

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Wednesday, October 12, 2011.

At ten minutes past one o'clock P.M., the two branches met in

JOINT SESSION

and were called to order by the Honorable Therese Murray, President of the Senate.

Without action on the matters duly and constitutionally assigned for consideration, on motion of Mr. Berry, at eleven minute past one o'clock P.M., the joint session was recessed until one o'clock P.M., on Wednesday, March 14, 2012; and the Senate withdrew from the House Chamber under the escort of the Sergeant-at-Arms.

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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, September 26, 2011.

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

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, several guests were recognized, as follows:

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

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

Reports of a Committee.

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

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

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

PAPERS FROM THE HOUSE.

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

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

Bills

Creating a water supply system in the town of Rochester (House, No. 576,-- on petition) [Local approval received];

Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620,-- on petition) [Local approval received];

Relative to the charter of the town of Amesbury (House, No. 3621,-- on petition) [Local approval received];

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622,-- on petition) [Local approval received]; and

Authorizing the town of Needham to convey a certain parcel of land and grant an easement to support natural gas transmission (House, No. 3667,-- on petition) [Local approval received];

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

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

Notice was received from the House announcing the following appointment by the Minority Leader of the House of Representatives:

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

Orders of the Day.

Bills

Authorizing the town of Newbury to use certain fund balances for capital expenditures (Senate, No. 1934);

Relative to the charter of the town of Holden (Senate No. 1984); and

Authorizing the town of Norton to grant easements and restrictions over certain town-owned land (House, No. 3431);
Were severally read second time and ordered to a third reading.

The Senate Bill establishing expanded gaming in the Commonwealth (House, No. 3711),-- **was a read a second time.** Pending the question on adoption of the amendment previously recommended by the committee on Ways and Means that the bill be amended by striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 2015 and pending the main question on ordering the bill to a third reading, Messrs. Berry and Wolf moved that the bill be amended in section 89 by striking out subsection(c) and inserting in place thereof the following subsection:-

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

officials in the host community for approval of the proposed gaming development. The host community shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received.

After remarks, the amendment was adopted.

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

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

The amendment was *rejected*.

Messrs. Hart and Wolf moved that the bill be amended by striking out in lines 3247 to 3249 the following words:- “that if at any time on or after August 1, 2012 the commission determines that the tribe will not be granted land-in-trust by the Bureau of Indian Affairs at the United States Department of the Interior” and inserting in place thereof the following words:- “that upon a final and binding determination by a court of competent jurisdiction that the tribe has no rights to land-in-trust”.

The amendment was *rejected*.

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

The amendment was *rejected*.

Mr. Joyce moved that the bill be amended section 89(a) by adding the language “a state or” after “compact with.” As amended, section 89(a) will appear as follows:

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

The amendment was *rejected*.

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

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

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

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

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

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

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

The amendment was *rejected*.

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

The amendment was adopted.

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

The amendment was *rejected*.

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

The amendment was *rejected*.

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

The amendment was *rejected*.

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

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

After debate, the amendment was *rejected*.

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

After remarks, the amendment was adopted.

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

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

The amendment was *rejected*.

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

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

The amendment was *rejected*.

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

The amendment was *rejected*.

Mr. DiDomenico and Ms. Clark moved that the bill be amended in section 71, line 2686, by inserting after “public

assistance; and” the following:-

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

The amendment was adopted.

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

After remarks, the amendment was adopted.

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

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

After debate, the amendment was *rejected*.

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

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

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

YEAS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	Knapik, Michael R.
Chandler, Harriette L.	McGee, Thomas M.
Chang-Diaz, Sonia	Montigny, Mark C.
Clark, Katherine M.	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
DiDomenico, Sal N.	Pacheco, Marc R.
Donnelly, Kenneth J.	Petrucelli, Anthony
Donoghue, Eileen M.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.

Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 38.

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

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

Messrs. Hart and DiDomenico moved that the bill be amended in section 16, by striking out, in line 2330, in section 59 of proposed chapter 23K, the figure “25” and inserting in place thereof the following figure:- “26”; in section 16, by inserting after subsection (k) in line 2456, in said section 59 of said proposed chapter 23K, the following new section:- (l) 1 percent to the Fire Safety Fund. ; and by inserting the following new section:-

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

After remarks, the amendment was *rejected*.

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

The amendment was adopted.

Messrs. Keenan and Richard T. Moore, Ms. Fargo, Ms. Jehlen and Messrs. Wolf, DiDomenico and Joyce moved that the bill be amended in Section 16, by adding, in line 133, after the word “unemployed” the following:- “residents of Massachusetts”; and in said section 16 by striking out paragraph 4 of section 18 and replacing it with the following:- “(4) implementing a workforce development plan that utilizes the existing labor force, with a priority on employing Massachusetts residents, including the estimated number of construction jobs a proposed gaming establishment will generate, the development of workforce training programs that serve the unemployed and methods for accessing employment at the gaming establishment;”

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

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

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

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

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

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

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

establishment of such an agreement through fair and reasonable negotiations.”

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

YEAS

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

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

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

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

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

The amendment was *rejected*.

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

The amendment was adopted.

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

community and surrounding communities; costs to the host community and surrounding communities and the Commonwealth; and the estimated municipal and state tax revenue to be generated. Such independent review and analysis shall be submitted to the Commission for its consideration”.

After debate, the amendment was *rejected*.

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

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

YEAS

Chang-Diaz, Sonia	Moore, Michael O.
Creem, Cynthia Stone	Moore, Richard T.
Fargo, Susan C.	Ross, Richard J.
Finegold, Barry R.	Spilka, Karen E.
Hedlund, Robert L.	Tarr, Bruce E.
Jehlen, Patricia D.	Timilty, James E — 13.
Knapik, Michael R.	

NAYS

Baddour, Steven A.	Joyce, Brian A.
Berry, Frederick E.	Keenan, John F.
Brewer, Stephen M.	Kennedy, Thomas P.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Clark, Katherine M.	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rodrigues, Michael J.
Donoghue, Eileen M.	Rosenberg, Stanley C.
Downing, Benjamin B.	Tolman, Steven A.
Eldridge, James B.	Welch, James T.
Flanagan, Jennifer L.	Wolf, Daniel A. — 25.
Hart, John A., Jr.	

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

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

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

The amendment was *rejected*.

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

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

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

After remarks, the amendment was adopted.

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

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

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

After remarks, the amendment was *rejected*.

Messrs. Tarr and Knapik moved that the bill be amended by inserting, in line 2510, after the word “maintenance” the following:- “; provided however, not less than 50 per cent of such expenditures shall be dedicated for the purpose of supplementing, and not offsetting, any expenditures made for the construction and reconstruction of municipal ways as described clause (b) of the second paragraph of section 4 of chapter 6C of the General Laws”.

The amendment was *rejected*.

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

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

After debate, the amendment was *rejected*.

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

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

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

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

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

YEAS

Kennedy,

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

— 32.

NAYS

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

—6.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

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

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

After remarks, the amendment was adopted.

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

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

By inserting after line 277 the following new definition:-

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

By inserting after line 634 the following:-

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

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

The amendment was *rejected*.

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

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

“(1) 5 per cent shall be transferred to the Massachusetts Community Preservation Trust Fund, established in section 9 of chapter 44B.”;

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

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

The amendment was *rejected*.

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

The amendment was *rejected*.

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

After remarks, the amendment was adopted.

Ms. Chang-Díaz, Ms. Jehlen, Messrs. Eldridge and DiDomenico, Ms. Clark, Mr. Donnelly and Ms. Fargo moved that the bill be amended in Section 16 in section 2, in proposed Chapter 23K, by inserting after the definition of the term “Intermediary company” the following definition:-

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

After remarks, the amendment was adopted.

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

The amendment was *rejected*.

Ms. Spilka moved that the bill be amended in subsection (7) of section 4 of chapter 23k, as inserted by section 16, by inserting at the end thereof the following new sentence:- “In exercising its authority under this subsection, the Commission shall be authorized to receive and approve applications from a municipality to provide for reasonable costs related to legal, financial and other professional services required for the negotiation and execution of agreements as provided in this chapter, and to require that such costs be paid by the applicant, prospective applicant or other entity with which the municipality seeks to negotiate.”

The amendment was adopted.

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

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

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

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

The amendment was then *rejected*.

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

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

After debate, the amendment was *rejected*.

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

After remarks, the amendment was *rejected*.

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

After debate, the amendment was *rejected*.

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

ability to successfully operate a gaming establishment”; and in section 21 by striking out, in line 1427, the words “ a gaming license”.

After remarks, the amendment was *rejected*.

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

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

YEAS

Chang-Diaz, Sonia	Fargo, Susan C.
Clark, Katherine M.	Finegold, Barry R.
Creem, Cynthia Stone	Jehlen, Patricia D.
Donnelly, Kenneth J.	Montigny, Mark C.
Downing, Benjamin B.	Wolf, Daniel A. — 11 .
Eldridge, James B.	

NAYS

Baddour, Steven A.	McGee, Thomas M.
Berry, Frederick E.	Moore, Michael O.
Brewer, Stephen M.	Moore, Richard T.
Candaras, Gale D.	Pacheco, Marc R.
Chandler, Harriette L.	Petrucelli, Anthony
DiDomenico, Sal N.	Rodrigues, Michael J.
Flanagan, Jennifer L.	Rosenberg, Stanley C.
Hart, John A., Jr.	Ross, Richard J.
Hedlund, Robert L.	Spilka, Karen E.
Knapik, Michael R.	Tarr, Bruce E.
Joyce, Brian A.	Timilty, James E.
Keenan, John F.	Tolman, Steven A.
Kennedy, Thomas P.	Welch, James T.— 25 .

ABSENT OR NOT VOTING

Donoghue, Eileen M.	Rush, Michael F.— 2 .
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The yeas and nays having been completed at three minutes before five o’clock P.M., the amendment was rejected.

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

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

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

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

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

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

YEAS

Chang-Diaz, Sonia	Fargo, Susan C.
Creem, Cynthia Stone	Hedlund, Robert L.
DiDomenico, Sal N.	Jehlen, Patricia D.

Donnelly, Kenneth J. Ross, Richard J.
Eldridge, James B. Wolf, Daniel A. —**10.**

NAYS

Baddour, Steven A. McGee, Thomas M.
Berry, Frederick E. Montigny, Mark C.
Brewer, Stephen M. Moore, Michael O.
Candaras, Gale D. Moore, Richard T.
Chandler, Harriette L. Pacheco, Marc R.
Clark, Katherine M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Finegold, Barry R. Rosenberg, Stanley C.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E.
Joyce, Brian A. Tolman, Steven A.
Keenan, John F. Welch, James T.— **27.**
Kennedy, Thomas P.

ABSENT OR NOT VOTING

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

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

Ms. Jehlen moved that the bill be amended by inserting at the end thereof the following new section:-
“SECTION XX. Notwithstanding the provisions of this act or any general or special law to the contrary, retail establishments are not permitted within a gaming establishment licensed pursuant to this law or on the property thereof. This includes both retail establishment operated by the licensee and establishments operating on the licensee’s property with the permission of the licensee.”

After debate, the amendment was *rejected*.

Messrs. Tarr, Hedlund and Knapik moved that the bill be amended by adding at the end the following new section:-
“SECTION XX. Chapter 271 of the General Laws is hereby amended by inserting, after Section 5A, the following new section:

Section 5B: Bona fide coin-operated amusement machines

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

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

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

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

1. Pinball machines.
2. Console machines, including 8-line slot machines.
3. Video games.
4. Crane machines.
5. Claw machines.
6. Pusher machines.
7. Bowling machines.
8. Novelty arcade games.
9. Foosball or table soccer machines.
10. Miniature racetrack or football machines.
11. Target or shooting gallery machines.
12. Basketball machines.
13. Shuffleboard games.
14. Kiddie ride games.
15. Skee-ball machines.
16. Air hockey machines.
17. Roll down machines.
18. Coin-operated pool table or coin-operated billiard table.
19. Any other similar amusement machine which can be legally operated in Massachusetts.
20. Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, such as jukeboxes or other similar types of music machines. 'Play' is an individual bet that can, apart from any other bet made by a player, result in a winning outcome. More than one play may be made simultaneously on the same amusement machine.

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

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

(A) Free replays;

(B) Merchandise limited to non-cash merchandise, prizes, toys, gift certificates, or novelties, each of which has a wholesale value of not more than \$25.00 received for a single play of the game or device;

(C) Points, tokens, vouchers, tickets, or other evidence of winnings which may be exchanged for rewards set out in subparagraph (A) of this paragraph or subparagraph (B) of this paragraph or a combination of rewards set out in subparagraph (A) and subparagraph (B) of this paragraph; or

(D) Any combination of rewards set out in two or more of subparagraph (A), (B), or (C) of this paragraph. This subsection shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

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

The amendment was *rejected*.

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

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

After remarks, the amendment was adopted.

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

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

After remarks, the amendment was adopted.

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

“SECTION XX. The Massachusetts gaming commission shall, in consultation with the state lottery commission, establish a committee to analyze and develop recommendations and model legislation with respect to the issuance and implementation of internet poker licenses. The committee, in addition to members of the Massachusetts gaming commission and the state lottery commission, shall include: 2 members appointed by the speaker of the house; 1 member appointed by the minority leader of the house; 2 members appointed by the senate president; and 1 member appointed by the minority leader of the senate; provided, however, that the recommendations and model legislation shall include an analysis of applicable federal and state law. The committee shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than July 31, 2012.”.

The amendment was *rejected*.

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

The amendment was *rejected*.

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

After remarks, the amendment was adopted.

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

or the speaker's designee; the house minority leader or the house minority leader's designee".
The amendment was *rejected*.

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

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

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

YEAS

Baddour, Steven A.	Keenan, John F.
Berry, Frederick E.	Kennedy, Thomas P.
Brewer, Stephen M.	Knapik, Michael R.
Candaras, Gale D.	McGee, Thomas M.
Chandler, Harriette L.	Montigny, Mark C.
Chang-Diaz, Sonia	Moore, Michael O.
Clark, Katherine M.	Moore, Richard T.
Creem, Cynthia Stone	Pacheco, Marc R.
DiDomenico, Sal N.	Petrucelli, Anthony
Donnelly, Kenneth J.	Rodrigues, Michael J.
Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A. — 37.
Joyce, Brian A.	

NAYS — 0.

ABSENT OR NOT VOTING

Donoghue, Eileen M.	Rush, Michael F.— 2.
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The yeas and nays having been completed at twenty-nine minutes before six o'clock P.M., the amendment was adopted.

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

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

After debate, the amendment was *rejected*.

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

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

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

After remarks, the amendment was *rejected*.

After remarks, and pending the adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Mr. Tarr moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

Order Adopted.

On motion of Mr. Berry,--

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

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

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, September 27, 2011.

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

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Rosenberg for the purpose of an introduction. Mr. Rosenberg then introduced, in the Senate Gallery, a group of government officials from Pakistan. The Massachusetts Municipal Association, in partnership with the Institute for Training and Development in Amherst, has been awarded a State Department grant to bring 75 Pakistani government officials to Massachusetts for professional attachment opportunities. Over the next three years they will come in groups of 15 to learn about the operation of our state government and have a tour of the State House. The Senate welcomed them with applause and they withdrew from the Gallery.

Report.

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

Orders of the Day.

The Orders of the Day were considered, as follows:

Bills

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

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

Authorizing a design and build contract for a recreational facility in the town of Braintree (House, No. 3660):
Were severally read a second time and ordered to a third reading.

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

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

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

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

“SECTION 29. A gaming establishment shall be prohibited from offering a cashless wagering system.”

After debate, the amendment was *rejected*.

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

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

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

Recess.

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

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

YEAS

Baddour, Steven A.

Berry, Frederick E.

Brewer, Stephen M.

Candaras, Gale D.

Chandler, Harriette L.

Chang-Diaz, Sonia

Clark, Katherine M.

Creem, Cynthia Stone

DiDomenico, Sal N.

Donnelly, Kenneth J.

Joyce,
Brian A.

Keenan,
John F.

Kennedy,
Thomas P.

Knapik,
Michael R.

McGee,
Thomas
M.

Montigny,
Mark C.

Moore,
Michael O.

Moore,
Richard T.

Pacheco,
Marc R.

Petrucelli,
Anthony

Downing, Benjamin B.	Rosenberg, Stanley C.
Eldridge, James B.	Ross, Richard J.
Fargo, Susan C.	Spilka, Karen E.
Finegold, Barry R.	Tarr, Bruce E.
Flanagan, Jennifer L.	Timilty, James E
Hart, John A., Jr.	Tolman, Steven A.
Hedlund, Robert L.	Welch, James T.
Jehlen, Patricia D.	Wolf, Daniel A.
	— 36.

NAYS

Rodrigues, Michael J. —1.

ABSENT OR NOT VOTING

Donoghue, Eileen M.	Rush, Michael F.—2.
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The yeas and nays having been completed at nine minutes past three o'clock P.M, the amendment was adopted.

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

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

The amendment was *rejected*.

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

The amendment was *rejected*.

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

in place thereof the following words:- “been approved by the commission as qualified”.

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

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

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

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

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

The amendment was *rejected*.

