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HOUSE BILL NO. 2692

House Amendments in [] — February 9, 1999

A BILL to amend and reenact § 29.1-529 of the Code of Virginia, relating to the issuance of kill permits.

Patron—Barlow

Referred to Committee on Conservation and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-529 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-529. Killing of deer or bear damaging fruit trees, crops, livestock, or personal property or creating a hazard to aircraft or motor vehicles.

A. Whenever deer or bear are damaging fruit trees, crops, livestock or personal property *utilized for commercial agricultural production* in the Commonwealth, the owner or lessee of the lands on which such damage is done shall immediately report the damage to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer or bear are responsible for the damage, he shall authorize in writing the owner, lessee or any other person designated by the Director or his designee to kill such deer or bear when they are found upon the land upon which the damages occurred. However, the Director, or his designee, shall have the option of authorizing the capture and relocation of such bear rather than authorizing the killing of the bear, provided that the relocation occurs within a reasonable period of time; and whenever deer cause damage on parcels of land of five acres or less, except when such acreage is used for commercial agricultural production, the Director, or his designee, shall have discretion as to whether to issue a written authorization to kill the deer. The Director or his designee may limit such authorization by specifying in writing the number of animals to be killed and the period of time for which the authorization is effective. The Director or his designees issuing these authorizations shall specify in writing that only antlerless deer shall be killed, unless the Director or his designee determines that there is clear and convincing evidence that the damage was done by deer with antlers. *Deer or bear killed pursuant to such authorization shall be utilized or disposed of within twenty-four hours of being killed. Any owner or lessee of land who has been issued a written authorization shall not be issued an authorization in subsequent years unless he can demonstrate to the satisfaction of the Director, or his designee, that during the period following the prior authorization, the [hunting for bear or deer has been allowed owner or his designee have hunted bear or deer] on the land for which he received a previous authorization.*

B. Whenever deer are creating a hazard to the operation of any aircraft or to the facilities connected with the operation of aircraft, the person or persons responsible for the safe operation of the aircraft or facilities shall report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard, he shall authorize such person or persons, or their representatives, to kill the deer when they are found to be creating such a hazard.

C. Whenever deer are creating a hazard to the operation of a motor vehicle within the corporate limits of any city, the operator of a motor vehicle may report such fact to the Director or his designee for investigation. If after investigation the Director or his designee finds that deer are creating a hazard within such city, he may authorize responsible persons, or their representatives, to kill the deer when they are found to be creating such a hazard. The carcass of every deer or bear so killed may be awarded to the owner or lessee by the Director or his designee, who shall give such person a certificate to that effect on forms furnished by the Department. Any person awarded a deer or bear under this section may use the carcass as if he had killed the animal during the hunting season for deer or bear.

D. The Director or his designee may *revoke or refuse to [issue reissue]* any authorization granted under this section when it has been shown by a preponderance of the evidence that an abuse of the authorization has occurred. *Such evidence may include a complaint filed by any person with the Department alleging that an abuse of the written authorization has occurred. Any person [who has been denied a written authorization or had authorization revoked as a direct result of a complaint being filed can appeal the decision of the Director or his designee to the Board aggrieved by the issuance, denial or revocation of a written authorization can appeal the decision to the Department of Game and Inland Fisheries]*. Any person convicted of violating any provision of this title shall receive written authorization to kill deer or bear, but shall not (i) be designated as a shooter, nor (ii) carry out the authorized activity for a person who has received such written authorization.

ENGROSSED

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