

JOURNAL OF THE HOUSE.

Tuesday, April 13, 2010.

Met according to adjournment, at ten o'clock A.M., with Mr. Petrolati of Ludlow in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Eternal God, we pause for this moment of prayer as we turn our thoughts and attention to You, our Creator, and to spiritual matters. In Your goodness inspire us and grant us the strength to keep Your ways and precepts in focus as we make our daily legislative and personal decisions and choices. May our common goals, as the human family, help us to promote a society in which peace, justice and civility are recognized and respected by all. May we be united in heart and mind as we work together in fostering equal human and spiritual rights as well as equal opportunities in education and employment. Help us continue our efforts to enable all members of our society to utilize their unique human and intellectual talents and gifts wisely in living their daily lives.

Grant Your blessings to the Speaker, the members and employees of this House and to their families. Amen.

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Statement of Representative Conroy of Wayland.

A statement of Mr. Conroy of Wayland was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that I was not able to be present in the House Chamber for a portion of today's sitting due to an unavoidable scheduling conflict. My missing of any roll calls today is due entirely to the reason stated.

Resolutions.

Mr. Donato of Medford being in the Chair,—

Resolutions (filed with the Clerk by Ms. Clark of Melrose) honoring Millie Rich of the Melrose Symphony Orchestra for her thirty years of service were referred, under Rule 85, to the committee on Rules:

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Dempsey of Haverhill, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Papers from the Senate.

Autism,—
study.

The Speaker being in the Chair,— the House Resolve providing for an investigation and study by a special commission relative to autism (House, No. 4382) came from the Senate passed to be engrossed, in concurrence, with an amendment in line 31 by striking out the following “on or before the last Wednesday of January 2010” and inserting in place the following “not later than January 26, 2011”.

Under suspension of Rule 35, on motion of Ms. L’Italien of Andover, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith; and it was adopted, in concurrence.

Bills

Sturbridge,—
easement.

Relative to a betterment assessment in the town of Sturbridge (Senate, No. 2043) (on a petition) [Local Approval Received];

Wilbraham,—
Christopher
Doyle.

Authorizing the town of Wilbraham to provide certain benefits to Christopher J. Doyle (Senate, No. 2104) (on a petition) [Local Approval Received];

Carver,—
water
tax.

Authorizing the town of Carver to assess excise taxes on private water suppliers (Senate, No. 2143) (on a petition) [Local Approval Received]; and

Carver,—
property
tax.

Relative to payment of property taxes in the town of Carver (Senate, No. 2145) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Reports of Committees.

By Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of

Creditors,—
unwanted
calls.

The Bill to reduce unwanted communication from creditors to protect the peace and privacy of residents (House, No. 4131),— and recommending that the same be referred to the committee on Ways and Means; and

Railroad
crossing.

The Bill relative to railroad crossings (House, No. 3359),— and recommending the same be recommitted to the committee on Transportation;

Under Rule 42, the reports severally were considered forthwith and they were accepted.

*Motion to Discharge a Certain Matter
from the Orders of the Day.*

Expanded
gaming.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4591) was discharged from its position in the Orders of the Day and read a second time forthwith, under suspension of Rule 47, on motion of Mr. Dempsey of Haverhill; and it was ordered to a third reading.

Subsequently under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time.

Pending the question on passing the bill to be engrossed, Ms. Callahan of Sutton moved to recommit it to the committee on Economic Development and Emerging Technologies, with instructions to hold a public hearing prior to Wednesday, May 5 and that further consideration of the bill shall not take place prior to Wednesday, May 12.

After debate on the motion to recommit with instructions, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 34 members voted in the affirmative and 119 in the negative.

Motion to recommit
negated,—
yea and nay
No. 319.

[See Yea and Nay No. 319 in Supplement.]

Therefore the motion to recommit was negated.

Ms. Polito of Shrewsbury then moved to recommit the bill to the committee on Ways and Means, with instructions that the committee hold a public hearing on the bill, and that the committee include provisions for a competitive process for the awarding of gaming licenses and for gaming revenue to be dedicated to local aid.

After debate on the motion to recommit with instructions, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 30 members voted in the affirmative and 123 in the negative.

Motion to recommit
negated,—
yea and nay
No. 320.

[See Yea and Nay No. 320 in Supplement.]

Therefore the motion to recommit was negated.

Mr. Petrolati of Ludlow being in the Chair,—

After debate on the question on passing the bill to be engrossed, Ms. Sandlin of Agawam moved to amend it by inserting after section 75 the following section:

“SECTION 75A. At least one of the casinos shall be located in Hampden, Hampshire, Franklin or Berkshire County.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 17 members voted in the affirmative and 137 in the negative.

Amendment
rejected,—
yea and nay
No. 321.

[See Yea and Nay No. 321 in Supplement.]

Therefore the amendment was rejected.

Mr. Smola of Palmer then moved to amend the bill by inserting after section 75 the following section:

“SECTION 75A. A minimum of one category 1 license shall be located in one of the following counties; Berkshire, Franklin, Hampden, Hampshire or Worcester.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Frost of Auburn; and on the roll call 30 members voted in the affirmative and 125 in the negative.

Amendment
rejected,—
yea and nay
No. 322.

[See Yea and Nay No. 322 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer of Dalton then moved to amend the bill in section 12, in line 1481, by inserting after the following “section 1”, the following “; provided however, that no category 1 gaming facility may be located in any municipality which does not maintain a full-time municipal police force staffed at a level greater than 3 full-time officers per 1,000 residents. For towns with less than 1,000 residents, there shall be no less than four full-time officers per municipal police force”.

Amendment rejected,—yea and nay No. 323.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 17 members voted in the affirmative and 138 in the negative.

[See Yea and Nay No. 323 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided, however, that no category 1 gaming facility may be located in any municipality which does not maintain a full-time, non-volunteer fire department".

Amendment rejected,—yea and nay No. 324.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 19 members voted in the affirmative and 136 in the negative.

[See Yea and Nay No. 324 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided, however, that no category 1 gaming facility shall be located in any municipality which is not served by passenger rail service".

Amendment rejected,—yea and nay No. 325.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 8 members voted in the affirmative and 143 in the negative.

[See Yea and Nay No. 325 in Supplement.]

Therefore the amendment was rejected.

Mr. Guyer then moved to amend the bill in section 12, in line 1481, by inserting after the following "section 1", the following "; provided, however, that a category 1 gaming facility must be located in a municipality through which an interstate highway runs or is contiguous to".

Amendment rejected,—yea and nay No. 326.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 6 members voted in the affirmative and 149 in the negative.

[See Yea and Nay No. 326 in Supplement.]

Therefore the amendment was rejected.

Messrs. Murphy of Burlington and Dempsey of Haverhill then moved to amend the bill in section 12, in line 1599, by inserting after the word "commission." the following paragraph:

"(l) The commission shall take into consideration the physical distance between a category 1, 2 and 3 license and whether the location of said license maximizes the benefits to the commonwealth."

Pending the question on adoption of the amendment, Mr. Dempsey moved to amend it by striking out the proposed paragraph and inserting in place thereof the following paragraph:

"(l) The commission shall take into consideration the physical distance in selecting the two resort casinos as they relate to each other and how they maximize benefits to the commonwealth."

After debate the further amendment was adopted, thus precluding a vote on the pending amendment.

Ms. Atkins of Concord then moved to amend the bill in section 12, in line 2779, by inserting after the word "establishments." the following subsection:

"(g½) Gaming establishments shall not market to persons on the excluded persons list."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 80 members voted in the affirmative and 76 in the negative.

Amendment adopted,—yea and nay No. 327.

[See Yea and Nay No. 327 in Supplement.]

Therefore the amendment was adopted.

Ms. Atkins then moved to amend the bill in section 12, in line 2229, by inserting after the word "commission." the following paragraph:

"Section 31A. Gaming facilities shall display clocks in prominent areas. Gaming facilities shall make public disclosure of additives to air flow, including oxygen. Pheromones shall not be added to the air in gaming facilities."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 32 members voted in the affirmative and 124 in the negative.

Amendment rejected,—yea and nay No. 328.

[See Yea and Nay No. 328 in Supplement.]

Therefore the amendment was rejected.

Mr. Puppolo of Springfield then moved to amend the bill in section 12, in line 435, by inserting after the word "commonwealth" the following "; provided further that one member of the Commission shall reside in one of the four counties of western Massachusetts which is defined as Hampden, Hampshire, Franklin, or Berkshire counties."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 154 members voted in the affirmative and 1 in the negative.

Amendment adopted,—yea and nay No. 329.

[See Yea and Nay No. 329 in Supplement.]

Therefore the amendment was adopted.

After remarks on the question on passing the bill, as amended, to be engrossed, Mr. Evangelidis of Holden moved to amend the bill in section 12, in line 501, by inserting after the word "commission" the following "; provided that the annual salary of the executive director does not exceed \$125,000 per year"

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 22 members voted in the affirmative and 133 in the negative.

Amendment adopted,—yea and nay No. 330.

[See Yea and Nay No. 330 in Supplement.]

Therefore the amendment was rejected.

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 22 members voted in the affirmative and 133 in the negative.

Amendment rejected,—yea and nay No. 330.

[See Yea and Nay No. 330 in Supplement.]

Therefore the amendment was rejected.

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gaming.