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

“(m) Chapters 268A and 268B shall apply to the commissioners and to employees of the commission; provided, however, that the commission shall establish a code of ethics for all members and employees that shall be more restrictive than said chapters 268A and 268B. A copy of the code shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out the purposes of this chapter and any other laws subject to the jurisdiction of the commission including, but not limited to: (i) prohibiting the receipt of gifts or other things of value by commissioners and employees or by their immediate family members from any gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission or from the holder of any gaming license, applicant for a gaming license, close associate or affiliate of any licensee or applicant for a license for any other gaming establishment, regardless of where it is located.; (ii) prohibiting the participation by commissioners

and employees in a particular matter as defined in section 1 of said chapter 268A that affects the financial interest of a relative within the third degree of consanguinity or a person with whom such commissioner or employee has a significant relationship as defined in the code; and (iii) providing for recusal of a commissioner in a licensing decision due to a potential conflict of interest.

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

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

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

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

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

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

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

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

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

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

The amendment was *rejected*.

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

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

After remarks, the amendment was adopted.

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

"No complimentary services, gifts, cash or other items of value shall be provided to commission members, employees

of the commission, the alcoholic beverage control commission, any member of the state police, any employee of the municipality where the gaming establishment is located, or any individual who holds a federal, state or local elected office, or the immediate family members of such individuals.”

The amendment was *rejected*.

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

After remarks, the amendment was adopted.

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

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

After debate, the amendment was *rejected*.

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

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

After remarks, the amendment was *rejected*.

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

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

The amendment was *rejected*.

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

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

The amendment was *rejected*.

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

After remarks, the amendment was *rejected*.

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

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

YEAS

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

NAYS — 0.

ABSENT OR NOT VOTING

Rush, Michael F.—**1.**

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

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

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

The amendment was *rejected*.

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

The amendment was *rejected*.

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

“SECTION X. Notwithstanding any general or special law, rule or regulation to the contrary for the purposes of chapter 62, gross revenue or gross gaming revenue as defined in chapter 23K of the General Laws shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited; provided, however, that monies received by the commonwealth as the result of a revenue sharing agreement between the commonwealth and a federally recognized tribe set forth in a negotiated compact shall not be considered budgeted fund state tax revenue.”; and by inserting the following new section:-

“SECTION XX. The commissioner of revenue, in consultation with the commissioner of education, and the treasurer and receiver general of the commonwealth shall report to the general court on the following matters: 1) the primary sources of current and recent funding for each major program of state assistance to the cities, towns, and school districts of the commonwealth; including, but not limited to lottery aid, unrestricted general government assistance, PILOT payments for state owned land, and major aid programs in support of local education and transportation. Where feasible, those amounts and sources of funding shall be disaggregated by city and town, 2) the net dollar relationship between distributions to cities, towns, and school districts under each of the programs reviewed and the primary sources of funding that support them, 3) the prospective cost and feasibility of establishing equitable minimum and maximum distribution targets based on criteria including, but not limited to, students qualifying for free and reduced lunch programs and mean age levels of residents for each program based on the disaggregated source of funding for each program; and 4) any potential alternative sources of funding to establish such equitable minimum target aid levels; including the Gaming Local Aid Fund and the Local Stabilization Funds, created under the provisions of this Act. Said report shall be filed by the commissioner of revenue with the clerks of the house and senate by July 31, 2012. Prior to any distribution of gaming revenues from the Gaming Local Aid Fund, the legislature shall review the report and adopt an equitable distribution program for the Gaming Local Aid Fund and the Local Aid Stabilization Fund.”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seven minutes before four o'clock P. M. , on motion of Mr. Tarr, as follows, to wit (*yeas 8 – nays 30*) [**Yeas and Nays No. 81**]:

YEAS

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

NAYS

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

Flanagan, Jennifer L. Welch, James T. — 30.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

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

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

The amendment was *rejected*.

Mr. Pacheco moved that the bill be amended by inserting in Section 16, section 2, at the end of line 172 a new category:-

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

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

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

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

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

YEAS

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

NAYS

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

ABSENT OR NOT VOTING

Rush, Michael F.—1.

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

After remarks, and pending the adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Ms. Candaras moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

Resolutions.

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

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

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

The resolutions were read. Pending the question on adoption of the resolutions, Mr. Tarr moved that the resolutions be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

Order Adopted.

On motion of Mr. Berry,--

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

Moment of Silence.

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

Adjournment in Memory of Al Gricus.

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

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

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

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

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

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, September 29, 2011.

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

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

Petitions.

Petitions were severally presented and referred, as follows:

By Ms. Candaras, a petition (accompanied by bill, Senate, No. 2026) of Gale D. Candaras and Brian Ashe (by vote of the town) for legislation to validate the actions taken at the annual town election in the town of Hampden [Local approval received];

Under Senate Rule 20, to the committee on Election Laws.

By Ms. Jehlen, a petition (accompanied by bill, Senate, No. 2025) of Patricia D. Jehlen, Sal N. DiDomenico, Denise Provost, Carl M. Sciortino, Jr. and other members of the General Court (with the approval of the mayor and board of aldermen) for legislation to authorize the city of Somerville to incur debt on certain property under control of said city [Local approval received];

Under Senate Rule 20, to the committee on Municipalities and Regional Government.

By Mr. Michael O. Moore, a petition (accompanied by bill, Senate, No. 2024) of Michael O. Moore (with approval of the mayor and city council) for legislation to allow the city of Worcester to utilize video cameras to enforce certain traffic violations [Local approval received];

Under Senate Rule 20, to the committee on Transportation.

Severally sent to the House for concurrence.

By Ms. Clark (by request), a petition (subject to Joint Rule 12) of Roberta Alpert for legislation to restrict medical prescriptions filing personnel; and

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco for legislation to designate the month of May as Blue Star Mothers month;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

Report of a Committee.

By Ms. Clark, for the committee on Public Service, on petition, a Bill establishing a sick leave bank for Scott Hayward, an employee of the Executive Office of Health and Human Services (Senate, No. 2021);

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

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Shaun T. Sawyer, an employee of the Department of Developmental Services (House, No. 3701, amended,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill relative to vendor contracts (House, No. 3726,-- on House, No. 5),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Resolutions.

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

Resolutions (filed by Mr. Tolman) “congratulating the Perkins School for the Blind on the opening of the Grousbeck Center for Students and Technology.”

Matters Taken Out of the Orders of the Day.

There being no objection, the following matters were taken out of the Orders of the Day and considered as follows:

The Senate Bill exempting the position of police chief in the town of Marblehead from the civil service law (Senate, No. 1929),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The Senate Bill authorizing the town of Newbury to use certain fund balances for capital expenditures (Senate, No. 1934),-- **was read a third time and passed to be engrossed. Sent to the House for concurrence.**

The House Bill authorizing the town of West Tisbury to place a certain question on the ballot relative to the issuance of licenses for the sale of wines and malt beverages in restaurants, inns and hotels and the issuance of 1 day licenses for the sale of wines and malt beverages at events (House, No. 3687),-- **was read a third time and passed to be engrossed, in concurrence, with the amendment previously adopted by the Senate. Sent to the House for concurrence in the amendment.**

Reports of a Committee.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (House, No. 3328, amended),-- **ought to pass. There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (House, No. 3446),-- **ought to pass. There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.**

PAPERS FROM THE HOUSE

A House Bill validating the actions taken at certain elections in the town of Abington (printed in House, No. 3664,-- being a message from His Excellency the Governor),-- **was read.**

There being no objection, the rules were suspended, on motion of Mr. Hedlund, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3730) of William M. Straus, Marc R. Pacheco and Mark C. Montigny relative to unpaid leave and retirement benefits of Penelope Harvey, an employee of the Fairhaven public school system; and

Petition (accompanied by bill, House, No. 3731) of John J. Binienda for legislation to establish a sick leave bank for Luis Rodriguez, an employee of the Department of Children and Families;

Severally, under suspension of Joint Rule 12, to the committee on Public Service.

Engrossed Bill.

An engrossed Bill relative to the geographic limits of Fire District No. 2 in the town of South Hadley (see House, No. 3485, amended) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the Acting President (Mr. DiDomenico) and laid before the Governor for his approbation.

Order Adopted.

On motion of Mr. Hedlund,--

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

Adjournment in Memory of Joseph E. Garland

The Senator from Essex and Middlesex, Mr. Tarr, moved that when the Senate adjourns today, it do so in memory of Joseph E. Garland, a longtime Gloucester resident, historian, writer and civic proponent who passed away peacefully at his home on August 30th at the age of 88.

Born in Brookline, Massachusetts in 1922, Joe had lived in Gloucester since the 1950s but had family roots in the community dating back for generations. He was the fourth Joseph Garland to live in Gloucester, but unlike his three predecessors, chose to pursue a career in journalism over medicine.

Joe enlisted in the United States Army in 1943, and served in Italy and France as a member of the Intelligence & Reconnaissance Platoon of the 45th Infantry Division's 157th Regiment. During the war, Joe kept a private diary of his experiences that became the basis of the book *Unknown Soldiers*, which he published 65 years later.

After the war, Joe worked as a reporter for the *Minneapolis Tribune*, *Boston Herald* and *Providence Journal*, and later turned to freelance work. He was the author of 25 books, including a biography of Gloucester fisherman Howard Blackburn and other works that celebrated the era of the fishing schooners.

Joe had a direct connection to Blackburn, who sailed solo across the Atlantic Ocean in 1899, despite having lost his fingers and several toes to frostbite during a previous trip to sea. Joe's grandfather had operated on Blackburn after his fateful voyage, and Joe later restored two of Blackburn's boats – the *Great Republic* and *Cruising Club* – and enjoyed sailing them with family and friends.

When Gloucester celebrated its 350th anniversary, Joe skippered his schooner, *Bandit*, in a classic wooden boat race with two local fishing captains as his crew. He also played a key role in the successful effort to bring the Schooner *Adventure* back to Gloucester.

Joe was a voracious reader who enjoyed hiking and had a lifelong passion for sailing. Many of his works of non-fiction were devoted to this subject, and he could often be seen on the deck of Black Bess, his home on Eastern Point, watching the fishing fleet.

In addition to his books, Joe was well-known for his “Beating to Windward” column in the Gloucester Times newspaper, where he shared his opinions on a variety of local and national issues. While serving as Gloucester’s historian, Joe became renowned as a provocative public speaker, and was later awarded a regional lifetime achievement award from the city for his many cultural contributions.

Joe is survived by his wife of almost 30 years, Helen Bryan Garland; her four children, Anna and her husband Bill Gannett, Janet, Alison and Robert Carlson and his wife Elizabeth; and two daughters from his previous marriage to Rebecca Choate, Susan Choate Garland and Peggy Garland and her husband Stephen Tucker. He is also survived by 11 grandchildren, including Alden and Erica Freed; Emma, Robert, Alison and Anne Carlson; Theodore and Sarah Gannett; Abigail and Eli Spindel, and Molly Flomer and her husband Brandt; as well as a great-grandson, Theodore Flomer.

A celebration of Joe’s life will take place on Saturday, October 1st at 1 p.m. in the center of Gloucester, one day after what would have been his 89th birthday. The event will celebrate not only the man, but also the colorful and vital city he loved.

Accordingly, as a mark of respect to the memory of Joseph E. Garland, at eleven minutes past eleven o’clock A.M., on motion of Mr. Hedlund, the Senate adjourned to meet again on Monday next at eleven o’clock A.M.

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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Monday, October 3, 2011.

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

The Chair (Ms. Spilka), members, guests and employees then recited the pledge of allegiance to the flag.

Communication.

A communication from the Honorable Therese Murray, President of the Senate, announcing the appointments of Katherine Craven and Ronald Sullivan (pursuant to Section 1 of Chapter 211D of the General Laws) to the Committee for Public Counsel Services,-- **was placed on file.**

Report.

A report of the Executive Office of Health and Human Services (under the provisions of Chapter 321 of the Acts of 2008) submitting its Annual Report 2011 of the Children's Behavioral Health Advisory Council (received September 29, 2011),-- **was placed on file.**

PAPERS FROM THE HOUSE.

Petitions were severally referred, in concurrence, as follows:

Petition (accompanied by bill, House, No. 3728) of Thomas A. Golden, Jr. and others (by vote of the town) relative to amending the charter of the town of Chelmsford relative to the recall of elected officers;

To the committee on Election Laws.

Petition (accompanied by bill, House, No. 3729) of Marcos A. Devers and others (with the approval of the mayor and city council) for legislation to authorize the city of Lawrence to establish a program for enforcement against illegal dumping;

To the committee on the Judiciary.

The House Bill designating a certain portion of land in the town of Salisbury as the Reverend Thomas B. Morgan Square (House, No. 3713,-- on petition),-- was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.

Bills

Relative to eligibility of ward councilors-elect to assume office notwithstanding city charter residency restriction (printed as Senate, No. 1936) [Local approval received]; and
Authorizing the city of Medford to increase fees for special details performed by public employees in the city (House, No. 3530,-- on petition) [Local approval received];

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

Emergency Preamble Adopted.

An engrossed Bill establishing a sick leave bank for Donna Jean Kelly, an employee of the Trial Court (see Senate, No. 2013), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Ms. Spilka) and sent to the House for enactment.

Engrossed Bills.

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

Establishing a business and economic development special revenue fund in the city of Marlborough (see House, No. 1452, amended); and

Authorizing the city clerk of the city of Haverhill to arrange the names of candidates for municipal elective office by random drawing (see House, No. 3705).

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Stephen Thomas, an employee of the Department of Correction (see Senate, No. 2014), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Ms. Spilka) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (see House, No. 3328, amended), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Ms. Spilka) and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (see House, No. 3446), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 2 to 0.**

The bill was signed by the Acting President (Ms. Spilka) and sent to the House for enactment.

Order Adopted.

On motion of Mr. Ross,--

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

On motion of the same Senator, at thirteen minutes past eleven o'clock A.M., the Senate adjourned to meet again tomorrow at one o'clock P.M.

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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, October 4, 2011.

Met at two minutes past one o'clock P.M.

The President members, guests and employees then recited the pledge of allegiance to the flag.

PAPERS FROM THE HOUSE.

A Bill relative to the issuance of public health warnings (House, No. 1474, changed,-- on petition),-- **was read and, under Senate Rule 26, referred to the committee on Ethics and Rules.**

Engrossed Bills.

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

Increasing the membership of the Massachusetts Fire Training Council (see Senate, No. 1188);

Establishing a sick leave bank for Donna Jean Kelly, an employee of the Trial Court (see Senate, No. 2013);

Establishing a sick leave bank for Stephen Thomas, an employee of the Department of Correction (see Senate, No. 2014);

Establishing a sick leave bank for Brunilda Rivera, an employee of the Department of Environmental Protection (see House, No. 3328, amended); and

Establishing a sick leave bank for Michael Jordan, an employee of the Trial Court (see House, No. 3446).

An engrossed Bill validating the actions taken at certain elections held in the town of Abington (see House Bill, printed

in House, No. 3664) (which originated in the House), having been certified by the Senate Clerk to be rightly and truly prepared for final passage was passed to be enacted, two-thirds of the members present having voted in the affirmative, and signed by the President and laid before the Governor for his approbation.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3734) of Sarah K. Peake and Daniel A. Wolf (by vote of the town of Chatham) that said town be exempt from certain regulations of the Executive Office of Environmental Affairs relative to the purchase of conservation land located in the town of Harwich [Local approval received];

Under suspension of Joint Rule 12, to the committee on Environment, Natural Resources and Agriculture.

Petition (accompanied by bill, House, No. 3733) of William C. Galvin and Brian A. Joyce for legislation to establish a sick leave bank for Debra Callejas, an employee of the Department of Industrial Accidents;

Under suspension of Joint Rule 12, to the committee on Public Service.

Matter Taken Out of the Notice Section of the Calendar.

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

The Senate Bill relative to the contributions of certain employees in the town of Plymouth (Senate, No. 1346),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Orders of the Day.

Bills

Relative to district councilors elected at the 2011 election in the town of Amesbury (House, No. 3620);

Relative to the charter of the town of Amesbury (House, No. 3621);

Authorizing the town of Amesbury to place a certain question relative to the fluoridation of the public water supply on the town's election ballot (House, No. 3622); and

Authorizing the town of Needham to convey a certain parcel of land and grant an easement to support natural gas transmission (House, No. 3667);

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

The House Bill relative to the town of Burlington representative town meeting form of government (House, No. 3501),-- **was read a third time and passed to be engrossed, in concurrence.**

The Senate Bill authorizing the town of Millbury to grant an additional liquor license for the sale of all alcoholic beverages not to be drunk on the premises (Senate, No. 2020) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The House Bill creating a water supply system in the town of Rochester (House, No. 576),-- **was read a second time and ordered to a third reading.**

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

The pending motion, previously moved by Ms. Candaras, to lay the matter on the table was considered; and it was negated.

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

Messrs. Tarr, Knapik and Ross moved that the bill be amended in line 2728 of section 18, by inserting at the end of section 2DDDD of chapter 29 the following:- "provided further, of said amount credited to said fund, fifty per cent shall

be transferred to the race house development fund established in section 60 of chapter 23K and shall be allocated by the commission in the manner delineated in said section. The gaming commission created in chapter 23K shall make an annual report to the secretary for administration and finance and the clerks of the house of representatives and the senate detailing the economic benefit derived from investing in the race horse development fund, to include but not be limited to, the following:- the number of jobs and small businesses created and maintained within the racehorse agricultural network including breeding farms, boarding farms, feed producing farms, hay and straw producing farms, equine centers, horse ownership, horse training, veterinarians, dentists, farriers, and similar businesses and jobs created and maintained in the post-racing horse industries including show horses, equestrian jumping, polo, child therapy centers and riding academies; the number of green jobs associated with the racing and post-racing employment in the commonwealth; agricultural development programs relating to the racing and post-racing industries, farm acreage, annual value of equine feed and bedding crops, the amount of open space acreage protected, and the amount of real estate, payroll, and sale taxes paid annually by said businesses and their employees”.

