarks, the amendment was *rejected*.

Ms. Edwards moved that the proposed new text be amended in section 8, by striking out, in lines 275 to 277, inclusive, the words “the physical distance of the category 2 licensed facilities as they relate to each other and to category 1 license facilities and how they” and inserting in place thereof the following words:- “how the location would”. 37

After remarks, the amendment was adopted.

Ms. Gobi, Messrs. O'Connor, Gomez, Tarr and Timilty and Ms. Rausch moved that the proposed new text be amended in section 6, line 53, by adding after the word “year” the following:- “; notwithstanding any general or special law to the contrary, not less than 1 percent shall be expended for the continued care of retired racehorses at Massachusetts based equine rescues that rescue and rehabilitate abused, neglected, or abandoned racehorses, or abused, neglected, or abandoned horses.” 39

After remarks, the amendment was *rejected*.

Ms. Jehlen moved that the proposed new text be amended by inserting in section 8, in line 456, after the word “subsection” the following words:- “; provided further, that the commission may request the list of barred employees from the operator and may work directly with a member team to determine the risk posed by certain employees for obtaining non-public confidential information on a sporting event and may remove an employee without knowledge of team strategy or game operations from such a list if the commission determines any such risk is de minimis.” 40

After remarks, the amendment was adopted.

Mr. Keenan moved that the proposed new text be amended in section 8, by inserting, 41

in line 262, the following subsection:-

“(x) A professional athlete, a players’ association, a person owning any share or interest in a member team of a sports governing body, a sports agent, a manager, a coach, an athletic trainer, a referee or a commission employee shall not be an applicant for any license issued under this chapter.”;

In said section 8, by striking out, in line 413, the words “coaches, managers, handlers and athletic trainers” and inserting in place thereof the following words:- “a professional athlete, a person owning any share or interest in a member team of a sports governing body, a sports agent, a manager, a coach, an athletic trainer, a referee or a commission employee.”; and

In said section 8, by striking out, in line 452, the words “athletes, coaches, referees, team owners, employees of a sports governing body or its member teams and player and referee union personnel” and inserting in place thereof the following words:- “a professional athlete, a person owning any share or interest in a member team of a sports governing body, a sports agent, a manager, a coach, an athletic trainer, a referee or a commission employee, employees of a sports governing body or its member teams and player and referee union personnel”.

After remarks, the amendment was *rejected*.

Messrs. Keenan, O'Connor, Montigny, Tarr and Timilty moved that the proposed new text be amended by striking out section 5 and inserting in place thereof the following section:-

42

“SECTION 5. The secretary of health and human services shall expend money in the fund to administer a compulsive gambling assistance program to provide counselling, treatment, referrals and indirect financial recovery to residents with a gambling addiction. Participants in the program shall be required to self-exclude from gambling under chapters 23K and 23N and attend treatment or other counselling to be eligible for indirect financial recovery; provided, however, that financial recovery shall not exceed \$5,000 per participant.

Annually, not later than January 1, the secretary shall report on activities of the fund including, but not limited to: (i) the total expenditure of the fund; (ii) the number of people receiving assistance from the fund, delineated by the number of individuals receiving counselling, treatment, referrals and indirect financial recovery; (iii) the average amount of indirect financial recovery funds distributed to each individual; (iv) the purposes for which indirect financial recovery payments were made; and (v) the zip codes associated with the domiciles, if any, of the people who received assistance from the fund. The report shall be submitted to the house and senate committees on ways and means, the joint committee on public health and the joint committee on mental health, substance use and recovery.”

After remarks, the amendment was adopted.

Messrs. Keenan and O'Connor moved that the proposed new text be amended in section 8, by striking out, in line 84, the definition of “Category 2 license” and inserting in place thereof the following definition:-

43

“‘Category 2 license’, a license issued by the commission that permits the operation of sports wagering through a mobile application and other digital platforms approved by the commission.”;

In said section 8, by striking out, lines 268 through 277, inclusive, the text of subsection (2)(A) and inserting in place thereof the following subsection:-

“(2)(A) The commission may issue a category 2 license to any entity that offers sports wagering through a mobile application or other digital platform that meets the requirements of this chapter and the rules and regulations of the commission.”;

In said section 8, by striking out, lines 278 through 306, inclusive, the text of

subsection (2)(B);

In said section 8, by striking out, in line 307, “(C)” and inserting in place thereof the following figure:- “(B)”;

In said section 8, by inserting, in line 313, the following subsection:-

“(X) A category 1 or category 2 licensee may enter into agreements related to mobile or digital sports wagering with a category 2 licensee pursuant to the approval of the commission. Nothing in this chapter shall require a category 2 licensee to partner with or have any commercial relationship with a category 1 or 2 licensee.”

