SENATE DOCKET, NO. 1560 FILED ON: 1/21/2011

SENATE . . . . . No. 170

The Commonwealth of Massachusetts

PRESENTED BY:

Anthony W. Petruccelli

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying:

An Act relative to gaming.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Anthony W. Petruccelli	☐ *[District]* ☐
Stephen L. DiNatale	*3rd Worcester*
Carlo Basile	*1st Suffolk*

SENATE DOCKET, NO. 1560 FILED ON: 1/21/2011

SENATE . . . . . No. 170

By Mr. Petruccelli, a petition (accompanied by bill, Senate, No. 170) of Anthony W. Petruccelli, Stephen L. DiNatale and Carlo Basile for legislation relative to gaming. Economic Development and Emerging Technologies.

The Commonwealth of Massachusetts

An Act relative to gaming.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Section 7 of chapter 4 of the General Laws, as appearing in the 2008 Official Edition, is hereby amended by striking out clause Tenth and inserting in place thereof the following clause:-

Tenth, "Illegal gaming," any banking or percentage game played with cards, dice, tiles, dominoes, or any electronic, electrical or mechanical device or machine for money, property, checks, credit or any representative of value, but excluding: (i) a lottery game conducted by the state lottery commission, under sections 24, 24A and 27 of chapter 10; (ii) a game conducted under chapter 23K; (iii) pari-mutuel wagering on horse races, whether live or simulcast, under chapter 128A and chapter 128C; (iv) the game of bingo conducted under chapter 271; and (v) charitable gaming, so called, conducted under chapter 271.

SECTION 2. Section 48 of chapter 6 of the General Laws is hereby repealed.

SECTION 3. Sections 64 and 65 of chapter 10 of the General Laws are hereby repealed.

SECTION 4. Chapter 12 of the General Laws is hereby amended by inserting after section 11L the following section:-

Section 11M. (a) As used in this section the following words shall, unless the context clearly requires otherwise, have the following meanings:-

"Board", the Massachusetts gaming control board established in chapter 23K.

"Commission", the Massachusetts gaming commission established in chapter 23K.

"Division", the division of gaming enforcement established in subsection (b).

20 “Gaming establishment”, a gaming establishment as defined in section 2 of chapter 23K.

21 (b) There shall be in the department of the attorney general a division of gaming
22 enforcement. The attorney general shall designate an assistant attorney general as director of the
23 division. The director may appoint and remove, subject to the approval of the attorney general,
24 such expert, clerical or other assistants as the work of the division may require.

25 (c) The division’s powers and duties shall include the following: (1) investigate and
26 prosecute allegations of criminal activity related to or impacting the operation of gaming
27 establishments or games; (2) receive and take appropriate action on referrals for criminal
28 prosecution from the commission, board or any other law enforcement body; (3) provide
29 assistance, upon request, to the commission and board in the consideration and promulgation of
30 rules and regulations; (4) ensure that there is no duplication of duties and responsibilities
31 between it, the commission and the board; and (5) recommend persons to be placed on the list of
32 excluded persons maintained by the board.

33 No employee of the division, or any person engaged by the division in the course of an
34 investigation, other than those in the performance of their official duties, shall place a wager in
35 any gaming establishment licensed under chapter 23K during the period of the employee’s
36 employment or assignment with the division.

37 Officers and employees of the gaming enforcement unit of the state police assigned to the
38 division shall record their time and submit total hours to the board. The board shall reimburse the
39 state police.

40 The attorney general shall be reimbursed by the board for the costs of operating the
41 division and legal representation of the commission or board.

42 SECTION 5. Chapter 12B of the General Laws is hereby repealed.

43 SECTION 6. Subsection (b) of section 9 of chapter 13 of the General Laws, is hereby
44 amended by striking out the words “, as well as the state racing commission established by
45 section 48 of chapter 6,” inserted by section 29 of chapter 4 of the acts of 2009.

46 SECTION 7. Subsection (e) of section 9B of said chapter 13 is hereby amended by
47 striking out the words “, as well as the state racing commission established by section 48 of
48 chapter 6,” inserted by section 30 of said chapter 4.

49 SECTION 8. Said subsection (e) of said section 9B of said chapter 13 is hereby amended
50 by striking out the words “or regulated by the state racing commission, as established by section
51 48 of chapter 6” inserted by section 31 of said chapter 4.

52 SECTION 9. Section 35 of chapter 10 of the General Laws, as appearing in the 2008
53 Official Edition, is amended by striking out, in lines 2 and 16, the words “State Lottery Fund”
54 and inserting in place thereof the following words:- State Lottery and Gaming Fund.

55 SECTION 10. Section 39 of said chapter 10, as so appearing, is hereby amended by
56 striking out, in lines 12 to 13 and in line 19, the words “State Lottery Fund” and inserting in
57 place thereof the following words:- State Lottery and Gaming Fund.

58 SECTION 11. Section 38 of chapter 22C of the General Laws, as so appearing, is hereby
59 amended by inserting after the word “involving”, in lines 36 and 37, the following word:- illegal.

60 SECTION 12. Said chapter 22C is hereby amended by adding the following section:-

61 Section 70. The colonel of state police shall establish a gaming enforcement unit whose
62 responsibilities shall include, but not be limited to, the investigation of criminal violations of
63 chapter 23K, chapter 271 or any other general or special law that pertains to gaming.

64 The gaming enforcement unit shall work in conjunction and cooperation with the bureau
65 of investigations and enforcement under the Massachusetts gaming control board established in
66 said chapter 23K and the division of gaming enforcement in the office of the attorney general
67 established under section 11M of chapter 12 to investigate criminal activity related to gaming in
68 the commonwealth. The colonel shall assign officers and employees of the unit to the bureau of
69 investigations and enforcement, who shall report to the director of the bureau as well as the
70 colonel of the department of state police; the colonel shall also assign officers of the unit to the
71 division of gaming enforcement, who shall report to the chief of the division as well as the
72 colonel of the department of state police. No officer of the unit, other than in the performance of
73 official duties, shall place a wager in any gaming establishment licensed under chapter 23K. The
74 colonel shall establish a program to rotate officers in and out of this unit. The state police shall
75 be reimbursed by the board for the costs of operating the unit.

76 SECTION 13: The General Laws are hereby amended by inserting after chapter 23J the
77 following chapter:-

78 Chapter 23K. The Massachusetts Gaming Commission and Massachusetts Gaming
79 Control Board

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

82 “Affiliate”, a person who, directly or indirectly, controls or is controlled by, or is under
83 common control with, a specified person.

84 “Applicant”, any person who has applied for a license or registration to engage in activity
85 regulated under this chapter.

86 “Application”, a written request for a finding of suitability to receive a license or engage
87 in an activity which is regulated under this chapter.

88 “Board”, the Massachusetts gaming control board created in section 3.

89 “Bureau”, the investigations and enforcement bureau within the board.

90 “Business”, a corporation, sole proprietorship, partnership, limited liability company or
91 any other organization formed for the purpose of carrying on commercial enterprise.

92 “Capital expenditure”, money spent by a licensee to upgrade or maintain depreciable and
93 tangible long-term physical assets that are capitalized on the licensee’s books under generally
94 accepted accounting principles and excluding expenditures or charges for the usual and
95 customary maintenance and repair of any fixed asset.

96 “Cashless wagering system”, a method of wagering and accounting in which the validity
97 and value of a wagering account, promotional account, wagering instrument or wagering credits,
98 not including slot machine printed vouchers, are determined, monitored and retained for an
99 individual by an electronic system operated and maintained by a licensee which maintains a
100 record of each transaction involving the wagering account, promotional account, wagering
101 instrument or wagering credits, exclusive of the game or gaming device on which wagers are
102 being made, including electronic systems which facilitate electronic transfers of money directly
103 to or from a game or gaming device.

104 “Category 1 license”, a license issued by the commission pursuant to this chapter that
105 permits the licensee to operate a gaming facility with table games and slot machines.

106 “Category 1 licensee”, the holder of a category 1 license.

107 “Category 2 license”, a license issued by the commission pursuant to this chapter to an
108 existing thoroughbred horse racing licensee, an existing harness racing licensee, an existing
109 greyhound racing licensee, or a proposed horse racing licensee to operate up to 1000 slot
110 machines at its gaming facility.

111 “Category 2 licensee”, the holder of a category 2 license.

112 “Category 2 live-racing licensee”, a category 2 licensee who qualified to apply for such a
113 license because it was an existing thoroughbred horse racing licensee, an existing harness racing
114 licensee, or a proposed horse racing licensee.

115 “Cheat”, alter the selection of criteria which determines the results of a game or the
116 amount or frequency of payment in a game.

117 “Cheating and swindling device” or “cheating and swindling game”, shall include:

118 (i) a coin, token or slug other than a lawful coin or legal tender of the United States or a
119 coin not of the same denomination as the coin intended to be used while playing or using any slot
120 machine in a gaming establishment, except that in the playing of a slot machine or similar
121 gaming device, it shall be lawful for a person to use tokens or similar objects which are approved
122 by the commission;

123 (ii) a bogus or counterfeit chip, coin or die; marked card; a computerized, electronic,
124 electrical, mechanical or magnetic device; tool, drill, wire, key or other device designed,
125 constructed or programmed specifically for:

126 (A) use in obtaining an advantage in any game;

127 (B) opening, entering or affecting the operation of any gaming device; or

128 (C) removing from a slot machine, other gaming device or drop box any money or
129 other contents from such machine, device or box;

130 (iii) tools, drills, wires, coins or tokens attached to strings or wires, or electronic or
131 magnetic devices to facilitate the alignment of a winning combination; and

132 (iv) a gaming device that has been manufactured, serviced, marked, plugged or
133 tampered with, or placed in a condition or operated in a manner, to:

134 (A) deceive, or attempt to deceive, the public; or

135 (B) alter, or attempt to alter, the normal random selection of characteristics, the normal
136 chance of the game or the result of the game at a gaming establishment.

137 “Close associate”, a person who holds any relevant financial interest in, or is entitled to
138 exercise any power in, the business of an applicant or licensee and, by virtue of that interest or
139 power is able to exercise a significant influence over the management or operation of a gaming
140 establishment or business licensed under this chapter.

141 “Commission”, the Massachusetts gaming commission created in section 2.

142 “Commissioner”, a member of the commission.

143 "Complimentary service or item", a service or item provided at no cost or at a reduced
144 price.

145 “Conservator”, a person appointed by the commission under section 24 to temporarily
146 manage the operation of a gaming establishment.

147 “Credit card”, a card, code or other device with which a person may defer payment of
148 debt, incur debt and defer the payment of the debt, or purchase property or services and defer
149 payment for the property or services, but not a card, code or other device used to activate a

150 preexisting agreement between a person and a financial institution to extend credit when the
151 person's account at the financial institution is overdrawn or to maintain a specified minimum
152 balance in the person's account at the financial institution.

153 "Credit instrument", a writing which evidences a gaming debt owed to a person who
154 holds a gaming license at the time the debt is created, and includes any writing taken in
155 consolidation, redemption or payment of a previous credit instrument.

156 "Division", the division of gaming enforcement under the office of the attorney general.

157 "Existing greyhound racing licensee", a greyhound racing licensee located in suffolk or
158 bristol county that (i) was licensed pursuant to chapter 128A to conduct live greyhound racing in
159 calendar year 2009; and (ii) is licensed pursuant to chapter 128C to conduct simulcast wagering.

160 "Existing harness horse racing licensee", a harness horse racing licensee located in
161 norfolk county that (i) was licensed pursuant to chapter 128A to conduct live harness horse
162 racing in calendar year 2010; and (ii) is licensed pursuant to chapter 128A to conduct live
163 harness horse racing and licensed pursuant to chapter 128C to conduct simulcast wagering.

164 "Existing thoroughbred horse racing licensee", a thoroughbred racing licensee located in
165 suffolk county that (i) was licensed pursuant to chapter 128A to conduct live running horse
166 racing in calendar year 2010; and (ii) is licensed pursuant to chapter 128A to conduct live
167 running horse racing and licensed pursuant to chapter 128C to conduct simulcast wagering.

168 "Foreign business", any business that was organized outside of the United States or under
169 the laws of a foreign country.

170 "Gambling", the playing of a game by a patron of a gaming establishment.

171 "Game", a banking or percentage game played with cards, dice, tiles, dominoes or an
172 electronic, electrical or mechanical device or machine played for money, property, checks, credit
173 or any representative of value which has been approved by the commission under this chapter.

174 "Gaming", the dealing, operating, carrying on, conducting, maintaining or exposing for
175 pay of a game.

176 "Gaming area", the premises of a gaming establishment in which or on which gaming is
177 done.

178 "Gaming control employee", commissioners, board members and board officers, agents,
179 employees, consultants and advisors.

180 "Gaming device" or "Gaming equipment", an electronic, electrical, or mechanical
181 contrivance or machine used in connection with gaming or a game.

182 “Gaming employee”, an employee of a gaming establishment who is: (i) directly
183 connected to the operation or maintenance of a gaming device, slot machine or game taking
184 place in a gaming establishment; (ii) provides security in a gaming establishment; (iii) has access
185 to a restricted area of the gaming establishment; (iv) is connected with the operation of a gaming
186 establishment; or (v) is so designated by the commission.

187 “Gaming establishment”, the premises approved under a gaming license which includes a
188 gaming area or areas and other nongaming structures related to the gaming area(s), including, but
189 not limited to, hotels, restaurants or other amenities.

190 “Gaming license”, a category 1 license or a category 2 license.

191 “Gaming licensee”, a licensee who holds a gaming license.

192 “Gaming position”, a designated seat or standing position where a patron of a gaming
193 establishment can play a game.

194 “Gaming service employee”, an employee of a gaming establishment who is not
195 classified as a gaming employee or a key gaming employee, but is required to register with the
196 board.

197 “Gaming vendor”, a person who holds a gaming vendor license and offers goods or
198 services to a gaming licensee on a regular or continuing basis which directly relate to gaming,
199 including, but not limited to, suppliers and repairers of gaming equipment.

200 “Gaming vendor license”, a license issued by the commission that permits the licensee to
201 act as a vendor to a gaming establishment.

202 “Gross gaming revenue”, the total of all sums actually received by a gaming licensee
203 from gaming operations less the total of all sums paid out as winnings to patrons; provided,
204 however, that the total of all sums paid out as winnings to patrons shall not include the cash
205 equivalent value of any merchandise or thing of value included in a jackpot or payout; provided,
206 further, that “gross gaming revenue” shall not include any amount received by a gaming licensee
207 from simulcast wagering and shall not include any amount received by a gaming licensee from
208 credit extended or collected by the licensee for purposes other than gaming.

209 “Holding company”, a corporation, association, firm, partnership, trust or other form of
210 business organization other than a natural person which, directly or indirectly, owns, has the
211 power or right to control or has the power to vote any significant part of the outstanding voting
212 securities of a corporation or other form of business organization which holds or applies for a
213 gaming license; provided, however, that, in addition to other reasonable meaning of the words
214 used, a holding company shall indirectly have, hold or own any such power, right or security if it
215 does so through an interest in a subsidiary or successive subsidiaries, regardless of the number of

216 subsidiaries that may intervene between the holding company and the gaming licensee or
217 applicant.

218 "Host community", a municipality in which a gaming establishment is located or in
219 which an applicant has proposed locating a gaming establishment.

220 "Institutional investor", any of the following entities having a 5 percent or greater
221 ownership interest in a gaming establishment, gaming vendor or gaming licensee, or its holding
222 or management company: a corporation, bank, insurance company, pension fund or pension fund
223 trust, retirement fund, including funds administered by a public agency, employees' profit-
224 sharing fund or employees' profit-sharing trust, an association engaged, as a substantial part of
225 its business or operation, in purchasing or holding securities or a trust in respect of which a bank
226 is a trustee or co-trustee, investment company registered under the federal Investment Company
227 Act of 1940, collective investment trust organized by banks under part 9 of the Rules of the
228 Comptroller of Currency, closed end investment trust, chartered or licensed life insurance
229 company or property and casualty insurance company, investment advisor registered pursuant to
230 the federal Investment Advisors Act of 1940, banking and other chartered or licensed lending
231 institution, and such other persons as the commission may reasonably determine to qualify as an
232 institutional investor for reasons consistent with this chapter.

233 "Intermediary company", a corporation, association, firm, partnership, trust or any other
234 form of business organization other than a natural person which is a holding company with
235 respect to a corporation or other form of business organization which holds or applies for a
236 gaming license, and is a subsidiary with respect to a holding company.

237 "Joint venture application", an application submitted by an association of two or more
238 businesses in which one of the businesses is a minority business enterprise or a women business
239 enterprise.

240 "Junket", an arrangement intended to induce any person to come to a gaming
241 establishment to gamble, where the person is selected or approved for participation on the basis
242 of the person's ability to satisfy a financial qualification obligation related to the person's ability
243 or willingness to gamble or on any other basis related to the person's propensity to gamble, and
244 pursuant to which, and as consideration for which, any or all of the cost of transportation, food,
245 lodging, and entertainment for the person is directly or indirectly paid by a gaming licensee or
246 affiliate of the gaming licensee.

247 "Junket enterprise", a person, other than an applicant for a gaming license or gaming
248 licensee, who employs or otherwise engages the services of a junket representative in connection
249 with a junket to a licensed gaming establishment, regardless of whether or not those activities
250 occur within the commonwealth.

251 “Junket representative”, an individual who negotiates the terms of, or engages in the
252 referral, procurement or selection of persons who may participate in, any junket to a gaming
253 establishment, regardless of whether or not those activities occur within the commonwealth.

254 “Key gaming employee”, an employee of a gaming establishment: (i) in a supervisory
255 capacity with respect to gaming operations; (ii) empowered to make discretionary decisions
256 which regulate gaming operations; or (iii) so designated by the commission.

257 “License”, any license required under this chapter.

258 “List of excluded persons”, the list of excluded persons maintained by the commission
259 under section 35.

260 “Lottery”, the state lottery established under section 24 of chapter 10.

261 “Minority business enterprise”, the meaning as defined in section 58 of chapter 7 of the
262 General Laws.

263 “Non-gaming vendor”, a supplier or vendor, including, but not limited to, construction
264 companies, vending machine providers, linen suppliers, garbage handlers, maintenance
265 companies, limousine services, food purveyors or suppliers of alcoholic beverages, which
266 provide goods or services not directly related to games to a gaming establishment or gaming
267 licensee.

268 “Person”, an individual, corporation, association, operation, firm, partnership, trust or
269 other form of business association.

270 “Proposed horse racing facility”, a racing facility proposed to be located in the
271 commonwealth at which a category 2 license applicant proposes to conduct live horse racing of
272 any type pursuant to chapter 128A, such live racing to begin no later that the commencement of
273 gaming operations under the category 2 license.

274 “Promotional gaming credit”, a slot machine or table game credit or other item issued by
275 a gaming licensee to a patron to enable the placement of a wager at a slot machine or table game.

276 “Qualification” or “qualified”, the process of licensure set forth by the commission to
277 determine that all gaming licensees, gaming vendors, or the business of a gaming licensee or
278 gaming vendor, meet the same standards of suitability to operate or conduct business with a
279 gaming establishment in the commonwealth.

280 “Slot machine”, a mechanical, electrical or other device, contrivance or machine which,
281 upon insertion of a coin, token or similar object in the device, contrivance or machine, or upon
282 payment of any consideration, is available to play or operate, the play or operation of which,
283 whether by reason of the skill of the operator or application of the element of chance, or both,
284 may deliver or entitle the individual playing or operating the machine to receive cash or tokens to

285 be exchanged for cash, or to receive merchandise or anything of value whatsoever, whether the
286 payoff is made automatically from the machine or in any other manner whatsoever.

287 "State police", the state police established in chapter 22C.

288 "Subsidiary", a corporation, any significant part of whose outstanding equity securities
289 are owned, subject to a power or right of control, or held with power to vote, by a holding
290 company or an intermediary company; or a significant interest in a firm, association, partnership,
291 trust or other form of business organization, other than a natural person, which is owned, subject
292 to a power or right of control, or held with power to vote, by a holding company or an
293 intermediary company.

294 "Surrounding communities", municipalities in proximity to a host community which the
295 board determines experience or are likely to experience impacts from the development or
296 operation of a gaming establishment, including municipalities from which the transportation
297 infrastructure provides ready access to an existing or proposed gaming establishment.

298 "Table game", a game, other than a slot machine, which is authorized by the commission
299 to be played in a gaming establishment.

300 "Transfer", the sale and every other method, direct or indirect, of disposing of or parting
301 with property or with an interest in property, or with the possession of property, or of fixing a
302 lien upon property or upon an interest in property, absolutely or conditionally, voluntarily or
303 involuntarily, by or without judicial proceedings, as a conveyance, sale, payment, pledge,
304 mortgage, lien, encumbrance, gift, security or otherwise; provided, that, the retention of a
305 security interest in property delivered to a corporation shall be deemed a transfer conducted by
306 such corporation.

307 "Wager", a sum of money or representative of value that is risked on an occurrence for
308 which the outcome is uncertain. "Women business enterprise", the meaning as defined in section
309 58 of chapter 7 of the General Laws."

310 Section 2. (a) There shall be a Massachusetts gaming commission to be composed of 5
311 commissioners.

312 (b) The governor shall appoint 3 of the commissioners, 1 of whom the governor shall
313 designate as chair. The attorney general and state treasurer shall each appoint 1 commissioner.
314 The appointment of each commissioner shall require the approval of at least 2 of the 3 appointing
315 authorities. And provided that:

316 (1) Commissioners shall serve for a term of 5 years;

317 (2) No commissioner may serve more than 2 full terms;

318 (3) Not more than 3 commissioners shall be of the same political party;

319 (4) Not more than 2 commissioners shall be of the same professional background or
320 field; and

321 (5) Each commissioner shall be a United States citizen and a resident of the
322 commonwealth.

323 (c) The commission shall meet as frequently as necessary but at least once each month.

324 (d) The gaming control board shall provide the commission with administrative and
325 clerical services and other assistance necessary for the commission to perform its functions.

326 (e) The chair of the commission may receive an annual salary of $60,000. Commissioners
327 may receive a stipend of $50,000.

328 (f) Three commissioners shall constitute a quorum and 3 affirmative votes shall be
329 required for an action or recommendation of the commission. The chairman or 3 members of the
330 commission may call a meeting; provided, however, that notice of all meetings shall be given to
331 each commissioner and to other persons who request such notice. The commission shall adopt
332 regulations establishing procedures, which may include electronic communications, by which a
333 request to receive notice shall be made and the method by which timely notice may be given.

334 (g) The governor may remove a commissioner if the commissioner: (i) is guilty of
335 malfeasance in office; (ii) substantially neglects the duties of a commissioner; (iii) is unable to
336 discharge the powers and duties of the commissioner's office; (iv) commits gross misconduct; or
337 (v) is convicted of a felony.

338 (h) No commissioner shall hold, or be a candidate for, elective office in the
339 commonwealth or be an officer or official of a political party.

340 (i) No commissioner shall be actively engaged by or have a pecuniary interest in an
341 applicant for a license under this chapter or any gaming licensee.

342 (j) The governor shall conduct a background investigation on a candidate for appointment
343 to the commission regarding the financial stability, integrity and responsibility of the candidate
344 as well as the candidate's reputation for good character, honesty and integrity prior to the
345 candidate's appointment as a commissioner.

346 (k) No commissioner, other than in the performance of the commissioner's official duties,
347 shall place a wager in a gaming establishment.

348 (l) The commission shall be a commission for the purposes of section 3 of chapter 12.

349 (m) The commission shall be a state authority under the definition in section 1 of chapter
350 29.

351 Section 3. (a) There shall be a Massachusetts gaming control board, which shall be
352 comprised of 3 members who shall be appointed by the governor; 1 of whom shall be a certified
353 public accountant or have experience in corporate finance; and 1 of whom shall have experience
354 in law enforcement, investigation or law.

355 (b) The governor shall appoint 1 member to serve as the chair, who shall coordinate the
356 activities of the board and shall have at least 5 years managerial experience in public or business
357 administration. Each member shall:

358 (1) be a United States citizen;

359 (2) be a resident of the commonwealth or shall become a resident within 90 days of
360 appointment; and

361 (3) serve for a term of 4 years.

362 (c) Members shall devote their full time and attention to the duties of the board and may
363 receive an annual salary equal to the salary of the secretary of administration and finance;
364 provided, however, that the chair shall receive a stipend, in addition to the base salary, in an
365 amount equal to 7 per cent of the base salary. No member shall be compensated for any other
366 position.

367 (d) The governor may remove a board member if the member: (i) is guilty of malfeasance
368 in office; (ii) substantially neglects the duties of a board member; (iii) is unable to discharge the
369 powers and duties of the board member's office; (iv) commits gross misconduct; or (v) is
370 convicted of a felony.

371 (e) No board member shall hold, or be a candidate for, elective office in the
372 commonwealth, or be an officer or official of a political party.

373 (f) No board member shall be actively engaged by or have a pecuniary interest in an
374 applicant for a license under this chapter or a gaming establishment licensed under this chapter.

375 (g) The governor shall conduct a background investigation on a candidate for
376 appointment to the board regarding the financial stability, integrity and responsibility of the
377 candidate as well as the candidate's reputation for good character, honesty and integrity prior to
378 appointing the candidate as a board member.

379 (h) The chair of the board shall serve as the board's executive director. The chair shall be:

380 (1) the executive and administrative head of the board; and

381 (2) responsible for administering and enforcing the laws, regulations and civil and
382 administrative penalties established under this chapter.

383 (i) The chair shall appoint and employ a chief financial and accounting officer and may
384 employ other employees, consultants, agents and advisors, including legal counsel, and shall
385 attend the meetings of the commission. The chief financial and accounting officer of the board
386 shall be in charge of its funds, books of account and accounting records. No funds shall be
387 transferred by the board without the approval and the signatures of the chief financial and
388 accounting officer and, if one is appointed and employed, the treasurer.

389 (j) In the case of the absence or vacancy of the chair, or in the case of disability as
390 determined by the board or commission, the governor may designate an acting chair until the
391 vacancy is filled or the absence or disability ceases. The acting chair shall have all the powers
392 and duties of the chair and shall have similar qualifications as the chair.

393 (k) The chair may establish within the board such administrative units as may be
394 necessary for the efficient and economical administration of the board and, when necessary for
395 such purpose, may abolish any such administrative unit or may merge any 2 or more units. The
396 chair shall prepare and keep current a plan of the organization of the board, of the assignment of
397 its functions to its various administrative units, offices and employees and of the places at which
398 and the methods by which the public may receive information or make requests. A current copy
399 of the plan of organization shall be kept on file with the state secretary and in the office of the
400 secretary of administration and finance.

401 (l) The chair may appoint such persons as the chair considers necessary to perform the
402 functions of the board; provided that chapter 31 and section 9A of chapter 30 shall not apply to
403 any board employee. If an employee serving in a position which is classified under said chapter
404 31 or in which an employee has tenure by reason of said section 9A of chapter 30 shall be
405 appointed to a position within the board which is not subject to said chapter 31, the employee
406 shall, upon termination of the employee's service in such position, be restored to the position
407 which the employee held immediately prior to such appointment; provided, however, that the
408 employee's service in such position shall be determined by the civil service commission under
409 the standards applied by the civil service commission in administering said chapter 31. Such
410 restoration shall be made without impairment of the employee's civil service status or tenure
411 under said section 9A of chapter 30 and without loss of seniority, retirement or other rights to
412 which uninterrupted service in such prior position would have entitled the employee. During the
413 period of such appointment, each person so appointed from a position in the classified civil
414 service shall be eligible to take any competitive promotional examination for which the person
415 would otherwise have been eligible.

