



Date of Council Meeting: October 22, 2012

**TOWN OF LEESBURG  
TOWN COUNCIL WORK SESSION**

**Subject:** 2013 Legislative Agenda (Final Draft)

**Staff Contact:** Betsy Fields, Research & Communications Manager

**Recommendation:** Recommend the Council approve the attached legislative agenda and positions statement for the 2013 Virginia General Assembly Session.

**Issue:** The 2013 Virginia General Assembly Session will convene on Wednesday, January 9, 2013. The pre-filing deadline for legislation is Monday, December 3, 2012. Prior to those dates, the Town Council should provide the Leesburg delegation members with information on the Council's positions on the various issues that might affect the Town.

**Fiscal Analysis:** The proposed legislative agenda seeks to protect the Town's authority over local revenue sources as well as increase revenue to the Town from the state.

**Background:** Based upon the Council's discussion and direction at the October 9, 2012 meeting, the revised 2013 Legislative Agenda and Legislative Positions Statement are attached.

In addition to changes to the agenda and positions statement, Council members had a number of other requests for information:

1. The cost of acquiring the property at 890 Tavistock Drive and demolishing the derelict former sales office:

Acquisition:	\$885,000 to \$995,000 (estimate of fair market value)
Asbestos Testing:	\$2,000
Demolition:	\$20,000 to \$35,000 (depending on presence of asbestos)
Total:	\$907,000 to \$1,032,000

A copy of the current assessment by Loudoun County is attached (Attachment 3).

2. A copy of the VML Legislative Policy Statement. See Attachment 4.
3. Copies of any bills related to the eradication of Lyme disease from the 2012 General Assembly Session. Only one bill was submitted (by Senator Richard Black), but the focus is on allowing Sunday hunting to reduce the deer population rather than the use of acaricides. A copy is attached (Attachment 5). This bill was continued, so will be reconsidered in the 2013 Session.

4. Addition of authority for the Utilities Department to sell water to a single source customer to the Legislative Agenda. Staff have determined that this is not a state legislative issue.
  
5. Addition of authority to include “eyesore mitigation” requirements in the Town Zoning Ordinance to the Legislative Agenda. There are a number of difficulties with attempting to requiring “eyesores” to be screened from view, beginning with the definition of an “eyesore.” Staff believe that removal of eyesores, through the Town’s existing nuisance abatement authority or the building maintenance code, is a better approach than screening. In addition, there would be the risk that the fence or screening could itself become an eyesore, perpetuating the problem.

**Attachments:**

1. 2013 Legislative Agenda (Final Draft)
2. 2013 Legislative Positions Statement (Final Draft)
3. Samuels property assessment information
4. VML 2013 Legislative Program
5. Senate Bill 683



# Town of Leesburg

## 2013 Legislative Agenda (Final Draft)

- **Thomas Balch Library Endowment Fund**

The Town Council requests amendment to the Town's charter that would allow the Town to establish an endowment fund in support of the Thomas Balch Library.

- **City Status**

The Town Council requests amendment of State Code Section 15.2-3201 and Section 15.2-3800 to terminate restrictions on the granting of city charters to towns with populations more than 40,000.

- **Restoration of HB 599 Law Enforcement Assistance Funding**

The Town Council requests that the General Assembly fully restore HB 599 Law Enforcement Assistance Funding to funding levels per the established formulas.

- **Revision of the Local Fines & Fees Distribution**

The Town Council supports a revision of the local fines and fees distribution that allows localities to retain all fines and fees resulting from citations issued by local law enforcement officers.

- **Add Real Estate Property Tax to Incentives Offered by Arts & Cultural Districts**

The Town Council requests amendment of State Code Section 15.2-1129.1 that specifically lists real estate property tax rebates and/or reductions as a tax incentive that may be offered in local arts and cultural districts.

- **County Enforcement of Uniform Statewide Building Code in Town**

The Town Council requests amendment of State Code Section 36-105 to clarify that if a Town does not have a building department, no agreement is required between the Town and the County for the County to enforce the Uniform Statewide Building Code within the Town.

- **Eminent Domain "Clean Up" Legislation**

Should the Eminent Domain constitutional amendment referenda be approved in the November 2012 general election, the Town Council requests that the General Assembly address certain related issues in the State Code, including:

- Definitions and limitations of lost profits and lost access.
- The ability of municipally-owned utilities to use eminent domain for the extension of utility lines without falling under the jurisdiction of the State Corporation Commission.

