



THE 187<sup>TH</sup> GENERAL COURT OF  
THE COMMONWEALTH OF MASSACHUSETTS

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SECTION 1. To provide for certain unanticipated obligations of the commonwealth, to provide for an alteration of purpose for current appropriations, and to meet certain requirements of law, the sums set forth in this section 2A are hereby appropriated from the General Fund unless specifically designated otherwise, for the several purposes and subject to the conditions specified in this section, and subject to laws regulating the disbursement of public funds for the fiscal year ending June 30, 2012; provided, that notwithstanding any general or special law to the contrary, appropriations made herein shall not revert and shall be available for expenditure until June 30, 2013. The sums shall be in addition to any amounts previously appropriated and made available for the purposes of these items.

SECTION 2A.

OFFICE OF THE GOVERNOR

0411-1004 To provide for certain costs associated with the implementation of expanded gaming in the commonwealth, including, but not limited to, costs related to legal, financial and other professional

**Actions for Bill S.2015**

Date	Branch	Action
9/16/2011	Senate	Reported from the committee on Senate Ways and Means
9/16/2011	Senate	Recommended new text for H3711
9/16/2011	Senate	Order relative to subject matter adopted
9/16/2011	Senate	Placed in the Orders of the Day for the next session
9/26/2011	Senate	Read second
9/26/2011	Senate	Amendment #21 (Berry) adopted
9/26/2011	Senate	Amendment #28 (Wolf) rejected
9/26/2011	Senate	Amendment #33 (Hart) rejected
9/26/2011	Senate	Amendment #107 (Joyce) rejected
9/26/2011	Senate	Amendment #113 (Joyce) rejected

[Text of proposed amendments offered to [Senate, No. 2015](#) being the recommended new text as reported from the committee on [\(Ways and Means\)](#) for the House Bill establishing expanded gaming in the commonwealth ([House, No. 3711](#))]

Last updated on Thursday, October 13, 2011 5:20 PM

**S.2015 Gaming Bill -- Amendment Categories**

- [Native American Issues](#) | ■ [Community, Cultural & Social Mitigation](#)
- [Governance & Regulation](#) | ■ [Gaming Fees, Taxes & Revenue](#) | ■ [Other](#)

To view list of amendments in a particular category select the link in the category

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**NATIVE AMERICAN ISSUES**

**ADOPTED  
Clerk #21**

**Tribal Gaming Venue Negotiations**

Messrs. [Berry](#) and Wolf move that Senate 2015 be amended in Section 89 by striking out subsection(c) and inserting in place thereof the following subsection:-

Subsection(c) The governor shall only enter into negotiations under this section with a tribe once the tribe has identified viable sites that it has purchased, entered into an agreement to purchase, or demonstrated the financial ability to purchase a parcel of land for the proposed tribal gaming development. The tribe shall schedule a vote with the election officials in the host community for approval of the proposed gaming development. The host community shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received.

**Rejected  
Clerk #28**

#### **Tribal Compact**

Mr. Wolf moves that Senate 2015 be amended in Section 89 by striking out subsection (d) and inserting in place thereof the following new subsection:-

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

**Rejected  
Clerk #33**

#### **Tribal Land In Trust Final Arbiter**

Messrs. Hart and Wolf move that S. 2015 be amended by striking out in lines 3247-3249 the following words:- "that if at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior"

and inserting in place thereof the following words:- "that upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust"

**Rejected  
Clerk #107**

#### **Ensuring Open Competition Amendment**

Senator Joyce moves that the bill be amended by striking Section 89 in its entirety from the bill.

**Rejected  
Clerk #113**

#### **Relative to Tribal Recognition.**

Mr. Joyce moves that the bill be amend SECTION 89(a) by adding the language "a state or" after "compact with." As amended, SECTION 89(a) will appear as follows:

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

**Rejected  
Clerk #117**

#### **Tribal Inclusion and Contract Protection.**

Senator Joyce moves that the bill be amended:

SECTION 1. Section 89(a) be amended by inserting the language "a state or" before "federally recognized." As amended, SECTION 89(a) will appear as follows:

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

SECTION 2. Section 89(d) be amended to require two-thirds vote from each body of the General Court to obtain approval. As amended, SECTION 89(d) will appear as follows:

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

SECTION 3.Â Section 89 be amended by inserting the following language after Section 89(e):

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

Clerk #150

**WITHDRAWN**

**ADOPTED**  
**REDRAFT Clerk #169**

**Honoring Investments**

Mr. Richard T. Moore moves to amend the bill (Senate, No. 2015), in Section 89, by inserting after the word "development", in line 3240, the following words:- " "; provided, however, that the governor shall not begin negotiations until the tribe has presented a statement of the financial investment or investment rights of any individual or entity which has made an investment to the tribe, its affiliates, or predecessor applicants of the tribe for the purpose of securing a gaming license for that tribe under its name or any subsidiary or affiliate since 2005".

**COMMUNITY, CULTURAL & SOCIAL MITIGATION**

*Rejected*  
**Roll Call #96 [11-27]**  
**Clerk #1**

**Host Community Voting**

Ms. Chang-DÃaz moves to amend the bill (Senate, No. 2015) in SECTION 16 in Section 15, in proposed Chapter 23K, by striking out paragraph (13) and inserting in place thereof the following paragraph:-

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

**REDRAFT CLERK #3**

**WITHDRAWN**

*Rejected*  
**Clerk #6**

**Minority Owned Businesses**

Mr. Michael O. Moore moves to amend the bill (Senate, No. 2015) in section 18 by inserting after the words "support for", in line 2725, the following words:- "minority owned and".

*Rejected*  
**Clerk #7**

**Equitable Distribution of Arts Funding**

Mr. Wolf moves to amend the bill (Senate Bill 2015) in SECTION 16, Section 59(2)(a) by striking out in line 2416 the word "one-quarter" and inserting in place thereof "one-half"; and further in line 2418 by striking out the word "three quarters" and inserting in place thereof "one-half."

*Rejected*  
**Clerk #9**

**Preserving Cultural Performance Venues**

Mr. Wolf moves to amend the bill (Senate Bill 2015), in SECTION 23K, Section 9(a)(11) by striking out, in line 807, the figure "1,000" and inserting in place thereof the figure "500"; and further, in line 807 by striking out the figure "3,500" and inserting in place thereof the figure "5,000."

**Rejected**  
**Clerk #10**

#### **Funds for Border Communities**

Mr. Finegold moves to amend the bill (Senate, No. 2015) in section 16 by striking out, in line 2360, the figure "\$5,000,000" and inserting in place thereof the following figure:- "\$10,000,000"; and in section 16, after line 2407, by inserting the following paragraph:-

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

**Rejected**  
**Clerk #12**

#### **SURROUNDING COMMUNITIES**

Ms. Spilka moves that the bill (Senate Bill 2015) be amended in section 2 of chapter 23K, as inserted by SECTION 16, by striking out the definition of "Surrounding communities" and inserting in place thereof the following definition:-

"Surrounding communities," municipalities (a) that are located in whole or in part within 3 miles of the site of an existing or proposed gaming establishment; or (b) from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment in proximity to a host community; or (c) that the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment."

**Rejected**  
**Clerk #13**

#### **Participation By Small Towns**

Ms. Spilka moves that the bill (Senate number 2015) be amended at paragraph 13 of section 9 in chapter 23K, as inserted by SECTION 16, by inserting, at line 1077, after the word "election;" the following:- "provided further, that if a gaming establishment is proposed to be located in a municipality with a population of no more than 30,000 residents according to the most recently enumerated federal census, at a site which is within .75 miles of any other municipality with a population of no more than 30,000 residents according to the most recently enumerated federal census, then "host community" shall mean each such municipality for the purpose of receiving a certified and binding vote on a ballot question at an election;"

**ADOPTED**  
**Clerk #14**

#### **SURROUNDING COMMUNITY VOICE**

Ms. Spilka moves to amend the bill (Senate Bill 2015) in section 19 of chapter 23K, as inserted by SECTION 16, by inserting after subsection (d) the following new subsection:-

(d ½) In determining which gaming applicant shall receive a gaming license in each region, the commission shall consider the relative support or opposition to each gaming applicant from the public in host and surrounding communities, including, but not limited to, the oral and written testimony received during the public hearing conducted pursuant to Section 17.

**ADOPTED**  
**REDRAFT Clerk #15**

#### **REPRESENTATION OF SURROUNDING COMMUNITIES**

Ms. Spilka moves to amend the bill (Senate Bill 2015) in Subsection (b) of Section 68 of Chapter 23K, as inserted by SECTION 16, by striking out, in line 2566, the figure "7" and inserting in place thereof the following figure:- "10"

And moves to amend Subsection (b) of Section 68 of Chapter 23K, as inserted by SECTION 16, by inserting, in line 2571, after the words "community mitigation related to gaming;" the following:-

"1 of whom shall represent the local community mitigation advisory committee in region A; 1 of whom shall represent the local community mitigation advisory committee in region B; 1 of whom shall represent the local community mitigation advisory committee in region C;"

And further moves to amend Subsection (e) of Section 68 of Chapter 23K, as inserted by SECTION 16, by inserting at the end of the first paragraph

the following sentence:-

"Each local committee shall annually elect one committee member from those members appointed by surrounding communities to represent the local committee in the subcommittee on community mitigation under Subsection (b) of Section 68."

*Rejected*  
Clerk #16

#### **ABUTTING SURROUNDING COMMUNITIES**

Ms. Spilka moves that the bill (Senate Bill 2015) be amended in section 2 of chapter 23K, as inserted by SECTION 16, by striking out the definition of "Surrounding communities" and inserting in place thereof the following definition:-

"Surrounding communities," municipalities in proximity to a host community that the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment; provided that all communities that abut a host community shall be deemed surrounding communities; provided further that communities that are contiguous to an abutting community shall also be deemed surrounding communities."

*Rejected*  
Clerk #17

#### **Opportunity for the public to provide timely comment on a proposed gaming facility**

Ms. Spilka moves to amend the bill (Senate number 2015) in section 15 of chapter 23K, as inserted by SECTION 16, by inserting, after subsection (16), the following new subsection:-

"(17) provide to the commission comments on the proposed application received from the public; provided that the applicant shall provide the public with an opportunity to receive information about the development and operation of the proposed gaming establishment and to provide oral or written comment; provided further that the applicant shall notify residents and officials in the host community and municipalities within 3 miles of the proposed gaming establishment in a manner which complies with notification requirements established by the commission of their opportunity to comment.";

And moves that the bill be amended in Section 18 of Chapter 23K, as inserted by SECTION 16, by inserting, after subsection (18), the following new subsection:-

"(19) whether the applicant has the support of the public in the host and surrounding communities, including, but not limited to, any public comment received by the commission or gaming applicant.";

And further moves to amend the bill in Section 19 of Chapter 23K, as inserted by SECTION 16, by inserting after subsection (d) the following new subsection:-

"(d  $\frac{1}{2}$ ) In determining which gaming applicant shall receive a gaming license in each region, the commission shall consider the relative support or opposition to each gaming applicant from the public in the host and surrounding communities; provided that the commission shall consider the oral and written testimony received during the public hearing under conducted pursuant to Section 17 and public comment provided by the gaming applicant pursuant to Section 15."

**ADOPTED**  
Clerk #20

#### **STUDIES FOR SURROUNDING COMMUNITIES**

Ms. Spilka moves that the bill (Senate Bill 2015) be amended in section 9 of chapter 23k, as inserted by SECTION 16, by inserting at the end of paragraph (13) the following:- "provided, however, that nothing contained in any such study or report shall be deemed to preclude a municipality from seeking funding approval pursuant to subsection (7) of section 4 for professional services to examine or evaluate a cost, benefit or other impact."

*Rejected*  
Clerk #25

#### **REQUIRING A VOTE OF MUNICIPALITIES WITHIN THREE MILES OF A PROPOSED GAMING ESTABLISHMENT**

Ms. Spilka moves to amend the bill (Senate Bill 2015) by striking out clause (13) of section 15 of chapter 23K, as inserted by SECTION 16 and inserting in place thereof the following clause:-

"(13) have received a certified and binding vote on a ballot question at an election in the host community, in favor of such license; have received a certified and binding vote on a ballot question at an election in each surrounding community located within 3 miles of the site at which the gaming establishment is proposed to be located, where the majority of such surrounding community votes were in favor of such license; provided, however that the vote shall take place after the effective date of this chapter; provided further that upon receipt of a request for an election, the governing

body of the municipality shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received; provided further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the municipality and the applicant as provided in clauses (8) and (9); provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, "host community" shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided further, that, upon the signing of an agreement between the municipality and the applicant as provided for in clauses (8) and (9) and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the municipality; provided further, that at such election, the question submitted to the voters shall be worded as follows: "Shall the (city/town) of \_\_\_\_\_ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at \_\_\_\_ [description of site] \_\_\_\_? YES \_\_\_\_\_ NO \_\_\_\_\_"; provided further, that if a majority of the votes cast in a municipality in answer to the ballot question is in the affirmative, the municipality shall be taken to have voted in favor of the applicant's license; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license;"

**Rejected**  
**Clerk #29**

#### SITING OF GAMING ESTABLISHMENTS

Ms. Spilka moves to amend the bill (Senate Bill 2015) in section 19 of chapter 23K, as inserted by SECTION 16, by striking out subsection (d) and inserting in place thereof the following new subsection:-

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

**Rejected**  
**Clerk #30**

#### Designating Substantially Impacted Communities

Ms. Spilka moves to amend the bill, Senate No. 2015 in section 2 of chapter 23K of the General Laws, as inserted by SECTION 16, in lines 351 to 354, by striking out the definition of "Surrounding communities" and inserting in place thereof the following 2 definitions:--

"Substantially impacted community", a municipality, other than a host community, (i) that has residentially zoned property within 3 miles of a proposed gaming establishment; and (ii) that has been designated as such by the commission under clause 33A of section (4).