416 (m) The board may require a prospective employee to: (i) submit an application and a
417 personal disclosure on a form prescribed by the board which shall include a complete criminal
418 history, including convictions and current charges for all felonies and misdemeanors; (ii)
419 undergo testing which detects the presence of illegal substances in the body; and (iii) provide
420 fingerprints and a photograph consistent with standards adopted by the state police. The board

421 shall verify the identification, employment and education of each prospective employee,
422 including: (i) legal name, including any alias; (ii) all secondary and post secondary educational
423 institutions that the prospective employee attended regardless of graduation status; (iii) place of
424 residence; and (iv) employment history.

425 (n) (1) The board shall not hire a prospective employee if the prospective employee has:
426 (A) been convicted of a felony; (B) been convicted of a misdemeanor that, in the discretion of
427 the board, bears a close relationship to the duties and responsibilities of the position for which
428 employment is sought; or (C) intentionally made a false statement concerning a material fact in
429 connection with the prospective employee's application to the board.

430 (2) If an employee of the board is charged with a felony or misdemeanor while
431 employed by the board, the board may suspend the employee, with or without pay, and if the
432 employee is convicted the board may terminate the employee's employment with the board. If an
433 employee of the board is charged with a felony or misdemeanor related to gaming while
434 employed by the board, the board shall suspend the employee, with or without pay, and if the
435 employee is convicted the board shall terminate the employee's employment with the board.

436 (o) Immediately upon assuming office, each board member and employee of the board,
437 except for secretarial and clerical personnel, shall swear or affirm, under the penalty of perjury,
438 that the board member or employee possesses no financial interest in any gaming licensee or
439 gaming vendor.

440 (p) A board employee who, as part of the employee's duties, is required to be present in a
441 gaming establishment shall be considered an essential state employee.

442 (q) No board member, or employee of the board, other than in the performance of such
443 member's or employee's official duties, shall place a wager in a gaming establishment.

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

448 (s) The board shall be a state authority under the definition in section 1 of chapter 29.

449 Section 4. (a) All gaming control employees shall:

450 (1) be sworn to the faithful performance of their official duties

451 (2) conduct themselves in a manner so as to render decisions that are fair and impartial
452 and in the public interest;

453 (3) avoid impropriety and the appearance of impropriety in all matters under their
454 jurisdiction;

455 (4) avoid all prohibited communications;

456 (5) require staff and personnel subject to their direction and control to observe the
457 same standards of fidelity and diligence;

458 (6) disqualify themselves from proceedings in which their impartiality might
459 reasonably be questioned;

460 (7) refrain from financial or business dealings which would tend to reflect adversely on
461 impartiality; and

462 (8) not own, or be in the employ of, or own any stock in, any business which holds a
463 license under this chapter; nor shall a gaming control employee have in any way directly or
464 indirectly a pecuniary interest in, or be connected with, any such business or in the employ or
465 connected with any person financing any such business; provided, that immediate family
466 members of gaming control employees shall not own, or be in the employ of, or own stock in,
467 any business which holds a license under this chapter.

468 (b) No gaming control employee shall personally, or through any partner or agent, other
469 than in the normal course of the employee's duties, render any professional service or make or
470 perform any business contract with or for any gaming licensee or gaming vendor, except
471 contracts made with the board for furnishing of services, nor shall the employee directly or
472 indirectly receive any commission, bonus, discount, gift or reward from any gaming licensee.

473 (c) Neither the board nor any of its officers, agents, employees, consultants or advisors
474 shall be subject to sections 9A, 45, 46 and 52 of chapter 30, or to chapter 31 or to chapter 200 of
475 the acts of 1976.

476 (d) No individual shall be employed by the board if, during the period commencing 3
477 years prior to employment, that individual held any direct or indirect interest in, or was
478 employed by, a gaming licensee or gaming vendor or an affiliate or a holding company or
479 intermediary company of a gaming licensee or gaming vendor.

480 (e) No commissioner or board member shall hold a direct or indirect interest in, or be
481 employed by, an applicant or by a gaming licensee or gaming vendor or an affiliate or a holding
482 company or intermediary company of a gaming licensee or gaming vendor for at least 3 years
483 following the termination of the commissioner or board member's service as such a
484 commissioner or board member.

485 (f) No employee of the board holding a major policy making position shall acquire
486 interest in, or accept employment with, an applicant or licensee under this chapter or an affiliate
487 or a holding company or intermediary company of a gaming licensee or gaming vendor for a
488 period of 2 years after the termination of employment with the board.

489 (g) No employee of the board in a non-major policy making position shall acquire interest
490 in, or accept employment with, any applicant or licensee under this chapter or an affiliate or a
491 holding company or intermediary company of a gaming licensee or gaming vendor for a period
492 of 1 year after termination of employment with the commission.

493 (h) Gaming control employees shall be considered state employees under chapters 268A
494 and 268B.

495 Section 5. The commission shall adopt regulations for the implementation, administration
496 and enforcement of this chapter. The adoption of such regulations shall only be made after the
497 board submits proposed regulations to the commission for the commission's review and
498 approval. The board, subject to chapter 30A, shall prepare its recommendations and submit such
499 recommendations to the commission. The regulations shall include, but not be limited to,
500 regulations that:

501 (1) prescribe the method and form of application which an applicant for a license or
502 registration shall follow and complete before consideration of an application by the commission
503 and board;

504 (2) prescribe the information to be furnished by an applicant or licensee concerning the
505 licensee's or applicant's antecedents, habits, character, associates, criminal record, business
506 activities and financial affairs, past or present;

507 (3) prescribe the criteria for evaluation of the application for a gaming license
508 including with regard to the proposed gaming establishment an evaluation of architectural design
509 and concept excellence, integration of the establishment into its surroundings, tourism appeal,
510 level of capital investment committed, financial strength of the applicant and the robustness of
511 the applicant's financial plan;

512 (4) prescribe the information to be furnished by a gaming licensee relating to the
513 licensee's gaming employees;

514 (5) require fingerprinting or other methods of identification of an applicant for a
515 license or registration under this chapter;

516 (6) prescribe the manner and method of collection and payment of fees and issuance of
517 licenses;

518 (7) prescribe grounds and procedures for the revocation or suspension of a license or
519 registration;

520 (8) require quarterly financial reports and an annual audit prepared by a certified public
521 accountant attesting to the financial condition of a gaming licensee and disclosing whether the

522 accounts, records and control procedures examined are maintained by the gaming licensee as
523 required by this chapter and the regulations promulgated under this chapter;

524 (9) prescribe the minimum procedures for effective control over the internal fiscal
525 affairs of a gaming licensee, including the safeguarding of assets and revenues, the recording of
526 cash and evidence of indebtedness and the maintenance of reliable records, accounts and reports
527 of transactions, operations and events, including reports by the commission and board;

528 (10) provide for a minimum uniform standard of accounting and engineering
529 procedures and a process for the approval of accounting and engineering firms;

530 (11) establish licensure and registration procedures for employees working at a gaming
531 establishment and minimum training requirements; provided, further, that the commission and
532 board may establish certification procedures for any training schools in the commonwealth as
533 well as the minimum requirements for reciprocal licensing for out-of-state gaming employees;

534 (12) require that all gaming employees be properly trained in their respective positions;

535 (13) require the posting of payback statistics of slot machines played in a gaming
536 establishment;

537 (14) provide for the interim authorization of a gaming establishment under of
538 section 17;

539 (15) concern the conduct of junkets and conditions of junket agreements between
540 gaming licensees and junket representatives;

541 (16) establish security procedures for ensuring the safety of minors on the premises of
542 a gaming establishment;

543 (17) prescribe the procedure for holding public hearings and seeking public input on
544 the process for siting gaming establishments and the review of all applications for a gaming
545 license before a gaming license is awarded or renewed; and

546 (18) establish procedures and ensure compliance with the timelines for making the
547 capital investments required in clause (2) of subsection (a) of section 12 to ensure that minimum
548 capital investments are made as quickly as possible after the beginning of operations.

549 The commission may, under section 2 of chapter 30A, promulgate, amend, or repeal any
550 regulation promulgated under this chapter as an emergency regulation if such regulation is
551 necessary to protect the interests of the commonwealth in regulating a gaming establishment.

552 Section 6. The commission shall have all powers necessary or convenient to carry out and
553 effectuate its purposes, including, but not limited to, the following:

554 (1) to adopt an official seal;

555 (2) to execute all instruments necessary or convenient to accomplish the purposes of
556 this chapter;

557 (3) to enter into agreements or other transactions with any person, including, but not
558 limited to, any public entity or other governmental instrumentality or authority in connection
559 with its powers and duties under this chapter;

560 (4) to appear on its own behalf before boards, commissions, departments or other
561 agencies of municipal, state or federal government;

562 (5) to apply for and accept subventions, grants, loans, advances and contributions from
563 any source of money, property, labor or other things of value, to be held, used and applied for its
564 purposes;

565 (6) to assure that licenses and registrations shall not be issued to nor held by, nor shall
566 there be any material involvement, directly or indirectly, with a gaming establishment or a
567 gaming licensee, by unqualified, disqualified, or unsuitable persons or persons whose operations
568 are conducted in a manner not conforming with this chapter;

569 (7) to require an applicant for a position, which requires a license under this chapter,
570 to apply for a license and approve or disapprove any such application or other transactions,
571 events and processes as provided in this chapter;

572 (8) to require a person who has any kind of business association with a gaming
573 licensee or applicant to be qualified for licensure or registration under this chapter;

574 (9) to develop criteria, in addition to those outlined in this chapter, to assess which
575 application for a gaming license will provide the highest and best value to the commonwealth
576 and, with respect to a category 1 license application, the region in which a gaming establishment
577 is to be located, provided that the criteria so developed shall include and give additional
578 consideration to a joint venture application;

579 (10) to determine which applicants shall be awarded a gaming license, a gaming
580 vendor license and other licenses under this chapter;

581 (11) to deny any application or limit, condition, restrict, revoke or suspend a license,
582 registration, finding of suitability or approval or fine a person licensed, registered, found suitable
583 or approved for any cause the commission deems reasonable consistent with this chapter;

584 (12) to issue subpoenas and compel the attendance of witnesses at any place within the
585 commonwealth, administer oaths and require testimony under oath before the commission in the
586 course of a hearing conducted under this chapter;

587 (13) to conduct adjudicatory proceedings under chapter 30A;

588 (14) to hear appeals of the board's suspension or revocation of a license;

589 (15) to monitor any federal activity regarding internet gaming; and

590 (16) to adopt, amend, or repeal regulations for the administration and enforcement of
591 this chapter.

592 Section 7. The board shall have all powers necessary or convenient to carry out and
593 effectuate its purposes, including, but not limited to, the following:

594 (1) to appoint officers and hire employees;

595 (2) to adopt an official seal;

596 (3) to establish, and amend as necessary, such a plan of organization as it may
597 consider expedient under subsection (k) of section 3;

598 (4) to execute all instruments necessary or convenient to accomplish the purposes of
599 this chapter;

600 (5) to enter into agreements or other transactions with any person, including, but not
601 limited to, a public entity or other governmental instrumentality or authority in connection with
602 the board's powers and duties under this chapter;

603 (6) to appear on its own behalf before boards, commissions, departments or other
604 agencies of municipal, state or federal government;

605 (7) to apply for and accept subventions, grants, loans, advances and contributions from
606 any source of money, property, labor or other things of value, to be held, used and applied for its
607 purposes;

608 (8) to provide and pay for advisory services and technical assistance as may be
609 necessary in its judgment to carry out the purpose of this chapter and fix the compensation of
610 persons providing such services or assistance;

611 (9) to prepare, publish and distribute, with or without charge, as the commission or
612 board may determine, such studies, reports and bulletins and other material as the commission
613 and board consider appropriate;

614 (10) to monitor the conduct of all licensees and other persons having a material
615 involvement, directly or indirectly, with a licensee for the purpose of ensuring that licenses are
616 not issued to or held by, and there is no direct or indirect material involvement with a licensee
617 by, unqualified, or unsuitable persons or persons whose operations are conducted in an
618 unsuitable manner or in unsuitable or prohibited places as provided in this chapter;

619 (11) to recommend:

620 (i) the denial or approval of an application for a license or registration or
621 qualification for licensure;

622 (ii) conditions, limitations or restrictions of any license, registration, qualification
623 for licensure or approval; or

624 (iii) the suspension or revocation of a license, registration, qualification for
625 licensure or approval or the imposition of a fine upon a person licensed, registered or qualified
626 for licensure or approved for any cause considered reasonable by the board consistent with this
627 chapter;

628 (12) to conduct investigations into the qualifications of all applicants for employment
629 by the board and all applicants for registration or licensure under this chapter;

630 (13) to ensure that there is no duplication of duties and responsibilities between the
631 board, commission and division; provided, however, that the commission may not place any
632 restriction upon the board or the division's ability to investigate or prosecute violations of this
633 chapter or the regulations adopted under this chapter;

634 (14) to request and receive from the state police, the criminal history systems board, or
635 other criminal justice agencies, including, but not limited to, the Federal Bureau of Investigation
636 and the federal Internal Revenue Service, such criminal offender record information relating to
637 criminal and background investigations as necessary for the purpose of evaluating employees of,
638 and applicants for employment by, the board and any gaming licensee or gaming vendor, and
639 evaluating licensees and applicants for licensure;

640 (15) to be present through its inspectors and agents at all times in gaming
641 establishments to: (i) certify the revenue of the establishment; (ii) receive complaints from the
642 public relating to the conduct of gaming and wagering operations; (iii) examine records of
643 revenues and procedures, inspect and audit all books, documents and records of any gaming
644 licensee or gaming vendor; (iv) conduct periodic reviews of operations and facilities; and (v)
645 otherwise exercise its oversight responsibilities with respect to gaming;

646 (16) to inspect and have access to all equipment and supplies in a licensed gaming
647 establishment or in any gaming area or other premises where gaming equipment is manufactured,
648 sold or distributed;

649 (17) to seize and remove from the gaming area or other premises of a gaming licensee
650 and impound any equipment, supplies, documents or records for the purpose of examination and
651 inspection;

652 (18) to demand access to and inspect, examine, photocopy and audit all papers, books
653 and records of any affiliate of a gaming licensee or gaming vendor whom the commission or
654 board suspects is involved in the financing, operation or management of the gaming licensee or
655 gaming vendor; provided, however, that the inspection, examination, photocopying and audit
656 may take place on the affiliate's premises or elsewhere as practicable, and in the presence of the
657 affiliate or the affiliate's agent;

658 (19) to require that the books and financial or other records or statements of a gaming
659 licensee or gaming vendor be kept in a manner that the board considers proper;

660 (20) to assist the commission in conducting adjudicatory proceedings and developing
661 regulations in accordance with chapter 30A;

662 (21) to refer cases for criminal prosecution to the appropriate federal, state or local
663 authorities;

664 (22) to issue subpoenas and compel the attendance of witnesses at any place within the
665 commonwealth, administer oaths and require testimony under oath before the commission and
666 board in the course of any investigation or hearing conducted under this chapter;

667 (23) to maintain an official internet website for the commission and board;

668 (24) to establish parameters for elections under clause 7 of subsection (a) of section
669 12;

670 (25) to determine which municipalities are the surrounding communities of a proposed
671 gaming establishment; provided, however, that in making such determination the board shall
672 consider factors including, but not limited to, population, infrastructure, distance from the
673 gaming establishment and political boundaries;

674 (26) to provide technical and financial assistance to cities and towns that are
675 conducting referendum votes or negotiating community mitigation impact agreements for the
676 purposes of this chapter and to facilitate the negotiation of fair and reasonable agreements
677 between an applicant and host or surrounding communities;

678 (27) to levy and collect assessments, fees and fines and impose penalties and sanctions
679 for violations of this chapter and regulations under section 5;

680 (28) to levy and collect assessments for the operation of the board, bureau,
681 commission, state police unit and division;

682 (29) to levy and collect taxes and assessments established in section 62;

683 (30) to ensure that all environmental laws and regulations are followed and the
684 mitigation of any impact on natural resources in the host and surrounding communities as a
685 result of a gaming establishment;

686 (31) to receive and investigate or cause to be investigated pursuant to regulations
687 promulgated by the board complaints by employees and prospective employees including
688 contract labor employees, minority business enterprises, and women business enterprises which
689 allege practices that are inconsistent with meeting or contrary to the commitments made by the
690 licensee pursuant to subsections (19), (31) and (32) of section 18 of this chapter; and

691 (32) to establish a system of sanctions, including but not limited to fines and penalties,
692 for failure to comply with requirements of a gaming license, in particular subsections (19), (31),
693 (32), (33) and (34) of said section 18.

694 Section 8. The board shall administer and enforce chapters 128A and 128C and any other
695 general or special law related to pari-mutuel wagering. The board shall serve as a host racing
696 commission and an off-track betting commission for purposes of 15 U.S.C.A. 3001, et seq.

697 Section 9. (a) The board may require anyone with an interest in the business of an
698 applicant for a gaming license, or a close associate of an applicant for a gaming license, to be
699 qualified for licensure by meeting the criteria set forth in sections 11 and 14 and to provide any
700 other information that the board requires.

701 (1) For every business which applies for a gaming license, the board shall determine
702 whether: each officer and director of a corporation, other than a publicly traded corporation;
703 general partner and limited partner of a limited partnership; and member or transferee of a
704 member's interest in a limited-liability company; and director and manager of a limited-liability
705 company which applies for a gaming license meets the standards for qualification of licensure
706 under sections 11 and 14. The board may also require that any of an applicant's business'
707 individual stockholders, lenders, holders of evidence of indebtedness, underwriters, close
708 associates, key gaming employees, key executives, agents or employees shall also be required to
709 meet the standards for qualification of licensure.

710 (2) Any person owning more than 5 per cent of the common stock of the applicant
711 company directly or indirectly or a holding company, an intermediary company or a subsidiary
712 of an applicant company may be required to meet the qualifications for licensure under sections
713 11 and 14. The board may waive these requirements for institutional investors holding up to 15
714 per cent of the stock of the applicant company or a holding company, an intermediary company
715 or a subsidiary of the applicant company upon a showing by the person seeking the waiver that
716 the applicant purchased the securities for investment purposes only and does not have an
717 intention to influence or affect the affairs or operations of the applicant company or a holding
718 company, an intermediary company or a subsidiary of the applicant company. An institutional
719 investor granted a waiver which subsequently determines to influence or affect the affairs or

720 operations of the applicant company or a holding company, an intermediary company or a
721 subsidiary of the applicant company shall provide not less than 30 days notice to the board of
722 such intent and the board shall ensure that the institutional investor meets the qualifications for
723 licensure under sections 11 and 14 before the institutional investor may take an action that may
724 influence or affect the affairs of the applicant company or a holding company, an intermediary
725 company or a subsidiary of the applicant company.

726 (3) The board may require a person who is required to be qualified for licensure by this
727 section to meet the standards for qualification of licensure under sections 11 and 14 and any
728 other standards the board determines before providing a recommendation to the commission on a
729 gaming license application under section 14.

730 (b) The board shall require any person involved in the financing of an applicant's
731 proposed gaming establishment to be qualified for licensure under sections 11 and 14 and may
732 grant a waiver under clause (2) of subsection (a).

733 (c) If a corporation or other form of business organization applying for a gaming license
734 is to become a subsidiary, each holding company, intermediary company and other entity having
735 an interest in the applicant shall be required to be qualified for licensure under sections 11 and
736 14.

737 (d) The board may require that a company or individual that may exercise control or
738 provide direction to an applicant company or a holding company, an intermediary company or a
739 subsidiary of an applicant company be qualified for licensure under section 11 and 14 and may
740 allow such person to seek a waiver under clause (2) of subsection (a).

741 Section 10. (a) After a gaming license is awarded to an applicant, the board may require
742 that anyone with an interest in the gaming establishment be licensed by the commission or
743 registered by the board.

744 (1) When a business is awarded a gaming license, all close associates, key gaming
745 employees, institutional investors, junket representatives, junket enterprises, each officer and
746 director if it is a corporation other than a publicly traded corporation, each general partner and
747 limited partner if it is a limited partnership, and if it is a limited-liability company each member,
748 transferee of a member's interest in the limited-liability company, director and manager of the
749 limited-liability company, shall be licensed by the commission prior to the business beginning
750 operations at the gaming establishment.

751 (2) Any person owning more than 5 per cent of the common stock of the gaming
752 licensee or a holding company, an intermediary company or a subsidiary of a gaming licensee
753 shall be licensed. The board may waive the licensing requirements for institutional investors
754 holding up to 15 per cent of the stock of the gaming licensee or holding company, an
755 intermediary company or a subsidiary of the gaming licensee upon a showing by the person

756 seeking the waiver that the applicant purchased the securities for investment purposes only and
757 does not have an intention to influence or affect the affairs or operations of the gaming licensee
758 or a holding company, an intermediary company or a subsidiary of the gaming licensee. An
759 institutional investor granted a waiver which subsequently determines to influence or affect the
760 affairs or operations of the gaming licensee or a holding company, an intermediary company or a
761 subsidiary of the gaming licensee shall provide not less than 30 days notice to the board of such
762 intent and shall file an application and be subject to the licensing requirements of this chapter
763 before taking an action that may influence or affect the affairs of the gaming licensee or a
764 holding company, an intermediary company or a subsidiary of the gaming licensee.

765 (3) All other gaming employees, gaming service employees, or any other person or
766 business with an interest in the gaming establishment as determined by the board, shall be
767 required to register with the board and provide such information as the board may require.

768 (b) Any person required to be licensed shall file an application with the board and shall
769 provide any additional information as the board requires. The application shall be on a form
770 prescribed by the board and shall include, but shall not be limited to, the following:

771 (1) the name of the applicant;

772 (2) the mailing address and if a corporation, the name of the state under the laws of
773 which the corporation is incorporated, the location of the corporation's principal place of
774 business and the names and addresses of the corporation's directors and stockholders;

775 (3) any criminal or arrest record;

776 (4) any civil judgments obtained against the applicant pertaining to antitrust or security
777 regulation;

778 (5) if the applicant is a business, the identity of every person or entity having a direct
779 or indirect interest in the business and the nature of such interest; provided, that, if the entity is a
780 trust, the application shall disclose the names and addresses of all beneficiaries; provided,
781 further, that if the entity is a partnership, the names and addresses of all partners, both general
782 and limited; and provided, further, that if the disclosed entity is a limited liability company, the
783 names and addresses of all members;

784 (6) an independent audit report of all financial activities and interests including, but not
785 limited to, the disclosure of all contributions, donations, loans or any other financial transactions
786 to or from any gaming licensee or operator of any gaming establishment in any jurisdiction
787 within the past 5 years; and

788 (7) clear and convincing evidence of financial stability including, but not limited to,
789 bank accounts, records, references, business and personal income and disbursement schedules,
790 tax returns and other reports filed with government agencies and business and personal

791 accounting check records and ledgers. The board may require such other information and
792 documentation as it deems appropriate including, without limitation, information related to the
793 financial integrity of the applicant.

794 (c) The board, by a majority vote of all members, may (i) make a recommendation to the
795 commission that the commission deny the application for a license; (ii) extend the period for
796 issuing a recommendation in order to obtain additional information necessary for a complete
797 evaluation of the application for a license; or (iii) recommend to the commission that the
798 commission grant the applicant a license.

799 (d) The commission may deny an application for a license and the board may deny an
800 application for a registration if the board or commission finds that a license applicant or
801 registrant is disqualified under section 11 or is unsuitable under section 14.

802 (e) A person who is required to be licensed under this section as a general or limited
803 partner shall not serve as such a partner for a licensee until the person obtains the required
804 license or waiver from the commission.

805 (f) The board shall require any person involved in the financing of a gaming
806 establishment to be licensed under this section but may grant a waiver under clause (2) of
807 subsection (a).

808 (g) A person serving in a position that is required to be licensed or registered shall apply
809 to be licensed by the commission or registered by the board not later than 30 days after taking a
810 position with the business. A person who is required to be licensed or registered under a decision
811 of the board shall apply for a license or registration not later than 30 days after the decision.

812 (h) If a corporation or other form of business organization holding a gaming license is to
813 become a subsidiary, the board shall require each holding company, intermediary company and
814 other entity to be licensed.

815 (i) The commission and board may require the licensing of a company or individual that
816 may exercise control or provide direction to a gaming licensee or a holding company, an
817 intermediary company or a subsidiary of a gaming licensee.

818 (j) The commission or board may condition, suspend or revoke a license or registration
819 under this section if the commission or board finds that a licensee or registrant has:

820 (1) been arrested or convicted of a crime; or

821 (2) failed to comply with this chapter pertaining to licensees or registrants.

822 Section 11. The commission shall deny an application for a gaming license or a license or
823 registration issued under this chapter if the applicant:

824 (1) has been convicted of a felony or other convictions involving embezzlement, theft,
825 fraud or perjury; provided, however, that for convictions which occurred before the 10-year
826 period immediately preceding application for licensure, an applicant may demonstrate, and the
827 commission shall consider, the applicant's rehabilitation and whether such conviction should not
828 result in a denial of the application under this section;

829 (2) has submitted an application for a license under this chapter that contains false or
830 misleading information;

831 (3) committed prior acts which have not been prosecuted or convicted but form a
832 pattern of misconduct that makes the applicant unsuitable for a license under this chapter; or

833 (4) has affiliates or close associates who would not qualify for a license or whose
834 relationship with the applicant could pose an injurious threat to the interests of the
835 commonwealth in awarding a gaming license to the applicant.

836 Section 12. (a) No applicant shall be eligible to bid on a gaming license unless the
837 applicant meets the following initial criteria and clearly states as part of an application that the
838 applicant shall:

839 (1) agree to be a state lottery reseller for the purpose of lottery and keno games and
840 demonstrates that state lottery and keno games would be readily accessible to guests of the
841 gaming establishment;

842 (2) in accordance with the design plans required under clause (13) of subsection (a) of
843 section 13 and in consultation with the secretary of transportation and the secretary of housing
844 and economic development, invest (a) for a category 1 applicant, not less than $600,000,000 into
845 a gaming establishment proposed to be located in region 1, not less than $600,000,000 into a
846 gaming establishment proposed to be located in region 2 and not less than $400,000,000 into a
847 gaming establishment proposed to be located in region 3, and (b) for a category 2 applicant, not
848 less than $75,000,000; provided that, for either a category 1 licensee or a category 2 licensee, the
849 required capital investment shall not include the purchase of the land where the gaming
850 establishment would be located;

851 (3) meet the licensee bonding requirement as set by the board;

852 (4) have a debt to equity ratio of not more than 4 to 1 when the application is
853 submitted;

854 (5) own, or acquire within 60 days after a license has been awarded, the land where the
855 gaming establishment is proposed to be constructed;

856 (6) demonstrate the ability to pay and commit to paying (a) for a category 1 applicant,
857 the licensing fee of $85,000,000 and the operating licensing payment of 25 per cent of all gross

858 gaming revenues, and (b) for a category 2 applicant, the licensing fee of $25,000,000, the
859 operating licensing payment of 40 per cent of all gross gaming revenue, and the daily assessment
860 established by section 62(c) of either 8 per cent or 10 per cent of gross gaming revenue; and,
861 regardless of category, demonstrate the ability to raise and commit to invest the funds required in
862 clause (2);

863 (7) (A) for a category 1 applicant, have received a certified and binding vote on a
864 ballot question at an election in the host community, in favor of such license; provided that the
865 vote must take place after the effective date of this chapter; provided, further, that a binding vote
866 shall be conducted not less than 60 days after the execution of a signed agreement between the
867 host community and the applicant as provided in clause (10); provided, further, that the city,
868 town or district that holds an election shall be reimbursed for its expenses related to the election
869 by the applicant; provided further that, for purposes of this paragraph only, if the gaming
870 establishment is proposed to be located in a city of 125,000 or more residents according to the
871 most recent enumerated federal census, "host community" shall mean only the ward in which the
872 gaming establishment is to be located for the purpose of receiving a certified and binding vote on
873 a ballot question at an election; provided, further, that, upon the signing of an agreement between
874 the host community and the applicant as provided in clause (10), and on the request of the
875 applicant, the city or town clerk shall set a date certain for an election on said ballot question in
876 the host community; provided, further, that, at such election, the question submitted to the voters
877 shall be worded as follows:-- "Shall the (city/town) of [name of city or town] permit the
878 Massachusetts Gaming Commission to authorize a gaming facility to be located at [description
879 of site]? YES NO"; provided, further, that, if a majority of the votes cast in a host community
880 in answer to the ballot question is in the affirmative, such host community shall be taken to have
881 voted in favor of the applicant's license; and

882 (B) for a category 2 applicant, have received a binding vote in the host community where
883 the gaming establishment will be located by a majority of members of the town council, or in a
884 city having a Plan D or Plan E charter, the city manager and the city council, or in any other city,
885 the mayor and city council, or in towns, a majority vote of those present and voting at a town
886 meeting and approval by the board of selectmen; provided, further, that an applicant for a
887 category 2 license who has received such a vote shall be required to obtain a vote on a ballot
888 question pursuant to paragraph (7)(A) if said applicant is applying for a category 1 license.

