

HOUSE No. 4935

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, December 20, 1999.

The committee on Ways and Means, to whom was referred the Bill regulating the conduct of horse and dog racing in the Commonwealth (House, No. 4896), reports that the same ought to pass with an amendment substituting therefor the accompanying bill (House, No. 4935).

For the committee,

PAUL R. HALEY.

House bill No. 4935, as changed by the committee on Bills in the Third Reading, and as amended and passed to be engrossed by the House, December 20, 1999.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT REGULATING THE CONDUCT OF HORSE AND DOG RACING IN THE COMMONWEALTH.

1 *Whereas*, The deferred operation of this act would tend to
2 defeat its purpose, which is to regulate forthwith the horse and
3 dog racing industry in the commonwealth, therefore it is hereby
4 declared to be an emergency law, necessary for the immediate
5 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. Section 2 of chapter 128C of the General Laws, as
2 appearing in the 1998 Official Edition, is hereby amended by
3 striking out, in lines 112 and 113, the words “nineteen hundred
4 and ninety-six through nineteen hundred and ninety-nine” and
5 inserting in place thereof the following:— 1999 through 2000.

1 SECTION 2. The first paragraph of section 12A of chapter 494 of
2 the acts of 1978 is hereby amended by striking out the words “nine-
3 teen hundred and ninety-six through nineteen hundred and ninety-
4 nine”, inserted by section 9 of chapter 268 of the acts of 1995, and
5 inserting in place thereof the following:— 1999 through 2000.

1 SECTION 3. Said section 12A of said chapter 494 is hereby
2 amended by striking out the last paragraph, as most recently
3 amended by section 10 of said chapter 268, and inserting in place
4 thereof the following paragraph:—

5 Funds paid by licensees and deposited by the commission in the
6 Greyhound Capital Improvements Trust Fund and in the Grey-
7 hound Promotional Trust Fund shall remain in said funds until
8 expended under this section; provided, however, that any amount
9 in said accounts as of December 31, 2000 which has not been so
10 expended or as to which no binding commitment has been made
11 by said trustees shall thereupon be deposited in the General Fund.

1 SECTION 4. Section 13 of said chapter 494 is hereby amended
2 by striking out the words “nineteen hundred and ninety-six
3 through nineteen hundred and ninety-nine”, inserted by section 11
4 of said chapter 268, and inserting in place thereof the follow-
5 ing:— 1999 through 2000.

1 SECTION 5. Section 15 of said chapter 494 is hereby amended
2 by striking out the words “nineteen hundred and ninety-six
3 through nineteen hundred and ninety-nine”, inserted by section 12
4 of said chapter 268, and inserting in place thereof the follow-
5 ing:— 1999 through 2000.

1 SECTION 6. Section 9 of chapter 277 of the acts of 1986, as most
2 recently amended by section 13 of said chapter 268, is hereby further
3 amended by striking out, in line 3, the words “nineteen hundred and
4 ninety-six through nineteen hundred and ninety-nine” and inserting
5 in place thereof the following:— 1999 through 2000.

1 SECTION 7. The first sentence of section 3 of chapter 114 of
2 the acts of 1991, as amended by section 14 of said chapter 268 is
3 hereby further amended by striking out, in lines 2 and 3, the words
4 “nineteen hundred and ninety-six through nineteen hundred and
5 ninety-nine” and inserting in place thereof the following:— 1999
6 through 2000.

1 SECTION 8. Said section 3 of said chapter 114 is hereby
2 amended by striking out the last paragraph, as amended by sec-
3 tion 15 of said chapter 268, and inserting in place thereof the
4 following paragraph:—

5 Funds paid by the licensees and deposited by the commission in
6 the Running Horse Capital Improvements Trust Fund and in the

7 Running Horse Promotional Trust Fund shall remain in said funds
8 until expended under this section; provided, however, that any
9 amount in said accounts as of December 31, 2000 which has not
10 been so expended or as to which no binding commitment has been
11 made by said trustees shall thereupon be deposited in the General
12 Fund.

