

SENATE No. 1928

The Commonwealth of Massachusetts

SENATE, May 2, 1983.

The committee on Ways and Means, to whom was committed the House Bill relative to funding for nongame wildlife programs in the commonwealth (House, 5997), reports recommending that the same ought to pass, with an amendment, striking out all after the enacting clause and inserting in place thereof the text of Senate document numbered 1928.

Senator Buell dissents.

For the Committee,

CHESTER G. ATKINS

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-three.

1 SECTION 1. Chapter 10 of the General Laws is hereby amend-
2 ed by inserting after section 35C the following section: —

3 *Section 35D.* There shall be established and set up on the
4 books of the commonwealth a separate fund to be known as
5 the Nongame Wildlife Fund, for use as a source of funds for
6 nongame wildlife programs in the commonwealth. Said fund
7 shall consist of all revenues received by the commonwealth: —

8 (1) under the provisions of section six D of chapter sixty-
9 two;

10 (2) from public and private sources as gifts, grants, and
11 donations to further nongame programs; or

12 (3) from the federal government as reimbursement, grant-
13 in-aid or other receipts on account of the division of fisheries
14 and wildlife nongame activities.

15 All revenues credited under this section shall remain in the
16 Nongame Wildlife Fund, subject to appropriation, to acquire
17 wildlife land critical to nongame wildlife and endangered
18 species for the multiple purposes of protecting and enhancing
19 nongame wildlife and encouraging compatible wildlife uses;
20 to manage, inventory, preserve, protect, perpetuate, and en-
21 hance nongame wildlife in the commonwealth; and to supple-
22 ment funds provided to the Natural Heritage Program in the
23 department of environmental management for the inventory
24 of nongame wildlife and endangered species. The state treas-
25 urer may not deposit these revenues in or transfer them to
26 the General Fund or any other fund.

1 SECTION 2. Section 6C of chapter 62 of the General Laws,
2 inserted by section 4 of chapter 774 of the acts of 1975, is
3 hereby amended by striking out, in line 15, the word “twenty-
4 two” and inserting in place thereof the words: — five of chap-
5 ter sixty-two C.

1 SECTION 3. Said chapter 62 is hereby amended by inserting
2 after section 6C the following section: —

3 *Section 6D.* Every individual who files a separate return

4 and every husband and wife filing a single return jointly may
5 voluntarily contribute all or part of any refund to which they
6 are entitled to the Massachusetts Nongame Wildlife Program.

7 A contribution made under this section may be made with
8 respect to any taxable year at the time of filing the return
9 of the tax imposed by this chapter for such taxable year; pro-
10 vided, however, that the commissioner shall prescribe the
11 manner in which such contribution shall be made on the face
12 of the return required by section five of chapter sixty-two C.

13 The commissioner shall annually report the total amount
14 designated under this section to the state treasurer who shall
15 credit that amount to the Nongame Wildlife Fund.

1 SECTION 4. Section 1 of chapter 131 of the General Laws is
2 hereby amended by striking out the definition of "Nongame
3 Wildlife", inserted by section 29 of chapter 808 of the acts of
4 1981, and inserting in place thereof the following definition: —

5 "Nongame Wildlife", any nondomesticated member of the
6 animal kingdom not regulated by the division as a game species
7 and any member of the plant kingdom, native to the common-
8 wealth, that is not classified as domesticated.

1 SECTION 5. Section 2 of said chapter 131, as appearing in
2 section 1 of chapter 802 of the acts of 1967, is hereby amend-
3 ed by inserting after the word "Fund," in line 7, the words: —
4 except that sums received for nongame programs shall be
5 credited to the Nongame Wildlife Fund, as established by sec-
6 tion thirty-five D of chapter ten of the General Laws.

1 SECTION 6. Said chapter 131 is hereby further amended by
2 inserting after section 5A the following section: —

3 *Section 5B.* The director shall administer the nongame wild-
4 life program in accordance with clauses (3) and (13A) of sec-
5 tion four, and shall promulgate rules and regulations, subject
6 to the procedures established in chapter thirty A, for said
7 nongame program, including criteria for the purchase of wild-
8 life lands critical to nongame wildlife and endangered species,
9 and for the use of said land for the protection and enhance-
10 ment of nongame wildlife and for the encouragement of com-
11 patible wildlife uses. The commissioner shall appoint, subject
12 to the approval of the fisheries and wildlife board, a nongame

13 advisory committee of seven members to advise the director
14 on matters pertaining to nongame wildlife and wild plants.
15 One of the members shall be a board member interested in en-
16 dangered species appointed pursuant to section seven of chap-
17 ter twenty-one. Of the remaining six members, three shall
18 have technical training and experience and be drawn in the
19 commissioner's discretion from the fields of ornithology,
20 mammalogy, herpetology, ichthyology, and botany, and three
21 shall be persons interested in natural history generally. The
22 committee shall select a chairperson annually by majority
23 vote of the members of said committee at a meeting scheduled
24 for that purpose. The members shall serve terms of three
25 years, except during the initial year, when three members
26 shall be appointed to serve for one year, two for two years,
27 and two for three years. The committee shall meet at least
28 quarterly and at the request of the director or committee
29 chairperson. Committee members may not receive any com-
30 pensation but shall receive reimbursement from the Nongame
31 Wildlife Fund for expenses necessary to the performance of
32 their duties.

1 SECTION 7. Subject to appropriation, ten percent of the
2 annual proceeds from contributions made pursuant to section
3 six D of chapter sixty-two of the General Laws, inserted by
4 section three of this act shall be made available to the state
5 revenue department for the collection and accounting of re-
6 ceipts.

1 SECTION 8. Section six D of chapter sixty-two of the Gener-
2 al Laws, inserted by section three of this act, shall apply to
3 taxable years commencing on and after January first, nine-
4 teen hundred and eighty-three.