After remarks, the amendment was *rejected*.

Messrs. Keenan and O'Connor moved that the proposed new text be amended by striking the words “category 1 license”, each time they appear, and inserting in place thereof the following words:- “category 1 sports wagering license”; and by striking the words “category 2 license”, each time they appear, and inserting in place thereof the following words:- “category 2 sports wagering license”.

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The amendment was *rejected*.

Mr. Tarr moved that the proposed new text be amended in section 8 by striking out in line 83 the words “through 1 mobile application or other digital platform” and inserting in place thereof the following words:- “through 2 mobile applications or other digital platforms”;

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By inserting in line 87, after the word “commission: the following definition:- ‘Category 3 license’, a license issued by the commission that permits the operation of sports wagering through a mobile application and other digital platforms approved by the commission.”;

By striking out in line 110 the words, “or category 2 license.” and inserting in place thereof the following words:- “, category 2 license or category 3 license.”;

By striking out in line 111 the words “or category 2 license.” and inserting in place thereof the following words: “, category 2 license or category 3 license.”;

By striking out in lines 222 through 231 clause (i);

By striking out in line 268 the words “may issue not more than 6” and inserting in place thereof the following words:- “must issue a minimum of 4”;

By striking out in lines 269 through 274 the following words:- “provided, however, that at least 1 category 2 license shall be made available in each region established in subsection (a) of section 19 of chapter 23K. If the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the commonwealth and promote responsible sports wagering, a category 2 license shall not be awarded.”

By striking out in line 274 the words: “licensed facilities” and inserting in place thereof the following word:- “license”;

By striking out in line 285 the following words:- “from ancillary activities at the facility”;

By striking out in line 263 the words: “or category 2 license.” and inserting in place thereof the following words:- “, category 2 license or category 3 license.”;

By inserting after the word “scored” in line 313 the following new paragraph:-

“(3) The commission shall issue a category 3 license to any qualified applicant that has offered fantasy sports contests in the commonwealth pursuant to 940 C.M.R. 34.00 for at least 1 year at the time of enactment of this act and has been permitted to offer sports wagering in at least 2 other jurisdictions in the United States by the relevant regulatory body in those jurisdictions.”;

By inserting after the word “commission” in line 354 insert the following paragraph:-

“The commission shall issue a category 3 license after the applicant makes a payment of a \$5,000,000 licensing fee; provided, however, that the applicant meets the requirements

for licensure under this chapter and the rules and regulations of the commission. The license shall be issued for a 5-year period and may be renewed for additional 5-year periods upon payment of a \$5,000,000 renewal fee; provided, however, that an operator continues to meet all requirements under this chapter and the rules and regulations of the commission.”; and

By striking out proposed section 29.

After remarks, the amendment was *rejected*.

Messrs. Tarr and O'Connor moved that the proposed new text be amended by inserting after section _ the following section:-

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“SECTION _ . (a) ‘Category 4 license,’ a license issued by the commission that permits the operation of sports wagering (a) throughout the Commonwealth through a mobile application and other digital platforms approved by the commission, and (b) in person at a location at, adjacent to, or within a half-mile radius of a professional sports facility, or, in the case of a professional sports facility that hosts a PGA TOUR-sanctioned tournament event located in the Commonwealth, a one-mile radius of the professional sports facility.

‘Professional sports facility,’ a facility that hosts sporting events for a professional sports team.

‘Professional sports team designee,’ any person designated by a professional sports team as being authorized to receive a sports wagering license in lieu of the professional sports team.

‘Professional sports team,’ the owner or operator of a Major League Baseball, National Basketball Association, National Football League, Major League Soccer or National Hockey League professional sports team that plays its home games in the Commonwealth, or the operator of one facility that hosts a PGA TOUR-sanctioned tournament event located in the Commonwealth on an annual basis.

