

Amendments from Racing: 59, 60, 61, 62, 65, 75, 79, 80, 83, 84, 96, 113, 114, 115, 123, 124, 125, 133, 136, 137, 138

Mr. Dempsey of Haverhill moves to amend the bill in section 7 of chapter 23K by inserting the following paragraph:-

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.

And further amend the bill in subsection (b) of section 24 of chapter 23K by striking out the words "category 2" and inserting in place thereof, in each instance, the following words:-
gaming.

And further amend the bill by inserting after section 103 the following new section:-

SECTION 104. Sections 4, 11, 12, 13, 37, 39 and section 7 of chapter 23K shall take effect 180 days after the effective date of this act.

Mr. D'Emilia of Bridgewater moves to further amend the Consolidated Amendment by inserting, after the words "breeding program", the following:

"; 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".

Amendments from Regulatory and Criminal Enforcement: 1, 9, 10, 15, 27, 28, 29, 33, 36, 39, 42, 44, 57, 70, 71, 77, 94, 106, 128, 132, 134, 135

Mr. Dempsey of Haverhill moves to amend the bill by inserting after the words “necessary to staff the unit”, in line 44, the following words:- ; provided further, that the code of ethics established in section 3 of chapter 23K shall apply to all investigators and employees of the unit.

And further amend the bill by inserting after the words “chapter 23K”, in line 112, the following words:- ; provided further, that the code of ethics established in section 3 of chapter 23K shall apply to all officers and employees of the unit.

And further amend the bill by striking out the words “and (iv) employment history”, in lines 466 to 467, and inserting in place thereof the following words:- (iv) permanent residency; and (v) employment history.

And further amend the bill by striking out the words “and, in consultation with the commission, shall execute”, in line 727, and inserting in place thereof the following words:- . The commission, in consultation with the colonel of the state police, shall facilitate the execution of.

And further amend the bill by inserting after the word “purpose”, in line 1525, the following words:- ; provided, however, that this subsection shall not apply to licensed gaming vendors who operate a warehouse, showroom or sales facility within the commonwealth subject to the approval of the commission.

And further amend the bill by inserting after the figure “21”, in line 1568, the following words:- ; provided further, that such regulations shall include requirements relative to alcohol training certification for any employee who serves alcohol at the gaming establishment.

And further amend the bill by inserting after the words “address of the applicant”, in line 1680, the following words:- and place of permanent residency.

And further amend the bill by inserting after the words “speaker’s designee”, in line 2506, the following words:- the senate minority leader or the senate minority leader’s designee; the house minority leader or the house minority leader’s designee.

And further amend the bill in section 86 by inserting at the end thereof the following sentence:-

Commissioners shall be appointed within 90 days of the effective date of this act; provided, however, that no person shall be allowed to serve on the commission prior to the completion of a background investigation pursuant to section 3 of chapter 23K of the General Laws.

Amendments from Licensing Consolidated: 46, 52, 76, 78, 104, 142

Mr. Dempsey of Haverhill moves to amend the bill by ~~striking out, in line 256, the words “or from credit extended or collected by the gaming licensee for purposes other than gaming”.~~

~~And further amend the bill by inserting after the word “uncertain”, in line 358, the following words: —; provided further, that the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit shall not be considered as gross revenue or gross gaming revenue.~~

~~And further amend the bill by inserting after the word “venues”, in line 1040, the following words:- , or its designee.~~

~~And further amend the bill by inserting after the word “venues”, in line 1127, the following words:- , or its designee.~~

And further amend the bill in section 18 of chapter 23K by inserting the following clause:-

(18) whether the applicant has a contract with organized labor, including hospitality services, and has the support of organized labor for its application, which specifies: the number of employees to be employed at the gaming establishment, including detailed information on the pay rate and benefits for employees and contractor; the total amount of investment by the applicant in the gaming establishment and all infrastructure improvements related to the project; and completed studies and reports as required by the commission, which shall include, but are not limited to, an economic benefit study, both for the commonwealth and region; and whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, re-construction, renovation, development and operation of the gaming establishment.

And further amend the bill in subsection (b) in section 19 of 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.

And further amend the bill in section 21 of chapter 23K by striking out clause (4) and inserting in place thereof the following clause:-

(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;

And further amend the bill by striking out section 28 and inserting in place thereof the following section:-

SECTION 28. 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.

Amendments from Revenue Distribution: 4, 8, 12, 14, 24, 31, 32, 35, 36, 37, 38, 43, 47, 64, 68, 73, 74, 81, 85, 86, 89, 90, 97, 98, 112, 121, 150

Mr. Dempsey of Haverhill moves to amend House Bill 3702, in section 2A, by inserting after line item 0411-1004 the following line item:-

0810-1204 For the implementation and operation of the division of gaming enforcement within the office of the attorney general, established pursuant to section 11M of chapter 12, for the investigation and prosecution of criminal activity relating to legalized gaming in the commonwealth pursuant to chapter 23K.....\$500,000.

And further amend the bill in section 9 by inserting at the end thereof the following paragraph:-

The division shall submit quarterly requests to the commission for expenses associated with the operation of the division and the commission shall reimburse the division for such expenses; provided, however, that the commission shall not approve such a request if the request would exceed an annual reimbursement of \$2,000,000.

And further amend the bill in section 58 of chapter 23K by striking out the figure “25” in line 2382 and inserting in place thereof the following figure – 20.

And further amend the bill in section 58 of chapter 23K by inserting at the end thereof the following clause:-

(l) 5 per cent to the Community Preservation Fund.

And further amend the bill by striking out, in line 3223, the figure “99” and inserting in place thereof the following figure:- 98.

And further amend the bill in section 63 of chapter 23K by inserting at the end thereof the following sentence:- Monies from the fund shall be used in addition to the balance of the state lottery fund for distribution to cities and towns in accordance with the provisions of clause (c) of section 35 of chapter 10 and any monies so distributed shall be considered part of “general revenue sharing aid” for purposes of annual aid and contribution requirements established pursuant to chapter 70 or section 3 of the annual general appropriation act.

And further amend the bill by inserting after the word “maintenance”, in line 2463, the following words:- ; provided, however, that 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 in clause (b) of the second paragraph of section 4 of chapter 6C.

And further amend the bill by inserting after the word “source”, in line 2466, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting after the words “expenditures from said fund”, in line 2470, the following words:- shall be subject to appropriation, provided further, that 35 per cent of funds received shall be appropriated for the purposes of higher education to supplement, and not offset, any reduction in the general appropriation act from the previous fiscal year and, provided further, that any expenditures from said fund.

And further amend the bill by striking out section 91 and inserting in place thereof 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 monies in the fund as follows:

- (1) 5 per cent to the Race Horse Development Fund established in section 60 of chapter 23K of the General Laws.
- (2) 10 per cent to the Community Mitigation Fund established in section 61 of chapter 23K of the General Laws.
- (3) 14.5 per cent to the Transportation Infrastructure and Development Fund established in section 62 of chapter 23K of the General Laws.
- (4) 1.5 per cent to the Tourism Fund established in section 35J of chapter 10 of the General Laws.
- (5) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund, established in section 2CCCC of chapter 29 of the General Laws;
- (6) 9 per cent to the Local Capital Projects Fund established in section 2EEEE of chapter 29 of the General Laws.
- (7) 13 per cent to the Manufacturing Fund established in section 96.
- (8) 17 per cent to the Community College Fund established in section 97.
- (9) 23 per cent to the Healthcare Payment Reform Fund established in section 99.
- (10) 2 per cent to the Community Preservation Fund.

(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 as provided in clauses (1) and (2) of subsection (a); provided, however, that no transfer or payment under said clauses (1) and (2) of said subsection (a) 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.

And further amend the bill by inserting after the word “source”, in line 3293, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting after the word “source”, in line 3296, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting after the word “source”, in line 3299, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting the following 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 amend the bill by inserting the following section:-

SECTION X. 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, population, real estate values, mean income level of the municipality as compared to the state mean income level and poverty levels based on relative 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 Aid Stabilization Fund, 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.

Mr. Dempsey of Haverhill moved to amend the amendment by adding the following paragraph:

"Prior to any distribution of gaming revenues from the Gaming Local Aid Fund and the Local Aid Stabilization 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."

Mr. Dempsey of Haverhill moves to amend amendment number 17 to the bill by striking out the words “one or more surrounding communities, such applicant shall submit for the commission’s consideration a report of the full course of negotiations with such surrounding community, including the last position such applicant presented to, and was rejected by, such surrounding community. As a condition of a license grant hereunder the commission may require that an applicant fulfill the terms set forth within its last proposal to such surrounding community, or impose such reasonable additional or alternative terms as the commission deems appropriate. At the direction of the commission, the funds necessary to fulfill the terms and conditions of the agreements or commission order of mitigation shall be paid from the mitigation fund provided for in Section 61.” and inserting in place thereof the following words:-

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 further amend the amendment by inserting the following further amendment:-

And further amend the bill by striking out the words “included a signed agreement with that community in its application”, in lines 1116 to 1117, and inserting in place thereof the words:- finalized negotiations with that community in its application pursuant to section 15;

Mr. Boldyga of Southwick moves to further amend Amendment # 20 by striking the text, in its entirety, and inserting, in place thereof, the following:

Mr. Boldyga of Southwick moves to amend House bill 3702, as printed, by inserting, in line 1172, after the words “existing”, the word “Massachusetts”.

Mr. Winslow of Norfolk moves to further amend amendment # 53 by striking the text, in its entirety, and inserting, in place thereof, the following:

Mr. Winslow of Norfolk moves to amend House bill 3702, as printed, 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.

AS ADOPTED ON SEPTEMBER 15, 2011

Mr. Dempsey of Haverhill moves to further amend amendment number 87 by striking the amendment in its entirety and inserting in place thereof the following amendment:-

Mr. Dempsey of Haverhill moves that the bill be amended by striking out in lines 3187 to 3189 the following words:- “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:-

August 1, 2012, the commission determines that the tribe will not have land placed into trust for their benefit due to a decision by the Secretary of the Department of the Interior or a court of competent jurisdiction,

Mr. Frost of Auburn moves to further amend amendment #99 by striking the text, in its entirety, and inserting, in place thereof, the following:

“Mr. Frost of Auburn moves to amend House bill 3702, as printed, by inserting, after section XX, the following:

SECTION XX. Notwithstanding any general or special law to the contrary, the department of revenue shall study the tax revenue loss incurred by establishing a deduction, under section 3 of chapter 62, similar to the deduction described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts. The department 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 revenue not later than June 30, 2012.”.

Ms. O'Connell of Taunton moves to further amend Amendment #103 by striking the text, in its entirety, and inserting, in place thereof, the following:

Ms. O'Connell of Taunton moves to amend House bill 3702, as printed, by inserting, in line 1168, after the words "local restaurant", the following: "small businesses,".

Mr. Cabral of New Bedford and Mr. Koczera of New Bedford move to further amend amendment 149 by striking the amendment in its entirety and inserting in place thereof the following amendment:-

Mr. Cabral of New Bedford and Mr. Koczera of New Bedford move to amend the bill in section 89 by inserting at the end thereof the following sentence:-

The commission shall prepare quarterly reports on the status of a federally recognized tribe's application with the Bureau of Indian Affairs to approve any negotiated compact or place land into trust for the purposes of conducting Indian gaming pursuant to the Indian Gaming Regulatory Act. The commission shall file such reports with the clerks of the house and senate and the chairs of the joint committee on economic development and emerging technologies.

Mr. D'Emilia of Bridgewater moves to further amend the Consolidated Amendment by inserting, after the words "breeding program", the following:

"; 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".

Mr. Dempsey of Haverhill moved to amend the amendment by adding the following paragraph:

"Prior to any distribution of gaming revenues from the Gaming Local Aid Fund and the Local Aid Stabilization 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."

Amendment Status - House, No. 3702 - An Act Establishing Expanded Gaming in the Commonwealth

1	Consolidated B	51	Withdrawn	101	Rejected	151	Withdrawn
2	Withdrawn	52	Consolidated C	102	Withdrawn	152	Withdrawn
3	Consolidated D	53	Further adopted, precluding vote	103	Further adopted, precluding vote	153	Withdrawn
4	Consolidated D	54	Rejected	104	Consolidated C	154	Rejected
5	Withdrawn	55	Rejected	105	Rejected	Consolidated A - Racing Adopted, as amended	
6	Rejected	56	Rejected	106	Consolidated B		
7	Withdrawn	57	Consolidated B	107	Adopted	Consolidated B - Regulatory & Criminal Enforcement Adopted	
8	Rejected (RC #107)	58	Rejected	108	Withdrawn		
9	Consolidated B	59	Rejected	109	Withdrawn		
10	Consolidated B	60	Rejected	110	Withdrawn	Consolidated C - Licensing Adopted, as changed	
11	Withdrawn	61	Rejected	111	Rejected		
12	Consolidated D	62	Rejected	112	Consolidated D	Consolidated D - Revenue Adopted, as amended	
13	Rejected	63	Rejected	113	Consolidated A		
14	Adopted	64	Consolidated D	114	Consolidated A		
15	Consolidated B	65	Consolidated A	115	Consolidated A	Engrossment Roll Call #115	
16	Rejected	66	Rejected	116	Rejected		
17	Adopted, as amended	67	Rejected	117	Withdrawn		
18	Withdrawn	68	Rejected	118	Withdrawn		
19	Rejected	69	Rejected	119	Adopted		
20	Further adopted, precluding vote	70	Consolidated B	120	Adopted		
21	Withdrawn	71	Consolidated B	121	Consolidated D		
22	Withdrawn	72	Withdrawn	122	Withdrawn		
23	Withdrawn	73	Adopted	123	Rejected		
24	Withdrawn	74	Consolidated D	124	Rejected		
25	Withdrawn	75	Consolidated A	125	Rejected		
26	Rejected (RC#110)	76	Consolidated C	126	Rejected		
27	Rejected	77	Consolidated B	127	Rejected		
28	Rejected	78	Consolidated C	128	Rejected		
29	Consolidated B	79	Consolidated A	129	Rejected		
30	Rejected	80	Consolidated A	130	Rejected		
31	Rejected	81	Consolidated D	131	Rejected		
32	Adopted (RC #111)	82	Adopted	132	Rejected		
33	Consolidated B	83	Racing Consolidated	133	Rejected		
34	Withdrawn	84	Consolidated A	134	Rejected		
35	Consolidated D	85	Consolidated D	135	Rejected		
36	Consolidated B	86	Consolidated D	136	Rejected		
37	Consolidated D	87	Adopted, as amended	137	Consolidated A		
38	Consolidated D	88	Rejected	138	Consolidated A		
39	Consolidated B	89	Consolidated D	139	Withdrawn		
40	Withdrawn	90	Consolidated D	140	Withdrawn		
41	Withdrawn	91	Withdrawn	141	Withdrawn		
42	Consolidated B	92	Withdrawn	142	Adopted		
43	Consolidated D	93	Withdrawn	143	Adopted		
44	Consolidated B	94	Consolidated B	144	Withdrawn		
45	Withdrawn	95	Rejected	145	Rejected		
46	Consolidated C	96	Consolidated A	146	Rejected		
47	Rejected	97	Consolidated D	147	Rejected (RC#108)		
48	Rejected	98	Rejected	148	Rejected		
49	Adopted	99	Further adopted, precluding vote	149	Further adopted, precluding vote		
50	Withdrawn	100	Withdrawn	150	Rejected		

Mr. Bradley of Hingham moves to amend the bill H 3702, in section 9(c), by inserting, in line 85, after the sentence, “The division shall submit a request for reimbursement to the commission and the commission shall reimburse the department of state police” the following sentence: “The attorney general shall be reimbursed by the Massachusetts gaming commission for the costs of operating the division and legal representation of the commission.”