After remarks, and pending question on adoption if the amendment, pending question on adoption of the Ways and Means new text, and pending the main question on ordering the bill to a third reading, Ms. Spilka moved that the matter be laid on the table; and, under the provisions of Senate Rule 24, the further consideration thereof was laid over until the next session.

The Senate Resolutions [offered by Senator Tolman] memorializing the Congress of the United States to support legislation that reforms the Toxic Substances Control Act of 1976,-- **was considered, the main question being on adoption.**

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

After remarks and pending the question on adoption of the resolutions, on motion of Mr. Knapik, the further consideration thereof was postponed until the next session.

Order Adopted.

On motion of Mr. Brewer,--

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

Moment of Silence.

At the request of the President, the members, guests and employees stood in a moment of silence and reflection to the memory of Army Specialist Steven Gutowski of Plymouth.

Adjournment in Memory of Army Specialist Steven Gutowski.

The Senator from Plymouth and Barnstable, Ms. Murray, requested that when the Senate adjourns today, it adjourn in memory of Army Specialist Steven Gutowski of Plymouth.

U.S. Army Specialist Steven Gutowski, 24 of Plymouth, died on Wednesday, September 28, 2011 while on deployment to the Ghanzi province of Afghanistan in support of Operation Enduring Freedom when an improvised explosive device detonated near his military vehicle. Specialist Gutowski was assigned to the 5th Engineer Battalion, 4th Maneuver Enhancement Brigade, Fort Leonard Wood, Missouri.

Steven grew up in West Plymouth and graduated from Plymouth North High School in 2005. During high school he was involved in the school's DECA program, and was seen by teachers as a leader, stepping up to complete tasks or offering a helping hand.

After high school, Steven decided to join the army to better prepare him for a future career in business. As part of his duties as a combat engineer, Steven would travel ahead of supply convoys, using mechanical minesweepers to clear the way for fellow soldiers. Friends say his work as a combat engineer underscored his selfless nature and willingness to help anyone when he could.

Army Specialist Gutowski is survived by his parents, two sisters and countless family and friends.

Our thoughts and prayers are with Steven's family, and all the mothers, fathers and spouses in the Commonwealth who have had to bear such a grief over the duration of this war.

Accordingly, as a mark of respect to the memory of Army Specialist Steven Gutowski, at twelve minutes past one o'clock P.M., on motion of Mr. Knapik, the Senate adjourned to meet again on Thursday next at one o'clock P.M.

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UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 6, 2011.

Met at eighteen minutes past one o'clock P.M.

The President members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Richard T. Moore for the purpose of an introduction. Mr. Richard T. Moore then introduced, in the rear of the Chamber, a group of state legislators visiting from Germany. For over 20 years, The National Conference of State Legislatures and The Partnership of Parliaments (POP) have organized a legislative exchange for lawmakers between the two countries. POP is a non-profit, non-partisan organization whose members in the German state legislatures take an active role in shaping POP programs for the benefit of all of its members. It was founded in 1983 and currently includes approximately 400 members across each state of the Federal Republic of Germany and in Austria. The group consisted of Friedrich Löhr, Consul General – Federal Republic of Germany, Jürgen Barth, MdL, (Social Democratic Party, SPD), Saxony-Anhalt, Hans-Josef Bracht, MdL (Christian Democratic Party, CDU), Caucus Whip, Rhineland-Palatinate, Dr. Liane Deicke, MdL, (SPD), Free State of Saxony, Peter Schowtka, MdL, (CDU), Free State of Saxony, Sören Schumacher, MdHB (SPD), City State of Hamburg, and Karin Stempel, MdL, (CDU), Free State of Saxony. They were accompanied by interpreter Ms. Birgit Scherer-Wiedmeyer and Ms. Christy Delafield, the NCSL Program Specialist. They were welcomed with applause and withdrew from the Chamber.

Petitions.

Petitions were severally presented, and referred, as follows, to wit:

By Ms. Murray, a petition (accompanied by bill, Senate, No. 2030) of Therese Murray (by vote of the town) for legislation to establish an other post-employment benefits fund [Local approval received];

**Under Senate Rule 20, to the committee on Public Service.
Sent to the House for concurrence.**

By Mr. Richard T. Moore, a petition (subject to Joint Rule 12) of Richard T. Moore, John V. Fernandes, Bruce E. Tarr, George N. Peterson, Jr., and other members of the General Court for legislation to enhance community safety; and

By Mr. Wolf, a petition (subject to Joint Rule 12) of Daniel A. Wolf and Timothy R. Madden for legislation to correct pension inequity for James G. Clothier;

Severally, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE.

A Bill making appropriations for the fiscal year 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3737,-- on House, No. 3735),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

A Bill authorizing the town of Hanover to grant an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 3721,-- on petition) [Local approval received];,-- **was read and, under Senate Rule 26, placed in the Orders of the Day for the next session.**

Emergency Preamble Adopted.

An engrossed Bill authorizing the Division of Capital Asset Management and Maintenance to grant an easement over an access road in Upton State Forest (see House, No. 3706), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 14 to 0. The bill was signed by the President and sent to the House for enactment.**

Resolutions.

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

Resolutions (filed by Ms. Clark) “congratulating the Stoneham Lodge of Elks #2211 on the fiftieth anniversary of its establishment”;

Resolutions (filed by Mr. Hedlund) “congratulating Michael Keefe on his elevation to the rank of Eagle Scout”;

Resolutions (filed by Ms. Murray) “honoring the Boston Bruins on their 2011 Stanley Cup Victory”; and

Resolutions (filed by Mr. Pacheco) “congratulating the North Bristol County Association of Realtors on the occasion of its sixtieth anniversary.”

PAPERS FROM THE HOUSE

Engrossed Bills.

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

Relative to the town of Burlington Representative Town Meeting form of government (see House, No. 3501); and

Authorizing the town of West Tisbury to place a certain question on the ballot relative to the issuance of licenses for the sale of wines and malt beverages in restaurants, inns and hotels and the issuance of 1 day licenses for the sale of wines and malt beverages at events (s see House, No. 3687, amended).

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3739) of George T. Ross, Elisabeth A. Poirier, Bradley H. Jones, Jr. and other members of the General Court for legislation to categorize bath salts, so-called, as a class C substance;

Under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3740) of George T. Ross, Elizabeth A. Poirier and James E. Timilty for legislation to designate a certain bridge on County Street in the city of Attleboro as the Lynn Goodchild and Shawn Nassaney September 11th Memorial Bridge;

Under suspension of Joint Rule 12, to the committee on Transportation.

Reports of Committees.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert L. Hedlund, Stephen Kulik, Barry R. Finegold, Chris Walsh and other members of the General Court for legislation to promote craft brewing in Massachusetts.

The rules were suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Consumer Protection and Professional Licensure.

By Mr. Berry, for the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the Senate petition of Robert Hedlund and Garrett J. Bradley for legislation to expand the Attorney General's power of intervention.

The rules were suspended, on motion of Mr. Brewer, and the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on the Judiciary.

Severally sent to the House for concurrence.

Matters Taken Out of the Notice Section of the Calendar.

There being no objection, the following matters were Taken Out of the Notice Section of the Calendar, and considered, as follows:

The Senate Bill authorizing the city of Salem to issue additional licenses for the sale of alcoholic beverages (Senate, No. 1944),-- **was read a third time.**

Pending the question on passing the bill to be engrossed, Mr. Berry moved that the bill be amended by substituting a new draft with the same title (Senate, No. 2031).

The amendment was adopted.

The bill (Senate, No. 2031) was then passed to be engrossed.

Sent to the House for concurrence.

The Senate Bill amending the charter of the town of Holden (Senate, No. 1984) (its title having been change by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Reports of a Committee

By Mr. Brewer, for the committee on Ways and Means, that the House Bill establishing a sick leave bank for Terri A. Demars, an employee of the Department of State Police (House, No. 3646),-- **ought to pass.**

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

By Mr. Brewer, for the committee on Ways and Means, that the House Bill making appropriations for the fiscal year 2011 and 2012 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 3737),-- ought to pass with an amendment in Section 2, in line 72, by striking out the caption;

In said Section 2, by striking out item 7008-0900;

In said Section 2, in line 76, by striking out the caption;

In said Section 2 by striking out item 7035-0006;

In Section 2A, in item 1599-4343, by striking out, in line 142, the figure "414" and inserting in place thereof the following figure:- "419";

In said Section 2A, in item 1599-4430, by striking out, in line 161, the figure “229” and inserting in place thereof the following figure:- “5000”;

In Section 2.C.I, in the preamble, by striking out the last sentence;

In said Section 2.C.I, by inserting after item 1599-0016 the following item:-

“1599-4227\$319,328”;

In Section 3 by inserting after the preamble the following item:-

“1599-0026.....\$50,000”;

In Section 3, by inserting after item 4200-0300 the following item under the following caption:-

“EXECUTIVE OFFICE OF HOUSING AND ECONOMIC DEVELOPMENT

Massachusetts Marketing Partnership

7008-0900.....\$52,000”;

In Section 61, by adding the following words:- “; and provided further, that nothing in this item shall be construed to prevent the closure of any court in order to relocate that court to the J. Michael Ruane Judicial Center in the city of Salem”;

By inserting after Section 66 the following section:-

“SECTION 66A. Item 1599-0026 of section 2 of chapter 68 of the acts of 2011 is hereby amended by striking out the words “\$4,000,000 shall be transferred to the division of local services and shall be expended for a multi-year competitive grants program to provide financial support for one-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that regional planning agencies may also serves as the administrative or fiscal agent on behalf of municipalities” and inserting in place thereof the following words:- “\$4,050,000 shall be transferred to the division of local services and shall be expended for a multi-year competitive grants program to provide financial support for 1-time or transition costs related to regionalization and other efficiency initiatives, with allowable applicants to include municipalities, regional schools, school districts considering forming a regional school district or regionalizing services, regional planning agencies and councils of governments; provided further, that regional planning agencies may also serve as the administrative or fiscal agent on behalf of municipalities; provided further, that funds may be expended to reimburse municipalities for tuition and transportation costs under section 7C of chapter 74 of the General Laws; provided further, that any reimbursements for tuition under the preceding proviso shall be in addition to tuition reimbursements received from the department of elementary and secondary education and shall not exceed the difference between the amount of tuition paid in fiscal year 2012 and any tuition reimbursements received from the department”;

In Section 70, by inserting after the word system, in line 769, the following words:- “and provided further, that MassHealth shall make no changes to reimbursement for nursing home leave of absence days from the standards in effect on July 1, 2011”;

By striking out Section 76;

In Section 94, by inserting after the word “Human”, in line 973, the following word:- “Service”; and

By striking out sections 98 and 99.

Pending the question on adoption of the Ways and Means amendment, Mr. Michael O. Moore moved that the bill be amended in section 2, by inserting after the item 1599-4227 the following item:

“2511-xxxx For the apiary inspection program.....\$20,000”.

After remarks, the amendment was rejected.

Ms. Chang-Diaz moved that the bill be amended by inserting the following item:-

“7002-0012 For a youth-at-risk program targeted at reducing juvenile delinquency in high risk areas; provided that these funds may be expended for the development and implementation of a year-round employment program for at-risk youth as well as existing year-round employment programs ... \$9,000,000”.

The amendment was rejected.

Mr. Tarr moved to amend the bill in Section 2A, by striking line item 4000-0114 in its entirety and inserting in place thereof the following line item:-

“1599-6901 For a reserve to adjust the wages, compensation or salary and associated employee-related costs to

personnel who are employed by private human service providers that deliver human and social services under contracts with departments within the executive office of health and human services and the executive office of elder affairs.....\$1,000,000”.

After debate, the amendment was rejected.

Mr. Tarr moved that the bill be amended by inserting, after section ___, the following new sections:-

“SECTION ___. Section 27 of chapter 149 of the General Laws, as amended by chapter 80 of the acts of 2008, is hereby further amended by inserting at the end thereof the following sentence: - ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits.’

SECTION ___. Section 27F of said chapter 149 is hereby further amended by inserting at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits.’

SECTION ___. Section 27G of said chapter 149 is hereby further amended by inserting at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits.’

SECTION ___. Section 27H of said chapter 149 is hereby further amended by inserting at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits.’

SECTION ___. Section 150 of said chapter 149 is hereby amended by inserting at the end thereof the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost wages and benefits.’

SECTION ___. Section 1B of chapter 151 of the General Laws is hereby amended by inserting, after the fourth sentence of the first paragraph, the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the employee’s lost overtime and compensation.’

SECTION ___. Section 20 of said chapter 151 is hereby amended by inserting, after the third sentence of the first paragraph, the following sentence:- ‘If, however, an employer shows by clear and convincing evidence to the court that the act or omission giving rise to such action was in good faith and that the employer had reasonable grounds for believing that its act or omission was not a violation, the court may, in its sound discretion, award no liquidated damages or award any amount thereof not to exceed three times the amount of the loss of minimum wage.’”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes past two o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 31) [Yeas and Nays No. 83]:

YEAS

Baddour, Steven A. Ross, Richard J.

Hedlund, Robert L. Tarr, Bruce E. – 5.

Knapik, Michael R.

NAYS

Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.

Candaras, Gale D. Kennedy, Thomas P.

Chandler, Harriette L. McGee, Thomas M.

Clark, Katherine M. Montigny, Mark C.

Creem, Cynthia Stone Moore, Michael O.
DiDomenico, Sal N. Moore, Richard T.
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 31.
Jehlen, Patricia D.
ABSENT OR NOT VOTING
Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

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

Mr. Hedlund moved that the bill be amended in section 2, in item 7066-0021, by striking the figures "500,000" and inserting in place thereof the following figures:- "2,000,000".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-one minutes before three o'clock P.M., on motion of Mr. Hedlund, as follows, to wit (yeas 6 – nays 30) [Yeas and Nays No. 84]:

YEAS

Fargo, Susan C. Pacheco, Marc R.
Hedlund, Robert L. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E.– 5.

NAYS

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

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

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

Mr. Knapik moved that the bill be amended by inserting after section__ the following new section:

“SECTION __. And provided further that not less than \$20 million will be made available for Community DSH Hospitals so designated by the Administration as of June 30, 2011; and not recognized as a DSH hospital in Group A category of hospitals as so designated in the prior 1115 Waiver that ended June 30, 2011 and not included for funding in the recently revised proposal by the Administration for the 1115 Waiver renewal currently under negotiation between the Federal Centers for Medicaid and Medicare and the Massachusetts Executive Office of Health and Human Services.

Said money shall be distributed through a formula that recognizes the volume of both Medicaid and Medicare utilization in said hospitals.”

After debate, the amendment was rejected.

Ms. Clark moved that the bill be amended by inserting, after section 95 the following section:-

“SECTION 95A. Notwithstanding any general or special law to the contrary, for the purposes of providing advanced funding to eligible entities that administer the federal Low Income Home Energy Assistance Program described in item 7004-2033 of chapter 68 of the acts of the 2011, the department of housing and community development may allow eligible organizations and entities to begin start up operations of the federal Low Income Home Energy Assistance Program described in item 7004-2033 not later than 30 days after the effective date of this act.

The department and eligible entities may expend a portion of these funds for approved administrative costs consistent with the current or prior year’s state plan submitted by the department in accordance with the federal program and, after November 1, may expend a portion of these funds to assist certified low-income elders, working families and other households with the purchase of home heating oil, propane and natural gas and electricity and other primary or secondary heating sources; provided that funds expended for this purpose shall only be transferred from the Low Income Housing Tax Credit Fund established in Section 87; and provided further, that said advanced funding shall be subject to federal reimbursement of funds described in item 7004-2033.”

The amendment was adopted.

Ms. Flanagan and Mr. Tarr moved that the bill be amended in section 61, by striking out the words, "no courthouse shall be closed, nor any session within a courthouse, and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure is approved by the court administrator; provided, however, that prior to any such closure the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means, and the clerks of the house and senate 90 days prior to the temporary closure or temporary relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reasons for such closure, the cost savings, a plan to provide services to citizens affected by such closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court or session and other factors that may affect implementation of any closure.” and inserting in place thereof the following words:- “no courthouse shall be closed or relocated nor any session within a courthouse, and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure or relocation is approved by the court administrator; provided, however, that prior to any such closure or relocation the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means and the clerks of the house and senate 90 days prior to the closure or relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reason for such closure or relocation; the costs savings, a plan to provide services to citizens affected by such closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court or session and other factors that may affect implementation of any; and provided further, that nothing in this item shall be construed to prevent the closure of any court in order to relocate that court to the J. Michael Ruane Judicial Center in the city of Salem.”.

The amendment was adopted.