1 SECTION 9. The first paragraph of section 4 of said
2 chapter 114 is hereby amended by striking out the words “nine-
3 teen hundred and ninety-six through ninety hundred and ninety-
4 nine”, inserted by section 16 of said chapter 268, and inserting in
5 place thereof the following:— 1999 through 2000.

1 SECTION 10. Said section 4 of said section 114 is hereby
2 amended by striking out the last paragraph, as amended by sec-
3 tion 17 of said chapter 268, and inserting in place thereof the
4 following paragraph:—

5 Funds paid by licensees and deposited by the commission in the
6 Harness Horse Capital Improvements Trust Fund and in the Har-
7 ness Horse Promotional Trust Fund shall remain in said funds
8 until expended under this section; provided, however, that any
9 amount in said accounts as of December 31, 2000 which has not
10 been so expended or as to which no binding commitment has been
11 made by said trustees shall thereupon be deposited in the General
12 Fund.

1 SECTION 11. The first paragraph of section 5 of said
2 chapter 114 is hereby amended by striking out, the words “nine-
3 teen hundred and ninety-six through nineteen hundred and ninety-
4 nine”, inserted by section 18 of said chapter 268, and inserting in
5 place thereof the following:— 1999 through 2000.

1 SECTION 12. Chapter 101 of the acts of 1992 is hereby
2 amended by striking out section 13, as amended by section 20 of
3 said chapter 268, and inserting in place thereof the following
4 section:—

5 Section 13. The provisions of chapter 128C of the General
6 Laws shall expire on December 31, 2000.

1 SECTION 13. There shall be established a special commission
2 to consist of four members of the Senate to be appointed by the
3 president of the senate, four members of the house of representa-
4 tives to be appointed by the speaker of the house of representa-
5 tives, and five persons to be appointed by the governor, one of
6 whom shall be the secretary of administration and finance or his
7 designee, one of whom shall be the colonel of the state police or
8 his designee, one of whom shall be the chairman of the state
9 racing commission or his designee, one of whom shall be the
10 director of the office of consumer affairs or his designee, and one
11 of whom shall be the dean of a veterinary school in the common-
12 wealth for the purpose of making an investigation and study
13 relative to the horse and dog racing industry in the common-
14 wealth, to make formal recommendations regarding said industry
15 and to file proposed legislation, if any, to effectuate such recom-
16 mendations relating to the operation, administration, regulation,
17 governance, economics, finances, revenue generation, employ-
18 ment, competitive viability and economic viability and economic
19 impact of said industry in the commonwealth. The chairman of
20 said commission shall be selected by the members thereof.
21 Section 2A of chapter 4 of the General Laws shall not be applic-
22 able to said commission. No member of said commission shall be
23 found in violation of section 6, 7 or 23 of chapter 268A of the
24 General Laws for conduct which involves his participation as a
25 member of said commission; provided, however, that he discloses
26 any financial interest described in said section 6 or 7 or other
27 interest described in said section 23 to the state ethics commission
28 in writing prior to his participation as a member of said commis-
29 sion. Seven members of the commission shall constitute a quorum
30 and a majority of all members present and voting shall be required
31 for any action voted by said commission, including, but not limited
32 to, voting on formal recommendations or proposed legislation.

33 Said commission, as part of its review, analysis, and study, in
34 making such recommendations regarding the operation, adminis-
35 tration, regulation, governance, economics, finances, revenue gen-
36 eration, employment, competitive and economic viability, and
37 economic impact of the horse and dog racing industry, shall focus
38 on and consider the following issues, proposals, and impacts:

39 (1) the regulation and administration of the racing industry by
40 the commonwealth including the nature, authority, composition,
41 membership, appointment, operation and staffing of the entity
42 charged on behalf of the commonwealth with the regulation and
43 administration of said industry;

44 (2) the regulation of the horse and dog racing industry,
45 including a review and analysis of existing regulations and
46 statutes;

47 (3) the economic viability of the racing industry in the com-
48 monwealth, including employment, wagering, purses, revenues,
49 taxes and any other revenue generation, both direct and indirect,
50 from the racing industry and from any other industry which either
51 supports or is related to the racing industry in the commonwealth;