- **Double Taxation for Duplicate Services**

The Town Council supports amendments to State Code Title 15.2 that exempts town residents from taxation for county services not provided to town residents because those services are provided by the town.

The Town Council also supports the amendment to State Code Title 15.2 proposed by the Town of Herndon regarding overlapping town and county powers.

- **Transportation Funding**

- ***Intermodal Transportation Facilities.*** The Town Council requests that the General Assembly dedicate additional state and regional transportation funding for highway, transit, bicycle and pedestrian improvements from stable, reliable, proven and permanent sources of revenue.

- ***Construction of Grade-Separated Interchanges.*** The Town Council requests dedicated funding for the construction of grade-separated interchanges to replace the current at-grade signalized intersections of the Route 15 Bypass & Battlefield Parkway, the Route 15 Bypass & Edwards Ferry Road, and Route 7 & Battlefield Parkway.

- **Water Quality Funding**

The Town Council adopts the Virginia Municipal League's position on water quality funding, urging the federal government and the Commonwealth of Virginia to provide adequate funding for capital improvements to sewage treatment plants, stormwater systems, sanitary sewer overflow systems and combined storm and sanitary sewer overflow systems.

- **Repeal HB 1307 (Temporary Family Health Care Structures)**

The Town Council requests the repeal of HB 1307, which requires that localities allow temporary family health care structures as a by-right use in all residential zoning districts.

- **Derelict Temporary Non-residential Structures**

The Town Council requests amendments to State Code Title 15.2, Chapter 9 that would grant localities the authority to demolish derelict temporary non-residential structures and place liens on the properties for the costs of demolition.

- **Tree Save Efforts**

- The Town Council requests amendments to State Code Section 15.2-961 that would grant localities the authority to require private new construction projects to save existing trees.

- The Town Council supports changes in VDOT road standards that would allow greater flexibility to save mature trees during road construction, especially in medians.



# Town of Leesburg 2013 Legislative Positions Statement (Final Draft)

## General Positions

- **Oppose any reduction of local taxing authority.**

The Town Council opposes any reduction or narrowing in the taxing authority of local governments, including but not limited to business license tax, machinery & tools tax and meals tax. Further, the General Assembly should not take any action to restrict the use of current local revenue sources.

- **Oppose any reduction of local land use authority.**

The Town Council opposes any legislation that weakens local authority to plan and regulate land use, zoning and property maintenance. This authority should remain with local governing bodies.

The Town Council generally supports the granting of additional land use, zoning and property maintenance authority to localities, especially in areas experiencing high rates of sustained growth, and as a means to address the fiscal burdens experienced by localities in providing needed public services to local residents.

- **Oppose any unfunded mandates.**

The Town Council opposes any new state mandates that are not fully funded by the Commonwealth, and opposes the shifting of fiscal responsibility from the state to localities for existing programs.

- **Support revenue sharing with state.**

The Town Council supports any state revenue sharing formula to assist local governments with public infrastructure needs so long as the formula includes recognition of the needs in high growth localities.

- **Support the VML Policy Statement.**

The Town Council supports the positions of the Virginia Municipal League, as stated in their 2013 Legislative Program and Policy Statements.

## **Positions on Specific Issues**

### **• Transportation Funding**

- ***Funding for Northern Virginia Projects.*** The Town Council seeks, with other Northern Virginia jurisdictions, the reinstatement of exclusive Northern Virginia revenues in the range of at least \$300 million annually, as well as Northern Virginia's portion of additional statewide revenues to address transportation needs not originally covered by the HB 3202 funding approved for Northern Virginia.
- ***New Statewide Dedicated Revenue Sources.*** The Town Council requests, with other Northern Virginia jurisdictions, that the General Assembly adopt new statewide transportation revenue sources to bolster existing highway and transit revenue sources which are not generating sufficient funding to meet the Commonwealth's critical transportation needs, or to meet the Commonwealth's statutory 95 percent share of eligible transit operating and capital costs (net of fares and federal assistance). This additional transit funding alone would require approximately \$166 million annually in new funds for the limited transit projects and eligible operating costs included in CTB's six-year program.
- The Town Council supports state policy changes to reduce state oversight of locally administered transportation projects. Such oversight is duplicative, cumbersome, and inefficient resulting in unnecessary delays and costs. Periodic state audits of locally administered projects would be more efficient and better policy than constant, day to day oversight.
- The Town Council supports state policy changes to mandate further refinement of VDOT cost estimates for transportation projects in an effort to improve accuracy and thus reduce time lost due to the accumulation of unnecessary excess funds. In those circumstances when excess funds are unavoidable, allow those funds to be allocated to other projects more efficiently.