889 (8) provide a community impact fee to the host community;

890 (9) pay for infrastructure costs of the host and surrounding communities incurred in
891 direct relation to the construction and operation of a gaming establishment;

892 (10) provide to the commission a signed agreement between the host community and
893 the applicant to have a gaming establishment located within the host community; provided that
894 the agreement shall include the community impact fee for the host community and all

895 stipulations of responsibilities between the host community and the applicant, including
896 stipulations of known impacts from the development and operation of a gaming establishment;

897 (11) comply with state and local building codes and local ordinances and by-laws;

898 (12) formulate for board approval and abide by an affirmative-action program of equal
899 opportunity by which the applicant guarantees to provide equal employment opportunities to all
900 employees qualified for licensure in all employment categories, including a person with a
901 disability, under the laws of the commonwealth;

902 (13) pay to the board a non-refundable application fee in the amount of $400,000,
903 $50,000 of which shall be utilized to reimburse the host and surrounding municipalities for the
904 cost of determining the impact of a proposed gaming establishment and for negotiating
905 community mitigation impact agreements;

906 (14) formulate for board approval and abide by an affirmative marketing program by
907 which the applicant identifies specific goals, expressed as an overall program goal applicable to
908 the total dollar amount of contracts, for utilization of (i) minority business enterprises and
909 women business enterprises to participate as contractors in the design of the gaming
910 establishment, (ii) minority business enterprises and women business enterprises to participate as
911 contractors in the construction of the gaming establishment, and (iii) minority business
912 enterprises and women business enterprises to participate as vendors in the provision of goods
913 and services procured by the gaming facility and any businesses operated as part of the gaming
914 establishment; and

915 (15) formulate for board approval and abide by an affirmative-action program of equal
916 opportunity whereby the applicant establishes specific goals for the utilization of minorities and
917 women on said construction jobs, provided that such goals be equal to or greater than the goals
918 contained in the Executive Office of Administration and Finance Administration Bulleting #14.
919 In furtherance of specific goals for the utilization of minorities and women on said construction
920 jobs, the licensee will send to each labor union or representative of workers with which the
921 applicant has a collective bargaining agreement or other contract or understanding, a notice
922 advising the labor union or workers' representative of the applicant's commitments.

923 (b) Notwithstanding any general or special law to the contrary, the construction of a new
924 gaming facility or the reuse of an existing structure or facility for the purposes of establishing a
925 gaming facility shall require a review under sections 61 to 62H, inclusive, of chapter 30: the
926 Massachusetts Environmental Policy Act; and 301 CMR 11.00; provided, however, that such
927 review shall not be required for any such new gaming facility located within an existing
928 structure, or in any expansion of such structure that does not increase the floor area by more than
929 twenty five percent, located at a racing facility licensed pursuant to Chapters 128A or 128C of
930 the general laws; and provided further that the use of any such structure at a racing facility

931 licensed pursuant to Chapters 128A or 128C for the purposes permitted by this chapter shall not
932 be considered a change, alteration, expansion or extension of use and shall be an allowed use.

933 Section 13. (a) The board shall prescribe the form of the application for a gaming license
934 which shall require, but not be limited to, the following:

935 (1) the name of the applicant;

936 (2) the mailing address and, if a corporation, the name of the state under the laws of
937 which it is incorporated, the location of its principal place of business and the names and
938 addresses of its directors and stockholders;

939 (3) the identity of every person or entity having a direct or indirect interest in the
940 business and the nature of such interest; provided, that, if the entity is a trust, the application
941 shall disclose the names and addresses of all beneficiaries; provided, further, that if a partnership,
942 the names and addresses of all partners, both general and limited; and provided, further, that if a
943 limited liability company, the names and addresses of all members;

944 (4) whether the applicant is a federally recognized Native American tribe located in
945 the commonwealth or is partnering with a federally recognized Native American tribe located in
946 the commonwealth; provided, that if the applicant is a federally recognized Native American
947 tribe located in the commonwealth, such an applicant shall indicate whether the applicant has
948 entered into a contractual agreement with the commonwealth and whether the tribe has entered
949 into an agreement with the commonwealth to waive its rights under the Indian Regulatory
950 Gaming act, 25 U.S.C. sections 2701, et seq. and be subject to the civil and criminal laws,
951 statutes, ordinances and jurisdiction of the commonwealth with respect to activities relating to
952 the development and operation of a gaming establishment;

953 (5) information and documentation to demonstrate that the applicant has sufficient
954 business ability and experience to establish the likelihood of creation and maintenance of a
955 successful gaming establishment;

956 (6) if an applicant has ever applied for or has been granted a license to conduct
957 gaming in another jurisdiction, or has had a license issued by any other jurisdiction that has been
958 denied, restricted, suspended, revoked or not renewed, the applicant shall include a statement
959 describing the facts and circumstances concerning the application, denial, restriction, suspension,
960 revocation or nonrenewal, including the identity of the licensing authority, the date each action
961 was taken and the reason for each action;

962 (7) an independent audit report of all financial activities and interests including, but
963 not limited to, the disclosure of all contributions, donations, loans or any other financial
964 transactions to or from any gaming establishment or operator of a gaming establishment in the
965 past 5 years;

966 (8) clear and convincing evidence of financial stability including, but not limited to,
967 bank references, business and personal income and disbursement schedules, tax returns and other
968 reports filed by government agencies and business and personal accounting check records and
969 ledgers;

970 (9) evidence of ability and commitment to pay the gaming license fee;

971 (10) a capital investment plan and the total amount of investment proposed by the
972 applicant in the proposed gaming establishment, including all facilities, amenities and
973 infrastructure;

974 (11) evidence of sufficient capital to finance the proposed capital investment plan,
975 including investment in all facilities, amenities, infrastructure improvements as specified in the
976 design plan and continued operation of the proposed gaming establishment; provided that a
977 gaming licensee shall engage third-party engineering and accounting firms to certify expenses of
978 its capital investment plan and provide documentation of such accounting to the board; provided,
979 further, that the third-party engineering and accounting firms shall be approved by the board and
980 shall certify expenses under rules and regulations adopted by the commission under section 5;
981 provided, further, that the design plan shall describe timelines and milestones for design and
982 construction of such infrastructure improvements and the applicant shall make quarterly reports
983 on the progress of such infrastructure improvements to the board, the respective host
984 communities and the house and senate committees on ways and means;

985 (12) for category 1 applicants and proposed horse racing facility category 2 applicants,
986 the location for the proposed gaming establishment, which shall include the address, maps, book
987 and page numbers from the appropriate registry of deeds, assessed value of the land at the time
988 of application and ownership interests over the past 20 years including all interests, options,
989 agreements in property and demographic, geographic and environmental information and any
990 other information requested by the commission related to the proposed location;

991 (13) the design plans for the proposed gaming establishment, including, but not
992 limited to:

993 (i) detailed design plans detailing all phases of construction;

994 (ii) the names and addresses of the architects, engineers and designers;

995 (iii) a detailed timeline for construction that includes all phases of construction for
996 the gaming establishment and non-gaming structures; provided, further, that applicants for a
997 category 1 license shall specify the stages of construction of the gaming establishment and
998 infrastructure improvements and the deadline by which construction and any infrastructure
999 improvements will be completed. In awarding a category 1 license, the commission shall
1000 determine at what stage of construction a licensee shall be approved to open for business;

1001 provided, however, that a licensee shall not be permitted to open for business until the
1002 commission has determined that at least the gaming facility and hotel have been built and are of
1003 a superior quality as set forth in the conditions of licensure;

1004 (iv) the number of construction hours estimated to complete the work and whether
1005 the developer has contracts with labor organizations or a provision assuring labor harmony
1006 during all phases of such construction, renovation or reconstruction of the development, and
1007 capital and routine maintenance; and

1008 (v) a responsible contractor policy and the specific qualifications required for all
1009 contractors and subcontractors on the project;

1010 (14) for a category 1 applicant, a detailed description of the types of games to be
1011 conducted at the gaming establishment; the number and type of each game and the specific
1012 gaming area;

1013 (15) for a category 1 applicant, a detailed description of the other amenities at the
1014 gaming establishment, including but not limited to:

1015 (i) the number of hotels and rooms per hotel and other amenities to be located at the
1016 proposed gaming establishment;

1017 (ii) the number of restaurants and other dining establishments to be located at the
1018 proposed gaming establishment; and

1019 (iii) a description of ancillary entertainment services and amenities to be offered at
1020 the proposed gaming establishment;

1021 Applicants for a category 1 license shall submit their proposed capital investment with
1022 their application which shall include stages of construction of the gaming establishment and the
1023 deadline by which construction and any infrastructure improvements will be completed. In
1024 awarding a category 1 license, the commission shall determine at what stage of construction a
1025 licensee shall be approved to open for business; provided, however, that a licensee shall not be
1026 permitted to open for business until the commission has determined that at least the gaming
1027 facility and hotel have been built and are of a superior quality;

1028 (16) a detailed description of the proposed internal controls and security systems at the
1029 proposed gaming establishment;

1030 (17) for category 1 applicants and proposed horse racing facility category 2 applicants,
1031 whether the applicant purchased or intends to purchase publicly owned land for the proposed
1032 gaming establishment;

1033 (18) the number of permanent employees to be employed at the gaming establishment,
1034 including detailed information on pay rate and benefits;

1035 (19) a detailed description of the proposed gaming establishment's hiring and training
1036 practices, how it will promote the development of a skilled and diverse workforce, how it will
1037 provide opportunities for promotion;

1038 (20) whether the applicant would agree to hire any qualified persons permanently
1039 employed as of December 31, 2009, at a facility authorized to conduct simulcasting under
1040 chapter 128C that was in operation on December 31, 2009 within the region for which the
1041 gaming license was granted if said facility terminates operation within 1 year of the commission
1042 awarding the gaming license, and whether the applicant would agree to hire any qualified
1043 greyhound kennel owners, greyhound kennel workers, or other former greyhound track
1044 employees who lost their jobs as a result of the passage of chapter 388 of the acts of 2008;
1045 provided, however, that all employees within the gaming establishment shall be subject to all
1046 other requirements and conditions of employment under this chapter;

1047 (21) whether the applicant has a contract with organized labor and has the support of
1048 organized labor for its application; and whether the applicant has included detailed plans for
1049 assuring labor harmony during all phases of the construction, re-construction, renovation,
1050 development and operation of the gaming establishment;

1051 (22) an agreement and detailed description of how the applicant will mitigate potential
1052 negative public health consequences associated with gambling and the operation of a gambling
1053 establishment;

1054 (23) completed studies and reports as required by the board, which shall include, but
1055 shall not be limited to, an examination of the proposed gaming establishment's: (a) economic
1056 benefits to the commonwealth and, for a category 1 applicant, the region; (b) local and regional
1057 social, environmental, traffic and infrastructure impacts; (c) impact on the local and regional
1058 economy, including on cultural institutions and on small businesses in the host and surrounding
1059 communities; (d) cost to the host community and surrounding communities and the
1060 commonwealth for the proposed gaming establishment to be located at the proposed location;
1061 and (e) the estimated municipal and state tax revenue to be generated by the gaming
1062 establishment;

1063 (24) for category 1 applicants and proposed horse racing facility category 2 applicants,
1064 a statement as to whether the applicant's proposed gaming establishment is part of or in accord
1065 with a regional or local economic development plan;

1066 (25) a plan to identify, evaluate and mitigate social, economic, cultural and public
1067 safety impacts in surrounding communities; provided that the plan shall include proposed
1068 surrounding community impact fees and participation by the surrounding communities in
1069 identifying impacts and mitigation agreements with the surrounding communities;

1070 (26) the names of proposed vendors of gaming equipment;

1071 (27) responses to any additional questions that the board may ask; and

1072 (28) a plan to identify, evaluate and mitigate transportation infrastructure impacts in
1073 surrounding communities.

1074 (b) Applications for licenses shall be public records for the purposes of section 10 of
1075 chapter 66; provided, however, that information required by the commission that pertains to: (i)
1076 confidential finances, earnings, revenue or trade secrets of an applicant; (ii) an applicant's
1077 criminal record or background information; and (iii) personal information submitted by an
1078 applicant under this section, shall be confidential, shall not be public records and shall not be
1079 disclosed.

1080 (c) Personal information shall include any information concerning: (i) a minor child of an
1081 applicant; (ii) the social security number of an applicant or the spouse of an applicant; (iii) the
1082 home telephone number or address of an applicant or the spouse or children of an applicant; (iv)
1083 the birth certificate of an applicant or information relating to the date or place of birth of an
1084 applicant's spouse; (v) the driver's license number of an applicant or an applicant's spouse; (vi)
1085 the name or address of a previous spouse of the applicant; (vii) the personal financial information
1086 and records of an applicant or the spouse or minor child of an applicant, including tax returns and
1087 all records of criminal proceedings; (viii) information concerning a victim of domestic violence,
1088 sexual assault or stalking; (ix) the personal electronic mail address of an applicant or spouse or
1089 family member of the applicant; and (x) other information considered necessary by the
1090 commission to protect the privacy of an applicant or the applicant's family. [Source: S2495 from
1091 2009-2010 session.]

1092 Section 14. (a) Upon receipt of an application for a license or registration under this
1093 chapter, the board shall investigate the suitability of the applicant. In evaluating the suitability of
1094 an applicant, the board shall consider the overall reputation of the applicant including, but not
1095 limited to:

1096 (1) the integrity, honesty, character and reputation of the applicant;

1097 (2) the financial stability and background of the applicant;

1098 (3) the business practices and the business ability of the applicant;

1099 (4) whether the applicant has a history of compliance with gaming licensing
1100 requirements in other jurisdictions;

1101 (5) whether the applicant, at the time of application, is a defendant in litigation
1102 involving its business practices;

1103 (6) the suitability of all parties in interest to the gaming license, including affiliates,
1104 close associates and the financial resources of the applicant; and

1105 (7) whether the applicant is disqualified from receiving a license under section 11;
1106 provided, however, that in considering the rehabilitation of an applicant for a gaming license, the
1107 commission shall not automatically disqualify an applicant if the applicant affirmatively
1108 demonstrates, by clear and convincing evidence, that the applicant has financial responsibility,
1109 character, reputation, integrity and general fitness as such to warrant belief by the commission or
1110 board that the applicant will act honestly, fairly, soundly and efficiently as a licensee or
1111 registrant.

1112 (b) If the board determines during its suitability investigation under subsection (a) that an
1113 applicant for a gaming license has failed to: (i) establish the applicant's integrity or the integrity
1114 of an affiliate, close associate, financial source or person required to be qualified by the board;
1115 (ii) demonstrate responsible business practices in any jurisdiction; (iii) overcome any other
1116 reason, as determined by the board, as to why it would be injurious to the interests of the
1117 commonwealth in awarding the applicant a gaming license, the board shall cease any further
1118 review and recommend to the commission that the application be denied.

1119 Section 15. (a) If the board has determined an applicant for a gaming license is suitable to
1120 receive a gaming license, the board shall commence a review of the applicant's entire
1121 application.

1122 (b) The board shall identify which communities shall be designated as the surrounding
1123 communities of a proposed gaming establishment. In making that determination the board shall
1124 consider the plan submitted by the applicant under clause (25) of subsection (a) of section 13,
1125 information received from the public and factors which include, but shall not be limited to,
1126 population, infrastructure, distance from the gaming establishment and political boundaries. Prior
1127 to the public hearing required by subsection (c), the applicant shall provide to the board a signed
1128 agreement with each of the surrounding communities; provided that each agreement shall include
1129 a surrounding community impact fee and all stipulations of responsibility between the
1130 community and the applicant, including stipulations of known impacts from the development and
1131 operation of the gaming establishment. When necessary the board may facilitate the negotiation
1132 of fair and reasonable agreements between the applicant and surrounding communities.

1133 (c) After a review of the entire application and any independent evaluations, the board
1134 shall conduct a public hearing on the application under section 11½ of chapter 30A. An applicant
1135 for a gaming license and a municipality designated as a host or surrounding community shall be
1136 given at least 30 days' notice of the public hearing. The board shall hold the public hearing
1137 within the host community; provided, however, that the host community may request that the
1138 board hold the hearing in another city or town upon request by a majority of members of the
1139 town council or, in a city having a Plan D or Plan E charter, the city manager and the city council
1140 or, in any other city, the mayor and city council or, in a town, a majority vote of those present
1141 and voting at a town meeting and approval by the board of selectmen.

1142 (d) The public hearing shall provide the board the opportunity to address questions and
1143 concerns relative to the proposal of an applicant for a gaming license including the breadth and
1144 quality of the gaming area and amenities, the integration of the establishment into the
1145 surrounding community, and the extent of required mitigation plans, as well as to receive input
1146 from members of the public from the impacted community or communities. During the hearing,
1147 along with allowing members of the public to give verbal testimony, the board may read into the
1148 record letters of support, opposition or concern from members of the public.

1149 (e) Not later than 90 days after the conclusion of the public hearing the board shall take
1150 action on the application. The board, by a majority vote of all members, may: (i) make a
1151 recommendation to the commission that the commission deny the application; (ii) extend the
1152 period for issuing a recommendation in order to obtain additional information necessary for a
1153 complete evaluation of the application; or (iii) recommend to the commission that the
1154 commission grant the applicant a gaming license.

1155 (f) Upon making a decision to recommend denial of an application, the board shall
1156 prepare and file the board's decision with the commission and, if requested by the applicant,
1157 shall further prepare and file a statement of the reasons for the recommendation of denial,
1158 including specific findings of fact.

1159 (g) The applicant shall be entitled to a hearing before the commission after the filing of
1160 the board's recommendation. The applicant shall have the right to contest the board's findings. A
1161 representative of the board shall also appear at the hearing and the commission may put such
1162 questions to that representative as it deems appropriate.

1163 (h) Not later than 60 days after the receipt of the recommendation of the board, the
1164 commission shall take action on the application. The commission, by majority vote of all
1165 commissioners, may: (i) deny the application; (ii) extend the period for issuing a decision in
1166 order to obtain any additional information necessary for a complete evaluation of the application;
1167 or (iii) grant the application for a gaming license.

1168 (i) Upon denial of an application, the commission shall prepare and publish its order and,
1169 if requested by the applicant, shall further prepare and file a statement of the reasons for the
1170 denial, including specific findings of fact.

1171 (j) The commission shall have full discretion as to whether to issue a license. Applicants
1172 shall have no legal right or privilege to a gaming license and shall not be entitled to any further
1173 review if denied.

1174 Section 16. (a) In determining whether an applicant should receive a gaming license, the
1175 commission shall evaluate:

1176 (1) whether the proposed gaming establishment offers the highest and best value
1177 creating a secure and robust gaming market in the commonwealth and, for a category 1
1178 applicant, the region;

1179 (2) the revenues received by the commonwealth;

1180 (3) the number and quality of the jobs provided by the proposed gaming
1181 establishment;

1182 (4) the degree to which the proposed gaming establishment meets the criteria
1183 identified in regulations adopted under section 5;

1184 (5) the degree to which potential impacts on host and surrounding communities which
1185 might result from the development or operation of the gaming establishment are mitigated;

1186 (6) the degree to which potential adverse effects which might result from the project
1187 including but not limited to, the cost of meeting the increase in demand for public health care,
1188 child care, public transportation, affordable housing and social services, are mitigated;

1189 (7) the distance between the proposed gaming establishment and any other gaming
1190 establishment;

1191 (8) how well the proposal protects the lottery from adverse impacts due to expanded
1192 gaming, including, but not limited to, developing cross-marketing strategies with the lottery and
1193 increasing ticket sales to out-of-state residents;

1194 (9) how well the proposal promotes local businesses in host and surrounding
1195 communities, including developing cross-marketing strategies with local restaurants, hotels,
1196 retail outlets and performing arts organizations;

1197 (10) how well the proposal implements an affirmative marketing program that
1198 identifies specific goals, expressed as an overall program goal applicable to the total dollar
1199 amount of contracts, for the utilization of (i) minority business enterprises and women business
1200 enterprises to participate as contractors in the design of the gaming establishment, (ii) minority
1201 business enterprises and women business enterprises to participate as contractors in the
1202 construction of the gaming establishment, and (iii) minority business enterprises and women
1203 business enterprises to participate as vendors in the provision of goods and services procured by
1204 the gaming facility and any businesses operated as part of the gaming establishment;

1205 (11) how well the proposal implements a workforce development plan that (i)
1206 incorporates an affirmative-action program of equal opportunity by which the applicant
1207 guarantees to provide equal employment opportunities to all employees qualified for licensure in
1208 all employment categories, including persons with a disability, (ii) utilizes the existing labor
1209 force in the commonwealth and, for a category 1 license application, the region, (iii) estimates

1210 the number of construction jobs a proposed gaming establishment will generate and provides for
1211 equal employment opportunities and which includes specific goals for the utilization of
1212 minorities and women on said construction jobs, (iv) identifies workforce training programs
1213 offered by the gaming establishment, and (v) identifies the methods for accessing employment at
1214 the gaming establishment;

1215 (12) whether the proposal would build a gaming establishment with a variety of
1216 amenities and operate in partnership with local hotels, dining, retail and entertainment facilities
1217 so that patrons experience the diversified regional tourism industry;

1218 (13) whether the proposal takes additional measures to address problem gambling,
1219 including, but not limited to, training gaming employees in prevention programs targeted toward
1220 vulnerable populations and to identify patrons exhibiting problems with gambling;

1221 (14) the market analysis detailing the benefits of the site location of the gaming
1222 establishment and the estimated recapture rate of gaming-related spending by residents travelling
1223 to out-of-state gaming establishments;

1224 (15) whether the proposal utilizes sustainable development and high performance
1225 design principles, including, but not limited to: (i) being certified as gold or higher under the
1226 appropriate certification category in the Leadership in Environmental and Energy Design
1227 program created by the United States Green Building Council; (ii) meeting or exceeding the
1228 stretch energy code requirements contained in Appendix 120AA of the Massachusetts building
1229 energy code or equivalent commitment to advanced energy efficiency as determined by the
1230 secretary of the executive office of energy and environmental affairs; (iii) efforts to mitigate
1231 vehicle trips; (iv) efforts to conserve water and manage storm water; (v) demonstration that
1232 electrical and HVAC equipment and appliances will be EnergyStar labeled where available; (vi)
1233 procuring or generating on-site 10 per cent of its annual electricity consumption from renewable
1234 sources qualified by the department of energy resources under section 11F of chapter 25A; and
1235 (vii) developing an on-going plan to sub-meter and monitor all major sources of energy
1236 consumption and undertake regular efforts to maintain and improve energy efficiency of
1237 buildings in their systems;

1238 (16) whether the proposal establishes, funds and maintains human resource hiring and
1239 training practices and promotes the development of a skilled and diverse workforce and access to
1240 promotion opportunities through a workforce training program that: (i) establishes transparent
1241 career paths within the establishment, leading to increased responsibility and pay, with
1242 measurable criteria designed to assist employees pursuing career advancement and promotion;
1243 (ii) provides employees access to additional resources, such as tuition reimbursement or stipend
1244 policies, to enable employees to acquire education or job training needed to advance on those
1245 career paths; (iii) supports and works in tandem with the workforce development plan required
1246 by this section; and (iv) establishes an on-site child day care program;

1247 (17) whether the applicant would contract with local business owners to provide
1248 services and goods to the gaming establishment;

1249 (18) how well the proposal preserves and enhances the live horse racing industry in
1250 the commonwealth and its operational and economic sustainability, including the preservation
1251 and development of jobs within the racing industry and related agricultural industries, or
1252 including the preservation and enhancement of purse programs in the commonwealth; and

1253 (19) the degree to which the proposed gaming establishment provides a suitable buffer
1254 to residential and commercial abutters.

1255 (b) The commission shall issue a statement of findings of how each applicant proposes to
1256 meet the objectives in subsection (a).

1257 Section 17. (a) (1) The commission may issue not more than three (3) category 1 gaming
1258 licenses based on the applications submitted to the commission. Not more than 1 license may be
1259 awarded per region, as follows:

1260 region 1: suffolk, middlesex, essex and worcester counties;

1261 region 2: norfolk, bristol, plymouth, nantucket, dukes and barnstable counties;

1262 region 3: hampshire, hamden, franklin and berkshire counties;

1263 provided that gaming licenses shall only be issued to applicants who are qualified under
1264 the criteria set forth in this chapter as determined by the commission. Within any of the regions,
1265 if the commission is not convinced that there is an applicant that has both met the eligibility
1266 criteria and provided convincing evidence that the applicant will provide value to the region in
1267 which the gaming establishment is proposed to be located and to the commonwealth, no category
1268 1 gaming license shall be awarded in that region.

1269 (2) The commission shall issue one (1) category 2 license, provided, however, that it
1270 must be issued to a qualified existing harness horse racing licensee, a qualified existing
1271 thoroughbred horse racing licensee, a qualified existing greyhound racing licensee, or a proposed
1272 horse racing facility. A category 2 license issued to a proposed horse racing facility shall be
1273 contingent upon the licensee receiving a license for live horse racing under chapter 128A and
1274 commencing such live racing prior to the commencement of gaming operations under the
1275 category 2 license. A category 2 license issued to a category 2 live racing licensee shall be
1276 contingent upon compliance with the annual live racing requirements of chapters 128A and
1277 128C. A category 2 license issued to an existing greyhound racing facility shall be contingent
1278 upon maintenance of the facility's simulcasting license under chapter 128C. An applicant who is
1279 eligible for a category 2 license pursuant to this section may apply for a category 1 license;
1280 provided, however, in the case of an existing harness horse racing facility, an existing

1281 thoroughbred racing facility, or a proposed horse racing facility, that upon receipt of a category 1
1282 license said applicant shall continue to conduct live racing.

1283 (b) No other gaming license shall be issued by the commission for a period of 15 years.

1284 (c) No gaming licensee shall transfer a license or any direct or indirect interest in the
1285 license or a gaming establishment without the majority approval of the commission. Any person
1286 seeking to acquire a license through a transfer shall qualify for licensure under this chapter. The
1287 commission shall reject any license transfer or transfer of interest in the gaming establishment to
1288 an unsuitable person and may reject a proposed transfer that, in the opinion of the commission,
1289 would be disadvantageous to the interests of the commonwealth.

1290 (d) (1) Notwithstanding any general or special law or rule or regulation to the contrary,
1291 the commission may grant, upon request of an applicant for a gaming license, a gaming beverage
1292 license for the sale and distribution of alcoholic beverages to be consumed on the premises of a
1293 gaming establishment. The alcoholic beverage control commission shall have the exclusive
1294 authority to enforce, regulate and control the distribution of alcoholic beverages in the gaming
1295 establishment.

1296 (2) Chapter 138 and the rules and regulations promulgated by the alcoholic beverages
1297 control commission shall apply to a gaming establishment and a gaming beverage license unless
1298 otherwise provided by this section.