52 (4) the agricultural impacts from the racing industry, including
53 the breeders' program and the enhancement of farms and stables
54 in the commonwealth;

55 (5) the quality of the dog racing and horse racing in the com-
56 monwealth, including a comparison of the quality of racetracks
57 within the commonwealth to the quality of racetracks outside of
58 the commonwealth, including the competitiveness of races, avail-
59 ability of dogs and horses, the amount of purses and the physical
60 condition of the racetracks;

61 (6) the amount of purses, including the formula used to deter-
62 mine the amount of such purses and the sources of revenue for
63 such purses;

64 (7) a comparison of purses between racetracks within the com-
65 monwealth and racetracks outside of the commonwealth;

66 (8) the unclaimed wagers or "outs" money from live races pur-
67 suant to section 5A of chapter 128A and section 5c of chap-
68 ter 128C of the General Laws, including the use, the accounting
69 and the holding of such monies;

70 (9) the consideration of the present commission paid by dog
71 track licensees to the commonwealth pursuant to section 5 of
72 chapter 128A of the General Laws;

73 (10) the consideration of the present commission paid by horse
74 track licensees to the commonwealth pursuant to section 5 of
75 chapter 128A of the General Laws;

76 (11) a consideration of the methods used to generate revenues
77 for the commonwealth from the wagering at racetracks, including

78 criteria or formula used to assess the commission paid pursuant to
79 chapters 128A and 128C of the General Laws;

80 (12) the consideration of simulcasting pursuant to chapter 128C
81 of the General Laws, including an expansion of said simulcasting
82 for greyhound dog racing meeting licensees and horse racing
83 meeting licensees in all counties of the commonwealth, including
84 Berkshire, Hampden, Bristol, Suffolk and Norfolk counties and
85 for licensees issued in connection with a state or county fair;

86 (13) the amount of the bond required by racetrack licensees
87 pursuant to section 3 of chapter 128A of the General Laws;

88 (14) the establishment of a trust fund to assist in the adoption of
89 greyhounds;

90 (15) the installation and maintenance of electronic bank
91 branches where wagering is conducted pursuant to chapter 128A
92 or 128C of the General Laws;

93 (16) the licensure of pari-mutuel clerks;

94 (17) the consideration of rules and regulations with regard to
95 account wagering;

96 (18) the consideration of methods of wagering by telephone or
97 other electronic account wagering;

98 (19) the impact, if any, of other games of chance, including the
99 lottery, keno, and gaming of any other type, upon the racing
100 industry in the commonwealth, including such activities within
101 the commonwealth and such activities outside of the common-
102 wealth;

103 (20) the prohibition of not allowing harness horse racing to be
104 held at the same time of day as a running horse race meeting pur-
105 suant to section three of chapter 128A of the General Laws;

106 (21) a review of chapter 128A and chapter 128C of the General
107 Laws;

108 (22) the consideration of any other issues, studies, proposals or
109 impacts that, in the judgment of the commission, may be relevant,
110 pertinent or material to the study, analysis and review of said com-
111 mission, and

112 (23) a survey of the dog and horse racing industry in the United
113 States, including but not limited to an analysis and review of the
114 issues addressed in clauses (1) to (22), inclusive, by said commis-
115 sion, as such are material and relevant to said survey.

116 Said commission shall submit a copy of a final report of its find-
117 ings resulting from its study, review, analysis and consideration,
118 including legislative recommendations, if any, to the governor, presi-
119 dent of the senate, speaker of the house of representatives, the
120 chairmen of the house and senate committees on ways and means,
121 the chairmen of the joint committee on government regulations and
122 the chairmen of the joint committee on commerce and labor and
123 shall file said report with the clerk of the house of representatives on
124 or before December 31, 2000. Any department, division, commis-
125 sion, public body, authority, board, bureau or agency of the com-
126 monwealth is hereby authorized, empowered and directed to
127 cooperate with the commission for the purpose of providing infor-
128 mation or professional expertise and skill relevant to the racing
129 industry in the commonwealth.