### **• Transient Occupancy Tax**

The Commonwealth should not allow online travel companies to avoid paying the full transient occupancy tax and the Town Council supports legislation to clarify this in statute.

### **• Prohibit Predatory Lending Practices (*Council Resolution, July 13, 2010*)**

The Town Council supports legislation that prohibits all predatory, usurious lending practices, including but not limited to provisions that would:

- Impose an interest rate cap of thirty-six percent (36%), calculated as an effective annual percentage rate including all fees or charges of any kind, for any consumer credit extended in the Commonwealth of Virginia;
- Prohibit a creditor's use of a personal check or other device as a means, directly or indirectly, to gain access to a consumer's bank account;

- Incorporate into the Virginia Code the protections regarding consumer credit to military personnel as reflected in the Military Lending Act, 10 United States Code, Section 987.

- **Independent Consumer Advocate for Transmission Line Issues**

The Town Council supports legislation that creates an independent office of the consumer advocate within State government to actively participate in transmission lines issues before the State Corporation Commission.

- **Conditional Zoning (Cash and In-Kind Proffers)**

The Town Council supports existing local authority to accept cash and in-kind proffers from developers to assist localities in financing the capital facilities and infrastructure needed to serve new development and opposes legislation to eliminate or restrict that authority.

- **Utility Rates & Connection Fees**

The Town Council supports the existing authority of localities or locally created authorities to impose utility rates and connection fees adequate to support the full cost of water, wastewater and stormwater utility systems, and opposes any legislation that would limit that authority.

- **Higher Education Presence in Leesburg**

The Town Council requests funding for a state-supported higher education presence in the Town of Leesburg.

- **Enforcement of Recycling Regulations**

The Town Council supports legislation that grants localities the authority to enforce compliance with environmental regulations.

- **Civil Zoning Fines**

The Town Council supports legislation that grants localities the authority to collect unresolved civil zoning fines in the same manner as real estate taxes and levies are collected.

- **Line of Duty Act**

The Town Council supports the Virginia Municipal League's position that funding responsibility for the Line of Duty program should be returned to the Commonwealth.

- **Lyme Disease Eradication**

The Town Council supports legislation that addresses the control and eradication of deer ticks that carry Lyme disease within the Commonwealth, so long as appropriate measures are taken to avoid the unintended eradication of non-harmful insect species.

- **Distance-Based Tolls on the Dulles Greenway**

The Town Council opposes legislation that would mandate distance-based tolls on the Dulles Greenway toll road.

- **Equalized City and County Taxing Authority**

The Town Council supports legislation that would equalize city and county taxing authority. Such legislation would provide Loudoun County with additional revenue sources that could help reduce the burden on residential real estate taxes which are paid by Town residents.



# Loudoun County Virginia

Main Property Search

Property Address Parcel ID Number Tax Map Number Advanced Searches

PARID: 191-36-1377-000  
SAMUELS, GARY E & BARBARA L

Tax Map #: /60///5/////1A

CURRENT RECORD

1 of 1

- ▶ Profile
- Values
- Sales / Transfers
- Land Use Status
- Residential
- Detached Structures
- Commercial
- Tax History / Payment
- Map It

### Owner

Name SAMUELS, GARY E & BARBARA L,  
 Care Of  
 Mailing Address PO BOX 2755  
 .  
 . LEESBURG VA 20177 7835  
 Instrument Number 200908040053076  
 Page  
 Book

Neighborhood Sales

Printable Summary

Printable Version

### Parcel

Primary Address  
 State Use Class Commercial/Indust  
 Total Land Area (Acreage) 2.5  
 Total Land Area (SQFT)  
 Election District LEESBURG  
 Billing District Leesburg Town  
 Special Tax District None  
 Neighborhood 400  
 Living Units  
 Structure Occupancy VACANT LAND  
 Condominium Garage Unit or Parking Space NO  
 Subdivision  
 Affordable Dwelling Unit (Y/N) N

### Legal Description

Legal Description BRUCE M BROWNELL DIV L.1A  
 . 1255--105 200908040053076P  
 . (RESUB OF LOT 1)

### General Information

Loudoun County is providing public record information as a public service in accordance with Virginia Code Title 58.1-3122.2 (1998). The Loudoun County Assessor of Real Estate provides annual valuations and maintenance of fair market values for equitable assessments on all types of real property.