Ms. Balsler of Newton then moved to amend the bill in section 12, in line 106, by inserting after the word "chapter;" the following:

"(1a) in order to ensure public confidence and strict oversight of all gaming establishments, the Massachusetts Gaming Commission shall develop a patron's bill of rights that will be posted visibly in each gaming establishment that will include but not be limited to the following best practices for the industry to promote entertainment and discourage predatory practices:

- A 1 ft x 1 ft sign will be posted on every gambling machine explaining the odds and algorithms of the machine.
- Any patron gambling for more than twelve consecutive hours must be identified and receive an intervention by a state public health official.
- Prohibit the practice of using 'Luck Ambassadors', staff who provide free play and other incentives in real time to players losing money to ensure that they continue to gamble.
- Prohibit the practice of using 'Hosts,' staff who are assigned to identify gamblers who are leaving with the purpose of encouraging them to return to the gambling establishment.
- Prohibit the selling or sharing of information by an ATM vendor with the gambling establishment for the purpose of marketing.
- Limit to \$500 a day gambling losses per patron.
- Protect the patron's right to view their files kept by the gambling establishment regarding any individual data including, but not limited to, 'predicted lifetime value'."

Quorum.

After remarks on the question on adoption of the amendment, Mr. Patrick of Falmouth asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 331.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 153 members were recorded as being in attendance.

[See Yea and Nay No. 331 in Supplement.]

Therefore a quorum was present.

Amendment
rejected,—
yea and nay
No. 332.

After further remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Ms. Balsler of Newton; and on the roll call 18 members voted in the affirmative and 138 in the negative.

[See Yea and Nay No. 332 in Supplement.]

Therefore the amendment was rejected.

Ms. Polito of Shrewsbury then moved to amend the bill by striking out sections 2 and 3; in section 12, in line 102, by striking out the words "THE MASSACHUSETTS GAMING COMMISSION" and inserting in place thereof the following "THE MASSACHUSETTS GAMING LAW", in line 105, by inserting after the word "through" the words "a competitive bidding process for gaming licenses and", in lines 171 and 172, by striking out the words "thoroughbred horse racing facility or to a harness racing facility to operate up to 750" and inserting in place thereof the words "qualified bidder to operate", in lines 174, 175 and 176, by striking out the definition of "Category 3

license", in line 202, by inserting after the word "commission" the following "or the Lottery Commission as its successor in interest upon dissolution of the commission as provided in section 6 of this chapter", in line 240, and also in lines 242 and 243, by striking out the following ", category 2 or category 3" and inserting in place thereof, in each instance, the following "or category 2", in line 340, by inserting after the figures "10." the following paragraph:

"'Lottery commission', the Massachusetts state lottery commission established pursuant to section 23 of chapter 10.", in line 357, by inserting after the word "commonwealth." the following definition:

"'Qualified bidder,' an applicant for a category 1 or category 2 gaming license that satisfies the minimum criteria for application for a gaming license set forth in this chapter and as set forth by the commission.", in line 444, by inserting after the word "years" the words "or until such time as the commission is dissolved and its responsibilities are transferred to the Lottery commission, whichever is sooner", in line 830 to 834, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

"Section 6. One hundred and eighty days after the commission awards the first gaming license issued under this chapter, the commission shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred over to the Lottery commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of this chapter and which is not inconsistent with chapter 10.", in line 926, by inserting after the word "technologies" the following paragraph:

"This section shall not apply to the operations of the Lottery commission on and after the time the Lottery commission assumes the power and responsibilities of the commission under section 6 of this chapter.", in line 1473, by striking out the following "2 category 1 licenses" and inserting in place thereof the following "up to 2 category 1 licenses and/or up to 4 category 2 licenses", in lines 1474, 1477 and 1487, by striking out the following "category 1" and inserting in place thereof, in each instance, the word "gaming", in line 1482, by striking out the following "or category 3", in lines 1497 to 1540, inclusive, by striking out the six paragraphs contained in those lines, in line 1551, by striking out the following "and category 3", in lines 1650, 1660 and 1662 and 1663, by striking out, in each instance, the words "or category 3", by striking out lines 1666 to 1669, inclusive, in line 1678, by striking out the words "on the premises" and inserting in place thereof the following "which existed on the premises in calendar year 2009 and which was licensed under chapter 128A to conduct live racing in calendar year 2009", in line 1679, by inserting after the word "that" the words "in the case of a thoroughbred horse racing facility or a harness horse racing facility", in line 1702, by inserting after the word "commission." the following paragraph:

"(e) This section shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009", in lines 1927, 1943 and 2010, by striking out the following "category 2 or category 3" and inserting in place thereof,

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in each instance, the following “or category 2”, in line 2811, by striking out the following “or category 3”, in lines 2815 and 2816, by striking out the following “and category 3 licensees shall pay a daily assessment of 10 per cent”, in line 2817, by inserting after the figures “53” the following “; provided, that this paragraph shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009”, by striking out lines 2818 to 2822, inclusive, in lines 2826 and 2827, by striking out the following “A category 1 licensee, a category 2 licensee and a category 3 licensee” and inserting in place thereof the words “Gaming licensees”, in line 2970, by striking out the following “category 1, 2 or 3”, by striking out lines 2979 to 2990, inclusive, and inserting in place thereof the following paragraph:

“(3) Fifty percent of any remaining monies in the fund after disbursement to sections 1 through 6 shall be transferred to the commonwealth stabilization fund established by section 2H of chapter 29, and fifty percent of such remaining monies shall be used to pay down then existing general obligation debt of the commonwealth in a manner which, in the discretion of the treasurer, would maximize savings for the commonwealth”, by striking out lines 2991 to 3020, inclusive, and inserting in place thereof the following paragraph:

“Section 52. There is hereby established and placed upon the books of the commonwealth a Gaming Revenue 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 in accordance with the following provisions:—

(1) Until a category 1 facility is operational, one hundred per cent of the revenue received from category 2 licensees shall be transferred to the gaming local aid fund established by section 55.

(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:—

(a) Two per cent shall be transferred to the community mitigation fund established by section 54; provided, however, that said fund balance shall not exceed \$15,000,000. Funds in excess of \$15,000,000 shall be transferred to the Gaming Local Aid Fund established by section 55.

(b) All remaining funds shall be transferred to the Gaming Local Aid Fund established by section 55.”, by striking out lines 3102 to 3124, inclusive; and by striking out sections 26 and 27.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 14 members voted in the affirmative and 141 in the negative.

[See Ye and Nay No. 333 in Supplement.]

Therefore the amendments were rejected.

Mr. Lewis of Winchester then moved to amend the bill by inserting after section 75 the following section:

“SECTION 75A. The definition of ‘slot machine’ in section 2 of chapter 23K of the General Laws, as inserted by section 12, is hereby amended by adding the following paragraph:—

All slot machines must be affixed with a sticker or label delineating 1. The addictive nature of slot machines, 2. information regarding the programming and therefore non-randomness of slot machines, and 3. 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 remarks (Mr. Donato of Medford being in the Chair) the amendment was rejected.

Mr. Patrick of Falmouth then asked for a count of the House to ascertain if a quorum was present. A count of the House showed that 100 members were in attendance.

Mr. D’Amico of Seekonk then moved to amend the bill by inserting after section 75 the following section:

“SECTION 75A. Notwithstanding any general or special law to the contrary, each gaming establishment licensed to operate in the Commonwealth of Massachusetts must post in a conspicuous place at each electronic gaming machine the odds of each winning combination in at least 18 point type.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 20 members voted in the affirmative and 137 in the negative.

[See Ye and Nay No. 334 in Supplement.]

Therefore the amendment was rejected.

Mr. D’Amico then moved to amend the bill by inserting after section 75 the following section:

“SECTION 75A. Notwithstanding any general or special law to the contrary, no gaming establishment licensed to operate in the Commonwealth of Massachusetts may bar a player from participating in any game or service offered to the public on the basis of that player’s success in gaming when that success is due solely to the player’s own skill [A], unaided by other individuals, or mechanical or electronic devices. A documented willful violation and/or a demonstrated pattern of violations of this provision shall be considered just cause for revocation of license to operate.”.

Mr. Mariano of Quincy being in the Chair,—

Mr. D’Amico then moved to amend the amendment offered by him [at “A.”] by inserting after the word “skill” the words “without sleight of hand or any fraudulent means”.

After debate the further amendment was rejected.

The amendment then also was rejected.

Ms. Balsler of Newton then moved to amend the bill in section 12, in lines 371 to 383, inclusive, by striking out the paragraph in those lines and inserting in place thereof the following paragraph:

“‘Slot machine’. Only mechanical machines will be lawful; Electronic machines are prohibited.”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 13 members voted in the affirmative and 144 in the negative.

[See Ye and Nay No. 335 in Supplement.]

Therefore the amendment was rejected.

Amendments
rejected,—
yea and nay
No. 333.

Quorum.

Amendment
rejected,—
yea and nay
No. 334.

Amendment
rejected,—
yea and nay
No. 335.

Subsequently a statement of Ms. Allen of Boston was spread upon the records, as follows:

Statement of
Ms. Allen
of Boston.

MR. SPEAKER: I would like to call to the attention of the House the fact that on the previous roll call it was my intention to vote in the negative. However, I now find that, for some inexplicable reason, I was recorded in the affirmative.

Ms. Provost of Somerville then moved to amend the bill in section 12, in line 560, by striking out the word "may" and inserting in place thereof the word "shall", and in line 565, by striking out the word "or" and inserting in place thereof the word "and".

