

VIRGINIA ACTS OF ASSEMBLY -- 1996 SESSION

CHAPTER 386

An Act for the relief of Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher.

[H 91]

Approved March 31, 1996

Whereas, Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher are the owners of cattle operations on adjacent properties in Floyd County; and

Whereas, in April 1994, the State Veterinarian, on behalf of the Virginia Department of Agriculture and Consumer Services, and the Area Veterinarian in charge, on behalf of the U.S. Department of Agriculture, notified Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher that they had reason to believe that cattle in their herds had contracted tuberculosis and needed to be destroyed; and

Whereas, Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher agreed to cooperate with the State Veterinarian and have their herds destroyed under the belief that they would be fully compensated for their losses under the provisions of federal and state law; and

Whereas, an appraisal of the condemned cattle of Allen Harman and C. W. Harman conducted in accordance with the provisions of § 3.1-750 of the Code of Virginia established the fair cash value of their cattle to be \$346,765; and

Whereas, the U.S. Department of Agriculture paid indemnities of \$185,442.38 to Allen Harman and C. W. Harman, and receipts from the salvage of the slaughtered cattle provided \$69,612.03; the total of these is \$91,712.59 less than the appraised value of the condemned cattle; and

Whereas, an appraisal of the cattle of Douglas Lane Belcher conducted in accordance with the provisions of § 3.1-750 of the Code of Virginia established the fair cash value of the grade cattle to be \$427,250, and of the purebred cattle to be \$34,825, resulting in a total appraised value of Douglas Lane Belcher's herd of \$462,075; and

Whereas, the U.S. Department of Agriculture paid indemnities of \$160,221.49 to Douglas Lane Belcher, and receipts from the salvage of the slaughtered cattle provided \$103,764.76; the total of these is \$198,088.75 less than the appraised value of his condemned cattle; and

Whereas, an appraisal of the cattle of Ava B. Belcher conducted in accordance with the provisions of § 3.1-750 of the Code of Virginia established the fair cash value of the grade cattle to be \$96,595, and of the purebred cattle to be \$3,650, resulting in a total appraised value of Ava B. Belcher's herd of \$100,245; and

Whereas, the U.S. Department of Agriculture paid indemnities of \$36,857.66 to Ava B. Belcher, and receipts from the salvage of the slaughtered cattle provided \$24,687.16; the total of these is \$38,700.18 less than the appraised value of the condemned cattle; and

Whereas, the Commissioner of Agriculture offered an incentive payment to Allen Harman and C. W. Harman of \$10,000 to facilitate their decision to destroy the entire herd; the offer was not accepted by them, nor has such sum been paid; and

Whereas, Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher would not have agreed to the slaughter of their cattle unless they had understood that they would be compensated for the balance of the cattle's value in accordance with § 3.1-754 of the Code of Virginia, which provides that in addition to the amount received for the carcasses of animals slaughtered, further compensation may be paid to the owners by the Virginia Department of Agriculture and Consumer Services out of funds appropriated for that purpose at a rate not exceeding that set forth by the U.S. Department of Agriculture, provided the total amount does not exceed the appraised value of the animals less the amount received for slaughter; and

Whereas, paying compensation to Allen Harman and C. W. Harman in the amount of \$91,712, to Douglas Lane Belcher in the amount of \$198,088.75, and to Ava B. Belcher in the amount of \$38,700.18 would not exceed the rate of compensation established by the U.S. Department of Agriculture; and

Whereas, Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher have no other means to obtain relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the general fund of the state treasury the sum of \$61,141.73 for the relief of Allen Harman and C. W. Harman, the sum of \$132,059.17 for the relief of Douglas Lane Belcher, and the sum of \$25,800.12 for the relief of Ava B. Belcher. These sums shall be paid by checks issued by the State Treasurer on warrants issued by the Comptroller, upon execution by Allen Harman, C. W. Harman, Douglas Lane Belcher, and Ava B. Belcher of a release of all claims they may have against the Commonwealth or any of its political subdivisions or their officers,*

employees, or agents.