Mr. Hedlund, Ms. Flanagan and Messrs, Tarr, Knapik, Ross and Pacheco moved that the bill be amended by inserting, after Section 92, the following new Section:-

“SECTION 92A. Notwithstanding any general or special law to the contrary, there shall be a special commission to study and report on the use of electronic benefit transfer (EBT) cards in the Commonwealth. The commission shall consist of the commissioner of the department of transitional assistance, or her designee; the inspector general, or his designee; 2 members of the house of representatives, 1 of whom shall be appointed by the speaker of the house, and 1 of whom shall be appointed by the minority leader of the house; 2 members of the senate, 1 of whom shall be appointed by the senate president, and 1 of whom shall be appointed by the senate minority leader; and 2 persons to be appointed by the governor who shall be advocates for low-income individuals receiving benefits through the department of transitional assistance. The scope of the commission shall include, but not be limited to, researching and evaluating the following: the use of EBT cards for the purchase of products other than those products for which they are intended to be used, such as firearms, tobacco, lottery tickets, and alcohol; the types of stores where cards are used; the proportion of one month’s EBT cash assistance that is withdrawn from ATM machines rather than used in stores to directly purchase products; and the costs associated with requiring the department to include, on the front of each newly issued and re-issued EBT card, as well as all existing EBT cards, a photograph of the cardholder. The commission shall research,

assess, and develop recommendations regarding the best method of preventing the inappropriate use of electronic benefit transfer cards, including implementing a monthly limit to the amount of EBT cash assistance that a recipient of cash assistance can withdraw from ATMs, as well as the feasibility of prohibiting the purchase of certain items by restricting the ability of EBT cards to be used in purchasing said items. Finally, the commission shall study and research the implementation of requiring stores to apply to accept EBT cards. The commission shall prepare a final report of the findings and recommendations together with recommendations for legislation to implement those recommendations by filing the same with the clerks of the senate and house not later than April 1, 2012.”

After remarks, the amendment was adopted.

Mr. Pacheco moved that the bill be amended in section 20 by inserting after the word “programs” the following words:- “and who were first licensed by the division of insurance on November 9, 1987 to operate as a health maintenance organization under chapter 176G”; and in section 21 by inserting after the word “programs” the following words:- “and who were first licensed by the division of insurance on November 9, 1987 to operate as a health maintenance organization under chapter 176G”.

The amendment was adopted.

Mr. Brewer moved that the bill be amended in Section 66A by striking out the words “tuition reimbursements received from the department of elementary and secondary education and shall not exceed the difference between the amount of tuition paid in fiscal year 2012 and any tuition reimbursements received from the department” and inserting in place thereof the following words:- “allowable federal grants used to cover reimbursement costs and approved by the department of elementary and secondary education for expenditure in fiscal year 2012”.

The amendment was adopted.

The pending Ways and Means amendment was then considered, and it was adopted.

The bill, as amended, was then ordered to a third reading and read a third time.

After debate, the question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at twenty-eight minutes past three o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 85]:

YEAS

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

NAYS — 0.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

The yeas and nays having been completed at twenty-nine minutes before four o’clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Subsequently, Mr. Brewer moved reconsideration of the vote on passing the bill to be engrossed; and this motion prevailed.

Pending the recurring question on passing the bill to be engrossed, Ms. Flanagan and Mr. Tarr moved that the bill be

amended in section 61, by striking out the words, “no courthouse shall be closed, nor any session within a courthouse, and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure is approved by the court administrator; provided, however, that prior to any such closure the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means, and the clerks of the house and senate 90 days prior to the temporary closure or temporary relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reasons for such closure, the cost savings, a plan to provide services to citizens affected by such closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court or session and other factors that may affect implementation of any closure.” and inserting in place thereof the following words:- “no courthouse shall be closed or relocated nor any session within a courthouse, and no proposed courthouse or session closure by the chief justice for administration and management of the trial court shall take effect until such closure or relocation is approved by the court administrator; provided, however, that prior to any such closure or relocation the court administrator appointed pursuant to chapter 211B of the General Laws shall file with the joint committee on the judiciary, the house and senate committees on ways and means and the clerks of the house and senate 90 days prior to the closure or relocation of courthouses or sessions a plan to close certain courthouses or certain sessions which shall include the specific reason for such closure or relocation; the costs savings, a plan to provide services to citizens affected by such closure; the transfer of personnel, the reallocation of resources, the impact on other courthouses resulting from the temporary closure of said court or session and other factors that may affect implementation of any; and provided further, that nothing in this item shall be construed to prevent the closure of any court in order to relocate that court to the J. Michael Ruane Judicial Center in the city of Salem.”.

The amendment was adopted.

Mr. Brewer moved that the bill be amended in Section 66A by striking out the words “tuition reimbursements received from the department of elementary and secondary education and shall not exceed the difference between the amount of tuition paid in fiscal year 2012 and any tuition reimbursements received from the department” and inserting in place thereof the following words:- “allowable federal grants used to cover reimbursement costs and approved by the department of elementary and secondary education for expenditure in fiscal year 2012”.

The amendment was adopted.

The recurring question on passing the bill to be engrossed, was determined by a call of the yeas and nays, at nineteen minutes before four o'clock P.M., on motion of Ms. Flanagan, as follows, to wit (yeas 36 – nays 0) [Yeas and Nays No. 86]:

YEAS

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

NAYS — 0.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

The yeas and nays having been completed at sixteen minutes before four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendments.

Sent to the House for concurrence in the amendments.

Orders of the Day

The Orders of the Day were considered as follows:

Bills

Relative to eligibility of ward councilors-elect in the city of Gardner to assume office (printed as Senate, No. 1936); and Authorizing the city of Medford to increase fees for special details performed by public employees in the city (House, No. 3530);

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

There being no objection, the Senate Resolutions (offered by Mr. Tolman) memorializing the Congress of the United States to support legislation that reforms the Toxic Substances Control Act of 1976,-- was taken out of order and considered, the question being adoption.

After remarks and pending the question on adoption of the resolutions, on motion of Mr. Knapik the further consideration thereof was postponed until Tuesday, October 11.

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

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

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

Messrs. Tarr, Knapik and Ross moved that the bill be amended in line 2728 of section 18, by inserting at the end of section 2DDDD of chapter 29 the following:- "provided further, of said amount credited to said fund, fifty per cent shall be transferred to the race house development fund established in section 60 of chapter 23K and shall be allocated by the commission in the manner delineated in said section. The gaming commission created in chapter 23K shall make an annual report to the secretary for administration and finance and the clerks of the house of representatives and the senate detailing the economic benefit derived from investing in the race horse development fund, to include but not be limited to, the following:- the number of jobs and small businesses created and maintained within the racehorse agricultural network including breeding farms, boarding farms, feed producing farms, hay and straw producing farms, equine centers, horse ownership, horse training, veterinarians, dentists, farriers, and similar businesses and jobs created and maintained in the post-racing horse industries including show horses, equestrian jumping, polo, child therapy centers and riding academies; the number of green jobs associated with the racing and post-racing employment in the commonwealth; agricultural development programs relating to the racing and post-racing industries, farm acreage, annual value of equine feed and bedding crops, the amount of open space acreage protected, and the amount of real estate, payroll, and sale taxes paid annually by said businesses and their employees".

After debate, the amendment was rejected.

Messrs. Tarr, Knapik and Richard T. Moore moved that the bill be amended in Section 16, by striking clause (h) of subsection 59 and inserting in place thereof the following:-

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

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

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

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

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

'Commissioner', the commissioner of revenue.

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

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

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

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

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

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

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

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

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

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

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

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

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

and no longer be in effect.

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at fourteen minutes past four o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 4 – nays 32) [Yeas and Nays No. 87]:

YEAS

Knapik, Michael R. Ross, Richard J.
Moore, Richard T. Tarr, Bruce E. — 4.

NAYS

Baddour, Steven A. Hedlund, Robert L.
Berry, Frederick E. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Candaras, Gale D. Keenan, John F.
Chandler, Harriette L. Kennedy, Thomas P.
Clark, Katherine M. McGee, Thomas M.
Creem, Cynthia Stone Montigny, Mark C.
DiDomenico, Sal N. Moore, Michael O.
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 32.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

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

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended in Section 59, by inserting at the end thereof the following:-

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty-seven minutes before five o'clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 4 – nays 32) [Yeas and Nays No. 88]:

YEAS

Hedlund, Robert L. Ross, Richard J.
Knapik, Michael R. Tarr, Bruce E. — 4.

NAYS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.

Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. McGee, Thomas M.
Clark, Katherine M. Montigny, Mark C.
Creem, Cynthia Stone Moore, Michael O.
DiDomenico, Sal N. Moore, Richard T.
Donnelly, Kenneth J. Pacheco, Marc R.
Donoghue, Eileen M. Petruccelli, Anthony
Downing, Benjamin B. Rodrigues, Michael J.
Eldridge, James B. Rosenberg, Stanley C.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 32.
ABSENT OR NOT VOTING
Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

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

Ms. Creem, Ms. Jehlen and Mr. Eldridge moved that the bill be amended in section 16, by striking out, in subsection (a) of section 55 of proposed Chapter 23K of the general laws, in line 2330, the figure "25" and inserting in place thereof the following figure:- "40"; and in section 16, by striking out, in subsection (b) of section 55 of proposed Chapter 23K of the general laws, in line 2332, the figure "40" and inserting in place the figure:- "60".

The amendment was rejected.

Ms. Clark moved to amend the bill in section 16, by striking out, in line 2430, in section 59 of proposed chapter 23K, the figure "10" and inserting in place thereof the following figure:- "8"; and in section 16, by inserting, in section 59 after the words "Public Health Trust Fund" the following subsection:-

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

The amendment was rejected.

Mr. Donnelly moved that the bill be amended 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."

The amendment was rejected.

Ms. Jehlen moved that the bill be amended by striking out Section 55 (a) and inserting in place thereof the following section:-

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

After remarks, the amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended in section 16, by striking in section 59 of chapter 23K of the general laws subsection 59(2)(h) and inserting in place thereof the following:-

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

Laws;” and by inserting after section __, the following new section:-

“Section __. Section 2I of chapter 29 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after the words ‘two H’ the following words:- and of section 59 of chapter 23K.”

After debate, the amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended in section 91, by striking subsection (4) in its entirety and replacing it with the following subsection:-

“(4) 15.5 per cent to the Commonwealth Stabilization Fund established in section 2H of chapter 29; by striking subsection (5) in its entirety and replacing it with the following subsection:-

“(5) 19.5 per cent to the debt reduction fund established under section 59(2)(i)”; by striking subsection (7) in its entirety and replacing it with the following:-

“(7) 20 per cent to the Unemployment Trust Fund”; and by striking the word “5” in subsection (8) and inserting in place thereof the following word:- “8”.

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended in section 91, by striking subsection (4) in its entirety and replacing it with the following subsection:-

“(4) 10 per cent to the Commonwealth Stabilization Fund established in section 2H of chapter 29”; by striking subsection (5) in its entirety and replacing it with the following subsection:-

“(5) 10 per cent to the debt reduction fund established under section 59(2)(i)”; by striking subsection (7) in its entirety and replacing it with the following:-

“(7) 10 per cent to the Unemployment Trust Fund”; by inserting after subsection (8) the following new subsection:-

“(9) 25 per cent to the Tax Reduction Fund established in section 2I of chapter 29.”; and by inserting after section __, the following new section:-

“Section __. Section 2I of chapter 29 of the General Laws, as appearing in the 2008 official edition, is hereby amended by inserting after the words ‘two H’ the following words:- and of the Gaming Licensing Fund.”.

The amendment was rejected.

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

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

After debate, the amendment was rejected.

Mr. Donnelly moved to amend the bill by striking out section 21(a)(4) of the proposed chapter 23K and inserting in place thereof the following:- “make, or cause to be made, capital expenditures to its gaming establishment in a minimum aggregate amount equal to the lesser of \$15 million or 3.5 per cent per year of the net gaming revenues derived from the establishment;”.

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved that the bill be amended in section 16, in Chapter 23K of the General Laws, by striking clause (1) section 59 in its entirety and inserting in place thereof the following:-

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

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

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

(a) 10 per cent of collected revenues to the Community Mitigation Fund established in section 61;

(b) 5 per cent to the Public Health Trust Fund

(c) 42.5 per cent of collected revenues to the Sales Tax Fund.

(d) 42.5 per cent to the General Fund of the Commonwealth”;

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

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

transferred to the fund from any other fund or source. The comptroller shall be the trustee of the fund.

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

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

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

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

In section 91, by striking the section in its entirety and replacing it with the following section:-

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

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

By inserting, after Section 102, the following new sections:-

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at two minutes before five o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 9 – nays 27) [Yeas and Nays No. 89]:

YEAS

Baddour, Steven A. Moore, Richard T.

Donoghue, Eileen M. Ross, Richard J.

Hedlund, Robert L. Tarr, Bruce E.

Knapik, Michael R. Timilty, James E. — 9.

Moore, Michael O.

NAYS

Berry, Frederick E. Jehlen, Patricia D.

Brewer, Stephen M. Joyce, Brian A.

Candaras, Gale D. Keenan, John F.

Chandler, Harriette L. Kennedy, Thomas P.

Clark, Katherine M. McGee, Thomas M.

Creem, Cynthia Stone Montigny, Mark C.

DiDomenico, Sal N. Pacheco, Marc R.

Donnelly, Kenneth J. Petruccelli, Anthony

Downing, Benjamin B. Rodrigues, Michael J.

Eldridge, James B. Rosenberg, Stanley C.

Fargo, Susan C. Spilka, Karen E.

Finegold, Barry R. Welch, James T.

Flanagan, Jennifer L. Wolf, Daniel A. — 27.

Hart, John A., Jr.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.

Rush, Michael F.

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

Ms. Flanagan, Ms. Chandler and Messrs. Keenan and DiDomenico moved that the bill be amended in section 16, by inserting in subsection (e) of section 56 of proposed chapter 23K of the General Laws, after the words "compulsive gambling", in line 2363, the following words:- "and other addiction services"; and in section 16, by inserting in section 58 of said proposed chapter 23K, after the words "addiction services," in line 2405, the following words:- "substance abuse services,"

After remarks, the amendment was adopted.

Mr. Keenan and Ms. Jehlen moved that the bill be amended in section 16 by deleting in subsection (a) of section 19 the number "3" and inserting the number "2"; and by striking out the final sentence of subsection (a) of section 19.

After remarks, the amendment was rejected.

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

After remarks, the amendment was rejected.

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

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

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

(a) 1 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 2 per cent of revenues each fiscal year thereafter, to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit or municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, however, that funds dedicated to such performing arts centers shall be to subsidize fees paid to touring shows or artists; provided further, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council;

(b) ¼ per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 1/2 per cent each fiscal year thereafter to the Massachusetts Tourism Fund to fund tourist promotion agencies under clause (c) of section 35J of chapter 10.

(c) 3.25 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 6.5 per cent each fiscal year thereafter, to the Community Mitigation Fund established in section 61;

(d) 1 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 2 per cent each fiscal year thereafter to the Local Capital Projects Fund, established in section 2EEEE of chapter 29;

(e) 12.5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 25 per cent each fiscal year thereafter to the Gaming Local Aid Fund, established in section 63;

(f) 55 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund, and 10 per cent each fiscal year thereafter to the Commonwealth Stabilization Fund established in section 2H of chapter 29; provided,

however, that in any fiscal year in which the amount appropriated in item 7061-0008 of the general appropriation act, paid from the General Fund, or the amount of unrestricted general government aid paid from the General Fund, including lottery aid distribution to cities and towns as paid from the General Fund under clause (c) of the second paragraph of section 35 of said chapter 10 and the amount of additional funds distributed to cities and towns as additional assistance paid from the General Fund, is less than that of the previous fiscal year, up to 1/2 of the funds otherwise directed to the Commonwealth Stabilization Fund under this section, up to an amount equal to the deficiency between said appropriations for the current and previous fiscal years, shall be transferred to the Gaming Local Aid Fund in addition to the 25 per cent under clause (e);

(g) 7 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 14 per cent each fiscal year thereafter to the Education Fund, established in section 64;

(h) 5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 10 per cent each fiscal year thereafter shall be transferred to the Economic Development Fund, established in section 2DDDD of chapter 29;

(i) 5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 10 per cent each fiscal year thereafter shall be used for debt reduction through a program of debt defeasance and accelerated debt payments; provided, however, that this program shall be developed jointly by the state treasurer and the secretary of administration and finance and shall be implemented in compliance with state finance law; provided further, that this program shall prioritize the reduction of risk in the commonwealth's debt portfolio; and provided further, that the state secretary and state treasurer shall provide a written description of the program to the finance advisory board established in section 97 of chapter 6 for the board's review and comment before the program is implemented and shall file a copy of that description with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets when it is submitted to the finance advisory board;

(j) 7.5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 15 per cent each fiscal year thereafter shall be transferred to the Transportation Infrastructure and Development Fund, established in section 62; and

(k) 2.5 per cent in the first fiscal year in which funds are deposited in the Gaming Revenue Fund and 5 per cent each fiscal year thereafter to the Public Health Trust Fund”.

The amendment was rejected.

Mr. Eldridge moved that the bill be amended in line 2332, in the proposed new Section 55, by inserting, the following new subsection:-

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

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at a quarter past five o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 9 – nays 27) [Yeas and Nays No. 90]:

YEAS

Creem, Cynthia Stone Montigny, Mark C.

Downing, Benjamin B. Pacheco, Marc R.

Eldridge, James B. Spilka, Karen E.

Fargo, Susan C. Wolf, Daniel A. — 9.

Jehlen, Patricia D.

NAYS

Baddour, Steven A. Keenan, John F.