Amendments
rejected,—
yea and nay
No. 336.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 45 members voted in the affirmative and 112 in the negative.

[See Yea and Nay No. 336 in Supplement.]

Therefore the amendments were rejected.

Ms. Provost then moved to amend the bill in section 12, in lines 575, 576 and 577, by striking out the following "that, in the discretion of the commission, bears a close relationship to the duties and responsibilities of the position for which employment is sought".

Amendment
rejected,—
yea and nay
No. 337.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 5 members voted in the affirmative and 152 in the negative.

[See Yea and Nay No. 337 in Supplement.]

Therefore the amendment was rejected.

Ms. Provost of Somerville then moved to amend the bill in section 12, in line 598, by striking out the following "during the period commencing 3 years prior to employment," in line 608, by striking out the following "for a period of 3 years", in lines 612 and 613, by striking out the following "for a period of 2 years" and in lines 616 and 617, by striking out the following "for a period of 1 year".

Amendments
rejected,—
yea and nay
No. 338.

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 9 members voted in the affirmative and 146 in the negative.

[See Yea and Nay No. 338 in Supplement.]

Therefore the amendments were rejected.

Ms. Polito of Shrewsbury then moved to amend the bill in section 12, in line 102, by striking out the words "THE MASSACHUSETTS GAMING COMMISSION" and inserting in place thereof the following "THE MASSACHUSETTS GAMING LAW", in line 202, by inserting after the word "commission" the following "or the Lottery Commission as its successor in interest upon dissolution of the commission as provided in section 6 of this chapter.", in line 340, by inserting after the figures "10" the following definition:

"'Lottery commission', the Massachusetts state lottery commission established pursuant to section 23 of chapter 10.", in line 444, by inserting after the word "years" the words "or until such time as the commission is dissolved and its responsibilities are transferred to the Lottery commission, whichever is sooner", in line 830 to 834, inclusive, by striking out subsection 6 and inserting in place thereof the following subsection:

"Section 6. One hundred and eighty days after the commission awards the first gaming license issued under this chapter, the commission shall be dissolved and cease to exist, and all of its powers and responsibilities shall be transferred over to the Lottery commission, which thereafter shall have and exercise all lawful authority which is otherwise invested in the commission by way of this chapter and which is not inconsistent with chapter 10.", in line 926, by inserting after the word "technologies" the following paragraph:

"This section shall not apply to the operations of the Lottery commission on and after the time the Lottery commission assumes the power and responsibilities of the commission under section 6 of this chapter".

After remarks on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 17 members voted in the affirmative and 139 in the negative.

Amendments
rejected,—
yea and nay
No. 339.

[See Yea and Nay No. 339 in Supplement.]

Therefore the amendments were rejected.

Messrs. Murphy of Burlington and Dempsey of Haverhill and other members of the House then moved to amend the bill in section 5, in line 57, by inserting after the word "commission" the following sentence: "The code shall include provisions reasonably necessary to carry out the purposes of section 11M including, but not limited to: (i) prohibiting the receipt of gifts by a division employee from any gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission established by chapter 23K; and (ii) prohibiting the participation by a division employee in any particular matter as defined by section 1 of chapter 268A that affects the financial interest of any relative within the third degree of consanguinity or person with whom such employee has a significant relationship as defined by such code."; and in section 12, in line 559, by inserting after the word "eligible" the following sentence "The executive director shall consider current employees of the state racing commission as eligible for employment with the commission and shall transfer said employees into the commission if qualified under this chapter.", in lines 590, 591 and 592, by striking out the sentence contained therein and inserting in place thereof the following sentence "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 by a commissioner and employee from any gaming licensee, applicant, close associate, affiliate or other person or entity subject to the jurisdiction of the commission; (ii) prohibiting the participation by a commissioner and employee in any particular matter as defined by section 1 of chapter 268A that affects the financial interest of any relative within the third degree of consanguinity or person with whom such commissioner or employee has a significant relationship as defined by such code; and (iii) for recusal of a commissioner in any licensing decision due to a potential conflict of interest.", in line 822, by inserting after the word "professions" the following two paragraphs:

"(12) require the posting of payback statistics of slot machines played in a gaming facility; and

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(13) require that all gaming establishments have security patrols outside the gaming establishments who conduct regular checks of parking areas for minors left in motor vehicles and shall immediately report any such finding to security personnel at the gaming establishment.”, in line 2039, by inserting after the word “casino” the words “including any associated hotel and individual rooms and mini-bars at such hotels”, in line 2313, by striking out the word “establishment” and inserting in place thereof the word “facility”, in said line 2313, by inserting after the word “chapter” the words “; provided, however, that the state police 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) first responder calls from the gaming establishment; (ii) emergencies occurring within the gaming establishment, including the gaming facility; and (iii) criminal investigations involving employees or patrons of the gaming establishment; provided further that the bureau of investigations and enforcement shall have the authority to restrict areas in the gaming establishment with direct access to the gaming facility”, in lines 2695 to 2704, inclusive, by striking out the paragraph contained therein, in line 3137, by striking out the figures “12” and inserting in place thereof the figures “14”, in line 3143, by inserting after the word “representatives” the following “; 1 of whom shall be appointed by the minority leader of the senate; 1 of whom shall be appointed by the minority leader of the house of representatives”, and in line 3151, by inserting after the word “commission” the following two sentences “The council shall establish a tourism subcommittee whose purpose is to develop policies that facilitate the integration of gaming establishments into local tourism regions. The subcommittee shall submit any proposed recommendations to the commission within 4 months of the deadline for receipt of applications for a gaming license pursuant to section 10.”.

The amendments were adopted.

Mr. Keenan of Salem then moved to amend the bill in section 52, in line 3625, by striking out the word “more” (the first time it appears) and inserting in place thereof the word “less”; and the amendment was adopted.

Mr. O’Flaherty of Chelsea then moved to amend the bill in section 34, in line 3453, by inserting after the word “filed” the following paragraph:

“(e) The timely filing of complete and accurate reports required under subsection (a) with the appropriate federal agency is compliance with the requirements of subsection (a).”.

The amendment was adopted.

Mr. Dempsey of Haverhill then moved to amend the bill by striking out section 2; and the amendment was adopted.

Ms. Coakley-Rivera of Springfield then moved to amend the bill in section 12, in line 1514, by striking out the word “and” and inserting in place thereof the word “or”; and the amendment was adopted.

Mr. Sullivan of Fall River then moved to amend the bill by inserting after section 75 the following section:

“SECTION 75A. The small business economic rebate/coupon program will help to mediate impacts to small businesses existing

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

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

The commission’s task will be to promulgate rules and regulation to adequately and fairly govern the ECONOMIC REBATE/COUPON MEDIATION PROGRAM FOR SMALL BUSINESSES. The commission will come up with recommendation on how businesses that may be outside the borders of the host community but fall within the two mile radius of the resort casino can participate and benefit from such program if deemed eligible. Also, recommend a permanent entity to govern said program and the method for the selection of its members. Rebates and coupons will be distributed at convenient locations to be determined by the programs’ board.”.

The amendment was rejected.

Ms. Ferrante of Gloucester then moved to amend the bill by inserting after section 75 the following section:—

“SECTION 75A. 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.

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'Bona fide coin-operated amusement machine' means every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player, and which can be legally shipped interstate according to federal law. Examples of bona fide coin-operated amusement machines include, but are not limited to, the following:

1. Pinball machines.
2. Console machines, including 8-line slot machines.
3. Video games.
4. Crane machines.
5. Claw machines.
6. Pusher machines.
7. Bowling machines.
8. Novelty arcade games.
9. Foosball or table soccer machines.
10. Miniature racetrack or football machines.
11. Target or shooting gallery machines.
12. Basketball machines.
13. Shuffleboard games.
14. Kiddie ride games.
15. Skeeball machines.
16. Air hockey machines.
17. Roll down machines.
18. Coin-operated pool table or coin-operated billiard table.
19. Any other similar amusement machine which can be legally operated in Massachusetts.

20. Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object, such as jukeboxes or other similar types of music machines.

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

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

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

- (A) Free replays;

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

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

(D) Any combination of rewards set out in two or more of subparagraph (A), (B), or (C) of this paragraph.

This subsection shall not apply, however, to any game or device classified by the United States government as requiring a federal gaming stamp under applicable provisions of the Internal Revenue Code.

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

The amendment was rejected.

Mr. Sullivan of Fall River then moved to amend the bill in section 12, in line 1111, by inserting after the word "codes" the following paragraph:

"Section 14A. There shall not be allowed in the Commonwealth any federally recognized Native American tribe operating any gaming facility as a sovereign nation."

After debate the amendment was rejected.

Ms. Richard of Framingham then moved to amend the bill in section 12, in line 940, by inserting after the word "strategies" the following four paragraphs:

"Section 9a. The executive office of health and human services shall conduct a comprehensive study of trends in all human service programs and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population.

The study shall also include program density throughout the commonwealth and the fiscal impact of these programs on cities and towns.

In addition the executive of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program change.

The office and department shall issue a report to the general court of its study by filing same with the clerk of the House of Representatives on or before January 31, 2012."

The amendment was rejected.

