



February 22, 2019

Mr. Steven T. James, House Clerk
Office of the Clerk of the House
State House, Room 145
Boston, MA 02133

Re: Filings for consideration in the 191st General Court

Dear Mr. James:

Pursuant to the provisions of Section 33 of Chapter 30 of the General Laws, I hereby submit the attached legislative recommendations from the Massachusetts Gaming Commission for consideration during the 2019-2020 legislative session.

The two proposed bills are:

1. AN ACT RELATIVE TO HORSE RACING AND WAGERING

This bill would repeal M.G.L. c. 128A and M.G.L. c.128C, which regulate horse racing, wagering on horse races and simulcasting in the Commonwealth and would repeal sections 7 and 60 of M.G.L. c. 23K, which govern simulcasting by gaming licensees and former racing licensees and the race horse development fund. The bill replaces those chapters and sections with a consolidated new M.G.L. c. 128D that places responsibility for the regulation of all matters related to horse racing with the Massachusetts Gaming Commission.

The legislation would direct the Gaming Commission to create regulations in accordance with the bill that support the racing industry in the Commonwealth. It would grant the Gaming Commission greater flexibility to determine the use of the Race Horse Development Fund, which is funded through revenues generated by the category 1 and category 2 gaming licensees. It further would grant the Gaming Commission the authority to regulate racing licensees on matters pertaining to safety and internal controls.

The Gaming Commission is seeking to repeal M.G.L. c. 128A, M.G.L. c. 128C, and sections 7 and 60 of M.G.L. c. 23K and replace it with M.G.L. c. 128D so that it can create regulations that modernize the regulation of racing and support its growth in the Commonwealth.

2. AN ACT TO ENABLE MUNICIPAL AND REGIONAL PLANNING AGENCY
EMPLOYEES TO FULLY PARTICIPATE IN GAMING POLICY ADVISORY
COMMITTEES

This legislation would exempt municipal and regional planning employees who are members of the Gaming Policy Advisory Committee (GPAC), its Subcommittees and Local Community Mitigation Advisory Committees (or LCMACs) from Section 4 of the state's Conflict of Interest Law. M.G.L. c. 23K, §68 created the GPAC, subcommittees (including a Subcommittee on Community Mitigation) and LCMACs to provide advice to the Commission on gaming policy and related mitigation matters. By statute the LCMACs include appointees from the host and surrounding communities to the gaming facilities. It is likely municipal and regional planning agency employees that are familiar with how gaming facilities are being developed and operated in their communities are in the best position to provide informed input in many of these advisory roles. However, it has been determined that municipal and regional employees may be in violation of the State's Conflict of Interest Law (M.G.L. c. 268A) if they provide advice to the Gaming Commission while also performing their local duties involving gaming related matters. The Gaming Commission worked closely with the State Ethics Commission to craft language to allow municipal and regional planning employees to provide advice to the Gaming Commission while also meeting their gaming-related local and regional duties.

Mr. Clerk, attached are the two pieces of legislation on separate pages incorporating these recommendations. Please feel free to contact me if you have any questions about the content of these bills or need any additional information. Thank you for your assistance.

Very truly yours,

Edward R. Bedrosian, Jr.
Executive Director

Attachments

cc: Catherine Blue, General Counsel
John S. Ziemba, Ombudsman