WITHDRAWN

Mr. Sannicandro of Ashland moves that H. 3702 be amended in section 16, in line 2384, by striking out the figures “10” and inserting in place thereof the figure “5”, in line 2395, by striking out the figures “14” and inserting in place thereof the figures “24”, in line 2398, by striking out the figures “10” and inserting in place thereof the figure “5”, and in line 2472, by inserting after the word “act.” the following two sentences: “Not less than 10% of the Education Fund shall be used for public higher education. Expenditures from said fund for public higher education shall be used to supplement, and not reduce, any appropriations in items 7100-0200, 7109-0100, 7110-0100, 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100, 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, 7518-0100 of the general appropriation act from the previous fiscal year’s general appropriation act, and shall be allocated to the University of Massachusetts, the state universities, and the community colleges in accordance with funding formulas developed under section 15B of chapter 15A of the General Laws, and for deferred maintenance .”.

Representative Turner of Dennis moves to amend House Bill 3702 by adding the following 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.

Mr. Sannicandro of Ashland moves that H. 3702 be amended in section 16, in line 2384, by striking out the figures “10” and inserting in place thereof the figure “5”, in line 2395, by striking out the figures “14” and inserting in place thereof the figures “24”, in line 2398, by striking out the figures “10” and inserting in place thereof the figure “5”, and in line 2472, by inserting after the word “act.” the following two sentences: “Not less than 40% of the Education Fund shall be used for public higher education. Expenditures from said fund for public higher education shall be used to supplement, and not reduce, any appropriations in items 7100-0200, 7109-0100, 7110-0100, 7112-0100, 7113-0100, 7114-0100, 7115-0100, 7116-0100, 7117-0100, 7118-0100, 7502-0100, 7503-0100, 7504-0100, 7505-0100, 7506-0100, 7507-0100, 7508-0100, 7509-0100, 7510-0100, 7511-0100, 7512-0100, 7514-0100, 7515-0100, 7516-0100, 7518-0100 of the general appropriation act from the previous fiscal year’s general appropriation act, and shall be allocated to the University of Massachusetts, the state universities, and the community colleges in accordance with funding formulas developed under section 15B of chapter 15A of the General Laws, and for deferred maintenance .”.

Mr. Arciero of Westford moves to amend the bill by adding a new section to the end thereof,

Section

Paragraph (a) of Part B of section 3 of chapter 62 of the General Laws is hereby amended by adding the following paragraph:

(16) The amount of monetary losses equal to the monetary winnings derived from playing lottery games operated, or offered, by the lottery commission of the commonwealth of Massachusetts as reported on the taxpayer's United States federal income tax form 1040, and in Part A of the adjusted gross income tax form of the commonwealth of Massachusetts.

Mr. Koczera of New Bedford moves to amend House Bill 3697 by striking subclause (a) of clause (2) of section 59 of proposed chapter 23K, in lines 2371 to 2378, inclusive, and inserting in place thereof the following subclause:-

(a) 2 per cent of revenues 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, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council;

Mr. Koczera of New Bedford moves to amend House Bill 3702 in section 16 by inserting after the word “systems”, in line 1198, the following words:- ; provided, however, that the commission shall give added consideration during the evaluation process when awarding a category 1 gaming license to facilities proposed on Brownfield sites.

Mr. Koczera of New Bedford moves to amend House Bill 3702 by inserting after the word “maintenance”, in line 2463, the following words:- “; 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,

and by inserting after section 5 the following section:-

SECTION 5A. Chapter 10 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 35QQ, as added by chapter 14 of the acts of 2011, 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. Collins of Boston moves that H3702 be amended by deleting lines 727-733 after the word policing matters in line 727 and inserting the following:

“the commission shall execute a public safety memorandum of understanding with the host community that shall include, but not be limited to, procedures involving; (i) assignment of police officers of the host community to the gaming unit of the state police; (ii) first responder calls from the gaming establishment; (iii) emergencies occurring within the gaming establishment, including the gaming area; and (iv) criminal investigations involving the employees or patrons of a gaming establishment.”

Mr. Collins of Boston moves that H. 3702 be amended by deleting the subsection (f) on line 723 and inserting in place the following:

“(f) The gaming enforcement unit within the department of the state police shall have exclusive police jurisdiction over any criminal activity relating to the operation of a gaming establishment or relating to games or gaming that occur inside a gaming establishment pursuant to Chapter 23K of the general laws; provided however, that in host communities of fewer than one hundred thousand residents, the state police shall have concurrent jurisdiction with the law enforcement agency of such host communities on all other policing matters. In host communities of one hundred thousand or more, the local law enforcement agency shall have jurisdiction over all other policing matters not referenced in Chapter 23K of the general laws.”

Mr. Lewis of Winchester moves House Bill 3702 be amended as follows:-

SECTION. Subsection (1) of Section 71 in Chapter 23 K of the General Laws is hereby amended by striking out, on lines 2606-2607, the wording “a baseline study of the existing occurrence of problem gambling in the commonwealth;” and inserting in place thereof the following wording:-

“a baseline study of the existing occurrence of problem gambling and associated conditions in the commonwealth;”

Mr. Lewis of Winchester moves House Bill 3702 be amended as follows:-

SECTION. Section 58 in Chapter 23K of the General Laws is hereby amended by striking out the wording in Section 58 and inserting in place thereof the following wording:-

“There is hereby established and set up on the books of the commonwealth a separate fund to be known as the Public Health Trust Fund. The public health trust fund shall consist of fees assessed under section 56 and all other monies credited or transferred to the fund from any other source under law. The secretary of health and human services shall be the trustee of the public health trust fund and may only expend monies in the fund, without further appropriation, to assist social service and public health programs dedicated to addressing the problems associated with compulsive gambling, including, but not limited to gambling prevention and addiction services, alcohol and drug addiction services, family violence prevention services, child abuse and neglect services, suicide prevention, educational campaigns to mitigate the potential addictive nature of gambling and any studies and evaluations necessary, including the annual research agenda under section 71, to ensure the proper and most effective strategies.”

Mr. Lewis of Winchester moves House Bill 3702 be amended as follows:-

SECTION . The definition of “slot machine” in section 2 of chapter 23K of the General Laws is hereby amended by adding the following paragraph:-

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.

Mr. Lewis of Winchester moves House Bill 3702 be amended as follows:-

SECTION. Section 58 in Chapter 23K of the General Laws is hereby amended by striking out the wording “Public Health Trust Fund” and inserting in place thereof the following wording:- “Addictions Prevention and Mitigation Trust Fund.”

Mr. Fernandes of Milford moves to amend H. 3702, in paragraph (a) of Section 26, in line 1560, by inserting after the word “establishment” the following:

“provided, however, that the division of gaming liquor enforcement of the alcoholic beverage control commission shall have concurrent jurisdiction with the law enforcement agency of the host community on the enforcement of alcohol beverage control laws and regulations and, in consultation with the commission, shall execute a memorandum of understanding with the law enforcement agency of the host community that shall include, but not be limited to, procedures involving: (i) assignment of police officers of the host community to the division of gaming liquor enforcement of the alcoholic beverage control commission; (ii) first responder calls from the gaming establishment; (iii) emergencies occurring within the gaming establishment, including the gaming area; and (iv) criminal investigations involving employees or patrons of a gaming establishment, all as the same relate to alcohol beverage control law and regulation enforcement.”

Mr. Fernandes of Milford moves to amend H. 3702, in paragraph (b) of Section 26, in line 1562, by inserting after the sentence, "The application fee shall be remitted with the gaming application fee", the following: ";provided further, that a portion of said application or renewal fee in an amount equal to the annual all-alcohol-related licensing fee of the host community shall revert exclusively back to the host community."

Mr. Fernandes of Milford moves to amend H. 3702, in subsection 9 of Section 15, in line 1038, by adding after the word "establishment" the following: - ";provided further that, in the event that an applicant cannot reach agreement with one or more surrounding communities, such applicant shall submit for the commission's consideration a report of the full course of negotiations with such surrounding community, including the last position such applicant presented to, and was rejected by, such surrounding community. As a condition of a license grant hereunder the commission may require that an applicant fulfill the terms set forth within its last proposal to such surrounding community, or impose such reasonable additional or alternative terms as the commission deems appropriate. At the direction of the commission, the funds necessary to fulfill the terms and conditions of the agreements or commission order of mitigation shall be paid from the mitigation fund provided for in Section 61."

Mr. Fernandes of Milford moves to amend House 3702, in paragraph (a) of Section 17, in line 1115, by striking lines 1115 to 1120, inclusive, after the word "boundaries" and inserting in place therefore the following:- "If the commission determines a city or town to be a surrounding community and the applicant has not included a signed agreement with that community in its application, or reported as required by Section 15(a) hereof as to the course of negotiations, the applicant shall attempt to negotiate a signed agreement with that community within 30 days. When necessary the commission may facilitate the negotiation of fair and reasonable agreements between the applicant and surrounding communities."

Mr. Fernandes of Milford moves to amend H. 3702, in Section 89, in line 3190, by inserting the following as a new section (f):

“(f) Any compact negotiated and agreed to by the governor and an approved Indian tribe shall verify that the Indian tribe has recognized and acknowledged the financial investment or investment rights of any individual or entity which has made such investment to said tribe, its affiliates, or predecessor applicants of the tribe for the purpose of securing a gaming license for said tribe under its name or any subsidiary or affiliate since 2005.”

Mr. Boldyga of Southwick moves to amend House bill 3702 by striking, in line 818, the word “and”;

and, further, by inserting, in line 820, after the words “proposed gaming establishment;”, the following:

“and (20) a statement of intent, guaranteeing that a majority of gaming establishment’s employees shall be legal residents of the commonwealth;”;

and, further, in line 1223, by striking the word “and”;

and, further, by inserting, in line 1232, after the words “gaming establishment”, the following:

“; and (18) hiring employees who are legal residents of the commonwealth”.

WITHDRAWN

Mr. Boldyga of Southwick moves to amend House bill 3702 by striking, in line 818, the word “and”;

and, further, by inserting, in line 820, after the words “proposed gaming establishment;”, the following:

“and (20) a statement of intent, guaranteeing that a majority of gaming establishment’s employees shall be legal residents of the commonwealth;”;

and, further, in line 1223, by striking the word “and”;

and, further, by inserting, in line 1232, after the words “gaming establishment”, the following:

“; and (18) hiring employees who are legal residents of the commonwealth”.

Mr. Golden of Lowell moves to amend House Bill 3702 by inserting at the end thereof, the following new section:-

SECTION __. The Division of Capital Asset Management and MassDevelopment, in consultation with the Commission, shall conduct a study as to the feasibility of leasing state land, either presently owned or acquired for such purpose, to a gaming licensee for purposes of increasing revenue and other economic development opportunities for the Commonwealth and municipality where such property is located. The Division of Capital Asset Management and MassDevelopment shall supply the necessary staff to undertake this study. The results of this study shall be reported no later than 180 days from the effective date of this act to the Secretary of Administration and Finance, the House Committee on Ways and Means, the Senate Committee on Ways and Means and to the respective chairmen of the Joint Committee on Economic Development and Emerging Technologies.

Mr. Kane moves to amend the bill (House, No. 3702) 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”

Mr. Lewis of Winchester moves House Bill 3702 be amended as follows:-

SECTION. Section 64 of Chapter 23K of the General Laws is hereby amended by striking out the wording “Expenditures from said fund for K-12 education shall be used to supplement, and not offset, any reduction in item 7061-0008 of the general appropriation act from the previous fiscal year’s general appropriation act” and inserting in the place thereof the following wording:-

“Said fund shall be used to support K-12 education and public higher education. Expenditures from said fund for K-12 education shall supplement, and not offset, the annual appropriation in line item 7061-0008 of the general appropriations act.”

Mr. Sannicandro of Ashland moves to amend the bill, in SECTION 16, subsection 68, at line 2507, by striking the figure "8" and inserting in place the figure "10".

And further, in line 2511, by inserting after the words "surrounding community" the following new text: ", 2 of whom shall be representatives of the regional planning agency representing the host community in which each resort casino is located";

And further, in SECTION 16, in subsection 61, in line 2444, by inserting after the words "without further appropriation, shall" the word "annually";

And further, in SECTION 16, in subsection 61, in line 2450, by striking out subsection 61(c) and inserting in place thereof the following subsection:-

"(c) Parties requesting appropriations from the community fund shall submit a written request for funding to the commission before February 1 of each year. The commission shall hold a public hearing in the region of a gaming facility by March 31 of each year to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on demonstrated need. The commission shall consult with the regional planning agency representing the host community in which a resort casino is located in matters related to land use impacts on the communities surrounding a gaming facility."

Mr. Bastien of Gardner moves to amend H.3702 by striking lines 1240-1241 and inserting the following:

- “
- (1) region A: Suffolk, Middlesex, Essex and Norfolk counties;
 - (2) region B: Hampshire, Hampden, Franklin, Berkshire and Worcester counties; and”

Mr. Hill of Ipswich moves that House bill 3702 be amended by inserting, after SECTION XX, the following:

“SECTION XX. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the restructuring and possible merger of the state lottery commission with the Massachusetts gaming commission. The commission 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, the house and senate chairs of the joint committee on economic development and emerging technologies, and the office of the treasurer and receiver general of the commonwealth not later than July 1, 2012.”.

Mr. Hill of Ipswich and Mr. Webster of Pembroke move that House bill 3702 be amended by inserting, after SECTION XX, the following:

“SECTION AA. Notwithstanding any special or general law to the contrary, the state lottery commission, established in section 23 of chapter 10, shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred to the Massachusetts gaming commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of chapter 10 and which is not inconsistent with chapter 23K.