The commission shall issue a Category 4 license to any professional sports team or professional sports team designee that meets the requirements of this chapter and the rules and regulations of the commission; provided, that not more than one Category 4 license shall be issued with respect to each professional sports team. If a professional sports team designates a professional sports team designee, the professional sports team designee solely will apply for a Category 4 license and be considered the operator or sports wagering operator under this chapter.

A Category 4 license holder shall conduct its sports wagering operations with no direct or indirect involvement of any officer, employee, or agent of a professional sports team or any individual with access to non-public confidential information held by a professional sports team. A professional sports team shall not be responsible for ensuring compliance by its professional sports team designee with applicable rules and regulations.

No person other than a professional sports license holder shall conduct sports wagering in person at a location at, adjacent to or within a half-mile radius of a professional sports facility, or, in the case of a professional sports facility that hosts a PGA TOUR-sanctioned tournament event located in the Commonwealth, a one-mile radius of the professional sports facility.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, O'Connor and Timilty moved that the proposed new text be amended by inserting at the end of line 86 the following:- “and in person at a live thoroughbred race track approved by the commission, provided that said licensee (i) operates a thoroughbred horse racing track with at least a 1 mile circumference; (ii) has received approval from the New England Horsemen’s Benevolent and Protective Association to conduct sports wagering pursuant to this chapter; and (iii) makes a capital investment of not less than \$25,000,000 within 3 years after receiving a category 1 license and conducts at least ten

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race days in a year.”

After remarks, the amendment was *rejected*.

Ms. Chang-Diaz and Mr. Eldridge moved that the proposed new text be amended in line 294 by inserting after the words “chapter 23K” the following:- “; provided, however, that not less than 25 percent of an applicant’s score in the evaluation of their license shall be accounted for by: the applicant’s diversity, equity, and inclusion commitments and implementation plan; the applicant’s record of past performance on metrics related to diversity, equity, and inclusion; and the applicant’s plan for inclusion of minority business enterprises and women business enterprises as defined under section 58 of chapter 7 of the General Laws, in development, financing and ownership, design and construction, and operations”. 55

Mr. Eldridge moved that the proposed amendment be amended by striking out the words:- “25 percent” and inserting thereof the following words:- “23 percent”. 55.1

The amendment was *rejected*.

The pending amendment (Chang-Diaz/Eldridge) was then further considered. 55

After debate, the question on adoption of the pending amendment was determined by a call of the yeas and nays, at nineteen minutes past five o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (yeas 14 – nays 26) [**Yeas and Nays No. 158**]:

YEAS.

- | | |
|----------------------|---------------------------------|
| Brady, Michael D. | Fattman, Ryan C. |
| Chang-Diaz, Sonia | Gomez, Adam |
| Collins, Nick | Hinds, Adam G. |
| Comerford, Joanne M. | Jehlen, Patricia D. |
| DiZoglio, Diana | Kennedy, Edward J. |
| Edwards, Lydia | O'Connor, Patrick M. |
| Eldridge, James B. | Rausch, Rebecca L. – 14. |

NAYS.

- | | |
|--------------------------|-----------------------------|
| Barrett, Michael J. | Lesser, Eric P. |
| Brownsberger, William N. | Lewis, Jason M. |
| Chandler, Harriette L. | Lovely, Joan B. |
| Creem, Cynthia Stone | Montigny, Mark C. |
| Crighton, Brendan P. | Moore, Michael O. |
| Cronin, John J. | Moran, Susan L. |
| Cyr, Julian | Pacheco, Marc R. |
| DiDomenico, Sal N. | Rodrigues, Michael J. |
| Feeney, Paul R. | Rush, Michael F. |
| Finegold, Barry R. | Spilka, Karen E. |
| Friedman, Cindy F. | Tarr, Bruce E. |
| Gobi, Anne M. | Timilty, Walter F. |
| Keenan, John F. | Velis, John C. – 26. |

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

Mr. Brownsberger in the Chair, Messrs. Feeney, O'Connor and Timilty moved that the proposed new text be amended in section 8, by striking out, in line 521, the words “or court order” and inserting in place thereof the following words:- “, court order or a collective bargaining agreement with a players association”. 62

After remarks, the amendment was adopted.