Berry, Frederick E. Kennedy, Thomas P.

Brewer, Stephen M. Knapik, Michael R.

Candaras, Gale D. McGee, Thomas M.

Chandler, Harriette L. Moore, Michael O.

Clark, Katherine M. Moore, Richard T.

DiDomenico, Sal N. Petruccelli, Anthony

Donnelly, Kenneth J. Rodrigues, Michael J.

Donoghue, Eileen M. Rosenberg, Stanley C.

Finegold, Barry R. Ross, Richard J.

Flanagan, Jennifer L. Tarr, Bruce E.

Hart, John A., Jr. Timilty, James E.

Hedlund, Robert L. Welch, James T. — 27.

Joyce, Brian A.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.

Rush, Michael F.

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

Mr. Eldridge moved that the bill be amended in line 1679 by inserting after the words "gaming licensee" the following new subsection:-

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

The amendment was rejected.

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

"The commission shall annually prepare and file on or before April 1 of each year a budget for all accounts and trust funds under its care with the secretary of administration and finance, the chairs of the house and senate committees on ways and means, and the chairs of the joint committee on economic development and emerging technologies. The form of said budget shall be determined by generally accepted accounting principles as promulgated for governments by the Governmental Accounting Standards Board and approved by the secretary of administration and finance. The commission shall post its proposed budget on its official website and shall publish notification of the filing of the budget in a newspaper of general circulation on or before April 1 of each year."

The amendment was rejected.

Messrs. Hedlund, Ross and Tarr moved that the bill be amended by striking section 19 in its entirety, and inserting in its place the following new sections:-

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

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

Gaming licenses shall only be issued to applicants who are qualified under the criteria set forth in this chapter, as determined by the commission. Within any region, if the commission is not convinced that there is an applicant that has both met the eligibility criteria and provided convincing evidence that the applicant will provide value to the region in which the gaming establishment is proposed to be located and to the commonwealth, no gaming license shall be awarded in that region.

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

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

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

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

(f) If a category 1 license is awarded to an applicant with live racing under chapter 128A as of July 1, 2011, a condition

of the gaming license shall be to maintain and complete the annual live racing season under said chapter 128A. Upon failure to conduct live racing the commission shall suspend the category 1 license.

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

The amendment was rejected.

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

The amendment was rejected.

Mr. Keenan moved that the bill be amended in section 16 by striking in line 884 the words “Gaming Revenue Fund” and inserting in place thereof the following:- “Commonwealth Stabilization Fund, as established in section 2H of chapter 29”; by striking section 91 in its entirety and inserting in its place thereof the following:-

“SECTION 91: All licensing fees collected from applicants in receipt of a license shall be deposited by the gaming commission into the Commonwealth Stabilization Fund established in section 2H of chapter 29 of the General Laws.”; and in section 92 by striking subsection (c) in its entirety.

The amendment was rejected.

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

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

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at a half past five o’clock P.M., on motion of Ms. Creem, as follows, to wit (yeas 12 – nays 24) [Yeas and Nays No. 91]:

YEAS

Creem, Cynthia Stone Hedlund, Robert L. Donnelly, Kenneth J. Jehlen, Patricia D. Downing, Benjamin B. Keenan, John F. Eldridge, James B. Montigny, Mark C. Fargo, Susan C. Spilka, Karen E. Finegold, Barry R. Wolf, Daniel A. — 12.

NAYS

Baddour, Steven A. Knapik, Michael R. Berry, Frederick E. McGee, Thomas M. Brewer, Stephen M. Moore, Michael O. Candaras, Gale D. Moore, Richard T. Chandler, Harriette L. Pacheco, Marc R. Clark, Katherine M. Petruccelli, Anthony DiDomenico, Sal N. Rodrigues, Michael J. Donoghue, Eileen M. Rosenberg, Stanley C. Flanagan, Jennifer L. Ross, Richard J. Hart, John A., Jr. Tarr, Bruce E. Joyce, Brian A. Timilty, James E. Kennedy, Thomas P. Welch, James T. — 24.

ABSENT OR NOT VOTING

Chang-Diaz, Sonia Tolman, Steven A. — 3.
Rush, Michael F.

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

After remarks, Mr. Baddour, moved that the title of each of the remaining amendments be printed in the Calendar and further moved that the Senate postponed further consideration of the bill until Tuesday, October 11, 2011; and the motions prevailed.

Order Adopted.

On motion of Mr. Brewer,--

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

On motion of Ms. Candaras, as twenty-four minutes before six o'clock P.M., the Senate adjourned to meet again on Tuesday next at one o'clock P.M.

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Tuesday, October 11, 2011.

Met at a quarter past one o'clock P.M.

The President, members, guests and employees then recited the pledge of allegiance to the flag.

Distinguished Guests.

There being no objection, during consideration of the Orders of the Day, the President introduced, in the rear of the Chamber, a group of students from the University of Massachusetts-Amherst. The students are party of the Citizen Scholars Program, a two year academic service learning program at the Commonwealth Honors College at the University. Citizen Scholars is a leadership development program that integrates theory and practice to help students develop the knowledge, skills and vision they need to be effective citizens, advocate for social justice and help build a better Commonwealth. They were guests of Senator Rosenberg and Representative Story. The Senate welcomed them with applause and they withdrew from the Chamber.

There being no objection, during consideration of the Orders of the Day, the Chair (Mr. Hart) introduced former Senator Joan Menard. The Senate welcomed her with applause and she withdrew from the Chamber.

Communications.

Several communications were received and placed on file:

Communication from the Martin J. Benison, Comptroller, submitting notification of the status of all cost avoidance opportunities to date (pursuant to Section 102 of Chapter 182 of the Acts of 2008) (received in the Office of the Clerk of the Senate on Wednesday, October 5, 2011, at a quarter before four o'clock P.M.);

Communication from the Martin J. Benison, Comptroller, submitting notification of the fiscal year 2011 excess state tax revenues (pursuant to Section 6A of Chapter 62F of the General Laws) (received in the Office of the Clerk of the Senate on Friday, October 7, 2011, at a half past three o'clock P.M.); and

Communication from the Martin J. Benison, Comptroller, submitting notification of individual tax related settlements

and judgments (pursuant to Section 2H of Chapter 29 of the General Laws, as most recently amended by Section 37 of Chapter 68 of the Acts of 2011) (received in the Office of the Clerk of the Senate on Friday, October 7, 2011, at a half past three o'clock P.M.).

Petition.

Mr. Rodrigues presented a petition (subject to Joint Rule 12) of Michael J. Rodrigues, David B. Sullivan, Steven Howitt, Marc R. Pacheco and other members of the General Court for legislation relative to certain projects referred to the Massachusetts Historical Commission for consultation;

Referred, under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.

PAPERS FROM THE HOUSE

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3738) of Stephen L. DiNatale and Jennifer L. Flanagan (with the approval of the mayor and city council) relative to authorizing the licensing authority of the city of Fitchburg to grant an additional license for the sale of wines and malt beverages not to be drunk on the premises to A&E Fitchburg, Inc.;

To the committee on Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3741) of Gailanne M. Cariddi and Benjamin B. Downing (with the approval of the mayor and city council) for legislation relative to validating the acts and proceedings of the preliminary mayoral election in the city of North Adams;

To the committee on Election Laws.

A Bill establishing a sick leave bank for Elaine Strout-Clement, an employee of the Trial Court (House, No. 3704,-- on petition),-- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Resolutions.

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

Resolutions (filed by Mr. Baddour) "recognizing Sister Joyce Khoury, S.N.D., on the occasion of her Golden Jubilee";

Resolutions (filed by Mr. Pacheco) "congratulating Jamie Farrell on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Pacheco) "congratulating Dylan Goulart on his elevation to the rank of Eagle Scout";

Resolutions (filed by Mr. Pacheco) "congratulating Andrew Green on his elevation to the rank of Eagle Scout"; and

Resolutions (filed by Mr. Timilty) "commending Rabbi Barry Starr's twenty-five years of dedication, service and leadership to Temple Israel of Sharon."

PAPERS FROM THE HOUSE

Emergency Preambles Adopted.

An engrossed Bill establishing a sick leave bank for Terri A. Demars, an employee of the Department of State Police (see House, No. 3646), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 10 to 0.**

The bill was signed by the President and sent to the House for enactment.

An engrossed Bill establishing a sick leave bank for Louceta Hodge, an employee of the Department of Revenue (see Senate, No. 2023), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bill.

An engrossed Bill increasing the exemption for certain residential real property in the city of Malden (see Senate, No. 1895) (which originated in the Senate), having been certified by the Senate Clerk to be rightly and truly prepared for final passage, was passed to be enacted and signed by the President and laid before the Governor for his approbation.

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3742) of Patrick Higgins and Michael J. Rodrigues relative to the regulation and licensing of locksmiths;

Under suspension of Joint Rule 12, to the committee on the Consumer Protection and Professional Licensure.

Petition (accompanied by bill, House, No. 3743) of Garrett J. Bradley for legislation to increase the penalties for hit and run motor vehicle accidents; and

Petition (accompanied by bill, House, No. 3744) of Garrett J. Bradley relative to civil action for the sale, delivery or furnishing of alcoholic beverages to persons under the age of twenty-one;

Severally, under suspension of Joint Rule 12, to the committee on the Judiciary.

Petition (accompanied by bill, House, No. 3745) of James M. Cantwell and Garrett J. Bradley relative to reimbursement to municipalities for costs relating to storm damage;

Under suspension of Joint Rule 12, to the committee on Municipalities and Regional Government.

Petition (accompanied by bill, House, No. 3746) of James M. Cantwell relative to cremation;

Under suspension of Joint Rule 12, to the committee on Public Health.

Petition (accompanied by bill, House, No. 3747) of Joseph F. Wagner and Michael R. Knapik for legislation to establish a sick leave bank for Lawrence Mainville, an employee of the Massachusetts Department of Transportation;

Under suspension of Joint Rule 12, to the committee on Public Service.

Report of a Committee.

Mr. Berry, for the committee on Ethics and Rules, reported that the following matter be placed in the Orders of the Day for the next session:

The House Bill exempting certain water dependent structures from certain harbor lines in Chelsea Creek (House, No. 3690).

There being no objection, the rules were suspended, on motion of Mr. Berry, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence, its title having been changed by the committee on Bills in the Third Reading to read as follows: "An Act authorizing certain structures to be exempted from certain harbor lines in Chelsea Creek".

Matters Taken Out of the Notice Section.

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

The Senate Bill amending the contract procedures in the city of Boston (Senate, No. 1054) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

The Senate Bill authorizing the appointment of Antonio F. Dinis as a police officer in the town of Milford notwithstanding the maximum age requirements (Senate, No. 1942) (its title having been changed by the committee on Bills in the Third Reading),-- **was read a third time and passed to be engrossed.**

Sent to the House for concurrence.

Orders of the Day.

The Orders of the Day were considered, as follows:

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

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

Ms. Clark and Ms. Creem moved to amend the bill in section 16, by inserting, in line 2448, after the word "portfolio" the following text:- " , but may also include payments to decrease the unfunded pension liability of the Pension Reserves Investment Trust fund".

The amendment was adopted.

Messrs. Hart and Richard T. Moore moved to amend the bill in line 735, by striking out the words "and, in consultation with the commission, shall execute", and inserting in place thereof the following words:- "The commission, in consultation with the colonel of the state police, shall facilitate the execution of".

After remarks, the amendment was adopted.

Messrs. Montigny and Pacheco moved to amend the bill by inserting after section 4 the following new section:-
"SECTION 4A. Chapter 10 of the General Laws, as amended by chapter 14 of the acts of 2011, is hereby amended by inserting after section 35QQ, the following section:-

Section 35RR. There shall be established and set up on the books of the commonwealth a Public Safety Building Assistance Fund for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of the fund shall be administered by the state treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula. The fund shall accept private contributions, publicly or privately-funded grants and funds appropriated by the state or federal government. No expenditure from the fund shall cause the fund to be in deficiency at the close of the fiscal year. Monies deposited in the fund that are unexpended at the end of the fiscal year shall not revert to the General Fund and shall be available for expenditure in the subsequent fiscal year. The fund shall be an expendable trust fund and shall not be subject to appropriation or allotment."; and in section 16, in line 2510, by inserting after the word "maintenance", the following:- " ; provided, however, that \$20 million annually from the Fund shall be transferred to the Public Safety Building Assistance Fund, established in section 35RR of chapter 10 for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of said building assistance fund shall be administered by the state treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula".

The amendment was rejected.

Mr. Downing moved to amend the bill in section 16, by striking out in subsection (8) of section 18 of proposed chapter 23K of the General Laws, the words "10 per cent" and inserting in place thereof the following:- "75 per cent".

After remarks, the amendment was rejected.

Ms. Jehlen moved to amend the bill by inserting at the end thereof the following new section:-

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

After debate, the amendment was adopted.

Ms. Jehlen moved to amend the bill in section 16 by striking out, in line 2153 and 2154, the words "imprisonment in the house of correction for not more than 6 months or a fine not to exceed \$1,000 , or both" and inserting in place thereof the following words:- "a fine not to exceed \$1,000".

After remarks, the amendment was adopted.

Mr. Timilty moved to amend the bill in section 16 by striking out subsection (f) of section 45 of proposed chapter 23K of the General Laws and inserting in place thereof the following subsection:-

"(f) The commission shall establish a list of self-excluded persons from gaming establishments. A person may request such person's name to be placed on the list of self-excluded persons by filing a statement with the commission acknowledging that the person is a problem gambler and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any gaming activity at a gaming

establishment. The commission shall adopt further regulations, under section 5, for the self-excluded persons list including procedures for placement, removal and transmittal of such list to gaming establishments. The commission may revoke, limit, condition, suspend or fine a gaming establishment if such establishment knowingly or recklessly fails to exclude or eject from its premises any person placed on the list of self-excluded persons.”

After remarks, the amendment was adopted.

Ms. Jehlen moved to amend the bill by inserting at the end thereof the following new section:-

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

After debate, the amendment was adopted.

Ms. Jehlen moved to amend the bill by inserting in section 16 the following words after the word “licensure” in line 1113:- “and not involving embezzlement, theft, fraud or perjury,”.

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the bill in section 66, by inserting after the words “an interest in or”, in lines 3057-3058, the following word:- “any”.

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the bill in subsection 37 of section 16, by striking the figure “\$100,000” each time it appears and inserting in place thereof, in each instance, the following figure:- “\$250,000”.

After remarks, the amendment was adopted.

Mr. Keenan and Ms. Jehlen and Ms. Clark moved that the bill be amended in section 16 by striking subclause (iv) of section 60 in its entirety; and by striking out in subclause (i) the number “80” and inserting in place thereof the number “84”.

After remarks, the amendment was rejected.

Messrs. Keenan and DiDomenico moved that the bill be amended in section 16 by inserting in paragraph (25) of subsection (a) of section 21 after the words “finding to the” the following:- “state police and”.

After remarks, the amendment was adopted.

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

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

After debate, the amendment was rejected.

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

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

The amendment was rejected.

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

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

After remarks, the question on adoption of the amendment was determined by a call of the yeas and nays, at two o'clock P.M., on motion of Mr. Keenan, as follows, to wit (yeas 38 – nays 0) [Yeas and Nays No. 92]:

YEAS

Baddour, Steven A. Joyce, Brian A.

Berry, Frederick E. Keenan, John F.

Brewer, Stephen M. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Ross, Richard J.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E
Hart, John A., Jr. Tolman, Steven A.
Hedlund, Robert L. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 38.
NAYS — 0.
ABSENT OR NOT VOTING
Rush, Michael F.—1.

The yeas and nays having been completed at three minutes past two o'clock P.M., the amendment was adopted. Messrs. Keenan and DiDomenico moved that the bill be amended in section 16 by inserting after subsection (b) of section 43 the following new section:-

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

Pending the question on adoption of the amendment (Keenan-DiDomenico), Messrs. Tarr, Hedlund, Knapik and Ross moved to further amend the amendment in section 16 by inserting after subsection (b) of section 43 the following new section:-

"(c) Whoever knowingly plays, places wagers at, or collects winnings from a game in a gaming establishment for or on behalf of a person under 18 years old shall be punished by imprisonment in a house of correction for not more than 6 months or a fine not to exceed \$1,000, or both."; and in section 25, by striking clause (h) in its entirety and replacing it with the following:

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

Mr. Baddour in the Chair, after debate, the question on adoption of the further amendment (Tarr, et al) was determined by a call of the yeas and nays, at seventeen minutes past two o'clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 5 – nays 33) [Yeas and Nays No. 93]:

YEAS

Hedlund, Robert L. Tarr, Bruce E.
Knapik, Michael R. Timilty, James E. — 5.
Ross, Richard J.

NAYS

Baddour, Steven A. Jehlen, Patricia D.
Berry, Frederick E. Joyce, Brian A.
Brewer, Stephen M. Keenan, John F.
Candaras, Gale D. Kennedy, Thomas P.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Pacheco, Marc R.
Donnelly, Kenneth J. Petruccelli, Anthony

Donoghue, Eileen M. Rodrigues, Michael J.
Downing, Benjamin B. Rosenberg, Stanley C.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tolman, Steven A.
Finegold, Barry R. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. — 33.
Hart, John A., Jr.
ABSENT OR NOT VOTING
Rush, Michael F.—1.

The yeas and nays having been completed at twenty-one minutes past two o'clock P.M., the further amendment (Tarr, et al) was rejected.

