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The 2011 Consolidated Laws of
Commonwealth of Northern Mariana Islands

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(2) The commission shall organize an annual festival for the listening city gambling establishment in an applicant's proposed gambling establishment to be qualified for licensure pursuant to section 9.30 of this act, and shall provide for the distribution of the proceeds of the festival as follows:

(a) A portion equal to the qualified licensee shall apply for qualification within 30 days after taking a position with the licensee, if a person who is required to be qualified for licensure pursuant to section 9.30 of this act, or who is required to be registered with the commission, is employed by the licensee.

(b) The commission shall issue a temporary registration to an employee who is required to be registered with the commission if the employee has applied for registration with the commission within 30 days after taking a position with the licensee.

(c) The commission shall require that a temporary registration shall be valid for a period of 120 days, unless the commission shall extend the period of validity for good cause.

(d) The commission shall require that a temporary registration shall be revoked if the commission determines that the applicant is not qualified for registration.

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(a) The person shall be placed on the sex offender registry, if not already so placed, for a period of 25 years or more if the person has been convicted of a second or subsequent offense against a minor, or if the person has been convicted of any sex offense against a minor and the victim of the sex offense is a child under the age of 13 years.

(b) Notwithstanding section 846E-7, the person shall be placed on the sex offender registry for life if the person has been convicted of a second or subsequent sex offense against a minor and the victim of the sex offense is a child under the age of 13 years.

(c) The department of public safety shall be responsible for the registration of persons who are required to be placed on the registry for life or for a period of 25 years or more by the provisions of this section, and shall notify the person of the duty to register and the length of time the person is required to be placed on the registry.

(d) Persons who are required to be placed on the registry for life or for a period of 25 years or more by the provisions of this section shall be subject to the provisions of section 846E-7 and shall be required to register in accordance with section 846E-8.

(e) The commission shall establish a list of convicted sex offenders based upon prison gang establishment. A person may request and petition to be placed on the list if such person is a prison gang member or associate, or has been a prison gang member or associate within the last five years, and has been convicted of a sex offense against a minor. The commission shall establish a process for such persons to petition to be placed on the list. The commission shall establish a process for persons who are not on the list to petition to be removed from the list. The commission shall establish a process for persons who are on the list to petition to be removed from the list if such persons are no longer members or associates of a prison gang. The commission shall establish a process for persons who are on the list to petition to be placed on the Tier 3 registry, if such persons are no longer members or associates of a prison gang.

(f) The commission shall establish a list of convicted sex offenders based upon prison gang membership. A person may request and petition to be placed on the list if such person is a prison gang member or associate, or has been a prison gang member or associate within the last five years, and has been convicted of a sex offense against a minor. The commission shall establish a process for such persons to petition to be placed on the list. The commission shall establish a process for persons who are not on the list to petition to be removed from the list. The commission shall establish a process for persons who are on the list to petition to be removed from the list if such persons are no longer members or associates of a prison gang. The commission shall establish a process for persons who are on the list to petition to be placed on the Tier 3 registry, if such persons are no longer members or associates of a prison gang.

(g) Persons who are placed on the registry for life or for a period of 25 years or more by the provisions of this section shall be subject to the provisions of section 846E-7 and shall be required to register in accordance with section 846E-8.

(h) Notwithstanding any other general or specific provisions to the contrary, the sex offender registry and the sex offender registry information shall be exempt from the provisions of section 92F-12 of the Hawaii Revised Statutes.

(i) Persons who are placed on the registry for life or for a period of 25 years or more by the provisions of this section shall be subject to the provisions of section 846E-9.

(j) As used in this subsection the following words shall have the following meanings unless the context clearly requires otherwise:

"Minor" means a person who is under the age of 18 years.

"Prison gang" means a group of persons who are incarcerated in a correctional facility or institution and who are members of a group that the prison's security or corrections functioning or the prison's security or corrections functioning as the prison security or corrections functioning of a correctional facility or institution, or any other correctional facility or institution, has determined to be a threat to the safety of persons or property or to the security or orderly operation of a correctional facility or institution, or a group that has been identified by a correctional facility or institution as a group that is a threat to the safety of persons or property or to the security or orderly operation of a correctional facility or institution, or a group that has been identified by a correctional facility or institution as a group that is a security threat group, or a group that has been identified by a correctional facility or institution as a group that is a prison gang.

"Prison gang member or associate" means a person who is incarcerated in a correctional facility or institution and who is a member of a prison gang, or who has been a member of a prison gang within the last five years, or who has been identified by a correctional facility or institution as a member or associate of a prison gang, or who has been identified by a correctional facility or institution as a member or associate of a security threat group that has been identified by a correctional facility or institution as a prison gang, or who has been convicted of a violation of section 710-1076 or section 710-1077 or any other offense that the prison's or jail's security or corrections functioning determines to be a prison gang offense.

