

# SENATE, No. 2769

## STATE OF NEW JERSEY 218th LEGISLATURE

INTRODUCED JUNE 21, 2018

**Sponsored by:**

**Senator SANDRA B. CUNNINGHAM**

**District 31 (Hudson)**

**Senator VIN GOPAL**

**District 11 (Monmouth)**

**SYNOPSIS**

“Pedals’ Law”; prohibits hunting and establishes non-lethal control program for black bear for five years; prohibits actions that result in bear feeding; and requires use of bear-resistant containers, dumpsters, and food boxes in bear habitat.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 7/27/2018)**

1 AN ACT concerning the management of black bear, designated as  
2 “Pedals’ Law,” and amending and supplementing various parts  
3 of the statutory law.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. (New section) Notwithstanding any law, rule, regulation, or  
9 provision of the State Fish and Game Code to the contrary, there  
10 shall be no open season nor any hunting by permit for black bear  
11 anywhere in the State for five years commencing on the effective  
12 date of P.L. , c. (C. ) (pending before the Legislature as  
13 this bill).

14  
15 2. (New section) Commencing on the effective date of  
16 P.L. , c. (C. ) (pending before the Legislature as this bill),  
17 the Division of Fish and Wildlife shall develop and implement, in  
18 conjunction with the Humane Society of the United States and other  
19 appropriate animal protection organizations, licensed veterinarians,  
20 and wildlife biologists, a five-year non-lethal black bear population  
21 control program for black bear.

22 The Division of Fish and Wildlife shall submit to the Governor  
23 and, pursuant to section 2 of P.L.1991, c.164 (C.52:14-19.1), to the  
24 Legislature a report detailing the non-lethal black bear population  
25 control program developed and implemented pursuant to this  
26 section within one year after the effective date of P.L. , c. (C. )  
27 (pending before the Legislature as this bill) and at the conclusion of  
28 the five-year program. Both the initial report and the final report  
29 shall include information concerning: the status and management  
30 of the black bear population in the State; an analysis of population  
31 growth of black bear in the State; data on the black bear population,  
32 including birth rates, death rates, age, gender, distribution, home  
33 range, and movement; and an analysis of the availability and  
34 effectiveness of the non-lethal black bear population control  
35 methods implemented pursuant to this section.

36  
37 3. Section 34 of P.L.1948, c.448 (C.13:1B-32) is amended to  
38 read as follows:

39 34. Any regulation of the council or amendment thereto adopted  
40 pursuant to the provisions of this article which relates to game  
41 birds, game animals , or fur-bearing animals, after the council has  
42 first determined the need for such action on the basis of scientific  
43 investigation and research, may apply to all or any part of the State,  
44 at the discretion of the council, and may do any or all of the

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 following as to any or all species or varieties of game birds, game  
2 animals, and fur-bearing animals:

3 a. **【Establish】** establish , extend, shorten or abolish open  
4 seasons and closed seasons **【.】** ;

5 b. **【Establish】** establish , change   or abolish bag limits and  
6 possession limits **【.】** ;

7 c. **【Establish】** establish and change territorial limits for the  
8 pursuit, taking, or killing of any or all species or varieties **【.】** ;

9 d. **【Prescribe】** prescribe the manner and the means of pursuing,  
10 taking, or killing any species or variety **【.】** ; and

11 e. **【Establish】** establish , change   or abolish restrictions based  
12 upon sex, maturity, or other physical distinction.

13 Notwithstanding the provisions of subsections b. and c. of  
14 section 10 of P.L.2001, c.5 (C.52:14B-5.1), or any rule or  
15 regulation adopted pursuant thereto, to the contrary, any rule or  
16 regulation or amendment thereto of the council which relates to  
17 game birds, game animals, or fur-bearing animals shall expire five  
18 years following the effective date of the rule or regulation.

19 (cf: P.L.1948, c.448, s.34)

20

21 4. Section 1 of P.L.2002, c.97 (C.23:2A-14) is amended to read  
22 as follows:

23 1. a. No person shall  , for any purpose :

24 (1) feed, give, place, expose, deposit, distribute or scatter any  
25 edible material  , lure, or attractant **【with the intention of】** in a  
26 manner that will result in feeding, attracting   or enticing a black  
27 bear when black bear are known to frequent the area ; or

28 (2) store pet food, garbage   or other bear attractants in a manner  
29 that will result in bear feedings when black bear are known to  
30 frequent the area.