After remarks, the pending amendment (Keenan-DiDomenico) was then considered; and it was adopted.

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

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

The amendment was rejected.

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

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

The amendment was rejected.

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

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

The amendment was rejected.

Mr. Keenan and Ms. Jehlen moved that the bill be amended in section 16 by inserting after the definition of "Host Community" the following new definition:-

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

In said Section 16 by inserting in subsection (m) of section 3, in line 490, after the word "employees" the following:-
"or by their immediate family members";

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

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

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

The gaming liquor enforcement unit shall work in conjunction and cooperation with the investigations and enforcement bureau within the Massachusetts gaming commission established in chapter 23K. The commissioner shall assign investigators and employees of the unit to the bureau, who shall report to the director of the bureau and to the commissioner; provided, however, that the Massachusetts gaming commission shall designate the number of investigators and employees necessary to staff the unit. The commissioner shall establish a code of ethics for all unit investigators and employees which shall be more restrictive than chapters 268A and 268B. A copy of the code of ethics shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out this section including, but not limited to: (i) prohibiting the receipt of gifts or anything of value by a unit investigator, employee or immediate family member from a gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; (ii) prohibiting the participation by a unit investigator or employee in a particular matter as defined in section 1 of said chapter 268A that affects the financial interest of a relative within the third degree of consanguinity or any other person with whom such employee has a significant relationship as defined in the code; (iii) prohibiting a unit investigator, employee, or immediate family member other than in the performance of official duties, from placing a wager in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located; provided further that unit investigators and employees shall be prohibited from consuming alcohol in a gaming

establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located. The commissioner shall establish a program to rotate investigators in and out of the unit. The alcoholic beverages control commission shall be reimbursed by the Massachusetts gaming commission for the costs of operating the unit; provided, however, that the Massachusetts gaming commission shall have final approval over the budget of the unit.”; and

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

“(c) No employee of the division and no person engaged by the division in the course of an investigation, other than in the performance of their official duties, shall place a wager or consume alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located during the period of their employment or assignment with the division. The attorney general shall establish a code of ethics for all unit investigators and employees which shall be more restrictive than chapters 268A and 268B. A copy of the code of ethics shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out this section including, but not limited to: (i) prohibiting the receipt of gifts or anything of value by a division employee or immediate family member from a gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; (ii) prohibiting the participation by a division employee in a particular matter as defined in section 1 of said chapter 268A that affects the financial interest of a relative within the third degree of consanguinity or any other person with whom such employee has a significant relationship as defined in the code; (iii) prohibiting a division employee, or immediate family member other than in the performance of official duties, from placing a wager in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located; provided further that unit investigators and employees shall be prohibited from consuming alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located.”; and

In section 15 by striking the section in its entirety and inserting in place thereof the following section:-

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

Section 70. The colonel of state police shall establish a gaming enforcement unit the responsibilities of which shall include, but not be limited to, the investigation of criminal violations of chapter 23K or any other general or special law pertaining to gaming. The gaming enforcement unit shall work in conjunction and cooperation with the investigations and enforcement bureau within the Massachusetts gaming commission to enforce chapter 23K and with the division of gaming enforcement within the office of the attorney general to investigate criminal activity related to gaming. Officers and employees of the unit shall be assigned to the investigations and enforcement bureau and shall report to the deputy director of investigations and enforcement and to the colonel of state police. The colonel shall also assign officers of the unit to the division of gaming enforcement, who shall report to the chief of gaming enforcement and to the colonel of state police. The colonel shall establish a code of ethics for all unit officers and employees which shall be more restrictive than chapters 268A and 268B. A copy of the code of ethics shall be filed with the state ethics commission. The code shall include provisions reasonably necessary to carry out this section including, but not limited to: (i) prohibiting the receipt of gifts or anything of value by a unit officer, employee or immediate family member from a gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; (ii) prohibiting the participation by a unit officer or employee in a particular matter as defined in section 1 of said chapter 268A that affects the financial interest of a relative within the third degree of consanguinity or any other person with whom such employee has a significant relationship as defined in the code; (iii) prohibiting a unit officer, employee, or immediate family member other than in the performance of official duties, from placing a wager in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located; provided further that unit officers and employees shall be prohibited from consuming alcohol in a gaming establishment whether or not licensed under chapter 23K in Massachusetts, or in any other gaming establishment, regardless of where it is located. The colonel shall establish a program to rotate officers in and out of the unit.”

Pending the question on adoption of the amendment (Keenan-Jehlen) Ms. Fargo and Ms. Jehlen moved to further amend the pending amendment by striking subsection (c) of Section 26 of Chapter 23K of the General Laws, as inserted by section 16 in its entirety and inserting in place thereof the following paragraph: -

“(c) Nothing in this section shall permit a licensee to offer or deliver any free or complimentary drinks to any person or group of persons. The Commission in conjunction with the ABCC shall promulgate regulations to establish forms of identification that may be presented to the gaming licensee to demonstrate proof that a person has attained the age of 21;

provided further, that such regulations shall include requirements relative to alcohol training certification for any employee who serves alcohol at the gaming establishment.”

The President in the Chair, after debate, the question on adoption of the further amendment (Fargo-Jehlen) was determined by a call of the yeas and nays, at twelve minutes before three o'clock P.M., on motion of Ms. Fargo, as follows, to wit (yeas 12 – nays 26) [Yeas and Nays No. 94]:

YEAS

Chang-Diaz, Sonia Finegold, Barry R.
Creem, Cynthia Stone Hedlund, Robert L.
DiDomenico, Sal N. Jehlen, Patricia D.
Downing, Benjamin B. Montigny, Mark C.
Eldridge, James B. Moore, Richard T.
Fargo, Susan C. Wolf, Daniel A. — 12.

NAYS

Baddour, Steven A. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Moore, Michael O.
Candaras, Gale D. Pacheco, Marc R.
Chandler, Harriette L. Petruccelli, Anthony
Clark, Katherine M. Rodrigues, Michael J.
Donnelly, Kenneth J. Rosenberg, Stanley C.
Donoghue, Eileen M. Ross, Richard J.
Flanagan, Jennifer L. Spilka, Karen E.
Hart, John A., Jr. Tarr, Bruce E.
Joyce, Brian A. Timilty, James E
Keenan, John F. Tolman, Steven A.
Kennedy, Thomas P. Welch, James T. — 26.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

The yeas and nays having been completed at eight minutes before three o'clock P.M., the further amendment (Fargo-Jehlen) was rejected.

Mr. Hedlund moved to further amend the pending amendment (Keenan-Jehlen) by striking out the text and inserting in place thereof the following text:-

By inserting after section 43 the following section:-

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

After remarks, the question on adoption of the further amendment (Hedlund) was determined by a call of the yeas and nays, at twelve minutes past three o'clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 25 – nays 13) [Yeas and Nays No. 95]:

YEAS

Baddour, Steven A. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Moore, Michael O.
Candaras, Gale D. Pacheco, Marc R.
Chang-Diaz, Sonia Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E

Hedlund, Robert L. Welch, James T.
Joyce, Brian A. Wolf, Daniel A. — 25.
Kennedy, Thomas P.

NAYS

Chandler, Harriette L. Jehlen, Patricia D.
Clark, Katherine M. Keenan, John F.
Creem, Cynthia Stone Montigny, Mark C.
DiDomenico, Sal N. Moore, Richard T.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tolman, Steven A. — 13.
Finegold, Barry R.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

The yeas and nays having been completed at sixteen minutes past three o'clock P.M., the further amendment (Hedlund) was adopted.

The pending amendment (Keenan-Jehlen), as amended (Hedlund), was then considered; and it was adopted.

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

The amendment was rejected.

Ms. Chang-Diaz, Ms. Jehlen, Mr. Eldridge and Ms. Fargo moved to amend the bill in section 16 in section 15, in proposed chapter 23K, by striking out paragraph (13) and inserting in place thereof the following paragraph:-
“(13) have received a certified and binding vote on a ballot question at an election in the host community, in favor of such license; provided, however that the vote shall take place after the effective date of this chapter; provided further that upon receipt of a request for an election, the governing body of the municipality shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received; provided further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the host community and the applicant as provided in clause (8); provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that, upon the signing of an agreement between the host community and the applicant, and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the host community; provided further, that at such election, the question submitted to the voters shall be worded as follows: ‘Shall the (city/town) of _____ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at _____[description of site]_____? YES _____ NO _____’; provided further, that if a majority of the votes cast in a host community in answer to the ballot question is in the affirmative, the host community shall be taken to have voted in favor of the applicant’s license; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license;”

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eleven minutes past four o'clock P.M., on motion of Ms. Chang-Diaz, as follows, to wit (yeas 11 – nays 27) [Yeas and Nays No. 96]:

YEAS

Chandler, Harriette L. Hedlund, Robert L.
Chang-Diaz, Sonia Jehlen, Patricia D.
Creem, Cynthia Stone Keenan, John F.
Eldridge, James B. Moore, Michael O.
Fargo, Susan C. Ross, Richard J. — 11.
Finegold, Barry R.

NAYS

Baddour, Steven A. McGee, Thomas M.

Berry, Frederick E. Montigny, Mark C.
Brewer, Stephen M. Moore, Richard T.
Candaras, Gale D. Pacheco, Marc R.
Clark, Katherine M. Petruccelli, Anthony
DiDomenico, Sal N. Rodrigues, Michael J.
Donnelly, Kenneth J. Rosenberg, Stanley C.
Donoghue, Eileen M. Spilka, Karen E.
Downing, Benjamin B. Tarr, Bruce E.
Flanagan, Jennifer L. Timilty, James E
Hart, John A., Jr. Tolman, Steven A.
Joyce, Brian A. Welch, James T.
Kennedy, Thomas P. Wolf, Daniel A. — 27.
Knapik, Michael R.
ABSENT OR NOT VOTING
Rush, Michael F.—1.

The yeas and nays having been completed at a quarter past four o'clock P.M, the amendment was rejected. Messrs. Michael O. Moore and Welch and Ms. Donoghue moved to amend the bill in section 16, by adding after the first sentence, in section 64 of proposed chapter 23K the following 3 sentences:- "Eligible expenditures from this Fund shall include early education programs, K-12 funding, and higher education. Expenditures from said fund for early education shall be used to supplement, and not offset, any reduction in the general appropriation act from the previous fiscal year. Expenditures from said fund for higher education shall be used to supplement, and not offset, any reduction in the general appropriation act from the previous year; provided further, that not less than one-third of funds received shall be expended for higher education."

After remarks, the amendment was adopted.

Messrs. Knapik and Welch moved to amend the bill 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."

The amendment was rejected.

Ms. Spilka moved that the bill be amended in section 2 of chapter 23K, as inserted by Section 16, by striking out the definition of "Surrounding communities" and inserting in place thereof the following definition:-

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

After debate, the amendment was rejected.

Ms. Spilka moved that the bill be amended at paragraph 13 of section 9 in chapter 23K, as inserted by section 16, by inserting, at line 1077, after the word "election;" the following:- "provided further, that if a gaming establishment is proposed to be located in a municipality with a population of no more than 30,000 residents according to the most

recently enumerated federal census, at a site which is within .75 miles of any other municipality with a population of no more than 30,000 residents according to the most recently enumerated federal census, then "host community" shall mean each such municipality for the purpose of receiving a certified and binding vote on a ballot question at an election;"

Mr. Hart in the Chair, after debate, the amendment was rejected.

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

"(d^{1/2}) In determining which gaming applicant shall receive a gaming license in each region, the commission shall consider the relative support or opposition to each gaming applicant from the public in host and surrounding communities, including, but not limited to, the oral and written testimony received during the public hearing conducted pursuant to Section 17."

The amendment was adopted.

Ms. Spilka moved to amend the bill in subsection (b) of section 68 of chapter 23K, as inserted by section 16, by striking out, in line 2566, the figure "7" and inserting in place thereof the following figure:- "10"; in Subsection (b) of section 68 of chapter 23K, as inserted by section 16, by inserting, in line 2571, after the words "community mitigation related to gaming;" the following:- "1 of whom shall represent the local community mitigation advisory committee in region A; 1 of whom shall represent the local community mitigation advisory committee in region B; 1 of whom shall represent the local community mitigation advisory committee in region C;"; and in subsection (e) of section 68 of chapter 23K, as inserted by section 16, by inserting at the end of the first paragraph the following sentence:- "Each local committee shall annually elect one committee member from those members appointed by surrounding communities to represent the local committee in the subcommittee on community mitigation under Subsection (b) of Section 68."

After remarks, the amendment was adopted.

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

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

The amendment was rejected.

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

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

In section 18 of chapter 23K, as inserted by section 16, by inserting, after subsection (18), the following new subsection:-

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

In section 19 of chapter 23K, as inserted by section 16, by inserting after subsection (d) the following new subsection:-

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

After remarks, the amendment was adopted.

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

"(i) Until such time as the commonwealth's pension liability is fully funded 10% shall be used, in addition to amounts appropriated pursuant to the commonwealth funding schedule established under chapter 32, to reduce the

commonwealth's pension liability. Thereafter 10% shall be used for debt reduction through a program of debt defeasance and accelerated debt payments; provided, however, that this program shall be developed jointly by the state treasurer and the secretary of administration and finance and shall be implemented in compliance with state finance law; provided, further, that this program shall prioritize the reduction of risk in the commonwealth's debt portfolio; and provided, further, that the state secretary and state treasurer shall provide a written description of the program to the finance advisory board established in section 97 of chapter 6 for the board's review and comment before the program is implemented and shall file a copy of that description with the house and senate committees on ways and means and the house and senate committees on bonding, capital expenditures and state assets when it is submitted to the finance advisory board;”.

The amendment was rejected.

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

“(13) have received a certified and binding vote on a ballot question at an election in the host community, in favor of such license; have received a certified and binding vote on a ballot question at an election in each surrounding community located within 3 miles of the site at which the gaming establishment is proposed to be located, where the majority of such surrounding community votes were in favor of such license; provided, however that the vote shall take place after the effective date of this chapter; provided further that upon receipt of a request for an election, the governing body of the municipality shall call for the election to be held not less than 35 days but not more than 90 days from the date that the request was received; provided further, that a binding vote shall be conducted not less than 60 days after the execution of a signed agreement between the municipality and the applicant as provided in clauses (8) and (9); provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, ‘host community’ shall mean the ward in which the gaming establishment is to be located for the purpose of receiving a certified and binding vote on a ballot question at an election; provided further, that, upon the signing of an agreement between the municipality and the applicant as provided for in clauses (8) and (9) and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the municipality; provided further, that at such election, the question submitted to the voters shall be worded as follows: ‘Shall the (city/town) of _____ permit the operation of a gaming establishment licensed by the Massachusetts Gaming Commission to be located at ____ [description of site] ____? YES ____ NO ____’; provided further, that if a majority of the votes cast in a municipality in answer to the ballot question is in the affirmative, the municipality shall be taken to have voted in favor of the applicant’s license; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot question at an election held in each host community, in favor of such a license;”.

The amendment was rejected.

Ms. Spilka moved to amend the bill in section 2 of chapter 23K of the General Laws, as inserted by section 16, in lines 351 to 354, by striking out the definition of “Surrounding communities” and inserting in place thereof the following 2 definitions:--

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

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

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

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

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

“(13) completed studies and reports as required by the commission, which shall include, but not be limited to, an

examination of the proposed gaming establishment's: (i) economic benefits to the region and the commonwealth; (ii) local and regional social, environmental, traffic and infrastructure impacts; (iii) impact on the local and regional economy, including the impact on cultural institutions and on small businesses in the host community, substantially impacted communities and surrounding communities; (iv) cost to the host community, substantially impacted communities and surrounding communities and the commonwealth for the proposed gaming establishment to be located at the proposed location; and (v) the estimated municipal and state tax revenue to be generated by the gaming establishment;"

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

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

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

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

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

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

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

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

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

"Section 16A. Prior to completing its review of the entire application and any independent evaluations, the commission shall complete any pending requests for designation as a substantially impacted community made under clause 33A of

section 4. If the applicant has not included a signed agreement with each substantially impacted community in its application, the applicant shall negotiate a signed agreement with that community within 30 days and no action shall be taken on its application prior to the execution of that agreement. When necessary the commission may facilitate the negotiation of fair and reasonable agreements between the applicant and substantially impacted communities.”; By striking out subsection (c) of section 17 of said chapter 23K, as so inserted, in lines 1148 to 1152, and inserting in place thereof the following clause:-

“(c) The commission shall conduct a public hearing on the application pursuant to section 11 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 1181 to 1183, and inserting in place thereof the following clause:--

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

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

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

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

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

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

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

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

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

By inserting in subsection (a) of section 68 of said chapter 23K, as so inserted, in line 2558, after the words “host community” the following:- “, substantially impacted community”;

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

By in subsection (e) of section 68 of said chapter 23K, as so inserted, in line 2613, after the word “host” by inserting the

following:- “, substantially impacted”;

In line 2624, after the word “host” by inserting the following:- “, substantially impacted”;

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

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

The amendment was rejected.

Messrs. Tarr, Timilty, Knapik, and Ross moved to amend the bill in section 16, by striking section 60 of proposed chapter 23K of the General Laws and inserting in place thereof the following section:-

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

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

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

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

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

The amendment was adopted.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the bill by striking lines 351 through 354, inclusive, and inserting, in place thereof, the following:

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

After debate, the amendment was rejected.