1299 (3) The fee for the gaming beverage license and any renewals of the license shall be
1300 determined by the commission. The application fee shall be remitted with the gaming application
1301 fee.

1302 (4) A licensee under this section shall be permitted to distribute alcohol free of charge
1303 and for on-premise consumption to patrons in the gaming area or as a complimentary service or
1304 item in the gaming establishment; provided, however, that the commission shall promulgate
1305 regulations on such distribution as well as the forms of identification that may be presented to the
1306 licensee to demonstrate proof that a person has attained the age of 21.

1307 (5) The request submitted to the commission for a gaming beverage license by an
1308 applicant for a gaming license shall detail all areas where alcoholic beverages will be served
1309 within the gaming establishment. In issuing a gaming beverage license, the commission shall
1310 describe the scope of the particular license and any restrictions and limitations; provided,
1311 however, that the license shall not permit the sale or distribution of alcoholic beverages between
1312 the hours of 2 a.m. and 8 a.m.

1313 (6) A gaming licensee shall be responsible for violations of gaming beverage license
1314 in the gaming establishment. The commission may revoke, suspend, refuse to renew or refuse to
1315 transfer a gaming beverage license for violations of chapter 138, regulations promulgated by the

1316 alcoholic beverages control commission and the regulations adopted by the commission. If, at
1317 any time, a licensee elects temporary suspension of their gaming license due to violations of this
1318 section, said licensee shall owe the commonwealth the average tax on gross gaming revenue
1319 based on an appropriate period of time as determined by the commission for the number of days
1320 operation was suspended.

1321 (7) A gaming beverage license shall not be transferable without prior approval from
1322 the commission. If the license granted under this section is cancelled, revoked or no longer in
1323 use, it shall be returned physically, with all the legal rights, privileges and restrictions pertaining
1324 to the license, to the commission and the commission may then grant the license to a new gaming
1325 licensee under the same conditions as specified in this section.

1326 (8) A gaming beverage license granted under this section shall not decrease the
1327 number of such licenses authorized to be granted to the host community under chapter 138.

1328 (e) (1) A category 1 license issued under this chapter shall be valid for a period of 15
1329 years from the date of first issuance. Ten years after issuance, and every 10 years thereafter, the
1330 commission shall perform a thorough review of the business strategy of the gaming
1331 establishment which shall include plans for expansion and marketing submitted by the licensee.

1332 (2) A category 2 license issued under this chapter shall be valid for a period of 5 years
1333 from the date of first issuance. Five years after issuance, and every 5 years thereafter, the
1334 commission shall perform a thorough review of the business strategy of the gaming
1335 establishment which shall include plans for expansion and marketing submitted by the licensee.

1336 (3) The commission shall establish procedures for renewal and set the renewal fee
1337 based on the cost associated with the evaluation of a licensee requesting a renewed gaming
1338 license. A gaming licensee shall issue an annual report to the board explicitly stating its progress
1339 on meeting each of the stated goals and stipulations from the licensee's original application. If a
1340 licensee is unable to meet stated goals within a reasonable time frame, as determined by the
1341 board, the board may levy additional fees, so long as the fees are fair and reasonable, and the
1342 commission may revoke the license, so long as the licensee has been afforded a proper hearing
1343 on the matter.

1344 Nothing in this section shall preclude the board at any time from reviewing the business
1345 operations of a gaming licensee to ensure that the conditions of licensure are being met,
1346 including, but not limited to, the suitability of the licensee and any affiliates and the fiscal
1347 stability of the gaming establishment.

1348 (f) The commission may condition, suspend or revoke a gaming license upon a finding
1349 that a licensee: (i) has committed a criminal or civil offense under this chapter or any other laws
1350 of the commonwealth; (ii) is not in compliance with gaming regulations or is under criminal
1351 investigation in another jurisdiction; (iii) has breached a condition of the gaming license; (iv) is

1352 conducting business with or employing a person or entity subject to license or registration under
1353 this chapter that is not licensed or registered; (v) is no longer capable of maintaining operations
1354 at a gaming establishment; or (vi) whose business practice, upon a determination by the
1355 commission, is injurious to the policy objectives of this chapter.

1356 (g) Whenever any person contracts to transfer any property relating to an ongoing gaming
1357 establishment, including a security holding in a gaming licensee or a holding or intermediary
1358 company, under circumstances which require that the transferee obtain licensure under this
1359 chapter, the contract shall not specify a closing or settlement date which is sooner than 121 days
1360 after the submission of a completed application for licensure or qualification, which application
1361 shall include a fully executed and approved trust agreement.

1362 The commission shall hold a hearing and render a decision on the interim authorization of
1363 the applicant. If the commission grants interim authorization, then the closing or settlement may
1364 occur without interruption of gaming operations. If the commission denies interim authorization,
1365 there shall be no closing or settlement until the commission makes a determination on the
1366 qualification of the applicant. If the commission then denies qualification the contract shall be
1367 terminated for all purposes without liability on the part of the transferor.

1368 (h) No person or affiliate shall be awarded, purchase or otherwise hold or have a financial
1369 interest in more than 1 gaming license issued by the commission.

1370 (i) When granting the gaming licenses, the commission shall take into consideration the
1371 physical distance between the proposed gaming establishments and how to maximize the benefits
1372 to the commonwealth. No category 1 gaming establishment shall be located within 40 miles of
1373 any other category 1 gaming establishment in the commonwealth.

1374 (j) (1) The commission shall evaluate all category 1 gaming license applications to
1375 determine which application provides the highest and best value to the region and to the
1376 commonwealth based on the criteria set out in this chapter and on any other terms the
1377 commission determines by regulation.

1378 (2) The commission shall evaluate all category 2 gaming license applications to
1379 determine which application provides the highest and best value to the commonwealth based on
1380 the criteria set out in this chapter and on any other terms the commission determines by
1381 regulation.

1382 (k) A gaming licensee which has received a category 1 gaming license shall pay to the
1383 board a licensing fee of $85,000,000. A gaming licensee which has received a category 2
1384 gaming license shall pay to the board a licensing fee of $25,000,000. These fees shall be paid not
1385 later than 30 days after the final award of the license which sets forth the conditions to be
1386 satisfied by the licensee before the gaming establishment may be opened to the public.

1387 Section 18. (a) The board shall prescribe the form of the gaming license, which shall
1388 include, but shall not be limited to, the following license conditions:

1389 (1) Each gaming licensee shall have an affirmative obligation to abide by every
1390 statement made in its application to the board under section 13.

1391 (2) Each gaming licensee shall comply with all laws of the commonwealth and all
1392 rules and regulations promulgated under this chapter.

1393 (3) Each gaming licensee shall abide by all state and local building codes.

1394 (4) Each gaming licensee shall pay daily to the board the gross gaming revenue
1395 payment.

1396 (5) Each gaming licensee shall make, or cause to be made, capital expenditures to its
1397 gaming establishment in a minimum aggregate amount equal to or greater than 3.5 per cent of
1398 the net gaming revenues derived from the establishment.

1399 (6) No person including, but not limited to, a substantial party in interest, affiliates and
1400 those entities established under the rules and regulations of the state secretary, shall transfer a
1401 license, a direct or indirect real interest, structure, real property, premises, facility, personal
1402 interest or pecuniary interest under a license issued under this chapter or enter into an option
1403 contract, management contract or other agreement or contract providing for such transfer in the
1404 present or future, without notification to, and approval by, the commission. The commission may
1405 promulgate rules and regulations, under section 5, that create exemptions from the approval
1406 requirement; provided, that:

1407 (i) in no event shall a bona fide commercial financial institution licensed by the
1408 division of banks or licensed by another state, or a nationally chartered bank or bank holding
1409 company, which becomes a substantial party of interest with a licensee be considered a
1410 transferee;

1411 (ii) the commission may require the transferor, transferee, or both, to pay to the
1412 board an amount representing the commonwealth's share of the increased value for the
1413 transferred licenses, property or interest; provided, further, that the commission shall consider as
1414 a factor in determining the amount of the payment the market value of said license, property or
1415 interest when it was acquired and at the time of the transfer; provided, further, that the
1416 commission may place additional conditions or restrictions on said transfer that the commission
1417 considers suitable; provided, further, that the commission may reject said transfer if the
1418 commission considers the transfer unsuitable; and

1419 (iii) any payments collected by the board on behalf of the commonwealth based on
1420 said transfer shall be deposited in the same manner as license fees are deposited.

1421 (7) No gaming licensee shall be permitted to change its business governing structure
1422 without notification to and approval of the commission.

1423 (8) No gaming licensee shall operate, invest or own, in whole or in part, another
1424 licensee's license or gaming establishment. The commission shall promulgate rules and
1425 regulations, under section 5, to address violations of this subsection.

1426 (9) Each gaming licensee shall cooperate with the commission, the board and the
1427 attorney general in all gaming-related investigations. Each licensee shall make readily available
1428 all documents, materials, equipment, personnel and any other items requested during all
1429 investigations. Material that the licensee considers a trade secret or detrimental to the licensee if
1430 it were made public may, with the board's approval, be protected from public disclosure and the
1431 gaming licensee may require non-disclosure agreements with the board before disclosing such
1432 material.

1433 (10) Each gaming licensee shall cooperate with the commission, the board and the
1434 attorney general with respect to the investigation of any criminal matter that is discovered on the
1435 gaming establishment. The gaming licensee shall, upon receipt of criminal or civil process
1436 compelling testimony or production of documents in connection with a civil or criminal
1437 investigation, immediately disclose such information to the board. This section shall not prohibit
1438 private persons or public entities from seeking any remedy or damages against a gaming
1439 licensee.

1440 (11) Each gaming licensee shall allow the board to conduct warrantless searches of the
1441 licensee's gaming area.

1442 (12) Each gaming licensee shall have a duty to inform the board of any action which
1443 the licensee reasonably believes would constitute a violation of this chapter, and shall assist the
1444 board and any federal or state law enforcement agency in the investigation and prosecution of
1445 such violation. No person who informs the board of such an action shall be discriminated against
1446 by an applicant or licensee as a consequence for having supplied of such information.

1447 (13) Each gaming licensee shall agree to be a state lottery reseller for the purpose of
1448 lottery, multi-jurisdictional lottery and keno games and to demonstrate that state lottery and keno
1449 games are readily accessible to people in the gaming establishment.

1450 (14) Each gaming licensee shall provide an office for the board at the gaming
1451 establishment. The board shall establish the minimum requirements for said office.

1452 (15) Each gaming licensee shall provide an office for the designated state police unit
1453 at the gaming establishment. The board shall establish the minimum requirements for square
1454 footage for the state police office, office furnishings and parking space.

1455 (16) Each gaming licensee shall collect and annually report to the board a detailed
1456 statistical report on the number, job titles, benefits and salary of employees hired and retained in
1457 employment at the gaming establishment.

1458 (17) Each gaming licensee shall agree to make a good faith effort to identify and
1459 recruit candidates from the local labor market area and other nearby labor market areas to ensure
1460 a diverse workforce.

1461 (18) Each gaming licensee shall establish, fund and maintain internal human resource
1462 hiring and training practices that promote the development of a skilled and diverse workforce
1463 with access to promotion opportunities by:

1464 (i) establishing transparent career paths with measurable criteria within the gaming
1465 establishment that lead to increased responsibility and higher pay grades that are designed to
1466 allow employees to pursue career advancement and promotion;

1467 (ii) establishing employee access to additional resources, such as tuition
1468 reimbursement or stipend policies, to enable employees to acquire the education or job training
1469 needed to advance career ladders based on increased responsibility and pay grades; and

1470 (iii) establishing an on-site child day care program.

1471 (19) Each gaming licensee shall formulate for board approval and abide by an
1472 affirmative-action program of equal opportunity by which the applicant guarantees to provide
1473 equal employment opportunities to all employees qualified for licensure in all employment
1474 categories, including a person with a disability, under the laws of the commonwealth.

1475 (20) Each gaming licensee shall employ only those persons licensed by the
1476 commission or registered by the board.

1477 (21) Each gaming licensee shall do business only with those vendors licensed by the
1478 commission or registered by the board.

1479 (22) Each gaming licensee shall provide to the board aggregate demographic
1480 information with respect to the licensee's customers in a manner and under a schedule to be
1481 defined by the board.

1482 (23) Each gaming licensee shall meet the requirements under clauses 7 through 11 of
1483 subsection (a) of section 12 and clause (23) of subsection (a) of section 13 to the satisfaction of
1484 the board.

1485 (24) Each gaming licensee shall provide complimentary on-site space for an
1486 independent substance abuse, compulsive gambling and mental health counseling service and
1487 establish a program to train the gaming employees in the identification of and intervention with
1488 customers exhibiting problem gaming behavior.

1489 (25) Each gaming licensee shall keep conspicuously posted in the gaming area a
1490 notice containing the name and a telephone number for problem gambling assistance. The board
1491 may require the licensee to provide this information in more than 1 language.

1492 (26) Each gaming licensee shall provide a process for individuals to exclude such
1493 individuals' names and contact information from the gaming licensee's database or any other list
1494 held by the gaming licensee for use in marketing or promotional communications.

1495 (27) Each gaming licensee shall meet the requirements under clause (22) of subsection
1496 (a) of section 13 to the satisfaction of the board.

1497 (28) Each gaming licensee shall institute additional public health strategies as required
1498 by the board.

1499 (29) No gaming licensee or gaming establishment shall authorize or conduct direct
1500 marketing and promotional communications relative to gaming targeted towards persons under
1501 the age of 21.

1502 (30) All gaming licensees shall collect and annually report to the board a detailed
1503 statistical report on the number, job titles, salary, gender, race and disability of employees hired
1504 and retained in employment at the gaming establishment.

1505 (31) All gaming licensees shall formulate for board approval and abide by an
1506 affirmative-action program of equal opportunity whereby the licensee guarantees to provide
1507 equal employment opportunities to all employees qualified for licensure in all employment
1508 categories, including persons with a disability, under the laws of the commonwealth.

1509 (32) All gaming licensees shall formulate for board approval and abide by an
1510 affirmative marketing program by which the licensee identifies specific goals, expressed as an
1511 overall program goal applicable to the total dollar amount or value of contracts entered into, for
1512 the utilization of (i) minority business enterprises and women business enterprises to participate
1513 as contractors in the design of the gaming establishment, (ii) minority business enterprises and
1514 women business enterprises to participate as contractors in the construction of the gaming
1515 establishment, and (iii) minority business enterprises and women business enterprises to
1516 participate as vendors in the provision of goods and services procured by the gaming facility and
1517 any businesses operated as part of the gaming establishment. Said specific goals for the
1518 utilization of such minority business enterprises and women business enterprises shall be based
1519 on the availability of such minority business enterprises and women business enterprises engaged
1520 in the type of work to be contracted by the licensee.

1521 (33) All gaming licensees shall formulate for board approval and abide by an
1522 affirmative-action program of equal opportunity whereby the licensee establishes specific goals
1523 for the utilization of minorities and women on said construction jobs; provided that such goals be

1524 equal to or greater than the goals contained in Executive Office of Administration and Finance
1525 Administration Bulletin #14. In furtherance of said specific goals for the utilization of minorities
1526 and women on said construction jobs, the licensee will send to each labor union or representative
1527 of workers with which the licensee or its agent has a collective bargaining agreement or other
1528 contract or understanding a notice advising the labor union or workers' representative of the
1529 licensee's commitments.

1530 (34) All gaming licensees shall provide to the board, on a quarterly basis, a detailed
1531 statistical report on the number, gender and race of individuals hired to perform labor as part of
1532 the construction of the gaming establishment.

1533 (35) All gaming licensees shall collect and annually provide to the board a detailed
1534 statistical report on the total dollar amounts contracted with and actually paid to minority
1535 business enterprises and women business enterprises in (i) design contracts, (ii) construction
1536 contracts) and (iii) contracts for each and every good and service procured by the gaming
1537 establishment. Said statistical report shall also identify the amounts so contracted as a percentage
1538 of total dollar amounts contracted with and actually paid to all firms.

1539 (b) The board may include any reasonable additional requirements to the license
1540 conditions.

1541 Section 19. (a) No person or business shall conduct any business with a gaming licensee
1542 regarding the licensee’s gaming establishment unless such person has been licensed by the
1543 commission or registered by the board.

1544 (1) No person or business shall manufacture, sell, distribute or repair gaming
1545 equipment or slot machines, other than antique slot machines as defined in section 5A of chapter
1546 271, without a valid gaming vendor license issued by the commission.

1547 (2) Non-gaming vendors shall be required to register with the board and shall produce
1548 such information as the board may require; provided, however, that the board may require any
1549 vendor otherwise considered a non-gaming vendor, which regularly conducts over $250,000 of
1550 business with a gaming licensee within a 12 month period, or $500,000 of business within a 3
1551 year period, to be licensed as a gaming vendor.

1552 (3) The gaming commission shall develop and promulgate regulations to ensure
1553 compliance with federal laws pertaining to immigration and citizenship including, but not limited
1554 to, 42 U.S.C. section 1436(a), by (a) a person receiving funds under a contract awarded by a
1555 gaming licensee regarding the licensee’s gaming establishment and (b) a business engaged in the
1556 construction of any gaming establishment licensed under this chapter. Such regulations shall
1557 include, but not be limited to, ascertaining and verifying immigration and citizenship status
1558 through a work authorization program.

1559 (4) For the purpose of this chapter, "work authorization program" shall mean an
1560 electronic verification of work authorization program or an equivalent work authorization
1561 program operated by the United States Department of Homeland Security, the United States
1562 Department of Labor, the Social Security Administration, other federal agency or by a private
1563 verification system authorized by the director of labor to verify information of newly hired
1564 employees, pursuant to the Immigration Reform and Control Act of 1986 and its successor acts.

1565 (5) No funds shall be expended under a contract awarded by or to a gaming licensee if
1566 such expenditure would result in the payment of any kind to a person not in compliance with any
1567 and all federal laws pertaining to immigration and citizenship, including but not limited to, 42
1568 U.S.C. 1436(a).

1569 (b) Any person seeking a gaming vendor license shall file an application with the board.
1570 Such application shall be on a form prescribed by the board and shall include, but shall not be
1571 limited to, the following:

1572 (1) the name of the applicant;

1573 (2) the mailing address and, if a corporation, the name of the state under the laws of
1574 which the corporation is incorporated, the location of the corporation's principal place of
1575 business and the names and addresses of the corporation's directors and stockholders;

1576 (3) any criminal or arrest record;

1577 (4) any civil judgments obtained against the person pertaining to antitrust or security
1578 regulation;

1579 (5) the identity of every person or entity having a direct or indirect interest in the
1580 business and the nature of such interest; provided that if the entity is a trust, the application shall
1581 disclose the names and addresses of all beneficiaries; provided, further, that if the entity is a
1582 partnership, the names and addresses of all partners, both general and limited; and provided,
1583 further, that if the entity is a limited liability company, the names and addresses of all members;

1584 (6) an independent audit report of all financial activities and interests including, but
1585 not limited to, the disclosure of all contributions, donations, loans or any other financial
1586 transactions to or from any gaming licensee or operator of a gaming establishment in the past 5
1587 years; and

1588 (7) clear and convincing evidence of financial stability including, but not limited to,
1589 bank accounts, records, references, business and personal income and disbursement schedules,
1590 tax returns and other reports filed by government agencies and business and personal accounting
1591 check records and ledgers.

1592 The board may require such other information as it deems appropriate including, without
1593 limitation, information related to the financial integrity of the applicant and may require the
1594 applicant to submit other documentation the board considers appropriate.

1595 (c) Any person owning more than 5 per cent of the common stock of a company required
1596 to be licensed as a gaming vendor, or a holding company, an intermediary company or a
1597 subsidiary of such company, shall be required to file for licensure. The commission may waive
1598 the licensing requirements for institutional investors holding up to 15 per cent of the stock of the
1599 company, holding company, intermediary company or subsidiary, upon a showing by the person
1600 seeking the waiver that the applicant purchased the securities for investment purposes only and
1601 does not have any intention to influence or affect the affairs or operations of the company.
1602 holding company, intermediary company or subsidiary. Any institutional investor granted a
1603 waiver which subsequently determines to influence or affect the affairs or operations of the
1604 gaming vendor, or a holding company, an intermediary company or a subsidiary of the gaming
1605 vendor, shall provide not less than 30 days notice to the board of such intent and shall file an
1606 application and be subject to the licensing requirements of this chapter before taking an action
1607 that may influence or affect the affairs of the applicant company or a holding company, an
1608 intermediary company or a subsidiary of the applicant company.

1609 (d) The board, by a majority vote of all members, may (i) make a recommendation to the
1610 commission that it deny a gaming vendor license application; (ii) extend the period for issuing a
1611 recommendation in order to obtain additional information necessary for a complete evaluation of
1612 the gaming vendor license application; or (iii) recommend to the commission that it grant the
1613 applicant a gaming vendor license.

1614 (e) The board may deny an application for registration of a non-gaming vendor or
1615 supplier if the board finds that an applicant or registrant is disqualified under section 11 or may
1616 be unsuitable for registration under section 14.

1617 (f) The commission or board, in the case of a non-gaming vendor, may condition,
1618 suspend or revoke any license or registration under this section if the commission or board finds
1619 that a licensee or registrant has:

1620 (1) been arrested or convicted of a crime;

1621 (2) failed to comply with section 10; or

1622 (3) failed to comply with this chapter pertaining to licensees.

1623 (g) The board shall establish a master vendor list to monitor all gaming and non-gaming
1624 vendor contracts with a gaming establishment. A vendor doing business with a gaming
1625 establishment which has failed to submit an application for licensure or registration shall be
1626 prohibited from engaging in any future business with a gaming establishment; provided,

1627 however, that the board may terminate any contracts that have been entered into with an
1628 unlicensed or unregistered vendor.

1629 (h) Each gaming licensee shall have a continuing duty to inform the board of all gaming
1630 and non-gaming vendor contracts.

1631 (i) A license or registration issued under this section shall be issued for a term of 3 years.
1632 It shall be the responsibility of the vendor to ensure that the vendor's license or registration is
1633 current.

1634 (j) The board shall establish fees for gaming vendor licenses which shall include costs
1635 incurred for conducting a background investigation into an applicant for said license. The board
1636 shall establish fees for non-gaming vendor registration which shall include costs incurred for
1637 conducting a background investigation into an applicant for said registration.

1638 (k) The board shall monitor the conduct of all gaming vendors and other persons having a
1639 material involvement, directly or indirectly, with a gaming vendor to ensure that gaming vendor
1640 licenses are not issued to, or held by, and there is no direct or indirect material involvement with,
1641 a gaming vendor by unqualified, disqualified or unsuitable persons.

1642 Section 20. (a) Each labor organization, union or affiliate seeking to represent employees
1643 who are employed at a gaming establishment shall register with the board.

1644 (b) Neither a labor organization, nor its officers who are not otherwise licensed or
1645 registered under this chapter, may hold any financial interest in a gaming establishment whose
1646 employees are represented by the organization.

1647 Section 21. (a) A gaming licensee shall be permitted to issue credit to a patron of a
1648 gaming establishment under regulations promulgated under section 5. Such regulations shall
1649 include, but not be limited to: (i) procedures for confirming that a patron has an established
1650 credit history and is in good standing; (ii) whether the patron has a good credit history with the
1651 gaming establishment; (iii) authorization of a credit instrument; (iv) methods for acknowledging
1652 a credit instrument and payment of debt; and (v) information to be provided by the patron to the
1653 gaming establishment to be shared with the board for auditing purposes.

1654 (b) Except as otherwise authorized by the board through regulations under section 5, no
1655 gaming establishment, nor any person acting on behalf of a gaming establishment shall: (1) cash
1656 any check, make any loan or otherwise provide or allow to a person any credit or advance of
1657 anything of value, or which represents value, to enable a person to place a wager; or (2) release
1658 or discharge a debt, either in whole or in part, or make a loan which represents any losses
1659 incurred by a player in gaming activity, without maintaining a written record of the release or
1660 discharge under the rules of the commission. Nothing in this section shall prohibit a gaming
1661 establishment from accepting credit cards for non-gaming related purchases or services.

1662 (c) Checks cashed in conformity with the requirements of this chapter shall be valid
1663 instruments enforceable under the laws of the commonwealth. Any check cashed, transferred,
1664 conveyed or given in violation of this chapter or regulations promulgated under section 5 shall be
1665 invalid and unenforceable.

1666 (c 1/2) The commission shall, in consultation with the department of transitional
1667 assistance, the department of labor and workforce development, the department of housing and
1668 community development or the applicable administering agency, establish by regulation, under
1669 section 5, procedures and standards to prohibit a gaming establishment or any person acting on
1670 behalf of a gaming establishment from: (1) cashing a government-issued check; (2) operating on
1671 its premises any credit card or ATM machine that would allow a patron to obtain cash from a
1672 government-issued Electronic Benefits Transfer Card; and (3) extending or issuing credit to a
1673 patron of a gaming establishment who receives any form of income-based public assistance
1674 including, but not limited to, the Supplemental Nutrition Assistance Program, Temporary
1675 Assistance for Needy Families, Emergency Aid to Elders, Disabled and Children, public housing
1676 assistance, MassHealth and unemployment insurance. The procedures and standards established
1677 shall ensure the privacy of all patrons receiving public assistance.

1678 (d) The commission shall establish by regulation, under section 5, procedures and
1679 standards for approving promotional gaming credits; provided that no such credit shall be
1680 reported as a promotional gaming credit by an operator of a gaming establishment unless the
1681 operator can establish that the credit was issued by the gaming establishment and received from a
1682 patron as a wager at a game in the gaming establishment; provided, further, that such
1683 promotional gaming credit shall not be taxable for the purposes of determining gross revenue.

1684 (e) No person or entity, other than a gaming licensee licensed under this chapter, shall
1685 issue credit to a person while the person is a patron of a gaming establishment.

1686 (f) Debt collections under this section and debt collection regulations promulgated under
1687 section 5 shall be limited to key gaming employees or attorneys acting directly on behalf of
1688 gaming licensees; provided further that a key gaming employee shall be prohibited from making
1689 any such collections if the key gaming employee serves as a junket representative for the gaming
1690 establishment.

1691 (g) On an annual basis, each gaming licensee shall report to the commission the number
1692 of debt collection processes on patrons that the licensee initiates and the total amount recovered
1693 by the licensee. Notwithstanding any general or special laws to the contrary, this report shall be
1694 considered public record.

1695 Section 22. (a) No junkets may be organized or permitted and no person may act as a
1696 junket representative or junket enterprise except as authorized by the board under this chapter.

1697 (b) A junket representative employed by a gaming licensee or affiliate shall be licensed as
1698 a gaming employee; provided, however, that a junket representative need not be a resident of the
1699 commonwealth. A person who holds a valid gaming employee license may act as a junket
1700 representative while employed by a gaming licensee or an affiliate. No gaming licensee shall
1701 employ or otherwise engage a junket representative who is not licensed under this chapter.

1702 (c) The board shall deny an application for a license under this section if the board finds
1703 that an applicant is disqualified under section 11 or may be unsuitable for licensure under section
1704 14.

1705 (d) Each gaming licensee, junket representative or junket enterprise shall file a report
1706 with the board with respect to each list of junket patrons or potential junket patrons purchased
1707 directly or indirectly by the gaming licensee, junket representative or enterprise.

1708 (e) No junket enterprise or junket representative or person acting as a junket
1709 representative shall: (i) engage in efforts to collect upon checks that have been returned by banks
1710 without full and final payment; (ii) exercise approval authority with regard to the authorization or
1711 issuance of credit under this chapter; (iii) act on behalf of or under any arrangement with a
1712 gaming licensee or a gaming patron with regard to the redemption, consolidation or substitution
1713 of the gaming patron's checks awaiting deposit; (iv) individually receive or retain any
1714 fee from a patron for the privilege of participating in a junket; or (v) pay for any services,
1715 including transportation, or other items of value provided to, or for the benefit of, any patron
1716 participating in a junket.