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The same member then moved to amend the bill in section 12, in line 940, by inserting after the word "strategies" the following four paragraphs:

"Section 9a. The executive office of health and human services shall conduct a comprehensive study of trends in human service programs in the Metrowest Region which shall consist of Ashland, Framingham, Holliston, Hopkinton, Natick, Southborough, Sudbury, Wayland and Westborough, and shall examine all services provided by the commonwealth to evaluate which populations have the greatest need for services, to what degree those populations are served by the programs created as well as by other existing services, and shall develop strategies for serving all underserved segments of the population.

The study shall also include program density throughout the region and the fiscal impact of these programs on the cities and towns.

In addition the executive of health and human services working with the department of public safety shall review program evaluations, certifications and program standards and make recommendations on needed program change.

The office and department shall issue a report to the general court of its study by filing same with the clerk of the House of Representatives on or before January 31, 2012."

The amendment was rejected.

Mr. D'Amico of Seekonk then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. Notwithstanding any general or special law to the contrary, gaming establishments licensed to operate in the Commonwealth of Massachusetts must include in each solicitation, whether verbal, electronic, e-mail based, web based, advertising, video, audio, direct mail, or any other means, including both those directed to a specific individual or to a mass market, a description of the warning signs of problem gambling and information on where and how to seek help, hereafter referred to as the "problem gambling messages". The problem gambling messages must be prominently featured and may not be obscured by the speed of delivery, small type, placement, or any other means. It must be made no less conspicuous or less comprehensible than the solicitation message itself. The Gaming Commission shall, in consultation with recognized gambling addiction experts, and after a series of at least three public hearings held in different regions of the Commonwealth, develop and approve the standard problem gambling messages."

After debate the amendment was rejected.

Messrs. Brownsberger of Belmont and Hecht of Watertown then moved to amend the bill in section 12, in line 1305, by inserting after the word "that" the following "as to an applicant whose suitability has not yet been determined pursuant to Section 18 or as to an applicant who has been found unsuitable" and in line 1329, by inserting after the word "family" the following sentence "As to an applicant who has been found suitable pursuant to Section 18, all application material and all information required by the commission shall be public records for the purposes of Section 10 of Chapter 66, excluding only the following information which shall be confidential:

information concerning (i) trade secrets; (ii) a minor child of the applicant; (iii) the social security number of an applicant or the spouse of an applicant; (iii) the home telephone number or address of an applicant or the spouse or children of an applicant; (iv) the birth certificate of the applicant or information relating to the date or place of birth of an applicant's spouse; (v) the driver's license number of an applicant or an applicant's spouse; (vi) the name or address of a previous spouse of the applicant."

After remarks the amendment was rejected.

Mr. Sciortino of Medford and other members of the House then moved to amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. The Governor of the Commonwealth shall be authorized to convene an Interstate Commission on Regional Casino Market Saturation and Revenue Sharing. The Commission shall invite representatives from the states of Connecticut, Rhode Island, New Hampshire, Vermont, Maine, and New York.

SECTION 2. The Commission shall conduct a study including, but not limited to:

a) Market saturation of existing gambling activities in the region, as well as of proposals that might be considered in the next five years within the respective states, including those that might be developed by sovereign nations;

b) Existing data on the current prevalence of pathological gambling in the region, and its associated costs to the respective states;

c) Existing research on the correlation between proximity to slot machines and the prevalence of pathological gambling, with consideration given to how proposals for additional slot machines in the respective states might increase the prevalence of pathological gambling;

d) Other regional costs associated with the introduction of additional slot machines.

SECTION 3. The Commission shall come up with recommendations on how to implement an inter-state revenue sharing system from existing slot machine revenues. Such a revenue sharing system shall be contingent upon enactment of legislation within each respective state prohibiting additional slot machines being introduced. The Commission shall include in its report an assessment of the impact of an interstate agreement on the prevention of market saturation and the prevention of increased pathological gambling within the region.

SECTION 4. The Commission shall issue its findings by December 1, 2012."

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Sciortino; and on the roll call 8 members voted in the affirmative and 146 in the negative.

[See Ye and Nay No. 340 in Supplement.]

Therefore the amendment was rejected.

Ms. Polito of Shrewsbury then moved to amend the bill in section 12, in line 105, by inserting after the word "through" the words "a competitive bidding process for gaming licenses and", in lines 171 and 172, by striking out the words "thoroughbred horse racing facility or to a harness racing facility to operate up to 750" and

Amendment
rejected,—
yea and nay
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inserting in place thereof the words "qualified bidder to operate", in lines 174, 175 and 176, by striking out the definition of "Category 3 license", in line 240, and also in lines 242 and 243, by striking out the following " , category 2 or category 3" and inserting in place thereof, in each instance, the following "or category 2", in line 357, by inserting after the word "commonwealth" the following definition:

" "Qualified bidder," an applicant for a category 1 or category 2 gaming license that satisfies the minimum criteria for application for a gaming license set forth in this chapter and as set forth by the commission.", in line 1473, by striking out the following "2 category 1 licenses" and inserting in place thereof the following "up to 2 category 1 licenses and/or up to 4 category 2 licenses", in lines 1474, 1477 and 1487, by striking out the following "category 1" and inserting in place thereof, in each instance, the word "gaming", in line 1482, by striking out the following "or category 3", by striking out lines 1497 to 1540, inclusive, in line 1551, by striking out the following "and category 3";

In lines 1650, 1660 and 1662 and 1663, by striking out, in each instance, the words "or category 3", by striking out lines 1666 to 1669, inclusive, in line 1678, by striking out the words "on the premises" and inserting in place thereof the following "which existed on the premises in calendar year 2009 and which was licensed under chapter 128A to conduct live racing in calendar year 2009", in line 1679, by inserting after the word "that" the words "in the case of a thoroughbred horse racing facility or a harness horse racing facility", in line 1702, by inserting after the word "commission" the following clause:

"(e) This section shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009"; in lines 1927, 1943 and 2010, by striking out the following "category 2 or category 3" and inserting in place thereof, in each instance, the following "or category 2", in line 2811, by striking out the following "or category 3", in lines 2815 and 2816, by striking out the following "and category 3 licensees shall pay a daily assessment of 10 per cent", in line 2817, by inserting after the figures "53" the following "; provided, that this paragraph shall not apply to any category 2 licensee where a greyhound racing facility, a thoroughbred horse racing facility or a harness horse racing facility did not exist on the premises in calendar year 2009 and was not licensed under chapter 128A to conduct live racing in calendar year 2009", by striking out lines 2818 to 2822, inclusive, in lines 2826 and 2827, by striking out the following "A category 1 licensee, a category 2 licensee and a category 3 licensee" and inserting in place thereof the words "Gaming licensees", in line 2970, by striking out the following "category 1, 2 or 3", and by striking out lines 3102 to 3124, inclusive.

Mr. Bradley of Hingham thereupon raised a point of order that the amendments offered by the lady from Shrewsbury were improperly before the House for the reason that said amendments had been disposed of previously in the same reading of the bill.

Point of order.

The Chair (Mr. Mariano of Quincy) ruled that the point of order was well taken; and the amendments were laid aside accordingly.

Ms. Polito thereupon appealed from the decision of the Chair; and the appeal was seconded by Mr. Humason of Westfield.

The question was then put "Shall the decision of the Chair stand as the judgment of the House?"

After debate on the appeal from the decision of the Chair, the sense of the sense of the House was taken by yeas and nays, at the request of Mr. Peterson of Grafton; and on the roll call 140 members voted in the affirmative and 16 in the negative.

[See Ye and Nay No. 341 in Supplement.]

Therefore the decision of the Chair was sustained.

Mr. Rice of Gardner then moved to amend the bill in section 12, in line 176, by inserting after the word "facility" the following paragraph:

" "Category 4 license", a license issued by the local licensing authority to a recognized 501(c) organization, or one duly organized in the Commonwealth for charitable purposes, to operate up to 4 slot machines per location."

After remarks the amendment was rejected.

Ms. Callahan of Sutton then moved to amend the bill in section 12, in line 1676, by inserting after the word "license" the following paragraph:

"(e) Prior to the approval of a category 2 or category 3 license, all funds previously received from the State Racing Commission or any other state agency or division in any previous fiscal year must be remitted to the General Fund of the Commonwealth in addition to the licensing fee by the applicant."

After remarks on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of the same member; and on the roll call 9 members voted in the affirmative and 145 in the negative.

[See Ye and Nay No. 342 in Supplement.]

Therefore the amendment was rejected.

Mr. Webster of Hanson then moved to amend the bill in section 12, in lines 170, 171 and 172, by striking out the words "to a thoroughbred horse racing facility or to a harness racing facility" and inserting in place thereof the words "that permits the licensee", by striking out lines 174, 175 and 176, in lines 240 and 241, and also in lines 242 and 243, by striking out the following " , category 2 or category 3 gaming license" and inserting in place thereof, in each instance, the following "or a category 2 gaming license", in lines 255 through 259, inclusive, by striking out the paragraph contained therein, in line 383, by inserting after the word "machine" the following paragraph:

" "Slot parlor", a gaming establishment approved under a category 2 license that includes a number of slot machines not greater than the maximum number of slot machines approved by the commission under the qualifications of the category 2 license.", in lines 961 and 962, 1171 and 1172, 1179 and 1482, by striking out, in each instance, the words "or category 3", in lines 1497 through 1556, inclusive, by striking out the eight paragraphs contained therein and inserting in place thereof the following six paragraphs:

Appeal from decision of Chair.

Decision of Chair sustained,—yea and nay No. 341.