Messrs. Tarr, O'Connor and Timilty moved that the proposed new text be amended by inserting after section _ the following section:- 63

“SECTION __. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Taxpayers Relief Fund. The secretary of administration and finance shall be the trustee of the fund and shall expend money to finance tax deductions. The fund shall be credited with: (i) any appropriation, bond proceeds or other monies authorized by the general court and specifically designated to be credited thereto; (ii) fifty per cent of the proceeds of any fees collected pursuant to this section unless otherwise specified; (iii) fifty per cent of fees collected pursuant to sections 6 and 7; and (iv) such additional funds as are subject to the direction and control of the secretary. All available money in the fund that are unexpended at the end of each fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year.

The secretary annually by December 31 shall submit to the clerks of the house and senate the activities of the tax payers relief fund.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, O'Connor and Timilty moved that the proposed new text be amended by inserting after section __ the following section:-

64

“SECTION __. Notwithstanding any special or general rule to the contrary there shall be a standing sports wagering advisory board consisting of 11 members each serving 3 years terms. 3 members shall be appointed by the attorney general of the commonwealth all of whom shall have expertise in law enforcement; 3 members shall be appointed by the auditor of the commonwealth whom shall have expertise in auditing and regulatory oversight; 5 members appointed by the Governor of the commonwealth, 2 of whom shall have experience in gaming, 2 of whom with experience in sports management and 1 of whom shall have experience in gaming addiction. The commission shall meet as often as required and shall have at least 1 meeting to receive public testimony.

The commission shall make an annual report with recommendations to strengthen or otherwise improve sports wagering in the commonwealth. Said report shall be submitted to the clerks of the house and senate.”

After remarks, the amendment was *rejected*.

Messrs. Tarr, O'Connor, Brady and Timilty moved that the proposed new text be amended by inserting after section __ the following section:-

65

“SECTION __. Chapter 23K of the General Laws is hereby amended by inserting after section 20 the following section:-

Section 20A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:

‘Limited slot machine establishment’, the premises owned or leased by a veterans’ organization for use by its members in good standing.

‘Limited slot machine license’, a gaming license issued by the commission that permits a veterans’ organization to operate a gaming establishment with no table games and not more than 5 slot machines at a limited slot machine establishment.

‘Limited slot machine licensee’, a veterans’ organization that holds a limited slot machine license for its limited slot machine establishment.

‘Local licensing authority’, the local licensing authority in the city or town in which the limited slot machine establishment is located.

‘Veterans’ organization’, any veterans’ organization that is: (i) incorporated by the Congress of the United States and (ii) included in section 4E of chapter 9.

(b) The commission may issue a limited slot machine license to veterans’ organizations in the commonwealth.

A limited slot machine license shall only be issued to a veterans’ organization that: (i) has been organized and actively functioning as a veterans’ organization for not less than 5 years prior to being issued a license; (ii) has received the approval of the local licensing

authority; and (iii) has been deemed suitable and qualified pursuant to regulations adopted by the commission pursuant to subsection (l).

No limited slot machine license issued to a veterans' organization pursuant to this section shall be transferred or assigned.

(c) A limited slot machine license issued by the commission pursuant to this section may be suspended or revoked at the discretion of the commission or upon written request to the commission by the local licensing authority. The suspension or revocation of a license issued pursuant to this section may be appealed by the limited slot machine licensee to the full commission, and the commission shall hear the appeal on the record. The decision rendered by the commission after the hearing shall be final and the licensee shall not be entitled to further review; provided, however, that in the case of a license revocation, the licensee shall be entitled to reapply for a license not less than 5 years from the date in which the final decision of the commission was issued.

(d) A limited slot machine licensee shall limit the promotion and operation of, and access to, slot machines to members in good standing of the veterans' organization; provided, that no member of the veterans' organization holding a limited slot machine license shall receive remuneration in any form for time or effort devoted to the promotion or operation of the slot machines. No member of the general public shall be permitted access to any slot machine in a limited slot machine establishment.

(e) The profits of any slot machines shall be the property of the limited slot machine licensee, and shall be used for charitable, fraternal or civic purposes, including, but not limited to, veterans' benefits.

