

SENATE BILL 310

M2

3lr1544
CF HB 378

By: **Senators West and McKay**

Introduced and read first time: January 27, 2023

Assigned to: Budget and Taxation and Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 8, 2023

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Black Bear ~~Conflict Reduction and~~ Damage Mitigation**
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 mitigate damages caused by black
6 bears and reduce conflicts between black bears and humans; renaming the Black
7 Bear Damage Reimbursement Fund to be the Black Bear ~~Conflict Reduction and~~
8 Damage Mitigation Reimbursement Fund; requiring a certain amount of the Fund
9 to be reserved for black bear damage reimbursement; repealing a certain
10 apportionment formula applicable to black bear damage reimbursement under
11 certain circumstances; increasing the ~~minimum and maximum amounts~~ amount of
12 reimbursement from the Fund per person annually authorized for damage caused by
13 black bears; and generally relating to the Black Bear ~~Conflict Reduction and~~
14 Mitigation Reimbursement Fund.

15 BY repealing and reenacting, with amendments,
16 Article – Natural Resources
17 Section 10–423.1
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2022 Supplement)

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

22 **Article – Natural Resources**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 10-423.1.

2 (a) The General Assembly finds that it is in the public interest to provide funding
3 to **PREVENT CONFLICTS WITH BLACK BEARS BEFORE THEY OCCUR AND TO** reimburse
4 a person who has sustained damage to agricultural products or pets as a result of black
5 bear.

6 (b) (1) There is a Black Bear ~~CONFLICT REDUCTION AND~~ Damage
7 MITIGATION Reimbursement Fund in the Department.

8 (2) The Fund consists of:

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

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

13 **(III) MONEY APPROPRIATED IN THE STATE BUDGET TO THE**
14 **FUND.**

15 (3) The Fund is a continuing, nonlapsing special fund, and is not subject to
16 § 7-302 of the State Finance and Procurement Article.

17 (4) The State Treasurer shall hold and the State Comptroller shall account
18 for the Fund.

19 (c) **(1) THE DEPARTMENT SHALL ACCEPT REQUESTS FOR GRANTS FROM**
20 **THE FUND FOR PROJECTS THAT MITIGATE DAMAGES CAUSED BY BLACK BEARS AND**
21 **REDUCE CONFLICTS BETWEEN HUMANS AND BLACK BEARS THROUGH NONLETHAL**
22 **METHODS.**

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

25 **(I) REDUCE THE AVAILABILITY OF ATTRACTANTS TO BLACK**
26 **BEARS IN COMMUNITIES, INCLUDING AGRICULTURAL COMMUNITIES;**

27 **(II) DISCOURAGE BLACK BEARS FROM ENTERING AREAS THAT**
28 **HAVE A HIGH NUMBER OF CONFLICTS BETWEEN HUMANS AND BLACK BEARS;**

29 **(III) HAVE LOCAL COMMUNITY SUPPORT OR A DETAILED PLAN**
30 **TO BUILD LOCAL COMMUNITY SUPPORT;**

1 (IV) USE PROVEN NONLETHAL TECHNIQUES FOR REDUCING
2 CONFLICTS BETWEEN HUMANS AND BLACK BEARS OR INNOVATIVE SOLUTIONS THAT
3 HAVE THE POTENTIAL TO PREVENT CONFLICTS BETWEEN HUMANS AND BLACK
4 BEARS;

5 (V) ARE COST-EFFECTIVE INVESTMENTS THAT HAVE THE
6 POTENTIAL TO CONTINUE TO BE EFFECTIVE BEYOND THE TIME FRAME FOR THE
7 GRANT FUNDING; OR

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

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

10 (I) THE LETHAL REMOVAL OF BLACK BEARS;

11 (II) STAND-ALONE RESEARCH, DATA COLLECTION, AND
12 ANALYSIS; OR

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

14 (4) ENTITIES ELIGIBLE FOR A GRANT UNDER THIS SUBSECTION
15 INCLUDE:

16 (I) LOCAL GOVERNMENTS;

17 (II) PARKS AND RECREATION DEPARTMENTS;

18 (III) LANDOWNERS;

19 (IV) FARMERS;

20 (V) BUSINESSES;

21 (VI) TRIBES;

22 (VII) INSTITUTIONS OF HIGHER EDUCATION; AND

23 (VIII) NONPROFIT ORGANIZATIONS.

24 (5) GRANT FUNDING UNDER THIS SUBSECTION SHALL BE CAPPED AT
25 AN AMOUNT THAT LEAVES ~~\$50,000~~ AT LEAST 10% OF THE TOTAL ANNUAL
26 APPROPRIATION UNDER SUBSECTION (F) OF THIS SECTION AVAILABLE ANNUALLY
27 FOR BLACK BEAR DAMAGE REIMBURSEMENT UNDER SUBSECTION (D) OF THIS
28 SECTION.

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

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

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

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

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

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

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

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

16 **[(2)] (3)** Subject to available funding, a person may be reimbursed from
17 the Fund **FOR DAMAGE CAUSED BY BLACK BEARS** in an amount not less than ~~[\$200]~~
18 ~~\$500~~ or more than ~~[\$3,000]~~ **\$5,000** per year.

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

22 (f) The Department shall adopt regulations to carry out [the provisions of] this
23 section.

24 **(F) FOR EACH FISCAL YEAR, THE GOVERNOR ~~SHALL~~ MAY INCLUDE IN THE**
25 **ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST ~~\$1,000,000~~ \$50,000 TO THE**
26 **FUND.**

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