Amendment rejected,—yea and nay No. 342.

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“(d) The commission may issue four category 2 licenses. An applicant who is eligible for a category 2 license pursuant to this section may apply for a category 1 license; provided, however, that upon receipt of a category 1 license said applicant shall continue to pay the applicable tax required of category 2 licensees.

(e) A category 2 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission for a period of 5 years after issuance unless: (i) the licensee experiences financial hardship; (ii) a change in ownership; or (iii) fails to maintain suitability or other circumstances which the commission may consider, which impact licensees ability to successfully operate a gaming establishment.

(f) Notwithstanding the foregoing, and upon approval by the commission, a category 2 licensee may merge its license with one other category 2 licensee and locate the total number of slot machines allotted to each licensee at a single licensed category 2 gaming establishment. A category 2 licensee may not merge with more than 1 other category 2 licensee.

An applicant for a category 2 license shall apply for a merged license with an eligible applicant for a category 3 license in their initial application to the commission. The commission shall approve any merger agreement and shall require parties to the merger to be qualified for licensure pursuant to the criteria set forth in sections 13 and 19.

(g) A category 1 license issued pursuant to this chapter shall be for a period of 15 years from the date of first issuance; provided, however, that 5 years after issuance, and every 5 years thereafter, the commission shall perform a thorough review of the business strategy of the resort casino which shall include plans for expansion and marketing submitted by the licensee. 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 requesting a renewed category 1 license.

A category 2 license issued pursuant to this chapter shall be for a period of 5 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; provided, however, that the cost of renewal shall not be less than \$100,000.”, in lines 1650 to 1669, inclusive, by striking out the four paragraphs contained therein and inserting in place thereof the following four paragraphs:

“Section 22. (a) Applicants for a category 2 license shall invest not less than \$75,000,000 into the gaming facility and racecourse, if applicable.

The investment required under this section shall be made within 2 years of receiving a gaming license; provided, however, that any infrastructure improvements necessary to increase visitor capacity and account for traffic mitigation, as determined by the commission, shall be completed before the category 2 licensee shall be authorized to operate any slot machine at the gaming facility.

(b) The required licensing fee for a category 2 license shall be not less than \$15,000,000. The commission shall raise the license fee if an applicant for a category 2 license cannot demonstrate to the satis-

faction of the commission that the applicant will advance any of the objectives set forth in section 19.

(c) If the commission approves the merger of two category 2 licensee pursuant to section 20 and grants a merged license, the applicants shall pay \$30,000,000 and shall agree to invest \$150,000,000 into the gaming facility and racecourse.”, in lines 1677 to 1702, inclusive, by striking out the seven paragraphs contained therein and inserting in place thereof the following seven paragraphs:

“Section 23. (a) If applicable, an applicant for a category 2 licensee shall maintain any racing facility on the premises that is active at the time the application for a category 2 license is filed; provided, however, that said licensee shall increase the number of live racing days to a minimum of 125 days according to the following schedule:

(i) in the first calendar year of operation a licensee shall hold 105 racing days;

(ii) in the second calendar year of operation a licensee shall hold 115 racing days; and

(iii) in the third calendar year of operation a licensee shall hold 125 racing days.

(b) Said category 2 licensee may increase the number of live racing days if said licensee is holding a minimum of 125 racing days within 3 years of receiving a category 2 license. If said category 2 licensee does not conduct live racing for the minimum number of days set forth in subsection (a), the commission shall suspend the category 2 license.

(c) After 3 years of operation, and in consultation with the parties to the purse agreement, the commission may adjust the amount of required racing days at a category 2 facility based on fields, demand and racing performance.

(d) A category 2 licensee shall have an annual purse agreement in effect by December thirty-first of each year for the following year’s racing; provided, however, that if the parties to a purse agreement at a category 2 facility cannot in good faith negotiate an agreement by December thirty-first, the purse agreement shall be arbitrated by the commission.”, in lines 1927, 2010 and 2263, by striking out the following “, category 2 or category 3” and inserting in place thereof the following: “or a category 2”, in 1943, by striking out the following “, category 2, or category 3” and inserting in place thereof the following: “or a category 2”, in line 2092, by inserting after the figures “138” the following nine paragraphs:

“Section 28A. (a) Notwithstanding any general or special law, rule or regulation to the contrary, an applicant for a category 2 license may request with their gaming license application, and the commission may grant, a slot parlor beverage license for the sale and distribution of alcoholic beverages to be drunk on the premises of a category 2 gaming establishment. No alcoholic beverages shall be sold or distributed on the premises of a category 2 gaming establishment without such a license. The authority to enforce, regulate and control the distribution of alcoholic beverages in the category 2 gaming facility shall be exclusively vested in the commission.

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(b) Except as otherwise provided in this section, or by regulations promulgated by the commission, the provisions of chapter 138 and the rules and regulations promulgated by the alcoholic beverages control commission shall apply to a category 2 gaming establishment and a slot parlor beverage license.

(c) Issuance fees for the slot parlor beverage license shall be included with the gaming application fee. If a category 2 licensee does not apply for a slot parlor beverage license at the time of application, said licensee shall be subject to an additional licensing fee determined by the commission.

(d) A licensee under this section shall not be permitted to distribute alcohol free of charge.

(e) A licensee under this section shall be permitted to sell alcohol daily after 8 antemeridian and before 2 antemeridian.

(f) The request submitted to the commission for a slot parlor beverage license by an applicant or licensee for a category 2 license shall detail all areas where alcoholic beverages will be served within the resort casino. In issuing said license, the commission shall describe the scope of the particular license and any restrictions and limitations.

(g) A category 2 licensee shall be responsible for any violations of their slot parlor beverage license in the gaming facility. The commission may revoke, suspend, refuse to renew or refuse to transfer any slot parlor beverage license for violations of any provision of chapter 138, regulations promulgated by the alcoholic beverages control commission and the regulations promulgated by the commission. If, at any time, a licensee elects temporary suspension of their category 2 license due to violations of this section, said licensee shall owe the commonwealth the average tax on gross gaming revenue based on an appropriate period of time as determined by the commission for the number of days operation was suspended.

(h) A slot parlor beverage license shall be nontransferable without prior approval from the commission. If the license granted under this act is cancelled, revoked or no longer in use, it shall be returned physically, with all the legal rights, privileges and restrictions pertaining thereto, to the commission and the commission may then grant the license to a new gaming licensee under the same conditions as specified in this section.

(i) A license granted under this section shall not decrease the number of such licenses authorized to be granted to the host community under the provisions of chapter 138, in lines 2811 to 2822, inclusive, by striking out the three paragraphs contained therein and inserting in place thereof the following three paragraphs:

“(b) Category 2 licensees shall pay a daily tax of 40 per cent on gross gaming revenue.

(c) In addition to the tax imposed under subsection (b), category 2 licensees shall pay a daily assessment of 9 per cent of their gross gaming revenue to the Massachusetts race horse development fund established by section 53.

(d) If a merger is approved by the commission subject to section 20, the new category 2 licensee shall pay a daily assessment of 9 per cent of their gross gaming revenue to the Massachusetts race horse

development fund established by section 53, in lines 2826 and 2827, by striking out the following “, category 2 licensee and a category 3” and inserting in place thereof the following: “and a category 2”, in line 2970, by striking out the following “, 2 or 3” and inserting in place thereof the following “or a category 2”, in line 2998, by striking out the following “and category 3”, and in lines 3024 and 3025, by striking out the following “of the active and operating category 2 licensees conducting live racing” and inserting in place thereof the following “active and operating harness horse racing facility and thoroughbred horse racing facility, as defined by section 2 of chapter 23K”.

After debate on the question on adoption of the amendments, the sense of the House was taken by yeas and nays at the request of Mr. Webster; and on the roll call 13 members voted in the affirmative and 142 in the negative.

[See Ye and Nay No. 343 in Supplement.]

Therefore the amendments were rejected.

Mr. Quinn of Dartmouth and other members of the House then moved to amend the bill in section 12, in lines 1503, 1504 and 1505, by striking out the following “An applicant who is eligible for a category 2 license pursuant to this section may apply for a category 1 license” and inserting in place thereof the following “An applicant may apply for more than one category of license and upon receipt of any one category of license shall be ineligible to receive any other category of license”, and in lines 1515, 1516 and 1517, by striking out the following “An applicant who is eligible for a category 3 license pursuant to this section may apply for a category 1 license” and inserting in place thereof the following “An applicant may apply for more than one category of license and upon receipt of any one category of license shall be ineligible to receive any other category of license”.

After debate the amendments were rejected.