1717 Section 23. (a) No gaming licensee shall offer complimentary services, gifts, cash or
1718 other items of value to any person unless those complimentary services or items are provided
1719 through a complimentary distribution program which shall be filed and approved by the board
1720 upon the implementation of the program or maintained under regulations adopted under section
1721 5.

1722 (b) Gaming licensees shall submit quarterly reports to the board covering all
1723 complimentary services offered or engaged in by the licensee during the immediately preceding
1724 quarter. The reports shall identify regulated complimentary services and the costs of those
1725 services, the number of people who received each service or item and such other information as
1726 the board may require. The report shall also document any services or items valued in excess of
1727 $2,000 that were provided to patrons, including detailed reasons as to why they were provided.

1728 (c) Complimentary services or items shall be valued in an amount based upon the retail
1729 price normally charged by the gaming licensee for the service or item. The value of a
1730 complimentary service or item not normally offered for sale by a gaming licensee or provided by
1731 a third party on behalf of a gaming licensee shall be the cost to the gaming licensee of providing
1732 the service or item, as determined under rules adopted by the commission.

1733 Section 24. (a) Upon revocation or suspension of a gaming license under section 26 or
1734 upon the failure or refusal to renew a gaming license the commission may appoint a conservator
1735 to temporarily manage and operate the business of the licensee relating to the gaming
1736 establishment. Such conservator shall be a person of similar experience in the field of gaming
1737 management and, in the case of replacing a gaming licensee, shall have experience operating a
1738 gaming establishment of similar caliber in another jurisdiction, and shall be in good standing in
1739 all jurisdictions in which the conservator operates a gaming establishment. Upon appointment, a
1740 conservator shall agree to all licensing provisions of the former licensee.

1741 (b) A conservator shall, before assuming managerial or operational duties, execute and
1742 file a bond for the faithful performance of such duties payable to the board with such surety and
1743 in such form and amount as the board shall approve.

1744 (c) The board shall require that the former or suspended licensee purchase liability
1745 insurance, in an amount determined by the board, to protect a conservator from liability for acts
1746 or omissions of the conservator during the conservator's appointment reasonably related to, and
1747 within the scope of, the conservator's duties.

1748 (d) During the period of temporary management of the gaming establishment in the case
1749 of a revocation of or a failure or refusal to renew the gaming license, the commission shall
1750 initiate proceedings under this chapter to award a new gaming license to a qualified applicant
1751 whose gaming establishment shall be located at the site of the preexisting gaming establishment.

1752 (e) Applicants for a new gaming license shall be qualified for licensure under this
1753 chapter; provided, however, that the commission shall determine an appropriate level of
1754 investment by an applicant into the preexisting gaming establishment.

1755 (f) Upon award of a new gaming license, the new gaming licensee shall pay the licensing
1756 fee.

1757 Section 25. (a) There shall be within the board an investigations and enforcement bureau,
1758 which shall be the primary enforcement agent for regulatory matters under this chapter. The
1759 bureau shall perform such functions as the chair of the board determines in relation to
1760 enforcement, including the investigations of all licensees under this chapter. The bureau shall be
1761 under the supervision and control of the deputy director for investigations and enforcement. The
1762 deputy director shall be the executive and administrative head of the bureau and shall be
1763 responsible for administering and enforcing the law relative to the bureau and to each
1764 administrative unit of the bureau. The duties given to the deputy director in this chapter and in
1765 any other general or special law shall be exercised and discharged subject to the direction,
1766 control and supervision of the chair of the board.

1767 (b) The bureau shall be a law enforcement agency and its employees shall have such law
1768 enforcement powers as to effectuate the purposes of this chapter, including the power to receive

1769 intelligence on an applicant or licensee under this chapter and to investigate a suspected violation
1770 of this chapter.

1771 (c) Officers and employees of the gaming enforcement unit of the state police assigned to
1772 the commission under section 70 of chapter 22C shall work with employees of the bureau, under
1773 the direction of the deputy director, to investigate violations of this chapter by a licensee under
1774 this chapter or any activity taking place on the premises of a gaming establishment. Officers
1775 assigned to work with the bureau shall record their time and submit total hours to the bureau. The
1776 board shall reimburse the state police.

1777 (d) The bureau shall notify the division of gaming enforcement in the office of the
1778 attorney general of any criminal violations by a gaming licensee. The bureau and the division
1779 shall cooperate on the regulatory and criminal enforcement of this chapter and may determine
1780 whether to proceed with civil or criminal sanctions, or both against said licensee.

1781 (e) To further effectuate the purposes of this chapter with respect to the investigation and
1782 enforcement of licensed gaming establishments and licensees, the bureau may obtain or provide
1783 pertinent information regarding applicants or licensees from or to law enforcement entities or
1784 gaming authorities and other domestic, federal or foreign jurisdictions, including the Federal
1785 Bureau of Investigation, and may send or receive such information electronically.

1786 (f) The gaming enforcement unit of the state police shall have exclusive police
1787 jurisdiction of any criminal activity relating to the operation of a gaming establishment or
1788 relating to games or gaming that occurs inside a gaming establishment; provided, however, that
1789 the state police shall have concurrent jurisdiction with the law enforcement agency of the host
1790 community on all other policing matters and, in consultation with the board, shall execute a
1791 memorandum of understanding with the law enforcement agency of the host community that
1792 shall include, but not be limited to, procedures involving: (i) assignment of police officers of the
1793 host community to the gaming enforcement unit of the state police; (ii) first responder calls from
1794 the gaming establishment; (iii) emergencies occurring within the gaming establishment,
1795 including the gaming area; and (iv) criminal investigations involving employees or patrons of the
1796 gaming establishment.

1797 Section 26. (a) The board shall have the authority to issue orders requiring persons to
1798 cease activity which violates this chapter, a regulation adopted under this chapter or a law related
1799 to gaming in the commonwealth. The board may, in its order, require compliance with such
1800 terms and conditions as are reasonably necessary to effectuate the purposes of this chapter.

1801 (b) If the board finds, under the procedures established in this section and the regulations
1802 adopted under section 5, that a person is not in compliance with an order issued under this
1803 section, it shall assess a civil administrative penalty on such person under the regulations adopted
1804 under section 5. The penalty may be assessed whether or not the violation was willful. In
1805 determining the amount of the civil penalty, the board shall consider: (i) the nature of the

1806 violation; (ii) the length of time the violation occurred; (iii) the risk to the public and to the
1807 integrity of gaming operations created by the conduct of the person; (iv) the seriousness of the
1808 conduct of the person; (v) any justification or excuse for such conduct by the person; (vi) the
1809 prior history of the particular person involved with respect to gaming activity; (vii) any
1810 corrective action taken by person to prevent future misconduct; and (viii) other relevant factors.

1811 (c) In addition to collecting any civil penalties recoverable under this chapter or any other
1812 general or special law, the board may bring an action in the superior court to restrain, prevent or
1813 enjoin any conduct prohibited by this chapter or to compel action to comply immediately and
1814 fully with an order issued by the bureau. Except in the case of an emergency during which, in the
1815 opinion of the court, immediate abatement of the unlawful conduct is required to protect the
1816 public interest, the court may in its decree fix a reasonable time during which the person
1817 responsible for the unlawful conduct may abate and correct the violation. The expense of the
1818 proceeding shall be recoverable from the subject of the proceeding.

1819 (d) Upon a recommendation from the board, the commission may issue orders to
1820 condition, suspend or revoke a license or permit issued under this chapter.

1821 (e) The board may issue an order requiring a licensee to cease and desist any activity if
1822 the board finds that a licensee has engaged in or is about to engage in an act or practice which
1823 constitutes a violation of this chapter or the laws of the commonwealth and may take such
1824 affirmative action as is necessary to effectuate the order. If the board finds that the licensee is
1825 engaged in an act or practice that would cause irreparable harm to the security and integrity of
1826 the gaming establishment or the interests of the commonwealth in ensuring the security and
1827 integrity of gaming under this chapter, the board may issue a temporary suspension of the
1828 license.

1829 (f) Any licensee who has been issued a temporary order of suspension by the board shall
1830 be entitled to a hearing before the commission on such suspension within 7 days of the day on
1831 which the order was issued. At the conclusion of the hearing, the commission may issue a final
1832 order to condition, suspend or revoke the license in question.

1833 (g) Any licensee shall have the right to an adjudicatory hearing under chapter 30A on an
1834 order issued by the board.

1835 Section 27. (a) The board may assess a civil administrative penalty on a licensee or
1836 registrant who fails to comply with any provision of this chapter or any regulation or order
1837 adopted by the commission; provided, however, that such noncompliance occurred after the
1838 board had given the licensee or registrant written notice of such noncompliance and the time
1839 stated in the notice for coming into compliance had elapsed. The board may assess a civil
1840 administrative penalty on a licensee or registrant without providing written notice of such
1841 noncompliance if the failure to comply: (i) was part of a pattern of noncompliance and not an
1842 isolated instance; (ii) was willful or neglectful and not the result of error; (iii) resulted in a

1843 significant breach to the integrity of the gaming establishment or gaming laws of the
1844 commonwealth; and (iv) consisted of failure to promptly report to the board any knowledge of
1845 evidence or circumstances that would cause a reasonable person to believe that a violation of this
1846 chapter had been committed. The civil administrative penalty shall be in addition to any other
1847 civil penalty that may be prescribed by law.

1848 (b) For the purpose of determining whether such noncompliance was part of a pattern of
1849 noncompliance and not an isolated instance, the board shall consider without limitation the
1850 following: (i) whether the board had previously notified the person of such noncompliance on
1851 more than 1 occasion during the previous month or of any noncompliance similar to the current
1852 noncompliance during the previous 6 months; or (ii) whether the current and previous instances
1853 of noncompliance, considered together, indicate a potential threat to the integrity of the gaming
1854 establishment and gaming in the commonwealth or an interference with the commission's ability
1855 to efficiently and effectively regulate gaming in the commonwealth and enforce any regulation,
1856 license or order. If a licensee or registrant who has received a notice of noncompliance fails to
1857 come into compliance within the time period stated in such notice, the civil administrative
1858 penalty may be assessed by the board upon such licensee or registrant from the date of receipt of
1859 such notice.

1860 (c) Whenever the board seeks to assess a civil administrative penalty on a licensee or
1861 registrant, the board shall cause to be served upon such licensee or registrant, either by service in
1862 hand or by certified mail, return receipt requested, a written notice of the board's intent to assess
1863 a civil administrative penalty which shall include:

1864 (1) a concise statement of the alleged act or omission for which the board seeks to
1865 assess the civil administrative penalty;

1866 (2) each law, regulation, order, license or approval which has not been complied with
1867 as a result of the alleged act or omission;

1868 (3) the amount which the board seeks to assess as a civil administrative penalty for
1869 each such alleged act or omission;

1870 (4) a statement of the licensee's or registrant's right to an adjudicatory hearing on the
1871 proposed assessment;

1872 (5) the requirements such licensee or registrant shall comply with to avoid waiving the
1873 licensee's or registrant's right to an adjudicatory hearing; and

1874 (6) the manner of payment of the penalty if the licensee or registrant elects to pay the
1875 penalty and waive an adjudicatory hearing.

1876 After written notice of noncompliance or intent to assess a civil administrative penalty
1877 has been given, each subsequent day during which such noncompliance occurs or continues shall

1878 constitute a separate offense and may be subject to a separate civil administrative penalty if
1879 reasonable efforts have not been made by the licensee or registrant to promptly come into
1880 compliance.

1881 (d) Whenever the board seeks to assess a civil administrative penalty on a licensee or
1882 registrant, such licensee or registrant shall have the right to an adjudicatory hearing. Chapter 30A
1883 shall apply to adjudicatory hearings under this chapter; provided, however, that if there is a
1884 conflict between this chapter and said chapter 30A, this chapter shall govern.

1885 (e) A licensee or registrant shall be deemed to have waived the licensee's or registrant's
1886 right to an adjudicatory hearing unless, within 21 days of the date of the board's notice that it
1887 seeks to assess a civil administrative penalty, the licensee or registrant files with the board a
1888 written statement denying the occurrence of the acts or omissions alleged by the board in such
1889 notice or asserting that the amount of the proposed civil administrative penalty is excessive. In an
1890 adjudicatory hearing the board shall be required to prove the occurrence of each act or omission
1891 alleged by the board by a preponderance of the evidence.

1892 (f) If a licensee or registrant waives the licensee's or registrant's right to an adjudicatory
1893 hearing, the proposed civil administrative penalty shall be final immediately upon such waiver. If
1894 a civil administrative penalty is assessed at the conclusion of an adjudicatory hearing, the civil
1895 administrative penalty shall be final upon the expiration of 30 days if no action for judicial
1896 review of the decision is commenced under chapter 30A.

1897 (g) A licensee or registrant who institutes proceedings for judicial review of the final
1898 assessment of a civil administrative penalty shall place the full amount of the final assessment in
1899 an interest-bearing escrow account in the custody of the clerk or magistrate of the reviewing
1900 court. The establishment of such an interest-bearing escrow account shall be a condition
1901 precedent to the jurisdiction of the reviewing court unless the party seeking judicial review
1902 demonstrates in a preliminary hearing held within 30 days of the filing of the complaint an
1903 inability to pay. Upon such a demonstration, the court may grant an extension or waiver of the
1904 interest-bearing escrow account or may require, in lieu of such interest-bearing escrow account,
1905 the posting of a bond payable directly to the commonwealth in the amount of 125 per cent of the
1906 assessed penalty.

1907 (1) If, after judicial review, in a case where the requirement for an escrow account has
1908 been waived, and in cases where a bond has been posted in lieu of such requirement, the court
1909 affirms, in whole or in part, the assessment of a civil administrative penalty the board shall be
1910 paid the amount of the penalty together with interest at the rate set forth in section 6C of chapter
1911 231.

1912 (2) If, after such review in a case where an interest-bearing escrow account has been
1913 established, the court affirms the assessment of such penalty, in whole or in part, the board shall

1914 be paid the amount of the penalty together with the accumulated interest on the amount of the
1915 penalty in such interest-bearing escrow account.

1916 (3) If the court sets aside the assessment of a civil administrative penalty in a case
1917 where the amount of such penalty has been deposited in an interest-bearing escrow account, the
1918 licensee or registrant on whom the civil administrative penalty was assessed shall be repaid the
1919 amount so set aside, together with the accumulated interest on the amount deposited.

1920 (h) Each licensee or registrant who fails to pay a civil administrative penalty in a timely
1921 fashion, and each person who issues a bond under this section and who fails to pay to the board
1922 in a timely fashion the required amount, shall be liable to the commonwealth for up to 3 times
1923 the amount of the civil administrative penalty, or the amount of economic benefit realized by the
1924 licensee or registrant as a result of noncompliance, whichever is greater, together with costs, plus
1925 interest from the time the civil administrative penalty became final and attorneys' fees, including
1926 all costs and attorneys' fees incurred directly in the collection of the penalty. The rate of interest
1927 shall be the rate set forth in section 6C of chapter 231.

1928 Section 28. (a) Whoever conducts or operates, or permits to be conducted or operated,
1929 any game or gaming device in violation of this chapter or the regulations adopted under this
1930 chapter shall be punished by imprisonment in the state prison for not more than 5 years or
1931 imprisonment in the house of correction for not more than 2½ years, or by a fine not to exceed
1932 $25,000, or both, and in the case of a person other than a natural person, by a fine not to exceed
1933 $100,000.

1934 (b) Whoever employs, or continues to employ, an individual in a position, the duties of
1935 which require a license or registration under this chapter, who is not so licensed or registered,
1936 shall be punished by imprisonment the house of correction for not more than 6 months, or by a
1937 fine not to exceed $10,000, or both, and in the case of a person other than a natural person, by a
1938 fine not to exceed $100,000.

1939 (c) Whoever works or is employed in a position, the duties of which require licensing or
1940 registration under this chapter, without the required license or registration, shall be punished by
1941 imprisonment in the house of correction for not more than 6 months or a fine not to exceed
1942 $10,000, or both.

1943 (d) A gaming licensee who, without the permission of the commission: (i) places a game
1944 or gaming device into play or displays a game or gaming device in a gaming establishment; or
1945 (ii) receives, directly or indirectly, any compensation or reward or any percentage or share of the
1946 revenue for keeping, running or carrying on a game, or owning the real property upon, or the
1947 location within which any game occurs, shall be punished by imprisonment in the house of
1948 correction for not more than 2½ years or by a fine not to exceed $25,000, or both, and in the case
1949 of a person other than a natural person, by a fine not to exceed $100,000.

1950 (e) Whoever conducts or operates any game or gaming device after the person's gaming
1951 license has expired and prior to the actual renewal of the gaming license shall be punished by
1952 imprisonment in the house of correction for not more than 1½ years or a fine not to exceed
1953 $25,000, or both, and in the case of a person other than a natural person, by a fine not to exceed
1954 $100,000.

1955 (f) A gaming licensee who knowingly fails to exclude from the licensee's gaming
1956 establishment any person placed by the commission on the list of excluded persons shall be
1957 punished by a fine not to exceed $5,000 or by imprisonment in the house of correction for not
1958 more than 1 year, or both, and in the case of a person other than a natural person, by a fine not to
1959 exceed $100,000.

1960 (g) Whoever willfully:

1961 (1) fails to report, pay or truthfully account for and pay over a license fee or tax
1962 imposed by this chapter or by the regulations adopted under this chapter; or

1963 (2) evades or defeats, or attempts to evade or defeat, a license fee or tax or payment of
1964 a license fee or tax shall be punished by imprisonment in the state prison for not more than 5
1965 years or in the house of correction for not more than 2½ years or a fine not to exceed $100,000,
1966 or both, and in the case of a person other than a natural person, by a fine not to exceed
1967 $5,000,000.

1968 Section 29. Whoever willfully resists, prevents, impedes, interferes with, or makes any
1969 false, fictitious or fraudulent statement or representation to the board, bureau, commission or
1970 division or to agents or employees of the board, bureau, commission or division in the lawful
1971 performance of the agent's or employee's duties under this chapter shall be punished by
1972 imprisonment in the state prison for not more than 5 years or in the house of correction for not
1973 more than 2½ years, or by a fine not to exceed $25,000, or both.

1974 Section 30. (a) Whoever, during a game in a gaming establishment, knowingly and by
1975 any trick or sleight of hand performance or by a fraud or fraudulent scheme, cards, dice or other
1976 gaming device, for himself, for another or for a representative of either:

1977 (1) wins, or attempts to win, money or property; or

1978 (2) reduces, or attempts to reduce, a losing wager in a gaming establishment shall be
1979 guilty of cheating and swindling.

1980 (b) Whoever knowingly uses a cheating and swindling device or game in a gaming
1981 establishment shall be guilty of cheating and swindling.

1982 (c) Whoever commits the offense of cheating and swindling shall be punished as follows:

1983 (1) if the value of the money, property or wager cheated and swindled is $75,000 or
1984 more, by imprisonment in the state prison for not more than 10 years or in the house of
1985 correction for not more than 2½ years or by a fine not to exceed $1,000,000, or both, and in the
1986 case of a person other than a natural person, by a fine not to exceed $10,000,000;

1987 (2) if the value of the money, property or wager cheated and swindled is $10,000 or
1988 more but less than $75,000, by imprisonment in the state prison for not more than 5 years or in
1989 the house of correction for not more than 2½ years or by a fine not to exceed $500,000, or both,
1990 and in the case of a person other than a natural person, by a fine not to exceed $5,000,000;

1991 (3) if the value of the money, property or wager cheated and swindled is $1,000 or
1992 more but less than $10,000, by imprisonment in the state prison for not more than 3 years or in
1993 the house of correction for not more than 2½ years or by a fine not to exceed $100,000, or both,
1994 and in the case of a person other than a natural person, by a fine not to exceed $1,000,000; and

1995 (4) if nothing of value was obtained in violation of this subsection or if the value of
1996 the money, property or wager cheated and swindled is less than $1,000, by imprisonment in the
1997 house of correction for not more than 2½ years or by a fine not to exceed $10,000, or both, and
1998 in the case of a person other than a natural person, by a fine not to exceed $100,000.

1999 (d) Each episode or transaction of swindling and cheating may be the subject of a
2000 separate prosecution and conviction. In the discretion of the commonwealth, multiple episodes or
2001 transactions of swindling and cheating committed as part of a single scheme or course of conduct
2002 may be treated as a single offense and the amounts involved in acts of swindling and cheating
2003 committed according to a scheme or course of conduct, whether by the same person or several
2004 persons, may be aggregated in determining the value of money, property or wager involved in
2005 the offense.

2006 (e) A gaming licensee, or an employee of a gaming licensee, who, in a gaming
2007 establishment, knowingly:

2008 (1) conducts or operates any game using a cheating and swindling device or game;

2009 (2) displays for play a cheating and swindling game; or

2010 (3) permits to be conducted, operated or displayed, any cheating and swindling device
2011 or game shall be punished by imprisonment in the state prison for not more than 5 years or
2012 imprisonment in the house of correction for not more than 2½ years, or by a fine not to exceed
2013 $25,000, or both, and in the case of a person other than a natural person, by a fine not to exceed
2014 $100,000.

2015 Section 31. (a) Whoever possesses a cheating and swindling device or game, with the
2016 intent to defraud, cheat or steal, shall be punished by imprisonment in the house of correction for

2017 not more than 2½ years, or by a fine not to exceed $10,000, or both, and in the case of a person
2018 other than a natural person, by a fine not to exceed $100,000.

2019 (b) Possession of a cheating and swindling device or game within a gaming establishment
2020 shall constitute prima facie evidence of an intent to defraud, cheat or steal, except possession by
2021 a licensee or an employee of a licensee, acting lawfully in furtherance of such person's
2022 employment within the gaming establishment, shall be punished by imprisonment in the house of
2023 correction for not more than 2½ years, or a fine not to exceed $10,000, or both.

2024 Section 32. Whoever manufactures, distributes, sells or services a gaming device, in
2025 violation of this chapter or regulations adopted under this chapter and for the purpose of
2026 defrauding, cheating or stealing from a person playing, operating or conducting a game in a
2027 gaming establishment, shall be punished by imprisonment in the state prison for not more than 5
2028 years or imprisonment in the house of correction for not more than 2½ years, or by a fine not to
2029 exceed $25,000, or both, and in the case of a person other than a natural person, by a fine not to
2030 exceed $150,000.

2031 Section 33. Any device, game or gaming device possessed, used, manufactured,
2032 distributed, sold or serviced in violation of this chapter shall be subject to seizure and forfeiture
2033 by the division or bureau. Forfeiture proceedings shall be conducted as provided in subsections
2034 (b) to (j), inclusive, of section 47 of chapter 94C. For purposes of subsection (d) of said section
2035 47 of said chapter 94C, the commission shall be considered a police department, entitled to a
2036 police department's distribution of forfeiture proceedings.

2037 Section 34. (a) Whoever, being under 21 years old, plays, places wagers at, or collects
2038 winnings from, whether personally or through an agent, a game in a gaming establishment shall
2039 be punished by imprisonment in the house of correction for not more than 6 months or a fine not
2040 to exceed $1,000, or both.

2041 (b) Whoever, being a gaming licensee or an employee of a gaming licensee, knowingly
2042 allows a person under the age of 21 to play, place wagers at, or collect winnings from a game in
2043 a gaming establishment, whether personally or through an agent, shall be punished, for a first
2044 offense, by imprisonment in a the house of correction for not more than 1 year or a fine not to
2045 exceed $10,000, or both, and in the case of a person other than a natural person, by a fine not to
2046 exceed $500,000 and, for a second or subsequent offense, by imprisonment in the house of
2047 correction for not more than 2 years or a fine not to exceed $50,000, or both, and in the case of a
2048 person other than a natural person, by a fine not to exceed $1,000,000.

2049 Section 35. (a) The board shall, by regulation promulgated under section 5, provide for
2050 the establishment of a list of excluded persons who are to be excluded or ejected from a gaming
2051 establishment. In determining the list of excluded persons, the board may consider, but shall not
2052 be limited to:

2053 (1) whether a person has been convicted of a criminal offense under the laws of any
2054 state or the United States that is punishable by more than 6 months in prison, a crime of moral
2055 turpitude or a violation of the gaming laws of any state;

2056 (2) whether a person has violated or conspired to violate this chapter relating to:

2057 (i) failure to disclose an interest in a gaming establishment for which the person
2058 must obtain a license; or

2059 (ii) willful evasion of fees or taxes;

2060 (3) whether a person has a notorious or unsavory reputation which would adversely
2061 affect public confidence and trust that the gaming industry is free from criminal or corruptive
2062 elements; and

2063 (4) the potential of injurious threat to the interests of the commonwealth in the gaming
2064 establishment.

2065 (b) No person shall be placed on the list of excluded persons due to race, color, religion,
2066 national origin, ancestry, sexual orientation, disability or sex.

2067 (c) The board may revoke, limit, condition, suspend or fine a gaming establishment if
2068 such establishment knowingly fails to exclude or eject from its premises any person placed by
2069 the commission on the list of excluded persons.

2070 (d) Whenever the board places a name on the list of excluded persons, the board shall
2071 serve written notice upon that person by personal service, registered or certified mail return
2072 receipt requested to the last ascertainable address, or by publication in a daily newspaper of
2073 general circulation for 1 week.

2074 (e)(1) Within 30 days of receipt of service by mail or 60 days after the last publication
2075 under subsection (d), a person placed on the list of excluded persons may request an adjudicatory
2076 hearing before the commission under chapter 30A and show cause as to why the person should
2077 be removed from the list of excluded persons. Failure to demand a hearing within the time
2078 allotted in this section shall preclude the person from having an administrative hearing, but in no
2079 way affect the person's right to petition for judicial review.

2080 (2) Upon receipt of a demand for hearing, the commission shall set a time and place
2081 for the hearing. This hearing shall be held not later than 30 days after receipt of the demand for
2082 the hearing, unless the time of the hearing is changed by agreement of the commission and the
2083 person demanding the hearing.

2084 (3) If, upon completion of the hearing, the commission determines that the person was
2085 wrongfully placed on the list of excluded persons, the commission shall remove the person's
2086 name from the list of excluded persons and notify all gaming licensees. A person aggrieved by a

2087 final decision of the commission in an adjudicatory proceeding under this section may petition
2088 for judicial review under section 14 of chapter 30A.

2089 (f) The board shall establish a list of self-excluded persons from gaming establishments.
2090 A person may request such person's name to be placed on the list of self-excluded persons by
2091 filing a statement with the board acknowledging that the person is a problem gambler and by
2092 agreeing that, during any period of voluntary exclusion, the person may not collect any winnings
2093 or recover any losses resulting from any gaming activity at a gaming establishment. The
2094 commission shall adopt further regulations, under section 5, for the self-excluded persons list
2095 including procedures for placement, removal and transmittal of such list to gaming
2096 establishments.

2097 (g) Gaming establishments shall not market to persons on the excluded persons list and
2098 shall deny access to complimentaries, check cashing privileges, club programs and other similar
2099 benefits to persons on the self-excluded persons list.

2100 (h) Notwithstanding any other law to the contrary, the self-excluded persons list shall not
2101 be open to public inspection. Nothing in this section, however, shall prohibit a gaming
2102 establishment from disclosing the identity of persons on the self-excluded persons list under this
2103 section to affiliated gaming establishments in this commonwealth or other jurisdictions for the
2104 limited purpose of assisting in the proper administration of responsible gaming programs
2105 operated by affiliated gaming establishments.

2106 (i) As used in this subsection the following words shall, unless the context clearly
2107 requires otherwise, have the following meanings:-

2108 (1) "Problem gambler", a person who chronically or habitually gambles to the extent
2109 that: (1) such gambling substantially interferes with the person's social or economic functioning;
2110 or (2) the person has lost the power of self-control over such person's gambling.