SECTION BB. Section AA shall take effect 180 days after the passage of this act.”.

Mr. Hill of Ipswich moves that House bill 3702 be amended by inserting, after SECTION XX, the following:

“SECTION XX. Notwithstanding any special or general law to the contrary, 180 days after the Massachusetts gaming commission awards the first gaming license issued under this chapter, the commission shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred to the Lottery commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of chapter 23K and which is not inconsistent with chapter 10.”.

Mr. Conroy of Wayland moves to amend the bill in Chapter 23K, Section 1 by adding the following paragraph: “(11) applicants for gaming licenses and gaming licensees shall demonstrate their commitment to supporting the right of all employees to organize, to paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and to offering all part time and full time employees health insurance that meets or exceeds the Massachusetts minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services”;

in Chapter 23K, Section 9 in line 801 by striking the word “employees” and inserting in place thereof the following: “both full and part time employees in each functional job category, including on-site subsidized child care services and associated hourly rates for such services, health insurance rates, paid sick days and retirement benefit plans and expected owner/operator contribution levels.”;

in Chapter 23 K, Section 10 in line 833 by inserting after the word “hotel” the words; “a child care center”;

in Chapter 23K, Section 15 in line 1020 by adding, after the word “development” the first time it appears, the following: “including collaborating with organized labor, supporting the right of employees to organize, showing their commitment to paying employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and committing to offering both part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services”;

in Chapter 23K, Section 16 by adding the following two clauses: “(v) does not have a history of collaboration with organized labor or is not currently operating a gaming facility with organized labor within its employee base; (vi) has not clearly demonstrated in its application that it shall hire employees from organized labor unions.”;

in Chapter 23 K, Section 18 by striking subsection (4) and inserting in place thereof the following:

(4) implementing a workforce development plan to utilize the existing labor force in the Commonwealth and to offer fair wages and robust benefits, which includes:

(A) supporting the right of employees to organize;

(B) collaborating with organized labor;

(C) paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety;

(D) offering all part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards;

(E) offering all part time and full time employees a robust benefits package including paid sick days, subsidized on-site childcare, retirement benefit plans and expected owner-/operator contribution levels;

(F) developing workforce training programs that serve the unemployed;

(G) estimating the number of permanent jobs and temporary construction jobs a proposed gaming establishment will generate and the mean and median wage for such jobs;

(H) making employment at the gaming establishment accessible;”;

Mr. Conroy of Wayland moves to amend the bill in Chapter 23K, Section 56 in line 2319 by adding the following sentences: "The commission shall also assess an amount equal to a CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities, less the amount of gross gaming revenue dedicated to local aid in Section 59, subsections (e) and (f). The CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities shall be calculated in the first year in which a licensee under this bill shall commence operation with a baseline of lottery distribution to localities equal to the average of the previous 5 years of distributed funds, and a CPI adjustment as calculated for the same year licensee operations have commenced. Such assessed fees shall be deposited into the Gaming Local Aid Fund established pursuant to section 63.";

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich and Poirier of North Attleboro, move to amend H3702 by inserting after "source.", in line 2466, the following sentence:-
"Funds shall be distributed to cities and towns in accordance with the formula used to determine the distribution of Unrestricted General Government Aid under section 3 of the general appropriations act."

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 373, after the word “commission”, the following:

“or at any time up to 2 years prior to serving on the commission”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, after section XX, the following section:

“SECTION XX. Notwithstanding any general or special law to the contrary, the 5 commissioners appointed under subsection (a) of section 3 of chapter 23K shall be appointed within 90 days of the passage of this act.”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Mrs. Poirier of North Attleboro move to amend House Bill 3702 by inserting, in line 2463, 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 in clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws.”

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 44, after the words “necessary to staff the unit”, 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, further, by inserting, in line 112, after the words “chapter 23K”, the following:

“; provided, further, 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, in line 698, after the words “deputy director of investigations and enforcement” 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”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Mrs. Poirier of North Attleboro move to amend House Bill 3702, in SECTION 16, by striking, in line 2396, the proposed clause (h) of section 59 of chapter 23K and inserting in place thereof the following clause: -

“(h) 10 per cent shall be transferred to the Massachusetts Community Preservation Trust Fund, established in section 9 of chapter 44B;

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 2402, after the words “debt portfolio”, 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”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by striking, in line 459, the word “may”, and inserting, in place thereof, the following: “shall”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 1120, after the words “surrounding communities”, the following:

; provided, that if, after a further 30 days, an agreement is not reached, and the commission determines that the applicant has made a good faith effort to enter into a surrounding community memorandum of understanding with the community, the commission may waive this requirement”;

and, further, in line 1133, by inserting, after the words “live entertainment venues”, the following:

; provided, that if, after a further 30 days, an agreement is not reached, and the commission determines that the applicant has made a good faith effort to enter into an agreement with an impacted live entertainment venue, the commission may waive this requirement”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 473, after the words “application to the commission”, the following:

“; provided, further, that the commission shall not knowingly employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. The commission shall verify the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a”;

and, further, in line 1741, after the word “current.”, the following:

“Section 30A. It shall be unlawful for any gaming licensee to employ knowingly any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. A gaming licensee shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or admitted under a work permit, or is authorized by the attorney general of the United States to accept employment. An inquiry into the employment status and identity of an alien shall be deemed bona fide if a gaming licensee verifies the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a.

Any gaming licensee who violates any provision of this section shall be punished by a fine of not more than \$10,000 nor less than \$5,000. A gaming licensee convicted of a second or subsequent offence shall be punished by imprisonment in state prison for not less than 5 years.”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by striking, in line 2506, 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”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Mrs. Poirier of North Attleboro move to amend House Bill 3702, in SECTION 16, by striking, in line 2384, the figure “10” and inserting in place thereof the following:- “12”

; and further, in said SECTION 16, by striking, in line 2382, the proposed clause (d) of section 59 of chapter 23K;

and further, in SECTION 18, by striking, in lines 2678 to 2681, the proposed Section 2EEEE of chapter 29;

and further, in subsection (a) of SECTION 91, by striking clauses (3) to (8), contained in lines 3217 to 3225, and inserting in place thereof the following:-

“(3) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund, established in section 2CCCC of chapter 29 of the General Laws.

(4) 69 per cent shall be remitted to the comptroller for deposit into the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws.”

; and further, by striking SECTIONS 96, 97, and 99 in their entirety.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 1568, after the figure “21”, the following:

“; provided, further, that such regulations shall include requirements relative to alcohol training certification for any gaming service employee or other gaming employee determined by the commission, in consultation with the alcoholic beverages control commission, to be involved with the serving of alcoholic beverages, including, but not limited to, training through an approved certification program or classroom training”

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich and Poirier of North Attleboro, move to amend H3702 by inserting the following sections:-

“SECTION _____. Subsection (b) of section 2 of chapter 64L of the General Laws, as added by section 60 of chapter 27 of the Acts of 2009, shall be amended by inserting after the word ‘town’, the second time it appears, the following:

, except as provided in subsection (e)

SECTION _____. Section 2 of chapter 64L, as so appearing, shall be amended by adding after subsection (d), the following:

(e) Seventy-five per cent of the sum received from the sale of restaurant meals at a gaming establishment, as defined in chapter 23K, shall be distributed to the host community, as defined in chapter 23K, and the remaining 25 per cent shall be distributed equally to surrounding communities, as defined in chapter 23K; provided, the host community and surrounding communities have accepted this section.”.

Mr. Pedone of Worcester moves to amend the bill striking out the following:

SECTION 23k, Section 2; line 268:

“Impacted live entertainment venue”, a 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.

SECTION 23k, Section 4(39), line 638:

(39) designate impacted live entertainment venues; provided, however, that, in making such designations, the commission shall consider factors including, but not limited to, the venue’s distance from the gaming establishment, venue capacity and the type of performance offered by that venue;

And also by striking out the following:

SECTION 23k, Section 15(10), line 1039; and inserting in its place “(10) provide to the commission a signed agreement between the Massachusetts Performing Arts Center Coalition, a Coalition whose members are for the avoidance of doubt the Symphony Hall in Springfield, The Hanover Theatre in Worcester, the Lowell Memorial Auditorium, the North Shore Musical Theatre in Beverly, the Lynn Memorial Auditorium, the South Shore Music Circus in Cohasset, the Cape Cod Melody Tent in Hyannis and the Citi Center in Boston, and the applicant setting forth the conditions by which the gaming establishment shall seek to minimize impact to live entertainment venues; provided, however, that the agreement shall include, but not be limited to, terms relating to cross marketing and coordination of performance schedules;

And also by striking out the following:

SECTION 23k, Section 17(b), line 1121; and inserting in its place “ (b) When necessary the commission may facilitate the negotiation of a fair and reasonable agreement between the applicant and the Massachusetts Performing Arts Center Coalition, a Coalition whose members are for the avoidance of doubt the Symphony Hall in Springfield, The Hanover Theatre in Worcester, the Lowell Memorial Auditorium, the North Shore Musical Theatre in Beverly, the Lynn Memorial Auditorium, the South Shore Music Circus in Cohasset, the Cape Cod Melody Tent in Hyannis and the Citi Center in Boston, as described in Section 15(10). A gaming licensee’s compliance with such agreement shall be considered upon a gaming licensee’s application for renewal of the gaming license.

Representative Atsalis of Barnstable moves to amend the bill in SECTION 18, Section 2DDDD by adding in line 2671 after the word “Fund;” the following: “funds to be administered by the existing workforce development system led by local Workforce Development Boards for retraining workers in contiguous counties negatively impacted by casino employment;”

Mr. Swan of Springfield move to amend House No. 3702 in Chapter 66, section 10 in line 869 by striking item (d) as it stands and inserting in place thereof the following: “(d) A category 1 licensee shall pay to the commission a fee of [not less than \$85,000,000] within 30 days of the final award of the license which sets forth the conditions to be satisfied by the licensee before the gaming establishment may be opened to the public.”

Mr. Wong of Saugus moves to amend House bill 3702 by inserting, after section XX, the following section:

“SECTION XX. 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 insure 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.’”.

Mr. Winslow of Norfolk moves to amend House bill 3702 by striking lines 344 through 347, 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 a ¼ mile radius of the gaming establishment shall be deemed surrounding communities.’.

Mr. Bastien of Gardner moves to amend H.3702 by striking lines 1240-1241 and inserting the following:

- “
- (1) region A: Suffolk, Middlesex, Essex and Norfolk counties;
 - (2) region B: Hampshire, Hampden, Franklin, Berkshire and Worcester counties; and”

Mr. Hill of Ipswich moves that House bill 3702 be amended by inserting, after SECTION XX, the following:

“SECTION XX. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the restructuring and possible merger of the state lottery commission with the Massachusetts gaming commission. The commission 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, the house and senate chairs of the joint committee on economic development and emerging technologies, and the office of the treasurer and receiver general of the commonwealth not later than July 1, 2012.”.

Mr. Hill of Ipswich and Mr. Webster of Pembroke move that House bill 3702 be amended by inserting, after SECTION XX, the following:

“SECTION AA. Notwithstanding any special or general law to the contrary, the state lottery commission, established in section 23 of chapter 10, shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred to the Massachusetts gaming commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of chapter 10 and which is not inconsistent with chapter 23K.

SECTION BB. Section AA shall take effect 180 days after the passage of this act.”.

Mr. Hill of Ipswich moves that House bill 3702 be amended by inserting, after SECTION XX, the following:

“SECTION XX. Notwithstanding any special or general law to the contrary, 180 days after the Massachusetts gaming commission awards the first gaming license issued under this chapter, the commission shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred to the Lottery commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of chapter 23K and which is not inconsistent with chapter 10.”.

Mr. Conroy of Wayland moves to amend the bill in Chapter 23K, Section 1 by adding the following paragraph: “(11) applicants for gaming licenses and gaming licensees shall demonstrate their commitment to supporting the right of all employees to organize, to paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and to offering all part time and full time employees health insurance that meets or exceeds the Massachusetts minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services”;

in Chapter 23K, Section 9 in line 801 by striking the word “employees” and inserting in place thereof the following: “both full and part time employees in each functional job category, including on-site subsidized child care services and associated hourly rates for such services, health insurance rates, paid sick days and retirement benefit plans and expected owner/operator contribution levels.”;

in Chapter 23 K, Section 10 in line 833 by inserting after the word “hotel” the words; “a child care center”;

in Chapter 23K, Section 15 in line 1020 by adding, after the word “development” the first time it appears, the following: “including collaborating with organized labor, supporting the right of employees to organize, showing their commitment to paying employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety, and committing to offering both part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards, paid sick days, retirement benefit plans and on-site, subsidized child care services”;

in Chapter 23K, Section 16 by adding the following two clauses: “(v) does not have a history of collaboration with organized labor or is not currently operating a gaming facility with organized labor within its employee base; (vi) has not clearly demonstrated in its application that it shall hire employees from organized labor unions.”;

in Chapter 23 K, Section 18 by striking subsection (4) and inserting in place thereof the following:

(4) implementing a workforce development plan to utilize the existing labor force in the Commonwealth and to offer fair wages and robust benefits, which includes:

(A) supporting the right of employees to organize;

(B) collaborating with organized labor;

(C) paying all employees prevailing wages as scheduled by the Massachusetts Division of Occupational Safety;

(D) offering all part time and full time employees health insurance that meets or exceeds the minimum creditable coverage standards;

(E) offering all part time and full time employees a robust benefits package including paid sick days, subsidized on-site childcare, retirement benefit plans and expected owner-/operator contribution levels;

(F) developing workforce training programs that serve the unemployed;

(G) estimating the number of permanent jobs and temporary construction jobs a proposed gaming establishment will generate and the mean and median wage for such jobs;

(H) making employment at the gaming establishment accessible;”;

Mr. Conroy of Wayland moves to amend the bill in Chapter 23K, Section 56 in line 2319 by adding the following sentences: "The commission shall also assess an amount equal to a CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities, less the amount of gross gaming revenue dedicated to local aid in Section 59, subsections (e) and (f). The CPI-adjusted growth in Massachusetts lottery funds distributed to municipalities shall be calculated in the first year in which a licensee under this bill shall commence operation with a baseline of lottery distribution to localities equal to the average of the previous 5 years of distributed funds, and a CPI adjustment as calculated for the same year licensee operations have commenced. Such assessed fees shall be deposited into the Gaming Local Aid Fund established pursuant to section 63.";

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich and Poirier of North Attleboro, move to amend H3702 by inserting after "source.", in line 2466, the following sentence:-
"Funds shall be distributed to cities and towns in accordance with the formula used to determine the distribution of Unrestricted General Government Aid under section 3 of the general appropriations act."