The property information made available on this site includes ownership and deed information, legal description, sales information, assessment values and house characteristics and can be searched by Parcel ID Number, Address and Tax Map Number. The site is updated weekly. Parcels are linked to the Loudoun County GIS, with map overlays displaying boundary and environmental information such as topography, soils, flood plain and major roads.

Condominium garage units or assigned parking spaces associated with condominiums may have separate parcel identification numbers - and may be assessed separately.



# Loudoun County Virginia

Main Property Search

Property Address Parcel ID Number Tax Map Number Advanced Searches

PARID: 191-36-1377-000  
SAMUELS, GARY E & BARBARA L

Tax Map #: /60///5/////1A

CURRENT RECORD

1 of 1

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- Residential
- Detached Structures
- Commercial
- Tax History / Payment
- Map It

### Current Values

Fair Market Land	\$599,000	
Fair Market Building	\$0	Neighborhood Sales
Prorated Bldg	\$0	
Effective Date		
Fair Market Total	\$599,000	
Land Use Value	\$0	Printable Summary
Total Taxable Value	\$599,000	
*Deferred Land Use Value	\$0	Printable Version
<b>TAXABLE</b>		
Tax Exempt Code	\$0	
Tax Exempt Land	\$0	
Tax Exempt Building	\$0	
Tax Exempt Total	\$0	
Revitalized Real Estate		
Solar Exemption		

### Values History \*If a property has Land Use Value, it may be subject to Roll Back Taxes for up to 20 years.

Tax Year	FM Land	FM Building	Prorated Bldg	Effective Date	FM Total	*LU Deferred	Taxable Value	Exempt Value
2012	\$599,000	\$0	\$0		\$599,000	\$0	\$599,000	\$0
2011	\$599,000	\$0	\$0		\$599,000	\$0	\$599,000	\$0
2010	\$599,000	\$0	\$0		\$599,000	\$0	\$599,000	\$0
2009	\$633,700	\$0	\$0		\$633,700	\$0	\$633,700	\$0
2008	\$649,700	\$0	\$0		\$649,700	\$0	\$649,700	\$0
2007	\$606,100	\$0	\$0		\$606,100	\$0	\$606,100	\$0

### Note

**FM (Fair Market) = All land/buildings if 100% complete as of January 1.**  
**Prorated value = The building value added as of the effective date for any new construction.**  
**Taxable value = For details select Tax History / Payment.**



## VML 2013 Legislative Program

VML's membership approved the following legislative positions Sept. 25 during the league's annual conference in Williamsburg. The first five items – ranked in order of importance – are priority issues for member local governments in the upcoming 2013 General Assembly session.

### **State budget and local revenues**

The member local governments of the Virginia Municipal League hold the following principles on state budget issues.

#### **The governor and General Assembly should not:**

1. Further restrict local revenue authority or sources without providing alternative revenue authority and sustainable revenue sources. This includes, without limitation, the BPOL and M&T taxes.
2. Confiscate or re-direct local general funds and special funds to the state treasury.
3. Impose new funding requirements or expand existing ones on services delivered by local governments.
4. Shift state funding responsibilities onto local governments, including law enforcement and public safety activities.
5. Impose state fees, taxes or surcharges on local government services.
6. Place additional administrative burdens on local governments.

#### **The governor and General Assembly should:**

1. Immediately examine state requirements and service expansions to determine those that can be suspended or modified to alleviate some of the financial burden on state and local taxpayers.

Here are two specific examples of what the state needs to do:

- Critique the Standards of Accreditation and Standards of Learning to determine which standards impose costs on local governments that are not recognized in state funding formulas. In particular, changes adopted since 2009 to SOAs and SOLs should be examined as state funding on a per-pupil basis is now below 2009 levels.
- Re-examine those Standards of Quality that the Board of Education has adopted, but that the General Assembly has not funded. These standards reflect prevailing practices necessary to improve children's academic performance. Their academic performance is crucial to students and schools meeting the accountability

standards under the SOL and SOA. If funding is not available to pay for prevailing practices, the accountability standards should be adjusted so that local governments are not in the position of having to bear the entire burden of meeting these unfunded mandates.