(f) A limited slot machine license issued pursuant to this section shall be valid for a period of 5 years. The commission shall establish procedures for application and renewal and may establish a fee for application or renewal not to exceed \$500. Application and renewal fees shall be deposited into the Gaming Revenue Fund established in section 59.

(g) Each licensee shall keep accurate records and books showing: (i) the total amount of all monies deposited by members in good standing of the veterans' organization who played the slot machines located in the limited slot machine establishment; (ii) the expenses incurred; and (iii) the name and address of each person receiving greater than \$100 in winnings in a 24-hour period. A separate checking account shall be kept of receipts and expenditures. Money for expenses shall be withdrawn only by checks having preprinted consecutive numbers and made payable to a specific person or corporation. No check shall be made payable to cash. All monies expended for said charitable, fraternal or civic purposes shall be duly and accurately recorded as to specific amounts expended and the purposes for which said amounts were expended. Proceeds from the operation of the slot machines shall be kept in a separate bank account and the licensee shall file an annual report on or before December 31 of each year of the charitable, fraternal and civic disbursements made during the preceding year with the commission and the local licensing authority in such form as the commission may prescribe. Such annual report shall be a public record. The commission and the local licensing authority, or their duly authorized agents or representatives, shall at all times have access to the limited slot machine establishment, as well as the records and books of any licensee for the purpose of examining and checking the same. (h) Each licensee shall file a return with the commission, on a form prepared by the commission, and shall pay therewith a tax of 5 per cent of the gross profits derived from the slot machines located in the limited slot machine establishment, which shall be deposited into the Gaming Revenue Fund established in section 59.

(i) No person under 21 years of age shall be permitted in that portion of any building or premises of the licensee during such time as a slot machine is being played.

(j) A limited slot machine establishment shall keep conspicuously posted on their

premises a notice containing the following statement: ‘If you or someone you know has a gambling problem and wants help, call the Massachusetts Council on Gaming and Health on the Safer Gaming Education Line at 1-800-426-1234 or the Massachusetts Department of Public Health helpline at 1-800-327-5050.’

(k) Limited slot machine licensees shall only acquire slot machines from a person licensed as a gaming vendor under section 31.

(l) The commission shall, consistent with the public objectives of this chapter established in section 1, promulgate regulations for the implementation, administration and enforcement of this section including, without limitation, regulations that prescribe: (i) the method and form of application which an applicant for licensure shall follow and complete before consideration by the commission; (ii) the information to be furnished by an applicant for a limited slot machine license or for the renewal of a limited slot machine license; (iii) suitability standards for applicants for licensure pursuant to this section; (iv) the criteria for evaluation of the application for a limited slot machine license and qualifications for licensure pursuant to this section; (v) the information to be furnished by a veterans’ organization relating to the members of the veterans’ organization tasked with managing the slot machines; (vi) criteria for eligibility for licensure under this section; (vii) conditions on the operation and control of a limited slot machine establishment; and (viii) grounds and procedures for the revocation or suspension of a limited slot machine license.”

The amendment was *rejected*.

Messrs. Tarr and Timilty moved that the proposed new text be amended by inserting in line 678 after the number “12” the following:- “said report shall be posted electronically on the website of the commission”.

66

The amendment was *rejected*.

Messrs. Montigny and Tarr moved that the proposed new text be amended by inserting, in line 151, after the word “card” the following words:- “or a third-party payment method providing funds through use of a credit card”; and

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By inserting, in line 606, after the word “card” the following words:- “or payment through a third-party payment method providing funds through use of a credit card”.

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at nineteen minutes before six o'clock P.M., on motion of Mr. Montigny, as follows, to wit (yeas 39 – nays 0) **[Yeas and Nays No. 159]:**

YEAS.