31 b. Subsection a. of this section shall not apply **【in the case of**  
32 **an unintentional feeding of a black bear. “Unintentional feeding”**  
33 **means using or placing any material for a purpose other than to**  
34 **attract or entice black bears but which results in the attraction or**  
35 **enticement of a black bear, and shall include but need not be limited**  
36 **to the use and placement of bait for deer in accordance with section**  
37 **1 of P.L.1997, c.424 (C.23:4-24.4) and the State Fish and Game**  
38 **Code】 to agricultural operations .**

39 c. (1) If any person violates subsection a. of this section, the  
40 department may institute a civil action in a court of competent  
41 jurisdiction for injunctive relief to prohibit and prevent such  
42 violation or violations and the court may proceed in the action in a  
43 summary manner.

44 (2) Any person who violates the provisions of subsection a. of  
45 this section shall be liable to a civil penalty of **【up to \$1,000 for**  
46 **each】** \$50 for a first offense, \$50 to \$250 for a second offense, and  
47 \$250 to \$1,000 for a third or subsequent offense, to be collected in a

1 civil action by a summary proceeding under the “Penalty  
2 Enforcement Law of 1999,” P.L.1999, c.274 (C.2A:58-10 et seq.) ,  
3 or in any case before a court of competent jurisdiction wherein  
4 injunctive relief has been requested pursuant to paragraph (1) of this  
5 subsection . **【Civil】** Suit may be brought by the State or a  
6 municipality. When suit is brought by the State, penalties  
7 recovered for violations hereof shall be remitted as provided in  
8 R.S.23:10-19. When suit is brought by a municipality, penalties  
9 recovered for violations hereof shall be remitted to the municipal  
10 treasurer. The Superior Court and municipal court shall have  
11 jurisdiction to enforce the “Penalty Enforcement Law of 1999.”

12 If the violation is of a continuing nature, each day during which  
13 it continues shall constitute an additional, separate and distinct  
14 offense.

15 **【No person shall be assessed a civil penalty pursuant to this**  
16 **paragraph unless the person has first been issued a prior written**  
17 **warning for a violation of subsection a. of this section.】**

18 (3) The department is hereby authorized and empowered to  
19 compromise and settle any claim for a penalty under this section in  
20 such amount in the discretion of the department as may appear  
21 appropriate and equitable under all of the circumstances.

22 d. The provisions of this section shall be enforced by all  
23 municipal police officers, the State Police, and law enforcement  
24 officers with the Division of Fish and Wildlife and the Division of  
25 Parks and Forestry in the Department of Environmental Protection.

26 e. Nothing in this section shall be construed to restrict in any  
27 way the attraction, capture, or taking of black bears by or at the  
28 direction of the Division of Fish and Wildlife for **【management or】**  
29 research or individual bear control purposes.

30 (cf: P.L.2002, c.97, s.1)

31

32 5. (New section) a. Notwithstanding the provisions of any  
33 other law, rule, or regulation to the contrary, no person shall store  
34 food waste or other bear-attracting refuse outdoors on public or  
35 private property in any municipality identified as being located in  
36 habitat occupied by bears pursuant to subsection b. of this section,  
37 whether at curbside for collection or elsewhere for any other  
38 purpose, unless the food waste or other bear-attracting refuse is  
39 stored in a bear-resistant container or bear-resistant dumpster.

40 b. The Commissioner of Environmental Protection shall:

41 (1) adopt, pursuant to the "Administrative Procedure Act,"  
42 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
43 effectuate the purpose of this section, including but not limited to,  
44 rules and regulations that set forth appropriate standards and  
45 specifications for bear-resistant containers and bear-resistant  
46 dumpsters required pursuant to subsection a. of this section; and

47 (2) compile, make public, and update annually a list of all  
48 municipalities located in black bear habitat for purposes of this

1 section, and provide written notice of the requirements of this  
2 section and all rules and regulations promulgated hereunder to each  
3 municipality at least 90 days prior to listing the municipality as  
4 located in black bear habitat.