Messrs. Welch and Knapik moved that the bill be amended by striking out clause (d) of subsection 10 of section 16 and inserting in place thereof the following section:-

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

The amendment was rejected.

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

The amendment was rejected.

Ms. Clark and Messrs. Tarr, Hedlund, Knapik, Ross, McGee and Joyce moved to amend the bill in section 16, by inserting, in line 2519, after the word “act” the following text:- “and priority shall be given within these expenditures to move communities to their target aid levels and reduce funding inequities under the Chapter 70 school aid program so called or any funds distributed in fulfillment of the obligations thereof”.

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at eight minutes before five o’clock P.M., on motion of Mr. Tarr, as follows, to wit (yeas 34 – nays 4) [Yeas and Nays No. 97]:

YEAS

Baddour, Steven A. Joyce, Brian A.
Berry, Frederick E. Keenan, John F.
Brewer, Stephen M. Kennedy, Thomas P.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Moore, Richard T.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Tolman, Steven A.
Hart, John A., Jr. Welch, James T.
Hedlund, Robert L. Wolf, Daniel A. — 34.

NAYS

Chang-Diaz, Sonia Montigny, Mark C.
Jehlen, Patricia D. Pacheco, Marc R. —4.

ABSENT OR NOT VOTING

Rush, Michael F.—1.

The yeas and nays having been completed at five minutes before five o’clock P.M., the amendment was adopted. Mr. Pacheco moved that the Senate reconsider the adoption of the amendment; and, after debate, the motion to reconsider was negated.

Pending the question on adoption of the Ways and Means new text (Senate, No. 2015), as amended, and pending the

main question on ordering the bill to a third reading, on motion of Mr. Hart, the further consideration thereof was postponed to the next session.

The Senate Resolutions (offered by Mr. Tolman) memorializing the Congress of the United States to support legislation that reforms the Toxic Substances Control Act of 1976,-- was considered.

Pending the question on adoption of the resolutions, Mr. Tolman moved that the resolutions be amended by striking out the text and inserting in place thereof the following text:

“WHEREAS, CHILDREN AND PREGNANT WOMEN, INCLUDING EFFECTS ON THE DEVELOPING FETUS ARE UNIQUELY VULNERABLE TO THE HEALTH THREATS OF TOXIC CHEMICALS, AND EARLY-LIFE CHEMICAL EXPOSURES HAVE BEEN LINKED TO CHRONIC DISEASE LATER IN LIFE; AND WHEREAS, A GROWING BODY OF PEER-REVIEWED SCIENTIFIC EVIDENCE LINKS EXPOSURE TO TOXIC CHEMICALS TO MANY DISEASES AND HEALTH CONDITIONS THAT ARE RISING IN INCIDENCE INCLUDING CHILDHOOD CANCERS, PROSTATE CANCER, BREAST CANCER, LEARNING AND DEVELOPMENTAL DISABILITIES, INFERTILITY AND OBESITY; AND WHEREAS, THE PRESIDENT’S CANCER PANEL REPORT RELEASED IN MAY STATES THAT ENVIRONMENTALLY INDUCED CANCERS HAVE BEEN GROSSLY UNDERESTIMATED; AND WHEREAS, TOXIC CHEMICALS WHICH MAY BE IN USE OR ARE IN USE POSE THREATS TO HEALTH, INCLUDING WORKER ABSENTEEISM, WORKER COMPENSATION CLAIMS, AND HEALTHCARE COSTS THAT BURDEN THE ECONOMY; AND WHEREAS, A RECENT NATIONAL POLL FOUND THAT 78 PERCENT OF LIKELY AMERICAN VOTERS WERE SERIOUSLY CONCERNED ABOUT THE THREAT TO CHILDREN’S HEALTH FROM EXPOSURE TO TOXIC CHEMICALS IN DAY-TO-DAY LIFE; AND WHEREAS, STATES BEAR AN UNDUE BURDEN FROM TOXIC CHEMICALS, INCLUDING HEALTH CARE COSTS AND ENVIRONMENTAL DAMAGES, DISADVANTAGING BUSINESSES WHO LACK INFORMATION ON CHEMICALS IN THEIR SUPPLY CHAIN AND INCREASING DEMANDS FOR STATE REGULATION; AND WHEREAS, THE PRIMARY GOVERNING FEDERAL STATUTE , THE TOXIC SUBSTANCES CONTROL ACT OF 1976, WAS INTENDED TO AUTHORIZE THE U.S. ENVIRONMENTAL PROTECTION AGENCY TO PROTECT PUBLIC HEALTH AND THE ENVIRONMENT FROM TOXIC CHEMICALS; AND WHEREAS, WHEN THE TOXIC SUBSTANCE CONTROL ACT OF 1976 WAS PASSED ABOUT 62,000 CHEMICALS WERE EXEMPTED WITHOUT ANY REQUIRED TESTING FOR HEALTH AND SAFETY HAZARDS OR ANY RESTRICTIONS ON USAGE; AND WHEREAS, IN THE 35 YEARS SINCE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 PASSED, THE ENVIRONMENTAL PROTECTION AGENCY HAS REQUIRED CHEMICAL COMPANIES TO TEST ONLY ABOUT 200 OF THOSE CHEMICALS FOR HEALTH HAZARDS AND HAS ISSUED PARTIAL RESTRICTIONS OF ONLY 5 CHEMICALS; AND WHEREAS, THE TOXIC SUBSTANCES CONTROL ACT OF 1976 HAS BEEN WIDELY RECOGNIZED AS INEFFECTIVE AND OBSOLETE DUE TO LEGAL AND PROCEDURAL HURDLES THAT PREVENT THE EPA FROM TAKING QUICK AND EFFECTIVE REGULATORY ACTION TO PROTECT THE PUBLIC AGAINST WELL-KNOWN CHEMICAL THREATS; AND WHEREAS, THE NATIONAL CONFERENCE OF STATE LEGISLATURES UNANIMOUSLY ADOPTED A RESOLUTION IN JULY 2009 THAT ARTICULATED PRINCIPLES FOR THE TOXIC SUBSTANCES CONTROL ACT OF 1976 REFORM AND CALLED ON CONGRESS TO ACT TO UPDATE THE LAW; AND WHEREAS, IN AUGUST 2010, THE ENVIRONMENTAL COUNCIL OF STATES, THE NATIONAL ASSOCIATION OF STATE ENVIRONMENTAL AGENCY DIRECTORS, UNANIMOUSLY ADOPTED A RESOLUTION ENTITLED REFORMING THE TOXIC SUBSTANCES CONTROL ACT, WHICH ENDORSED SPECIFIC POLICY REFORMS; AND WHEREAS, TEN STATES HAVE COME TOGETHER TO LAUNCH THE INTERSTATE CHEMICALS CLEARINGHOUSE TO COORDINATE STATE CHEMICAL INFORMATION MANAGEMENT PROGRAMS, AND A COALITION OF 13 STATES ISSUED GUIDING PRINCIPLES FOR THE TOXIC SUBSTANCES CONTROL ACT OF 1976 REFORM; AND WHEREAS, 71 STATE LAWS ON CHEMICAL SAFETY HAVE BEEN ENACTED AND SIGNED INTO LAW IN 18 STATES WITH BROAD BIPARTISAN SUPPORT OVER THE LAST EIGHT YEARS; AND WHEREAS, THE COMMONWEALTH OF MASSACHUSETTS HAS PASSED NUMEROUS LAWS TO PROTECT CHILDREN’S HEALTH WITH BROAD BIPARTISAN SUPPORT; AND

WHEREAS, STATE POLICY LEADERSHIP ON CHEMICAL MANAGEMENT, ALTHOUGH OUTSTANDING, CANNOT SUBSTITUTE FOR CONGRESSIONAL LEADERSHIP TO REFORM THE TOXIC SUBSTANCES CONTROL ACT OF 1976, A REFORM WHICH ALL PARTIES AGREE IS URGENTLY NEEDED; AND WHEREAS, THE TOXIC SUBSTANCES CONTROL ACT OF 1976 IS THE ONLY MAJOR FEDERAL ENVIRONMENTAL STATUTE THAT HAS NEVER BEEN UPDATED OR REAUTHORIZED; AND WHEREAS, LEGISLATION TO SUBSTANTIALLY REFORM THE TOXIC SUBSTANCES CONTROL ACT OF 1976 WAS INTRODUCED DURING THE 109TH CONGRESS IN 2005, THE 110TH CONGRESS IN 2008, AND AGAIN IN THE 111TH CONGRESS IN 2010, NOW THEREFORE BE IT RESOLVED, THAT THE MASSACHUSETTS SENATE ENCOURAGES THE 112TH UNITED STATES CONGRESS TO ENACT FEDERAL LEGISLATION TO MODERNIZE THE TOXIC SUBSTANCES CONTROL ACT OF 1976 TO STRENGTHEN CHEMICALS MANAGEMENT THROUGH POLICY REFORMS THAT REQUIRE IMMEDIATE ACTION TO REDUCE OR ELIMINATE THE WORST CHEMICALS, INCLUDING PERSISTENT, BIOACCUMULATIVE AND TOXIC CHEMICALS AND OTHER PRIORITY TOXICS TO WHICH THERE IS ALREADY WIDESPREAD EXPOSURE AND ESTABLISH HEALTH SAFETY STANDARDS FOR CHEMICALS THAT RELY ON THE BEST AVAILABLE SCIENCE TO PROTECT THE MOST VULNERABLE AMONG US, SUCH AS CHILDREN AND THE DEVELOPING FETUS; AND BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE TRANSMITTED FORTHWITH BY THE CLERK OF THE SENATE TO ALL MEMBERS OF THE MASSACHUSETTS CONGRESSIONAL DELEGATION.”; and by striking out the title and inserting the following title: “RESOLUTIONS IN SUPPORT OF REFORMING THE FEDERAL TOXIC SUBSTANCES CONTROL ACT OF 1976”.

The amendment was adopted.

The resolutions, as amended, were then adopted.

PAPER FROM THE HOUSE.

A Bill establishing the position of treasurer-collector in the town of Plympton (House, No. 3676,-- on petition) [Local approval received],-- was read.

There being no objection, the rules were suspended, on motion of Mr. Brewer, and the bill was read a second time, ordered to a third reading, read a third time and passed to be engrossed, in concurrence.

Communication.

The Clerk read the following communication:

OFFICE OF THE ASSISTANT MAJORITY LEADER
MASSACHUSETTS SENATE
STATE HOUSE, BOSTON, MA 02133-1007

October 11, 2011

The Honorable Therese Murray, President
Massachusetts State Senate
State House, Room 332
Boston, MA 02133

Dear Madame President:

Please accept this letter as notice of my resignation from the Massachusetts State Senate representing the Second Suffolk and Middlesex District effective at the close of business on Thursday, October 13, 2011.

I would like to take this opportunity to thank you for your friendship and leadership during the time we served in the Senate together. Although I am deeply saddened by my impending departure from the Senate, I welcome the opportunity to represent the working people of Massachusetts by serving as President of the Massachusetts AFL-CIO. I look forward to continuing to work with you, and all my colleagues, on issues that effect the working families of the Commonwealth.

Sincerely,
STEVEN A. TOLMAN,
State Senator
Second Suffolk and Middlesex District.

On motion of Mr. Berry, the above communication was ordered printed in the Journal of the Senate.

Order Adopted.

On motion of Mr. Berry,--
Ordered, That when the Senate adjourns today, it adjourn to meet again on Thursday next at one o'clock P.M., in a full formal session with a calendar.

On motion of Mr. Baddour, at twenty-four minutes past five o'clock P.M., the Senate adjourned to meet again on Thursday next at one o'clock P.M.

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

UNCORRECTED PROOF OF THE JOURNAL OF THE SENATE.



JOURNAL OF THE SENATE.

Thursday, October 13, 2011.

Met at a one minute past one o'clock P.M. (Mr. Rosenberg in the Chair).

Distinguished Guests.

There being no objection, the President handed the gavel to Mr. Tarr for the purpose of an introduction. Mr. Tarr then introduced, in the rear of the Chamber, members of the Corps of Cadets from the United States Military Academy, West Point, and the Domestic Affairs Forum. The forum's goal is to increase Cadet understanding of local, state and national government in order to foster an appreciation for the greater American political landscape. The goal of their trip to Boston is gaining an understanding of state level politics, beginning with a program at the Harvard Kennedy School of Government this morning which runs until Friday, involving a meeting with Mayor Thomas Menino and members of the Commonwealth's education leadership. They are being led by Major Robinson and Cadet James Long, who will be meeting with Speaker DeLeo later today. The Senate welcomed them with applause and they withdrew from the Chamber.

Communications.

Several communications were received and placed on file:

Communication from the Martin J. Benison, Comptroller, submitting notification the annual financial plan for the Liability Management and Reduction Fund (pursuant to Section 2TT of Chapter 29 of the General Laws) (received in the Office of the Clerk of the Senate on Wednesday, October 12, 2011, at five minutes before one o'clock P.M.); and

Communication from the Martin J. Benison, Comptroller, submitting the Fiscal Year 2012 transfer schedule for the Executive Office for Health and Human Services under account number 1595-5819, Commonwealth Care Trust Fund (received in the Office of the Clerk of the Senate on Thursday, October 13, 2011, at twenty-five minutes before twelve o'clock noon);

Report.

Report of the Nantucket Registry of Deeds (under the provisions Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure from the County Registers Technological Fund (copies having been forwarded as required to the Senate Committees on Ways and Means and Post Audit and Oversight) (received Thursday , September 8, 2011),-- **was placed on file.**

Petitions.

Petitions were severally presented and referred, as follows:

By Mr. Pacheco, a petition (subject to Joint Rule 12) of Marc R. Pacheco and Patricia A. Haddad for legislation relative to affordable housing in the city of Taunton; and

By the same Senator, a petition (subject to Joint Rule 12) of Marc R. Pacheco, Patricia A. Haddad and Shaunna O'Connell for legislation to establish a sick leave bank for Michael Foti, an employee of the Department of Correction. **Severally under Senate Rule 20, to the committees on Rules of the two branches, acting concurrently.**

Report of a Committee.

By Mr. Finegold, for the committee on Election Laws, on petition, a Bill validating the actions taken at the annual town election in the town of Hampden (Senate, No. 2026) [Local approval received];
Read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

PAPERS FROM THE HOUSE

A Bill establishing a sick leave bank for Luis Rodriguez, an employee of the Department of Children and Families (House, No. 3731,-- on petition), -- **was read and, under Senate Rule 27, referred to the committee on Ways and Means.**

Bills

Authorizing the Nantucket Islands Land Bank to convey certain land situated in the town of Nantucket (House, No. 569, amended-- on petition) [Local approval received]; and

Authorizing the town of Danvers to grant an additional license for the sale of wines and malt beverages to be drunk on the premises (House, No. 3699,-- on petition) [Local approval received];
Were severally read and, under Senate Rule 26, placed in the Orders of the Day for the next session.

There being no objection, at two minutes past one o'clock A.M., the Chair (Mr. Rosenberg) declared a recess subject to the call of the Chair; and, at twenty minutes before two o'clock P.M., the Senate reassembled, the President in the Chair.
The President, members, guests and employees then recited the pledge of allegiance to the flag.

Resolutions.

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

Resolutions (filed by Mr. Knapik) "congratulating Deborah A. Buckley on being named the recipient of the 2012 William G. Dwight Distinguished Service to Holyoke award"; and

Resolutions (filed by Mr. McGee) "recognizing the Jewish Community Center of the North Shore on the occasion of the one hundredth anniversary of its founding."

Order Adopted.

On motion of Mr. Berry,--

Ordered, That by the authority of article IV of section II of chapter I of the Constitution, the Senate declares that, by reason of the resignation of Steven A. Tolman as senator from the Second Suffolk and Middlesex district, the office of senator from the Second Suffolk and Middlesex district is vacant as of the close of business on October 13, 2011. By the authority of article XXIV of the Amendments to the Constitution, the Senate directs the president of the Senate to issue a precept setting forth January 10, 2012, as the day for holding an election to fill the vacancy in the Second Suffolk and Middlesex district, comprising of ward 4, precincts 7 and 10, ward 5, precincts 2, 9 and 10, ward 21, precincts 1 to 3, inclusive, and 5, and 8 to 16, inclusive, ward 22, precincts 3 and 4, and 6 to 13, inclusive, in the city of Boston, in the county of Suffolk; ward 9, precincts 2 and 3, ward 10, precincts 1 and 3, and ward 11 in the city of Cambridge, and the towns of Belmont and Watertown, in the county of Middlesex.

PAPERS FROM THE HOUSE

Emergency Preamble Adopted.

An engrossed Bill authorizing certain structures to be exempted from certain harbor lines in Chelsea Creek (see House, No. 3690), having been certified by the Senate Clerk to be rightly and truly prepared for final passage and containing an emergency preamble,-- **was laid before the Senate; and, a separate vote being taken in accordance with the requirements of Article LXVII of the Amendments to the Constitution, the preamble was adopted in concurrence, by a vote of 7 to 0.**

The bill was signed by the President and sent to the House for enactment.

Engrossed Bills.

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

Establishing a sick leave bank for Louceta Hodge, an employee of the Department of Revenue (see Senate, No. 2023);

Establishing a sick leave bank for Terri A. Demars, an employee of the Department of State Police (see House, No. 3646); and

Establishing the position of treasurer-collector in the town of Plympton (see House, No. 3676).