- | | |
|--------------------------|-----------------------|
| Barrett, Michael J. | Gomez, Adam |
| Brady, Michael D. | Hinds, Adam G. |
| Brownsberger, William N. | Jehlen, Patricia D. |
| Chandler, Harriette L. | Keenan, John F. |
| Chang-Diaz, Sonia | Kennedy, Edward J. |
| Collins, Nick | Lesser, Eric P. |
| Comerford, Joanne M. | Lewis, Jason M. |
| Creem, Cynthia Stone | Lovely, Joan B. |
| Crighton, Brendan P. | Montigny, Mark C. |
| Cronin, John J. | Moore, Michael O. |
| Cyr, Julian | Moran, Susan L. |
| DiDomenico, Sal N. | O'Connor, Patrick M. |
| DiZoglio, Diana | Pacheco, Marc R. |
| Edwards, Lydia | Rausch, Rebecca L. |
| Eldridge, James B. | Rodrigues, Michael J. |
| Fattman, Ryan C. | Rush, Michael F. |

Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.
Gobi, Anne M.

Tarr, Bruce E.
Timilty, Walter F.
Velis, John C. – 39.

NAYS – 0.

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

Messrs. Tarr and O'Connor and Ms. Moran moved that the proposed new text be amended by striking lines 646 through 655 in its entirety and inserting in place thereof the following:-

4

“Section 13. (a) An excise is hereby imposed upon sports wagering operators in the commonwealth at the rate of: (i) 10 per cent of an operator’s adjusted gross sports wagering receipts from the operation of in-person sports wagering; and (ii) 12.5 per cent of an operator’s adjusted gross sports wagering receipts from the operation of sports wagering through a mobile application or other digital platform approved by the commission; and of the adjusted gross fantasy wagering receipts of a person or entity that offers fantasy contests, as defined in section 11M½ of chapter 12; provided, however, that the cash method of accounting shall be used for purposes of calculating the amount of the tax owed by the operator. The excise shall be paid to the commission at the time provided for filing the return pursuant to subsection (b).”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays at one minute past six o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 – nays 35) [**Yeas and Nays No. 160**]:

YEAS.

Fattman, Ryan C.
O'Connor, Patrick M.

Tarr, Bruce E.
Timilty, Walter F. – 4.

NAYS.

Barrett, Michael J.
Brady, Michael D.
Brownsberger, William N.
Chandler, Harriette L.
Chang-Diaz, Sonia
Collins, Nick
Comerford, Joanne M.
Creem, Cynthia Stone
Crighton, Brendan P.
Cronin, John J.
Cyr, Julian
DiDomenico, Sal N.
DiZoglio, Diana
Edwards, Lydia
Eldridge, James B.
Feeney, Paul R.
Finegold, Barry R.
Friedman, Cindy F.

Gobi, Anne M.
Gomez, Adam
Hinds, Adam G.
Jehlen, Patricia D.
Keenan, John F.
Kennedy, Edward J.
Lesser, Eric P.
Lewis, Jason M.
Lovely, Joan B.
Montigny, Mark C.
Moore, Michael O.
Moran, Susan L.
Pacheco, Marc R.
Rausch, Rebecca L.
Rodrigues, Michael J.
Rush, Michael F.
Velis, John C. – 35.

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

Moment of Silence.

There being no objection, during consideration of the Orders of the Day, at the request of the Chair (Mr. Brownsberger), the members, guests and staff stood in a moment of silence and reflection in memory of Matthew L. Flaherty.

Moment of silence.

Orders of the Day.

The Orders of the Day were further considered as follows:

The House Bill regulating sports wagering (House, No. 3993),-- was further considered, the main question being on ordering the bill to a third reading.

Mr. Keenan moved that the proposed new text be amended by striking the word “fantasy”, each time it appears, and inserting in place thereof the following words:- “fantasy sports”.

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The amendment was *rejected*.

Messrs. Keenan and Montigny moved that the proposed new text be amended in section 8, by striking out, in line 159, subsection 3(c) and inserting in place thereof the following subsection:-

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“(x) The commission shall promulgate regulations to prohibit:

(i) the purchase or other use of any personal biometric data of an athlete for sports wagering or aiding a patron in placing a wager with sports wagering operators;

(ii) advertising, marketing and branding including, but not limited to, mascots, cartoons, brand sponsorships, celebrity endorsements or the use of symbols, images and colloquial references to sports wagering in a business name or logo of an operator deemed to appeal directly to a person younger than 21 years old;

(iii) advertising, marketing and branding that includes pictures or illustrations that portray anyone younger than 21 years old;