5 c. Any person who violates the provisions of this section shall  
6 be subject to the penalty and enforcement provisions of section 1 of  
7 P.L.2002, c.97 (C.23:2A-14), provided, however, all penalties  
8 collected pursuant to violations of this section shall be remitted to  
9 the treasurer of the municipality in which the violation occurred.

10

11 6. Section 1 of P.L.1997, c.424 (C.23:4-24.4) is amended to  
12 read as follows:

13 1. a. Notwithstanding the provisions of **section** sections 1  
14 and **section** 2 of P.L.1970, c.180 (C.23:4-24.2 and C.23:4-24.3),  
15 and except as otherwise provided pursuant to subsection c. of this  
16 section, a person may: (1) use bait to attract, entice, or lure a deer;  
17 and (2) kill, destroy, injure, shoot, shoot at, take, wound, or attempt  
18 to take, kill, or wound, a deer, or have in possession or control any  
19 firearm or other weapon of any kind for such purposes, within any  
20 distance of a lawfully baited area. A person may be elevated in a  
21 standing tree or in a structure of any kind when using a lawfully  
22 baited area for hunting deer, and the baited area may be within any  
23 distance of the standing tree or structure.

24 b. For the purposes of this section, "baited area" means the  
25 presence of placed, exposed, deposited, distributed, or scattered  
26 agricultural products, salt, or other edible lure whatsoever capable  
27 of attracting, enticing, or luring deer.

28 c. Notwithstanding any provision of subsection a. of this  
29 section, no person shall use bait in a municipality identified as  
30 being located in black bear habitat pursuant to subsection b. of  
31 section 5 of P.L. , c. (C. ) (pending before the Legislature  
32 as this bill) to attract, entice, or lure a deer for any purpose.

33 (cf: P.L.1999, c.231, s.1)

34

35 7. (New section) a. At each State camping facility identified  
36 as being located in black bear habitat pursuant to subsection b. of  
37 this section, the department shall provide and maintain:

38 (1) bear-resistant dumpsters in a number sufficient to receive all  
39 output of food waste and other bear-attracting refuse that is not  
40 otherwise stored and disposed of through alternative means that  
41 prevent the attraction of black bears with equal or greater efficacy;  
42 and

43 (2) bear-resistant food boxes in a number sufficient to store all  
44 food in the State camping facility that is not otherwise secured  
45 through alternative means that prevent the attraction of black bears  
46 with equal or greater efficacy.

1       b. The Commissioner of Environmental Protection shall, for  
2 purposes of subsection a. of this section, compile and make public a  
3 list of all State camping facilities located in black bear habitat.

4       c. As used in this section, "State camping facility" means any  
5 facility owned or operated by the State as a camping facility,  
6 including family campsites and group campsites, but excluding  
7 primitive campsites and wilderness campsites.

8

9       8. (New section) a. The owner or operator of a public  
10 campground identified as being located in black bear habitat pursuant  
11 to subsection b. of this section shall provide and maintain:

12       (1) bear-resistant dumpsters in a number sufficient to receive all  
13 output of food waste and other bear-attracting refuse that is not  
14 otherwise stored and disposed of through alternative means, as  
15 approved by the Department of Environmental Protection, that  
16 prevent the attraction of black bears with equal or greater efficacy;  
17 and

18       (2) bear-resistant food boxes in a number sufficient to store all  
19 food in the public campground that is not otherwise secured through  
20 alternative means, as approved by the Department of Environmental  
21 Protection, that prevent the attraction of black bears with equal or  
22 greater efficacy.

23       b. The Public Health Council, pursuant to the procedures set forth  
24 in section 7 of P.L.1947, c.177 (C.26:1A-7), and in consultation with  
25 the Commissioner of Environmental Protection, shall:

26       (1) adopt amendments to the State Sanitary Code to effectuate  
27 the purpose of this section, including rules and regulations that set  
28 forth appropriate standards and specifications for bear-resistant  
29 dumpsters and bear-resistant food boxes, and alternatives thereto,  
30 required at public campgrounds;

31       (2) compile, make public, and update annually a list of all public  
32 campgrounds located in black bear habitat for purposes of  
33 subsection a. of this section; and

34       (3) provide written notice of the requirements of this section and  
35 all rules and regulations promulgated hereunder to the owner or  
36 operator of a public campground at least 90 days prior to listing that  
37 public campground as located in black bear habitat.