"Surrounding community", a municipality, other than a substantially impacted community, that is in proximity to a host community and which the commission determines experiences or is likely to experience impacts from the development or operation of a gaming establishment, including a municipality from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment.";

And by inserting after clause (33) of section 4 of said chapter 23K, as so inserted, after line 637, the following clause:--

"(33A) designate a municipality, other than a host community, as a substantially impacted community if requested to do so by a municipality: (i) that has residentially zoned property within 3 miles of a proposed gaming establishment and (ii) whose legislative body, subject to the charter of the municipality, has voted to request such designation. The commission shall not consider any factors other than the 3-mile requirement and the request made by the municipality.";

And by striking out clause 13 of subsection (a) of section 9 of said chapter 23K, as so inserted, in lines 811 to 819, and inserting in place thereof the following clause:--

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

And by striking out clause (6) of section 15 of said chapter 23K, as so inserted, in lines 1030 to 1033, and inserting in place thereof the following clause:--

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

And by striking out clause (7) of said section 15 of said chapter 23K, as so inserted, in lines 1034 to 1036, and inserting in place thereof the following clause:--

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

And by inserting after clause (8) of said section 15 of said chapter 23K, as so inserted, after line 1042, the following clause:--

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

And by striking out clause (13) of said section 15 of said chapter 23K, as so inserted, in lines 1065 to 1089, and inserting in place thereof the following clause:--

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

And by inserting after section 16 of said chapter 23K, as so inserted, after line 1120, the following section:--

"Section 16A. Prior to completing its review of the entire application and any independent evaluations, the commission shall complete any pending requests for designation as a substantially impacted community made under clause 33A of section 4. If the applicant has not included a signed agreement with each substantially impacted community in its application, the applicant shall negotiate a signed agreement with that community within 30 days and no action shall be taken on its application prior to the execution of that agreement. When necessary the commission may facilitate the negotiation of fair and reasonable agreements between the applicant and substantially impacted communities.";

And by striking out subsection (c) of section 17 of said chapter 23K, as so inserted, in lines 1148 to 1152, and inserting in place thereof the following clause:--

"(c) The commission shall conduct a public hearing on the application pursuant to section 11  $\frac{1}{2}$  of chapter 30A. An applicant for a gaming license and a municipality designated as a host, substantially impacted or surrounding community shall be given at least 30 days notice of the public hearing. The commission shall hold the public hearing within the host community; provided, however, that the host community may request that the commission hold the hearing in another city or town.";

And by striking out clause (2) of section 18 of said chapter 23K, as so inserted, in lines 1181 to 1183, and inserting in place thereof the following clause:--

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

And by striking out clause (14) of said section 18 of said chapter 23K, as so inserted, in lines 1229 to 1230, and inserting in place thereof the following clause:--

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

And by striking out subsection (j) of section 25 of said chapter 23K, as so inserted, in lines 1576 to 1585, and inserting in place thereof the following subsection:--

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

And by striking out section 47 of said chapter 23K, as so inserted, in lines 2254 to 2263, and inserting in place thereof the following section:--



"Section 47. All political contributions or contributions in kind made by an applicant for a gaming license to a municipality or a municipal employee, as defined in section 1 of chapter 268A, of the host community or of a substantially impacted community of the applicant's proposed gaming establishment shall be disclosed, by the applicant, to the commission and the city or town clerk of the host community or substantially impacted community, as applicable. Such disclosure shall be made by the applicant bi-annually, on or before July 15 for the period covering January 1 through June 30 of that year and on or before January 15 for the period covering July 1 through December 31 of the preceding year. The office of campaign and political finance shall promulgate regulations to provide for timely and expeditious public reporting, which shall include electronic means or public posting in a city or town hall and post office, by city and town clerks of the contribution disclosures they receive from applicants.";

And by striking out subsection (b) of section 61 of said chapter 23K, as so inserted, in lines 2490 to 2496, and inserting in place thereof the following subsection:--

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

And by inserting in subsection (a) of section 68 of said chapter 23K, as so inserted, in line 2558, after the words "host community" the following: - ", substantially impacted community".

And by in subsection (b) of section 68 of said chapter 23K, as so inserted, in line 2576, after the words "as well as" by inserting the following: - "substantially impacted communities and "

And by in subsection (e) of section 68 of said chapter 23K, as so inserted, in line 2613, after the word "host" by inserting the following: - ", substantially impacted"

And in line 2624, after the word "host" by inserting the following: - ", substantially impacted"

And by striking out subsection (c) of SECTION 89, in lines 3237 to 3240, and inserting in place thereof the following subsection:--

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

**Rejected  
Clerk #31**

#### **Agreement Relative to Exhibition Space**

Mr. Hart of Boston moves that S. 2015 be amended in section 15(10) by a inserting a new subsection (10a) after line 1054:-

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

**Rejected  
Clerk #45**

#### **Surrounding Communities**

Mr. Tarr moves to amend the bill (Senate, No. 2015), by striking lines 351 through 354, inclusive, and inserting, in place thereof, the following:

"Surrounding communities", municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment; provided, however, that all communities that abut a host community shall be deemed surrounding communities."

**ADOPTED  
Roll Call #73 [38 to 0]  
2nd Redraft Clerk #48**

#### **Performing Arts Theaters**

Ms. Chandler, Mr. Michael Moore, Ms. Donoghue, Messrs. Hedlund, Wolf and DiDomenico, and Ms. Candaras and Mr. Tarr and Ms. Creem, Mr.

Brewer and Ms. Flanagan move to amend the bill, (Senate, No. 2015) in section 16 in section 21 of proposed chapter 23K of the General Laws by adding the following subsection:- "(d) gaming licensees shall meet with a coalition of municipally-owned or not-for-profit performance venues located in the Commonwealth to discuss and negotiate a mitigation agreement which may include, but shall not be limited to, agreements regarding event scheduling, promotions, ticket prices, marketing and other operations which may impact the viability of such municipally-owned or not-for-profit performance venues. The commission shall encourage the establishment of such an agreement through fair and reasonable negotiations."

*Rejected*  
CLERK #51

#### **Non-Gaming Economic Development in Abutting Region**

Mr. Michael O. Moore moves to amend the bill (Senate, No. 2015) in section 16, by inserting, in subsection (d) of section 19 of proposed chapter 23K of the General Laws, after the word "commonwealth", in line 1283, the following words:- ";provided, however, that a licensee's additional structures that do not contain gaming may be located in an immediately abutting region".

**ADOPTED**  
Clerk #52

#### **Effects of Gaming on Small Businesses**

Mr. DiDomenico moves to amend the bill (Senate, No. 2015) in section 71, line 2686, by inserting after "public assistance; and" the following:-

"(vii), an assessment of the impact of gambling facility development and gambling facilities on small businesses in host communities and surrounding communities, including a review of any economic harm experienced and potential solutions to mitigate associated economic harm;" and in Section 71, subsection (2), line 2687, by replacing "vii" with the following:- "viii"

**ADOPTED**  
Redraft Clerk #54

#### **Subcommittee on Community Mitigation**

Mr. DiDomenico moves to amend the bill (Senate, No. 2015), in Section 16, by striking out, in line 2566, the figure "7" and inserting in place thereof the following figure:- "9"; and

in said section 16, by inserting after the word "gaming", in line 2571, the following words:- "; 2 of whom shall be appointed by the governor, 1 of whom shall be a small business owner in a host community; and 1 of whom shall be a representative from a Chamber of Commerce serving a host community who shall be chosen from a list of 3 candidates selected by the chambers of commerce in the surrounding communities"

*Rejected*  
Clerk #59

#### **Cost Benefit Analysis**

Ms. Jehlen moves to amend the bill (Senate, No. 2015) by adding the following section:-

SECTION XXXX: The executive office of administration and finance shall biannually complete a comprehensive cost/benefit analysis of expanding gaming in the Commonwealth. The analysis will include but not be limited to revenues, including income and property tax revenues, licensing fees, and regional economic development; job creation; welfare utilization; infrastructure expansion and maintenance thereof; municipal and regional mitigation compensation; state and regional oversight expenses, including additional state and regional personnel, equipment, and overtime compensation; and social mitigation, including gambling addiction services, domestic violence services and financial counseling. Such report shall include recommendations for legislative, regulatory, and budgetary changes, including, if appropriate, the elimination of the expansion of this act or the sunset of this act. The executive office of administration and finance shall complete the analysis and submit the report to the senate committee on ways and means, the house committee on ways and means and the joint committee on economic development and emerging technologies within two years of the opening of one casino in the Commonwealth, thereafter the report shall be issued by the start of the new fiscal year July 1, 20xx.

*Rejected*  
Clerk #60

#### **Maximize voter participation**

Ms. Jehlen moves to amend the bill (Senate, No. 2015) in section 15 by striking out, in lines 1068 and 1069, the words "not less than 35 days but not more than 90 days " and inserting in place thereof the following words:- "on the next scheduled local, or state election not less than 45 days after the date that the request was received;"

**ADOPTED**  
Roll Call #72 [38 to 0]  
Clerk #69

### Councils on Aging Trips

Ms. Jehlen moves to amend the bill, (Senate No. 2015), by inserting at the end thereof the following new section:-

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

**Rejected**  
**Clerk #86**

### Public Hearings in Surrounding Communities

Ms. Jehlen moves to amend the bill (Senate, No. 2015) by striking out Section 17 (c) and inserting in place thereof the following section:-

Section 17. (c) The commission shall conduct public hearings on the application pursuant to section 11A1/2 of Chapter 30A. There shall be at least one public hearing in the host community and at least one public hearing in each municipality that has residential property within 5 miles of the proposed gaming facility. An applicant for a gaming license and the municipality hosting the hearing shall be given at least 30 days notice of the public hearing.

**Rejected**  
**Clerk #88**

### State Fire Service

Messrs. Hart and DiDomenico move to amend the bill (Senate, No. 2015) in section 16, by striking out, in line 2330, in section 59 of proposed chapter 23K, the figure "25" and inserting in place thereof the following figure:- "26"; and

in section 16, by inserting after subsection (k) in line 2456, in said section 59 of said proposed chapter 23K, the following new section:-

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

by inserting the following new section:-

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

**Rejected**  
**Clerk #97**

### Surrounding Communities Definition

Mr. Ross moves to amend Senate bill 2015 by striking out lines 351 through 354, inclusive, and inserting, in place thereof, the following:-

"Surrounding communities", municipalities in proximity to a host community which the commission determines experience or are likely to experience impacts from the development or operation of a gaming establishment, including municipalities from which the transportation infrastructure provides ready access to an existing or proposed gaming establishment; provided, however, that all communities that abut a host community and have a public way that crosses a municipal border into the host community or have dwelling units within ½ mile radius of the gaming establishment shall be deemed surrounding communities.

**ADOPTED**  
**Clerk #108**

### Small Businesses

Mr. Ross moves to amend Senate bill 2015, as printed, by inserting, in line 1182, after the words "local restaurant", the following: "small businesses,".

**ADOPTED**  
**Clerk #110**

### MASSACHUSETTS JOBS

Mr. Keenan moves that the bill be amended in Section 16, by adding, in line 133, after the word "unemployed" the following:- "residents of Massachusetts"; and

in said Section 16 by striking out paragraph 4 of section 18 and replacing it with the following:-

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

**Rejected  
Further Clerk #110.1**

**Casino Jobs for Massachusetts Residents**

Ms. Fargo and Ms. Jehlen moves to further amend the pending amendment #110 for Senate No. 2015, by striking item (12) of subsection (a) of Section 21 of Chapter 23K of the General Laws, as inserted by SECTION 16 in its entirety and inserting in place thereof the following paragraph: -

(12) collect and annually report to the commission a detailed statistical report on the number, job titles, place of residence, benefits and salaries of employees hired and retained in employment at the gaming establishment.

And by inserting after item (25) of subsection (a) of Section 21 of Chapter 23K of the General Laws, as inserted by SECTION 16 in inserting the following paragraph: -

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

**Rejected  
Clerk #111**

**IMPACTED LIVE ENTERTAINMENT VENUES**

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

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

**Clerk #114**

**WITHDRAWN**

**ADOPTED  
Clerk #119**

**Allowed Licensing Use**

Mr. DiDomenico moves to amend the bill (Senate, No. 2015), in Section 94, by inserting, in line 3327, after the word "establishment", the following sentence:- "Further, in each host community's municipal zoning code, gaming, as defined herein and as permitted through a gaming license, shall be an identified use and gaming shall be an allowed use at a gaming establishment licensed under chapter 23K."

**Rejected  
Clerk #127**

**Independent Review of Impact Studies**

Mr. Eldridge moves that the bill, S2015, be amended in line 1062, by adding at the end thereof the following:- "and provided further that not less than \$50,000 of the application fee shall be utilized to engage one or more regional planning agencies, to which at least 1 of the host or surrounding communities belongs, for an independent review and analysis of any studies submitted by the applicant pursuant to Chapter 23K Section 9(a) (13) regarding economic benefits to the region and the commonwealth; local and regional social, environmental, traffic and infrastructure impacts; impacts on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community and surrounding communities; costs to the host community and surrounding communities and the Commonwealth; and the estimated municipal and state tax revenue to be generated. Such independent review and analysis shall be submitted to the Commission for its consideration.

**Rejected  
Roll Call #74 [13 to 25]  
Redraft Clerk #131**

**Local Aid**

Mr. Tarr moves to amend the bill (Senate, No. 2015) by inserting after the word "source.", in line 2513, the following sentence:- "Funds shall be distributed to cities and towns in accordance with the formula used to distribute lottery aid."

**Rejected**  
**Clerk #132**

**Live Indoor Entertainment Venues**

Mr. DiDomenico moves to amend the bill (Senate, No. 2015) in Section 9(a), subsection (11), line 808, by inserting after "seats" the following:-  
 "provided however that in no event shall said live indoor entertainment venue exceed 10,000;"

**Clerk #134**

**WITHDRAWN**

**ADOPTED**  
**Clerk #139**

**Mandatory Monthly Loss Statements**

Mr. Eldridge moves that the bill, S2015, be amended in line 335 by inserting the following new definition:-

"Rewards card," a card issued to patrons that tracks the amount of money and/or time spent gaming in order to determine the value of provisions or complimentary services to their patrons.

