

Chapter 565

(Senate Bill 310)

AN ACT concerning

**Natural Resources – Black Bear ~~Conflict Reduction and Damage Mitigation~~
Prevention and Reimbursement Fund – Uses**

FOR the purpose of altering the Black Bear Damage Reimbursement Fund to authorize grants from the Fund to be made for projects that ~~mitigate~~ prevent ~~damages caused by black bears and~~ reduce conflicts between black bears and humans; renaming the Black Bear Damage Reimbursement Fund to be the Black Bear ~~Conflict Reduction and Damage Mitigation~~ Prevention and Reimbursement Fund; requiring a certain amount of the Fund to be reserved for black bear damage reimbursement; repealing a certain apportionment formula applicable to black bear damage reimbursement under certain circumstances; increasing the ~~minimum and maximum amounts~~ amount of reimbursement from the Fund per person annually authorized for damage caused by black bears; and generally relating to the Black Bear ~~Conflict Reduction and Damage Mitigation~~ Prevention and Reimbursement Fund.

BY repealing and reenacting, with amendments,

Article – Natural Resources

Section 10–423.1

Annotated Code of Maryland

(2012 Replacement Volume and 2022 Supplement)

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

Article – Natural Resources

10–423.1.

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

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

(2) The Fund consists of:

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

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

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

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

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

(c) (1) THE DEPARTMENT SHALL ACCEPT REQUESTS FOR GRANTS FROM THE FUND FOR PROJECTS THAT ~~MITIGATE~~ SEEK TO PREVENT DAMAGES CAUSED BY BLACK BEARS AND REDUCE CONFLICTS BETWEEN HUMANS AND BLACK BEARS THROUGH NONLETHAL METHODS.

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

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

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

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

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

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

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

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

(I) THE LETHAL REMOVAL OF BLACK BEARS;

ANALYSIS; OR

(II) STAND-ALONE RESEARCH, DATA COLLECTION, AND

(III) THE DIRECT GENERATION OF REVENUE OR PROFIT.

INCLUDE:

(4) ENTITIES ELIGIBLE FOR A GRANT UNDER THIS SUBSECTION

(I) LOCAL GOVERNMENTS;

(II) PARKS AND RECREATION DEPARTMENTS;

(III) LANDOWNERS;

(IV) FARMERS;

(V) BUSINESSES;

(VI) TRIBES;

(VII) INSTITUTIONS OF HIGHER EDUCATION; AND

(VIII) NONPROFIT ORGANIZATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Approved by the Governor, May 8, 2023.