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 373, after the word “commission”, the following:

“or at any time up to 2 years prior to serving on the commission”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, after section XX, the following section:

“SECTION XX. Notwithstanding any general or special law to the contrary, the 5 commissioners appointed under subsection (a) of section 3 of chapter 23K shall be appointed within 90 days of the passage of this act.”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Mrs. Poirier of North Attleboro move to amend House Bill 3702 by inserting, in line 2463, 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 in clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws.”

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 44, after the words “necessary to staff the unit”, 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, further, by inserting, in line 112, after the words “chapter 23K”, the following:

“; provided, further, 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, in line 698, after the words “deputy director of investigations and enforcement” 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”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Mrs. Poirier of North Attleboro move to amend House Bill 3702, in SECTION 16, by striking, in line 2396, the proposed clause (h) of section 59 of chapter 23K and inserting in place thereof the following clause: -

“(h) 10 per cent shall be transferred to the Massachusetts Community Preservation Trust Fund, established in section 9 of chapter 44B;

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 2402, after the words “debt portfolio”, 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”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by striking, in line 459, the word “may”, and inserting, in place thereof, the following: “shall”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 1120, after the words

“surrounding communities”, the following:

; provided, that if, after a further 30 days, an agreement is not reached, and the commission determines that the applicant has made a good faith effort to enter into a surrounding community memorandum of understanding with the community, the commission may waive this requirement”;

and, further, in line 1133, by inserting, after the words “live entertainment venues”, the following:

; provided, that if, after a further 30 days, an agreement is not reached, and the commission determines that the applicant has made a good faith effort to enter into an agreement with an impacted live entertainment venue, the commission may waive this requirement”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 473, after the words “application to the commission”, the following:

“; provided, further, that the commission shall not knowingly employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. The commission shall verify the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a”;

and, further, in line 1741, after the word “current.”, the following:

“Section 30A. It shall be unlawful for any gaming licensee to employ knowingly any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. A gaming licensee shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or admitted under a work permit, or is authorized by the attorney general of the United States to accept employment. An inquiry into the employment status and identity of an alien shall be deemed bona fide if a gaming licensee verifies the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a.

Any gaming licensee who violates any provision of this section shall be punished by a fine of not more than \$10,000 nor less than \$5,000. A gaming licensee convicted of a second or subsequent offence shall be punished by imprisonment in state prison for not less than 5 years.”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by striking, in line 2506, 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”.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Mrs. Poirier of North Attleboro move to amend House Bill 3702, in SECTION 16, by striking, in line 2384, the figure “10” and inserting in place thereof the following:- “12”

; and further, in said SECTION 16, by striking, in line 2382, the proposed clause (d) of section 59 of chapter 23K;

and further, in SECTION 18, by striking, in lines 2678 to 2681, the proposed Section 2EEEE of chapter 29;

and further, in subsection (a) of SECTION 91, by striking clauses (3) to (8), contained in lines 3217 to 3225, and inserting in place thereof the following:-

“(3) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund, established in section 2CCCC of chapter 29 of the General Laws.

(4) 69 per cent shall be remitted to the comptroller for deposit into the Commonwealth Stabilization Fund, established in section 2H of chapter 29 of the General Laws.”

; and further, by striking SECTIONS 96, 97, and 99 in their entirety.

Mr. Jones of North Reading, Mr. Peterson of Grafton, Mr. Hill of Ipswich, and Ms. Poirier of Attleboro move to amend House bill 3702 by inserting, in line 1568, after the figure “21”, the following:

“; provided, further, that such regulations shall include requirements relative to alcohol training certification for any gaming service employee or other gaming employee determined by the commission, in consultation with the alcoholic beverages control commission, to be involved with the serving of alcoholic beverages, including, but not limited to, training through an approved certification program or classroom training”

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich and Poirier of North Attleboro, move to amend H3702 by inserting the following sections:-

“SECTION _____. Subsection (b) of section 2 of chapter 64L of the General Laws, as added by section 60 of chapter 27 of the Acts of 2009, shall be amended by inserting after the word ‘town’, the second time it appears, the following:

, except as provided in subsection (e)

SECTION _____. Section 2 of chapter 64L, as so appearing, shall be amended by adding after subsection (d), the following:

(e) Seventy-five per cent of the sum received from the sale of restaurant meals at a gaming establishment, as defined in chapter 23K, shall be distributed to the host community, as defined in chapter 23K, and the remaining 25 per cent shall be distributed equally to surrounding communities, as defined in chapter 23K; provided, the host community and surrounding communities have accepted this section.”.

Mr. Pedone of Worcester moves to amend the bill striking out the following:

SECTION 23k, Section 2; line 268:

“Impacted live entertainment venue”, a 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.

SECTION 23k, Section 4(39), line 638:

(39) designate impacted live entertainment venues; provided, however, that, in making such designations, the commission shall consider factors including, but not limited to, the venue’s distance from the gaming establishment, venue capacity and the type of performance offered by that venue;

And also by striking out the following:

SECTION 23k, Section 15(10), line 1039; and inserting in its place “(10) provide to the commission a signed agreement between the Massachusetts Performing Arts Center Coalition, a Coalition whose members are for the avoidance of doubt the Symphony Hall in Springfield, The Hanover Theatre in Worcester, the Lowell Memorial Auditorium, the North Shore Musical Theatre in Beverly, the Lynn Memorial Auditorium, the South Shore Music Circus in Cohasset, the Cape Cod Melody Tent in Hyannis and the Citi Center in Boston, and the applicant setting forth the conditions by which the gaming establishment shall seek to minimize impact to live entertainment venues; provided, however, that the agreement shall include, but not be limited to, terms relating to cross marketing and coordination of performance schedules;

And also by striking out the following:

SECTION 23k, Section 17(b), line 1121; and inserting in its place “ (b) When necessary the commission may facilitate the negotiation of a fair and reasonable agreement between the applicant and the Massachusetts Performing Arts Center Coalition, a Coalition whose members are for the avoidance of doubt the Symphony Hall in Springfield, The Hanover Theatre in Worcester, the Lowell Memorial Auditorium, the North Shore Musical Theatre in Beverly, the Lynn Memorial Auditorium, the South Shore Music Circus in Cohasset, the Cape Cod Melody Tent in Hyannis and the Citi Center in Boston, as described in Section 15(10). A gaming licensee’s compliance with such agreement shall be considered upon a gaming licensee’s application for renewal of the gaming license.

Representative Atsalis of Barnstable moves to amend the bill in SECTION 18, Section 2DDDD by adding in line 2671 after the word “Fund;” the following: “funds to be administered by the existing workforce development system led by local Workforce Development Boards for retraining workers in contiguous counties negatively impacted by casino employment;”

Mr. Swan of Springfield move to amend House No. 3702 in Chapter 66, section 10 in line 869 by striking item (d) as it stands and inserting in place thereof the following: “(d) A category 1 licensee shall pay to the commission a fee of [not less than \$85,000,000] within 30 days of the final award of the license which sets forth the conditions to be satisfied by the licensee before the gaming establishment may be opened to the public.”

Mr. Wong of Saugus moves to amend House bill 3702 by inserting, after section XX, the following section:

“SECTION XX. 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 insure 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.’”.

Mr. Winslow of Norfolk moves to amend House bill 3702 by striking lines 344 through 347, 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 a ¼ mile radius of the gaming establishment shall be deemed surrounding communities.’.

Mr. Winslow of Norfolk moves to amend House bill 3702 by striking lines 344 through 347, 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.’.

Mr. Winslow of Norfolk moves to amend House bill 3702 by striking lines 1249 through 1250, in its entirety, and inserting, in place thereof, the following:

“(b) A category 1 license issued pursuant to this chapter shall be valid for an initial period of 30 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.”.

Mr. Winslow of Norfolk moves to amend House bill 3702 by inserting, in line 169, the following new definition:

““Category 3 license”, a license issued by the commission that permits the licensee to operate internet-based poker games subject to the regulations established by the commission and oversight of the commission.”;

and, further, by inserting, after SECTION XX, the following:

“SECTION XX. Internet Poker Consumer Protection and Revenue Generation. [*Reserved*].”;

and, further, by inserting, after SECTION XX, the following:

“SECTION XX. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze and develop model legislation and regulations with respect to the issuance and implementation of category 3 licenses, as defined in section 1 of chapter 23K. The legislation and regulations shall include the following provisions: issuance of up to 5 category 3 licenses of no more than 5 years' initial duration subject to renewal for additional terms of 5 years; requirements to ensure that poker games cannot be played by persons who reside in jurisdictions that expressly prohibit participation in internet poker or by persons under 21 years of age; requirements to ensure that all internet poker games consist of games of skill and not games of chance; requirements to ensure the integrity of the games and to prevent cheating; requirement of a rake of 10 percent from the amount of all monies wagered in each game, and require payment to the commonwealth of no less than 70% of the rake or other net proceeds to the licensee; requirements that the majority of the employees, internet servers and data storage for each licensee be located in the commonwealth; and such other provisions to ensure the integrity of internet poker and distribution of revenue consistent with the purposes of this act. The commission 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 1, 2012.”.

Mr. Winslow of Norfolk moves that House bill 3702 be amended by inserting, in line 3316, after the words "said laws", the following:

“; provided, further, that notwithstanding any general or special law to the contrary, charitable gaming, conducted under chapter 271, shall not be prohibited from occurring at any race track, as defined by section 1 of chapter 128A”.

Mr. Winslow of Norfolk moves to amend House bill 3702 by inserting, in line 1076, after the words "host community;" the following:

"provided, however, that an equivalent amount, divided equally, shall be paid to each of the surrounding communities as defined by the commission pursuant to section 17 of chapter 23K;"

Mr. Winslow of Norfolk moves to amend House bill 3702 by inserting, in line 1076, after the words "host community;" the following:

"provided, however, that an equivalent amount, divided equally, shall be paid to each of the surrounding communities; provided, further, 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 a $\frac{1}{4}$ mile radius of the gaming establishment shall be deemed surrounding communities;"

Mr. Winslow of Norfolk moves to amend House bill 3702 by inserting, after SECTION XX, the following:

“SECTION XX. No gaming employee, within 2 years prior to being employed by a gaming licensee, shall:

(i) hold federal, state or local elected office; (ii) hold an appointed office in a federal, state, or local government; or (iii) serve as an official in a political party.”;

and, further, by inserting, after SECTION XX, the following:

“SECTION XX. No gaming applicant or gaming licensee, within 2 years prior to applying for a gaming license, shall: (i) hold federal, state or local elected office; (ii) hold an appointed office in a federal, state, or local government; or (iii) serve as an official in a political party.”.

Ms. Provost of Somerville and Mr. Hecht of Watertown move to amend H.3702 by inserting at the end a new section:

Section XXXX: The executive office of administration and finance shall complete a comprehensive cost/benefit analysis of expanding gaming in the Commonwealth, as established by H.3702, including the assumption that at least one regional casino will be a tribal casino operating under a tribal compact with the state, in the region where such tribal casino is most likely to be located. The analysis will be broken down by regions A, B, and C, as set out in H.3702, and will include, but not be limited to, expected 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. 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 by July 1, 2012. No license for a gaming establishment shall be issued prior to the completion of the analysis. If any region is shown to be disadvantaged compared to other regions, then H.3702 will be redrafted to create economic equity among regions. Should the analysis find that net revenues from expanding gaming are insufficient for purposes of the bill's objectives, no gaming license shall be issued.

Representatives Brady of Brockton, Canavan of Brockton and Creedon of Brockton move that House Bill 3702 be amended by deleting Section 90 and inserting the following section in place thereof:

SECTION 90. Notwithstanding section 2 of chapter 128A of the General Laws and sections 1, 2 and 2A of chapter 128C of the General Laws or any other general or special law, rule or regulation to the contrary, the greyhound meeting licensees located in Bristol county and the greyhound meeting licensee located in Suffolk county licensed to conduct live racing pursuant to said chapter 128A in calendar year 2009 and simulcast wagering pursuant to said chapter 128C in calendar year 2011, shall not be required to apply for or receive a license under said chapter 128A in order to remain licensed as greyhound racing meeting licensees pursuant to said chapter 128C; provided, however, that the days after January 1, 2010 shall be dark days pursuant to said chapter 128C and the licensees shall continue to be precluded from conducting live racing during that period and as provided in chapter 388 of the acts of 2008; provided further, that all simulcasts shall comply with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3001 et 3200 seq. or other applicable federal law; provided further, that all simulcasts from states which have racing associations that do not require approval in compliance with the Interstate Horse Racing Act of 1978, 15 U.S.C. Sec. 3004 (a) (1) (A), except simulcasts during the month of August, shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to a racing meeting licensee within the commonwealth; and provided further, that if the association agrees to approve the simulcast for 1 racing meeting licensee, it shall approve the simulcast for all otherwise eligible racing meeting licensees.

Representatives Brady of Brockton, Canavan of Brockton and Creedon of Brockton move that House Bill 3702 be amended by deleting Section 85(a) and (b), and inserting the following section 85(a) in place thereof:

SECTION 85. (a) Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the Massachusetts Gaming Commission, hereinafter known as the commission, established pursuant to chapter 23K of the General Laws. The fund shall consist of all revenues dedicated pursuant to this act. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; provided, however, monies in the Racing Stabilization Fund shall be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the enactment of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted.

Representatives Brady of Brockton, Canavan of Brockton and Creedon of Brockton move that House Bill 3702 be amended by inserting, after section 109 the following section:

“SECTION XX. (a) Section 2 of chapter 128C of the General Laws, as appearing in the 2008 official edition, is hereby amended by striking out, in lines 39 through 49, inclusive, the following words:

”(2) The greyhound dog racing meeting licensees located in Bristol county shall have the right to simulcast: (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing from and after 6:00 p.m., plus the entire racing cards from any 2 running horse racing meetings in the state of California; and simulcasts of the Suffolk county running horse racing meetings licensee’s live races during its racing season and 2 so-called companion cards; and 4 interstate running horse simulcasts prior to 4:00 p.m. on any day the Suffolk county running horse racing meeting licensee does not conduct live races; and (c) a total of 4 harness horse racing performances on any day of the calendar year,”

and inserting in place thereof the following:

“(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast on any day during the calendar year (a) unlimited interstate greyhound dog racing meetings; (b) unlimited running horse racing meetings on any day when live racing performances are not held by the running horse racing meeting licensee located in Suffolk county, and unlimited running horse racing from and after 6:00 PM on any day when live racing performances are held by the running horse racing meeting licensee located in Suffolk county; (c) simulcasts from the Suffolk county running horse racing meeting licensee’s live races performances during its racing season and 2 companion cards; and (d) a total of 4 harness horse racing performances in any day of the calendar year.”.

