

HOUSE BILL 327

M2

9lr1840
CF SB 293

By: **Delegates Beitzel, Bates, Elliott, Elmore, Jennings, Kelly, Kipke, Krebs, McComas, Miller, Myers, Norman, Riley, Shank, Shewell, and Stocksdale**

Introduced and read first time: January 30, 2009

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Black Bear Damage – Funds for Reimbursement**

3 FOR the purpose of requiring application fees for the black bear hunting permit
4 lottery to be used to reimburse certain persons for certain damage; and
5 generally relating to reimbursement for certain damage caused by black bears.

6 BY repealing and reenacting, with amendments,
7 Article – Natural Resources
8 Section 10–423.1
9 Annotated Code of Maryland
10 (2007 Replacement Volume and 2008 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article – Natural Resources**

14 10–423.1.

15 (a) The General Assembly finds that it is in the public interest to provide
16 funding to reimburse a person who has sustained damage to agricultural products as a
17 result of black bear.

18 (b) (1) There is a Black Bear Damage Reimbursement Fund in the
19 Department.

20 (2) The Fund consists of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (i) Proceeds from the sale of a conservation bear stamp or decal
2 which may be purchased at a cost of \$5 for each stamp or decal; and

3 (ii) Gifts, grants, and contributions to the State that are
4 designated for inclusion in the Fund.

5 (3) The Fund is a continuing, nonlapsing special fund, and is not
6 subject to § 7-302 of the State Finance and Procurement Article.

7 (4) The State Treasurer shall hold and the State Comptroller shall
8 account for the Fund.

9 (c) The Department may reimburse a person from the Black Bear Damage
10 Reimbursement Fund in accordance with subsections (d) and (e) of this section for any
11 damage to the person's:

12 (1) Beehives, fruit, or other crops; or

13 (2) Livestock and poultry as defined in § 1-101 of the Agriculture
14 Article.

15 (d) (1) A person is eligible to be reimbursed from the Fund if:

16 (i) The person has followed all black bear damage preventive
17 measures recommended by the Department;

18 (ii) The damage amount is determined by an extension agent of
19 the University of Maryland Cooperative Extension Service; and

20 (iii) The Department has verified that the damage was caused by
21 black bear.

22 (2) Subject to available funding, a person may be reimbursed from the
23 Fund in an amount not less than \$200 or more than \$3,000 per year.

24 (e) If the money in the Fund is not sufficient to satisfy all the claims in
25 accordance with the conditions described in subsection (d) of this section, [an equal
26 percent of each claim shall be paid] **PERMIT APPLICATION FEES COLLECTED BY
27 THE DEPARTMENT FOR THE BLACK BEAR HUNTING PERMIT LOTTERY SHALL BE
28 USED TO MAKE UP THE DIFFERENCE BETWEEN THE FUND BALANCE AND THE
29 AMOUNT SUFFICIENT TO SATISFY ALL THE CLAIMS.**

30 (f) The Department shall adopt regulations to carry out the provisions of
31 this section.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
33 October 1, 2009.