And further amended in line 1705, in the proposed new Section 29, by striking the words:-

"Upon request by an individual, the gaming establishment shall provide to that individual a statement of that individual's cashless wagering activity for any given time period including total bets, wins and losses."

And further amended in line 1709, in the proposed new Section 29, by inserting after the word system the following:-

"Licensees are required to issue a monthly statement, mailed to the patron's physical mailing address, to each patron who has been issued a rewards card or participates in a cashless wagering system by the gambling establishment, including total bets, wins and losses.

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

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**À Rejected**  
**Clerk #141**

**REGIONAL AGREEMENTS ON CASINOS**

Mr. Keenan moves that the bill be amended by inserting the following sections:

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

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

**Rejected**  
**Clerk #145**

**Municipal Infrastructure**

Mr. Tarr moves to amend the bill (Senate, No. 2015) by inserting, in line 2510, after the word "maintenance" the following:- "; provided however, not less than 50 per cent of such expenditures shall be dedicated for the purpose of supplementing, and not offsetting, any expenditures made for the construction and reconstruction of municipal ways as described clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws."

**Rejected**  
**Roll Call #99 [11-27]**  
**Redraft #149**

**Referendum for surrounding communities**

Mr. Eldridge moves that the bill, S. 2015, be amended in line 1066 by inserting after the word "host community" the following:- "and in any community

abutting the host community and in any community within five miles of the proposed gaming establishment";

And in line 1068 by striking the words "not less than 35 days but not more than 90 days" and inserting in place there of the following:- "not less than 90 days" ;

And in line 1070 by striking the words "60 days" and inserting in place thereof the following:- "90 days"

**ADOPTED**  
**Redraft Clerk #152**

#### **Equitable Jobs Access**

Ms. Chang-DÃaz, Ms. Jehlen, and Messrs. Eldridge and DiDomenico, Ms. Clark and Mr. Donnelly and Ms. Fargo move to amend the bill (Senate, No. 2015) in SECTION 16 in Section 2, in proposed Chapter 23K, by inserting after the definition of the term "Intermediary company" the following definition:-

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

In SECTION 16 in Section 2, in proposed Chapter 23K, by inserting after the definition of the term "Major policy making position" the following definition:-

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

in SECTION 16 in Section 2, in proposed Chapter 23K, by inserting after the definition of the term "Wager" the following definition:-

"Women business enterprise" or "WBE", shall have the same meaning as the term is defined in section 58 of chapter 7 of the General Laws;" and

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

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

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

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

(43) to receive and investigate or cause to be investigated pursuant to regulations promulgated by the board complaints by employees and prospective employees including contract labor employees, minority business enterprises, and women business enterprises which allege practices that are inconsistent with meeting or contrary to the commitments made by the licensee pursuant to paragraphs (20), (21), and (22) of section 21 of this chapter; and

(44) to establish a system of sanctions, including but not limited to fines and penalties, for failure to comply with the requirements of a gaming license, in particular subsections (12), (20), (21), (22), (23), and (24) of Section 21 of this chapter." and

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

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

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

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

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

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

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

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

**Clerk #154**

#### **Job Creation Accountability**

Mr. Eldridge moves that the bill, S2015, be amended in line 1426, in the proposed Section 21, by adding the following new subsection:-

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

**ADOPTED**  
**Roll Call #75 [32 to 6]**  
**Clerk #156**

#### **Immigration Status**

Mr. Hedlund moves that the bill (Senate, No. 2015) by adding, after Section 19(g), the following new Sections:-

Section 19(h). The gaming commission shall develop and promulgate regulations to ensure that a person receiving funds pursuant to a contract awarded by a gaming licensee regarding the licensee's gaming establishment is in compliance with federal laws pertaining to immigration and citizenship including, but not limited to 42 U.S.C. section 1436(a). Such regulations shall include, but not be limited to, ascertaining and verifying immigration and citizenship status through a work authorization program.

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

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

**Clerk #159**

#### **WITHDRAWN**

**ADOPTED**  
**Clerk #161**

#### **Regional Mitigation**

Mr. Eldridge moves that the bill, S2015, be amended in line 2496 by inserting after the words "emergency services" the following:- "The commission may, at its discretion, distribute funds to a governmental entity or district other than a single municipality in order to implement a mitigation measure that affects more than one municipality, provided that said entity shall submit a written request for funding in the same manner as a municipality would be required to submit under subsection (c) herein

**Rejected**  
**Clerk #163**

#### **Surrounding Communities**

Mr. Hedlund moves that Senate bill 2015 be amended in paragraph (9) of section 15 of the proposed chapter 23K, by adding at the end thereof the following:- "provided further, that in the event an applicant cannot reach agreement with a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable."

**Rejected**

Clerk #165

**Community Mitigation**

Mr. Eldridge moves that the bill, S2015, be amended by inserting after line 208 the following new definition:-

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

And by inserting after line 277 the following new definition:-

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

And by inserting after line 634 the following:-

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

And in line 2554 by adding after the words "commissioner's designee" the following:- "1 of whom shall be the secretary of energy and environmental affairs, or his designee"

**Rejected**  
**Roll Call #100 [11-27]**  
**Clerk #167**

**Surrounding Community Good Faith**

Mr. Richard T. Moore moves to amend the bill (Senate, No. 2015) by inserting in subsection 9 of Section 15, after the word "establishment;" the following:- "provided further, that in the event an applicant cannot reach an agreement with a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable."; and

In Section 17, lines 1130 to 1131 by striking the words "included a signed agreement with that community in its application" and inserting in place thereof the following:- "finalized negotiations with that community in its application pursuant to section 15;"

**Rejected**  
**2nd REDRAFT Clerk #170**

**Municipal Election**

Ms. Fargo moves to amend Senate No. 2015, by striking item (34) of Section 4 line 638 of Chapter 23K of the General Laws, as inserted by SECTION 16 in its entirety.

**Rejected**  
**Clerk #177**

**Massachusetts Community Preservation Trust Fund**

Mr. DiDomenico, Ms. Creem, and Messrs. Donnelly and Knapik, move to amend the bill (Senate, No. 2015) in section 59, in subsection (e), line 2429, by striking out the figure "25" and inserting in place thereof the figure:- "20"; and

in Section 59, line 2456, by inserting after "Public Health Trust Fund" the following:-

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

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

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



*Rejected*  
Clerk #178

#### **Cultural Mitigation Distribution**

Ms. Donoghue and Mr. Downing move to amend the bill (Senate, No. 2015) in SECTION 16, Section 59 (2) (a), by striking out in line 2416 the word "one-quarter" and inserting in place thereof the following: "one-half", and further amending said section by striking out in line 2418 the word "three-quarters" and inserting in place thereof the following: "one-half"

**ADOPTED**  
Clerk #179

#### **Regional Tourist Councils Mitigation**

Ms. Donoghue moves to amend the bill (Senate, No. 2015) in SECTION 16, Section 59 (2) (b), by striking out, in line 2424, the figure "1/2" and inserting in place thereof the following:- "1"; and in SECTION 16, Section 59 (2) (b), by adding, in line 2425, after the figure "10" the following:- " provided further, that said funds shall be in addition to funds allocated in line item 7008-1000 of the fiscal year budget and shall not be in replacement of said funds"; and in SECTION 16, Section 59 (2) (f), by striking out in line 2430, the figure "10" and inserting in place thereof the following:-"9.5"

#### **GOVERNANCE & REGULATION**

*Rejected*  
Clerk #4

#### **Bond**

Ms. Candaras moves to amend the proposed amendment (Senate, No. 2015), in section 10, by striking out, in line 856, the word "may" and inserting in the place thereof the word "shall".

Clerk #19

#### **WITHDRAWN**

**ADOPTED**  
Clerk #23

#### **FAIRNESS IN NEGOTIATION OF AGREEMENTS**

Ms. Spilka moves that the bill (Senate Bill 2015) be amended in subsection (7) of section 4 of chapter 23k, as inserted by SECTION 16, by inserting at the end thereof the following new sentence:- " " " "

"In exercising its authority under this subsection, the Commission shall be authorized to receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for the negotiation and execution of agreements as provided in this chapter, and to require that such costs be paid by the applicant, prospective applicant or other entity with which the municipality seeks to negotiate."

*Rejected*  
CLERK #35

#### **Charitable Gaming**

Mr. Tarr moves to amend the bill (Senate, No. 2015) by inserting after Section \_\_\_ the following new Section:

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

*Rejected*  
Clerk #38

#### **Licensee Condition**

Mr. Tarr moves to amend the bill (Senate, No. 2015) in line 1338 by striking out clause (4) in its entirety and inserting in place thereof the following:-

"(4) make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to the lesser of \$15 million or 3.5 per cent per year of the net gaming revenues derived from the establishment;"

Clerk #39

**WITHDRAWN***Rejected*  
Clerk #41**Racing Days Approval**

Mr. Tarr moves to amend the bill (Senate, No. 2015), in section 16, in chapter 23K of the General Laws, in section 24(c), by inserting the following sentence at the end thereof:-

"No such adjustment shall be made, however, until 120 days following a report by the commission issued to the chairs of the house and senate committee on ways and means and the chairs of the house and senate committee on economic development and emerging technologies. The report shall include, but not be limited to, an analysis of the economic impact of the change, the reasons necessitating the change, and the changes impact on horsemen and the racehorse agricultural network."

*Rejected*  
Clerk #44**Prudent Gaming Expansion**

Senator Tarr moves to amend the bill (Senate, No. 2015), in Section 16, in chapter 23K of the General Laws, by inserting after the words "per region", in line 1263 of Section 19(a), the following words:- "nor shall more than 1 license be issued in any 365 day period."

Clerk #57

**WITHDRAWN***Rejected*  
Redraft #61**Limit on Transferability of Gaming Licenses of Cat 2 Licenses**

Ms. Jehlen moves to amend the bill (Senate, No. 2015) in section 19 by striking out, in lines 1276 to 1280, inclusive, the words "without the majority approval of the commission. A person seeking to acquire a gaming license through a transfer shall qualify for licensure under this chapter. The commission shall reject a gaming license transfer or a transfer of interest in the gaming establishment to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the commonwealth"; and

in section 20 by striking out, in lines 1319 to 1324, inclusive, the words "without the approval of the commission; provided, however, that for 5 years after the initial issuance of a category 2 license, the commission shall only approve such a transfer if: (i) the licensee experiences a change in ownership; or (ii) the licensee fails to maintain suitability or other circumstances which the commission may consider, which, in the opinion of a majority of members of the commission, impact a licensee's ability to successfully operate a gaming establishment"; and in section 21 by striking out, in line 1427, the words " a gaming license".

*Rejected*  
Roll Call #76 [11 to 26]  
Clerk #62**Increase Slots taxation**

Ms. Jehlen moves to amend the bill, (Senate No. 2015):-

by striking out the number "40" in Section 55(b) and inserting in place thereof the following number: "49"

by striking out Section 55 (c)

by striking out Section 60.

*Rejected*  
Roll Call #77 [10 to 27]  
Clerk #65**End Greyhound Simulcasting**

Ms. Jehlen moves to amend the bill, (Senate No. 2015), by adding the following section:-

Section xx. Notwithstanding the provisions of this act or any general or special law to the contrary, no simulcast betting or wagering on the speed or ability of

dogs occurs shall be conducted or permitted in this Commonwealth after January 1, 2016.

*Rejected*  
Clerk #67

#### Prohibition on Retail Establishments within Casinos

Ms. Jehlen moves to amend the bill, (Senate No. 2015), by inserting at the end thereof the following new section:-

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

*Rejected*  
Clerk #77

#### Amusement Machines

Mr. Tarr moves to amend the bill (Senate, No. 2015) by adding at the end the following new section:-

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

Section 5B: Bona fide coin-operated amusement machines

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

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

- (1) A learned power of doing a thing competently;
- (2) A particular craft, art, ability, strategy, or tactic;
- (3) A developed or acquired aptitude or ability;
- (4) A coordinated set of actions, including, but not limited to, eye-hand coordination;
- (5) Dexterity, fluency, or coordination in the execution of learned physical or mental tasks or both;
- (6) Technical proficiency or expertise;
- (7) Development or implementation of strategy or tactics in order to achieve a goal; or
- (8) Knowledge of the means or methods of accomplishing a task. The term "some skill" refers to a particular craft, coordinated effort, art, ability, strategy, or tactic employed by the player to affect in some way the outcome of the game played on a bona fide coin operated amusement machines. If a player can take no action to affect the outcome of the game, the bona fide coin operated amusement machine does not meet the "some skill" requirement of this section. "Bona fide coin-operated amusement machine" means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player, and which can be legally shipped interstate according to federal law.

Examples of bona fide coin-operated amusement machines include, but are not limited to, the following:

1. Pinball machines.
2. Console machines, including 8-line slot machines.
3. Video games.
4. Crane machines.
5. Claw machines.
6. Pusher machines.
7. Bowling machines.
8. Novelty arcade games.
9. Foosball or table soccer machines.
10. Miniature racetrack or football machines.
11. Target or shooting gallery machines.
12. Basketball machines.
13. Shuffleboard games.
14. Kiddie ride games.
15. Skeeball machines.
16. Air hockey machines.
17. Roll down machines.
18. Coin-operated pool table or coin-operated billiard table.
19. Any other similar amusement machine which can be legally operated in Massachusetts.
20. Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, such as jukeboxes or other similar types of music machines.

"Play" is an individual bet that can, apart from any other bet made by a player, result in a winning outcome. More than one play may be made simultaneously on the same amusement machine.

