

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

WITHDRAWN

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

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

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

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

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

Section

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

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

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

(a) 2 per cent of revenues to the Massachusetts cultural council of which one-quarter of the revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and three-quarters of revenues shall be dedicated to support not-for-profit or municipally-owned performing arts centers impacted as a result of the operation of gaming facilities; provided, that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council;

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

Mr. Koczera of New Bedford moves to amend House Bill 3702 by inserting after the word “maintenance”, in line 2463, the following words:- “; provided, however, that \$20 million annually from the Fund shall be transferred to the Public Safety Building Assistance Fund, established in section 35RR of chapter 10 for use exclusively by municipalities for the construction, expansion and rehabilitation of municipal police, fire, and emergency medical service buildings. Operation of said building assistance fund shall be administered by the state Treasurer, with building grants up to 50 per cent of project costs awarded similar to the school building assistance fund program formula, and by inserting after section 5 the following section:-

SECTION 5A. Chapter 10 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by inserting after section 35QQ, as added by chapter 14 of the acts of 2011, the following section:-

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

Mr. Collins of Boston moves that H3702 be amended by deleting lines 727-733 after the word policing matters in line 727 and inserting the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Kane moves to amend the bill (House, No. 3702) by striking out clause (a) of Sub-section 10 of Section 16 and inserting in place thereof the following new clause:-

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

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

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

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

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

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

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

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

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