

HOUSE No. 4417

By Mr. Ambler of Weymouth, petition of Robert B. Ambler for legislation to establish a state gaming commission. Government Regulations.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-Five.

AN ACT ESTABLISHING A COMMISSION ON GAMING.

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. There shall be, in the office of the State Treasurer
2 a state gaming commission, hereinafter, called the Commission,
3 consisting of the State Treasurer, the Secretary of Public Safety or
4 his designee, the State Comptroller or his designee, and two
5 persons to be appointed by the Governor for terms coterminous
6 with that of the Governor.

7 Said Section 23 is hereby further amended by adding at the end
8 thereof the following new paragraph: —

1 SECTION 2. The Commission shall, subject to the provisions
2 of Chapter 31, employ an executive secretary and executive
3 directors for each of the divisions created herein, and such clerks,
4 stenographers, inspectors, agents and other employees, as may be
5 necessary to carry out the provisions of this act, all of whom shall
6 be residents of the state at the time of and during the full term of
7 their employment. The executive secretary of the commission
8 shall, subject to the rules and regulations of the commission,
9 administer and coordinate the administrative functions of the
10 commission and shall have over-all supervisory authority and
11 responsibility over each of the divisions of such commission. The
12 Commission may delegate to the executive secretary such authority

13 as it deems proper and appropriate for the efficient administration
14 of the provisions of this chapter.

1 SECTION 3. The commission may, if it determines that it is
2 necessary, require any of its employees to give bond in such
3 amount as said commission may determine. Every such bond when
4 duly executed and approved shall be filed in the office of the
5 secretary of the state. The cost of any such bond so given as
6 aforesaid shall be part of the necessary expenses of the
7 commission.

1 SECTION 4. No commissioner or employee of the commission
2 shall directly or indirectly, individually or as a member of a
3 partnership or as a shareholder of a corporation, have any interest
4 whatsoever in dealing in any lottery, racing or betting enterprise or
5 in the ownership or leasing of any property or premises used by or
6 for any lottery, racing or betting enterprise.

1 SECTION 5. The commission shall have power to enforce the
2 provisions of this chapter, and shall make all necessary regulations
3 for that purpose and for carrying out, enforcing and preventing
4 violation of any of the provisions of this chapter.

1 SECTION 6. All regulations adopted by the Commission shall
2 be made public and shall be printed in full in two or more
3 newspapers having a substantial circulation in the state. The
4 Commission shall, at least annually, on or before December thirty-
5 first of each calendar year, publish in convenient pamphlet form all
6 regulations then in force and shall furnish copies of such pamphlets
7 to every establishment authorized to engage in the activities
8 authorized, to every agent licensed under this chapter and to such
9 other persons as desire such pamphlets.

1 SECTION 7. The Commission shall make an annual report in
2 writing to the Governor and the Legislature and shall make such
3 additional reports as the Governor may from time to time
4 reasonably request. The annual report shall include a statement of

5 the receipts and disbursements of the Commission, a summary of
6 its activities, and any additional information and recom-
7 mendations which the Commission may deem of value or which
8 the Governor may request.

1 SECTION 8. The Commission and any agent thereof author-
2 ized to conduct any inquiry, investigation or hearing under the
3 provisions of the act shall have power to administer oaths and take
4 testimony under oath relative to the matter of inquiry or investi-
5 gation. At any hearing ordered by the commission, the commission
6 or such agent having authority by law to issue such process may
7 subpoena witnesses and require the production of records, papers
8 and documents pertinent to such inquiry. No witness under
9 subpoena authorized to be issued by the provisions of this section
10 shall be excused from testifying or from producing records, papers
11 or documents on the ground that such testimony or the production
12 of such records or other documentary evidence would tend to
13 incriminate him, but such evidence or the records or papers so
14 produced shall not be used in any criminal proceeding against him.
15 If any person disobeys such process or, having appeared in
16 obedience thereto, refuses to answer any pertinent question put to
17 him by the Commission or its authorized agent or to produce any
18 records and papers pursuant thereto, the Commission or its agent
19 may apply to the superior court for Hartford county or for the
20 county wherein the person resides or wherein the business has been
21 conducted, or to any judge of said court if the same is not in session,
22 setting forth such disobedience to process or refusal to answer, and
23 said court or such judge shall cite such person to appear before said
24 court or such judge to answer such question or to produce such
25 records and papers and, upon his refusal to do so, shall commit
26 such person to jail until he testifies, but not for a longer period than
27 sixty days. Notwithstanding the serving of the term of such
28 commitment by any person, the Commission may proceed with
29 such inquiry and examination as if the witness has not previously
30 been called up to testify. Officers who serve subpoenas issued by
31 the commission or under its authority and witnesses attending
32 hearings conducted by it hereunder shall receive like fees and
33 compensation as officers and witnesses in the courts of the state to

34 be paid on vouchers of the Commission on order of the
35 comptroller.

1 SECTION 9. There is established, within the Commission on
2 Gaming a state lottery division, a state racing division and a state
3 off-track betting division, each of which shall be headed by an
4 executive director who shall administer and coordinate the
5 operation of a state lottery, racing and off-track betting in his
6 respective division. Each such executive director shall maintain full
7 and complete records of the operation of his respective division
8 which shall include but not be limited to a statement of revenues,
9 prize disbursements and administration expenses of the division.
10 Such records shall be open to the public as provided in Section 1-19
11 of the 1969 supplement to the general statutes.

1 SECTION 10. The Commission may establish and conduct
2 systems of off-track betting on races held within or without the
3 state pursuant to the provisions of this chapter. It is hereby
4 declared that off-track betting on races conducted under the
5 administration of the Commission in the manner and subject to the
6 conditions of this chapter shall be lawful notwithstanding the
7 provisions of any other law, general, special or municipal,
8 including any law prohibiting or restricting lotteries, bookmaking
9 or any other kind of gambling, it being the purpose of this chapter,
10 to derive from such betting as authorized by this chapter, a
11 reasonable revenue for the support of state government, and to
12 prevent and curb unlawful bookmaking and illegal betting on
13 races.

14 The commission shall adopt rules and regulations, consistent
15 with this chapter, establishing and governing the permitted method
16 or methods of operation of the system of off-track betting.

1 SECTION 11. The Commission shall establish such branch
2 offices throughout the state for the purpose of receiving moneys
3 wagered on a state lottery or on the results of races as it shall deem
4 will serve the convenience of the public and provide maximum
5 economy and efficiency of operation, provided the establishment
6 of such an office in any municipality for the purpose of receiving

7 moneys on the results of races shall be subject to the approval of the
8 legislative body of such municipality which shall be given only after
9 a public hearing on the same. Moneys received at such offices shall
10 be deposited in a betting fund from which daily payments, in such
11 amount as the Commission deems suitable, shall be made.

1 SECTION 12. From time to time the Commission shall estimate,
2 and certify to the state treasurer, that portion of the balance in the
3 lottery fund and in the betting fund which is in excess of the current
4 needs of the Commission for the payment of prizes and for the
5 payment of compensation. Upon receipt of any such certification,
6 the treasurer shall transfer the amount so certified from such funds
7 to the local aid fund.

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