Mr. Donato of Medford being in the Chair,—

Messrs. Murphy of Burlington and Dempsey of Haverhill and other members of the House then moved to amend the bill in section 12, in line 1099, by inserting after the word “development” (the second time it appears) the words “, and all host community impact and mitigation issues, in lines 1186 to 1194, inclusive, by striking out the sentence contained therein and inserting in place thereof the following three sentences “In a community which has not adopted the provisions of chapter 43D, the planning board shall designate a local permitting ombudsman, who shall be a planning board member or a member of the planning board’s professional staff, to help coordinate and expedite local permitting of the category 1 facility. In a community where no professional planning staff exists, the local permitting ombudsman shall be a panel consisting of 1 representative from the planning board, 1 member from the zoning board of appeals, 1 member from the conservation commission, 1 member from the police department, 1 member from the fire department and 1 member from the department of public works to coordinate and expedite local permitting of the category 1 facility. In either case, the ombudsman shall not assume the permitting authority of the individual boards, commissions, or departments referred to herein.”,

Amendments
rejected,—
yea and nay
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gaming.

in lines 1405 to 1472, inclusive, by striking out the text contained therein and inserting in place thereof the following paragraph:

"Section 19. In determining whether an applicant should receive a gaming license, the commission shall [A] require each application submitted to include proposals to advance the following objectives: (1) protecting the lottery from any adverse impacts due to expanded gaming, including, but not limited to, developing cross-marketing strategies with the lottery and increasing ticket sales to out-of-state residents; (2) promoting local businesses in host and surrounding communities, including developing cross-marketing strategies with local restaurants, hotels, retail outlets and performing arts organizations; (3) implementing a workforce development plan to utilize the existing labor force in the commonwealth, 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; (4) building a gaming establishment of high caliber with a variety of quality amenities to be included as part of the gaming establishment and operated in partnership with any local hotels, dining, retail and entertainment facilities so that patrons experience the diversified regional tourism industry; (5) taking additional measures to address problem gambling, including, but not limited to, training of gaming employee to identify patrons exhibiting problems with gambling and prevention programs targeted toward vulnerable populations; (6) providing a market analysis detailing the benefits of the site location of the gaming establishment and the estimated recapture rate of gaming-related spending by residents travelling to out-of-state gaming establishments; (7) utilizing sustainable development principles, including, but not limited to: (i) being certified or capable of being certified as gold or higher pursuant to the U.S. Green Building Council Neighborhood Development Rating System, the green building rating system established by the Leadership in Environmental and Energy Design, gold or higher pursuant to the National Green Building Standard, a Three Globe rating or higher pursuant to the Green Globes rating system, or an alternative rating system approved by the executive office of energy and environmental affairs; (ii) meeting United States Environmental Protection Agency efficiency standards for the electrical equipment and appliances used by the resort casino; and (iii) procuring 10 per cent of its annual electricity consumption from renewable sources identified by the division of energy resources pursuant to section 11F of chapter 25A; (8) establishing, funding, and maintaining human resource hiring and training practices that promote the development of a skilled and diverse workforce and access to promotion opportunities through a workforce training program that: (i) establishes transparent career paths with measurable criteria within the gaming establishment that lead to increased responsibility and higher pay grades that are designed to allow employees to pursue career advancement and promotion; (ii) provides employee access to additional resources, such as tuition reimbursement or stipend policies, to enable employees to acquire the education or job training needed to advance career paths based on increased responsibility and pay

grades; and (iii) establishes an on-site child day care program; and (9) contracting with local business owners for the provision of services and goods to the gaming establishment, including developing plans designed to assist businesses in the commonwealth in identifying the needs for goods and services to the establishment [B].", in lines 1521 through 1528, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(f) A category 2 license and a category 3 license issued pursuant to this chapter shall not be transferrable or assignable without the approval of the commission; provided, however, that for 5 years after the initial issuance of a category 2 or category 3 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.", in line 1556, by inserting after the following "\$100,000" the following paragraph:

"A category 1, category 2, or category 3 licensee shall issue an annual report to the commission explicitly stating its progress on meeting each of the stated goals and stipulations put forth in the licensee's original application. Inability to meet stated goals within a reasonable time frame, as determined by the commission, shall result in additional fees as deemed fair and reasonable by the commission. Failure to meet stated goals may also result in revocation of the license at any time by the commission.", and in lines 1632 through 1642, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:

"(c) A category 1 licensee shall pay to the commission a fee of \$100,000,000 within 30 days of the final award of the license which sets forth the conditions to be satisfied by the licensee before the gaming facility may 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 pursuant to section 20 of this chapter, and such renewal fee will be exclusive of any subsequent license fees under this section."

Pending the question on adoption of the amendments, Mr. Dempsey moved that they be amended [at "A."] by striking out the words "require each application submitted to include proposals" and inserting in place thereof the words "evaluate and issue a statement of findings of how each applicant proposes"; and [at "B."] by inserting after the word "establishment" the following "; (10) purchasing, whenever possible, domestically manufactured slot machines for installation in the gaming establishment".

The further amendments were adopted.

The amendments, as amended, then also were adopted.

Mr. Sciortino of Medford and other members of the House then moved to amend the bill by inserting after section 32 the following four sections:

"SECTION 32A. Section 47B of chapter 175 of the General Laws is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.

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SECTION 32B. Section 8A of chapter 176A of the General Laws, is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.

SECTION 32C. Section 4A of chapter 176B of the General Laws, is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.

SECTION 32D. Section 4M of chapter 176G of the General Laws, is hereby amended by inserting after '(13) autism' the following:— (14) pathological gambling.”

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Sciortino; and on the roll call 63 members voted in the affirmative and 93 in the negative.

[See Ye and Nay No. 344 in Supplement.]

Therefore the amendment was rejected.

Ms. Dykema of Holliston then moved to amend the bill in section 12, in line 393, by inserting after the word “company” the following paragraph:—

“ ‘Surrounding community’, any municipality which is both adjacent by land to a host community and any portion of the community is located within a four mile radius of a proposed gaming establishment.”, and in line 1194, by inserting after the word “facility” the following two paragraphs:

“(d) No person shall be eligible to receive a category 1, 2 or 3 license without a certified and binding vote in favor of such license on a ballot question at an election in the surrounding communities as defined in Section 2 of this Chapter; provided further that the surrounding communities shall each be reimbursed for their expenses related to the election by the applicant for a category 1, 2 or 3 license.

An applicant for a category 1, 2 or 3 license shall have certification of ballot approval by the surrounding communities within 3 months of submitting an application for a category 1, 2 or 3 license to the commission; provided, however, that the applicant shall include with the application a certified letter from the clerk of the surrounding community of a date certain for the election within the 3 month period.”

After remarks the amendments were rejected.

Recess.

At four minutes before nine o'clock P.M. (Tuesday, April 13), on motion of Mr. Pedone of Worcester (Mr. Donato of Medford being in the Chair), the House recessed until the following day at half past one o'clock P.M.; and at that time the House was called to order with Mr. Petrolati of Ludlow in the Chair.

Recess.

Wednesday, April 14, 2010 (at 1:30 o'clock P.M.).

At the request of the Chair (Mr. Petrolati), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of allegiance.

Statement Concerning Representative Spiliotis of Peabody.

A statement of Ms. Haddad of Somerset concerning Ms. Spiliotis of Peabody was spread upon the records of the House, as follows:

MR. SPEAKER: I would like to call to the attention of the House the fact that one of our colleagues, Representative Spiliotis of Peabody, is unable to be present in the House Chamber for today's sitting due to a long-standing family commitment. Her missing of the roll call today is due entirely to the reason stated.

Statement concerning Ms. Spiliotis of Peabody.

Resolutions.

Resolutions (filed with the Clerk by Mr. Turner of Dennis) congratulating Chief Roy E. Jones III on his retirement from the Brewster fire department were referred, under Rule 85, to the committee on Rules:

Chief Roy E. Jones III.

Mr. Binienda of Worcester, for said committee, reported, that the resolutions ought to be adopted. Under suspension of the Rules, on motion of Mr. Turner, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

A communication from the Norfolk County Registry of Deeds (pursuant to Section 2KKK of Chapter 29 of the General Laws) submitting its plan for expenditure for technological improvements from the County Registers Technological Fund (copies of said plan were forwarded to the committee on Ways and Means and the committee on Post Audit and Oversight, in accordance with such law), was placed on file.

Norfolk County Registry of Deeds.

Emergency Measure.

The engrossed Bill establishing a sick leave bank for Judith R. Abraham, an employee of the Department of Developmental Services (see House, No. 4574, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Judith R. Abraham,— sick leave.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 49 to 0. Sent to the Senate for concurrence.

Engrossed Bill and Resolve.

The engrossed Bill authorizing the appointment of retired police officers as special police officers in the town of Norwood (see House, No. 1917) (which originated in the House), having been certified by

Bill passed.

the Clerk to be rightly and truly prepared for final passage, was passed to be enacted; and it was signed by the acting Speaker and sent to the Senate.

Resolve passed.

The engrossed Resolve providing for an investigation and study by a special commission relative to autism (see House, No. 4382, amended) (which originated in the House), having been certified by the Clerk to rightly and truly prepared for final passage, was passed; and it was signed by the acting Speaker and sent to the Senate.

Engrossed Bill — Land Taking.

Fitchburg,—land.

The engrossed Bill relative to an extension of a lease by the city known as the town of Watertown for the Watertown Boys and Girls Club (see House, No. 4504) (which originated in the House), in respect to which the Senate had concurred in adoption of the emergency preamble, was put upon its final passage.

Bill enacted (land taking),—yea and nay No. 345.

On the question on passing the bill to be enacted, the sense of the House was taken by yeas and nays (this being a bill providing for the taking of land or other easements used for conservation purposes, etc., as defined by Article XCVII of the Amendments to the Constitution); and on the roll call 155 members voted in the affirmative and 0 in the negative.

[See Yea and Nay No. 345 in Supplement.]

Therefore the bill was passed to be enacted; and it was signed by the Speaker and sent to the Senate.

Report of a Committee.

General Appropriation, debt restructuring and municipal relief bills,—procedures.

