

**The Commonwealth of Massachusetts**

**Massachusetts Gaming Commission**

**Notice of Public Interest**

**RE: Transition of Authority from Massachusetts State Racing Commission to the  
Massachusetts Gaming Commission**

Effective May 20, 2012, the Massachusetts Gaming Commission is adopting emergency regulations, 205 CMR 13:00, under the authority of M.G.L. 23K, § 4(28) and (37), and § 5, M.G.L. c. 128A, § 9, and M.G.L. c. 128C, § 8, to provide for the orderly transition of the regulation of horse racing, harness horse racing, dog racing, pari-mutuel wagering, simulcasting, the humane handling, care, treatment and transportation of racing greyhounds, and related subject matters, from the Massachusetts State Racing Commission to the Massachusetts Gaming Commission (the “Commission”), as provided for under Chapter 194 of the Acts of 2011 (the “Gaming Act”).

The Commission finds that implementation of these emergency regulations is necessary for the preservation of the public health, safety and general welfare, and that observance of the requirements of notice and a public hearing as may be required by G.L. c. 30A would be contrary to the public interest. The reasons for the Commission’s finding are as follows.

The gaming commissioners were appointed on March 21, 2012. The Commission held its first meeting on April 10, 2012.

The Massachusetts State Racing Commission provided for in M.G.L. c. 6, § 48 was created by an act of the Legislature in 1934. Section 4 of the Gaming Act repealed said M.G.L. c. 6, § 48, effective under Section 110 of the Gaming Act on May 20, 2012 (180 days after the effective date of the Gaming Act).

Sections 37, 38, and 40 of the Gaming Act and M.G.L. c. 23K, § 7(a) substitute the Commission for the former Massachusetts State Racing Commission as the agency with the power to administer and enforce the provisions of M.G.L. c. 128A and M.G.L. c. 128C and any other general or special law related to pari-mutuel wagering or simulcasting effective May 20, 2012 (180 days after the effective date of the Gaming Act).

Effective May 20, 2012, under M.G.L. c. 128A, the Commission shall have the full power to prescribe rules, regulations and conditions under which all horse or dog races at horse or dog racing meetings shall be conducted in the Commonwealth. Effective May 20, 2012, under M.G.L. c. 128C, the Commission shall also have the full power to promulgate rules, regulations, and conditions under which all running horse, harness horse, or greyhound racing simulcasts and simulcast wagers shall be conducted in the commonwealth.

In addition, M.G.L. c. 23K, §§ 4(37) and 5 authorize the Commission to adopt, amend or repeal regulations for the implementation, administration and enforcement of said Chapter 23K; and M.G.L. c. 23K, §§ 4, provides that the Commission shall have all powers necessary or convenient to carry out and effectuate its purposes.

Pursuant to M.G.L. c. 128A and c. 128C, the Massachusetts State Racing Commission promulgated regulations governing horse and dog races, racing simulcasts and simulcast wagers as follows:

- 205 CMR 3      Harness Horse Racing
- 205 CMR 4      Rules of Horse Racing
- 205 CMR 5      Rules of Greyhound Racing
- 205 CMR 6      Pari-Mutuel Rules for Thoroughbred Racing, Harness Racing, and Greyhound Racing
- 205 CMR 7      Simulcasting Rules and Regulations for Horse Racing, Harness Racing and Dog Racing
- 205 CMR 8      Disposition Rules and Regulation for Greyhound Racing
- 205 CMR 9      Injury Reporting Rules and Regulations for Greyhound Racing
- 205 CMR 10     Rules and Regulations Governing the Award of Economic Assistance
- 205 CMR 11     Rules and Regulations Regarding the Distribution of Funds to Purse Accounts of Licensees
- 205 CMR 12     The Humane Handling, Care, Treatment, and Transportation of Racing Greyhounds

Effective July 31, 2014, Sections 39 and 41 of the Gaming Act repeal M.G.L. c. 128A and M.G.L. c. 128C, respectively. Prior to such repeal, the Commission is directed by Section 104 of the Gaming Act to analyze the pari-mutuel and simulcasting laws in effect on the effective date of the Gaming Act, including a review of the efficacy of those laws pursuant to the continuation of M.G.L. c. 128A and M.G.L. c. 128C, and to report its findings and recommendations to the clerks of the Senate and the House of Representatives and the House and Senate chairs of the Joint Committee on Economic Development and Emerging Technologies by January 1, 2013. During this transition period, the Legislature has provided that the licenses issued for the greyhound meetings in Bristol and Suffolk counties shall continue to be in effect (St. 2011, c. 194, § 92), and that the existing practices used and adopted by the Massachusetts State Racing Commission pertaining to simulcasting shall remain in full force and effect (St. 2006, c. 449, § 20 as amended by St. 2011, c. 194, § 85).

To avoid disruption in the conduct of horse and dog racing, and the pari-mutuel wagering and simulcasting related thereto, and to provide for the proper regulation and oversight thereof and of activities related thereto following the transition of authority from the Massachusetts State Racing Commission to the Commission on May 20, 2012, the Commission has determined that

the rules, regulations, licenses and permits duly promulgated or issued by the Massachusetts State Racing Commission and lawfully in effect immediately prior to the transition should be continued as set forth in 205 CMR 13.00 until expressly amended or repealed by the Commission.

The numbering of the emergency regulations, 205 CMR 13.00, and their placement at the end of 205 CMR (rather than as an introduction thereto), is necessary because of the pre-existing and reserved numbering system of 205 CMR created prior to the transition of duties to the Gaming Commission.

The Commission is providing this notice and is posting copies of this notice and the emergency regulations on its website, and may utilize additional publicity measures, in an effort to ensure that the public and interested parties are aware of 205 CMR 13:00.