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

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

- (A) Free replays;
  - (B) Merchandise limited to non-cash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than \$25.00 received for a single play of the game or device;
  - (C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for rewards set out in subparagraph (A) of this paragraph or subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph (A) and subparagraph (B) of this paragraph; or
  - (D) Any combination of rewards set out in two or more of subparagraph (A), (B), or (C) of this paragraph.
- This subsection shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

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

**ADOPTED**  
**Clerk #80**

#### **License Renewal**

Mr. Tarr moves to amend the bill (Senate, No. 2015) by striking lines 1273 through 1274, in its entirety, and inserting, in place thereof, the following:  
"(b) A category 1 license issued shall be valid for an initial period of 15 years, provided however, that the commission shall develop procedures and methodologies for the renewal, extension or award of licenses to new licensees not less than 180 days prior to the expiration of the first license granted pursuant to this act, and shall submit said procedures and methodologies, together with any legislative recommendations necessary to implement them, to the clerks of the house and senate.

**ADOPTED**  
**Clerk #83**

#### **GAMING POLICY ADVISORY COMMISSION**

Mr. Tarr moves to amend the bill (Senate, No. 2015), in Section 16, by striking subsection 68 (a) in its entirety and inserting in place thereof the following:-

"Section 68. (a) There shall be a gaming policy advisory committee to consist of the governor or the governor's designee, who shall serve as chair; the commission chair; three members of the senate, including the senate president or the president's designee, one member to be appointed by the senate president, and one member to be appointed by the senate minority leader; three members of the house of representatives, including the speaker of the house of representatives or the speaker's designee, one member to be appointed by the speaker of the house of representatives, and one member to be appointed by the house minority leader; the commissioner of public health or the commissioner's designee; and 8 persons to be appointed by the governor, 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a federally recognized Indian tribe in the commonwealth, 1 of whom shall be a representative of organized labor and 3 of whom shall be appointed from the vicinity of each gaming establishment, as defined by host community and surrounding community, upon determination of the licensee and site location by the commission. The committee shall designate subcommittees to examine community mitigation, compulsive gambling and gaming impacts on culture and tourism. Members of the committee shall serve for 2 year terms. The committee shall meet at least once annually for the purpose of discussing matters of gaming policy. The recommendations of the committee concerning gaming policy made under this section are advisory and shall not be binding on the commission and board."

**Rejected**  
**Clerk #90**

#### **Internet Poker**

Mr. Ross moves that Senate bill 2015 be amended by inserting, after SECTION XX, the following:-

"SECTION XX. The Massachusetts gaming commission shall, in consultation with the state lottery commission, establish a committee to analyze and develop recommendations and model legislation with respect to the issuance and implementation of internet poker licenses. The committee, in addition to members of the Massachusetts gaming commission and the state lottery commission, shall include: 2 members appointed by the speaker of the house; 1 member appointed by the minority leader of the house; 2 members appointed by the senate president; and 1 member appointed by the minority leader of the senate; provided, however, that the recommendations and model legislation shall include an analysis of applicable federal and state law. The committee shall report its findings and recommendations, together with drafts of legislation necessary to carry those

recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than July 31, 2012."

*Rejected*  
Clerk #92

#### Sunset Provision

Mr. Kennedy moves to amend the bill (Senate, No. 2015) in section 90 by deleting "shall remain licensed as greyhound racing meeting licensees until July 31, 2014", and insert in place thereof- "shall not be required to receive a license under said chapter 128A in order to remain licensed as greyhound racing meeting licensees pursuant to said chapter 128C".

Clerk #93

#### WITHDRAWN

**ADOPTED**  
Clerk #94

#### Dark Days

Mr. Kennedy moves to amend the bill (Senate, No. 2015) in Section 90 after the words "provided, however, that the days between January 1 and" strike the date "July 31" and replace with "December 31"

**ADOPTED**  
Redraft Clerk #96

#### Racing Stabilization Fund 2

Messrs. Kennedy and Pacheco moves to amend the bill (Senate, No. 2015), in section 85, by striking out, in line 3155, the words "the fiscal year shall not" and inserting in place thereof the following words:- "the fiscal year 2012 shall"; and

in said section 85, by inserting after the word "that", in line 3160, the following words:- "in no event shall such sum exceed the amount dedicated to the Racing Stabilization Fund during calendar years 2010 and 2011; provided further, that"; and

in said section 85, by inserting after the word "that", in line 3167, the following words:- "in no event shall such sum exceed the amount dedicated to the Racing Stabilization Fund during calendar years 2010 and 2011; provided further, that"; and

in said section 85, by inserting after the figure "2012", in line 3170, the following words:- "and"; provided, however, that no such payments shall be made after June 29, 2012.

*Rejected*  
Clerk #100

#### Gaming Policy Advisory Committee Membership

Mr. Ross moves to amend Senate bill 2015 by striking, in line 2553, the words "the president's designee; the speaker of the house of representatives or the speaker's designee", and inserting, in place thereof, the following:- "the president's designee; the senate minority leader or the senate minority leader's designee; the speaker of the house of representatives or the speaker's designee; the house minority leader or the house minority leader's designee".

*Rejected*  
Clerk #103

#### GAMING COMMISSIONERS TERMS

Mr. Keenan moves 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."

**ADOPTED**  
**Roll Call #78 [37-0]**  
**REDRAFT Clerk #104**

**Ban on Donations to Municipal Candidates**

Mr. Eldridge and Mr. Keenan move to amend the bill (Senate, No. 2015), in section 16, by striking out section 46 of proposed chapter 23K and inserting in place thereof the following section:-

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

**Rejected**  
**Clerk #105**

**Ban on Credit Card Cash Advances and Wire Transfers**

Mr. Eldridge moves that the bill, S2015, be amended in line 1679, in proposed Section 27, by inserting at the end thereof the following new subsection:-

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

**Rejected**  
**Clerk #106**

**Conditioned Licenses**

Mr. Eldridge moves that the bill, S2015, be amended in line 1163 by inserting after the word "license;" the following:-

(ii) grant the application of license of a gaming license with additional conditions to be met by the applicant;

**Clerk #112**

**WITHDRAWN**

**Rejected**  
**Clerk #115**

**COMMISSION HEARINGS**

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

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

**Rejected**  
**Clerk #116**

**Elimination of Cashless wagering system**

Mr. Eldridge moves to amend the bill, S2015, 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."

**ADOPTED**  
**Roll Call #79 [36-1]**  
**REDRAFT Clerk #118**

#### **Cooling-Off Period for Legislators**

Messrs. Eldridge, Brewer, Montigny and Joyce move to amend the bill (Senate, No. 2015) 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."

**Rejected**  
**Clerk #120**

#### **COMMISSION EXECUTIVE DIRECTOR QUALIFICATIONS**

Mr. Keenan moves that the bill be amended in Section 16 by striking subsection (i) of section 3 in its entirety, 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."

**Rejected**  
**Clerk #121**

#### **Cooling-Off Period for Commission Members**

Mr. Eldridge moves to amend the bill, S2015, 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".

**ADOPTED**  
**Clerk #122**

#### **QUALIFICATION OF INDEPENDENT TESTING LABS**

Ms. Spilka moves to amend the bill (Senate, No. 2015), 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 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".

**ADOPTED**  
**2nd Redraft Clerk #123**

#### **BACKGROUND & CONDUCT OF COMMISSION EMPLOYEES**

Mr. Keenan moves to amend the bill (Senate, No. 2015) 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."

**Rejected  
Clerk #124**

#### COMMISSION ETHICS

Mr. Keenan moves 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."

**ADOPTED**  
**Clerk #126**

#### COMMISSION EMPLOYEE PENSIONS

Mr. Keenan moves 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"

**Rejected**  
**Clerk #130**

#### COMMISSION ETHICS 2

Mr. Keenan moves 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."

**ADOPTED**  
**Clerk #135**

#### PUBLIC HEARINGS

Mr. Keenan moves 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"

**Rejected**  
**Clerk #136**

#### Mandatory Healthcare for Casino Employees

Mr. Eldridge moves to amend the bill, S2015, by inserting in line 1381 the following new subsection:-

(17) agree to be a "contributing employer" as defined in Chapter 149, Section 188. Â

**Clerk #138**

**WITHDRAWN**

**Clerk #142**

**WITHDRAWN**

**Rejected**  
**Clerk #148**

#### COMMISSION ANNUAL BUDGET

Mr. Keenan moves 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.

*Rejected*  
Clerk #157

#### Legal Winners

Mr. Hedlund moves to amend Senate bill 2015 by inserting, after SECTION XX, the following new section:

"SECTION XX. Notwithstanding any general or special law to the contrary, the commission shall establish regulations to ensure that prior to disbursement of cash or a prize in excess of \$600, an authorized employee of the gaming enforcement unit, established in section 70 of chapter 22C, gaming enforcement unit, shall review information made available by the United States Department of Homeland Security Immigration and Customs Enforcement to ascertain whether the winner of the cash or prize is lawfully residing in or visiting the United States under a current student visa, under a current employment permit or visa, or under the employment authorization of the attorney general or other federal official. If the winner of the cash or prize is found to be unlawfully residing in or visiting the United States, the gaming licensee shall not disburse to the holder any portion of the cash or prize."

*Rejected*  
Clerk #158

#### License Term and Renewal

Mr. Hedlund moves 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.

**ADOPTED**  
**Roll Call #80 [38-0]**  
**Redraft Clerk #164**

#### Code of Ethics

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No. 2015) 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";

and moves further to amend the bill, 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, further, 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".

*Rejected*  
Clerk #172

#### SIMULCASTING IN CATEGORY 1

Ms. Flanagan moves to amend the bill (Senate, No. 2015), 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 in-state and out-of-state thoroughbred and harness races shall be allocated to the Race Horse Development Fund established in section 60 to support purse assistance and breeding programs; 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."

**Redraft Clerk # 173**

#### WITHDRAWN

*Rejected*  
**Redraft Clerk #176**

### Debt Portfolio

Messrs. Tarr, Knapik, Ross and Downing move to amend the bill (Senate, No. 2015) 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".

*Rejected*  
**REDRAFT CLERK #181**

### Legislative Review

Ms. Creem moves to amend the bill (Senate No, 2015) 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.

### GAMING FEES, TAXES & REVENUE

**ADOPTED**  
**REDRAFT Clerk #2**

### Public Higher Education

Mr. Michael O. Moore moves to amend the bill (Senate, No. 2015) in section 16, by adding after the first sentence, in section 64 of proposed chapter 23K the following 3 sentences:- "Eligible expenditures from this Fund shall include early education programs, K-12 funding, and higher education. Expenditures from said fund for early education shall be used to supplement, and not offset, any reduction in the general appropriation act from the previous fiscal year. Expenditures from said fund for higher education shall be used to supplement, and not offset, any reduction in the general appropriation act from the previous year; provided further, that not less than one-third of funds received shall be expended for higher education."

*Rejected*  
**Clerk #5**

### Length of License

Ms. Candaras moves to amend the proposed amendment (Senate, No. 2015), in section 19, by striking out, in line 1273, "15" and inserting in the place thereof "20".

*Rejected*  
**Roll Call #81 [8-30]**  
**Clerk #8**

### Equitable Distribution of Lottery Funds

Mr. Wolf moves that the bill (Senate, 2015) 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 further 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.

*Rejected*  
Clerk #11

#### Capital Investment Range

Messrs. Knapik and Welch move to amend the bill (Senate, No. 2015) by striking out clause (a) of Sub-section 10 of Section 16 and inserting in place thereof the following new clause:-

"Section 10. (a) The commission shall consider the minimum capital investment for all category 1 licenses; provided, however, that all gaming licensees shall make a minimum capital investment of not less than \$400,000,000 and not more than \$600,000,000 into the gaming establishment, which shall include, but not be limited to, a gaming area, at least 1 hotel and other amenities as proposed in the application for a category 1 license; and provided further, that the commission shall determine whether it will include the purchase or lease price of the land where the gaming establishment will be located or any infrastructure designed to support the site, including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues, whether or not the applicant is an eligible owner or operator under chapter 206 of the acts of 1998, and has suitable capital to finance its operations and the proposed capital investment. Upon award of a gaming license by the commission, the applicant shall be required to deposit 10 per cent of the total investment proposed in the application into an interest-bearing account. Monies received from the applicant shall be held in escrow until the final stage of construction, as detailed in the timeline of construction submitted with the licensee's application and approved by the commission, at which time the deposit shall be returned to the applicant to be applied for the final stage. Should the applicant be unable to complete the gaming establishment, the deposit shall be forfeited to the commonwealth. In place of a cash deposit, the commission may allow for an applicant to secure a deposit bond insuring that 10 per cent of the proposed capital investment shall be forfeited to the commonwealth if the applicant is unable to complete the gaming establishment"

*Rejected*  
Clerk #24

#### Funding the Pension Liability

Mr. Donnelly moves to amend the bill (Senate 2015) in section 16 by striking out paragraph (i) of section 59 of the proposed chapter 23K and inserting in place thereof the following:

(i) Until such time as the commonwealth's pension liability is fully funded 10% shall be used, in addition to amounts appropriated pursuant to the commonwealth funding schedule established under chapter 32, to reduce the commonwealth's pension liability. Thereafter 10% shall be used for debt reduction through a program of debt defeasance and accelerated debt payments; provided, however, that this program shall be developed jointly by the state treasurer and the secretary of administration and finance and shall be implemented in compliance with state finance law; provided, further, that this program shall prioritize the reduction of risk in the commonwealth's debt portfolio; and provided, further, that the state secretary and state treasurer shall provide a written description of the program to the finance advisory board established in section 97 of chapter 6 for the board's review and comment before the program is implemented and shall file a copy of that description with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets when it is submitted to the finance advisory board; "

*Rejected*  
Clerk #26

#### Daily Excise Tax

Mr. Montigny moved to amend the bill, S. 2015, in section 16, in line 2330, by striking the number "25" and inserting the following number:- "30"

*Rejected*  
Redraft Clerk #32

#### Local Aid

Mr. Pacheco moves to amend the bill S2015 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."