38       c. Notwithstanding the provisions of section 10 of P.L.1947,  
39 c.177 (C.26:1A-10) to the contrary, the owner or operator of a  
40 public campground who violates this section, or any rule or  
41 regulation adopted pursuant thereto, shall be subject to a penalty of  
42 \$50 for a first offense, \$50 to \$250 for a second offense, and \$250  
43 to \$1,000 for a third or subsequent offense.

44       d. As used in this section:

45       "Local government unit" means a municipality, county or other  
46 political subdivision of the State, or any agency thereof.

47       "Public campground" means a plot of ground, owned privately or  
48 by a local government unit, upon which two or more campsites are

1 located, established, or maintained for occupancy by camping units  
2 of the general public as temporary living quarters, for children or  
3 adults, or both, for a total of 15 days or more in any calendar year,  
4 for recreation, education, or vacation purposes, excluding however,  
5 any public wilderness campground, “proprietary campground  
6 facility” as defined in section 1 of P.L.1993, c.258 (C.45:22A-49),  
7 and “State camping facility” as defined in section 7 of  
8 P.L. , c. (C. ) (pending before the Legislature as this bill).

9 “Public wilderness campground” means a public campground, or  
10 portion of a public campground, with no permanent structures or  
11 facilities, that is intended only for occasional use as an overnight tent  
12 camping site.

13  
14 9. (New section) a. The association or corporation responsible  
15 for the administration of a proprietary campground facility  
16 identified as being located in black bear habitat pursuant to  
17 subsection b. of this section shall provide and maintain:

18 (1) bear-resistant dumpsters in a number sufficient to receive all  
19 output of food waste and other bear-attracting refuse that is not  
20 otherwise stored and disposed of through alternative means, as  
21 approved by the Department of Environmental Protection, that  
22 prevent the attraction of black bears with equal or greater efficacy;  
23 and

24 (2) bear-resistant food boxes in a number sufficient to store all  
25 food in the proprietary campground facility that is not otherwise  
26 secured through alternative means, as approved by the Department  
27 of Environmental Protection, that prevent the attraction of black  
28 bears with equal or greater efficacy.

29 b. The Commissioner of Community Affairs, in consultation with  
30 the Commissioner of Environmental Protection, shall:

31 (1) adopt, pursuant to the “Administrative Procedure Act,”  
32 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
33 effectuate the purpose of this section, including but not limited to,  
34 rules and regulations that set forth appropriate standards and  
35 specifications for bear-resistant dumpsters and bear-resistant food  
36 boxes, and alternatives thereto, required at proprietary campground  
37 facilities;

38 (2) compile, make public, and update annually a list of all  
39 proprietary campground facilities located in black bear habitat for  
40 purposes of subsection a. of this section; and

41 (3) provide written notice of the requirements of this section and  
42 all rules and regulations promulgated hereunder to the owner or  
43 operator of the association or corporation responsible for the  
44 administration of a proprietary campground facility at least 90 days  
45 prior to listing that proprietary campground facility as located in  
46 black bear habitat.

47 c. (1) Any person who violates any provision of this section,  
48 or any rule or regulation adopted pursuant thereto, shall be subject

1 to a penalty of \$50 for a first offense, \$50 to \$250 for a second  
2 offense, and \$250 to \$1,000 for a third or subsequent offense.

3 (2) The Commissioner of Community Affairs may levy and  
4 collect the penalties set forth in paragraph (1) of this subsection  
5 after affording the person alleged to be in violation of this section  
6 an opportunity to appear before the commissioner or the  
7 commissioner's designee and to be heard personally or through  
8 counsel on the alleged violation and a finding by the commissioner  
9 or the commissioner's designee that the person committed the  
10 violation. When a penalty so levied by the commissioner has not  
11 been satisfied within 30 days after the levy, the penalty may be sued  
12 for and recovered by and in the name of the commissioner or the  
13 commissioner's designee in a summary proceeding pursuant to the  
14 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
15 et seq.).

16 (3) The Department of Community Affairs may in the interest of  
17 justice compromise any civil penalty, if in its determination the  
18 gravity of the offense or offenses does not warrant the assessment  
19 of the full penalty.