Mr. Binienda of Worcester, for the committee on Rules, reported (under the provisions of House Rules 7B and 7C) an Order relative to special procedures for consideration of the General Appropriation Bill for the fiscal year 2011 (House, No. 4600); An Act relative to debt restructuring (House, No. 4617); and An Act relative to municipal relief (House, No. 4618) (for order, see House, No. 4599).

After remarks on the question on adoption of the order, Mr. Jones of North Reading and other members of the House moved to amend it in line 35 by inserting after the word “further” the following paragraph:

“*Ordered*, That, notwithstanding the provisions of House Rule 73 or any rule to the contrary, amendments to An Act Relative to Municipal Relief, that are within the scope of the report issued in May 2009 by The General Court Special Commission on Municipal Relief shall be in order; and be it further”.

After remarks the amendment was adopted.

Mr. Jones and other members of the House then moved to amend the order in line 48 by striking out the date “Friday, April 16, 2010” and inserting in place thereof the date “Tuesday, April 20, 2010”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 24 members voted in the affirmative and 131 in the negative.

[See Yea and Nay No. 346 in Supplement.]

Therefore the amendment was rejected.

Amendment rejected,—yea and nay No. 346.

Mr. Jones of North Reading and other members of the House then moved to amend the order in line 42 by inserting after the word “further” the following paragraph:

“*Ordered*, That, a consolidated amendment to the General Appropriation Bill for Fiscal Year 2011, offered by the committee on ways and means, shall contain a fiscal note indicating its total expenditures; and be it further”.

After debate on the question on adoption of the amendment, the sense of the House was taken by yeas and nays at the request of Mr. Peterson of Grafton; and on the roll call 156 members voted in the affirmative and 0 in the negative.

Amendment adopted,—yea and nay No. 347.

[See Yea and Nay No. 347 in Supplement.]

Therefore the amendment was adopted. Mr. Stanley of Waltham then moved to amend the order in line 37 by inserting after the word “further” the following paragraph:

“*Ordered*, That, notwithstanding any provision of the Order or the rules of the House to the contrary, no consolidated amendment to the General Appropriation Act offered by the committee on Ways and Means shall be considered by the House until the expiration of at least 3 hours after the consolidated amendment shall have been first filed with the Clerk and made available to the members”.

After remarks the amendment was rejected. The same member then moved to amend the order by adding the following paragraph:

“*Ordered*, That, the Committee on Ways and Means shall provide detailed spending information authorized in an by line item 9600-000, and any and all subsidiary account and object codes relating thereto”.

After debate the amendment was rejected. Mr. Stanley of Waltham then moved to amend the order by adding the following paragraph:

“*Ordered*, That, any amendment offered to the General Appropriation Bill that would increase an appropriation will be accompanied by an amendment that would decrease another item or items in the bill by an equal amount”.

After remarks the amendment was rejected. On the question on adoption of the order, the sense of the House was taken by yeas and nays at the request of Mr. Binienda of Worcester; and on the roll call 138 members voted in the affirmative and 18 in the negative.

Order adopted,—yea and nay No. 348.

[See Yea and Nay No. 348 in Supplement.]

Therefore the order (House, No. 4599, amended) was adopted.

Reports of Committees.

By Mr. Murphy of Burlington, for the committee on Ways and Means, that the Bill relative to municipal relief (House, No. 4526) ought to pass with an amendment by substitution of a bill with the same title (House, No. 4618). Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Municipal relief.

Mr. Kafka of Stoughton, for said committee reported that the matter be scheduled for consideration by the House.

Under the provisions of the order adopted by the House (see House, No. 4599), the bill was placed in the Orders of the Day for Monday, April 26, for a second reading, with the amendment pending.

General
Appropriation
Bill.

Mr. Murphy of Burlington, for the committee on Ways and Means, on House, No. 2, reported, in part, a Bill making appropriations for the fiscal year 2011 for the maintenance of departments, boards, commissions, institutions and certain activities of the Commonwealth, for interest, sinking fund and serial bond requirements and for certain permanent improvements (House, No. 4600) [Total appropriation: \$27,802,282,067.00].

Debt
restructuring.

The same member, for the same committee on House, No. 4444, reported, in part, a Bill relative to debt restructuring (House, No. 4617). Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for said committee reported that the matters be scheduled for consideration by the House.

Under the provisions of the order adopted by the House (see House, No. 4599), the bills were placed in the Orders of the Day for Monday, April 26, for a second reading.

Business of the Previous Session.

Expanded
gaming.

The House Bill establishing expanded gaming in the Commonwealth (House, No. 4591, amended) was considered.

Pending the question on passing the bill, as amended, to be engrossed, Mr. Sannicandro of Ashland moved to amend it by inserting after section 75 the following section:

"SECTION 75A. a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Jail Diversion Casino Communities Fund. This fund shall consist of monies transferred under section 52 and all other monies credited or transferred to the fund from any other fund or source pursuant to law; provided, however, that the balance of the fund shall not be less than \$900,000.

b) The Department of Mental Health shall administer the fund and, without further appropriation, shall expend monies in the fund to assist contiguous communities in administering pre-arrest jail diversion programs."

The amendment was rejected.

The same member then moved to amend the bill in section 12, in line 3137, by striking out the figures "12" and inserting in place thereof the figures "14", in lines 3073 to 3086, inclusive, by striking out the two paragraphs contained therein and inserting in place thereof the following two paragraphs:

"(b) The commission shall administer the fund and, without further appropriation, shall annually expend monies in the fund to assist host communities, contiguous communities and communities abutting contiguous communities in offsetting costs related to the construction and ongoing operation and impacts of a gaming facility including, but not limited to, water and sewer districts in the vicinity of a gaming facility, transportation impacts, environmental impacts, municipal services and public safety, including the office of the

county district attorney and local police, fire and medical emergency departments.

(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.", in line 3143, by striking out the figure "6" and inserting in place thereof the figure "8", in line 3148, by inserting after the word "establishment" the following ", 2 of whom shall be representatives of the regional planning agency representing the host community in which each resort casino is located."

The amendments were rejected.

Mr. Sannicandro then moved to amend the bill by inserting after section 75 the following section:

"SECTION 75A. a) There shall be established and set up on the books of the commonwealth a separate fund to be known as the Sexual Assault Nurse Examiner Casino Communities Fund. This fund shall consist of monies transferred under section 52 and all other monies credited or transferred to the fund from any other fund or source pursuant to law; provided, however, that the balance of the fund shall not be less than \$2,100,000.

b) The Department of Public Health shall administer the fund and, without further appropriation, shall expend monies in the fund to assist contiguous communities in administering comprehensive services of the sexual assault nurse examiner programs including adult, adolescent, pediatric nurse examiner services, rape crisis center services, and children's advocacy center services."

The amendment was rejected.

After an extended period of time, Mr. Peterson of Grafton asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

Quorum,—
yea and nay
No. 349.

[See Yea and Nay No. 349 in Supplement.]

Therefore a quorum was present.

Mr. Turner of Dennis then moved to amend the bill in section 12, in line 3101, by inserting after the word "act" the following paragraph:

"Notwithstanding any law or regulation to the contrary, beginning the first year that Gaming Local Aid funding is available for distribution to cities and towns, no city or town shall receive as a combination of 'General Revenue Sharing Aid' and 'Gaming Local Aid', in any year, an amount that is less than 25 percent of the total lottery sales made within that community."

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gaming.

Pending the question on adoption of the amendment, Mr. Murphy of Burlington moved to amend it by striking out the proposed new paragraph and inserting in place thereof the following paragraph:

“Notwithstanding any law or regulation to the contrary, beginning the first year that Gaming Local Aid funding is available for distribution to cities and towns, no city or town shall receive as a combination of ‘General Revenue Sharing Aid’ and ‘Gaming Local Aid’, in any year, an amount that is less than 25 percent of the total lottery sales made within that community. Notwithstanding any special or general law to the contrary, the provisions of this paragraph shall not take effect until such time as the executive office of administration and finance and the department of revenue has furnished a study of its impact on the state’s economy and revenue cost to the commonwealth and its cities and towns, including, but not limited to, a distributional analysis showing the impact on taxpayers of varying income levels, the current practice of other states, any anticipated change in employment and ancillary economic activity to the joint committee on revenue and until legislation has been filed and passed pursuant to Part 2, Chap. 1, Sec. 1, Art. II of the Constitution.”

Quorum.

After remarks on the adoption of the amendment, Mr. Turner of Dennis asked for a count of the House to ascertain if a quorum was present. The Chair (Mr. Petrolati of Ludlow), having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,—
yea and nay
No. 350.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 150 members were recorded as being in attendance.

[See Yea and Nay No. 350 in Supplement.]

Therefore a quorum was present.

Further
amendment
adopted,—
yea and nay
No. 351.

After debate on the question on adoption of the further amendment, the sense of the House was taken by yeas and nays at the request of Mr. Turner; and on the roll call 127 members voted in the affirmative and 29 in the negative.

[See Yea and Nay No. 351 in Supplement.]

Therefore the further amendment was adopted, thus precluding a vote on the pending amendment.