Mr. Pacheco moves to further amend the bill in SECTION 59 (1) line 2412 by inserting after the words "category 2" the words "and category 2 limited"

*Rejected*  
Roll Call #82 [6-32]  
Clerk #34

#### Budgeted Revenues

Messrs. Tarr and Knapik move to amend the bill (Senate, No. 2015) 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.

**Rejected**  
**Clerk #36**

#### **Gaming Economic Development Fund**

Mr. Tarr moves to amend the bill (Senate, No. 2015), in line 2728 of section 18, by inserting at the end of section 2DDDD of chapter 29 the following:- "provided further, of said amount credited to said fund, fifty per cent shall be transferred to the race house development fund established in section 60 of chapter 23K and shall be allocated by the commission in the manner delineated in said section.Â The gaming commission created in chapter 23K shall make an annual report to the secretary for administration and finance and the clerks of the house of representatives and the senate detailing the economic benefit derived from investing in the race horse development fund, to include but not be limited to, the following:- the number of jobs and small businesses created and maintained within the racehorse agricultural network including breeding farms, boarding farms, feed producing farms, hay and straw producing farms, equine centers, horse ownership, horse training, veterinarians, dentists, farriers, and similar businesses and jobs created and maintained in the post-racing horse industries including show horses, equestrian jumping, polo, child therapy centers and riding academies; the number of green jobs associated with the racing and post-racing employment in the commonwealth; agricultural development programs relating to the racing and post-racing industries, farm acreage, annual value of equine feed and bedding crops, the amount of open space acreage protected, and the amount of real estate, payroll, and sale taxes paid annually by said businesses and their employees."

**Rejected**  
**Roll Call #87 [4-32]**  
**Clerk #37**

#### **Jobs Incentive Tax Credit**

Mr. Tarr moves to amend the bill (Senate, No. 2015), in Section 16, by striking clause (h) of subsection 59 and inserting in place thereof the following:-

"(h) 10 percent shall be transferred to the General Fund to cover the costs associated with the Jobs Incentive Tax Credit Program, established in Section 64A of this act;"

and moves to further amend the bill by inserting, after Section 64, the following new Section:-

"Section 64A. Â Section 67D of chapter 62C of the General Laws is hereby amended by inserting after subsection (g) the following new sections:-

(h) when used in section (i)-(n), the following words shall have the following meaning:

"Application year", the calendar year for which a business submits the information required for a determination as to a jobs incentive credit.

"Business", a corporation, sole proprietorship, partnership, limited liability company or any other form of business organization.

"Commissioner", the commissioner of revenue.

"Eligible Jobs", a number determined by first multiplying each of the local jobs created by a business during a single calendar year by the job qualifier for that job, and then totaling the number for all of the local jobs created.

"Full time employee", a person who is employed for consideration for at least 35 hours per week and whose salary is subject to withholding as provided in chapter 62B.

"Job qualifier fraction", in the case of either a full-time employee or a part-time employee of a business, the figure that determines the extent to which that employee is employed in the commonwealth during a single calendar year. The job qualifier fraction for each employer shall be determined by multiplying the following percentages together: (i) the percentage of time that an employee worked while employed by the company expressed as average hours worked per week out of 35 hours, not to exceed 100 per cent; (ii) that employee's time attributable to work in the commonwealth, as a portion of that employee's total work for the company; and (iii) the portion of the year the employee worked for the company.

"Jobs incentive credit", a business employment incentive credit for companies as provided for in this section.

"Local jobs created", the total number of jobs created by a business during a single calendar year in which the new employees perform qualified services in at least 1 in-state location, including jobs performed by persons that are transferred within the company to work at an in-state location from a location based outside the state.

"Part-time employee", a person who is employed for consideration for less than 35 hours a week and whose salary is subject to withholding as provided in chapter 62B.

"Credit years", in the case of a business that is determined to be eligible for a jobs incentive credit, the 3 calendar years following the application

year.

"Weighted, average employment", for a calendar year, the total number of jobs maintained by a business in which the employees performed employment services in at least 1 in-state location. The number is to be determined by first multiplying each of the individual jobs maintained by the company for that year by the job qualifier fraction for that job and then totaling the number for all of these jobs.

(i) A business that creates an eligible job in the commonwealth during its application year shall be entitled to a jobs incentive credit, spread equally over three calendar years, if its weighted average employment for such application year reflects a net increase over the company's weighted average employment for the prior calendar year. The total jobs incentive credit shall be equal to 50 per cent of the amount paid by the company as salary attributable to eligible jobs created by the company in such year to the extent that the salary was subject to Massachusetts withholding pursuant to chapter 62B for such year, multiplied by the applicable Massachusetts income tax rate for such salary, and such credit shall be applied toward the company's liability imposed by Chapter 62B, Section 2. A company shall take a jobs incentive credit for no more than 50 jobs created over its weighted average employment for the prior calendar year. For companies creating greater than 50 jobs over the weighted average employment for the prior calendar year, the total tax credit, which will be taken in three equal installments subject to the terms and conditions in the following sections, shall be determined by the salary of the first 50 eligible jobs created. For the purposes of this provision, an eligible job shall be deemed created in the commonwealth on the first day for which Massachusetts withholding is required in connection with the compensation paid to the employee.

(j) The jobs incentive credit shall be taken by a business in 3 equal installments in each of the 3 calendar years commencing with the calendar year subsequent to the application year. If, for the first or second credit year, the company's weighted average employment falls below its weighted average for the application year, the company shall be disqualified from taking its second installment credit. It may still take its third installment credit if its weighted average employment for its second credit year is above its weighted average employment for the application year.

(k) A company that seeks a jobs incentive credit shall apply to the commissioner to receive permission to take such a credit on a form prescribed by the commissioner. This form shall reference the necessary information concerning the eligible jobs created by the company in the Commonwealth during the application year and also the company's weighted average employment for such year and the prior calendar year. The commissioner shall advise the company of his determination in writing.

(l) Not later than March 1 of each calendar year for which a company has been approved to take a job incentives credit, the company shall submit to the commissioner, in a form prescribed by the commissioner, the information necessary to evaluate the company's prior year weighted employment average.

(m) A company that has previously been approved to take a job incentive credit is entitled to re-apply for an additional credit for a second or third application year. In such cases, the company may be entitled to take a job incentive credit that relates to different application years in the same calendar year. When a company has previously been granted permission to take a jobs incentive credit for 3 application years, it shall not request an additional jobs incentive credit. In no case shall a company take a jobs incentive credit after June 30, 2015, when all provisions in (i)-(m) shall sunset and no longer be in effect.

(n) Following the termination of the jobs incentive tax credit program, the commissioner of the department of revenue, in consultation with one or more institutes of higher learning, shall conduct a cost benefit analysis of said program, which shall take into consideration the total number of permanent in-state jobs created under the program, the total amount of tax credits provided, and any other factors that would be useful in measuring the success of the program. The commissioner shall prepare a report on the findings, which shall be filed with the clerk of the house of representatives and the clerk of the senate, the chairs of the house and senate committees on ways and means, and the house and senate chairs of the joint committee on revenue no later than September 30, 2015. Said report shall include the commissioner's findings as to the feasibility of extending the jobs incentive tax credit program beyond the sunset date, along with any recommendations for revising the program to make it more effective in enhancing the creation of jobs."

**Rejected**  
**Roll Call #88 [4-32]**  
**Clerk #40**

#### **Stabilization Fund**

Mr. Tarr moves to amend the bill (Senate, No. 2015), in Section 59, by inserting at the end thereof the following:-

"Notwithstanding the preceding, 100 percent of the revenue received from a category 2 licensee and 100 percent of the revenue received from a category 1 licensee shall be transferred to the Commonwealth Stabilization Fund until such time as all licensees have been in continuous operation for a period of five years. Beginning in the sixth year of operation, all subsequent revenues received from a category 2 licensee and a category 1 licensee shall be transferred according to the funding schedule outlined above."

**ADOPTED**  
**3rd Redraft Clerk #42**

#### **Race Horse Development Fund**

Messrs. Tarr, Timilty, Knapik, and Ross move to amend the bill (Senate, No. 2015), in section 16, by striking section 60 of proposed chapter 23K of the General Laws and inserting in place thereof the following section:-

"Section 60. (a) There shall be established and set up on the books of the commonwealth a Race Horse Development Fund to be administered by the commission. The fund shall consist of monies deposited under subsection (c) of section 55. The commission shall make distributions from the Race Horse Development Fund to each licensee under chapter 128A. Any category 1 or category 2 licensee, licensed under this chapter, which establishes live racing shall not be eligible for any distributions from this fund.

(b) There shall be a 5-member horse racing committee whose membership shall include the governor or the governor's designee, who shall serve as chair; the state treasurer, or a designee; the chairman of the Massachusetts gaming commission, or a designee; and 2 members to represent the thoroughbred and standardbred racing industry, 1 of whom shall be appointed by the New England Horsemen's Benevolent and Protective Association and Massachusetts Thoroughbred Breeding Program, and 1 of whom shall be appointed by Harness Horsemen's Association of New England, the Massachusetts Standardbred Breeding Program and the Standardbred Breeder Development Program. The horse racing committee shall make recommendations on how the funds received in subsection (a) shall be distributed among the licensees under chapter 128A to support both the thoroughbred and standardbred horse racing industries under this section. The committee shall consider criteria, including, but not limited to, (1) the average purses awarded by licensees to each horse racing industry, (2) the total amount of employment, both direct and indirect, attributable to each horse racing industry, (3) the relative needs for increased purses to each horse racing industry, (4) the amount of the live racing handle generated by each horse racing industry, and (5) the amount of breeding and training farms located in the state. The committee shall submit its recommendations for the distribution percentage to the clerk of the house of representatives and the clerk of the senate no less than 30 days before submitting the recommendations to the commission for final approval. Any subsequent changes to the distribution percentage by the commission shall be reported to the clerk of the house of representatives and the clerk of the senate no less than 30 days before implementation. Each industry's share shall be distributed as follows:

(i) 80 per cent shall be deposited weekly into a separate, interest-bearing purse account to be established by and for the benefit of the horsemen provided, however, that the earned interest on the account shall be credited to the purse account and provided further, that licensees shall combine these funds with revenues from existing purse agreements to fund purses for live races consistent with those agreements with the advice and consent of the horsemen

(ii) For a thoroughbred track, 16 per cent shall be deposited on a monthly basis into the Massachusetts Thoroughbred Breeding Program authorized by the commission in section 2 of chapter 128. For a harnessbred track, 16 per cent shall be deposited on a monthly basis into the Massachusetts Standardbred Breeding Program authorized by the commission in section 2 of chapter 128, and the Standardbred Breeder Development Program authorized by the commission; and

(iii) 4 per cent shall be used to fund health and pension benefits for the members of the horsemen's organizations representing the owners and trainers at the racetrack at which the category 2 licensee operates for the benefit of the organization's members, their families, employees and others under the rule and eligibility requirements of the organization, as approved by the commission provided, however, that this amount shall be deposited within 5 business days of the end of each month into a separate account to be established by each respective horsemen's organization at a banking institution of its choice and provided further, that of this amount, the commission shall determine how much shall be paid annually by the horsemen's organization to the thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed racing entity operates for health insurance, life insurance or other benefits to active and disabled thoroughbred jockeys or standardbred drivers under the rules and eligibility requirements of that organization."

Clerk #43

WITHDRAWN

Clerk #46

WITHDRAWN

Rejected  
Clerk #47

Licensing Fee

Messrs. Welch and Knapik move that the bill (Senate, No. 2015) hereby be amended by striking out clause (d) of sub-section 10 of section 16 and inserting in place thereof the following section:-

"(d) The commission shall determine a minimum licensing fee for each region, which shall be not less than \$50,000,000 and not more than \$85,000,000, to be paid by a category 1 licensee within 30 days after the final award of the license. The license shall set forth the conditions to be satisfied by the licensee before the gaming establishment shall be opened to the public. The commission shall set any renewal fee for such license based on the cost of fees associated with the evaluation of a category 1 licensee under this chapter which shall be deposited into the Gaming Revenue Fund. Such renewal fee will be exclusive of any subsequent licensing fees under this section."

Rejected  
Clerk #50

Gaming Tax Rates

Ms. Creem, Ms. Jehlen and Mr. Eldridge move to amend the bill (Senate No. 2015) in section 16, by striking out, in subsection (a) of section 55 of proposed Chapter 23K of the general laws, in line 2330, the figure "25" and inserting in place thereof the following figure:- "40";

and in section 16, by striking out, in subsection (b) of section 55 of proposed Chapter 23K of the general laws, in line 2332, the figure "40" and inserting in place the figure:- "60".

Rejected  
Clerk #53

### Slot play tax

Mr. Welch moves to amend the bill, in section 27, in line 1650, by inserting after the word "revenue" the following text: - "so long as the aggregate promotional gaming credits wagered in slot machines for any establishment do not exceed 10 per cent of the net slot machine gaming revenues derived from the establishment for the same month".

**Rejected**  
Clerk #55

### Social Services

Ms. Clark moves to amend the bill (Senate, No. 2015) in section 16, by striking out, in line 2430, in section 59 of proposed chapter 23K, the figure "10" and inserting in place thereof the following figure:- "8"; and

in section 16, by inserting, in section 59 after the words "Public Health Trust Fund" the following subsection:-

"(l) provided further that 2 per cent of the revenues shall be transferred by the Fund to a nonprofit organization chosen by the Fund to assist social service and human service programs dedicated to improving the well-being of children, youth, and families, and to perform studies throughout the commonwealth and evaluations necessary to ensure the proper and most effective strategies to implement said outcomes; provided, however, that the nonprofit organization must demonstrate to the Fund that it has the capacity to administer this function; provided further, that funding shall be appropriated through a competitive grant process to be developed and administered by the Fund".