"Sex offense against a minor" means any sex offense that is a felony under section 707-730 or section 707-731 or section 707-732 or section 707-733 or section 707-734 or section 707-735 or section 707-736 or section 707-737 or section 707-738 or section 707-739 or section 707-740 or section 707-741 or section 707-742 or section

(5) 17 per cent to the Community College Fund established in section 99;
(6) 1.5 per cent to the Massachusetts Tourism Fund established in section 35J of chapter 10 of the General Laws;
(7) 23 per cent to the Healthcare Payment Reform Fund established in section 100;
(8) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund established in section 2CCCC of chapter 29 of the General Laws; and
(9) 5 per cent shall be remitted to the Race Horse Development Fund established in section 60 of chapter 23K of the General Laws.

(b) Upon receipt by the Massachusetts gaming commission of license fees from licensees, interim transfers and payments shall be made on a pro rata basis from the Gaming Licensing Fund as provided in clauses (1) and (2) of subsection (a); provided, however, that no transfer or payment under said clauses (1) and (2) of said subsection (a) shall occur until the fund reimburses $20,000,000 to the Commonwealth Stabilization Fund as required by subsection (c) of section 94.

SECTION 94. (a) Within 30 days after the effective date of this act, the comptroller shall transfer $15,000,000 from the Commonwealth Stabilization Fund established in section 2H of chapter 29 of the General Laws to the Massachusetts gaming commission for the start-up and operational costs of implementing chapter 23K of the General Laws.

(b) Within 10 days after the effective date of this act, the comptroller shall transfer $5,000,000, from the Commonwealth Stabilization Fund established in section 2H of chapter 29 of the General Laws to the General Fund.

(c) Upon receipt by the Massachusetts gaming commission of sufficient license fees from licensees under chapter 23K of the General Laws, the commission shall transfer $20,000,000 to the Commonwealth Stabilization Fund established in section 2H of chapter 29 of the General Laws.

SECTION 95. Notwithstanding any general or special law to the contrary, in the second fiscal year in which a deposit is made into the Gaming Local Aid Fund under subclause (e) of clause (2) of section 59 of chapter 23K the General Laws, the commission shall transfer from the Gaming Local Aid Fund into the Local Aid Stabilization Fund an amount equal to 3.125 per cent of the gross gaming revenue received from a category 1 establishment. In the third fiscal year in which a deposit is made into the Gaming Local Aid Fund under said subclause (e) of said clause (2) of said section 59 of said chapter 23K, the commission shall transfer from the Gaming Local Aid Fund into the Local Aid Stabilization Fund an amount equal to 6.25 per cent of the gross gaming revenue received from a category 1 establishment. In the fourth fiscal year in which a deposit is made into the Gaming Local Aid Fund under said subclause (e) of said clause (2) of said section 59 of said chapter 23K, the commissioner shall transfer from Gaming Local Aid Fund into the Local Aid Stabilization Fund an amount equal to 9.375 per cent of the gross gaming revenue received from a category 1 establishment. In the fifth fiscal year in which a deposit is made into the Gaming Local Aid Fund under said subclause (e) of said clause (2) of said section 59 of said chapter 23K and in all subsequent fiscal years, the commission shall transfer from the Gaming Local Aid Fund into the Local Aid Stabilization Fund an amount equal to 12.5 per cent of the gross gaming revenue received from a category 1 establishment.

SECTION 96. The governing body of a host community which has accepted chapter 43D of the General Laws shall file a proposal with the interagency permitting board to designate the site proposed for a category 1 establishment as a priority development site. In a community which has not accepted said chapter 43D, the planning board shall designate a local permitting ombudsman, who shall be a planning board member of the host community or a member of the host community planning board's professional staff, to help coordinate and expedite local permitting of the category 1 establishment.

SECTION 97. Notwithstanding any general or special law or rule or regulation to the contrary, a gaming establishment shall supply the Massachusetts gaming commission with customer tracking data collected or generated by loyalty programs, player tracking software, player card systems, online gambling transactions or any other information system. The commission shall contract with an experienced nonprofit research entity to develop an anonymizing system that automatically removes from the data: (a) personally identifying information, including player name, street address, bank or credit information and the last 4 digits of a player's zip code, in compliance with section 2 of chapter 93H of the General Laws; and (b) game identifying information, including game name and device manufacturing company, in protection of corporate intellectual property. The data shall retain information on player characteristics including, but not limited to, gender, age and region of residence, player behavior including, but not limited to, frequency of play, length of play, speed of play, denomination of play, amounts wagered and, if applicable, number of lines or hands played and characteristics of games played including, but not limited to, reel configuration, return-to-player or RTP, volatility index and denomination. The commission shall convey the anonymized data to a research facility which shall make the data available to qualified researchers for the purposes of: (1) conducting analyses that improve understanding of how gambling addiction develops and progresses; (2) developing evidence-based harm minimization strategies; and (3) developing evidence-based systems to monitor, detect and intervene in high-risk gambling. The commission shall request reports on researcher analyses of the behavioral data, which could provided informed recommendation to the general court relative to more effective regulation of gambling operations. The commission may directly initiate studies assessing the effectiveness of any specific measures, programs or interventions which the commonwealth has implemented in gaming operations and which might be illuminated through the behavioral data in question.