(iv) advertising, marketing and branding by any establishment by means of television, radio, print publication, electronic mail, digital platform, mobile application, billboard or internet, to the extent practicable, to individuals on the list of self-excluded persons established pursuant to paragraph (2) of subsection (e) of section 12 or to any audience unless the establishment can demonstrate that at least 85 per cent of the audience is reasonably expected to be at least 21 years of age as determined by reliable, up-to-date audience composition data;

(v) any form of sponsorship of a charitable, sporting or similar event by an operator unless at least 85 per cent of the audience at such an event is reasonably expected to be 21 years of age or older, as determined by reliable, up-to-date audience composition data;

(vi) any form of sponsorship of any collegiate, secondary, elementary or primary school team, event or activity or any event or activity in which participants are younger than 21 years old;

(vii) advertising, marketing or branding, including statements by an operator, that makes any false or misleading statements concerning other operators and the conduct and products of such other operators;

(viii) advertising, marketing and branding through certain identified promotional items that, as determined by the commission, tend to increase the likelihood of problem gambling, which may include giveaways, coupons or promotional gaming credits;

(ix) advertising on billboards or any other public signage that does not comply with federal, state or local law;

(x) the use of vehicles equipped with radio or loud speakers for the advertising of sports wagering;

(xi) advertising on television during the live broadcast or online streaming of a sporting event, to the extent practicable, including the period beginning 5 minutes before the start of the sporting event and ending 5 minutes after the end of the sporting event;

(xii) the use of unsolicited pop-up or targeted advertisements on the internet, audio or video call, mobile applications, electronic mail, direct mail, digital platforms, mobile applications or text message; and

(xiii) advertising, marketing or branding without a label that reads in a conspicuous manner ‘Please Engage Responsibly. This activity may be habit forming. For participation by adults 21 years of age or older’.”

After remarks, the amendment was *rejected*.

Mr. Rodrigues moved that the proposed new text be amended in section 2, by striking out, in lines 18 and 19, the words “a fantasy or simulated game or contest including, but not limited to,”.

The amendment was adopted.

The Ways and Means amendment, as amended, was then adopted.

The bill, as amended, was then ordered to a third reading, read a third time and passed to be engrossed, in concurrence with the amendment. [For text of Senate amendment, printed as amended, see Senate, No. 2862].

Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Tarr,--

Ordered, That when the Senate adjourns today, it adjourn to meet again on Monday next at eleven o’clock A.M, and that the Clerk be directed to dispense with the printing of a calendar.

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Time of meeting.

Adjournment in Memory of Matthew L. Flaherty.

The Senator from Bristol and Plymouth, Mr. Brady, moved that when the Senate adjourns today, it do so in memory of Matthew L. Flaherty.

Matthew L. Flaherty, 35, of Brockton, died Monday, April 11, 2022, in a tragic motorcycle accident.

Born in Brighton on January 20, 1987, he was the son of Judith A. (O’Loughlin) Flaherty and the late Steven Flaherty. Matthew was a 2005 graduate of Brockton High School.

After high school, Matthew joined the United States Marine Corps and was assigned to 1st Battalion 25th Marines. Matthew honorably served our country in a tour to Iraq and Afghanistan where he and his K-9 companion, Sergeant Chica were a team. They formed a bond that was a sight to see and Matthew was lucky enough to be able to adopt her when she was done serving our country. Matthew returned to Brockton in 2012 where he joined the Brockton Fire Department, a proud member of the Honor Guard and Local IAFF 144. Matthew proudly served his community for the last 10 years.

Matt enjoyed country music, going to the beach, boating, riding his motorcycle, camping, skiing and his dogs. He especially enjoyed spending time with his family and friends.

Matthew was everyone’s guy; always there to support his family and friends.

In addition to his loving mother, Judy and partner Tom Faucher, he is survived by his loving sisters, Courtney Louro and her husband Kenneth and Casey Goodale and her husband Neil; his adored nieces, Carissa, Kaley, Aubrey and Nora; as well as several cousins, friends that have become family and his brothers and sisters of the Brockton Fire Department.

Accordingly, as a mark of respect to the memory of Matthew L. Flaherty, at twenty-seven minutes past six o’clock P.M., on motion of Mr. Tarr, the Senate adjourned to meet

again on Monday next at eleven o'clock A.M.