**ADOPTED**  
Roll Call #97 [34-4]  
2nd Redraft Clerk #56

### Strengthening Our Schools

Ms. Clark and Messrs. Tarr, Hedlund, Knapik, and Ross move to amend the bill (Senate, No. 2015) in section 16, by inserting, in line 2519, after the word "and" the following text:- "and priority shall be given within these expenditures to move communities to their target aid levels and reduce funding inequities under the Chapter 70 school aid program so called or any funds distributed in fulfillment of the obligations thereof".

**Rejected**  
Clerk #58

### Withholding Taxes

Mr. Donnelly moves to amend Senate Bill No. 2015 by striking out section 28 and inserting in place thereof the following section:-

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

**Rejected**  
Clerk #63

### Casino Slots taxation

Ms. Jehlen moves to amend the bill (Senate, No. 2015) by striking out Section 55 (a) and inserting in place thereof the following section:-

Section 55. (a) A category 1 licensee shall pay a daily tax of 49 percent on gross gaming revenue generated by slot machines and a daily tax of 25 percent on all other gross gaming revenue.

Clerk #71

### WITHDRAWN

**ADOPTED**  
Second Redraft Clerk #73

### Agricultural Equine Protection

Messrs. Timilty, Tarr, Knapik, Ross and Rosenberg move to amend the bill (S.2015) in Section 16, in Section 55 (c) of proposed Chapter 23K of the General Laws, by striking the figure "15" in line 2334 and inserting in place thereof the following figure:- "15".



Redraft Clerk #76

**WITHDRAWN***Rejected*  
Redraft Clerk #78**Tax Reduction Fund**

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No. 2015), in SECTION 16, by striking in Section 59 of chapter 23K of the general laws subsection 59(2)(h) and inserting in place thereof the following:-

"(h) 10 per cent shall be transferred to the Tax Reduction Fund established in section 2I of chapter 29 of the General Laws;

and moves to further amend the bill by inserting after section \_\_, the following new section:-

Section \_\_.Â Section 2I of chapter 29 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after the words "two H" the following words:- and of section 59 of chapter 23K."

*Rejected*  
Clerk #81**Gaming Licensing Fund**

Mr. Tarr moves to amend the bill (Senate, No. 2015), in SECTION 91, by striking subsection (4) in its entirety and replacing it with the following subsection:-

"(4) 15.5 per cent to the Commonwealth Stabilization Fund established in section 2H of chapter 29;

and further by striking subsection (5) in its entirety and replacing it with the following subsection:-

(5) 19.5 per cent to the debt reduction fund established under section 59(2)(i);

And further by striking subsection (7) in its entirety and replacing it with the following:-

(7) 20 per cent to the Unemployment Trust Fund;

And further by striking the word "5" in subsection (8) and inserting in place thereof the following word:- 8

*Rejected*  
Redraft Clerk #82**Gaming Licensing Fund II**

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No. 2015), in SECTION 91, by striking subsection (4) in its entirety and replacing it with the following subsection:-

"(4) 10 per cent to the Commonwealth Stabilization Fund established in section 2H of chapter 29;

and moves further to amend the bill by striking subsection (5) in its entirety and replacing it with the following subsection:-

(5) 10 per cent to the debt reduction fund established under section 59(2)(i);

and moves further to amend the bill by striking subsection (7) in its entirety and replacing it with the following:-

(7) 10 per cent to the Unemployment Trust Fund;

and moves further to amend the bill by inserting after subsection (8) the following new subsection:-

(9) 25 per cent to the Tax Reduction Fund established in section 2I of chapter 29.

and moves further to amend the bill by inserting after section \_\_, the following new section:-

Section \_\_.Â Section 2I of chapter 29 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after the words "two H" the following words:- and of the Gaming Licensing Fund".

*Rejected*

Redraft Clerk #84

**Funding Integrity**

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No 2015) by inserting after section \_\_, the following new section:-

"Section \_\_. Notwithstanding any general or special law to the contrary, funds shall not be expended from the general fund to supplant, or compensate for a deficiency from the amounts projected or anticipated to be available from Category 1 or Category 2 gaming, as provided by this act, or to fund any fund, account, or obligation created by the provisions of this act, unless expressly authorized herein."

*Rejected*  
Clerk #85

**Capital Expenditures**

Mr. Donnelly moves to amend Senate Bill No. 2015 by striking out section 21(a)(4) of the proposed chapter 23K and inserting in place thereof the following:-

make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to the lesser of \$15 million or 3.5 per cent per year of the net gaming revenues derived from the establishment;

*Rejected*  
Roll Call #89 [9-27]  
2nd Redraft Clerk #87

**SALES TAX DEDUCTION**

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No. 2015) , in Section 16, in Chapter 23K of the General Laws, by striking clause (1) section 59 in its entirety and inserting in place thereof the following:-

(1) 50 per cent of the revenue received from a category 2 licensee shall be transferred to the Sales Tax Fund of the commonwealth, established in Section 2DDDD of Section 18 of this act. The remaining 50 per cent shall be transferred to the General Fund of the Commonwealth.

and further in Section 16, in Chapter 23K of the General Laws, by striking clause (2) of section 59 in its entirety and inserting in place thereof the following:-

â€œ(2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as follows:

- (a) 10 per cent of collected revenues to the Community Mitigation Fund established in section 61;
- (b) 5 per cent to the Public Health Trust Fund
- (c) 42.5 per cent of collected revenues to the Sales Tax Fund.
- (d) 42.5 per cent to the General Fund of the Commonwealth

and further to amend the bill, in Section 18, in Chapter 29 of the General Laws, by striking section 2DDDD in its entirety and replacing it with the following:-

Section 2DDDD. There shall be established and set up on the books of the commonwealth a separate fund to be known as the Sales Tax Fund. The fund shall be credited with any monies transferred from the Gaming Revenue Fund established in section 59 of chapter 23K, monies from the Gaming Licensing Fund, and any monies credited to or transferred to the fund from any other fund or source. The comptroller shall be the trustee of the fund.

(a) When the fund reaches a value of \$450,000,000, the excise imposed pursuant to section 2 of chapter 64H shall be taxed at 5.625 per cent. On the first day that the excise upon sales is taxed at a rate subject to this provision, the comptroller shall remit all monies credited to the Sales Tax Fund to the General Fund.

(b) Subject to (a), when the fund reaches a value of \$450,000,000, the excise imposed pursuant to section 2 of chapter 64H shall be taxed at 5 per cent. On the first day that the excise upon sales is taxed at a rate subject to this provision, the comptroller shall remit all monies credited to the Sales Tax Fund to the General Fund.

(c) when the excise upon sales is taxed at a rate of 5 per cent, the comptroller may make all necessary transfers among the fund to ensure that the monies in the fund are transferred as follows:-

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

2. one-half of the amount remitted to the General Fund of the commonwealth.â€

And moves to further amend the bill in SECTION 91, by striking the section in its entirety and replacing it with the following section:-

SECTION 91. (a) There shall be established and set up on the books of the commonwealth a Gaming Licensing Fund which shall receive all licensing fees collected from applicants in receipt of a category 1 or category 2 license under chapter 23K of the General Laws. The fund shall expire on December 31, 2015. The commission shall be the trustee of the fund and shall transfer 50 per cent of the monies in the fund to the Sales Tax Fund and 50 per cent to the General Fund of the Commonwealth.

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

and moves to further amend the bill by inserting, after Section 102, the following new Sections:-

SECTION 102A. Section 2 of Chapter 64H of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by inserting after 6.25 per cent, the following:- subject to section 2DDDD of chapter 29,â€.

**ADOPTED**  
**Clerk #89**

#### **SUBSTANCE ABUSE SERVICES**

Ms. Flanagan and Ms. Chandler move to amend the bill (Senate, No. 2015), in section 16, by inserting in subsection (e) of section 56 of proposed chapter 23K of the General Laws, after the words "compulsive gambling", in line 2363, the following words:- "and other addiction services"; and

in section 16, by inserting in section 58 of said proposed chapter 23K, after the words "addiction services,", in line 2405, the following words:- "substance abuse services,".

**Rejected**  
**Roll Call #98 [7-31]**  
**3rd Redraft Clerk #91**

#### **Gaming Revenues**

Messrs. Tarr, Hedlund, Knapik and Ross move to amend the bill (Senate, No. 2015) in Section 16, in Chapter 23K of the General Laws, by striking section 59(2) in its entirety and inserting in place thereof the following:-

(2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as follows:  
The commission shall transfer 10 per cent of collected revenues to the Community Mitigation Fund established in section 61, 5 per cent to the Public Health Trust Fund and remit the remaining 85 per cent of collected revenues to the comptroller. The comptroller may make all necessary transfers among funds to ensure that the monies in the fund are transferred to the General Fund of the Commonwealth.

And further, in Section 16, in Chapter 23K of the General Laws, by striking section 59(1) in its entirety and inserting in place thereof the following:-

(1) 100 per cent of the revenue received from a category 2 licensee, shall be transferred to the General Fund of the commonwealth.

and further to amend the bill, in SECTION 91, by striking subsections (2) through (8), inclusive, and replacing it with the following subsections:-

(2) 90 per cent to the general fund.â€

**Rejected**  
**Further Clerk #91.1**

#### **Gaming Revenues**

Mr. Knapik moves to further amend the bill (Senate, No. 2015) in Section 16, in Chapter 23K of the General Laws, by striking section 59 (1) in its entirety and inserting in place thereof the following:-

(1) 100 per cent of the revenue received from a category 2 licensee, shall be transferred to the General Fund of the commonwealth.

And further, in Section 16, in Chapter 23K of the General Laws, by striking section 59(2) in its entirety and inserting in place thereof the following:-

(2) 100 per cent of the revenue received from a category 1 licensee shall be transferred as follows:

The commission shall transfer 10 per cent of collected revenues to the Community Mitigation Fund established in section 61, 5 per cent to the Public Health Trust Fund and remit the remaining 85 per cent of collected revenues to the comptroller. The comptroller may make all necessary transfers among funds to ensure that the monies in the fund are transferred to the General Fund of the Commonwealth.

And further to amend the bill in Section 16, in proposed Chapter 23K of the General Laws, by striking sections 62, 63, and 64 in their entirety.

And further to amend the bill by striking Section 18 in its entirety.

and further to amend the bill, in SECTION 91, by striking subsections (2) through (8), inclusive, and replacing it with the following subsections:-

(2) 90 per cent to the general fund.

And further to amend the bill by striking Sections 96, 97, and 98 in their entirety.

And further to amend the bill by inserting, after Section \_\_\_, the following new Section:-

SECTION \_\_\_. For the first five years following the implementation of expanded gaming in the commonwealth, on or before July 31st, the commissioner of the department of revenue shall file an annual report with the chairs of the house and senate ways and means committees and the clerks of the house and senate detailing the revenues generated by expanded gaming during the preceding year as well as the revenues projected to be generated in the upcoming year.

**Rejected  
Clerk #95**

#### REDUCING THE NUMBER OF CASINO LICENSES

Mr. Keenan moves that the bill be amended in Section 16 by deleting in subsection (a) of section 19 the number "3" and inserting the number "2"; and

in the same by striking out the final sentence of subsection (a) of section 19.

**Rejected  
Clerk #98**

#### LOTTERY COMPENSATION

Mr. Tarr moves to amend the bill (Senate, No. 2015) by inserting, after Section\_, the following new Section:-

"SECTION \_\_\_. Beginning in the fifth year after the first year that the Gaming Local Aid Fund, created under section 63 of chapter 23K receives funds pursuant to chapter 59(e) of chapter 23K, in any year that the combination of funds in the Gaming Local Aid Fund and the Local Aid Stabilization Fund, created in Section 93 of this Act, totals more than \$100,000,000, an amount of not more than \$20,000,000 of the funds in the Local Aid Stabilization Fund shall be set aside to be added to the unrestricted local aid distributions to cities and towns that, through the normal distribution calculations, do not receive unrestricted local aid in an amount equal to at least ten percent of the revenues generated in such community for the Massachusetts State Lottery. If the amount so reserved is insufficient to bring all such communities up to ten percent of Lottery revenues generated, within such community then the reserved revenues shall be prorated among such communities to bring each as close to ten percent of revenues as possible. Regardless of the total combination of funds in the Gaming Local Aid Fund and the Local Aid Stabilization Fund, this section shall not apply in any year in which additional funds are added to the Gaming Local Aid Fund pursuant to section 59(f) of chapter 23K."

**Rejected  
Clerk #101**

#### APPROPRIATION OF REVENUES

Mr. Keenan moves that the bill be amended in Section 16 by striking section 59 in its entirety and inserting in place thereof the following:

Section 59. There shall be established and set up on the books of the commonwealth a Gaming Revenue Fund, hereinafter the fund, which shall receive revenues collected from the tax on gross gaming revenue received from gaming licensees. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

(1) 100 per cent of the revenue deposited shall be transferred as follows:

- (a) 1 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 2 per cent of revenues each fiscal year thereafter, to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit or municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, however, that funds dedicated to such performing arts centers shall be to subsidize fees paid to touring shows or artists; provided further, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council;
- (b) ¼ per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 1/2 per cent each fiscal year thereafter to the Massachusetts Tourism Fund to fund tourist promotion agencies under clause (c) of section 35J of chapter 10.
- (c) 3.25 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 6.5 per cent each fiscal year thereafter, to the Community Mitigation Fund established in section 61;
- (d) 1 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 2 per cent each fiscal year

- thereafter to the Local Capital Projects Fund, established in section 2EEEE of chapter 29;
- (e) 12.5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 25 per cent each fiscal year thereafter to the Gaming Local Aid Fund, established in section 63;
- (f) 55 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 10 per cent each fiscal year thereafter to the Commonwealth Stabilization Fund established in section 2H of chapter 29; provided, however, that in any fiscal year in which the amount appropriated in item 7061-0008 of the general appropriation act, paid from the General Fund, or the amount of unrestricted general government aid paid from the General Fund, including lottery aid distribution to cities and towns as paid from the General Fund under clause (c) of the second paragraph of section 35 of said chapter 10 and the amount of additional funds distributed to cities and towns as additional assistance paid from the General Fund, is less than that of the previous fiscal year, up to 1/2 of the funds otherwise directed to the Commonwealth Stabilization Fund under this section, up to an amount equal to the deficiency between said appropriations for the current and previous fiscal years, shall be transferred to the Gaming Local Aid Fund in addition to the 25 per cent under clause (e);
- (g) 7 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 14 per cent each fiscal year thereafter to the Education Fund, established in section 64;
- (h) 5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 10 per cent each fiscal year thereafter shall be transferred to the Economic Development Fund, established in section 2DDDD of chapter 29;
- (i) 5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 10 per cent each fiscal year thereafter shall be used for debt reduction through a program of debt defeasance and accelerated debt payments; provided, however, that this program shall be developed jointly by the state treasurer and the secretary of administration and finance and shall be implemented in compliance with state finance law; provided further, that this program shall prioritize the reduction of risk in the commonwealth's debt portfolio; and provided further, that the state secretary and state treasurer shall provide a written description of the program to the finance advisory board established in section 97 of chapter 6 for the board's review and comment before the program is implemented and shall file a copy of that description with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets when it is submitted to the finance advisory board;
- (j) 7.5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 15 per cent each fiscal year thereafter shall be transferred to the Transportation Infrastructure and Development Fund, established in section 62; and
- (k) 2.5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 5 per cent each fiscal year thereafter to the Public Health Trust Fund.