Messrs. Murphy of Burlington and Dempsey of Haverhill and other members of the House then moved to amend the bill in section 12, in lines 3001 to 3020, inclusive, by striking out the clause contained therein and inserting in place thereof the following clause:—

“(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:—

(a) One half of one percent shall be transferred to the Performing Arts Center Fund established by Section 63;

(b) One half of one percent shall be transferred to the Massachusetts cultural council for organizational support programs;

(c) One per cent shall be transferred to the Massachusetts tourism fund established pursuant to section 35J of chapter 10, three quarter of one percent of which shall fund the tourist promotion agencies as defined in subsection (c) and one quarter of one percent of which shall fund cultural facilities as defined in subsection (e) of said chapter;

(d) Two per cent shall be transferred to the community mitigation fund established by section 54; provided, however, that said fund balance shall not exceed \$15,000,000. Funds in excess of \$15,000,000 shall be transferred to the local capital projects fund established by section 58;

(e) Six per cent shall be transferred to the local capital projects fund established by section 58;

(f) Thirty per cent shall be transferred to the Gaming Local Aid Fund established by section 55;

(g) Thirty per cent shall be transferred to the Commonwealth Stabilization Fund established by section 2H of chapter 29; and

(h) Thirty per cent shall be transferred to the Education Fund established by section 59”, in line 3135, by inserting after the word “casino” the following paragraph:

“Section 60A. (a) There shall be established and set up on the books of the Commonwealth a separate fund, to be known as the gaming revenue and public health trust fund, in this section called the public health fund. The public health fund shall consist of the monies transferred under sections 51 and sections 52 and all other monies credited or transferred to the public health fund from any other fund or source pursuant to law.”, and in said section 12, in line 3164, by inserting after the word “means” the following paragraph:

“Section 63. There shall be established and set up on the books of the commonwealth a fund to be known as the Performing Arts Center Fund of which the commission is trustee. The Performing Arts Center Fund shall consist of monies transferred under section 52 and all monies credited or transferred to the fund from any other fund or source pursuant to law for the purpose of supporting non-profit or municipally owned performing arts centers. Amounts in the Performing Arts Center Fund will be disbursed to non-profit or municipally owned performing arts centers through an application process on a semi-annual basis, for the purpose of subsidizing fees paid to touring artists or shows. One hundred percent of all amounts in the Performing Arts Center Fund shall be dispersed each year. The Performing Arts Center Fund and grant application process shall be managed by a three-member panel appointed by the Governor, to include at least one person from central Massachusetts and to include representatives of the business community and the performing arts industry.”

Pending the question on adoption of the amendments, Mr. Dempsey of Haverhill moved to amend them by striking out the text of said amendment and inserting in place thereof the following:— in section 12, in lines 3001 to 3020, inclusive, by striking out the six paragraphs contained therein and inserting in place thereof the following eight paragraphs:

“(2) Upon the opening of a category 1 facility, all monies received into the fund shall be transferred as follows:

(a) One per cent of revenues shall be transferred to the Massachusetts cultural council of which one half of revenues received shall be dedicated to the organization support program of the Massachusetts cultural council and of which not less than one half of revenues shall be dedicated to support not-for-profit or municipally-owned perform-

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ing arts centers impacted as a result of the licensure of gaming facilities in the commonwealth of Massachusetts. Funds dedicated to such performing arts centers shall be for the purpose of subsidizing fees paid to touring shows or artists; provided, however that funding shall be appropriated through a competitive grant process to be developed and administered by the Massachusetts cultural council.

(b) one percent shall be transferred to the Massachusetts tourism fund established pursuant to section 35J of chapter 10 which shall fund tourist promotion agencies as defined in subsection (c).

(c) Two per cent shall be transferred to the community mitigation fund established by section 54; provided, however, that said fund balance shall not exceed \$15,000,000. Funds in excess of \$15,000,000 shall be transferred to the local capital projects fund established by section 58;

(d) Six per cent shall be transferred to the local capital projects fund established by section 58;

(e) Thirty per cent shall be transferred to the gaming local aid fund established by section 55;

(f) Thirty per cent shall be transferred to the commonwealth stabilization fund established by 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 in accordance with clause (c) of the second paragraph of section 35 of chapter 10 of the General Laws 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 one-half of the funds otherwise directed to the Commonwealth Stabilization Fund pursuant to 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 thirty per cent provided for in subsection (e);

(g) Thirty per cent shall be transferred to the Education Fund established by section 59.", in line 3124, by inserting after the word "law" the following sentence "Expenditures from said fund for the purposes of K-12 education shall be used to supplement, and not offset, any reduction in line item 7061-0008 of the general appropriations act."

The further amendments were adopted, thus precluding a vote on the pending amendments.

The Speaker being in the Chair,—

Quorum.

After debate on the question on passing the bill, as amended, to be engrossed, Mr. Walsh of Lynn asked for a count of the House to ascertain if a quorum was present. The Speaker, having determined that a quorum was not in attendance, then directed the Sergeant-at-Arms to secure the presence of a quorum.

Quorum,— yea and nay No. 352.

Subsequently a roll call was taken for the purpose of ascertaining the presence of a quorum; and on the roll call 155 members were recorded as being in attendance.

[See Yea and Nay No. 352 in Supplement.]

Therefore a quorum was present.

After further debate on the question on passing the bill, as amended, to be engrossed, the sense of the House was taken by yeas and nays at the request of Ms. Reinstein of Revere; and on the roll call 120 members voted in the affirmative and 37 in the negative.

Bill passed to be engrossed,— yea and nay No. 353.

[See Yea and Nay No. 353 in Supplement.]

Therefore the bill, as amended, was passed to be engrossed. Mr. Dempsey of Haverhill moved that this vote be reconsidered; and the motion to reconsider was considered forthwith; and it was negative. The bill (House, No. 4619, published as amended) then was sent to the Senate for concurrence.

Papers from the Senate.

Mr. Pedone of Worcester being in the Chair,—

The House Bill designating a certain road in the town of Salisbury as the Army Sergeant Jordan Michael Shay Memorial Drive (House, No. 4412) came from the Senate passed to be engrossed, in concurrence, with amendments striking out all after the enacting clause and inserting in place thereof the following:

Salisbury,— Sergeant Shay Memorial Drive.

"SECTION 1. The road from Beach road to the mouth of the Merrimac river, a part of which is known as State Beach road and a part of which is known as Reservation road, in the town of Salisbury, shall be designated and known as the Army Sergeant Jordan Michael Shay Memorial Drive, in memory of United States Army Sergeant Jordan Michael Shay, who was killed in the line of duty in Iraq. The department of conservation and recreation and the Massachusetts Department of Transportation shall erect and maintain suitable markers bearing that designation in compliance with their respective standards on that portion of the road under their respective control"; and inserting before the enacting clause the following emergency preamble:

"Whereas, The deferred operation of this act would tend to defeat its purpose, which is forthwith to designate a certain road in the town of Salisbury, therefore, it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience."

Under suspension of Rule 35, on motion of Mr. Costello of Newburyport, the amendments (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted, in concurrence.

A Bill authorizing the granting of easements of and the conveyance of certain land in the town of Andover (Senate, No. 2154) (on a petition) [Local Approval Received], passed to be engrossed by the Senate was read; and it was referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Andover,— land.

A petition of Stephen J. Buoniconti for legislation relative to the Medical Professional Mutual Insurance Company, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Financial Services.

Medical Professional Mutual Insurance.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2385) was referred, in concurrence, to the committee on Financial Services.

Reports of Committees.

Arsonists,—
mortgages.

By Mr. Binienda of Worcester, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the joint petition of Garrett J. Bradley and Robert L. Hedlund for legislation to authorize the Department of Conservation and Recreation to lease a certain parcel of land within the "shipyard" in the town of Hingham to the Massachusetts Bay Transportation Authority. Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on State Administration and Regulatory Oversight. Sent to the Senate for concurrence.

Sarah F.
Bowler,—
sick leave.

By Mr. Spellane of Worcester, for the committee on Public Service, on a petition, a Bill establishing a sick leave bank for Sarah F. Bowler, an employee of the Department of Children and Families (House, No. 4611). Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kafka of Stoughton, for the committee on Steering, Policy and Scheduling, then reported recommending that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Orders of the Day.

Third
reading
bills.

House bills
Exempting the city of Springfield from certain provisions of the General Laws (House, No. 4316); and

Relative to minimum age requirement for obtaining identification cards (House, No. 4512);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Second
reading
bill.

The Senate Bill establishing a sick leave bank for John Phelan, an employee of the Massachusetts Department of Transportation (Senate, No. 2350) was read a second time; and it was ordered to a third reading.

Second
reading
bills.

House bills
Relative to savings bank life insurance (House, No. 889, changed);
Designating a certain bridge in the town of Newbury in honor of John B. Hayden (House, No. 3337); and

Authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of commuter rail passenger services to Nashua, New Hampshire (House, No. 3360);

Severally were read a second time; and they were ordered to a third reading.

The Senate Bill establishing the Massachusetts State Pilotage Rate Board (Senate, No. 2174, amended) was read a second time. Second reading
bill amended.

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 contained in House document numbered 4603,— was adopted.

The bill (Senate, No. 2174, amended) then was ordered to a third reading.

Order.

On motion of Mr. DeLeo of Winthrop,—
Ordered, That when the House adjourns today, it adjourn to meet tomorrow at eleven o'clock A.M. Next
sitting.

Accordingly, without further consideration of the remaining matters in the Orders of the Day, at eight minutes before eight o'clock P.M. (Wednesday, April 14), on motion of Mr. Peterson of Grafton (Mr. Pedone of Worcester being in the Chair), the House adjourned, to meet the following day at eleven o'clock A.M., in an Informal Session.