

VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

CHAPTER 137

An Act to amend and reenact §§ 29.1-352, 29.1-354, 29.1-355, and 29.1-356 of the Code of Virginia, relating to including elk in the damage stamp program.

[H 2157]

Approved March 16, 2003

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-352, 29.1-354, 29.1-355, and 29.1-356 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-352. Damage stamp program established; purpose; intent.

There is hereby established a damage stamp program to provide for an available source of funds to be used to compensate damage to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, or farm equipment caused by deer, *elk*, or bear, or by big game hunters. It is the intent of the General Assembly that persons suffering loss or damage as the result of these activities should be realistically compensated for damages ~~which~~ *that* occurred to their property as the result of the activity. A local governing body shall encourage to the maximum extent possible the utilization of the damage stamp fund for payment of claims in keeping with the purposes of this article.

§ 29.1-354. Stamps required; issuance; fee; affixing stamps; cancellation.

It shall be unlawful for any person to hunt bear ~~or~~, deer *or elk* in any locality adopting a damage stamp ordinance within the Commonwealth without having first obtained the special stamp. A violation of this provision shall be punishable as a Class 3 misdemeanor.

The annual fee for such a stamp shall be ~~one dollar~~ \$1. The local governing body may prescribe any fee, not to exceed ~~five dollars~~ \$5 for these special stamps, when issued to nonresidents of the Commonwealth.

The special stamps shall be obtained from a locally designated official or from any agent designated by the Board pursuant to § 29.1-327. The agent shall be paid a fee of ~~ten cents~~ \$.10 from the special fund for each stamp issued.

The stamp shall be affixed to the reverse side of a current hunting license of each person required to obtain the stamp, and that person shall cancel the stamp with his initials.

§ 29.1-355. Disposition of funds.

All moneys received from the sale of the special stamps shall be paid into the local treasury to the credit of a special damage stamp fund and identified by the year in which the moneys were collected. The special fund shall be used for the following purposes:

1. Payment of damages to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, or farm equipment by deer, *elk*, or bear at any time, or by big game hunters during hunting season; and

2. Payment of the actual and necessary costs of the administration of the provisions of this article, including the printing and distribution of the required stamps and the payment of reasonable fees to persons designated by a local governing body to inspect, evaluate, and confirm reported claims and adjust such claims; and

3. In the discretion of the local governing body, payment of the costs of law enforcement directly related to and incidental to carrying out the provisions of this article and the general game laws of the Commonwealth; any person compensated to engage in such law-enforcement activities shall be approved for such employment by the director and appointed to be a special game warden in accordance with the Board's standards and policies governing such appointment; and

4. In the discretion of the local governing body, administrative expenses related to the special stamps, support of a county volunteer fire prevention and suppression program when the program includes fire fighting on big game hunting lands open to the public, and support of local volunteer rescue squads whose services are available to hunters in distress. However, the money appropriated from the special damage stamp fund for these purposes shall not exceed, in the aggregate, in any calendar year, an amount equal to ~~fifty~~ 25 percent of the amount paid into the special damage stamp fund during the fiscal year or previous calendar year. Once selecting the fiscal year or previous calendar year, the local governing body must continue to use that selected period of time in determining the amount of money to be appropriated from the special damage stamp fund.

§ 29.1-356. Reporting damages; filing and adjudicating claims.

Any person suffering damage pursuant to the provisions of this article shall report the damage to a locally designated official whose duty it shall be to have the damage investigated. The claim for damage shall be filed under oath and in a manner and form as may be prescribed by the local governing body.

If the claimant and the designated local official agree as to the amount of damage, the local

governing body may approve the amount and order payment thereof from the special damage stamp fund established by this article. No claim for damages shall be paid to any person who does not permit the hunting of big game *or elk* by licensed hunters on his property. However, the fact that a landowner places reasonable restrictions on the number of licensed hunters who are permitted to hunt big game *or elk* on his property shall not disqualify him from filing a claim for damages pursuant to this section. In the event that no agreement as to the amount of damages can be reached, the claimant may initiate an action in the general district court of the county in which the damage occurred.