*Rejected*  
Roll Call #90 [9-27]  
Clerk #102

#### **Additional Funding for Community Mitigation**

Mr. Eldridge moves to amend the bill, S2015, in line 2332, in the proposed new Section 55, by inserting, the following new subsection:-

- (x) In addition to the tax imposed under subsection (a), a category 1 licensee shall pay a daily assessment of 5 per cent of their gross gaming revenue to Community Mitigation Fund established in Section 61.

*Rejected*  
Clerk #109

#### **Debt Collection Reporting**

Mr. Eldridge moves to amend the bill, S2015, in line 1679 by inserting after the words "gaming licensee" the following new subsection:-

- (g) On an annual basis, each gaming licensee shall report to the commission the number of debt collection processes on patrons that are initiated, and the total amount recovered by the licensee. Notwithstanding any general or special laws to the contrary, this report shall be considered public record.

*Rejected*  
Clerk #143

#### **TRUST FUND BUDGETS**

Mr. Keenan moves that the bill be amended in Section 16 by striking the final sentence in subsection (b) of section 57 and inserting in its place thereof the following:-

" The commission shall annually prepare and file on or before April 1 of each year a budget for all accounts and trust funds under its care 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. The form of said budget shall determined by generally accepted accounting principles as promulgated for governments by the Governmental Accounting Standards Board and approved by the secretary of administration and finance. 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."

*Rejected*  
Clerk #146

#### **Cooling Off Period**

Mr. Hedlund moves that the bill (Senate, No. 2015) by striking Section 19 in its entirety, and inserting in its place the following new Sections:-

Section 19. (a) The commission may issue not more than 1 category 1 license for a period of 7 years following the effective date of this legislation. The commission may not consider or approve an application for any additional gaming licenses until the first licensee's facility has been in operation for a minimum of 5 years, provided further that the commission may not issue any additional category 1 licenses until a cost/benefit analysis has been performed by a qualified independent party chosen by the governor, treasurer and attorney general, and that the analysis demonstrates that an additional license will result in at least a 50% increase in net revenue for the Commonwealth, and that the benefits of an additional license outweigh any negative impacts such as, but not limited to, public health costs, cultural facilities, and small businesses, and provided further that no more than 1 license may be awarded per region, and regions shall be established as follows:

- (1) region A: suffolk, middlesex, essex, norfolk and worcester counties;
- (2) region B: hampshire, hampden, franklin and berkshire counties; and
- (3) region C: bristol, plymouth, nantucket, dukes and barnstable counties.

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter, as determined by the commission. Within any region, 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 region in which the gaming establishment is proposed to be located and to the commonwealth, no gaming license shall be awarded in that region.

(b) No more than 3 category 1 licenses shall be issued by the commission.

(c) No gaming licensee shall transfer a gaming license or any direct or indirect interest in the gaming license or a gaming establishment without the majority approval of the commission. A person seeking to acquire a gaming license through a transfer shall qualify for licensure under this chapter. The commission shall reject a gaming license transfer or a transfer of interest in the gaming establishment to an unsuitable person and may reject a proposed transfer that, in the opinion of the commission, would be disadvantageous to the interests of the commonwealth.

(d) The commission shall take into consideration the physical distance in selecting the locations of the gaming establishments as they relate to each other and how they maximize benefits to the commonwealth.

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

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

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

**Clerk #147**

**WITHDRAWN**

**Rejected  
Clerk #151**

#### **CapEx Predictability**

Mr. Hedlund moves that Senate bil1 2015 be amended in section 10(a) of the proposed chapter 23K in section 16, after the word "license" by striking the following words:- that the commission shall determine whether it will include the purchase price or lease price of the land where the gaming establishment will be located or any infrastructure designed to support the site, including, but not limited to, drainage, utility support, roadways, interchanges, fill and soil or groundwater or surface water contamination issues, and inserting place thereof the following:- the required real estate, capitalized interest, risk management fees and infrastructure improvements,

**Rejected  
Clerk #153**

#### **LICENSING FEES**

Mr. Keenan moves that the bill be amended in Section 16 by striking in line 884 the words "Gaming Revenue Fund" and inserting in place thereof the following:- "Commonwealth Stabilization Fund, as established in section 2H of chapter 29"; and

by striking Section 91 in its entirety and inserting in its place thereof the following:-

"SECTION 91: All licensing fees collected from applicants in receipt of a license shall be deposited by the gaming commission into the Commonwealth Stabilization Fund established in section 2H of chapter 29 of the General Laws"; and

in Section 92 by striking subsection (c) in its entirety.

*Rejected*  
Roll Call #91 [12-24]  
Clerk #166

#### Category 2 licenses

Ms. Creem moves to amend the bill (Senate No, 2015) by adding the following new section:-

SECTION XXX: Notwithstanding any provision of this bill to the contrary, the Commission shall issue no category two licenses.

Clerk #168

DUPLICATE

Clerk #171

WITHDRAWN

Clerk #174

WITHDRAWN

ADOPTED  
Redraft Clerk #175

#### Reducing the Unfunded Liability

Ms. Clark and Ms. Creem moves to amend the bill (Senate, No. 2015) in section 16, by inserting, in line 2448, after the word "portfolio" the following text:-

", but may also include payments to decrease the unfunded pension liability of the Pension Reserves Investment Trust fund"

OTHER

ADOPTED  
Clerk #18

#### Memorandum of Understanding Police Jurisdiction

Messrs. Hart and R. Moore moves that S. 2015 be amended, in line 735, by striking out the words "and, in consultation with the commission, shall execute" and inserting in place thereof the following words:- "The commission, in consultation with the colonel of the state police, shall facilitate the execution of"

Clerk #22

WITHDRAWN

*Rejected*  
Clerk #27

#### Public Safety Building Assistance Fund

Mr. Montigny moved to amend the bill, S. 2015, by inserting after section 4 the following new section:-

SECTION 4A. Chapter 10 of the General Laws, as amended by chapter 14 of the acts of 2011, is hereby amended by inserting after section 35QQ, the following section:-

"Section 35RR. There shall be established and set up on the books of the commonwealth a Public Safety Building Assistance Fund for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of the fund shall be administered by the state treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula. The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment."

Mr. Montigny further moved to amend the bill, in Section 16, in line 2510, by inserting after the word "maintenance", the following:- "; provided,

however, that \$20 million annually from the Fund shall be transferred to the Public Safety Building Assistance Fund, established in section 35RR of chapter 10 for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of said building assistance fund shall be administered by the state treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula"

*Rejected*  
Clerk #49

#### **Renewable Energy**

Mr. Downing moves to amend the bill (Senate, No. 2015) in Section 16, by striking out in subsection (8) of section 18 of proposed chapter 23K of the General Laws, the words "10 per cent" and inserting in place thereof the following:- "75 per cent"

**ADOPTED**  
Clerk #64

#### **Slot Machine Labels**

Ms. Jehlen moves to amend the bill, (Senate No. 2015), by inserting at the end thereof the following new section:-

Section XX. All slot machines must be affixed with a sticker or label delineating 1. information regarding the programming and therefore non-randomness of slot machines, 2. the odds and holding percentage of the slot machines in that establishment, and 3.a compulsive gambling hotline number. These stickers or labels must be affixed to the front of the machine, in plain sight of the machine user and of sufficient size to be easily read.

**ADOPTED**  
REDRAFT Clerk #66

#### **Eliminating Jail Time for Minors**

Ms. Jehlen moves to amend the bill, (Senate, No. 2015) in section 16 by striking out, in line 2153 and 2154, the words "imprisonment in the house of correction for not more than 6 months or a fine not to exceed \$1,000 , or both" and inserting in place thereof the following words:- "a fine not to exceed \$1,000".

Clerk #68

#### **WITHDRAWN**

**ADOPTED**  
REDRAFT #70

#### **Self-Exclusion Enforcement**

Mr. Timilty moves to amend the bill (Senate, No. 2015) in Section 16 by striking out subsection (f) of section 45 of proposed chapter 23K of the General Laws and inserting in place thereof the following subsection:-

(f) The commission shall establish a list of self-excluded persons from gaming establishments. A person may request such person's name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at a gaming establishment. The commission shall adopt further regulations, under section 5, for the self-excluded persons list including procedures for placement, removal and transmittal of such list to gaming establishments. The commission may revoke, limit, condition, suspend or fine a gaming establishment if such establishment knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.

*Rejected*  
Clerk #72

#### **Marketing to Minors**

Ms. Jehlen moves to amend the bill, (Senate No. 2015), by inserting at the end thereof the following new section:-

Section XX. No gaming licensee or gaming establishment shall authorize or conduct marketing and promotional communications relative to gaming to target persons under the age of 21.

**ADOPTED**  
Clerk #74

#### **Embezzlement Disqualification**



Ms. Jehlen moves to amend the bill, (Senate No. 2015), by inserting in Section 16 the following words after the word "licensure in line 1113:- "and not involving embezzlement, theft, fraud or perjury,".

*Rejected*  
Clerk #75

#### Enterprise Crime

Mr. Tarr moves to amend the bill (Senate, No. 2015), in SECTION 66, by inserting after the words "an interest in or" , in lines 3057-3058, the following word:- "any".

**ADOPTED**  
Clerk #79

#### PENALTIES FOR UNLICENSED GAMING

Mr. Tarr moves to amend the bill (Senate, No. 2015), in subsection 37 of Section 16, by striking the figure "\$100,000" each time it appears and inserting in place thereof, in each instance, the following figure:- "\$250,000".

*Rejected*  
Clerk #99

#### ELIMINATING HORSE OWNER PENSIONS

Mr. Keenan moves that the bill be amended in Section 16 by striking subclause (iv) of section 60 in its entirety;

and in the same by deleting in subclause (i) the number "80" and inserting in place thereof the number "84"

**ADOPTED**  
Clerk #125

#### CHILD SAFETY

Mr. Keenan moves that the bill be amended in Section 16 by inserting in paragraph (25) of subsection (a) of section 21 after the words "finding to the" the following:- "state police and"

*Rejected*  
Clerk #128

#### LEED and Energy efficient construction

Mr. Eldridge moves to amend the bill, S2015, by inserting in line 1426 after subsection 25 of the proposed new Section 21, the following new subsection:-

(26) utilize sustainable development principles in the construction of the gaming establishment including, but not limited to: (i) being certified as gold or higher under the appropriate certification category in the Leadership in Environmental and Energy Design program created by the United States Green Building Council; (ii) meeting or exceeding the stretch energy code requirements contained in Appendix 120AA of the Massachusetts building energy code or equivalent commitment to advanced energy efficiency as determined by the secretary of energy and environmental affairs; (iii) efforts to mitigate vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstration that electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi) procuring or generating on-site 10 per cent of its annual electricity consumption from renewable sources qualified by the department of energy resources under section 11F of chapter 25A; and (vii) developing an ongoing plan to submeter and monitor all major sources of energy consumption and undertake regular efforts to maintain and improve energy efficiency of buildings in their systems.

*Rejected*  
Clerk #129

#### CONTROL OF DEVELOPMENT SITE

Mr. Keenan moves that the bill be amended in Section 16 by adding at the end of subsection (a) of section 9 the following new paragraph:-

"(20) clear and convincing evidence that the applicant owns, or has an option to purchase, or has an agreement for tenancy for a term of years under a lease that extends 60 years beyond the term of the gaming license issued under this chapter, the land for the proposed gaming establishment."

**ADOPTED**  
Roll Call #92 [38-0]  
Clerk #133

**FELONIES COMMITTED BY APPLICANTS**

Mr. Keenan moves that the bill be amended in Section 16 by striking subclause (i) of section 16 in its entirety and inserting in place thereof the following subclause:-

"(i) has been convicted of a felony or other convictions involving embezzlement, theft, fraud or perjury;"

**ADOPTED**  
**Clerk #137**

**UNDERAGE GAMBLING**

Mr. Keenan moves that the bill be amended in Section 16 by inserting after subsection (b) of section 43 the following new section:-

"(c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a gaming establishment for or on behalf of a person under 21 years old shall be punished by imprisonment in a house of correction for not more than 6 months or a fine not to exceed \$1,000, or both

**Rejected**  
**Roll Call #93 [5-33]**  
**Further Clerk #137.1**

**UNDERAGE GAMBLING**

Messrs. Tarr, Hedlund, Knapik and Ross move to further amend the bill (Senate, No. 2015), in Section 16 by inserting after subsection (b) of section 43 the following new section:-

"(c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a gaming establishment for or on behalf of a person under 18 years old shall be punished by imprisonment in a house of correction for not more than 6 months or a fine not to exceed \$1,000, or both

and moves to further amend the bill, in section 25, by striking clause (h) in its entirety and replacing it with the following:

(h) No person under the age of 18 shall be permitted to wager or be in a gaming area."