20 d. As used in this section, "proprietary campground facility"  
21 means the same as the term is defined in section 1 of P.L.1993,  
22 c.258 (C.45:22A-49).

23

24 10. (New section) a. The association or equivalent entity  
25 responsible for the administration of a closed community that is  
26 identified as being located in black bear habitat pursuant to  
27 subsection b. of this section shall provide and maintain bear-  
28 resistant dumpsters in a number sufficient to receive all output of  
29 the closed community's food waste and other bear-attracting refuse  
30 that is not otherwise stored and disposed of through alternative  
31 means, as approved by the Department of Environmental  
32 Protection, that prevent the attraction of black bears with equal or  
33 greater efficacy.

34 b. The Commissioner of Community Affairs, in consultation with  
35 the Commissioner of Environmental Protection, shall:

36 (1) adopt, pursuant to the "Administrative Procedure Act,"  
37 P.L.1968, c.410 (C.52:14B-1 et seq.), rules and regulations to  
38 effectuate the purpose of this section, including but not limited to,  
39 rules and regulations that set forth appropriate standards and  
40 specifications for bear-resistant dumpsters required at closed  
41 communities;

42 (2) compile and make public a list of all closed communities  
43 located in black bear habitat for purposes of subsection a. of this  
44 section; and

45 (3) provide written notice of the requirements of this section and  
46 all rules and regulations promulgated hereunder to the association  
47 or equivalent entity responsible for the administration of a closed



1 community at least 90 days prior to listing that closed community as  
2 located in black bear habitat.

3 c. (1) Any person who violates any provision of this section,  
4 or any rule or regulation adopted pursuant thereto, shall be subject  
5 to a penalty of \$50 for a first offense, \$50 to \$250 for a second  
6 offense, and \$250 to \$1,000 for a third or subsequent offense.

7 (2) The Commissioner of Community Affairs may levy and  
8 collect the penalties set forth in paragraph (1) of this subsection  
9 after affording the person alleged to be in violation of this section  
10 an opportunity to appear before the commissioner or the  
11 commissioner's designee and to be heard personally or through  
12 counsel on the alleged violation and a finding by the commissioner  
13 or the commissioner's designee that the person committed the  
14 violation. When a penalty so levied by the commissioner or the  
15 commissioner's designee has not been satisfied within 30 days after  
16 the levy, the penalty may be sued for and recovered by and in the  
17 name of the commissioner in a summary proceeding pursuant to the  
18 "Penalty Enforcement Law of 1999," P.L.1999, c.274 (C.2A:58-10  
19 et seq.).

20 (3) The Department of Community Affairs may in the interest of  
21 justice compromise any civil penalty, if in its determination the  
22 gravity penalty.

23 d. As used in this section:

24 "Closed community" means a residential condominium,  
25 cooperative, fee simple community, or horizontal property regime  
26 comprised of a community trust or other trust device, condominium  
27 association, homeowners' association, council of co-owners,  
28 corporation, or equivalent entity wherein the cost of maintaining  
29 roads and streets and providing essential services is paid for by an  
30 entity consisting exclusively of unit owners within the community,  
31 but shall not mean:

32 (1) an apartment building or garden apartment complex owned  
33 by an individual or entity that receives monthly rental payments  
34 from tenants who occupy the premises; or

35 (2) a "proprietary campground facility," as defined in section  
36 1 of P.L.1993, c.258 (C.45:22A-49).

37 "Condominium" means the form of real property ownership  
38 provided for under the "Condominium Act," P.L.1969, c.257  
39 (C.46:8B-1 et seq.).

40 "Cooperative" means the form of real property ownership  
41 provided for under "The Cooperative Recording Act of New  
42 Jersey," P.L.1987, c.381 (C.46:8D-1 et seq.).

43 "Fee simple community" means a private community which  
44 consists of individually owned lots or units and provides for  
45 common or shared elements or interests in real property.

46 "Horizontal property regime" means the form of real property  
47 ownership provided for under the "Horizontal Property Act,"  
48 P.L.1963, c.168 (C.46:8A-1 et seq.).

