

Amendments from Revenue Distribution: 4, 8, 12, 14, 24, 31, 32, 35, 36, 37, 38, 43, 47, 64, 68, 73, 74, 81, 85, 86, 89, 90, 97, 98, 112, 121, 150

Mr. Dempsey of Haverhill moves to amend House Bill 3702, in section 2A, by inserting after line item 0411-1004 the following line item:-

0810-1204 For the implementation and operation of the division of gaming enforcement within the office of the attorney general, established pursuant to section 11M of chapter 12, for the investigation and prosecution of criminal activity relating to legalized gaming in the commonwealth pursuant to chapter 23K.....\$500,000.

And further amend the bill in section 9 by inserting at the end thereof the following paragraph:-

The division shall submit quarterly requests to the commission for expenses associated with the operation of the division and the commission shall reimburse the division for such expenses; provided, however, that the commission shall not approve such a request if the request would exceed an annual reimbursement of \$2,000,000.

And further amend the bill in section 58 of chapter 23K by striking out the figure “25” in line 2382 and inserting in place thereof the following figure – 20.

And further amend the bill in section 58 of chapter 23K by inserting at the end thereof the following clause:-

(l) 5 per cent to the Community Preservation Fund.

And further amend the bill by striking out, in line 3223, the figure “99” and inserting in place thereof the following figure:- 98.

And further amend the bill in section 63 of chapter 23K by inserting at the end thereof the following sentence:- Monies from the fund shall be used in addition to the balance of the state lottery fund for distribution to cities and towns in accordance with the provisions of clause (c) of section 35 of chapter 10 and any monies so distributed shall be considered part of “general revenue sharing aid” for purposes of annual aid and contribution requirements established pursuant to chapter 70 or section 3 of the annual general appropriation act.

And further amend the bill by inserting after the word “maintenance”, in line 2463, the following words:- ; provided, however, that not less than 50 per cent of such expenditures shall be dedicated for the purpose of supplementing, and not offsetting, any expenditures made for the construction and reconstruction of municipal ways as described in clause (b) of the second paragraph of section 4 of chapter 6C.

And further amend the bill by inserting after the word “source”, in line 2466, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting after the words “expenditures from said fund”, in line 2470, the following words:- shall be subject to appropriation, provided further, that 35 per cent of funds received shall be appropriated for the purposes of higher education to supplement, and not offset, any reduction in the general appropriation act from the previous fiscal year and, provided further, that any expenditures from said fund.

And further amend the bill by striking out section 91 and inserting in place thereof the following section:-

SECTION 91. (a) There shall be established and set up on the books of the commonwealth a Gaming Licensing Fund which shall receive all licensing fees collected from applicants in receipt of a category 1 or category 2 license under chapter 23K of the General Laws. The fund shall expire on December 31, 2015. The commission shall be the trustee of the fund and shall transfer monies in the fund as follows:

- (1) 5 per cent to the Race Horse Development Fund established in section 60 of chapter 23K of the General Laws.
- (2) 10 per cent to the Community Mitigation Fund established in section 61 of chapter 23K of the General Laws.
- (3) 14.5 per cent to the Transportation Infrastructure and Development Fund established in section 62 of chapter 23K of the General Laws.
- (4) 1.5 per cent to the Tourism Fund established in section 35J of chapter 10 of the General Laws.
- (5) 5 per cent shall be remitted to the comptroller for deposit into the Local Aid Stabilization Fund, established in section 2CCCC of chapter 29 of the General Laws;
- (6) 9 per cent to the Local Capital Projects Fund established in section 2EEEE of chapter 29 of the General Laws.
- (7) 13 per cent to the Manufacturing Fund established in section 96.
- (8) 17 per cent to the Community College Fund established in section 97.
- (9) 23 per cent to the Healthcare Payment Reform Fund established in section 99.
- (10) 2 per cent to the Community Preservation Fund.

(b) Upon receipt by the Massachusetts gaming commission of license fees from licensees, interim transfers and payments shall be made on a pro rata basis from the Gaming Licensing Fund as provided in clauses (1) and (2) of subsection (a); provided, however, that no transfer or payment under said clauses (1) and (2) of said subsection (a) shall occur until the fund reimburses \$20,000,000 to the Commonwealth Stabilization Fund as required by subsection (c) of section 92 of this act.

And further amend the bill by inserting after the word “source”, in line 3293, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting after the word “source”, in line 3296, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting after the word “source”, in line 3299, the following words:- and shall be subject to appropriation.

And further amend the bill by inserting the following section:-

SECTION X. Notwithstanding any general or special law, rule or regulation to the contrary for the purposes of chapter 62, gross revenue or gross gaming revenue as defined in chapter 23K of the General Laws shall be considered budgeted fund state tax revenue, regardless of the type of fund into which the revenues are deposited; provided, however, that monies received by the commonwealth as the result of a revenue sharing agreement between the commonwealth and a federally recognized tribe set forth in a negotiated compact shall not be considered budgeted fund state tax revenue.

And further amend the bill by inserting the following section:-

SECTION X. The commissioner of revenue, in consultation with the commissioner of education, and the treasurer and receiver general of the commonwealth shall report to the general court on the following matters: 1) the primary sources of current and recent funding for each major program of state assistance to the cities, towns, and school districts of the commonwealth; including, but not limited to lottery aid, unrestricted general government assistance, PILOT payments for state owned land, and major aid programs in support of local education and transportation. Where feasible, those amounts and sources of funding shall be disaggregated by city and town, 2) the net dollar relationship between distributions to cities, towns, and school districts under each of the programs reviewed and the primary sources of funding that support them, 3) the prospective cost and feasibility of establishing equitable minimum and maximum distribution targets based on criteria including, but not limited to, population, real estate values, mean income level of the municipality as compared to the state mean income level and poverty levels based on relative criteria including, but not limited to, students qualifying for free and reduced lunch programs and mean age levels of residents for each program based on the disaggregated source of funding for each program; and 4) any potential alternative sources of funding to establish such equitable minimum target aid levels; including the Gaming Local Aid Fund and the Local Aid Stabilization Fund, created under the provisions of this Act. Said report shall be filed by the commissioner of revenue with the clerks of the house and senate by July 31, 2012.

Mr. Dempsey of Haverhill moved to amend the amendment by adding the following paragraph:

"Prior to any distribution of gaming revenues from the Gaming Local Aid Fund and the Local Aid Stabilization Fund, the legislature shall review the report and adopt an equitable distribution program for the Gaming Local Aid Fund and the Local Aid Stabilization Fund."