2111 (2) "Relative", the father or mother of an individual; a stepfather, stepmother,
2112 stepbrother, stepsister or any blood relative of an individual, including those of the half blood,
2113 except cousins who are more distantly related than first cousins; an adoptive relative of equal
2114 propinquity to the foregoing; or a spouse of any such persons.

2115 A police officer, physician, spouse, relative, guardian or court official may petition, in
2116 writing, a district court for an order of exclusion from gaming establishments applicable to a
2117 person whom the petitioner has reason to believe is a problem gambler. Upon receipt of a
2118 petition for an order of exclusion of a person and any sworn statements the court may request
2119 from the petitioner, the court shall immediately schedule a hearing on the petition and shall cause
2120 a summons and a copy of the petition to be served upon the person as provided by section 25 of
2121 chapter 276. The person may be represented by legal counsel and may present independent
2122 expert or other testimony. The court shall order examination by a qualified psychologist.

2123 If, after a hearing, the court based upon competent testimony finds that said person is a
2124 problem gambler and there is a likelihood of serious harm as a result of the person's gambling,
2125 the court may order that such person be prohibited from gaming in gaming establishments. The
2126 court shall communicate this order to the board, which shall place the person's name on the list
2127 of excluded persons.

2128 (j) A person who is prohibited from gaming in a gaming establishment under this section
2129 shall not collect any winnings or recover losses arising as a result of prohibited gaming.
2130 Winnings obtained by a person who is prohibited from gaming in a gaming establishment shall
2131 be forfeited to the board.

2132 (k) A person who enters the premises of a gaming establishment after having been placed
2133 on the list of excluded persons, without first having obtained a determination by the commission
2134 that such person should not have been placed on the list of excluded persons, shall be punished
2135 by imprisonment in a jail or house of correction for not more than 2½ years or by a fine of not
2136 more than $10,000, or both.

2137 (l) The board shall pursue an interstate compact for the purposes of sharing information
2138 regarding the excluded persons list.

2139 Section 36. A gaming establishment offering a cashless wagering system shall allow
2140 individuals to monitor and impose betting limits on their cashless wagering. The gaming
2141 establishment shall allow individuals to set betting limits on their cashless wagering including,
2142 but not limited to, per bet limits, hourly limits, daily limits, weekly limits and monthly limits. An
2143 individual may lower limits and increase limits; provided that the player shall not increase
2144 betting limits more than once in a 24 hour period. Upon request by an individual, the gaming
2145 establishment shall provide to that individual a statement of that individual's cashless wagering
2146 activity for any given time period including total bets, wins and losses. Activity under this
2147 section shall be monitored by the board. Individuals on the list of excluded persons or list of self-
2148 excluded persons shall not be permitted to participate in a cashless wagering system.

2149 Section 37. A liability to the commonwealth under this chapter shall constitute a debt to
2150 the commonwealth. Once a statement naming a licensee is recorded, registered or filed, any such
2151 debt shall constitute a lien on all commercial property owned by a gaming licensee in the
2152 commonwealth and shall have priority over an encumbrance recorded, registered or filed with
2153 respect to any site.

2154 Section 38. (a) Prior to disbursement of cash or prizes in excess of $600, a licensee shall
2155 review information made available by the IV-D agency, as set forth in chapter 119A, and by the
2156 department of revenue to ascertain whether the winner of the cash or prize owes past due child
2157 support to the commonwealth or to an individual to whom the IV-D agency is providing services,
2158 and to ascertain whether the winner of the cash or prize owes any past due tax liability to the
2159 commonwealth.

2160 (b) If the winner of the cash or prize owes past due child support or a past due tax
2161 liability, the licensee shall notify the IV-D agency or the commonwealth, respectively, of the
2162 winner's name, address and social security number. Subsequent to statutory and federal tax
2163 withholding, the licensee shall first disburse to the IV-D agency the full amount of the cash or
2164 prize or such portion of the cash or prize that satisfies the winner's past due child support
2165 obligation.

2166 (c) If funds remain available after the disbursement to the IV-D agency, or if no such
2167 obligation to the IV-D agency is owed, the licensee shall disburse to the department of revenue
2168 the full amount of the cash or prize or such portion of the cash or prize that satisfies the winner's
2169 past due tax liability.

2170 (d) The licensee shall disburse to the winner only that portion of the cash or prize, if any,
2171 remaining after the winner's past due child support obligation and the winner's past due tax
2172 liability have been satisfied.

2173 Section 39. Gaming licensees shall, on a monthly basis, transmit to the department of
2174 transitional assistance and to the IV-D agency, as set forth in chapter 119A, a list of all persons
2175 who were awarded cash winnings, or a prize, valued in excess of $600.00 in the prior month. The
2176 information shall be provided in a format which is compatible with the automated data
2177 processing systems of said department and said agency, to ensure the immediate identification of
2178 persons who may be receiving public assistance benefits. The information provided shall include
2179 the name, address and social security number of the person who was awarded the cash or prize
2180 valued in excess of $600.00.

2181 Section 40. Unclaimed cash and prizes shall be retained by the gaming licensee for the
2182 person entitled to the cash or prize for 1 year after a game in which the cash or prize was won. If
2183 no claim is made for the cash or prize within 1 year, the cash or equivalent cash value of the
2184 prize shall be deposited with the board.

2185 Section 41. If the person entitled to cash or a prize is under the age of 21 years, said cash
2186 or prize shall be remitted to the board.

2187 Section 42. A gaming establishment, including a business located within such
2188 establishment, shall not be a certified project within the meaning of section 3F of chapter 23A;
2189 shall not be designated an economic opportunity area within the meaning of section 3E of
2190 chapter 23A; shall not be eligible for tax increment financing as set forth in section 59 of chapter
2191 40 or special tax assessments set forth in section 3E of chapter 23A; shall not be classified and
2192 taxed as recreational land under chapter 61B; and shall not be designated as a development
2193 district within the meaning of chapter 40Q.

2194 Unless otherwise provided, a gaming establishment or a business located or to be located
2195 within such establishment shall not be eligible for the following credits or deductions listed in

2196 chapter 62 or chapter 63: the investment tax credit under section 31A of chapter 63, the
2197 employment credit under section 31C of chapter 63, the shuttle van credit under section 31E of
2198 chapter 63, the deduction for expenditures for industrial waste treatment or air pollution control
2199 under section 38D of chapter 63, the deduction for compensation paid to an eligible business
2200 facility's employees domiciled in a section of substantial poverty under section 38F of chapter
2201 63, the alternative energy sources deduction under section 38H of chapter 63, the research
2202 expense credit under section 38M of chapter 63, the economic opportunity area credit under
2203 subsection (g) of section 6 of chapter 62 and section 38N of chapter 63, the abandoned building
2204 deduction under paragraph (10) of subsection (a) of Part B of section 3 of chapter 62 and section
2205 38O of chapter 63, the harbor maintenance tax credit under section 38P of chapter 63, the film
2206 tax credit under subsection (l) of section 6 of chapter 62 and section 38X of chapter 63, the
2207 environmental response action tax credit under subsection (j) of section 6 of chapter 62 and
2208 section 38Q of chapter 63, the historic rehabilitation tax credit under section 6J of chapter 62 and
2209 section 38R of chapter 63 or the automatic sprinkler system depreciation deduction under section
2210 38S of chapter 63.

2211 Section 43. The board shall audit as often as the board determines necessary, but not less
2212 than annually, the accounts, programs, activities and functions of all licensees. To conduct the
2213 audit, the authorized officers and employees of the board shall have access to such accounts at
2214 reasonable times and the board may require the production of books, documents, vouchers and
2215 other records relating to a matter within the scope of such audit. The superior court shall have
2216 jurisdiction to enforce the production of records that the board requires to be produced under this
2217 section and the court shall order the production of all such records within the scope of any such
2218 audit. All such audits shall be conducted in accordance with generally accepted auditing
2219 standards established by the American Institute of Certified Public Accountants. In any audit
2220 report of the accounts, funds, programs, activities and functions of a licensee issued by the board,
2221 containing adverse or critical audit results, the board may require a response, in writing, to the
2222 audit results. The response shall be forwarded to the board within 15 days of notification by the
2223 board.

2224 On or before April 1 of each year, the board shall submit a report to the clerks of the
2225 house of representatives and the senate who shall forward the report to the house and senate
2226 committees on ways and means which shall include, but not be limited to: (i) the number of
2227 audits performed under this section; (ii) a summary of findings under the audits; and (iii) the cost
2228 of each audit.

2229 Section 44. Unless the board otherwise determines it to be in the best fiscal interests of
2230 the commonwealth, the board shall utilize the services of 1 or more independent testing
2231 laboratories that are registered to perform the testing of gaming equipment and slot machines and
2232 may also utilize any additional services or applicable data from 1 or more independent testing
2233 laboratories.

2234 The board shall develop standards to register independent testing laboratories to perform
2235 the testing of gaming equipment and slot machines. Each said independent testing laboratory
2236 shall, at a minimum, meet the requirements of sections 11 and 14, shall not be owned or
2237 controlled by, or have any interest in, a gaming licensee, a gaming vendor or slot machine
2238 manufacturer and shall provide such information as the board may require in order to qualify for
2239 registration.

2240 Section 45. (a) There shall be a gaming policy advisory committee consisting of 14
2241 members: 1 of whom shall be the governor, or the governor's designee, who shall serve as chair;
2242 1 of whom shall be the chair of the commission; 1 of whom shall be the chair of the board; 1 of
2243 whom shall be the senate president or the president's designee; 1 of whom shall be the speaker of
2244 the house of representatives or the speaker's designee; 1 of whom shall be the commissioner of
2245 public health or the commissioner's designee; and 7 of whom shall be appointed by the governor,
2246 3 of whom shall be representatives of gaming licensees, 1 of whom shall be a representative of a
2247 federally recognized Native American tribe in the commonwealth, 1 of whom shall be a
2248 representative of organized labor who shall be selected from a list of 3 names proposed by the
2249 president of the Massachusetts AFL-CIO and 3 of whom shall be appointed from the vicinity of
2250 each gaming establishment, as defined by host community and surrounding community, upon
2251 determination of the licensee and site location by the commission. The committee shall designate
2252 subcommittees to examine community mitigation, compulsive gambling and gaming impacts on
2253 cultural and tourism. Members of the committee shall serve for 2 year terms. The committee
2254 shall meet at least once annually for the purpose of discussing matters of gaming policy. The
2255 recommendations of the committee concerning gaming policy made under this section are
2256 advisory and shall not be binding on the commission and board.

2257 (b) There shall be a subcommittee on cultural facilities under the gaming policy advisory
2258 committee consisting of 5 members: 1 of whom shall be a representative of the Massachusetts
2259 performing arts center coalition; 1 of whom shall be a representative from the Massachusetts
2260 cultural council; 1 of whom shall be a representative of the board; and 2 of whom shall be
2261 appointed by the governor, 1 of whom shall have professional experience in the gaming
2262 entertainment booking industry and 1 of whom shall be a representative of organized labor who
2263 shall be selected from a list of 3 names proposed by the president of the Massachusetts AFL-
2264 CIO. The subcommittee shall develop recommendations for regulations to be developed by the
2265 board to address cultural mitigation including, but not limited to, the relationship between
2266 gaming entertainment venues and currently existing performing arts centers in the
2267 commonwealth.

2268 (c) There shall be a subcommittee on community mitigation under the gaming policy
2269 advisory committee consisting of 7 members: 1 of whom shall be appointed from the host
2270 community in region 1; 1 of whom shall be appointed from the host community in region 2; 1 of
2271 whom shall be appointed from the host community in region 3; 1 of whom shall be a
2272 representative from the department of revenue's division of local services; 1 of whom shall be a

2273 representative of the board; 1 of whom shall be appointed by the governor and have professional
2274 experience in community mitigation related to gaming; and 1 of whom shall be a representative
2275 from the Massachusetts municipal association. The subcommittee shall develop regulations to be
2276 considered by the board to address issues of community mitigation as a result of the development
2277 of gaming establishments in the commonwealth, including, but not limited to: how funds may be
2278 expended from the Community Mitigation Fund, the impact of gaming establishments on the
2279 host community as well as surrounding communities including, but not limited to, the impact on
2280 local resources as a result of new housing construction and potential necessary changes to
2281 affordable housing laws, increased education costs and curriculum changes due to population
2282 changes in the region, development and maintenance of infrastructure related to increased
2283 population and utilization in the region and public safety impacts resulting from the facility and
2284 how to address that impact. The subcommittee shall receive input from local community
2285 mitigation advisory committees. The subcommittee shall review annually the expenditure of
2286 funds from the Community Mitigation Fund and make recommendations to the board relative to
2287 appropriate and necessary use of community mitigation funds. The subcommittee shall submit
2288 updated regulations relating to community mitigation annually to the gaming policy advisory
2289 committee and the board. The board shall promulgate such regulations as advised by the
2290 subcommittee.

2291 (d) There shall be a subcommittee on addiction services under the gaming policy
2292 advisory committee consisting of 5 members: 1 of whom shall be a representative from the
2293 department of public health's bureau of substance abuse services; 1 of whom shall be a
2294 representative from the Massachusetts Council on Compulsive Gambling, Inc.; 1 of whom shall
2295 be a representative of the board; and 2 of whom shall be appointed by the governor with
2296 professional experience in the area of gambling addictions. The subcommittee shall develop
2297 recommendations for regulations to be developed by the board to address issues related to
2298 addiction services as a result of the development of gaming establishments in the
2299 commonwealth, including by not limited to, prevention and intervention strategies.

2300 (e) There shall be a subcommittee on public safety under the gaming policy advisory
2301 committee consisting of 7 members: 1 of whom shall be a member of the board; 1 of whom shall
2302 be the secretary of the executive office of public safety or the secretary's designee; 1 of whom
2303 shall be the attorney general or the attorney general's designee; 1 of whom shall be a
2304 representative from the Massachusetts District Attorneys Association; 1 of whom shall be the
2305 colonel of the state police or the colonel's designee; 1 of whom shall be a representative from the
2306 Massachusetts Chiefs of Police Association; and 1 of whom shall be a representative of a public
2307 safety labor union. The subcommittee shall develop recommendations for regulations to be
2308 developed by the board to address public safety issues as a result of the development of gaming
2309 establishments in the commonwealth, including but not limited to, how to mitigate the impact of
2310 gaming establishments on crimes committed in the commonwealth. The subcommittee shall also
2311 study the impact of gaming establishments on all aspects of public safety in the commonwealth.

2312 (f) Each region, as defined in section 17, may establish a local community mitigation
2313 advisory committee, which shall include not fewer than 6 members: 1 of whom shall be
2314 appointed by each of the host and surrounding communities; 1 of whom shall be appointed by
2315 each regional planning agency to which at least 1 of the host or surrounding communities
2316 belongs; and 4 of whom shall be appointed by the board, of whom at least 1 shall represent a
2317 chamber of commerce in the region, 1 shall represent a regional economic development
2318 organization in the region, and 2 shall represent human service providers in the region. Each
2319 local committee shall annually elect a chair and such other officers as it deems necessary to carry
2320 out its duties.

2321 Each local committee may provide information and develop recommendations for the
2322 subcommittee on community mitigation on any issues related to the gaming establishment
2323 located in its region including, but not limited to: issues of community mitigation; how funds
2324 may be expended from the community mitigation fund; and the impact of the gaming
2325 establishments on the host and surrounding communities. Additionally, each local committee
2326 may present information to the commission or board, consistent with the rules of the commission
2327 or board, on any issues related to the gaming establishment located in its region.

2328 Section 46. As used in sections 47 to 58, inclusive, the following words shall have the
2329 following meanings, unless the context clearly requires otherwise:-

2330 "Compensation", any money, thing of value or economic benefit conferred on or received
2331 by any employee of the gaming industry in return for services rendered or to be rendered by the
2332 employee or another.

2333 "Gaming official", a person who is employed, temporarily or permanently, by an entity
2334 licensed under this chapter, including, but not limited to, key gaming employees and other
2335 employees, agents, consultants and advisors.

2336 "Gaming entity", a person or business that is licensed under this chapter.

2337 "Official act", a decision, action or inaction within the official capacity of the gaming
2338 official as a gaming official.

2339 "Official responsibility", the direct administrative or operating authority, whether
2340 intermediate or final, either exercisable alone or with others, and whether personal or through
2341 subordinates, to approve, disapprove or otherwise direct gaming-related action.

2342 "Participate", engaging in gaming-related action personally and substantially as an
2343 official, through approval, disapproval, decision, recommendation, the rendering of advice,
2344 investigation or otherwise.

2345 Section 47. No person shall directly or indirectly, corruptly give, offer or promise
2346 anything of value to a gaming official, or offer or promise any such official to give anything of
2347 value to any other person or entity, with intent to:

2348 (1) influence an official act or an act within the official responsibility of the gaming
2349 official;

2350 (2) influence the gaming official to commit or aid in committing, or collude in, or
2351 allow, any fraud or make opportunity for the commission of a fraud on the commonwealth, a
2352 state, county or municipal agency or any person or business entity doing business with a gaming
2353 entity; or

2354 (3) induce a gaming official to do or omit to do any act in violation of the official's
2355 lawful duty.

2356 A violation of this section shall be punished by a fine of not more than $10,000, or by
2357 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for
2358 not more than 2 1/2 years, or both.

2359 Section 48. (a) No person shall, other than as provided by law for the proper discharge of
2360 official duty, directly or indirectly, give, offer or promise anything of substantial value to a
2361 gaming official:

2362 (i) for or because of an official act performed or to be performed by such a gaming
2363 official; or

2364 (ii) to influence, or attempt to influence, an official action of a gaming entity.

2365 A violation of this subsection shall be punished by a fine of not more than $10,000, or by
2366 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for
2367 not more than 2 1/2 years, or both.

2368 (b) No present or former gaming official shall, other than as provided by law for the
2369 proper discharge of official duty, directly or indirectly, ask, demand, exact, solicit, seek, accept,
2370 receive or agree to receive anything of substantial value:

2371 (i) for the gaming official, for or because of any official act or act within the gaming
2372 official's official responsibility performed or to be performed by the gaming official; or

2373 (ii) to influence, or attempt to influence, the gaming official in an official act taken.

2374 A violation of this subsection shall be punished by a fine of not more than $10,000, or by
2375 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for
2376 not more than 2 1/2 years, or both.

2377 (c) Nothing in this section shall be construed to prohibit the awarding of gratuities in
2378 compliance with an official gratuity policy established by the gaming establishment, the board or
2379 the commission.

2380 Section 49. (a) Except as permitted by subsection (b), no board member shall participate
2381 as such a member in a particular matter in which to the member's knowledge, the member's
2382 immediate family or partner, a business organization in which the member is serving as officer,
2383 director, trustee, partner or employee or any person or organization with whom the member is
2384 negotiating or has any arrangement concerning prospective employment, has a financial interest.
2385 A violation of this section shall be punished by a fine of not more than $25,000, or by
2386 imprisonment in the state prison for not more than 10 years, or in a jail or house of correction for
2387 not more than 2 1/2 years, or both.

2388 (b) A board member whose duties would otherwise require such member to participate in
2389 such a particular matter shall advise the commission of the nature and circumstances of the
2390 particular matter and shall make a full disclosure of such financial interest, and the commission
2391 shall thereupon either:

2392 (1) require that the member not participate in the particular matter; or

2393 (2) make a written determination that the interest is not so substantial as to be deemed
2394 likely to affect the integrity of the board, in which case it shall not be a violation for the member
2395 to participate in the particular matter. Copies of such written determination shall be forwarded to
2396 the member and filed with the commission. Such copy shall be retained by the commission for a
2397 period of 6 years and shall be a public record.

2398 Section 50. No commissioner or board member shall be eligible for a position under the
2399 supervision of the commission or board until the expiration of 30 days from the termination of
2400 the commissioner's or member's service as a commissioner or board member.

2401 Section 51. (a) In addition to other remedies provided by law, a violation of sections 47
2402 to 50, inclusive, which has substantially influenced the action taken by a gaming entity in a
2403 particular matter, shall be grounds for avoiding, rescinding or canceling the action on such terms
2404 as the interests of an innocent third person requires.

2405 (b) In addition to the remedies set forth in subsection (a), the commission, upon a finding
2406 pursuant to an adjudicatory proceeding that a person has acted to the person's economic
2407 advantage in violation of sections 47 to 50, inclusive, may issue an order: (1) requiring the
2408 violator to pay the board in the amount of the economic advantage or $500, whichever is greater;
2409 and (2) requiring the violator to make restitution to an injured third party. If there has been no
2410 final criminal judgment of conviction or acquittal of the same violation, upon receipt of the
2411 written approval of the attorney general, the commission may order payment of additional

2412 damages in an amount not exceeding twice the amount of the economic advantage or $500,
2413 whichever is greater.

2414 (c) The remedies authorized by this section shall be in addition to any civil penalty
2415 imposed by the commission.

2416 Section 52. The commission shall designate a gaming ombudsmen, who shall be
2417 available to advise gaming officials of the officials' responsibilities under this chapter. A gaming
2418 official shall be entitled to the opinion of the gaming ombudsmen upon any question arising
2419 under this chapter relating to the duties, responsibilities and interests of such official.

2420 Section 53. All disclosures and certifications required by this chapter shall be made in
2421 writing and, unless otherwise specifically provided in this chapter, shall be kept open by the
2422 commission to inspection by the public.

2423 Section 54. The board shall prepare, and update as necessary, summaries of sections 46
2424 to 53, inclusive, for gaming officials which the board shall publish on its official website. Every
2425 gaming official shall, within 30 days of becoming such an official, and on an annual basis
2426 thereafter, be furnished with a summary of said sections prepared by the board, sign a written
2427 acknowledgment that the gaming official has been provided with such a summary and undergo
2428 training explaining the requirements of this chapter. The board shall establish procedures for
2429 implementing this section and ensuring compliance.

2430 Section 55. No gaming establishment, or its agents or employees shall employ, contract
2431 with, or use any shill or barker to induce any person to enter a gaming establishment or play at
2432 any game or for any purpose.

2433 A violation of this section shall be punishable by a fine of $5,000 or by imprisonment in
2434 the state prison for not more than 5 years, or in a jail or house of correction for not more than 2
2435 1/2 years, or both.

2436 Section 56. (a) No gaming official shall, except in the normal course of the official's
2437 duties, wager in the gaming establishment in which such official is employed.

2438 (b) No gaming official shall, except in the normal course of the official's duties, wager in
2439 an establishment which is owned or operated by the same licensee who owns or operates the
2440 gaming establishment for which the official is employed.

2441 Section 57. A gaming official, not including key gaming employees and employees
2442 holding major policy-making positions, who, in the judgment of the commission, is not directly
2443 involved with the conduct of gaming operations, shall wait at least 30 days following the date
2444 that the gaming official either leaves or is terminated from employment with a gaming
2445 establishment before the gaming official may gamble in the gaming establishment in which the

2446 gaming official was formerly employed or in any other gaming establishment which is owned or
2447 operated by the same licensee.

2448 Section 58. No key gaming employee or gaming control employee, or other gaming
2449 official who serves in a supervisory position, shall solicit or accept any tip or gratuity from any
2450 player or patron in the gaming establishment where the employee is employed.

2451 Section 59. The board shall report monthly to the governor, the attorney general, the
2452 senate and house committees on ways and means and the chairs of the joint committee on
2453 revenue the total gaming revenues, prize disbursements and other expenses for the preceding
2454 month and shall make an annual report to the same recipients which shall include a full and
2455 complete statement of gaming revenues, prize disbursements and other expenses, including such
2456 recommendations as the board considers necessary or advisable. The board shall report
2457 immediately to the governor, the attorney general, the senate and house committees on ways and
2458 means and the chairs of the joint committee on revenue any matter which requires immediate
2459 changes in the laws of the commonwealth in order to prevent abuses or evasions of the laws,
2460 rules or regulations related to gaming or to rectify undesirable conditions in connection with the
2461 administration or operation of gaming in the commonwealth.

2462 Section 60. The commission shall annually submit a complete and detailed report of the
2463 commission's activities within 90 days after the end of the fiscal year to the clerk of the house of
2464 representatives, the clerk of the senate, the chairs of the joint committee on economic
2465 development and emerging technologies and the chairs of the house and senate committees on
2466 ways and means.

2467 Section 61. There is hereby established and placed upon the books of the board a
2468 Gaming Licensing Fund which shall consist of all licensing fees collected from licensees and any
2469 proceeds from the investment of such fees. The board shall be the trustee of the fund and shall
2470 not allow the fund to carry a negative balance.

2471 Section 62. (a) A category 1 licensee shall pay a daily tax of 25 per cent on gross gaming
2472 revenues.

2473 (b) A category 2 licensee shall pay a daily tax of 40 per cent on gross gaming revenues.

2474 (c) In addition to the tax imposed under subsection (b), a category 2 licensee shall pay a
2475 daily assessment of 8 per cent of its gross gaming revenue to the Massachusetts Race Horse
2476 Development Fund established by section 2EEEE of chapter 29, provided that if said licensee
2477 does not conduct live racing in accordance with this chapter and chapter 128A, the amount of the
2478 daily assessment under this subsection shall be 10 per cent of gross gaming revenue.

2479 (d) Taxes imposed under this section shall be remitted to the board by a licensee the day
2480 following each day of wagering. The board shall remit the revenues received to the

2481 commonwealth on a daily basis and shall be deposited into the Gaming Revenue Fund,
2482 established in section 63.

2483 Section 63. (a) There is hereby established and placed upon the books of the board a
2484 Gaming Revenue Fund which shall consist of all revenues collected from the tax on gross
2485 gaming revenue received from gaming licensees under section 62 and any proceeds from the
2486 investment of such revenues. The board shall be the trustee of the fund.

2487 (b) A transfer under this section shall be made under a transfer schedule to be developed
2488 by the comptroller and the board for each item after consulting with the appropriate agency
2489 secretary, the secretary of administration and finance and the state treasurer. The schedule shall
2490 provide for transfers in increments considered appropriate to meet the cash flow needs of each
2491 fund and all transfers under the schedule shall be completed annually not later than June 30.

2492 (c) The board shall transfer 1 per cent of the collected revenues to the Property Taxpayers
2493 Relief Fund created in section 2DDDD of chapter 29 and then, from such remaining amount
2494 shall transfer 10 per cent of collected revenues to the Gaming Mitigation Trust Fund, created in
2495 section 64, and remit the remaining 90 per cent of collected revenues to the comptroller. The
2496 comptroller may make all necessary transfers among funds to ensure that monies received under
2497 this subsection are transferred as follows:-

2498 (1) one-third of the amount remitted to the General Fund, subject to appropriation, to
2499 be used for debt reduction through a program of debt defeasance and accelerated debt payments;
2500 provided that this program shall be developed jointly by the state treasurer and the secretary of
2501 administration and finance and shall be implemented in compliance with state finance law;
2502 provided, further, that this program shall prioritize the reduction of risk in the commonwealth's
2503 debt portfolio; provided, further, that the state secretary and state treasurer shall provide a written
2504 description of the program to the finance advisory board established in section 97 of chapter 6
2505 for the board's review and comment before the program is implemented and shall file a copy of
2506 that description with the house and senate committees on ways and means and the house and
2507 senate committees on bonding, capital expenditures and state assets when it is submitted to the
2508 finance advisory board;

2509 (2) one-third of the amount remitted to the State Lottery and Gaming Fund, created in
2510 section 35 of chapter 10; provided that the total transfer to the State Lottery and Gaming Fund
2511 shall not exceed $150,000,000 in any fiscal year; and provided, further, that any amount in
2512 excess of $150,000,000 shall be transferred to the Local Aid Stabilization Fund, created in
2513 section 2BBBB of chapter 29; and

2514 (3) one third of the amount remitted to the Gaming Economic Development Fund,
2515 created in section 2CCCC of chapter 29.

2516 Section 64. (a) There is hereby established and set up on the books of the board a fund to
2517 be known as the Gaming Mitigation Trust Fund. The Gaming Mitigation Trust Fund shall consist
2518 of monies transferred from the Gaming Revenue Fund and all other monies credited or
2519 transferred to the fund from any other fund or source and proceeds from the investment of such
2520 funds. The board shall be the trustee of the fund.

