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OFFICE OF THE GOVERNOR
COMMONWEALTH OF MASSACHUSETTS
STATE HOUSE • BOSTON, MA 02133
(617) 725-4000

DEVAL L. PATRICK
GOVERNOR

TIMOTHY P. MURRAY
LIEUTENANT GOVERNOR

November 24, 2009

To the Honorable Senate and House of Representatives:

Pursuant to Article LVI, as amended by Article XC, Section 3 of the Amendments to the Constitution of the Commonwealth of Massachusetts, I am returning to you for amendment Sections 16, 17, 18, 20, 21, and 23 of House Bill No. 4323, "An Act Extending Simulcasting."

I am approving the underlying bill that extends until July 31, 2010 the authority to simulcast racing, but I have concerns about these sections, which establish a new Racing Stabilization Fund. While I agree that new funding arrangements may be needed, I believe that this Fund is best administered by the Undersecretary of Consumer Affairs and Business Regulation, who oversees the State Racing Commission. It is also essential to clarify that, if the Fund contains insufficient amounts to fulfill all its required purposes, the undersecretary in her discretion shall apportion the amounts available among those purposes, but no additional amounts shall be credited to the Fund from the General Fund or any other revenue source.

For these reasons, I recommend that Sections 16, 17, 18, 20, 21, and 23 be amended by striking out their text and inserting in place thereof the following text:-

SECTION 16. Notwithstanding section 2 of chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall pay all premiums received pursuant to said section 2 of said

chapter 128C to the Racing Stabilization Fund established in section 20.

SECTION 17. Notwithstanding chapter 128C of the General Laws or any other general or special law or rule or regulation to the contrary, simulcast revenues generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county and otherwise dedicated to purse accounts at the licensees or to be distributed to breeders' associations at guest dog tracks shall be dedicated to the Racing Stabilization Fund established in section 20.

SECTION 18. Notwithstanding chapters 128A and 128C of the General Laws or any other general or special law or rule or regulation to the contrary, amounts from unclaimed winnings and breaks generated by the greyhound meeting licensee located in Bristol county and the greyhound meeting licensee located in Suffolk county shall be dedicated to the Racing Stabilization Fund established in section 20.

SECTION 20. Notwithstanding any general or special law or rule or regulation to the contrary, there shall be a Racing Stabilization Fund that shall be administered by the undersecretary for consumer affairs and business regulation of the executive office of housing and economic development, in this section called the undersecretary. The fund shall consist of all revenues dedicated pursuant to this act. In fiscal year 2010, the secretary of administration and finance shall transfer funds totaling not less than \$300,000 to the department of public health for a compulsive gamblers' treatment program. Not more than \$300,000 may be expended to assist efforts to secure alternative employment and retaining opportunities for displaced worker impacted by the passage of chapter 388 of the acts of 2008. The state racing commission, or a successor agency, shall report to the undersecretary, the executive office for administration and finance and the house and senate committees on ways and means not later than the last day of each month, the projected program revenue, program expenses and operating costs associated with overseeing simulcasting through July 31, 2010. In the event of a deficit, the secretary of administration and finance may transfer from the Fund funds not to exceed \$100,000 for the operating costs of the

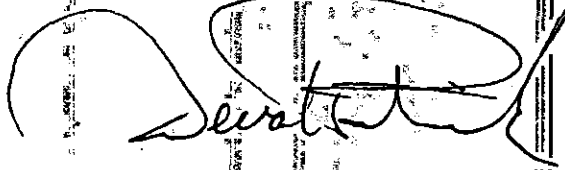
commission. Any balance in the fund at the end of the fiscal year shall not revert to the General Fund; but the undersecretary shall distribute to owners of greyhound dogs who have raced in calendar year 2009 for the humane care, maintenance and adoption of those greyhound dogs, a sum equal to 1 per cent of the total amount wagered at each racing meeting licensee within the commonwealth acting as a guest track and simulcasting a live greyhound race from a host track from outside the commonwealth. Before any such amount is distributed, the undersecretary shall develop a method and criteria by which to distribute such funds in an equitable manner among dog owners. If the Fund contains insufficient amounts to fulfill all its required purposes, the undersecretary in her discretion shall apportion the amounts available among those purposes, but no additional amounts shall be credited to the Fund from the General Fund or any other revenue source.

SECTION 21. Notwithstanding section 12A of chapter 494 of the acts of 1978 or any other general or special law or rule or regulation to the contrary, on January 1, 2010, the comptroller shall transfer all monies deposited in the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund, each established under said section 12A of said chapter 494, to the Racing Stabilization Fund established in section 20. After January 1, 2010, the comptroller shall transfer any revenues deposited into the Greyhound Capital Improvements Trust Fund and the Greyhound Promotional Trust Fund into the Racing Stabilization Fund within 10 days after receipt of those revenues.

SECTION 23. Notwithstanding any general or special law, rule or regulation to the contrary, monies in the Racing Stabilization Fund established in section 20 may be used to assist efforts to secure alternative employment and retraining opportunities for displaced workers impacted by the passage of chapter 388 of the acts of 2008 including, but not limited to, coordinating the delivery of available state and federal resources and services; provided, however, that such funds from the fund shall only be expended after all federal funds from the Workforce Investment Act and the American Reinvestment and Recovery Act have been exhausted provided further, that state funds shall be distributed in accordance with section 20; provided further, that the secretary of labor and workforce

development shall develop a plan to implement this section and submit a copy of the plan to the house and senate committees on ways and means, the joint committee on economic development and emerging technologies and the joint committee on labor and workforce development not later than December 15, 2009.

Respectfully submitted,

A large, stylized handwritten signature in black ink, appearing to read "S. [unclear]".