(b) Section 1 of chapter 128C of the General Laws, as so appearing, is hereby amended by inserting the following words at the end of the definition of racing meeting licensee: “and after January 1, 2010, a racing meeting licensee shall include a greyhound dog racing meeting licensee without necessity that said licensee continue to apply for or receive a license under chapter 128A after January 1, 2010.”

Representatives Brady of Brockton, Canavan of Brockton and Creedon of Brockton move that House Bill 3702 be amended by inserting, after section 109 the following section:

“SECTION XX. Section 12A of chapter 494 of the acts of 1978, inserted by section 4 of chapter 277 of the acts of 1986, is hereby repealed.”

Representatives Brady of Brockton, Canavan of Brockton and Creedon of Brockton move that House Bill 3702 be amended by inserting the following at the end of section 18:

18. Avoiding the adverse environmental impact caused by replacing existing trees and vegetation with impervious surfaces.

Mr. Keenan of Salem moves to amend the bill, in section 59, in line 2379, by striking out the figure "1/2" and inserting in place thereof the figure "2"

Representatives Coakley-Rivera of Springfield, Wolf of Cambridge, Lewis of Winchester, Provost of Somerville, Balser of Newton, Brownsberger of Belmont, Khan of Newton, and Hecht of Watertown move to amend the bill (House Bill 3702) by inserting the following section:-

"SECTION X: Notwithstanding the provisions of this act or any general or special law to the contrary, no racing meeting where simulcast betting or wagering on the speed or ability of dogs occurs shall be conducted or permitted in this commonwealth after January 1, 2016."

Ms. Coakley-Rivera of Springfield moves to amend the bill (House Bill 3702) in section 16, in line 846, by striking the word "may" and inserting in place thereof the word "shall".

Ms. Coakley-Rivera of Springfield moves to amend the bill (House Bill 3702) in section 16, in line 2409, by striking out the word "and"; and, in line 2410, by inserting after the word "Fund", the following words:-

"(l) 1 per cent, divided equally, to the district attorney's offices of the counties where a host community of a category 1 licensee is situated; and

(m) 1 per cent to the State Police"

Ms. Coakley-Rivera of Springfield moves to amend the bill (House Bill 3702) in section 16, in line 2408, by striking out the number "15" and inserting in place thereof the number "13"; in line 2409, by striking out the word "and"; and, in line 2410, by inserting after the word "Fund", the following words:-

"(l) 1 per cent, divided equally, to the district attorney's offices of the counties where a host community of a category 1 licensee is situated; and

(m) 1 per cent to the State Police"

Ms. Coakley-Rivera of Springfield moves to amend the bill (House Bill 3702) in section 16, in line 1249, by striking the number "15" and inserting in place thereof the number "20".

Mr. Winslow of Norfolk moves to amend House bill 3702 by inserting, in line 473, after the words “application to the commission”, the following:

“; provided, further, that the commission shall not knowingly employ any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. The commission shall verify the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a”;

and, further, in line 1741, after the word “current.”, the following:

“Section 30A. It shall be unlawful for any gaming licensee to employ knowingly any alien in the commonwealth, who is a student or visitor or, who has not been admitted to the United States for permanent residence, except those who are admitted under a work permit, or unless the employment of such alien is authorized by the attorney general of the United States. A gaming licensee shall not be deemed to have violated this section if he has made a bona fide inquiry whether a person hereafter employed or referred by him is a citizen or an alien, and if an alien, whether he is lawfully admitted to the United States for permanent residence, or admitted under a work permit, or is authorized by the attorney general of the United States to accept employment. An inquiry into the employment status and identity of an alien shall be deemed bona fide if a gaming licensee verifies the work eligibility status of each newly hired employee through the federal electronic employment authorization verification program known as E-Verify or any successor program created pursuant to 8 U.S.C. 1324a.

Any gaming licensee who violates any provision of this section shall be punished by a fine of not more than \$10,000 nor less than \$5,000. A gaming licensee convicted of a second or subsequent offence shall be punished by imprisonment in state prison for not less than 5 years.”.

Mr. Winslow of Norfolk moves to amend House bill 3702 by striking, in line 459, the word “may”, and inserting, in place thereof, the following: “shall”.

Mr. Walsh of Lynn, moves that H. 3702 be amended in Section 16 in line 344 by inserting after the words "host community" the following words:- including all communities with a population of at least 75,000 residents that are within ten miles of a gaming site

Mr. Walsh of Lynn moves to amend the bill (House, 3702), in section 91, by striking out, in line 3223, the figure "99" and inserting in place thereof the following figure:- "98".

Mr. Walsh of Lynn moves to amend the bill in SECTION 16, line 2384 by striking after the letter “(f)”, and before the words “per cent”, the following number :- “10”, and inserting in place thereof the number “8”;

The bill is further amended in SECTION 16, line 2410 by inserting after the words “Public Health Trust Fund” the following subsection:- “(l) provided further that 2 percent 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”

Ms Ferrante of Gloucester moves to amend House Bill 3702 in Section 16, after line 1273 by adding the following:

“(h) All gaming licensees not otherwise permitted to conduct simulcasts of live racing pursuant to Chapter 128C shall be authorized to simulcast live horse racing subject to the same duties, obligations and limitations as a racing licensee that is subject to subsection (2) of section 2 of chapter 128C; provided, however, that any such gaming licensee shall pay a fee of 7 percent of gross wagering received on thoroughbred races held outside of Massachusetts and 9 percent of gross wagering received on thoroughbred races held within Massachusetts to the commission for deposit into the purse account established by and for the benefit of the thoroughbred horsemen and; provided that any such gaming licensee shall pay a fee of 7 percent of gross wagering received on harness races held outside of Massachusetts and 9 percent of gross wagering received on harness races held within Massachusetts to the commission for deposit into the purse account established by and for the benefit of the harness horsemen; provided further that any such gaming licensees shall simulcast all live races conducted by horse racing licensees in the commonwealth; and provided that the simulcasting of live racing authorization for gaming licensees that do not conduct live racing in Massachusetts shall require the approval of the New England Horsemen's Benevolent and Protective Association prior to being simulcast to any racing meeting licensee within the commonwealth regardless of any simulcast approval granted for all otherwise eligible racing meeting licensees.

Ms. Ferrante moves to amend House Bill No. 3702 by striking in Section 16, lines 1314 through 1316 in their 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;”

Ms. Ferrante of Gloucester moves to amend House Bill 3702, by striking out Section 66 and inserting in place thereof the following section:

SECTION 66. The General Laws are hereby amended by inserting after chapter 271 the following chapter:-

Chapter 271A

Enterprise Crime.

Section 1. As used in this chapter, the following words shall, unless the context clearly requires otherwise, have the following meanings:

“Criminal enterprise activity”, to commit, to attempt to commit, to conspire to commit, or to solicit, coerce, aid, abet, or intimidate another to commit any of the following criminal activity under the laws of the commonwealth or equivalent crimes under the laws of any other jurisdiction: a felony offense under chapter 271: distributing, dispensing, manufacturing, or possessing with intent to distribute, dispense or manufacture a controlled substance in violation of chapter 94C; murder; rape; manslaughter; assault; assault and battery; assault and battery in order to collect a loan; assault with intent to rob or murder; mayhem; robbery; extortion; stalking; criminal harassment; kidnapping; arson; burglary; malicious destruction of property; commission of a felony for hire; breaking and entering; child exploitation; assault and battery on a child; rape of a child; rape and abuse of a child; enticement of a child under 16; poisoning; human trafficking; violation of constitutional rights; usury; uttering; misuse or fraudulent use of credit cards; identity fraud; misappropriation of funds; gross fraud; insurance fraud; unlawful prize fighting or boxing matches; counterfeiting; perjury; subornation of perjury; obstruction of justice; money laundering; witness intimidation; bribery; electronic eavesdropping; prostitution; receiving stolen property; larceny over \$250; larceny by false pretenses or embezzlement; forgery; prohibited financial

interest; procurement fraud; false claims; tax evasion; filing false tax return; crimes involving violations of: gambling and lottery laws, gift laws, liquor laws, tobacco laws, firearms laws, securities laws, lobbying laws, ethics laws, conflict of interest laws, child or elder abuse laws; or any conduct defined as racketeering activity under Title 18, U.S.C. s. 1961(1)(A)(B) and (D).

“Enterprise”, any individual, sole proprietorship, partnership, corporation, trust or other legal entity, or any unchartered union, association or group of persons associated in fact although not a legally recognized entity, and includes unlawful as well as lawful enterprises and governmental as well as other entities.

“Pattern of criminal enterprise activity”, engaging in at least two incidents of criminal enterprise activity that have the same or similar pattern, intents, results, accomplices, victims or methods of commission, or are otherwise interrelated by distinguishing characteristics and are not isolated incidents, provided at least one of the acts occurred after the effective date of this act, and the last of the incidents occurred within five years after a prior commission of criminal enterprise activity.

“Unlawful debt”, a debt incurred or contracted in an illegal gambling activity or business or which is unenforceable under state or federal law in whole or part as to principal or interest because of the law relating to usury.

Section 2. Whoever knowingly: (a) through a pattern of criminal enterprise activity or through the collection of an unlawful debt, receives anything of value or acquires or maintains, directly or indirectly, any interest in or control of any enterprise; (b) has received any proceeds derived, directly or indirectly, from a pattern of criminal enterprise activity or through the collection of an

unlawful debt, to use or invest, directly or indirectly, any part of the proceeds including proceeds derived from the investment, in the acquisition of any interest in real property, or in the establishment or operation of, any enterprise; (c) is employed by or associated with any enterprise to conduct or participate, directly or indirectly, in the conduct of the enterprise's affairs by engaging in a pattern of criminal enterprise activity or through the collection of an unlawful debt; or (d) conspires or attempts to violate subsections (a), (b), or (c) of this section; is guilty of enterprise crime and shall be punished by imprisonment in the state prison for not less than 3 years and not more than 15 years or by a fine of not more than \$25,000, or by both such imprisonment and fine.

A purchase of securities on the open market for purposes of investment, and without the intention of controlling or participating in the control of the issuer, or of assisting another to do so, shall not be unlawful under this section if the securities of the issuer held by the purchaser, the members of his immediate family, and his or their accomplices in any pattern of criminal activity or the collection of an unlawful debt after such purchase do not amount in the aggregate to one percent of the outstanding securities of any one class and do not confer, either in law or in fact, the power to elect one or more directors of the issuer.

Section 3. All monetary proceeds or other property, real or personal, obtained directly as a result of a violation of this chapter, shall be subject to forfeiture to the commonwealth.

Ms. Ferrante of Gloucester moves to amend House Bill No. 3702 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.

Ms. Ferrante of Gloucester moves to amend House Bill 3702, in Section 60 (b), in line 2415, by striking the words “as follows” and inserting in place the following:

“based on the average annual purses paid by each racing licensee during the years 2009, 2010 and 2011 that said licensee conducted live racing under Chapter 128A:”

Ms. Ferrante of Gloucester moves to amend House Bill 3702 in Section 60 (b) (ii), line 2421, by deleting the number "8" and replacing it with the following:

"16"

Ms. Ferrante of Gloucester moves to amend House Bill 3702 in Section 18, line 2677, by inserting at the end thereof following:

“; provided further of said amount credited to said fund fifty percent shall be transferred to the race horse development fund established in Section 60 of Chapter 23K and shall be allocated by the commission in the manner delineated in said section. The gaming commission created in Chapter 23K shall make an annual report to the Secretary of Administration and Finance and the clerks of the House of Representatives and Senate detailing the economic benefits derived from investing in the race horse development fund including, but not limited, the following, the number of jobs and small business created and maintained within the racehorse agricultural network including breeding farms, boarding farms, feed producing farms, hay & 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.”

Ms. Ferrante of Gloucester moves to amend House Bill 3702 in Section 17, in line 1467, by inserting after the word “shall” the following words:

“conduct live horse racing of the same horse breed that raced at the existing facility under Chapter 128A in the year 2010 and shall”

Ms. Ferrante of Gloucester moves to amend House Bill 3702 in Section 16, in line 1472, by deleting the words “category 2 licensee” and inserting in place thereof the following:

“gaming licensee with a live racetrack.”

Ms. Ferrante of Gloucester moves to amend House Bill 3702 in Section 16, in line 1473, by striking the words “category 2” and inserting in place thereof the following:

“gaming”

Mr. Nangle of Lowell moves that House Bill 3702 shall be amended by inserting the following after subsection D in section 55...

the following new subsection:

(E) notwithstanding the foregoing provisions of this section, in the event that that a category 1 license and a category 2 license are issued to facilities that currently host live horse racing, then, a category 1 licensee shall pay, in addition to the tax imposed on subsection (a), a daily assessment of 5 % of its gross gaming revenue to the Massachusetts race horse development fund established in section 60.

Mr. Nangle of Lowell moves that House Bill 3702 shall be amended by inserting the following after..

paragraph A in section 60 is hereby amended by striking the words "subsection C" and inserting in place thereof the following :-
"subsection C and (E)".

Mr. Atsalis of Barnstable moves that House 3702 be amended by striking out in lines 3187 to 3189 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,

Mr. Kuros of Uxbridge moves to amend House bill 3702 by inserting, after SECTION XX, the following:

“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 23K, 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.”.

Ms. Story of Amherst, Mr. Sannicandro of Ashland and Mr. Keenan of Salem move to amend House bill 3702 in section 18, in line 2677, by adding the following sentence:- "At least 20 per cent of the fund shall be designated for deferred maintenance needs at the institutions of public higher education and shall be allocated in accordance with funding formulas developed under section 15B of chapter 15A."

Representative Kane of Holyoke moves to amend House, No. 3702 in SECTION 16, Section 59 (2) (b) by striking out in line 2379 the figure “1/2” and inserting in place thereof the following: “not less than 1” and further amending said section by adding in line 2380 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

WITHDRAWN

Representatives Jones North Reading, Peterson of Grafton, Hill of Ipswich, and Poirier of North Attleboro move to amend House bill 3702, as printed, by inserting, after section XX, the following:

“SECTION XX. Section 39 of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:

A business corporation, employing less than 50 full time employees, and located within a host community or surrounding communities, as defined by section 2 of chapter 23K, shall not be subject to subsection (b).”.

