

SENATE . . . . . No. 1420

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*The Commonwealth of Massachusetts*

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SENATE, April 27, 1976.

The committee on Ways and Means, to whom was committed the House Bill providing for the authorization of additional days of harness racing for Hampden, Hampshire, Berkshire or Franklin counties (House, No. 4652), reports recommending that the same ought to pass, with an amendment, substituting a new draft entitled "An Act providing for the authorization of an additional sixty days of harness racing for Hampden, Hampshire, Berkshire or Franklin Counties" (Senate, No. 1420).

For the committee,

JAMES A. KELLY, JR.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Six.

AN ACT PROVIDING FOR THE AUTHORIZATION OF AN ADDITIONAL SIXTY DAYS OF HARNESS RACING FOR HAMPDEN, HAMPSHIRE, BERKSHIRE OR FRANKLIN COUNTIES.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which in part is to provide at once additional revenue for the commonwealth, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

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

1 SECTION 1. Clause (j) of the third paragraph of section 3 of  
2 chapter 128A of the General Laws, as most recently amended  
3 by section 2 of chapter 813 of the acts of 1972, is hereby fur-  
4 ther amended by striking out the first paragraph and inserting  
5 in place thereof the following paragraph: —

6 No licenses shall be issued for more than an aggregate of  
7 two hundred and ten racing days in any one year at the har-  
8 ness horse race meetings combined; not including harness  
9 horse racing meetings at state or county fairs; provided, how-  
10 ever, that sixty such racing days may only be awarded for  
11 racing in Hampden, Hampshire, Berkshire or Franklin coun-  
12 ties; and provided, further, that of the remaining one hundred  
13 and fifty days, not less than ninety racing days shall be held  
14 during the months of January, February, March and Decem-  
15 ber in any calendar year.

1 SECTION 2. Notwithstanding any provisions to the contrary  
2 to section two of chapter one hundred and twenty-eight A of  
3 the General Laws, applications for licenses to hold and con-  
4 duct harness horse racing meetings for the number of dates  
5 authorized by this act may be filed with the state racing com-  
6 mission within sixty days following the effective date of this  
7 act; and the commission shall grant or dismiss such applica-  
8 tion not later than ninety days following the effective date of

9 this act; and said commission is authorized to award such  
10 harness horse racing dates and to issue licenses therefor, upon  
11 application so filed for such harness horse racing meetings to  
12 be held or conducted in the calendar year nineteen hundred  
13 and seventy-six and succeeding years thereafter. Said commis-  
14 sion's procedures for hearings upon all such applications shall  
15 be the procedures on original applications for harness horse  
16 racing meetings filed under chapter one hundred and twenty-  
17 eight A of the General Laws.

1 SECTION 3. The fifth paragraph of section 14 of chapter  
2 128A of the General Laws as inserted by section 1 of chapter  
3 559 of the acts of 1964 is hereby amended by striking out in  
4 line 4, the word "four" wherever it may appear and inserting  
5 in place thereof, in each instance, the word "two".

1 SECTION 4. Within twenty days after the approval of racing,  
2 authorized by this act, in a city by the city council and mayor,  
3 or in a town by vote of the board of selectmen, or town coun-  
4 cil, a petition signed by registered voters of the city or town  
5 equal in number to at least twelve percent of the registered  
6 voters in such city or town and addressed to the city council  
7 or board of selectmen, or town council, as the case may be, pro-  
8 testing against such vote to approve such racing taking effect,  
9 is filed with the clerk of the city or town, as the case may be,  
10 shall immediately require that a question shall be placed on the  
11 ballot at a regular or special election, to be held within sixty  
12 days of such filing, which shall be called for the purpose of  
13 rescinding the approval of such racing by said city council or  
14 board of selectmen, and such vote shall forthwith become null  
15 and void unless a majority of the registered voters voting on  
16 the same at such election vote in favor thereof.

1 SECTION 5. Notwithstanding the provisions of clause (p) of  
2 section three of chapter one hundred and twenty-eight A of  
3 the General Laws, a license shall be issued to permit a horse  
4 or dog racing meeting in a city or town wherein a majority  
5 of the voters cast in answer to the following questions shall be  
6 in the affirmative, which questions shall be printed on a ballot  
7 at a state, city or town election: —

- 8     A. Shall a license be granted for pari-mutuel  
9         horse racing to be held or conducted within  
10        two miles of a church, school or housing au-  
11        thority?

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YES

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NO

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- 12     B. Shall a license be granted for pari-mutuel dog  
13         racing to be held or conducted within two  
14         miles of a church, school, or housing author-  
15         ity?

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YES

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NO

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16     If a majority of the votes cast in answer to subdivision A  
17     is in the affirmative, such city or town shall be taken to have  
18     authorized the licensing of pari-mutuel horse racing within  
19     two miles of a church, school, or housing authority.

20     If a majority of the votes cast in answer to subdivision B  
21     is in the affirmative, such city or town shall be taken to have  
22     authorized the licensing of pari-mutuel dog racing within two  
23     miles of a church, school, or housing authority.