Petitions were severally referred, in concurrence, as follows, to wit:

Petition (accompanied by bill, House, No. 3748) of Stephen Kulik and others for legislation to authorize the board of commissioners of the Franklin County Regional Housing and Redevelopment Authority to offer a limited early retirement incentive program for employees of said authority;

Petition (accompanied by bill, House, No. 3749) of Ronald Mariano and others for legislation to establish a sick leave bank for Dinamarie McCarthy, an employee of the Department of Children and Families;

Severally to the committee on Public Service.

Orders of the Day

The Orders of the Day were considered, as follows:

The House Bill authorizing the town of Hanover to grant an additional license for the sale of wine and malt beverages to be drunk on the premises (House, No. 3721),-- **was read a second time and ordered to a third reading.**

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

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

Ms. Jehlen moved to amend the bill in section 15 by striking out, in lines 1068 and 1069, the words "not less than 35 days but not more than 90 days " and inserting in place thereof the following words:--"on the next scheduled local, or state election not less than 45 days after the date that the request was received;".

The amendment was rejected.

Messrs. Timilty, Tarr, Knapik, Ross and Rosenberg moved to amend the bill in section 16, in section 55 (c) of proposed Chapter 23K of the General Laws, by striking the figure "9" in line 2334 and inserting in place thereof the following

figure:- “15”.

The amendment was adopted.

Ms. Jehlen and Mr. Keenan moved to amend the bill by striking out section 17 (c) and inserting in place thereof the following section:-

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

The amendment was rejected.

Messrs. Tarr, Hedlund, Knapik and Ross moved to amend the bill in Section 16, in Chapter 23K of the General Laws, by striking section 59(2) in its entirety and inserting in place thereof the following:-

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

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

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

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

In section 91, by striking subsections (2) through (8), inclusive, and replacing it with the following subsections:-

“(2) 90 per cent to the general fund.”

Pending the question on adoption of the amendment, Mr. Knapik moved to further amend the amendment in section 16, in Chapter 23K of the General Laws, by striking section 59 (1) in its entirety and inserting in place thereof the following:-

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

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

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

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

In said section 16, in proposed Chapter 23K of the General Laws, by striking sections 62, 63, and 64 in their entirety; By striking Section 18 in its entirety;

In section 91, by striking subsections (2) through (8), inclusive, and replacing it with the following subsections:-

“(2) 90 per cent to the general fund.”;

By striking sections 96, 97, and 98 in their entirety; and

By inserting, after section __, the following new Section:-

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

After debate, the further amendment (Knapik) was rejected.

The pending amendment (Tarr) was then considered; and, after debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at twenty minutes past two o’clock P.M., on motion of Mr. Knapik, as follows, to wit (yeas 7 – nays 31) [Yeas and Nays No. 98]:

YEAS

Eldridge, James B. Knapik, Michael R.

Fargo, Susan C. Ross, Richard J.

Hedlund, Robert L. Tarr, Bruce E. – 7.

Jehlen, Patricia D.

NAYS

Baddour, Steven A. Keenan, John F.
Berry, Frederick E. Kennedy, Thomas P.
Brewer, Stephen M. McGee, Thomas M.
Candaras, Gale D. Montigny, Mark C.
Chandler, Harriette L. Moore, Michael O.
Chang-Diaz, Sonia Moore, Richard T.
Clark, Katherine M. Pacheco, Marc R.
Creem, Cynthia Stone Petruccelli, Anthony
DiDomenico, Sal N. Rodrigues, Michael J.
Donnelly, Kenneth J. Rosenberg, Stanley C.
Donoghue, Eileen M. Spilka, Karen E.
Downing, Benjamin B. Timilty, James E
Finegold, Barry R. Tolman, Steven A.
Flanagan, Jennifer L. Welch, James T.
Hart, John A., Jr. Wolf, Daniel A. — 31.
Joyce, Brian A.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

The yeas and nays having been completed at twenty-seven minutes past two o'clock P.M., the amendment was rejected. Messrs. Kennedy and Pacheco moved to amend the bill in section 85, by striking out, in line 3155, the words "the fiscal year shall not" and inserting in place thereof the following words:- "fiscal year 2012 shall"; and

In said section 85:

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

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

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

After remarks, the amendment was adopted.

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

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

The amendment was rejected.

Mr. Eldridge moved that the bill be amended in line 1066 by inserting after the word "host community" the following:- "and in any community abutting the host community and in any community within five miles of the proposed gaming establishment"; in line 1068 by striking the words "not less than 35 days but not more than 90 days" and inserting in place thereof the following:- "not less than 90 days"; and in line 1070 by striking the words "60 days" and inserting in place thereof the following:- "90 days".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at thirteen minutes before three o'clock P.M., on motion of Mr. Eldridge, as follows, to wit (yeas 11 – nays 27) [Yeas and Nays No. 99]:

YEAS

Chang-Diaz, Sonia Hedlund, Robert L.
Creem, Cynthia Stone Jehlen, Patricia D.
Donnelly, Kenneth J. Spilka, Karen E.
Downing, Benjamin B Timilty, James E

Eldridge, James B. Wolf, Daniel A. – 11.
Fargo, Susan C.

NAYS

Baddour, Steven A. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Montigny, Mark C.
Candaras, Gale D. Moore, Michael O.
Chandler, Harriette L. Moore, Richard T.
Clark, Katherine M. Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donoghue, Eileen M. Rodrigues, Michael J.
Finegold, Barry R. Rosenberg, Stanley C.
Flanagan, Jennifer L. Ross, Richard J.
Hart, John A., Jr. Tarr, Bruce E.
Joyce, Brian A. Tolman, Steven A.
Keenan, John F. Welch, James T. — 27.

Kennedy, Thomas P.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

The yeas and nays having been completed at nine minutes before three o'clock P.M., the amendment was rejected. Messrs. Hedlund, Ross and Tarr moved to amend the bill by inserting, after section XX, the following new section: "SECTION XX. Notwithstanding any general or special law to the contrary, the commission shall establish regulations to ensure that prior to disbursement of cash or a prize in excess of \$600, an authorized employee of the gaming enforcement unit, established in section 70 of chapter 22C, gaming enforcement unit, shall review information made available by the United States Department of Homeland Security Immigration and Customs Enforcement to ascertain whether the winner of the cash or prize is lawfully residing in or visiting the United States under a current student visa, under a current employment permit or visa, or under the employment authorization of the attorney general or other federal official. If the winner of the cash or prize is found to be unlawfully residing in or visiting the United States, the gaming licensee shall not disburse to the holder any portion of the cash or prize."

The amendment was rejected.

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

The amendment was rejected.

Ms. Fargo moved to amend the bill by striking item (34) of Section 4 line 638 of Chapter 23K of the General Laws, as inserted by section 16 in its entirety.

The amendment was rejected.

Mr. Richard T. Moore moved to amend the bill by inserting in subsection 9 of Section 15, after the word "establishment;" the following:- "provided further, that in the event an applicant cannot reach an agreement with a surrounding community, the applicant shall submit to the commission a report detailing the course of negotiations with the surrounding community, including the last offer proposed by the applicant and rejected by the surrounding community and the commission, as a condition of licensure, may require that an applicant fulfill the terms set forth in the last proposal or impose additional or alternative terms upon the applicant as the commission deems reasonable."; and in section 17, lines 1130 to 1131 by striking the words "included a signed agreement with that community in its application" and inserting in place thereof the following:- "finalized negotiations with that community in its application pursuant to section 15;".

After debate, the question on adoption of the amendment was determined by a call of the yeas and nays, at seventeen minutes past three o'clock P.M., on motion of Mr. Richard T. Moore, as follows, to wit (yeas 11 – nays 27) [Yeas and Nays No. 100]:

YEAS

Berry, Frederick E. Moore, Richard T.
Donoghue, Eileen M. Pacheco, Marc R.
Finegold, Barry R. Petruccelli, Anthony
Hart, John A., Jr. Rosenberg, Stanley C.
Keenan, John F. Tolman, Steven A. — 11.
Kennedy, Thomas P.

NAYS

Baddour, Steven A. Jehlen, Patricia D.
Brewer, Stephen M. Joyce, Brian A.
Candaras, Gale D. Knapik, Michael R.
Chandler, Harriette L. McGee, Thomas M.
Chang-Diaz, Sonia Montigny, Mark C.
Clark, Katherine M. Moore, Michael O.
Creem, Cynthia Stone Rodrigues, Michael J.
DiDomenico, Sal N. Ross, Richard J.
Donnelly, Kenneth J. Spilka, Karen E.
Downing, Benjamin B Tarr, Bruce E.
Eldridge, James B. Timilty, James E
Fargo, Susan C. Welch, James T.
Flanagan, Jennifer L. Wolf, Daniel A. – 27.
Hedlund, Robert L.

ABSENT OR NOT VOTING

Rush, Michael F. — 1.

The yes and nays having been completed at twenty-one minutes past three o'clock P.M., the amendment was rejected. Ms. Fargo moved to amend the bill in section 16, in section 18 of proposed chapter 23K, by striking out clause (13) and inserting in place thereof the following clause:-

“(13) have received a certified and binding favorable vote on a ballot question at an election in the host community, in favor of such license; provided, however that the vote shall take place after the effective date of this chapter; provided further, that a request for an election shall take place after the signing of an agreement between the host community and the applicant; provided further, that the signed agreement shall be made available to the public upon request; provided further, that the governing body of the municipality shall call for the election not less than 35 days from the date that the request was received and not less than 15 days prior to the date of the election; provided further, that a binding vote shall be conducted not less than 60 days from the date that the request was received; provided further that the host community shall hold a public hearing on the applicant’s request prior to any such election pursuant to section 11½ of chapter 30A; provided further, that an applicant for a gaming license shall be given at least 30 days notice of the public hearing; provided further, that the municipality that holds an election shall be reimbursed for its expenses related to the election by the applicant; provided further, that the applicant shall reimburse election expenses within 30 days after the election; provided further, that commission shall deny an application for a gaming license if the applicant has not fully reimbursed the host community, provided further, that, for purposes of this clause, if the gaming establishment is proposed to be located in a city with a population of at least 125,000 residents according to the most recent enumerated federal census, ‘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 host community and the applicant, and upon the request of the applicant, the city or town clerk shall set a date certain for an election on the ballot question in the host community; provided further, that at such election, the question submitted to the voters shall be worded as follows: ‘Shall the (city/town) of _____ permit (name of applicant) to operate 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 question is in the affirmative, the host community shall be taken to have voted in favor of the applicant’s license; provided further, that the applicant shall not submit a request to the governing body of the municipality without first obtaining a new signed agreement with the host municipality; provided further, that if a proposed gaming establishment is situated in 2 or more cities or towns, the applicant shall execute an agreement with each host community, or a joint agreement with both communities, and receive a certified and binding vote on a ballot

question at an election held in each host community, in favor of such a license;”

Pending the question on adoption of the pending amendment (Fargo), Ms. Candaras moved to further amend the amendment by inserting after the word "clause," the following words:- "unless a city opts out of this provision by a vote of the local legislative body,"; and by striking out the figure "125,000" and inserting in place thereof the following figure:- "175,000".

After remarks, the further amendment (Candaras) was adopted.

After further remarks, the question on adoption of the pending amendment (Fargo), as amended (Candaras), was determined by a call of the yeas and nays, at a quarter before four o'clock P.M., on motion of Ms. Fargo, as follows, to wit (yeas 37 – nays 0) [Yeas and Nays No. 101]:

YEAS

Baddour, Steven A. Keenan, John F.
Berry, Frederick E. Kennedy, Thomas P.
Brewer, Stephen M. Knapik, Michael R.
Candaras, Gale D. McGee, Thomas M.
Chandler, Harriette L. Montigny, Mark C.
Chang-Diaz, Sonia Moore, Michael O.
Clark, Katherine M. Moore, Richard T.
Creem, Cynthia Stone Pacheco, Marc R.
DiDomenico, Sal N. Petruccelli, Anthony
Donnelly, Kenneth J. Rodrigues, Michael J.
Donoghue, Eileen M. Rosenberg, Stanley C.
Downing, Benjamin B. Ross, Richard J.
Eldridge, James B. Spilka, Karen E.
Fargo, Susan C. Tarr, Bruce E.
Finegold, Barry R. Timilty, James E
Flanagan, Jennifer L. Tolman, Steven A.
Hart, John A., Jr. Welch, James T.
Jehlen, Patricia D. Wolf, Daniel A. — 37.
Joyce, Brian A.

NAYS — 0.

ABSENT OR NOT VOTING

Hedlund, Robert L. Rush, Michael F.—2.

The yeas and nays having been completed at ten minutes before four o'clock P.M., the amendment (Fargo-Candaras) was adopted.

Mr. Brewer moved to amend the bill in section 16, in line 750, by inserting after the word “law”, the following words:- “, rule or regulation”;

In said Section 16:

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

By striking out, in line 1341, the word “change” and inserting in place thereof the following words:- “not change”;

By striking out, in line 1343, the word “operate” and inserting in place thereof the following words:- “not operate”;

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

By striking out, in line 1493, the word “licensee” and inserting in place thereof the following word:- “license”;

In section 46 of proposed chapter 23K, as inserted by amendment 104, by striking out the words “or holder of”;

In said section 46 of proposed chapter 23K, as inserted by amendment 104, by striking out the word “holder,”;

By striking out, in line 2449, the words “state secretary” and inserting in place thereof the following words:- “secretary of administration and finance”;

By striking out, in line 2564, the words “and board”;

In subsection (b) of section 68 of said proposed chapter 23K by striking out, in line 2566, the figure "9", inserted by amendment 54, and inserting in place thereof the following figure:- "12";

By striking out, in line 2567, the words “region 1” and inserting in place thereof the following words:- “region A”;

By striking out, in line 2567, the words “region 2” and inserting in place thereof the following words:- “region B”;
By striking out, in line 2568, the words “region 3” and inserting in place thereof the following words:- “region C”;
In Section 17, by inserting, in line 2705, after the word “law”, the following words:- “, rule or regulation”;

By inserting after Section 37 the following section:-

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

In Section 47, in proposed chapter 267A, by striking out section 3 and inserting in place thereof the following section:-
“Section 3. (a) As needed on a case-by-case basis, a financial institution, upon the request of the attorney general, shall file with the attorney general reports required by the Currency and Foreign Transactions Act, set forth in 31 U.S.C., § 5311 to 5315, 31 C.F.R. 103.

(b) A financial institution, or an officer, employee or agent of a financial institution that provides any reports, records or information under this section shall not be liable to its customer, to a state or local agency or to any person for any loss or damage caused in whole or in part by the making, filing or governmental use of the report or any information contained in the report. Nothing in this chapter shall give rise to a private cause of action for relief or damages. Nothing in this subsection shall preclude a financial institution, in its discretion, from instituting contact with, and then communicating with and disclosing customer financial records to, appropriate federal, state or local law enforcement agencies if the financial institution has reason to suspect that the records or information demonstrate that the customer has violated this chapter.

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

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

In section 89, in subsection (c), by striking out the second sentence, as appearing in amendment 21, and inserting in place thereof the following sentence:- “The tribe shall work with the local legislative body in the host community to schedule a vote for approval of the proposed gaming development. “;

In said section 89, in said subsection (c), in the third sentence, as so appearing, by inserting after the word “The” the following words:- “legislative body of the”;

and
In section 90, by striking out, in line 3256, the figure “2011” and inserting in place thereof the following figure:- “2009”.

The amendment was adopted.

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

The bill was then ordered to a third reading and read a third time.

The question on passing the bill to be engrossed, in concurrence, with the amendment, was determined by a call of the yeas and nays, at four minutes before four o’clock P.M., on motion of Ms. Flanagan, as follows, to wit (yeas 24 – nays 14) [Yeas and Nays No. 102]:

YEAS

Baddour, Steven A. Knapik, Michael R.
Berry, Frederick E. McGee, Thomas M.
Brewer, Stephen M. Moore, Michael O.
Candaras, Gale D. Murray, Therese
Chandler, Harriette L. Pacheco, Marc R.
Clark, Katherine M. Petrucci, Anthony
DiDomenico, Sal N. Rosenberg, Stanley C.
Donoghue, Eileen M. Ross, Richard J.
Flanagan, Jennifer L. Tarr, Bruce E.
Hart, John A., Jr. Timilty, James E
Joyce, Brian A. Tolman, Steven A.
Kennedy, Thomas P. Welch, James T. — 24.

NAYS

Chang-Diaz, Sonia Jehlen, Patricia D.
Creem, Cynthia Stone Keenan, John F.

Donnelly, Kenneth J. Montigny, Mark C.
Downing, Benjamin B. Moore, Richard T.
Eldridge, James B. Rodrigues, Michael J.
Fargo, Susan C. Spilka, Karen E.
Finegold, Barry R. Wolf, Daniel A. — 14.
ABSENT OR NOT VOTING
Hedlund, Robert L. Rush, Michael F.—2.

The yeas and nays having been completed at four o'clock P.M., the bill was passed to be engrossed, in concurrence, with the amendment [For text of Senate amendment, see Senate document numbered 2035].
Sent to the House for concurrence in the amendment.

Order Adopted.

On motion of Mr. Berry,—

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

On motion of Mr. Hart, at fourteen minutes before five o'clock P.M., the Senate adjourned to meet again on Monday next at eleven o'clock A.M.