Mr. Smola of Palmer moves to amend H.3702 in paragraph (b) of subsection 54 of the proposed SECTION 12 in line 2447 by inserting after the words “contiguous communities” the following words;

“and any community within the commonwealth whose boundary lies within a 10 mile radius of the resort casino site”

Mr. Smola of Palmer moves to amend H. 3702 at the end of subsection 49 of the proposed SECTION 12 by adding the following:

“Notwithstanding any provision of this section to the contrary, any licensee or owner of any non-gaming amenity at or associated with a gaming facility shall not be prohibited from receiving any available tax increment financing, designation, tax credit or other benefit in connection with any non-gaming amenity or portion of a facility.”

Mr. Smola of Palmer moves to amend H.3702 in paragraph (a) of subsection 3 of the proposed SECTION 12 in line 359 by striking the number “5” and inserting in its place the number “9” and in line 366 after the words “industry management” by adding the following:

“Four ex officio, non paid, non voting members, one from each of the two category 1 license host communities and one selected from within a 10 mile radius of each category 1 facility, will be appointed as above.”

Mr. Smola of Palmer moves to amend H.3702 in paragraph (a) of subsection 9 of the proposed SECTION 12 in line 798 by striking the number "1,000" and inserting "1,500".

Mr. Dempsey of Haverhill moves to amend House bill 3702 by inserting after section 103 the following new section:-

SECTION 104. Sections 4, 11, 12, 13, 37, 39 and section 7 of chapter 23K shall take effect 180 days after the effective date of this act.

Mr. Dempsey of Haverhill moves to amend House Bill 3702, in section 2A, by inserting after line item 0411-1004 the following line item:-

0810-1204 For the implementation and operation of the division of gaming enforcement within the office of the attorney general, established pursuant to section 11M of chapter 12, for the investigation and prosecution of criminal activity relating to legalized gaming in the commonwealth pursuant to chapter 23K.....\$500,000.

And to further amend the bill in section 9 by inserting at the end thereof the following paragraph:-

The division shall submit quarterly requests to the commission for expenses associated with the operation of the division and the commission shall reimburse the division for such expenses; provided, however, that the commission shall not approve such a request if the request would exceed an annual reimbursement of \$2,000,000.

Representative McMurtry of Dedham moves to amend H. 3702 in SECTION 16, Section 59 (2)

(a) by striking out in line 2371 the word “one-quarter” and inserting in place thereof the following: “one-half” and further amending said section by striking out in line 2373 the word “three-quarters” and inserting in place thereof the following: “one-half”

Mr. Frost of Auburn moves to amend House Bill 3702 by inserting, after SECTION 26, the following new section:--

SECTION 26A. Section 3 of chapter 62 of the General Laws, as so appearing in the 2008 Official Edition, is hereby amended by inserting, after subparagraph (15), the following new subparagraph:--

“(16) The amount as is described in section 165(d) of the Code, to the extent, if any, that that amount of such losses occurred in gaming facilities located in Massachusetts.”

Mr. Frost of Auburn moves that House bill 3702 be amended by striking, in line 869, the word “region” and inserting, in place thereof, the word “license”;

and, further, by striking 1237-1248, inclusive, and inserting, in place thereof, the following: -

“Section 19. (a) The commission may issue not more than 3 category 1 licenses based on the applications and bids submitted to the commission.

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter, as determined by the commission. The commission shall only issue a license if it is 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.”;

and, further, by inserting, in line 1259, after the word “commonwealth”, the following:-

“; provided, further, that no gaming establishment licensed under this section shall be located closer than 40 miles to any other gaming establishment licensed under this section”;

and, further, by striking lines 3186 through 3190, inclusive, and inserting, in place thereof, the following:-

“issue a request for only 2 applications for a category 1 license; provided, however, 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, the commission shall consider bids for a third category 1 license under said chapter 23K.”.

Mr. Frost of Auburn moves that House bill 3702 be amended by striking, in line 869, the word “region” and inserting, in place thereof, the word “license”;

and, further, by striking lines 1237 through 1248, inclusive, and inserting, in place thereof, the following: -

“Section 19. (a) The commission may issue not more than 3 category 1 licenses based on the applications and bids submitted to the commission.

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter, as determined by the commission. The commission shall only issue a license if it is 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.”;

and, further, by striking lines 1257 through 1273, inclusive, and inserting, in place thereof, the following:-

“(d) 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.

(e) 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.

(f) 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.”

and, further, by striking lines 3186 through 3190, inclusive, and inserting, in place thereof, the following:-

“issue a request for only 2 applications for a category 1 license; provided, however, 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, the commission shall consider bids for a third category 1 license under said chapter 23K.”.

Mr. Frost of Auburn moves that House bill 3702 be amended by striking 1237-1242, inclusive, and inserting, in place thereof, the following: -

“Section 19. (a) The commission may issue not more than 3 category 1 licenses based on the applications and bids submitted to the commission. Not more than 1 license shall be awarded per region. Regions shall be established as follows:

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

and, further, by striking in line 3186 and line 3190, each occurrence of the letter “C” and inserting, in place thereof, the letter “D”.

Ms. O'Connell of Taunton moves to amend House bill 3702, as printed, by inserting, after section XX, the following:

“SECTION XX. Section 39 of chapter 63 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by adding the following paragraph:

A business corporation, employing less than 50 full time employees, and located within a host community or surrounding communities, as defined by section 2 of chapter 23K, shall not be subject to subsection (b).”.

Representative Coppinger of Boston moves to amend H. 3702 in section 18 by adding at the end the following language:

(18) whether the applicant has a contract with organized labor and has the support of organized labor for its application.

The number of employees to be employed at the resort casino, including detailed information on the pay rate and benefits for employees, including any contractors; the total amount of investment by the applicant in the resort casino, including all facilities located at the casino site and all infrastructure improvements related to the project; completed studies and reports as required by the authority, which shall include, but are not limited to, an economic benefit study, both for the commonwealth and region.

Whether the applicant has included detailed plans for assuring labor harmony during all phases of the construction, re-construction, renovation, development and operation of the gaming establishment.

Mr. Bastien of Gardner moves to amend House bill 3702 by inserting, after SECTION XX, the following:

“SECTION XX. Notwithstanding any general or special law to the contrary, the commission shall, as a condition of licensure, prohibit a gaming establishment from entering into a contract with any performer or live entertainment act which restricts said performer or live entertainment act from performing in any live entertainment venue in the commonwealth for more than 15 days before or prior to the first day said performer or live entertainment act is scheduled to perform at the gaming establishment as required by the terms of said contract.

Mr. Jones of North Reading moves to amend House Bill 3702 by inserting, in line 1525, after the word “purpose” the following:-

“, provided that this subsection shall not apply to licensed gaming vendors who may operate a warehouse, showroom or sales facility within the Commonwealth subject to the approval of the Commission”.

Ms. Atkins of Concord, Ms. Nyman of Hanover, Ms. Provost of Somerville, Mr. Sullivan of Fall River, and Mr. Turner of Dennis move to amend House, No. 3702 by inserting after item (24) of subsection (a) of section 21 of chapter 23K of the General Laws, as inserted by Section 16, after line 1399, the following item:

(25) require its security personnel to conduct regular checks of parking areas for minors left in motor vehicles and immediately report any such finding to the local police in the municipality where the gaming establishment is located.

Mr. Bastien of Gardner moves to amend House bill 3702 by striking, in line 818, the word “and”; and, further, by inserting, in line 820, after the words “proposed gaming establishment;”, the following:

“and (20) a statement of intent, guaranteeing that a majority of the construction and hospitality employees shall be legal residents of the commonwealth;”;

and, further, in line 1223, by striking the word “and”;

and, further, by inserting, in line 1232, after the words “gaming establishment”, the following:

“; and (18) hiring employees in the areas of construction and hospitality services who are legal residents of the commonwealth”.

Mr. Bastien of Gardner moves to amend House bill 3702, as printed, by inserting, in line 2930, after the words “more than 1 year”, the following:

; provided, however, that the game of poker shall be considered a game of skill, not a game of chance”.

Representatives Walsh of Boston and Basile of Boston hereby moves that H. 3702 be amended by inserting in line 1071 after the word “license” the following:

“and shall be taken to have approved gaming, as defined herein and as permitted through a gaming license, as an allowed use at the land where the gaming establishment is proposed to be constructed”

Mr. Sullivan of Fall River moves to amend House Bill no. 3702 by adding to SECTION 18 the following section after line 2681:

“SECTION 2FFFF. The small business economic rebate/coupon program will help to mediate impacts to small businesses existing within a 2 mile radius of an established resort casino in the Commonwealth, regardless of city or town boundaries. The rebates or coupons will be used for those businesses that provide similar services and goods available at the resort casino complex and being impacted by its direct competition. Revenues generated by the Host Resort Casino will fund this program at an amount that shall not be less than \$ 3,000,000 per year to be increased on a 5 year basis provided that revenues increase. A formula shall be established for such increases by an objective oversight committee to be created by commission recommendations.

A commission shall be established that will include representation by the host communities, 3 from the Chamber of Commerce and other independent host community business organizations. There shall be an appointment of additional 2 members to the commission by the host community’s appointing authority (Mayor or Selectmen).

The commission’s task will be to promulgate rules and regulation to adequately and fairly govern the ECONOMIC REBATE/COUPON MEDIATION PROGRAM FOR SMALL BUSINESSES. The commission will come up with recommendation on how businesses that may be outside the borders of the host community but fall within the two mile radius of the resort casino can participate and benefit from such program if deemed eligible. Also, recommend a permanent

entity to govern said program and the method for the selection of its members. Rebates and coupons will be distributed at convenient locations to be determined by the programs' board."

Representatives Jones of North Reading, Peterson of Grafton, Hill of Ipswich, and Poirier of North Attleboro move to amend House bill 3702, as printed, by inserting after the word “gaming”, in line 257, the following:

“; provided further, for purposes of chapter 62, “gross revenue” or “gross gaming revenue” shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited.”.

Mr. D'Emilia of Bridgewater moves that House Bill 3702 be amended by inserting, after section 109 the following section:

“SECTION XX. Section 12A of chapter 494 of the acts of 1978, inserted by section 4 of chapter 277 of the acts of 1986, is hereby repealed.”

Mr. D'Emilia of Bridgewater moves that House Bill 3702 be amended by inserting, after section 109 the following section:

“SECTION XX. (a) Section 2 of chapter 128C of the General Laws, as appearing in the 2008 official edition, is hereby amended by striking out, in lines 39 through 49, inclusive, the following words:

”(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast: (a) unlimited greyhound dog racing; (b) on any day of the calendar year, unlimited running horse racing from and after 6:00 p.m., plus the entire racing cards from any 2 running horse racing meetings in the state of California; and simulcasts of the Suffolk county running horse racing meetings licensee’s live races during its racing season and 2 so-called companion cards; and 4 interstate running horse simulcasts prior to 4:00 p.m. on any day the Suffolk county running horse racing meeting licensee does not conduct live races; and (c) a total of 4 harness horse racing performances on any day of the calendar year,”

and inserting in place thereof the following:

“(2) The greyhound dog racing meeting licensee located in Bristol county shall have the right to simulcast on any day during the calendar year (a) unlimited interstate greyhound dog racing meetings; (b) unlimited running horse racing meetings on any day when live racing performances are not held by the running horse racing meeting licensee located in Suffolk county, and unlimited running horse racing from and after 6:00 PM on any day when live racing performances are held by the running horse racing meeting licensee located in Suffolk county; (c) simulcasts from the Suffolk county running horse racing meeting licensee’s live races performances during its racing season and 2 companion cards; and (d) a total of 4 harness horse racing performances in any day of the calendar year.”.

(b) Section 1 of chapter 128C of the General Laws, as so appearing, is hereby amended by inserting the following words at the end of the definition or racing meeting licensee: “and after January 1, 2010, a racing meeting licensee shall include a greyhound dog racing meeting licensee without necessity that said licensee continue to apply for or receive a license under chapter 128A after January 1, 2010.”

Mr. D’Emilia of Bridgewater moves to amend House Bill 3702, as printed, by inserting, in line 3195, after the words “128A”, the following: “in calendar year 2009”;

and, further, in line 3196, after the word “shall” the following:

“not be required to apply for or receive a license under said chapter 128A in order to”;

and, further, in line 3196, by striking the words “until July 31, 2014”;

and, further, in line 3197, by striking the word “between”, and inserting, in place thereof , the following:

“after”;

and, further, in said line, by striking the words “and July 31 of each year” and inserting, in place thereof, the following: “,2010”.

Mr. Michlewitz of Boston hereby moves that H. 3702 be amended by inserting in line 798 after the word "3,500" the following language:

"provided however that in no event shall said live indoor entertainment venue exceed 10,000"

Mr. Keenan of Salem moves to amend the bill, in section 27, in line 1615, 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.

Rep. Forry of Boston moves to amend the bill (House, No. 3702)

in SECTION 15, line 1021, by inserting after "mitigation issues" the following:

" , including for small businesses,"

in SECTION 16, line 2596, by inserting after "emerging technologies" the following:

" , the chairs of the joint committee on community development and small businesses,"

in SECTION 16, line 2648, by inserting after "emerging technologies" the following:

" , the chairs of the joint committee on community development and small businesses,"

in SECTION 18, line 2675, by inserting after "small business lending" the following:

" , technical assistance to small businesses, and economic mitigation for existing small businesses in host communities and surrounding communities,"

Rep. Forry of Boston moves to amend the bill (House, No. 3702)

in SECTION 16, line 2519, by striking "7" and replacing it with the following:

"9";

in SECTION 16, line 2524, by inserting after "community mitigation related to gaming" the following:

"1 of whom shall be appointed by the governor and shall be a small business owner in a host community; 1 of whom shall be a representative from a Chamber of Commerce serving a host community;"

Rep. Forry of Boston moves to amend the bill (House, No. 3702)

in SECTION 16, line 2635, 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;”

in SECTION 16, line 2636, by replacing “vii” with the following:

“viii”

Rep. Forry of Boston moves to amend the bill (House, No. 3702)

in SECTION 18, line 2669, by inserting after "subject to appropriation" the following:

“, with not less than fifteen per cent to be expended on subsection (7) of this section,”

Representatives Forry of Boston, Swan of Springfield and Coakley-Rivera of Springfield move to amend the bill (House, No. 1905) 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; provided that the criteria so developed shall include and give additional consideration to a joint venture application;” and

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

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

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

(20) All gaming licensees shall formulate for board approval and abide by an affirmative marketing program by which the licensee identifies specific goals, expressed as an overall program goal applicable to the total dollar amount or value of contracts entered into, for the utilization of (i) minority business enterprises and women business enterprises to participate as contractors in the design phase of the

gaming establishment, (ii) minority business enterprises and women business enterprises to participate as contractors in the construction phase of the gaming establishment, and (iii) minority business enterprises and women business enterprises to participate as vendors in the provision of goods and services procured by the gaming facility and any businesses operated as part of the gaming establishment. Said specific goals for the utilization of such minority business enterprises and women business enterprises shall be based on the availability of such minority business enterprises and women business enterprises engaged in the type of work to be contracted by the licensee.