2521 (b) The board shall administer the Gaming Mitigation Trust Fund and shall expend
2522 monies in the fund to address the impacts of expanded gaming in the commonwealth as follows:

2523 (1) Thirty-five per cent of fund revenues in a fiscal year shall be expended for
2524 community mitigation including, but not limited to, the areas of local and regional education,
2525 transportation, infrastructure, housing, environmental issues and public safety, including police,
2526 fire, and emergency services, in impacted communities, that may include host and surrounding
2527 communities;

2528 (2) Thirty-five per cent of fund revenues in a fiscal year shall be expended for social
2529 mitigation programming including, but not limited to, new problem gambling prevention,
2530 intervention and treatment services, new substance abuse services and gaming-related research;

2531 (3) Twenty per cent of fund revenues in a fiscal year shall be transferred to the
2532 Massachusetts cultural council of which one half of revenues received shall be dedicated to the
2533 organization support program of the Massachusetts cultural council and of which not less than
2534 one half of revenues shall be dedicated to support not-for-profit or municipally-owned
2535 performing arts centers impacted as a result of the licensure of gaming facilities in the
2536 commonwealth of Massachusetts. Funds dedicated to such performing arts centers shall be for
2537 the purpose of subsidizing fees paid to touring shows or artists; provided, however that funding
2538 shall be appropriated through a competitive grant process to be developed and administered by
2539 the Massachusetts cultural council; and

2540 (4) Ten per cent of fund revenues in a fiscal year shall be expended for racetrack
2541 mitigation including, but not limited to, developing programs to improve the purses offered at
2542 live racing venues, the horse breeding industry, programs to promote the live horse racing
2543 industry and other existing programs that provide health, medical, food, substance abuse
2544 treatment and other social services for horse racing industry employees.

2545 Section 65. All political contributions or contributions in kind made by an applicant for a
2546 gaming license to any municipal employee, as defined in section 1 of chapter 268A, of the host
2547 community of the applicant's proposed gaming establishment shall be disclosed, by the
2548 applicant, to the board and the city or town clerk of the host community. Such disclosure shall be
2549 made by the applicant bi-annually, on or before July 15 for the period covering January 1
2550 through June 30 of that year and on or before January 15 for the period covering July 1 through
2551 December 31 of the preceding year. The office of campaign and political finance shall
2552 promulgate regulations to provide for timely and expeditious public reporting, which shall

2553 include electronic means or public posting in a city or town hall and post office, by city and town
2554 clerks of the contribution disclosures they receive from applicants.

2555 Section 66. Any licensee who fails to begin gaming operations within 1 year after the
2556 date specified in its application timeline shall be subject to revocation of said license by the
2557 board, and may, after being found by the board subsequent to a hearing to have acted in bad faith
2558 in its application, be assessed a fine, collectible by the board and to be deposited in the General
2559 Fund, of not less than $100,000,000.

2560 Section 67. The board shall report annually to the governor, the chairs of the senate and
2561 house committees on ways and means and the chairs of the joint committee on tourism, arts and
2562 cultural development regarding the effects of gaming establishments on tourism in the
2563 commonwealth, including, but not limited to how gaming establishments have enhanced the
2564 commonwealth's position as a tourism venue.

2565 Section 68. (a) Any vendor who operates an ATM machine on the premises of a gaming
2566 establishment shall be prohibited from selling or sharing any information about patrons using the
2567 machine with any party.

2568 (b) Licensees shall be prohibited from using information about patrons' usage of ATM
2569 machines including, but not limited to, the identity of the patron, the address of the patron, the
2570 amounts withdrawn from the ATM machine and the dates or times the machines are used, for
2571 marketing purposes.

2572 SECTION 14. Section 61 of chapter 23K of the General Laws is hereby repealed.

2573 SECTION 15. Section 1 of chapter 29 of the General Laws, as appearing in the 2008
2574 Official Edition, is hereby amended by striking out the definition of "State authority," and
2575 inserting in place thereof the following definition:-

2576 "State authority" a body politic and corporate constituted as a public instrumentality of
2577 the commonwealth and established by an act of the General Court to serve an essential
2578 governmental function; provided, however that "state authority" shall not include: (1) a state
2579 agency; (2) a city or town; (3) a body controlled by a city or town; or (4) a separate body politic
2580 where the governing body is elected, in whole or in part, by the general public or by
2581 representatives of member cities or towns.

2582 SECTION 16. Chapter 29 of the General Laws is hereby amended by inserting after
2583 section 2AAAA the following 4 sections:

2584 Section 2BBBB. There shall be established and set up on the books of the
2585 commonwealth a separate fund to be known as the Local Aid Stabilization Fund. The Local Aid
2586 Stabilization Fund shall consist of monies transferred from the Gaming Revenue Fund,
2587 established in section 63 of chapter 23K, to the fund, all other monies credited or transferred

2588 from any other fund or source and proceeds from the investment of such funds. Subject to
2589 appropriation, the fund shall be distributed to cities and towns as a supplement to other sources
2590 of local aid distributions, but shall not be subject to section 5C of chapter 29.

2591 Section 2CCCC. There shall be established and set up on the books of the
2592 commonwealth a separate fund to be known as the Gaming Economic Development Fund. The
2593 fund shall be credited with revenues transferred to it from the Gaming Revenue Fund,
2594 established in section 63 of chapter 23K. Amounts credited to the fund shall be expended,
2595 subject to appropriation, to support economic development and job growth in the commonwealth
2596 including, but not limited to: (1) workforce training, including transfers to the Workforce
2597 Competitiveness Trust Fund; (2) tourism promotion, including regional tourism promotion
2598 agencies and cultural and recreational attraction promotion; (3) summer jobs; (4) the
2599 Massachusetts Marketing Partnership; (5) higher education scholarships; (6) regional economic
2600 development initiatives; (7) support for small businesses, including small business lending; (8)
2601 green jobs promotion; (9) science, technology, engineering and mathematics career pipeline
2602 initiatives; and (10) agricultural development programs, including youth agricultural education.

2603 Section 2DDDD. There shall be established and set up on the books of the
2604 commonwealth a separate fund to be known as the Property Taxpayers Relief Fund. The fund
2605 shall be credited with revenues transferred to it from the Gaming Revenue Fund established in
2606 section 63 of chapter 23K. Monies in such fund shall be made available as grants to
2607 municipalities for local senior citizen property tax relief programs. The secretary of elder affairs
2608 shall distribute such grant funds on a non-competitive formula basis only to municipalities with
2609 local senior citizen property tax programs based on a fiscal year cycle. The secretary of elder
2610 affairs in conjunction with the department of revenue shall establish policies and procedures
2611 relating to such grant funding to include the grant formula; award and distribution of grant
2612 funding; and application and certification by a municipality seeking funding for such local senior
2613 programs. For each fiscal year, all grants shall be distributed to qualifying municipalities by
2614 April 15 prior to the beginning of the fiscal year for which such grant was awarded.

2615 Section 2EEEE. (a) There is hereby established and placed upon the books of the
2616 commonwealth a Race Horse Development Fund to be administered by the commission. The
2617 commission shall make distributions from the race horse fund to each of the active and operating
2618 category 2 live racing licensees"; provided, however, that prior to making such distributions to
2619 the category 2 licensees the commission in consultation with the commissioner of agriculture
2620 may in its discretion expend monies from such fund for the following purposes: (i) to offer grants
2621 and loans to owners of Massachusetts farms that preserve open space, produce agricultural
2622 products, or otherwise provide services to support the live horse racing industry and breeding
2623 farms in the commonwealth, including any initiatives to establish or support a farmers market for
2624 products grown in the commonwealth or a hay marketing co-operative program; (ii) to provide
2625 scholarships for students pursuing careers in animal husbandry and the agricultural industry at
2626 the Stockbridge School of Agriculture, or the Tufts University School of Veterinary Medicine, or

2627 for equestrian education and riding programs, or otherwise; (iii) to provide other benefits that
2628 create or preserve jobs and otherwise support the live horse racing industry and agricultural
2629 activities; and (iv) to carry out activities described in section 2 of chapter 128, to provide grants
2630 as authorized under the Agricultural Innovation Center established pursuant to chapter 61 of the
2631 acts of 2007, and to fund the operation of the linked-deposit loan fund authorized pursuant to
2632 section 28 of chapter 20".

2633 (b) Funds from the Race Horse Development Fund distributed to category 2 live-racing
2634 licensees shall be distributed in proportion to the gross gaming revenue of each category 2 live
2635 racing licensee; provided that the funds received by each licensee shall be allocated in
2636 accordance with the following provisions:

2637 (1) eighty per cent shall be deposited weekly into a separate, interest-bearing purse
2638 account to be established by and for the benefit of the horsemen. The earned interest on the
2639 account shall be credited to the purse account. Licensees shall combine these funds with
2640 revenues from existing purse agreements to fund purses for live races consistent with those
2641 agreements with the advice and consent of the horsemen;

2642 (2) for a thoroughbred track, 16 per cent shall be deposited on a monthly basis into the
2643 Massachusetts thoroughbred breeding program authorized by the commission pursuant to section
2644 2 of chapter 128;

2645 (3) for a harness track, 8 per cent shall be deposited on a monthly basis into the
2646 Massachusetts standardbred breeding program authorized by the commission pursuant to section
2647 2 of chapter 128 and an additional 8 per cent shall be deposited on a monthly basis into a
2648 standardbred breeder development program authorized by the commission; and

2649 (4) four per cent shall be used to fund health and pension benefits for the members of
2650 the horsemen's organizations representing the owners and trainers at the racetrack at which the
2651 category 2 licensee operates for the benefit of the organization's members, their families,
2652 employees and others in accordance with the rule and eligibility requirements of the
2653 organization, as approved by the commission. This amount shall be deposited within 5 business
2654 days of the end of each month into a separate account to be established by each respective
2655 horsemen's organization at a banking institution of its choice. Of this amount, the commission
2656 shall determine how much should be paid annually by the horsemen's organization to the
2657 thoroughbred jockeys or standardbred drivers organization at the racetrack at which the licensed
2658 racing entity operates for health insurance, life insurance or other benefits to active and disabled
2659 thoroughbred jockeys or standardbred drivers in accordance with the rules and eligibility
2660 requirements of that organization.

2661 SECTION 17. Section 38 of said chapter 29, as appearing in the 2008 Official Edition, is
2662 hereby amended by striking out in lines 115 to 116, the words "State Lottery Fund, as established

2663 and defined in section thirty-five of chapter ten" and inserting in place thereof the following
2664 words:- State Lottery and Gaming Fund established in section 35 of chapter 10.

2665 SECTION 18. Said section 38 of said chapter 29, as so appearing, is hereby further
2666 amended by striking out, in lines 127 to 128, the words "the said State Lottery Fund" and
2667 inserting in place thereof the following words:- said State Lottery and Gaming Fund.

2668 SECTION 19. Section 1 of chapter 32 of the General Laws, as so appearing, is hereby
2669 amended by inserting after the word "connector", in line 211, the following words:- , the
2670 Massachusetts gaming commission, the Massachusetts gaming control board.

2671 SECTION 20. Section 2 of chapter 32A of the General Laws, as so appearing, is hereby
2672 amended by inserting after the word "authority", in line 12, the following words:- , the
2673 Massachusetts gaming commission, the Massachusetts gaming control board.

2674 SECTION 21. Section 94 of chapter 41 of the General Laws, as so appearing, is hereby
2675 amended by inserting after the word "and", in line 7, the first time it appears, the following word:
2676 illegal.

2677 SECTION 21A. Section 7A of chapter 55 of the General Laws, as so appearing, is
2678 hereby amended by adding the following subsection:-

2679 (c) The aggregate of all contributions by a person who holds a valid license issued by the
2680 Massachusetts gaming commission, who was required to apply for that license under section 10
2681 of chapter 23K, for the benefit of any 1 candidate and such candidate's committee shall not
2682 exceed $200 in any 1 calendar year. The aggregate of all contributions by a person who holds a
2683 valid license issued by the Massachusetts gaming commission, who was required to apply for
2684 that license under section 10 of chapter 23K, for the benefit of any other political committee,
2685 other than a ballot question committee, shall not exceed $200 in any 1 calendar year.

2686 SECTION 22. Section 18C of said chapter 58, as so appearing, is hereby amended by
2687 inserting after the word "Lottery", in line 6, the following words:- and Gaming.

2688 SECTION 23. Section 18D of chapter 58 of the General Laws is hereby repealed.

2689 SECTION 24. Section 5A of chapter 62 of the General Laws, as appearing in the 2008
2690 Official Edition, is hereby amended by inserting after the word "commonwealth", in line 24, the
2691 following words:- , including gaming winnings acquired at or through a gaming establishment
2692 under chapter 23K.

2693 SECTION 25. The seventh paragraph of section 2 of chapter 62B of the General Laws,
2694 as so appearing, is hereby amended by striking out the first 2 sentences and inserting in place
2695 thereof the following 2 sentences:- Every person, including the United States, the commonwealth
2696 or any other state, or any political subdivision or instrumentality of the foregoing, making any

2697 payment of lottery or gaming winnings, acquired at or through a gaming establishment under
2698 chapter 23K, which are subject to taxation under chapter 62 and which are subject to withholding
2699 under section 3402(q) of the Internal Revenue Code shall deduct and withhold from such
2700 payment an amount equal to 5 per cent of such payment, except that such withholding for
2701 purposes of this chapter shall apply to payments of winnings of $600 or greater notwithstanding
2702 any contrary provisions of the Internal Revenue Code; provided, however, that the exception
2703 contained in subsections (q)(5) and (r) of the Internal Revenue Code shall not apply to winnings
2704 under this section. For purposes of this chapter and chapter 62C, such payment of winnings shall
2705 be treated as if it were wages paid by an employer to an employee.

2706 SECTION 26. Said chapter 62B is hereby further amended by striking out section 5, as
2707 so appearing, and inserting in place thereof the following section:-

2708 Section 5. Every employer required to deduct and withhold from an employee or payee a
2709 tax under section 2, or who would have been required under said section in the case of an
2710 employee to deduct and withhold a tax if the employee had not claimed any personal exemption
2711 or dependency exemptions, shall furnish to each such employee or payee in respect of the wages
2712 or other payments paid by such employer to such employee or payee during the calendar year, on
2713 or before January 31 of the succeeding year, or, if an employee's employment is terminated
2714 before the close of such calendar year, within 30 days from the day on which the last payment of
2715 wages is made, a written statement in duplicate showing the name of the employer, the name of
2716 the employee or payee and the employee or payee's social security account number, if any, the
2717 total amount of wages or other amounts subject to taxation under chapter 62 and the total amount
2718 deducted and withheld as tax. This statement may contain such other information as the
2719 commissioner may prescribe. The commissioner may grant reasonable extensions of time, not
2720 exceeding 60 days, for the furnishing of the statement.

2721 Every employer who fails to withhold or pay to the commissioner any sums required by
2722 this chapter to be withheld or paid shall be personally and individually liable for such sums to the
2723 commonwealth. The term "employer" as used in this section and in section 11, shall include any
2724 person or entity required to withhold tax from any payee and shall include an officer or employee
2725 of a corporation, or a member or employee of a partnership or limited liability company, who as
2726 such officer, employee or member is under a duty to withhold and pay over taxes under this
2727 section and section 2. Any sum withheld under section 2 shall be considered to be held in trust
2728 for the commonwealth.

2729 If an employer in violation of this chapter fails to withhold the tax under section 2, and
2730 thereafter the tax against which such tax may be credited, under section 9, is paid, the tax so
2731 required to be withheld shall not be collected from the employer; but this paragraph shall in no
2732 case relieve the employer from liability for any penalties or addition to the tax otherwise
2733 applicable in respect of such failure to withhold.

2734 SECTION 27. The first paragraph of section 8 of chapter 62C of the General Laws, as so
2735 appearing, is hereby amended by striking out the last sentence and inserting in place thereof the
2736 following sentence:- The same basis of reporting shall be utilized for income that is subject to
2737 taxation or withholding under chapter 62 or 62B but is not subject to taxation or withholding
2738 under the Code.

2739 SECTION 28. Subsection (f) of section 38 of chapter 63 of the General Laws, as so
2740 appearing, is hereby amended by striking out the third paragraph and inserting in place thereof
2741 the following paragraph:-

2742 For the purposes of this subsection: (1) in the case of the licensing of intangible property,
2743 the income-producing activity shall be considered to be performed in the commonwealth to the
2744 extent that the intangible property is used in the commonwealth; (2) the corporation shall be
2745 considered to be taxable in the state of the purchaser if the tangible personal property is delivered
2746 or shipped to a purchaser in a foreign country; (3) sales of tangible personal property to the
2747 United States government or an agency or instrumentality of the United States for purposes of
2748 resale to a foreign government or an agency or instrumentality of a foreign government shall not
2749 be sales made in the commonwealth; (4) in the case of the sale, exchange or other disposition of
2750 a capital asset, as defined in paragraph (m) of section 1 of chapter 62, used in a taxpayer's trade
2751 or business, including a deemed sale or exchange of such asset, “sales” shall be measured by the
2752 gain from the transaction; (5) “security” shall mean an interest or instrument commonly treated
2753 as a security as well as other instruments which are customarily sold in the open market or on a
2754 recognized exchange including, but not limited to, transferable shares of a beneficial interest in a
2755 corporation or other entity, bonds, debentures, notes and other evidences of indebtedness,
2756 accounts receivable and notes receivable, cash and cash equivalents including foreign currencies
2757 and repurchase and futures contracts; (6) in the case of a sale or deemed sale of a business, the
2758 term “sales” shall not include receipts from the sale of the business “good will” or similar
2759 intangible value, including, without limitation, “going concern value” and “workforce in place”;
2760 (7) to the extent authorized under the life sciences tax incentive program established by section 5
2761 of chapter 23I, a certified life sciences company may be deemed a research and development
2762 corporation for purposes of exemptions under chapters 64H and 64I; and (8) in the case of a
2763 business deriving receipts from operating a gaming establishment or otherwise deriving receipts
2764 from conducting a wagering business or activity, income-producing activity shall be considered
2765 to be performed in the commonwealth to the extent that the location of wagering transactions or
2766 activity that generated the receipts is in the commonwealth.

2767 SECTION 29. Section 2 of chapter 70 of the General Laws, as so appearing, is hereby
2768 amended by inserting after the word “Lottery”, in line 355, the following words:- and Gaming.

2769 SECTION 29A. Section 2 of chapter 128 of the General Laws, as so appearing, is hereby
2770 amended by striking out, in line 99, the words “or dog”.

2771 SECTION 30. Said section 2 of said chapter 128 of the General Laws, as so appearing, is
2772 hereby further amended by striking out subsection (i).

2773 SECTION 31. Section 1 of chapter 128A of the General Laws, as so appearing, is hereby
2774 amended by striking out, in line 6, the words "state racing commission" and inserting in place
2775 thereof the following words:- Massachusetts gaming commission established in chapter 23K.

2776 SECTION 32. Section 1 of chapter 128C of the General Laws, as so appearing, is hereby
2777 amended by striking out, in line 12, the words "state racing commission" and inserting in place
2778 thereof the following words:- gaming commission established in chapter 23K.

2779 SECTION 33. Section 1 of chapter 137 of the General Laws, as so appearing, is hereby
2780 amended by inserting after the word "gaming", in line 2, the following words:- , except for
2781 gaming conducted in gaming establishments under chapter 23K.

2782 SECTION 34. Section 2 of said chapter 137, as so appearing, is hereby amended by
2783 inserting after the word "building", in line 1, the following words:- , except for an owner or
2784 operator of a gaming establishment licensed under chapter 23K.

2785 SECTION 35. Section 3 of said chapter 137, as so appearing, is hereby amended by
2786 adding the following sentence:- Nothing in this section shall prohibit any activity authorized
2787 under chapter 23K.

2788 SECTION 36. Section 18 of chapter 139 of the General Laws, as so appearing, is hereby
2789 amended by inserting after the word "of", in line 6, the word:- illegal.

2790 SECTION 37. Section 26A of chapter 180 of the General Laws, as so appearing, is
2791 hereby amended by striking out, in lines 4 and 16, the following words:- or dog.

2792 SECTION 38. The General Laws are hereby amended by inserting after chapter 267 the
2793 following chapter:-

2794 Chapter 267A

2795 Money Laundering

2796 Section 1. As used in this chapter, the following words shall, unless the context clearly
2797 requires otherwise, have the following meanings:-

2798 "Criminal activity", a criminal offense punishable under the laws of the commonwealth
2799 by imprisonment in a state prison or a criminal offense committed in another jurisdiction
2800 punishable under the laws of that jurisdiction as a felony.

2801 "Financial institution", a: (1) bank as defined in section 1 of chapter 167; (2) national
2802 banking association, bank, savings and loan, savings bank, cooperative bank, building and loan

2803 or credit union organized under the laws of the United States; (3) banking association, bank,
2804 savings and loan, savings bank, cooperative bank, building and loan or credit union organized
2805 under the laws of any state; (4) agency, agent or branch of a foreign bank; (5) currency dealer or
2806 exchange; (6) person or business engaged primarily in the cashing of checks; (7) person or
2807 business regularly engaged in the issuing, selling or redeeming of traveler's checks, money
2808 orders or similar instruments; (8) broker or dealer in securities or commodities; (9) licensed
2809 transmitter of funds or other person or business regularly engaged in the transmission of funds to
2810 a foreign nation for others; (10) investment banker or investment company; (11) insurer; (12)
2811 dealer in precious metals, stones or jewels; (13) pawnbroker or scrap metal dealer; (14) telegraph
2812 or other communications company; (15) personal property or real estate broker; (16) dealer in
2813 vehicles including, but not limited to, automobiles, aircraft and vessels; (17) operator of a betting
2814 or gaming establishment; (18) travel agent; (19) thrift institution; (20) operator of a credit card
2815 system; or (21) loan or finance company.

2816 "Monetary instrument", the currency and coin of the United States or any foreign
2817 country; any bank check, money order, stock, investment security, or negotiable instrument in
2818 bearer form or otherwise in such form that title passes upon delivery; gold, silver or platinum
2819 bullion or coins; diamonds, emeralds, rubies, or sapphires; any negotiable instrument including:
2820 bank checks, cashier's checks, traveler's checks, or monetary orders made payable to the order of
2821 a named party that have not been endorsed or which bear restrictive endorsements; poker chips,
2822 vouchers or other tokens exchangeable for cash by gaming entities; and credit cards, debit cards,
2823 gift cards, gift certificates or scrips.

2824 "Transaction", a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition,
2825 and with respect to a financial institution including, but not limited to, a deposit, withdrawal,
2826 bailment, transfer between accounts, exchange of currency, loan, extension of credit, purchase or
2827 sale of any stock, bond, certificate of deposit, or other monetary instrument, use of a safe deposit
2828 box, or any other payment, transfer, or delivery by, through, or to a financial institution, by
2829 whatever means effected.

2830 Section 2. Whoever knowingly:

2831 (1) transports or possesses a monetary instrument or other property that was derived
2832 from criminal activity with the intent to promote, carry on or facilitate criminal activity;

2833 (2) engages in a transaction involving a monetary instrument or other property known
2834 to be derived from criminal activity:

2835 (i) with the intent to promote, carry on or facilitate criminal activity; or

2836 (ii) knowing that the transaction is designed in whole or in part either to: (A)
2837 conceal or disguise the nature, location, source, ownership or control of the property derived

2838 from criminal activity; or (B) avoid a transaction reporting requirement of this chapter, of the
2839 United States, or of any other state; or

2840 (3) directs, organizes, finances, plans, manages, supervises or controls the
2841 transportation of, or transactions in, monetary instruments or other property known to be derived
2842 from criminal activity or which a reasonable person would believe to be derived from criminal
2843 activity; shall be guilty of the crime of money laundering and shall be punished by imprisonment
2844 in the state prison for not more than 6 years or by a fine of not more than $250,000 or twice the
2845 value of the property transacted, whichever is greater, or by both such imprisonment and fine;
2846 and for any subsequent offense shall be punished by imprisonment in the state prison for not less
2847 than 2 years, but not more than 8 years or by a fine of not more than $500,000 or 3 times the
2848 value of the property transacted, whichever is greater, or by both such imprisonment and fine.

2849 Section 3. (a) A financial institution shall file with the attorney general a copy of any and
2850 all reports required by the Currency and Foreign Transactions Act, set forth in 31 U.S.C.,
2851 sections 5311 through 5315, 31 C.F.R. 103.

2852 (b) A financial institution, or any officer, employee, or agent of a financial institution that
2853 maintains and files a record or report under this section shall not be liable to its customer, to a
2854 state or local agency, or to any person for any loss or damage caused in whole or in part by the
2855 making, filing or governmental use of the record or report, or any information contained in the
2856 record or report. Nothing in this chapter shall be construed to give rise to a private cause of
2857 action for relief or damages. This subsection shall not preclude a financial institution, in its
2858 discretion, from instituting contact with, and then communicating with and disclosing customer
2859 financial records to, appropriate federal, state or local law enforcement agencies if the financial
2860 institution has reason to suspect that the records or information demonstrate that the customer
2861 has violated this chapter.

2862 (c) Any report, record or information obtained by the attorney general under this section
2863 shall not be a public record under clause Twenty-sixth of section 7 of chapter 4 or section 10 of
2864 chapter 66 and shall not be subject to disclosure, except to other state and federal law
2865 enforcement agencies.

2866 (d) Any violation of this section, which is not a violation of section 2, shall be punished
2867 by a fine of $100 for each report not filed.

2868 (e) The timely filing of complete and accurate reports required under subsection (a) with
2869 the appropriate federal agency shall constitute compliance with the requirements of subsection
2870 (a).

2871 Section 4. All monetary instruments or other property, real, intellectual or personal,
2872 obtained directly as a result of a violation of section 2 of this chapter, shall be subject to
2873 forfeiture to the commonwealth. Forfeiture proceedings shall be conducted as provided in

2874 subsections (b) to (j), inclusive of section 47 of chapter 94C. For purposes of subsection (d) of
2875 said section 47 of said chapter 94C, the investigation and enforcement bureau of the gaming
2876 control board shall be considered a police department, entitled to a police department's
2877 distribution of forfeiture proceedings.

2878 SECTION 39. Subsection (c) of section 22 of chapter 270 of the General Laws, as
2879 appearing in the 2008 Official Edition, is hereby amended by adding the following:- (10) A
2880 designated area or areas within a gaming establishment licensed under chapter 23K, which may
2881 include a smoking bar; provided that the total area occupied by any such area(a) shall be no
2882 greater than 20 per cent of the gaming establishment; provided, further, that any such area shall
2883 be appropriately marked with signs designating the area as a smoking area; and provided, further,
2884 that any such area shall have appropriate ventilation so as to minimize the effect of the smoke on
2885 the non-designated areas within the gaming establishment.

2886 SECTION 40. Section 1 of chapter 271 of the General Laws, as so appearing, is hereby
2887 amended by inserting after the word "gaming", in lines 3 and 4, the following words:- , except as
2888 permitted under chapter 23K.

2889 SECTION 41. Section 2 of said chapter 271, as so appearing, is hereby amended by
2890 inserting after the words "playing", in line 4, the following words:- , except as permitted under
2891 chapter 23K.

2892 SECTION 42. Section 3 of said chapter 271, as so appearing, is hereby amended by
2893 inserting after the words "gaming", in line 3, the following words:- , except as permitted under
2894 chapter 23K.

2895 SECTION 43. Section 5 of said chapter 271, as so appearing, is hereby amended by
2896 inserting after the words "thing,", in line 7, the following words:- except as permitted under
2897 chapter 23K.

