

HOUSE No. 934

The Commonwealth of Massachusetts

PRESENTED BY:

Kate Donaghue

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 adoption of the accompanying bill:

An Act creating special funds for the division of fisheries and wildlife.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kate Donaghue</i>	<i>19th Worcester</i>	<i>1/17/2025</i>

HOUSE No. 934

By Representative Donaghue of Westborough, a petition (accompanied by bill, House, No. 934) of Kate Donaghue for legislation to create wildlife and natural heritage mitigation funds within the Division of Fisheries and Wildlife. Environment and Natural Resources.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Fourth General Court
(2025-2026)**

An Act creating special funds for the division of fisheries and wildlife.

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. Chapter 131 of the General Laws, as appearing in the 2022 Official Edition,
2 is hereby amended by adding the following section:-

3 Section 2D. There shall be established and set up on the books of the commonwealth a
4 separate, non-budgeted special revenue fund to be known as the MassWildlife Inland Fisheries
5 and Wildlife Mitigation and Enhancement Fund, which shall be administered by the director of
6 the division of fisheries and wildlife. There shall be credited into the fund revenues or other
7 financing sources directed to the fund by appropriation or other monies authorized by the general
8 court and specifically designated to be credited to the fund, monies received on account of
9 certifications, permits, licenses, authorizations, approvals, judgments, and agreements to address
10 adverse impacts to inland fish and wildlife resources, any income derived from the investment of
11 amounts credited to the fund and monies from the repayment of loans from the fund, funds from
12 public or private sources including, but not limited to, gifts, federal, state, or private grants,

13 donations, rebates and settlements received by the commonwealth that are specifically
14 designated to be credited to the fund and all other amounts credited or transferred into the fund
15 from any other source. The amounts credited to the fund shall be expended, without further
16 appropriation, for the purposes of protecting, mitigating damages to, studying and enhancing
17 inland fish and wildlife resources, in accordance with the terms of the certifications, permits,
18 licenses, authorizations, approvals, judgments, or agreements for which such amounts were
19 received.

20 Any unexpended balance in the fund at the end of a fiscal year shall remain in the fund
21 and available for expenditure in subsequent fiscal years and shall not revert to the general fund.
22 The state treasurer shall not deposit or transfer any amounts credited to the fund to the General
23 Fund or to any other fund other than the MassWildlife Inland Fisheries and Wildlife Mitigation
24 and Enhancement Fund. The director of the division of fisheries and wildlife shall not make
25 expenditures from this fund or take any other action so as to cause the fund to be deficient at any
26 point during the fiscal year. The state treasurer shall receive and deposit all revenues transmitted
27 to the state treasurer under the provisions of this section in such manner that will ensure the
28 highest rate of interest available consistent with the safety of the fund, and in an account from
29 which amounts may be withdrawn at any time without penalty for such withdrawal, all interest
30 accrued shall be deposited into the fund.

31 SECTION 2. Chapter 131A of the General Laws, as appearing in the 2022 Official
32 Edition, is hereby amended by adding the following section:-

33 Section 8. There shall be established and set up on the books of the commonwealth a
34 separate, non-budgeted special revenue fund to be known as the Natural Heritage Mitigation

35 Fund, which shall be administered by the director of the division of fisheries and wildlife acting
36 through the natural heritage and endangered species program. There shall be credited into the
37 fund revenues or other financing sources directed to the fund by appropriation or other monies
38 authorized by the general court and specifically designated to be credited to the fund, monies
39 required by the conditions of conservation and management permits issued pursuant to chapter
40 131A, monies received on account of certifications, permits, licenses, authorizations, approvals,
41 judgments, and agreements to address unavoidable adverse impacts to a species, any income
42 derived from the investment of amounts credited to the fund and monies from the repayment of
43 loans from the fund, funds from public or private sources including, but not limited to, gifts,
44 federal, state, or private grants, donations, rebates and settlements received by the
45 commonwealth that are specifically designated to be credited to the fund and all other amounts
46 credited or transferred into the fund from any other source. The amounts credited to the fund
47 shall be expended, without further appropriation, for the purposes of mitigating adverse impacts
48 to endangered, threatened, and special concern species, including but not limited to, habitat
49 management, research and the protection of land, and in accordance with the terms of the
50 certifications, permits, licenses, authorizations, approvals, judgments, or agreements for which
51 such amounts were received.

52 Any unexpended balance in the fund at the end of a fiscal year shall remain in the fund
53 and available for expenditure in subsequent fiscal years and shall not revert to the general fund.
54 The state treasurer shall not deposit or transfer any amounts credited to the fund to the general
55 fund or to any other fund other than the Natural Heritage Mitigation Fund. The director of the
56 division of fisheries and wildlife shall not make expenditures from this fund or take any other
57 action so as to cause the fund to be deficient at any point during the fiscal year, nor shall these

58 funds be used for operating the natural heritage endangered species program. The state treasurer
59 shall receive and deposit all revenues transmitted to the state treasurer under the provisions of
60 this section in such manner that will ensure the highest rate of interest available consistent with
61 the safety of the fund, and in an account from which amounts may be withdrawn at any time
62 without penalty for such withdrawal, all interest accrued shall be deposited into the fund. In the
63 event that the fund established by this section is dissolved, all funds then remaining shall be
64 deposited into the Natural Heritage and Endangered Species Fund established pursuant to section
65 35D of chapter 10, to be used for the purposes described in this section.