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SENATE BILL NO. 198

Offered January 14, 2004

Prefiled January 13, 2004

A BILL to amend the Code of Virginia by adding in Chapter 3 of Title 29.1 an article numbered 4, consisting of sections numbered 29.1-359, 29.1-360, and 29.1-361, relating to establishment of a state bear damage stamp; penalty.

Patron—Reynolds

Referred to Committee on Agriculture, Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 3 of Title 29.1 an article numbered 4, consisting of sections numbered 29.1-359, 29.1-360, and 29.1-361 as follows:

*Article 4.**State Bear Damage Stamp.*

§ 29.1-359. Bear damage stamp required.

A. It shall be unlawful for any person to hunt bear without first obtaining a special license pursuant to § 29.1-305 and a bear damage stamp issued by the Department. The fee for the bear damage stamp shall be \$4 and all proceeds from the sale of the stamp shall be deposited into the Bear Damage Stamp Fund established pursuant to § 29.1-361.

B. Any person who fails to obtain the bear damage stamp in violation of subsection A is guilty of Class 3 misdemeanor.

§ 29.1-360. Bear damage stamp program established.

A. There is hereby established a state bear damage stamp program to pay for damages to real and personal property caused by acts of bear. Any property owner or lessee who has suffered damage to real or personal property caused by an act of a bear may file a complaint with a game warden. Upon receipt of the complaint, the game warden shall investigate the circumstances of the complaint. If the officer is unable to personally investigate the complaint, a Department wildlife biologist shall investigate the complaint on the game warden's behalf. If the complaint is found to be justified, the game warden or designated person may, together with the owner or lessee and other residents, proceed to hunt, destroy or capture the bear that caused the property damage. However, only the game warden or wildlife biologist shall determine whether to destroy or capture the bear and whether to use dogs to capture or destroy the bear.

B. When a property owner has suffered damage to real or personal property as the result of an act by a bear, the owner shall file a report with the Director. The report shall state whether or not the bear was hunted and destroyed and, if so, the sex, weight and estimated age of the bear. The report shall also include an appraisal of the property damage occasioned by the bear, duly signed by three competent appraisers fixing the value of the property lost. The report shall be ruled upon and the alleged damages examined by the Board. The Board shall establish the procedures to be followed (i) in presenting and deciding claims made under this section and (ii) for payment of claims in the event moneys in the fund are insufficient to pay all claims determined to be just and proper. All valid claims shall be paid from the Bear Damage Stamp Fund. Only property owners whose property was damaged on or after July 1, 2004, shall be eligible to receive payment from the Fund.

C. In all cases where the act of the bear complained of by the property owner is the killing of livestock, the value to be established is the fair market value of the livestock at the date of death. In cases where the livestock killed is pregnant, the total value shall be the sum of the values of the mother and the unborn issue, with the value of the unborn issue to be determined on the basis of the fair market value of the issue had it been born. In no event shall the fair market value of the livestock exceed twice the assessed value of the livestock for personal property taxes.

§ 29.1-361. Bear Damage Stamp Fund established.

There is hereby created in the state treasury a special, nonreverting fund to be known as the Bear Damage Stamp Fund, hereafter referred to as "the Fund." The Fund shall consist of those fees generated from the sale of bear damage stamps under § 29.1-359. The principal and interest in the Fund shall be used to pay claims, authorized under § 29.1-360, for property damage resulting from the act of a bear. The Department may use up to 10 percent of the Fund for administration and management of the Bear Damage Stamp Program. The Fund shall be established on the books of the Comptroller. All moneys received shall be paid into the state treasury and credited to the Fund. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys

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59 *remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the*
60 *general fund but shall remain in the Fund.*