**Rejected**  
**Clerk #140**

**DEBT COLLECTIONS**

Mr. Keenan moves that the bill be amended in Section 16 by inserting in subsection (h) of Section 27, after the word "licensees;" the following:

"provided debt collections are conducted in conformance with Chapter 93; and"

**Rejected**  
**Clerk #144**

**Prohibition on casinos extending credit**

Mr. Eldridge move to amend the bill, S2015, in line 1624, by striking Section 27 and inserting in place thereof, the following new section:-

Section 27. No gaming licensee, establishment, nor any person acting on behalf of a licensee or establishment shall: (i) be permitted to issue credit to a patron of a gaming establishment; (ii) cash any check, make and loan or otherwise provide or allow to a person any credit or advance of anything of value, or which represents value, to enable a person to place a wager;

**Rejected**  
**Clerk #155**

**UNDERAGE EMPLOYEES**

Mr. Keenan moves that the bill be amended in Section 16 by striking subsection (h) of section 25 and inserting in place thereof the following subsection:-

"(h) No person under the age of 21 shall be permitted to wager or be in a gaming area."

**ADOPTED**  
**Clerk #160**

**DRINKING & GIFTS BY INVESTIGATORS**

Mr. Keenan moves that the bill be amended in Section 16 be inserting after the definition of "Host Community" the following new definition:-

"Immediate family member," the spouse, parent, child, brother or sister of an individual"; and

in said Section 16 by inserting in subsection (m) of section 3, in line 490, after the word "employees" the following:-

"or by their immediate family members"; and

by striking Section 8 in its entirety and replacing it with the following:

"SECTION 8. Said chapter 10 is hereby further amended by inserting after section 72 the following section:-

Section 72A. The commissioner of the alcoholic beverages control commission shall establish a gaming liquor enforcement unit whose responsibilities shall include enforcing, regulating and controlling the distribution of alcoholic beverages in a gaming establishment.

The gaming liquor enforcement unit shall work in conjunction and cooperation with the investigations and enforcement bureau within the Massachusetts gaming commission established in chapter 23K. The commissioner shall assign investigators and employees of the unit to the bureau, who shall report to the director of the bureau and to the commissioner; provided, however, that the Massachusetts gaming commission shall designate the number of investigators and employees necessary to staff the unit. The commissioner shall establish a code of ethics for all unit investigators and employees which shall be more restrictive than chapters 268A and 268B. A copy of the code of ethics shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out this section including, but not limited to: (i) prohibiting the receipt of gifts or anything of value by a unit investigator, employee or immediate family member from a gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; (ii) prohibiting the participation by a unit investigator or employee 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 any other person with whom such employee has a significant relationship as defined in the code; (iii) prohibiting a unit investigator, employee, or immediate family member other than in the performance of official duties, from placing a wager in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located; provided further that unit investigators and employees shall be prohibited from consuming alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located. The commissioner shall establish a program to rotate investigators in and out of the unit. The alcoholic beverages control commission shall be reimbursed by the Massachusetts gaming commission for the costs of operating the unit; provided, however, that the Massachusetts gaming commission shall have final approval over the budget of the unit"; and

in the second paragraph of subsection (c) of Section 11M as found in Section 9 of the bill by striking said subsection in its entirety and inserting in place thereof the following subsection:-

"(c) No employee of the division and no person engaged by the division in the course of an investigation, other than in the performance of their official duties, shall place a wager or consume alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located during the period of their employment or assignment with the division. The attorney general shall establish a code of ethics for all unit investigators and employees which shall be more restrictive than chapters 268A and 268B. A copy of the code of ethics shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out this section including, but not limited to: (i) prohibiting the receipt of gifts or anything of value by a division employee or immediate family member from a gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; (ii) prohibiting the participation by a division employee 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 any other person with whom such employee has a significant relationship as defined in the code; (iii) prohibiting a division employee, or immediate family member other than in the performance of official duties, from placing a wager in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located; provided further that unit investigators and employees shall be prohibited from consuming alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located"; and

in Section 15 be striking the section in its entirety and inserting in place thereof the following section:-

"SECTION 15. Said chapter 22C is hereby further amended by adding the following section:-

Section 70. The colonel of state police shall establish a gaming enforcement unit the responsibilities of which shall include, but not be limited to, the investigation of criminal violations of chapter 23K or any other general or special law pertaining to gaming. The gaming enforcement unit shall work in conjunction and cooperation with the investigations and enforcement bureau within the Massachusetts gaming commission to enforce chapter 23K and with the division of gaming enforcement within the office of the attorney general to investigate criminal activity related to gaming. Officers and employees of the unit shall be assigned to the investigations and enforcement bureau and shall report to the deputy director of investigations and enforcement and to the colonel of state police. The colonel shall also assign officers of the unit to the division of gaming enforcement, who shall report to the chief of gaming enforcement and to the colonel of state police. The colonel shall establish a code of ethics for all unit officers and employees which shall be more restrictive than chapters 268A and 268B. A copy of the code of ethics shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out this section including, but not limited to: (i) prohibiting the receipt of gifts or anything of value by a unit officer, employee or immediate family member from a gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; (ii) prohibiting the participation by a unit officer or employee 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 any other person with whom such employee has a significant relationship as defined in the code; (iii) prohibiting a unit officer, employee, or immediate family member other than in the performance of official duties, from placing a wager in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located; provided further that unit officers and employees shall be prohibited from consuming alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located. The colonel shall establish a program to rotate officers in and

out of the unit."

*Rejected*  
**Roll Call #94 [12-26]**  
**Further Clerk #160.1**

#### **Prohibiting Free Alcohol in Gaming Establishment**

Ms. Fargo and Ms. Jehlen moves to further amend the pending amendment #160 in Senate No. 2015 striking subsection (c) of Section 26 of Chapter 23K of the General Laws, as inserted by SECTION 16 in its entirety and inserting in place thereof the following paragraph: -

"(c) Nothing in this section shall permit a licensee to offer or deliver any free or complimentary drinks to any person or group of persons.Â The Commission in conjunction with the ABCC shall promulgate regulations to establish forms of identification that may be presented to the gaming licensee to demonstrate proof that a person has attained the age of 21; provided further, that such regulations shall include requirements relative to alcohol training certification for any employee who serves alcohol at the gaming establishment."

*Rejected*  
**Roll Call #95 [13-25]**  
**Clerk #160.2**

#### **Local Restaurant Protection**

Mr. Hedlund moves to amend the pending amendment, (No. 160 by Mr. Keenan) by striking out the text and inserting in place thereof the following text:-

â€œby inserting after section 43 the following section:-

â€™SECTION 43A. Section 24 of chapter 138 of the General Laws, as so appearing, is hereby amended by inserting after the word â€œthereofâ€ , in line 17, the following words:- ; provided further, that regulations relating to licensees licensed to sell alcoholic beverages to be served or drunk on the premises shall not be more restrictive than subsection (c) of section 26 of chapter 23K and the regulations promulgated under said section for gaming establishments.â€™â€ .

*Rejected*  
**Clerk #162**

#### **Slot Machine Warnings**

Mr. Hedlund moves to amend Senate bill 2015 by inserting, in line 343, after the words "slot machine" the following:- "and all slot machines must be affixed with a sticker or label delineating 1. information regarding the programming and therefore non-randomness of slot machines, and 2.compulsive gambling hotline number. These stickers or labels must be affixed to the front of the machine, in plain sight of the machine user and of sufficient size to be easily read."

**ADOPTED**  
**Roll Call 101 [37-0]**  
**2nd Redraft Clerk #180**

#### **Municipal public hearing and binding election**

Ms. Fargo moves to amend the bill (Senate, No. 2015) in SECTION 16, in section 18 of proposed chapter 23K, by striking out clause (13) and inserting in place thereof the following clause:-

(13) have received a certified and binding favorable vote on a ballot question at an election in the host community, in favor of such license; provided, however that the vote shall take place after the effective date of this chapter; provided further, that a request for an election shall take place after the signing of an agreement between the host community and the applicant; provided further, that the signed agreement shall be made available to the public upon request; provided further, that the governing body of the municipality shall call for the election not less than 35 days from the date that the request was received and not less than 15 days prior to the date of the election; provided further, that a binding vote shall be conducted not less than 60 days from the date that the request was received; Â provided further that the host community shall hold a public hearing on the applicantâ€™s request prior to any such election pursuant to section 11Â½ of chapter 30A; provided further, that an applicant for a gaming license shall be given at least 30 days notice of the public hearing; provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that the applicant shall reimburse election expenses within 30 days after the election; provided further, thatÂ commission shall deny an application for a gaming license if the applicant has not fully reimbursed the host community, provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, â€œhost communityâ€ shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided further, that upon the signing of an agreement between the host community and the applicant, and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the host community; provided further, that at such election, the question submitted to the voters shall be worded as follows: â€œShall the (city/town) of \_\_\_\_\_ permit (name of applicant) to operate a gaming establishment licensed by the Massachusetts Gaming Commission to be located at \_\_\_\_ [description of site] \_\_\_\_? YES \_\_\_\_ NO \_\_\_\_â€ ; provided further, that if a majority of the votes cast in a host community in answer to the question is in the affirmative, the host community shall be taken to have voted in favor of the applicantâ€™s license; provided further, that the applicant shall not submit a request to the governing body of the municipality without first obtaining a new signed agreement with the host municipality; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant

shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license;â€

**ADOPTED**  
**Further Clerk #180.1**

#### Local Election Procedure

Ms. Candaras moves to further amend the pending Å amendment (Amendment No. 180 by Ms. Fargo) by inserting after the word "clause," the following words:- " ,unless a city opts out of this provision by a vote of the local legislative body,"; and by striking out the figure "125,000" and inserting in place thereof the following figure:- "175,000".

**ADOPTED**  
**Redraft Clerk #182**

#### Corrective Amendment

Mr. Brewer moves to amend the bill (Senate, No. 2015), in section 16, in line 750, by inserting after the word "law," the following words:-"rule or regulation"; and

in said section 16, in clause (13) of section 15 of proposed chapter 23K, by adding the following words:-"provided further, that the ballot question shall be accompanied by a fair and concise summary, as determined by the city solicitor or town counsel"; and

in said section 16, by striking out, in line 1341, the word "exchange" and inserting in place thereof the following words:- "not change"; and

in said section 16, by striking out, in line 1343, the word "operate" and inserting in place thereof the following words:- "not operate"; and

in said section 16, by striking out, in line 1433, the words "commercial financial institution licensed by the division of banks" and inserting in place thereof the following words:- "banking institution, as defined in section 1 of chapter 167A,"; and

in said section 16, by striking out, in line 1493, the word "licensee" and inserting in place thereof the following word:- "license"; and

in said section 16, in section 46 of proposed chapter 23K, as inserted by amendment 104, by striking out the words "or holder of"; and

in said section 16, in said section 46 of proposed chapter 23K, as inserted by amendment 104, by striking out the word "holder,"; and

in said section 16, by striking out, in line 2449, the words "state secretary" and inserting in place thereof the following words:- "secretary of administration and finance"; and

in said section 16, by striking out, in line 2564, the words "and board"; and

in said section 16, in subsection (b) of section 68 of said proposed chapter 23K by striking out, in line 2566, Å the figure "9", Å inserted by amendment 54, and

inserting in place thereof the following figure:- "12"; and

in said section 16, by striking out, in line 2567, the words "region 1" and inserting in place thereof the following words:- "region A"; and

in said section 16, by striking out, in line 2567, Å the words "region 2" and inserting in place thereof the following words:- "region B"; and

in said section 16, by striking out, in line 2568, the words "region 3" and inserting in place thereof the following words:- "region C"; and

in section 17, by inserting, in line 2705, after the word "law," the following words:- "rule or regulation"; and

by inserting after section 37 the following section:-

SECTION 37A. Section 2 of chapter 128A of the General Laws, as appearing in the 2010 Official Edition, is hereby amended by striking out, in lines 6 and 7, the words "state racing commission" and inserting in place thereof the following words:- "Massachusetts gaming commission established in chapter 23K."; and

in section 47, in proposed chapter 267A, by striking out section 3 and inserting in place thereof the following section:-

Section 3. (a) As needed on a case-by-case basis, a financial institution, upon the request of the attorney general, shall file with the attorney general reports required by the Currency and Foreign Transactions Act, set forth in 31 U.S.C., Å§ 5311 to 5315, 31 C.F.R. 103.

(b) A financial institution, or an officer, employee or agent of a financial institution that provides any reports, records or information under this section shall not be liable to its customer, to a state or local agency or to any person for any loss or damage caused in whole or in part by the making, filing or governmental use of the report or any information contained in the report. Nothing in this chapter shall give rise to a private cause of action for

relief or damages. Nothing in this subsection shall preclude a financial institution, in its discretion, from instituting contact with, and then communicating with and disclosing customer financial records to, appropriate federal, state or local law enforcement agencies if the financial institution has reason to suspect that the records or information demonstrate that the customer has violated this chapter.

(c) Any report, record or information obtained by the attorney general under this section shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or section 10 of chapter 66 and shall not be subject to disclosure, except to other state and federal law enforcement agencies.

(d) A violation of this section, which is not a violation of section 2, shall be punished by a fine of \$100 for each report requested by the attorney general and subsequently not filed.â€; and

in section 89, in subsection (c), by striking out the second sentence, as appearing in amendment 21, Å and inserting in place thereof the following sentence:-Å

The tribe shall work with the local legislative body in the host community to schedule a vote for approval of the proposed gaming development. â€œ; and

in said section 89, in said subsection (c), in the third sentence, as so appearing, by inserting after the word â€œTheâ€ the following words:- â€œlegislative body of theâ€; and

in section 90, by striking out, in line 3256, the figure â€œ2011â€ and inserting in place thereof the following figure:- â€œ2009â€.

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