

HOUSE BILL 378

M2

3lr2194
CF 3lr1544

By: **Delegates Love, Lehman, and T. Morgan**

Introduced and read first time: January 26, 2023

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Black Bear Conflict Reduction and Damage**
3 **Reimbursement Fund – Uses**

4 FOR the purpose of altering the Black Bear Damage Reimbursement Fund to authorize
5 grants from the Fund to be made for projects that reduce conflicts between black
6 bears and humans; renaming the Black Bear Damage Reimbursement Fund to be
7 the Black Bear Conflict Reduction and Damage Reimbursement Fund; requiring a
8 certain amount of the Fund to be reserved for black bear damage reimbursement;
9 repealing a certain apportionment formula applicable to black bear damage
10 reimbursement under certain circumstances; increasing the minimum and
11 maximum amounts of reimbursement from the Fund per person annually authorized
12 for damage caused by black bears; and generally relating to the Black Bear Conflict
13 Reduction and Damage Reimbursement Fund.

14 BY repealing and reenacting, with amendments,
15 Article – Natural Resources
16 Section 10–423.1
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2022 Supplement)

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

21 **Article – Natural Resources**

22 10–423.1.

23 (a) The General Assembly finds that it is in the public interest to provide funding
24 to **PREVENT CONFLICTS WITH BLACK BEARS BEFORE THEY OCCUR AND TO** reimburse

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 a person who has sustained damage to agricultural products or pets as a result of black
2 bear.

3 (b) (1) There is a Black Bear **CONFLICT REDUCTION AND** Damage
4 Reimbursement Fund in the Department.

5 (2) The Fund consists of:

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

8 (ii) Gifts, grants, and contributions to the State that are designated
9 for inclusion in the Fund; **AND**

10 (iii) **MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
11 **FUND.**

12 (3) The Fund is a continuing, nonlapsing special fund, and is not subject to
13 § 7–302 of the State Finance and Procurement Article.

14 (4) The State Treasurer shall hold and the State Comptroller shall account
15 for the Fund.

16 (c) (1) **THE DEPARTMENT SHALL ACCEPT REQUESTS FOR GRANTS FROM**
17 **THE FUND FOR PROJECTS THAT REDUCE CONFLICTS BETWEEN HUMANS AND BLACK**
18 **BEARS THROUGH NONLETHAL METHODS.**

19 (2) **IN DETERMINING PROJECTS THAT ARE ELIGIBLE FOR GRANTS,**
20 **THE DEPARTMENT SHALL CONSIDER PROJECTS THAT:**

21 (i) **REDUCE THE AVAILABILITY OF ATTRACTANTS TO BLACK**
22 **BEARS IN COMMUNITIES, INCLUDING AGRICULTURAL COMMUNITIES;**

23 (ii) **DISCOURAGE BLACK BEARS FROM ENTERING AREAS THAT**
24 **HAVE A HIGH NUMBER OF CONFLICTS BETWEEN HUMANS AND BLACK BEARS;**

25 (iii) **HAVE LOCAL COMMUNITY SUPPORT OR A DETAILED PLAN**
26 **TO BUILD LOCAL COMMUNITY SUPPORT;**

27 (iv) **USE PROVEN NONLETHAL TECHNIQUES FOR REDUCING**
28 **CONFLICTS BETWEEN HUMANS AND BLACK BEARS OR INNOVATIVE SOLUTIONS THAT**
29 **HAVE THE POTENTIAL TO PREVENT CONFLICTS BETWEEN HUMANS AND BLACK**
30 **BEARS;**

1 (V) ARE COST-EFFECTIVE INVESTMENTS THAT HAVE THE
2 POTENTIAL TO CONTINUE TO BE EFFECTIVE BEYOND THE TIME FRAME FOR THE
3 GRANT FUNDING; OR

4 (VI) INCLUDE MATCHING FUNDS OR AN IN-KIND MATCH.

5 (3) THE DEPARTMENT MAY NOT AWARD A GRANT FOR:

6 (I) THE LETHAL REMOVAL OF BLACK BEARS;

7 (II) STAND-ALONE RESEARCH, DATA COLLECTION, AND
8 ANALYSIS; OR

9 (III) THE DIRECT GENERATION OF REVENUE OR PROFIT.

10 (4) ENTITIES ELIGIBLE FOR A GRANT UNDER THIS SUBSECTION
11 INCLUDE:

12 (I) LOCAL GOVERNMENTS;

13 (II) PARKS AND RECREATION DEPARTMENTS;

14 (III) LANDOWNERS;

15 (IV) FARMERS;

16 (V) BUSINESSES;

17 (VI) TRIBES;

18 (VII) INSTITUTIONS OF HIGHER EDUCATION; AND

19 (VIII) NONPROFIT ORGANIZATIONS.

20 (5) GRANT FUNDING UNDER THIS SUBSECTION SHALL BE CAPPED AT
21 AN AMOUNT THAT LEAVES \$50,000 AVAILABLE ANNUALLY FOR BLACK BEAR
22 DAMAGE REIMBURSEMENT UNDER SUBSECTION (D) OF THIS SECTION.

23 (D) (1) The Department may reimburse a person from the [Black Bear Damage
24 Reimbursement] Fund FOR DAMAGE CAUSED BY BLACK BEARS in accordance with
25 [subsections (d) and (e) of this section] THIS SUBSECTION for any damage to the person's:

26 [(1)] (I) Beehives, fruit, or other crops;

1 ~~[(2)]~~ **(II)** Livestock and poultry as defined in § 1–101 of the Agriculture
2 Article; or

3 ~~[(3)]~~ **(III)** Pets as defined in § 4–501 of the Family Law Article.

4 ~~[(d) (1)]~~ **(2)** A person is eligible to be reimbursed from the Fund **FOR**
5 **DAMAGE CAUSED BY BLACK BEARS** if:

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

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

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

12 ~~[(2)]~~ **(3)** Subject to available funding, a person may be reimbursed from
13 the Fund **FOR DAMAGE CAUSED BY BLACK BEARS** in an amount not less than ~~[\$200]~~
14 **\$500** or more than ~~[\$3,000]~~ **\$5,000** per year.

15 (e) [If the money in the Fund is not sufficient to satisfy all the claims in
16 accordance with the conditions described in subsection (d) of this section, an equal percent
17 of each claim shall be paid.

18 (f) The Department shall adopt regulations to carry out ~~[the provisions of]~~ this
19 section.

20 **(F) FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE**
21 **ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST \$1,000,000 TO THE FUND.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
23 October 1, 2023.