2. Develop spending and revenue priorities. State tax credits, tax deductions and tax relief policies must receive the same scrutiny as spending programs.

3. After all other actions have been taken including eliminating unnecessary programs, achieving greater program efficiencies, and streamlining service delivery, the state has the obligation to look at ways to increase revenues in order to meet its constitutional and statutory obligations to Virginia citizens.

### **Local Aid to the Commonwealth**

VML supports a budget amendment in the 2013 legislative session to restore the \$50 million reduction included in the FY13 budget, and supports eliminating this across-the-board reduction in FY14 and in any future budgets.

### **Education funding**

A strong public school system is essential to economic development and prosperity. The state must be a reliable funding partner in accordance with the Virginia Constitution and state statutes. The Standards of Quality should recognize the resources, including positions, required for a high-quality public education system. VML opposes changes in methodology and changes in the division of financial responsibility that result in a shift of funding responsibility from the state to localities. As an example, VML opposes the elimination or decrease of state funding for state-mandated benefits for school employees.

Further, VML opposes policies that lower state contributions but do nothing to address the cost of meeting the requirements of the Standards of Accreditation and Standards of Learning. The State Board of Education should identify areas within the Standards of Quality and other educational requirements, such as mandates for expenditures in the area of student health services, which can be modified or eliminated in order to provide localities with greater flexibility in their use of scarce education funds.

VML supports a study by the Joint Legislative Audit and Review Commission to determine how the SOQ may be revised and adequately funded to meet the requirements contained in the Standards of Learning and Standards of Accreditation. VML also supports implementation of JLARC recommendations to promote 3rd grade reading performance.

### **Transportation funding**

VML supports a new, stable and predictable transportation funding plan that is comprehensive and addresses investment across the state. Critical to this plan is a dedicated and ongoing source of non-general fund revenue to support \$65 billion dollars in transportation needs as identified in VTrans2035, Virginia's statewide long-range multimodal transportation plan.

The state should not place new tolls on existing roads as a method to fund ongoing transportation obligations. Further, no decision should be made to place tolls on

an existing road without first evaluating the impact on other roads in the region and on the quality of the environment.

### **Water quality funding**

Virginia's local governments face mounting costs for water quality improvements for sewage treatment plants, urban stormwater, combined sewer overflows (CSOs), and sanitary sewer overflows (SSOs). In response to federal and state legislation, regulation and policies, VML urges the federal government and the Commonwealth to provide adequate funding for these water quality improvements.

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### **Other legislative positions**

#### **Transient Occupancy Tax and on-line travel companies**

VML supports state legislation to make clear that transient occupancy taxes and sales taxes are applied on the room cost paid by the consumer.

In addition, VML should urge the Virginia congressional delegation to oppose any legislation or amendment to preempt state and local taxes from these Internet transactions.

#### **Sales and use taxes on Internet-based sales**

VML supports the continuation of legislation such as SB 597 (2012) to require remote sellers that use in-state facilities to collect and remit Virginia sales tax. (The federal issues identified in this position were sent to the executive committee for action.)

#### **Impact fees & cash proffers**

The General Assembly should enact laws to broaden impact fee authority to allow the adequate assessment of the fees for all public infrastructure, including school construction costs, caused by growth. The General Assembly should take all steps needed to assist towns and cities to work with the surrounding counties to promote growth in patterns that help the vitality of the municipalities by authorizing impact fees for public infrastructure. Any change must not shift the burden of paying for new infrastructure to existing citizens through increased real estate taxes.

#### **Uranium mining**

Uranium mining, milling and waste disposal of generated wastes poses health and environmental problems for Virginians. If these uranium mining activities are permitted in Virginia, VML is concerned that radiation and other pollutants from mill tailings may occur, downstream water supplies may be contaminated, water supplies near uranium mines may disappear or be severely reduced, and the health and safety of uranium miners might be jeopardized.