1 11. This act shall take effect immediately, except that section 5  
2 and sections 7 through 10 shall take effect on the 180th day after  
3 the date of enactment, but the Commissioner of Community Affairs,  
4 the Commissioner of Environmental Protection, and the Public  
5 Health Council may take such anticipatory administrative action in  
6 advance thereof as shall be necessary for the implementation of this  
7 act, and sections 1 and 2 shall expire five years after the date of  
8 enactment of this act.

9  
10  
11 STATEMENT

12  
13 This bill, to be known as “Pedals’ Law,” amends and  
14 supplements current law concerning the management of black bears  
15 and the State Game Code.

16 This bill prohibits black bear hunting in the State for five years.  
17 In 2015, the Fish and Game Council adopted changes to the  
18 “Comprehensive Black Bear Management Policy” and to the State  
19 Game Code concerning the hunting of black bears. These changes  
20 included adding an archery and muzzleloader season in October in  
21 addition to the existing black bear hunting season in December.  
22 This bill would suspend these hunting seasons for five years.

23 The bill requires the Division of Fish and Wildlife (division) to  
24 develop and implement, in conjunction with the Humane Society of  
25 the United States and other appropriate animal protection  
26 organizations, licensed veterinarians, and wildlife biologists, a five-  
27 year non-lethal black bear population control program for black  
28 bear. Within one year after the date this bill is enacted into law and  
29 also five years thereafter, the division would be required to submit  
30 reports to the Governor and to the Legislature detailing the non-  
31 lethal black bear population control program established pursuant to  
32 the bill, and include in the report information concerning: the status  
33 and management of the black bear population in the State; an  
34 analysis of population growth of black bear in the State; data on the  
35 black bear population, including birth rates, death rates, age,  
36 gender, distribution, home range, and movement; and an analysis of  
37 the availability and effectiveness of the non-lethal black bear  
38 population control methods implemented pursuant to this bill.

39 Currently, under the “Administrative Procedure Act,” agency  
40 rules are valid for a period of seven years unless a shorter  
41 expiration timeframe is specified in law. This bill provides that the  
42 State Game Code would be valid for a period of five years, rather  
43 than the seven years currently allowed.

44 In addition, this bill prohibits certain actions that would result in  
45 the feeding of black bears. Current law prohibits certain acts when  
46 undertaken with the intention of feeding, attracting, or enticing  
47 black bears. This bill broadens that prohibition to include those  
48 acts that will result in the feeding, attracting, or enticing of black

1 bears when black bears are known to frequent the area, regardless  
2 of intent. Current law provides an exemption from this prohibition  
3 for the use and placement of bait for deer. This bill also eliminates  
4 that exemption in current law, thus prohibiting the use of bait for  
5 deer hunting in municipalities located in black bear habitat.  
6 Further, current law provides for a civil penalty of up to \$1,000 for  
7 certain acts undertaken with the intention of feeding, attracting, or  
8 enticing black bears; however, current law requires that the violator  
9 be issued a written warning before a fine is assessed. This bill  
10 eliminates the requirement that prior written warning be provided  
11 before a penalty is imposed.

12 The bill also prohibits any person from storing food waste or  
13 other bear-attracting refuse outdoors in any municipality located in  
14 black bear habitat, whether at curbside for collection or elsewhere  
15 for any other purpose, unless the food waste or other bear attracting  
16 refuse is stored in a bear-resistant container or dumpster. The bill  
17 further requires public and private campgrounds and State camping  
18 facilities located in black bear habitat to provide and maintain bear-  
19 resistant dumpsters and food boxes, or alternatives approved by the  
20 Department of Environmental Protection (DEP), for the disposal  
21 and storage of food and other bear attractants. The bill also requires  
22 certain closed communities, as defined in the bill, located in black  
23 bear habitat to provide and maintain bear-resistant dumpsters, or  
24 alternatives thereto approved by the DEP, in a number sufficient to  
25 meet all of the community's output of food waste and other bear-  
26 attracting refuse. These provisions of the bill would take effect 180  
27 days after the date the bill is enacted into law.

28 Lastly, this bill establishes a civil penalty of \$50 for a first  
29 violation, \$50 to \$250 for a second violation, and \$250 to \$1,000  
30 for a third or subsequent violation of any of these provisions,  
31 including the current law prohibiting the feeding of bears.