

**HOUSE . . . . . No. 4064**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

**Bradford R. Hill**

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*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 bill:

An Act providing for improvements to the thoroughbred racing industry in the commonwealth and the regulation thereof.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Bradford R. Hill	4th Essex
Bruce E. Tarr	
Richard J. Ross	9th Norfolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 362 OF 2007-2008.]

## The Commonwealth of Massachusetts

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In the Year Two Thousand and Nine  
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### AN ACT PROVIDING FOR IMPROVEMENTS TO THE THOROUGHBRED RACING INDUSTRY IN THE COMMONWEALTH AND THE REGULATION THEREOF.

*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 128 C, as appearing in the 2002  
2 Official Edition, is hereby amended by deleting in the second paragraph, in  
3 line 33, the word "interstate".

4           SECTION 2. Section 2 of chapter 128 C, as so appearing, is hereby  
5 further amended by deleting in the third paragraph, in line 59, the word  
6 "interstate".

7           SECTION 3. Section 2 of chapter 128 C, as so appearing, is hereby  
8 further amended in the fifth paragraph by deleting the last sentence in its  
9 entirety and by inserting in place thereof the following:--

10           "The harness horse racing meeting licensee located in Norfolk County  
11 shall pay to the running horse racing meeting licensee in Suffolk County a  
12 fee of 11 percent for its intrastate racing cards, and shall pay a 3 percent  
13 premium with respect to running horse simulcasts received, over and above the  
14 costs of obtaining such simulcasts."

15           SECTION 4. Section 2 of chapter 128 C, as so appearing, is hereby  
16 further amended in the sixth paragraph by deleting the second sentence,  
17 beginning in line 110, in its entirety and inserting in place thereof the  
18 following:--

19           SECTION 5. There shall be established a special commission to consist  
20 of 9 members, 3 members of the senate, 1 of whom shall be the senate

21 chairman of the joint committee on government regulations, 3 members of the  
22 house of representatives, 1 of whom shall be the house chairman of the joint  
23 committee on government regulations, the treasurer and receiver general of  
24 the Commonwealth or his designee, the director of the state lottery  
25 commission or his designee, the chairman of the state racing commission or  
26 his designee for the purpose of studying the feasibility of authorizing the  
27 state lottery to accept wagers on events conducted under the provisions of  
28 chapter 128 A and chapter 128 C of the General Laws. The chairman of the  
29 commission shall be selected by its members. Section 2A of chapter 4 of the  
30 General Laws shall not apply to the special commission. No member of the  
31 commission shall be found in violation of section 6, 7, or 23 of chapter 268A  
32 of the General Laws for conduct which involves his participation as a member  
33 of the commission if he discloses any financial interest described in said  
34 section 6 or 7 or other interest described in said section 23 to the state  
35 ethics commission in writing before his participation as a member of the  
36 commission. Five members of the commission shall constitute a quorum and a  
37 majority of all members present and voting shall be required for any action  
38 voted by the commission including, but not limited to, voting on formal  
39 recommendations or proposed legislation.

40 The commission, as part of its deliberations regarding the operation,  
41 administration, regulation, governance, economics, finances, and revenue  
42 generation of expanded wagering on horse and dog racing in conjunction with  
43 the state lottery, shall focus on and consider the following:-

44 (i) the anticipated financial benefit to horse and dog industry and, in  
45 particular, to racing purses; the potential effect on, or competition with,  
46 the sale of lottery tickets by the state lottery commission; and

47 (ii) the procedures necessary to establish and operate any such program  
48 including but not limited to locations for expanded wagering, guidelines,  
49 penalties and oversight of the program; and

50 (iii) the creation of a lottery thoroughbred sweepstakes ticket; and

51 (vi) the authorization and installation of so-called instant racing

52 machines at locations approved by the state lottery.

53 The commission shall prepare and issue a report and file a copy of it  
54 with the clerks of the senate and house of representatives, the committee on  
55 governmental regulations and the house and senate committees on ways and  
56 means by no later than July 1, 2005.