SECTION 98. There shall be established and set up on the books of the commonwealth a Manufacturing Fund. The fund shall be credited with any monies transferred under section 95 and any monies credited or transferred to the fund from any other fund or source and shall be subject to appropriation.

SECTION 99. There shall be established and set up on the books of the commonwealth a Community College Fund. The fund shall be credited with any monies transferred under section 97 and any monies credited or transferred to the fund from any other fund or source and shall be subject to appropriation.

SECTION 100. There shall be established and set up on the books of the commonwealth a Healthcare Payment Reform Fund. The fund shall be credited with any monies transferred under section 97 and any monies credited or transferred to the fund from any other fund or source and shall be subject to appropriation.

SECTION 101. Pursuant to section 2 of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1177, entitled "An act to prohibit transportation of gaming devices in interstate and foreign commerce", approved January 2, 1951, the commonwealth, acting by and through its duly elected and qualified members of the general court, hereby declares and proclaims that it shall be exempt from the provisions of chapter 1194, 64 Stat. 1134, and also designated as 15 U.S.C. 117 -1178 for any gambling device authorized for use and transport under chapter 23K of the General Laws and any regulations promulgated thereunder.

SECTION 102. Notwithstanding any general or special law to the contrary, all shipments of gambling devices into the commonwealth, including slot machines, the registering, recording and labeling of which has been duly had by the manufacturer or dealer thereof in accordance with sections 3 and 4 of "An act to prohibit transportation of gambling devices in interstate and foreign commerce,", 15 U.S.C. §§1171-1177, shall be deemed legal shipments thereof into the commonwealth.

SECTION 103. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission shall analyze the laws relating to charitable gaming, raffles and bazaars in effect on the effective date of this act, including section 7A of chapter 271 of the General Laws. The analysis shall include a review of the efficacy of those laws and the need to update, redraft or repeal those laws. The commission shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than April 1, 2012.

SECTION 104. Notwithstanding any general or special law to the contrary, the Massachusetts gaming commission established in chapter 23K of the General Laws shall analyze the pari-mutuel and simulcasting laws in effect on the effective date of this act. The analysis shall include a review of the efficacy of those laws and the need to replace those laws pursuant to the continuation of chapters 128A and 128C of the General Laws in this act. The analysis shall not address whether to increase the number of running horse, harness horse or greyhound racing meeting licensees in the commonwealth. The commission shall report its findings and recommendations, together with drafts of legislation necessary to carry those recommendations into effect, by filing the same with the clerks of the senate and house of representatives and with the house and senate chairs of the joint committee on economic development and emerging technologies not later than January 1, 2013.

SECTION 105. The horse racing committee established in section 60 of chapter 23K of the General Laws shall make a report to the Massachusetts gaming commission and to the clerks of the senate and house of representatives on its recommendations to distribute funds from the Race Horse Development Fund established in said section 60 of said chapter 23K said section no later than 180 days after the effective date of this act.

SECTION 106. The alcoholic beverages control commission shall conduct a study on whether 204 C.M.R. 4.00, et seq. shall be updated or amended in order to protect licensees under section 12 of chapter 138 of the General Laws from unfair competition with gaming establishments that are granted gaming beverage licenses in the commonwealth. The commission shall seek comments from the public through an open comment period in which the public may submit letters, written testimony or emails and shall hold at least 2 public hearings in locations across the commonwealth. The commission shall file a report of any recommendations with the governor, the state treasurer and the clerks of the senate and house of representatives not later than June 30, 2013.

SECTION 107. Notwithstanding any general or special law to the contrary, with respect to distribution of alcohol free of charge and for on-premises consumption to patrons, subsection (c) of section 26 of chapter 23K of the General Laws and the regulations promulgated thereunder shall be limited to the gaming area.

SECTION 108. The first report required under section 71 of chapter 23K of the General Laws shall be submitted not later than 2 years after the effective date of this act.

SECTION 109. The vote required to be taken at an election in a host community pursuant to clause (13) of section 15 of chapter 23K of the General Laws shall occur after the effective date of said chapter 23K.

SECTION 110. Sections 4, 11, 12, 13, 37, 38 and 40 of this act and section 7 of chapter 23K shall take effect 180 days after the effective date of this act.

SECTION 111. Clause (41) of section 4 of chapter 23K of the General Laws shall take effect on July 31, 2012.

SECTION 112. Sections 17, 39 and 41 shall take effect on July 31, 2014.

SECTION 113. Section 31 shall be effective for tax years beginning January 1, 2012.

SECTION 114. Section 32 shall take effect on December 31, 2018.

SECTION 115. Subsection (a) of section 87 shall take effect April 1, 2012.

Approved, November 22, 2011.

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