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

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

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

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 subsections (18), (22), and (23) of section 18 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 subsections (19), (20), and (21) of section 18 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 (18), (19), (20), (20), (21), (22), and (23) of Section 18 of this chapter."

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, by striking out the following sections in their entirety:- Section 38, Section 40, Section 105, and Section 108.

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 1262 by inserting after the words:- “chapter 128C” with the following:- “and the commission shall require the gaming licensee to comply with chapter 128C as a condition of gaming licensure.”

Mr. Chan moves to amend the bill in line 1263 by inserting after the words:- “category 1 license” with the following:- “until the gaming licensee is in compliance with chapter 128C.”

Mr. Chan moves to amend the bill in line 1266 by inserting after the words “chapter 128A” with the following:- “and the commission shall require the gaming licensee to comply with chapter 128A as condition of gaming licensure.”

Mr. Chan moves to amend the bill in line 1267 by inserting after the words:- “category 1 license” with the following:- “until the gaming licensee is in compliance with chapter 128A.”

Mr. Chan moves to amend the bill in line 1287 by inserting after the words:- “category 2 license” with the following:- “until the gaming licensee is in compliance with chapter 128A”

Mr. Chan of Quincy moves to amend the bill in line 1467, by inserting after the words:- “premises” with the following:- “ and meet the requirements of chapter 128A and the commission shall require the gaming licensee to comply with Chapter 128A as a condition of gaming licensure”.

Mr. Chan moves to amend the bill in line 1475 by inserting after the words: “subsection (a)” with the following:- “and this subsection.”

Mr. Chan moves to amend the bill in line 1475 by inserting after the words:- “gaming license” with the following words:- “until the gaming licensee is in compliance with this subsection and subsection (a).”

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in lines 2289 to 2291 by striking out the following words:- “(c) In addition to the tax imposed under subsection (b), a category 2 license shall pay a daily assessment of 9 per cent of their gross gaming revenues to the Massachusetts race horse development fund established in section 60.” and inserting in place thereof the following:- “(c) In addition to the tax imposed under subsection (b), should a live racing meeting licensee under chapter 128A and chapter 128C is licensed as either a category 1 or a category 2 gaming establishment, the racing meeting licensee shall pay 9 per cent their gross gaming revenues to the purse account where it is licensed as a racing meeting licensee; and provided that, any category 1 or category 2 licensed gaming establishment authorized to conducting simulcast wagering and is not a racing meeting licensee under chapter 128A and chapter 128C, shall pay 9 per cent of its gross gaming revenues to be deposited in the Massachusetts race horse development fund under section 60.”

Mr. Chan further amends the bill in lines 2413 and 2413 by striking out the words:- “The commission shall make distributions from the Race Horse Development Fund to each licensee under Chapter 128A.” and inserting in place thereof the following:- “The commission shall make distributions from the Race Horse Development Fund to each racing meeting licensee, which conducts live racing days under chapter 128A and chapter 128C; provided further that the commission shall establish a formula to distribute said funds as to encourage the growth of the racing industry and distribute said funds in reasonable time and manner to each racing meeting licensee’s purse account.”

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 875, by inserting after the words "this section." with the following sentence:- "A category 1 license shall not be transferable for a minimum of 5 years from the date of issuance."

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 1570, by inserting after the words:- "all areas" with the following:- ";including areas where the licensee will lease out to a third party requiring an alcohol license,".

Mr. Chan of Quincy moves to further amend the bill, in line 1584 by inserting after the words:- "commission," the following words:- "; provided that no gaming beverage license shall be transferred off the premises of the licensee's property where the gaming establishment is licensed."

Mr. Chan of Quincy moves to further amend the bill, in line 1589 by inserting after the words:- "chapter 138," the following words:- "(h) the gaming licensee shall submit to the commission any changes to any leased property or designated alcohol consumption and selling locations on the premises for the commission's approval. Failure of a gaming licensee to comply with this section may result in either a suspension of the gaming beverage license for time determined by the commission."

Mr. Chan of Quincy moves to amend the bill, House Bill 3702 in 228 to 229 by striking out the following:-

““gaming device” or gaming equipment” an electronic, electrical, or mechanical contrivance or machine used in connection with gaming or game”” and inserting place thereof the following:-

““gaming device” means any game of chance mechanical, electronic or otherwise featuring coin drop and payout as well as printed tabulations or credits to a paper or electronic account, whereby the software or hardware of the device predetermines the presence or lack of a winning combination and payout, including microprocessor-controlled electronic devices that allow a player to play games of chance, which may be affected by an element of skill, activated by the insertion of a coin or currency or by the use of a credit and awards game credits, cash, tokens, replays or a written statement of the player's accumulated credits, which written statements are redeemable for cash; and including slot machines, video lottery terminals and video facsimile machines of any type.”

“Gaming equipment” means any tool or machines, which is not a gaming device, required to conduct gaming and is approved or licensed by the commission.”

Mr. Chan of Quincy moves to further amend the bill in line 332 by inserting after the words:- “of business association” the following words:- ““player” person who engages in wagering at a licensed gaming establishment.”

Mr. Chan of Quincy moves to further moves to amend the bill in 1493 by inserting after the words:- “if applicable.” the following paragraph:- “The commission shall establish rules and regulations regarding the use and manner of how gaming devices may accept wagers deposited by the player, how they

dispense funds deposited or credited to the player, what the maximum amount of money that a gaming device can receive from a player, what is the expiration date on a ticket or voucher dispensed from an gaming device, what the manner of how a player receives his or her reimbursement from a from a ticket or voucher dispensing gaming device, how machines that can dispense cash in exchange for a ticket of voucher dispensed from an electronic gaming device; and circumstances by which a game device prize may be voided. The commission shall require a licensee to provide instructions on how a gaming device is to be played, under what conditions a prize may be voided and shall enforce any direct or indirect commitments from the licensee to the player, which shall include any form of advertising. The commission shall establish the manner in which winnings, compensation from games, and gaming devices must be compiled and reported by the commission, provided, further, electronic gaming devices shall return as winnings at a minimum 85% of all sums wagered. The commission shall establish a process by which a player may file a complaint for unfair gaming practices or complaint for non-payment of prizes of any type of game conducted by the licensee, and the commission shall record and investigate said complaints.”

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 1256 by inserting at the end thereof the following sentence:- “Should the commission approve a transfer of a gaming license, the commission shall require a reasonable fee to be paid; provided that nothing in this paragraph shall be in conflict with the commission’s transfer requirements under section 21, subsection (b).”

Mr. Chan of Quincy moves to amend the bill in line 1300 by inserting after the word:- “establishment” with the following:- “provided that nothing in this paragraph shall be in conflict with the commission’s transfer requirements under section 21, subsection (b).”

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 571 by inserting after the word "gaming license":- "and provided that the minimum debt to equity ratio shall not be less than 4 to 1 for applicants of a category 1 license;"

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in lines 809 and 810 by striking the words:- “(v) the estimated municipal and state tax revenue to be generated by the gaming establishment” and inserting in place thereof the following words:- “(v) the estimated municipal and state tax revenue to be generated by the gaming establishment commencing on the deadline for receipt of application for a gaming license”

Mr. Chan further moves to amend said bill in line 1211 by striking out the words:- “(11) maximizing revenues received by the commonwealth” and inserting in place thereof the following words:- “(11) maximizing revenues for the commonwealth, including but not limited to gaming license fees, daily taxes on gross gaming revenue, and corporate, income, payroll and other taxes and fees commencing as the deadline for the receipt of an application for a gaming license”.

Mr. Chan of Quincy moves to amend H.3702 in section 33, subsection (b) by striking out the words " A junket representative employed by a gaming licensee or affiliate of a gaming licensee shall be licensed as a gaming employee including provisions for the issuance of a temporary license; provided, however, that the junket representative need not be a resident of the commonwealth. A person who holds a valid gaming employee license may act as a junket representative while employed by a gaming licensee or an affiliate. No gaming licensee shall employ or otherwise engage a junket representative who is not licensed under this chapter." and inserting in place thereof the following words:- "A junket representative may be an independent agent registered with the commission; provided, however, that the junket representative need not be a resident of the commonwealth. A person who holds a valid gaming employee license may act as a junket representative while employed by a gaming licensee or an affiliate. No gaming licensee shall employ or otherwise engage a junket representative who is not licensed under this chapter."

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 744 by inserting after the words:-

“U.S.C.A.30001, et seq.” with the following:- “The commission shall provide recommendation for legislation on permanently legalizing simulcasting at facilities without a pari-mutual racetrack, as defined under chapter 128A; provided that the commission shall include with the recommended legislation a report on the a structure of wager distribution, the estimated amounts of wager distribution, operational costs associated with this type of wagering, impact to the state’s racing and horse breeding industries and law and regulations in other states that has legalized this type of wagering. The commission shall file said legislation and report to the House and Senate Clerks, the Joint Committee on Consumer Protection and Professional Licensure and the Joint Committee on Economic Development and Emerging Technologies on January 31, 2013”

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 380 to 381 by striking out the word:- "The governor may remove a commission if the commissioner" and inserting in place thereof the following:- "The governor, the attorney general and the treasurer and receiver general may remove their own appointment to the commission if said commissioner"

Mr. Chan further moves to amend the bill in line 384 by inserting after the word "felony" the following sentence:- "A commissioner appointed through the approval of 2 of the 3 appointing authorities under this section may be removed through the approval of 2 of the 3 appointing authorities; provided that said commissioner is (i) guilty of malfeasance in office; (ii) substantial neglects the duties of the commissioner; (iii) is unable to discharge the power and duties of the commissioner's office; (iv) commits gross misconduct; or (v) is convicted of a felony."

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in lines 205 to 206 , by striking out the words:- ““Complimentary service or item”, a service or item provided at no cost or at a reduced cost to a patron of a gaming establishment.” and inserting in place thereof the following words:- ““Complimentary service or item”, a service or item provided at no cost or at a reduced cost to a patron of a gaming establishment, but shall not include a service or item provided to the general public.”

Mr. Chan further moves to amend the bill in lines 251 to 257 by striking out, the words:- “ “Gross revenue” or “gross gaming revenue”, the total of all sums actually received by a gaming licensee from gaming operations less the total of all sums paid out as winnings to patrons; provided, however, that the total of all sums paid out as winning to patrons shall not include the cash equivalent value of any merchandise or thing of value included in a jackpot or payout; and provided further, that “Gross revenue” shall not include any amount received by a gaming licensee from simulcast wagering or from credit extended or collected by the gaming licensee for purposes other than gaming.” and inserting in place thereof the following words:- ““Gross revenue” or “gross gaming revenue”, the total of all sums actually received by a gaming licensee from gaming operations less the total of all sums paid out as winnings to patrons; and provided further, that “Gross revenue” shall not include any amount received by a gaming licensee from simulcast wagering or from credit extended or collected by the gaming licensee.”

Mr. Chan further moves to amends the bill in lines 230 to 234 by striking out, the words ““Gaming employee”, an employee of a gaming establishment who: (i) is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment; (ii) provides security in a gaming establishment; (iii) has access to a restricted area of a gaming

establishment; (iv) is connected with the operation of a gaming establishment; or (v) is so designated by the commission;” and inserting in place thereof the following words:– ““Gaming employee”, an employee of a gaming establishment who: (i) is directly connected to the operation or maintenance of a slot machine or game taking place in a gaming establishment; (ii) provides security in a gaming establishment; (iii) has access to a restricted area of a gaming establishment; or (iv) is so designated by the commission.”

Mr. Chan of Quincy moves to amend the bill, House Bill 3702, in line 365 by inserting after the words:-

“professional experience” with the following:- “in the pari-mutual racing industry and”

Mr. Naughton of Clinton moves to amend the bill House Bill 3702 by inserting the following after subsection D in section 55:

(E) notwithstanding the foregoing provisions of this section, in the event that that a category 1 license and a category 2 license are issued to facilities that currently host live horse racing , then, a category 1 licensee shall pay, in addition to the tax imposed on subsection (a), a daily assessment of 4.5 % of its gross gaming revenue to the Massachusetts race horse development fund established in section 60.

Mr. Naughton of Clinton moves to amend the bill House Bill 3702 in paragraph A in section 60 by striking the words "subsection C" and inserting in place thereof the following :- "subsection C and (E)".

Mr. Cabral of New Bedford moves to amend H 3702 beginning in line 3187 by deleting the following:

; provided, however, 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, the commission shall consider bids for a category 1 license in Region C under said chapter 23K

And inserting in place thereof the following new section:

(f) Notwithstanding any general or special law or rule or regulation to the contrary, if by October 31, 2012 the tribe has not received a favorable vote in the host community; or the land the tribe has purchased or entered into an agreement to purchase in the host community, in satisfaction of the requirements contained in subsection (c), has not been accepted as tribal land in trust by the Bureau of Indian Affairs; or the tribe has not received all other federal approvals necessary to allow the land to be used for class III gaming as defined by the Indian Gaming Regulatory Act, the commission shall issue a request for applications for a category 1 license in Region C under said chapter 23K no later than November 31, 2013 and shall issue said license to a qualified applicant no later than December 31, 2013. The issuance of a request for applications pursuant to this subsection (f) shall only be reviewable by a single justice of the Suffolk County Superior Court with no further appeal and no interlocutory findings.

Mr. Cabral of New Bedford moves to amend H 3702 beginning in line 2243 by deleting the following:

, the brownfields credit under subsection (j) of section 6 of said chapter 62 and section 38Q of said chapter 63, the historic rehabilitation tax credit under section 6J of said chapter 62 and section 38R of said chapter 63

Mr. Murphy of Burlington moves to amend House Bill 3702 in section 10(a) of the proposed chapter 23K in section 16, after the word “license” in line 834 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,”

The bill is hereby further amended in said section 10(a) of the proposed chapter 23K in section 16, after the word “license” in line 834 by inserting the following: “the required real estate, capitalized interest, risk management fees and infrastructure improvements designed to support the site,”

Mr. Murphy of Burlington moves to amend House Bill 3702 in Section 2 of the proposed chapter 23K under section 16 in line 256 by striking the words “or from credit extended or collected by the gaming licensee for purposes other than gaming”.

The bill is hereby further amended in said section by adding at the end thereof the following new sentence:- “Provided further, the issuance to casino patrons or wagering by casino patrons of any promotional gaming credit shall not be considered as gross revenue or gross gaming revenue.”