VML supports the moratorium on the mining and milling of uranium in the Commonwealth of Virginia. Any studies or efforts to develop a regulatory framework should address the concerns, warnings, and conclusions contained in the National Academies of Sciences report to the Commonwealth entitled "Uranium Mining in Virginia" and dated December 2011. Furthermore, the state should take no action to

preempt, eliminate, or preclude local government jurisdiction with respect to whether uranium mining would be allowed in the respective jurisdiction.

### Town-county relations

The Code of Virginia should be amended to clarify the relationship of the exercise of powers by a town and the county in which it sits. The law must make it clear that countywide powers apply in or as to the town only until the town council adopts an ordinance regulating the same topic; that in the appropriate case, local county powers do not apply in or as to towns in the county unless the town so ordains; and that each county is protected from the obligation to exercise county powers solely in or as to towns in the county.

### Health care reform impact on local governments

Many questions remain as to how Virginia will choose to implement the federal Affordable Care Act. Depending on the state's actions and decisions, local governments could face new administrative responsibilities and costs. Any new or enhanced roles and responsibilities for local government must be accompanied by sufficient federal and/or state financial resources.

### Social services funding and penalties

For years the state has consistently underfunded its share of administrative costs (including personnel and technology) for programs administered on its behalf by local departments of social services. The state agency has now decided to make local agencies and local real estate taxpayers solely liable for federal financial penalties resulting from federal audits of the system. Federal law does not require passing this cost onto localities; it is the state's choice to do so. If the state wants to improve performance and accountability, it must fully acknowledge and fulfill its responsibility in this partnership by properly funding, equipping, and supporting the local offices that render services on its behalf. The state should hold off on any assessment of penalties until it has done so.

12104686D

**SENATE BILL NO. 683**

Offered January 31, 2012

A *BILL to amend and reenact § 29.1-521 of the Code of Virginia, relating to tick control; Sunday hunting of deer and permits for application of acaricides.*

\_\_\_\_\_  
 Patron—Black

\_\_\_\_\_  
 Unanimous consent to introduce

\_\_\_\_\_  
 Referred to Committee on Agriculture, Conservation and Natural Resources

**Be it enacted by the General Assembly of Virginia:****1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:**

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon on Sunday, which is hereby declared a rest day for all species of wild bird and wild animal life, except raccoons, which may be hunted until 2:00 a.m. on Sunday mornings. However, a *hunting of deer shall be allowed on Sundays within the boundaries of any locality, upon a finding by the governing body of that locality that tick-borne Lyme disease constitutes a serious threat to public health within the locality and that reduction in the number of deer in the locality is necessary to control the spread of Lyme disease, certification by the Department that there is an overabundance of deer in the locality, and enactment of an ordinance authorizing hunting of deer on Sundays by the governing body of such locality.* A person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit conibear-style body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for

INTRODUCED

SB683

59 transportation, transport, cause to be transported, by any means whatever, receive for transportation or  
60 export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part  
61 thereof, except as specifically permitted by law and only by the manner or means and within the  
62 numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or  
63 transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or  
64 selling turkey callers, (ii) the manufacture or sale of implements, including, but not limited to, tools or  
65 utensils, made from legally harvested deer skeletal parts, including antlers, or (iii) the possession of shed  
66 antlers.

67 11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild  
68 bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including,  
69 but not limited to, subsection D of § 29.1-553. However, any nonprofit organization exempt from  
70 taxation under § 501(c) (3) of the Internal Revenue Code, which is (i) organized to provide wild game  
71 as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated  
72 or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall  
73 not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from  
74 taxation under § 501(c) (3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat  
75 conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have  
76 undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this  
77 subdivision shall be punishable as provided in § 29.1-553.

78 B. Notwithstanding any other provision of this article, any American Indian, who produces  
79 verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or  
80 the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase  
81 or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory  
82 game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves,  
83 feathers, claws and bones.

84 "Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal  
85 identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or  
86 council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

87 C. A violation of subdivisions A 1 through 10 of subsection A of this section shall be punishable as  
88 a Class 3 misdemeanor.

89 **2. That the Department of Game and Inland Fisheries shall develop a pilot program for the**  
90 **issuance of permits for the application of host-specific acaricides to deer via four-poster devices**  
91 **approved by the U.S. Department of Agriculture for such purpose, for the purpose of controlling**  
92 **the tick population and reducing the spread of tick-borne Lyme disease in Loudon County**