2898 SECTION 44. The second paragraph of section 5A of said chapter 271, as so appearing,
2899 is hereby amended by adding the following sentence:- This section shall not apply to persons
2900 who manufacture, transport, sell, offer for sale, store, display, repair, recondition, possess or use
2901 any gambling device or parts for use in such a device for licensed gaming conducted under
2902 chapter 23K.

2903 SECTION 45. Section 6 of said chapter 271, as so appearing, is hereby amended by
2904 striking out, in lines 3 and 4, the words "gambling or unlawful game" and inserting in place
2905 thereof the words:- illegal gaming.

2906 SECTION 46. Section 7 of said chapter 271, as so appearing, is hereby amended by
2907 inserting after the word "device", in line 7, the first time it appears, the following words:- that is
2908 not taking place in a gaming establishment licensed under chapter 23K.

2909 SECTION 47. Said chapter 271 is hereby further amended by striking out section 8, as
2910 so appearing, and inserting in place thereof the following section:

2911 Section 8. Whoever owns, occupies, or is in control of a house, shop or building and
2912 knowingly permits the establishing, managing or drawing of such lottery, or such disposal or
2913 attempt to dispose of property, or the sale of a lottery ticket or share of a ticket, or any other
2914 writing, certificate, bill, token or other device purporting or intended to entitle the holder, bearer
2915 or any other person to a prize or to a share of or interest in a prize to be drawn in a lottery, or in
2916 such disposal or property and whoever knowingly suffers money or other property to be raffled
2917 for or won by throwing or using dice or by any other game of chance that is not being conducted
2918 in a licensed gaming establishment under chapter 23K, shall be punished by a fine of not more
2919 than $2000 or by imprisonment in a jail or house of correction for not more than 1 year.

2920 SECTION 48. Section 14 of said chapter 271, as so appearing, is hereby further amended
2921 by inserting after the word " by", in line 3, the first time it appears, the following words:- illegal
2922 gaming, including games of.

2923 SECTION 48A. Section 16A of said chapter 271, as so appearing, is hereby amended by
2924 inserting after the word "wagerers", in line 14, the following words: - or to persons who
2925 organize, supervise, manage, or finance persons for the purpose of gaming conducted under
2926 chapter 23K.

2927 SECTION 49. Section 17 of said chapter 271, as so appearing, is hereby amended by
2928 adding the following sentence:- This section shall not apply to persons who organize, supervise,
2929 manage or finance persons for the purpose of licensed gaming conducted under chapter 23K.

2930 SECTION 50. Section 19 of said chapter 271, as so appearing, is hereby amended by
2931 adding the following words:- ; provided, however, that this section shall not apply to advertising
2932 of licensed gaming conducted under chapter 23K.

2933 SECTION 51. Section 20 of said chapter 271, as so appearing, is hereby amended by
2934 adding the following sentence:- Nothing in this section shall prohibit a gaming establishment
2935 licensed under chapter 23K from posting or exposing materials relevant to its gaming operations.

2936 SECTION 52. Section 22 of said chapter 271, as so appearing, is hereby amended by
2937 adding the following words:- or any receipt, carriage or delivery by a gaming establishment
2938 licensed under chapter 23K.

2939 SECTION 53. Section 23 of said chapter 271, as so appearing, is hereby amended by
2940 striking out the last sentence and inserting in place thereof the following sentence:- Chapter 276
2941 relative to the disposal of gaming articles seized upon search warrants shall apply to all articles
2942 and property seized under this section; provided, however, that such disposal shall not apply to
2943 licensed gaming conducted under chapter 23K.

2944 SECTION 54. Section 28 of said chapter 271, as so appearing, is hereby amended by
2945 inserting after the word “of”, in line 3, the third time it appears, the following word:- illegal.

2946 SECTION 55. Section 31 of said chapter 271, as so appearing, is hereby amended by
2947 striking out in lines 3 and 4 the words “thereto by section fourteen of chapter one hundred and
2948 eighty” and inserting in place thereof the following words:- to conduct such trials or gaming
2949 establishments licensed under chapter 23K.

2950 SECTION 56. The General Laws are hereby amended by inserting after chapter 271 the
2951 following chapter:-

2952 Chapter 271A

2953 Enterprise Crime

2954 Section 1. As used in this chapter, the following words shall, unless the context clearly
2955 requires otherwise, have the following meanings:-

2956 “Criminal enterprise activity”, the commission, attempt to commit or conspiracy to
2957 commit or the solicitation, coercion, aiding, abetting or intimidation of another to commit any of
2958 the following criminal activity under the laws of the commonwealth or equivalent crimes under
2959 the laws of any other jurisdiction: a violation of any criminal provision of chapter 23K; a felony
2960 offense under chapter 271; distributing, dispensing, manufacturing, or possessing with intent to
2961 distribute, dispense or manufacture a controlled substance in violation of chapter 94C; murder;
2962 rape; manslaughter, not including motor vehicle homicide; assault; assault and battery; assault
2963 and battery in order to collect a loan; assault with intent to rob or murder; poisoning; mayhem;
2964 robbery; extortion; stalking; criminal harassment; kidnapping; arson; burglary; malicious
2965 destruction of property; commission of a felony for hire; breaking and entering; child
2966 exploitation; assault and battery on a child; rape of a child; rape and abuse of a child; enticement
2967 of a child under 16; human trafficking; violation of constitutional rights under section 37 of
2968 chapter 265; usury; uttering; misuse or fraudulent use of credit cards under section 37C of
2969 chapter 266; identity fraud; misappropriation of funds; gross fraud; insurance fraud; unlawful
2970 prize fighting or boxing matches; counterfeiting; perjury; subornation of perjury; obstruction of
2971 justice; money laundering; witness intimidation; bribery; electronic eavesdropping; prostitution;
2972 receiving stolen property; larceny over $250; larceny by false pretenses or embezzlement;
2973 forgery; procurement fraud; false claims; tax evasion; filing false tax returns; or any conduct
2974 defined as a racketeering activity under Title 18, U.S.C. s. 1961(1)(A)(B) and (D).

2975 “Enterprise”, an entity including any individual, sole proprietorship, partnership,
2976 corporation, association, trust or other legal entity and any unchartered union or group of persons
2977 associated in fact although not a legally recognized entity.

2978 “Gaming establishment”, an establishment licensed under chapter 23K.

2979 “Pattern of criminal enterprise activity”, engaging in at least 3 incidents of criminal
2980 enterprise activity that have the same or similar pattern, intents, results, accomplices, victims or
2981 methods of commission, or are otherwise interrelated by distinguishing characteristics and are
2982 not isolated incidents; provided, however, that at least 1 of the incidents occurred after the
2983 effective date of this chapter, and the last incident occurred within 5 years of another incident of
2984 criminal enterprise activity.

2985 “Unlawful debt”, a debt (i) which was incurred or contracted in an illegal gambling
2986 activity or business or (ii) which is unenforceable under state or federal law in whole or part as to
2987 principal or interest because of the law relating to usury.

2988 Section 2. Whoever knowingly: (1) through a pattern of criminal enterprise activity or
2989 through the collection of an unlawful debt acquires or maintains, directly or indirectly, an interest
2990 in or control of an enterprise which is engaged in, or the activities of which affect, licensed
2991 gaming under chapter 23K or ancillary industries which do business with a gaming
2992 establishment; (2) having received proceeds derived, directly or indirectly, from a pattern of
2993 criminal enterprise activity or through the collection of an unlawful debt, uses or invests, directly
2994 or indirectly, part of the proceeds including proceeds derived from the investment, in the
2995 acquisition of an interest in real property to be used in connection with licensed gaming, or in the
2996 establishment or operation of, an enterprise which is engaged in, or the activities of which affect,
2997 licensed gaming operations or ancillary industries which do business with a gaming
2998 establishment; (3) is employed by or associated with an enterprise to conduct or participate,
2999 directly or indirectly, in the conduct of the enterprise's affairs or activities which affect licensed
3000 gaming operations or ancillary industries which do business with a gaming establishment by
3001 engaging in a pattern of criminal enterprise activity or through the collection of an unlawful debt;
3002 or (4) conspires or attempts to violate subsections (1), (2), or (3) of this section; shall be guilty of
3003 enterprise crime and shall be punished by imprisonment in the state prison for not more than 15
3004 years or by a fine of not more than $25,000, or by both such imprisonment and fine.

3005 Nothing in this chapter shall prohibit the purchase of securities on the open market for
3006 purposes of investment made without the intention of controlling or participating in the control
3007 of the issuer, or of assisting another to do so, if the securities of the issuer held by the (i)
3008 purchaser; (ii) members of the purchaser’s immediate family; and (iii) the purchaser’s
3009 accomplices in any pattern of criminal activity or the collection of an unlawful debt after such
3010 purchase do not amount, in the aggregate, to 1 per cent of the outstanding securities of any 1
3011 class and do not confer, either in law or in fact, the power to elect 1 or more directors of the
3012 issuer.

3013 Section 3. All monetary proceeds or other property, real, intellectual or personal, obtained
3014 directly as a result of a violation of this chapter, shall be subject to seizure and forfeiture to the
3015 commonwealth. Forfeiture proceedings shall be conducted as provided in subsections (b) to (j),
3016 inclusive of section 47 of chapter 94C. For purposes of subsection (d) of said section 47 of said

3017 chapter 94C, the investigation and enforcement bureau of the gaming control board shall be
3018 considered a police department, entitled to a police department's distribution of forfeiture
3019 proceedings.

3020 SECTION 57. Section 39 of chapter 272 of the General Laws, as appearing in the 2008
3021 Official Edition, is hereby amended by inserting after the word "in", in line 7, the following
3022 word:- illegal.

3023 SECTION 58. Section 99 of said chapter 272, as so appearing, is hereby amended by
3024 striking out, in lines 68 to 69, the words:- section seventeen of chapter two hundred and seventy
3025 one of.

3026 SECTION 59. Said section 99 of said chapter 272, as so appearing, is hereby further
3027 amended by inserting after the word "perjury", in line 72, the following words:- , enterprise
3028 crime, money laundering.

3029 SECTION 60. Section 13 of chapter 494 of the acts of 1978, as most recently amended
3030 by section 2 of chapter 114 of the acts of 1991, is hereby amended by striking out clause (c).

3031 SECTION 61. Clause (d) of said section 13 of said chapter 494, as appearing in said
3032 section 2 of said chapter 114, is hereby amended by striking out, in line 21, the words "(b) or (c)"
3033 and inserting in place thereof the following words:- and (b).

3034 SECTION 62. Said section 13 of said chapter 494, as most recently amended by said
3035 section 2 of said chapter 114, is hereby further amended by striking out clause (f).

3036 SECTION 62A. The second paragraph of section 2 of chapter 266 of the acts of 2002 is
3037 hereby amended by striking out the first sentence and inserting in place thereof the following
3038 sentence:- The Fall River Redevelopment Authority may develop the land for commercial,
3039 industrial and other economic development purposes, but expressly excluding any use of the land
3040 for landfill related purposes, without the necessity of adopting or adhering to an urban renewal
3041 plan, as defined in section 1 of chapter 121B of the General Laws, and with respect to the land
3042 the Fall River Redevelopment Authority shall enjoy the statutory authority it would possess for
3043 land and structures and other property within an urban renewal project as defined by section 1 of
3044 said chapter 121B.

3045 SECTION 62B. Section 7 of said chapter 266 is hereby repealed.

3046 SECTION 63. Under section 2 of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171-1177,
3047 approved January 2, 1951, the commonwealth, acting by and through duly elected and qualified
3048 members of the general court, does declare and proclaim that the commonwealth shall be exempt
3049 from the provisions of chapter 1194, 64 Stat. 1134, 15 U.S.C. 1171 to 1178 for any gambling
3050 device authorized for use and transport under chapter 23K of the General Laws and any
3051 regulations promulgated under that chapter.

3052 SECTION 64. All shipments of gambling devices into the commonwealth, including slot
3053 machines, the registering, recording and labeling of which has been duly had by the
3054 manufacturer of dealer of such gambling device in accordance with sections 3 and 4 of an Act of
3055 Congress of the United States entitled "An act to prohibit transportation of gambling devices in
3056 interstate and foreign commerce," approved January 2, 1951, being chapter 1194, 64 Stat. 1134,
3057 and also designated as 15 USC §§ 1171-1177, shall be considered legal shipments of gambling
3058 devices into this commonwealth.

3059 SECTION 65. In making initial appointments to the Massachusetts gaming commission
3060 established in section 2 of chapter 23K of the General Laws, the governor shall appoint 1
3061 commissioner to serve for a term of 5 years, 1 commissioner to serve for a term of 6 years, and 1
3062 commissioner to serve for a term of 7 years. The attorney general and treasurer shall each
3063 appoint 1 commissioner to serve for a term of 5 years.

3064 SECTION 66. In making initial appointments to the Massachusetts gaming control board
3065 established in section 3 of chapter 23K of the General Laws, the governor shall appoint 1
3066 member to serve for a term of 5 years, 1 member to serve for a term of 6 years and 1 member to
3067 serve for a term of 7 years.

3068 SECTION 67. The chair of the Massachusetts gaming control board shall consider
3069 current employees of the state racing commission as eligible for employment with the board and
3070 shall, subject to all other requirements and conditions of employment under chapter 23K of the
3071 General Laws, give preference to such individuals when making employment decisions.

3072 SECTION 68. A gaming licensee awarded a gaming license for a specific region under
3073 section 17 of chapter 23K of the General Laws shall show preference in hiring to any qualified
3074 persons permanently employed as of December 31, 2009 at a facility authorized to conduct
3075 simulcasting under chapter 128C of the General Laws that was in operation on December 31,
3076 2009 within the region for which the gaming license was granted if the facility authorized to
3077 conduct simulcasting terminates operation within 1 year of the commission awarding the gaming
3078 license, subject to all other requirements and conditions of employment under said chapter 23K;
3079 provided that said facility authorized to conduct simulcasting shall provide employment data on
3080 the number, names and addresses of employees in permanent employment with said facility as of
3081 December 31, 2009 to the board to assist the gaming licensee in meeting this obligation.

3082 SECTION 69. (a) Notwithstanding any general or special law, rule or regulation to the
3083 contrary, the requirement that a gaming license granted under section 17 of chapter 23K of the
3084 General Laws be renewed shall not apply to a party that has negotiated a contract with the
3085 governor under this section.

3086 (b) Notwithstanding any general or special law, rule or regulation to the contrary, the
3087 governor may enter into a contract with a federally recognized Native American tribe in the
3088 commonwealth.

3089 (c) If the governor enters into a contract, it shall include, but not be limited to, the
3090 following terms:

3091 (i) the tribe shall be subject to all laws, statutes, and by-laws of the commonwealth,
3092 the host community and any other properly constituted legal body, including chapter 23K of the
3093 General Laws; provided, however, that a fair and comparable payment in lieu of taxes may be
3094 substituted for any tax or fee required by the commonwealth; and

3095 (ii) if the tribe receives or has received a license to operate a gaming establishment
3096 under said chapter 23K, the governor shall support the tribe's application to obtain lands in trust
3097 on the site of the gaming establishment.

3098 (d) The governor shall seek legal consultation in entering into this contract from an expert
3099 in Indian gaming law.

3100 SECTION 70. (a) Upon receipt by the board of licensing fees from licensees, the board
3101 shall transfer monies from the Gaming Licensing Fund, established in section 61 of chapter 23K
3102 of the General Laws, to the comptroller and the comptroller shall deposit the monies into the
3103 State Lottery and Gaming Fund, established by section 35 of chapter 10 of the General Laws;
3104 provided, however, that no such transfer or payment shall occur until the Gaming Licensing
3105 Fund reimburses $20,000,000 to the Stabilization Fund as required by subsection (b) of section
3106 71 of this act.

3107 SECTION 71. (a) Within 30 days of the effective date of this act, the comptroller shall
3108 transfer $20,000,000, as a loan with no interest, from the Stabilization Fund established by
3109 section 2H of chapter 29 of the General Laws, to the Massachusetts gaming control board for the
3110 start-up and operational costs of implementing chapter 23K of the General Laws.

3111 (b) Upon receipt by the Massachusetts gaming control board of sufficient license fees
3112 from licensees under said chapter 23K, the board shall remit $20,000,000 to the comptroller from
3113 the Gaming Licensing Fund established in section 61 of said chapter 23K to repay the
3114 Stabilization Fund established by said section 2H of said chapter 29.

3115 SECTION 72. Not more than $42,500,000 shall be expended from the Local Aid
3116 Stabilization Fund, created in section 2BBBB of chapter 29 of the General Laws, in fiscal year
3117 2012.

3118 SECTION 72A. Notwithstanding any general or special law, rule or regulation to the
3119 contrary, gaming operations shall supply the Massachusetts gaming control board, hereinafter the
3120 board, with customer tracking data collected or generated by loyalty programs, player tracking
3121 software, player card systems, online gambling transactions and any other such information
3122 system. The board shall contract with an experienced non-profit research entity to develop an
3123 anonymizing system that automatically removes from the data: (a) personally identifying

3124 information, including player name, street address, bank or credit information and last four zip
3125 code digits, in compliance with section 2 of chapter 93H of the General Laws; and (b) game
3126 identifying information, including game name and device manufacturing company, in protection
3127 of corporate intellectual property. The data shall retain information on player characteristics,
3128 including, but not limited to, gender, age and region of residence, player behavior, including, but
3129 not limited to, frequency of play, length of play, speed of play, denomination of play, amounts
3130 wagered and, if applicable, number of lines or hands played and characteristics of games played,
3131 including, but not limited to, reel configuration, RTP, volatility index and denomination. The
3132 board shall convey the anonymized data to the Inter-University Consortium for Political and
3133 Social Research (ICPSR), which operates to archive and make available public-use files for the
3134 social science research community. ICPSR will make the data available to qualified researchers
3135 for the purposes of: (1) conducting analyses that improve understanding of how gambling
3136 addiction develops and progresses; (2) developing evidence-based harm minimization strategies;
3137 and (3) developing evidence-based systems to monitor, detect and intervene in high-risk
3138 gambling. The board will be responsible for requesting reports on researcher analyses of the
3139 behavioral data, which could inform suggestions to the Legislature on more effective regulation
3140 of state gambling operations. The board may directly initiate studies assessing the effectiveness
3141 of any specific measures, programs or interventions which the commonwealth puts in place in
3142 gaming operations and which might be illuminated through the behavioral data in question.

3143 SECTION 72B. The Massachusetts gaming control board, hereinafter "board", with the
3144 advice of the gaming policy advisory committee, hereinafter "committee", shall develop an
3145 annual research agenda in order to understand the social and economic effects of expanding
3146 gaming in the commonwealth and to obtain scientific information about the neuroscience,
3147 psychology, sociology, epidemiology and etiology of gambling. The board may expend funds
3148 from the Gaming Mitigation Trust Fund to implement the objectives of the research agenda
3149 which shall include, but not be limited to, the following:

3150 (1) a baseline study of the existing occurrence of problem gambling in the
3151 commonwealth. The study shall examine and describe the current levels of problem gambling
3152 as well as the current programs in the commonwealth that prevent and address the harmful
3153 consequences of problem gambling. The board shall contract with scientists and medical doctors
3154 to examine the current research as to the causes for problem gambling and the health effects of
3155 problem gambling and the treatment methods currently available in the commonwealth. The
3156 board shall report on the findings of the baseline study and provide recommendations to the
3157 Massachusetts gaming commission, the house committee on ways and means, the senate
3158 committee on ways and means, the joint committee on economic development and emerging
3159 technologies, the joint committee on mental health and substance abuse and the joint committee
3160 on public health on methods to supplement or improve current problem gambling prevention and
3161 treatment services not later than 2 years from the effective date of this act;

3162 (2) comprehensive legal and factual studies of the social and economic impacts of
3163 gambling in the commonwealth on

3164 (a) state, local and Native American tribal governments; and

3165 (b) communities and social institutions generally, including individuals, families and
3166 businesses within such communities and institutions. The matters to be examined in such studies
3167 shall include, but not be limited to:

3168 (i) a review of existing federal, state, local and Native American tribal government
3169 policies and practices with respect to the legalization or prohibition of gambling, including a
3170 review of the costs of such policies and practices;

3171 (ii) an assessment of the relationship between gambling and levels of crime and of
3172 existing enforcement and regulatory practices that are intended to address any such relationship;

3173 (iii) an assessment of pathological or problem gambling, including its impact on
3174 individuals, families, businesses, social institutions and the economy;

3175 (iv) an assessment of the impacts of gambling on individuals, families, businesses,
3176 social institutions and the economy generally, including the role of advertising in promoting
3177 gambling and the impact of gambling on depressed economic areas;

3178 (v) an assessment of the extent to which gaming has provided revenues to other
3179 state, local, and Native American tribal governments;

3180 (vi) an assessment of the costs of added infrastructure, police force, increased
3181 unemployment, increased health care and dependency on public assistance; and

3182 (vii) an assessment of the costs of implementing chapter 23K of the General Laws;

3183 (3) individual studies conducted by academic institutions in the commonwealth and
3184 individual researchers located in the commonwealth on topics which include, but shall not be
3185 limited to: (i) reward and aversion, neuroimaging and neuroscience in humans, addiction
3186 phenotype genotype research, gambling-based experimental psychology, and mathematical
3187 modeling of reward-based decision-making; (ii) the sociology and psychology of gambling
3188 behavior, gambling technology, and marketing; (iii) the epidemiology and etiology of gambling
3189 and problem gambling in the general population. When contracting with researchers to study
3190 these issues, the board shall encourage collaboration among researchers in the commonwealth
3191 and other states and jurisdictions.

3192 The board and the committee shall annually make scientifically recommendations which
3193 reflect the results of this research to the Massachusetts gaming commission and to the house
3194 committee on ways and means, the senate committee on ways and means, the joint committee on
3195 economic development and emerging technologies, the joint committee on mental health and

3196 substance abuse and the joint committee on public health. The commission and the board shall
3197 consider any such recommendations, research and findings in all decisions related to enhancing
3198 responsible gambling and mitigating problem gambling.

3199 SECTION 72C. Councils on aging, as defined in section 8B of chapter 40, shall be
3200 prohibited from using state funding to sponsor trips or provide transportation to gaming facilities
3201 located out of state after the opening of a gaming establishment in the commonwealth.

3202 SECTION 72D. The department of revenuee, in consultation with the alcoholic
3203 beverages control commission, shall conduct a study of trends in sales of alcohol for off-
3204 premises consumption in cities or towns located entirely or partially within 10 miles of the
3205 border of the commonwealth with a neighboring state. The study shall evaluate the period
3206 between August of 2009 and June 2010, as available data permits. The study shall compare
3207 monthly sales during that period to monthly sales in comparable periods in prior years.

3208 The department shall submit a written report of its findings to the chairs of the joint
3209 committee on consumer protection and professional licensure, the chairs of the joint committee
3210 on revenue and to the chairs of the house and senate committees on ways and means not later
3211 than 90 days after the effective date of this act.

3212 SECTION 72E. (a) Notwithstanding any general or special law to the contrary, the
3213 commissioner of capital asset management and maintenance in consultation with department of
3214 conservation and recreation, shall execute and deliver in recordable form to the Fall River
3215 Redevelopment Authority an amendment to the release deed dated January 22, 2009 and
3216 recorded in book 07124, page 95 in the Bristol county Fall River district registry of deeds which
3217 shall incorporate the changes to chapter 266 of the acts of 2002 in section 62A of this act.

3218 (b) The division of capital asset management and maintenance shall execute and deliver a
3219 release or termination of any other documentation which reflects a restriction in section 2 of said
3220 chapter 266 prior to the effective date of this section. Such restrictions shall be fully released
3221 from the subject property. The division of capital asset management and maintenance shall
3222 execute any other documentation reasonably requested by the Fall River Redevelopment
3223 Authority or any successor or assignee to effectuate said chapter 266.

3224 SECTION 72F. The secretary of administration and finance and the secretary of housing
3225 and economic development shall jointly study and report on the changing competitive profile of
3226 the commonwealth as a result of ongoing or imminent policy changes and the commonwealth's
3227 response and the response of other states to the national fiscal crisis. This study shall include, but
3228 shall not be limited to, the following issues: modifications in taxation in the commonwealth and
3229 other states; a comparison of the level of state support for public secondary education, public
3230 higher education and workforce development between the commonwealth and other states; a
3231 comparison of the level of private investment between the commonwealth and other states; and a
3232 comparison of the level of student achievement between the commonwealth and other states. The

3233 study shall also include a review and comparison of recent multi-state studies by other state-
3234 funded or nonprofit groups, including but not limited to, the Tax Foundation, the Massachusetts
3235 Technology Collaborative and the Beacon Hill Institute at Suffolk University.

3236 The secretaries shall collaborate with the Massachusetts Technology Collaborative and
3237 shall seek to collaborate with the Beacon Hill Institute at Suffolk University in conducting this
3238 study. The secretaries shall submit a written report of their findings and recommendations to the
3239 chairs of the joint committee on economic development and emerging technologies, the chairs of
3240 the joint committee on revenue and to the chairs of the house and senate committees on ways and
3241 means, not later than 90 days after the effective date of this act.

3242 SECTION 72G. The secretary of administration and finance and the secretary of housing
3243 and economic development shall jointly study and report the use of gaming regulatory agencies
3244 in those states where state-licensed gaming facilities, including, but not limited to, casinos and
3245 slot parlors are currently operating. The study shall include, but not be limited to, the following:
3246 the benefits of establishing a bifurcated agency model versus a unitary agency model; separation
3247 of duties of operating a gaming regulatory authority from the issuing of a casino license; which
3248 model provides greater adjudicatory impartiality and the regulatory costs of each model. The
3249 secretaries shall submit a written report of their findings and recommendations to the chairs of
3250 the house and senate committees on ways and means and the chairs of the joint committee on
3251 economic development and emerging technologies, not later than 90 days after the effective date
3252 of this act.

3253 SECTION 72H. The department of revenue shall conduct a study of income tax rate
3254 structure and collections in those states where state-licensed gaming facilities, including, but not
3255 limited to, casinos and slot parlors, are currently operating. The study shall include, but not be
3256 limited to, the following topics: income tax collections per capita, with increases or decreases in
3257 such per capita collections in each state which has expanded gaming operations since 1987, since
3258 those gaming facilities began operations in that state; whether upward or downward trends in per
3259 capita income tax collections resulting from changes in the state or national economy have been
3260 exacerbated by the introduction of operating legalized gaming facilities; whether such states have
3261 progressive or flat income tax rates, and, for those states which expanded gaming operations
3262 since 1987, whether such structures have changed since such gaming facilities began operations;
3263 and whether any such states have enacted changes in their income tax rates since such gaming
3264 facilities began operations and the content of those changes.

3265 The department shall submit a written report of its findings to the chairs of the joint
3266 committee on economic development and emerging technologies, the chairs of the joint
3267 committee on revenue and to the chairs of the house and senate committees on ways and means,
3268 not later than 90 days after the effective date of this act.

3269 SECTION 72I. The department of revenue shall conduct a study of sales tax rate
3270 structure and collections in those states where state-licensed gaming facilities are currently
3271 operating. The study shall include, but not be limited, the following topics: sales tax collections
3272 per capita in such states, and increases or decreases in such per capita collections since such
3273 gaming facilities have started operating, for those states where gaming has been legalized since
3274 1987; whether upward or downward trends in per capita sales tax collections resulting from
3275 changes in the state or national economy have been exacerbated by the introduction of operating
3276 legalized gaming facilities; and whether any such states have enacted changes in their sales tax
3277 rates since such gaming facilities have started operating and the content of those changes. The
3278 department shall submit a written report of its findings to the chairs of the joint committee on
3279 economic development and emerging technologies, the chairs of the joint committee on revenue
3280 and to the chairs of the house and senate committees on ways and means, not later than 90 days
3281 after the effective date of this act.

3282 SECTION 73. Section 69 is hereby repealed.

3283 SECTION 74. Section 14 shall take effect on December 31, 2015.

3284 SECTION 75. Section 73 shall take effect on June 30, 2012.