Mr. Murphy of Burlington moves to amend House Bill 3702 by inserting, in line 656, after the words "into its surroundings", the following new words:- "including, but not limited to potential access to multi-modal means of transportation,"

Mr. Murphy of Burlington moves to amend House Bill 3702 in line 1031, paragraph (8) of section 15, by adding at the end thereof the following:- “each casino operator shall pay a local impact fee equal to 2% of the net gaming revenues to the department of revenue. The department shall allocate these funds directly to each municipality in the surrounding communities and the host community. For purposes of this calculation, the host community’s population shall be multiplied by four. A surrounding community is a municipality within a twenty geographic mile radius from the casino.”

Ms. Dykema of Holliston and Mr. Brownsberger of Belmont move to amend House, No. 3702 By striking out the definition of "Surrounding communities" in section 2 of chapter 23K of the General Laws, as inserted by SECTION 16, in lines 344 to 347, 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 2 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.";

By inserting after clause (33) of section 4 of said chapter 23K, as so inserted, after line 630, 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 2 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 2-mile requirement and the request made by the municipality.”;

By striking out clause 13 of subsection (a) of section 9 of said chapter 23K, as so inserted, in lines 802 to 810, 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.”;

By striking out clause (6) of section 15 of said chapter 23K, as so inserted, in lines 1019 to 1022, 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.”;

By striking out clause (7) of said section 15 of said chapter 23K, as so inserted, in lines 1023 to 1025, 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.”;

By inserting after clause (8) of said section 15 of said chapter 23K, as so inserted, after line 1031, 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;

By striking out clause (13) of said section 15 of said chapter 23K, as so inserted, in lines 1051 to 1075, 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; have received a certified and binding, favorable vote on a ballot question at an election in each of the substantially impacted communities; 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 clause (8) for host communities and in clause (8A) for substantially impacted communities; 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 clause (8) for host communities and in clause (8A) for substantially impacted communities, 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;”;

By inserting after section 16 of said chapter 23K, as so inserted, after line 1106, 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.”;

By striking out subsection (c) of section 17 of said chapter 23K, as so inserted, in lines 1134 to 1138, and inserting in place thereof the following clause:--

“(c) The commission shall conduct a public hearing on the application pursuant to section 11 ½ 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.”;

By striking out clause (2) of section 18 of said chapter 23K, as so inserted, in lines 1167 to 1169, 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;”;

By striking out clause (14) of said section 18 of said chapter 23K, as so inserted, in lines 1215 to 1216, 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;”;

By striking out subsection (j) of section 25 of said chapter 23K, as so inserted, in lines 1545 to 1554, 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.”;

By striking out section 47 of said chapter 23K, as so inserted, in lines 2210 to 2219, 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.”;

By striking out subsection (b) of section 61 of said chapter 23K, as so inserted, in lines 2444 to 2449, 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.”;

By striking out subsection (c) of said section 61 of said chapter 23K, as so inserted, in lines 2450 to 2454, and inserting in place thereof the following subsection:--

(c) Parties requesting appropriations from the fund shall submit a written request for funding to the commission before February 1 of each year. The commission may hold a public hearing in the region of a gaming establishment to provide parties with the opportunity to provide further information about their request for funds and shall distribute funds to requesting parties based on demonstrated need; provided, however, that parties from substantially impacted communities receive at least 60 per cent of the total funds distributed to parties from surrounding communities and parties from substantially impacted communities.

By striking out section 68 of said chapter 23K, as so inserted, in lines 2504 to 2577, and inserting in place thereof the following section—

“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; the senate president or the president’s designee; the speaker of the house of representatives or the speaker’s designee; 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, substantially impacted 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 cultural 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.

(b) There shall be a subcommittee on community mitigation under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be appointed from the host community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of whom shall be appointed from the host community in region 3; 1 of whom shall be a representative from the department of revenue’s division of local services; 1 of whom shall be a representative of the commission; 1 of whom shall be appointed by the governor and have professional experience in community mitigation related to gaming; and 1 of whom shall be a representative from the Massachusetts municipal association. The subcommittee shall develop recommendations to be considered by the commission to address issues of community mitigation as a result of the development of gaming establishments in the commonwealth, including, but not limited to: how funds may be expended from the Community Mitigation Fund, the impact of gaming establishments on the host community, substantially impacted communities, and surrounding communities including, but not limited to, the impact on local resources as a result of new housing construction and potential necessary changes to affordable housing laws, increased education costs and curriculum changes due to population changes in the region, development and maintenance of infrastructure related to increased population and utilization in the region and public safety impacts resulting from the facility and how to address that impact. The subcommittee shall receive input from local community mitigation advisory committees. The subcommittee shall review annually the expenditure of funds from the Community Mitigation Fund and make recommendations to the commission relative to appropriate and necessary use of community mitigation funds. The commission may promulgate such regulations as advised by the subcommittee.

(c) There shall be a subcommittee on addiction services under the gaming policy advisory committee consisting of 5 members: 1 of whom shall be a representative from the department of public health’s bureau of substance abuse services; 1 of whom shall be a representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall be a representative of the commission; and 2 of

whom shall be appointed by the governor with professional experience in the area of gambling addictions. The subcommittee shall develop recommendations for regulations to be considered by the commission in addressing issues related to addiction services as a result of the development of gaming establishments in the commonwealth, including but not limited to, prevention and intervention strategies.

(d) There shall be a subcommittee on public safety under the gaming policy advisory committee consisting of 7 members: 1 of whom shall be a member of the commission; 1 of whom shall be the secretary of the executive office of public safety or the secretary's designee; 1 of whom shall be the attorney general or the attorney general's designee; 1 of whom shall be a representative from the Massachusetts District Attorneys Association; 1 of whom shall be the colonel of the state police or the colonel's designee; 1 of whom shall be a representative from the Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of a public safety labor union. The subcommittee shall develop recommendations for regulations to be considered by the commission to address public safety issues as a result of the development of gaming establishments in the commonwealth, including but not limited to, how to mitigate the impact of gaming establishments on crimes committed in the commonwealth. The subcommittee shall also study the impact of gaming establishments on all aspects of public safety in the commonwealth.

(e) Each region, as defined in section 19, may establish a local community mitigation advisory committee, which shall include not fewer than 6 members: 1 of whom shall be appointed by each of the host, substantially impacted and surrounding communities; 1 of whom shall be appointed by each regional planning agency to which at least 1 of the host or surrounding communities belongs; and 4 of whom shall be appointed by the commission, of whom at least 1 shall represent a chamber of commerce in the region, 1 shall represent a regional economic development organization in the region, and 2 shall represent human service providers in the region. Each local committee shall annually elect a chair and such other officers as it deems necessary to carry out its duties.

Each local community mitigation advisory committee may provide information and develop recommendations for the subcommittee on community mitigation on any issues related to the gaming establishment located in its region including, but not limited to: (i) issues of community mitigation; (ii) how funds may be expended from the Community Mitigation Fund; and (iii) the impact of the gaming establishments on the host, substantially impacted and surrounding communities. Additionally, each local community mitigation advisory committee may present information to the commission consistent with the rules of the commission on any issues related to the gaming establishment located in its region."; and

By striking out subsection (c) of SECTION 89, in lines 3177 to 3180, 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."

Ms. Dykema of Holliston, Mr. Brownsberger of Belmont and Mr. Walsh of Framingham move to amend House Bill 3702 in SECTION 16 by inserting after the word "assistance", in line 554, the following words:-

"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 negotiation and execution of agreements as provided in subsection 8 and 9 of Section 15 and subsection a of Section 17, all of 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."

Ms. Dykema of Holliston Mr. Brownsberger of Belmont and Mr. Walsh of Framingham move to amend House Bill 3702 in SECTION 16 by striking out lines 344 through 347, beginning with “Surrounding communities” and ending with “gaming establishment.” and inserting in place thereof the following paragraph:-

“ “Surrounding communities”, municipalities (a) that are located in whole or in part within two 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.”

Ms. Dykema of Holliston and Mr. Brownsberger of Belmont move to amend House Bill 3702 in SECTION 16 by inserting after the word "establishment", in line 810, the following words:-
"provided, however that nothing contained in any such study or report shall be deemed to preclude a municipality from seeking funding approval to subsection 7 of Section 4 of this chapter for professional services to examine and or evaluate a cost, benefit or other impact described therein. "

Mr. Cabral of New Bedford moves to amend H 3702 beginning in line 3187 by deleting the following:

; provided, however, that if, at any time on or after August1, 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, the commission shall consider bids for a category 1 license in Region C under said chapter 23K

And inserting in place thereof the following new section:

(f) Notwithstanding any general or special law or rule or regulation to the contrary, if by October 31, 2012 the tribe has not received a favorable vote in the host community; or the land the tribe has purchased or entered into an agreement to purchase in the host community, in satisfaction of the requirements contained in subsection (c), has not been accepted as tribal land in trust by the Bureau of Indian Affairs; or the tribe has not received all other federal approvals necessary to allow the land to be used for class III gaming as defined by the Indian Gaming Regulatory Act, the commission shall issue a request for applications for a category 1 license in Region C under said chapter 23K no later than November 31, 2012 and shall issue said license to a qualified applicant no later than December 31, 2012. The issuance of a request for applications pursuant to this subsection (f) shall only be reviewable by a single justice of the Suffolk County Superior Court with no further appeal and no interlocutory findings.

Mr. Chan moves to amend the bill, House Bill 3702, in line 2360 after the word:- “services” with the following:- “, which a percentage of the funding shall be set by the commission targeting minority and immigrant communities,”

Representatives Coakley-Rivera of Springfield and Ashe of Longmeadow move to amend the bill (House Bill 3702) by adding the following section:-

SECTION X. Chapter 271 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 5A the following new section:-

Section 5B. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:

"Electronic machine or device", a mechanically, electrically or electronically operated machine or device that is owned, leased or otherwise possessed by a sweepstakes sponsor or promoter, or any sponsors, promoters, partners, affiliates, subsidiaries, or contractors thereof, that is intended to be used by a sweepstakes entrant, that uses energy, and that is capable of displaying information on a screen or other mechanism. An electronic machine or device may, without limitation: (1) be server-based; (2) use a simulated game terminal as a representation of the prizes associated with the results of the sweepstakes entries; (3) utilize software such that the simulated game influences or determines the winning or value of the prize; (4) select prizes from a predetermined finite pool of entries; (5) utilize a mechanism that reveals the content of a

predetermined sweepstakes entry; (6) predetermine the prize results and stores those results for delivery at the time the sweepstakes entry results are revealed; (7) utilize software to create a game result; (8) require deposit of any money, coin, or token, or the use of any credit card, debit card, prepaid card, or any other method of payment to activate the electronic machine or device; (9) require direct payment into the electronic machine or device, or remote activation of the electronic machine or device; (10) require purchase of a related product having legitimate value; (11) reveal the prize incrementally, even though it may not influence if a prize is awarded or the value of any prize awarded; (12) may determine and associate the prize with an entry or entries at the time the sweepstakes is entered; (13) is a slot machine or other form of electrical, mechanical, or computer game. "Electronic machine or device" shall also include gambling devices as defined in section 5A.

"Enter" or "entry", the act or process by which a person becomes eligible to receive any prize offered in a sweepstakes.

"Entertaining display", any visual information, capable of being seen by a sweepstakes entrant, that takes the form of actual game play, or simulated game play.

"Prize", any gift, award, gratuity, good, service, credit, or anything else of value, which may be transferred to a person,

whether possession of the prize is actually transferred, or placed on an account or other record as evidence of the intent to transfer the prize.

"Sweepstakes", any game, advertising scheme or plan, or other promotion, which, with or without payment of any consideration, a person may enter to win or become eligible to receive any prize, the determination of which is based upon chance.

(b) It shall be unlawful for any person to knowingly possess with the intent to operate, or place into operation, an electronic machine or device to: (1) conduct a sweepstakes through the use of an entertaining display, including the entry process or the reveal of a prize; or (2) promote a sweepstakes that is conducted through the use of an entertaining display, including the entry process or the reveal of a prize.

(c) Nothing in this section shall be construed to make illegal any activity which is lawfully conducted: (1) by the state lottery commission, pursuant to sections 24, 24A, 27, 27A, 37, 38, and 39A of chapter 10; (2) as pari-mutuel wagering on horse races, whether live or simulcast, pursuant to chapters 128A and 128C; (3) as the game of bingo conducted pursuant to chapters 10 and 271; or (4) as charitable gaming, so called, conducted pursuant to chapter 271.

(d) Any person who violates this section shall be punished by a fine of not more than \$250,000 per electronic machine or device

placed into operation or by imprisonment in state prison for not more than 15 years, or by both such fine and imprisonment.

Mr. Costello of Newburyport moves to amend House Bill 3702 in section 15 by adding the following:

(18) that the licensee has entered into a labor peace agreement with all labor organizations that are actively engaged in representing or attempting to represent hospitality employees involved in the operation of a category 1 and/or category 2 gaming establishment.

The labor peace agreement must protect the Commonwealth's revenues by prohibiting the labor organization and its members from engaging in picketing, work stoppages, boycotts, and any other economic interference with the operation of the gaming establishment.

Said labor peace agreement applies to all hospitality employment associated with the servicing or operations of a category 1 and/or category 2 gaming establishment, including employment provided by any person or entity holding a lease, concession, or management agreement with the licensee.

{Note: Section 15 in House No. 3702 leads with the following wording: "No applicant shall be eligible to receive a gaming license unless the applicant meets the following criteria and clearly states as part of the application that the applicant shall:"}

Mr. Cabral of New Bedford moves to amend H 3702 beginning in line 3187 by deleting the following:

; provided, however, that if, at any time on or after August1, 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, the commission shall consider bids for a category 1 license in Region C under said chapter 23K

And inserting in place thereof the following new section:

(f) Notwithstanding any general or special law or rule or regulation to the contrary, if by October 31, 2012 the tribe has not received a favorable vote in the host community; or the land the tribe has purchased or entered into an agreement to purchase in the host community, in satisfaction of the requirements contained in subsection (c), has not been accepted as tribal land in trust by the Bureau of Indian Affairs; or the tribe has not received all other federal approvals necessary to allow the land to be used for class III gaming as defined by the Indian Gaming Regulatory Act, the commission shall issue a request for applications for a category 1 license in Region C under said chapter 23K no later than November 31, 2012 and shall issue said license to a qualified applicant no later than December 31, 2012. The issuance of a request for applications pursuant to this subsection (f) shall only be reviewable by a single justice of the Suffolk County Superior Court with no further appeal and no interlocutory findings.

Ms. Khan of Newton moves to amend House bill 3702 by inserting, in line 1237, after the words "not more than 3 category 1 licenses" the words ",and one of which should be 100% non-profit and monies earned will be equally distributed across Massachusetts-based non-profit charities."