

VIRGINIA ACTS OF ASSEMBLY -- 2004 SESSION

CHAPTER 463

An Act to amend and reenact §§ 29.1-352 and 29.1-355 of the Code of Virginia, relating to coverage for damages under the damage stamp program.

[H 1069]

Approved April 12, 2004

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-352 and 29.1-355 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, *colonies of bees, bee equipment and appliances, as defined in § 3.1-610.1*, or farm equipment *that is* 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 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.

§ 29.1-355. 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~~ *for* damages to crops, fruit trees, commercially grown Christmas trees, nursery stock, livestock, *colonies of bees, bee equipment and appliances, as defined in § 3.1-610.1*, or farm equipment *that is caused* 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 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.