

HOUSE No. 3772

By Mr. Fallon of Malden, petition of Christopher G. Fallon relative to establishing a conservation and wildlife lottery fund. Consumer Protection and Professional Licensure.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

AN ACT ESTABLISHING A CONSERVATION AND WILDLIFE LOTTERY FUND.

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 24 of Chapter 10 of the General Laws, as
2 appearing in the 2000 Official Edition, is hereby amended by
3 inserting after the word “arts” in line 2 the following words:— and
4 for the benefit of conservation and wildlife.

1 SECTION 2. Said Section 24 of said Chapter 10, as so appearing,
2 is hereby further amended by inserting after the word “court” in line
3 83 the following words:— conservation and wildlife council.

1 SECTION 3. Said chapter 10 is hereby further amended by
2 inserting after section 56 the following section:—

3 Section 56A. There shall be in the office of the state treasurer but
4 not subject to its control, a Massachusetts Conservation and Wildlife
5 Council consisting of 5 members to be appointed by the governor for
6 terms of 5 years. Members shall have demonstrated expertise in con-
7 servation and wildlife affairs.

8 The council shall stimulate conservation and wildlife preservation
9 activities within cities and towns by administering and distributing
10 funds for the Conservation and Wildlife Land Fund established by
11 Section 57A to the several local and regional councils established
12 under Section 57B.

13 Elected public officials shall not be eligible for membership on
14 the council. The governor shall designate the chairman of the
15 council. Upon expiration of the term of office as a member, his

16 successor shall be appointed in like manner, and shall serve until the
17 qualification of his successor. Any vacancy, occurring for any reason
18 other than the expiration of the term, shall be filled for the unexpired
19 term in the same manner as the original appointment.

20 The council shall receive applications for said funds from local
21 and regional cultural councils and shall determine if applications for
22 funds comply with said guidelines, rules, rulings or regulations.

23 The council, upon the determination of compliance with its guide-
24 lines, rules, rulings or regulations, shall certify to the comptroller the
25 payment to the several cities and towns to the extent that monies
26 would be payable to such cities and towns under the provisions of
27 Section 18C of Chapter 58; provided, however, that the definition of
28 “persons who reside in the Commonwealth” as contained in clause
29 (3) of paragraph (a) of said Section 18C shall be construed not to
30 include the population of those cities, towns or consortiums of cities
31 and towns which have not established local or regional councils for
32 the purpose of distributing funds under this section; and provided,
33 further, that conservation and wildlife lottery funds shall not be
34 added to the Local Aid Fund pursuant to Section 2D of Chapter 29
35 but shall be separately distributed. Conservation and wildlife lottery
36 funds so certified and allocated to a local or regional council shall be
37 deposited with the treasurer of the appropriate city or town and
38 expended as provided in such application as approved by the
39 council. Funds not so certified shall, at the discretion of the council,
40 be retained for the account of such local or regional cultural council,
41 or expended or distributed by the council for the benefit of such 1 or
42 more local regional councils as the council may deem appropriate.

1 SECTION 4. Section 57 of said Chapter 10, as appearing in the
2 2000 Official Edition, is hereby amended by striking out the second
3 sentence and inserting in place thereof the following sentence:—

4 Said fund shall consist of 50 percent of all revenues received
5 from the sale of arts lottery and conservation and wildlife tickets or
6 shares and all other monies credited or transferred thereto from any
7 other fund or source pursuant to law.

1 SECTION 5. Said Chapter 10 is hereby further amended by
2 inserting after section 57 the following section:—

3 Section 57A. There shall be established and set up on the books
4 of the Commonwealth a separate fund to be known as the Conserva-
5 tion and Wildlife Fund, said fund shall consist of 50 percent of all
6 revenues received from the sale of arts lottery and conservation and
7 wildlife tickets or shares and all other monies credited or transferred
8 thereto from any other fund or source pursuant to law. As of July 1
9 and January 1 of each year, the comptroller shall determine the net
10 balance in the Conservation and Wildlife Fund derived from arts and
11 conservation wildlife lottery revenues for the preceding 6 months
12 after deductions are made for:—

13 (1) the amounts paid or incurred for prizes to holders of the win-
14 ning lottery tickets or shares during such 6 month period,

15 (2) the expenses of the state lottery commission in administering
16 and operating the lottery for the arts for such 6 month period, subject
17 to appropriation, as certified by the commissioner of administration,
18 which amount the treasurer shall, as of such July 1 or January 1,
19 transfer to the General Fund,

20 (3) the expenses of administration of the council for such 6 month
21 period, including expenses of members, subject to appropriation, as
22 certified by the commissioner of administration, and which amount
23 the treasurer shall, as of such July 1 or January 1 transfer to the
24 General Fund. Such net balance of any conservation and wildlife lot-
25 tery revenue for such preceding 6 month period not already deducted
26 in clause (1), (2) or (3), if any, shall be allocated and expended as
27 follows:

28 (a) 1,500,000 dollars shall be retained in the Conservation and
29 Wildlife Lottery Fund and shall be available for distribution by the
30 council as hereinafter provided in this section;

31 (b) the amount determined by the comptroller as of July 1 and
32 January 1 not already allocated in clause (a) shall be transferred to
33 the Local Aid Fund. The amount remaining including:—

34 (i) the amount determined under clause (a)

35 (ii) any amounts credited or transferred to the Conservation and
36 Wildlife Lottery Fund and not yet distributed derived from sources
37 other than the sale of arts lottery tickets, and

38 (iii) any amount in the State Arts Lottery Fund derived from rev-
39 enues of the arts lottery conducted earlier than such preceding 6
40 month period, shall be distributed to several cities and towns as pro-
41 vided under Section 58A and the guidelines, rules, rulings or

42 regulations issued by the council. The council may determine the
43 time and amount for the distribution of such funds as the council
44 may deem necessary or desirable provided, however, that each eli-
45 gible city or town shall be eligible to receive an annual minimum of
46 1,000 dollars.

1 SECTION 6. Said chapter 10 is hereby further amended by
2 inserting after section 58 the following section:—

3 Section 58A. Any city or town may establish a local conservation
4 and wildlife council and any consortium of cities and towns with the
5 approval of the council may establish a regional council.

6 Regional councils shall consist of an equal number of members to
7 be appointed from each city or town within the consortium in the
8 manner herein described. The regional council may adopt, at its
9 option, a proportional membership consistent with the population of
10 each municipality; provided, however, that each municipality shall
11 have at least 1 member; and provided, further, that the adoption of
12 such option shall be a 2/3 vote of the regional council. Notwith-
13 standing any provisions to the contrary, if the council deems it nec-
14 essary or desirable in order to carry out its purposes, it may certify
15 for payment in accordance with section 56A those applications for
16 funds received from any local or regional councils whose composi-
17 tion is determined by the council as not complying with the provi-
18 sions of this section, provided that upon notice of such
19 noncompliance, such local or regional council, or its appointing
20 authority, as the case may be, either cures such noncompliance or
21 provides certification satisfactory to the council of how and by when
22 such compliance will be achieved.

23 Local and regional councils may establish administrative units but
24 no such council shall utilize more than 5 percent of the monies
25 received from the Conservation and Wildlife Lottery Fund for
26 administrative purposes.

27 Subject to rules, regulations, rulings or guidelines of the council,
28 such local or regional counties may decide the distribution of lottery
29 funds that may be allocated to them, may conduct other activities to
30 promote and encourage conservation and wildlife preservation, may
31 enter into contracts, subject to approval of town counsel or city
32 solicitor as to form, and may do and perform any and all acts which
33 may be necessary to carry out its powers and purposes.

