

2004 SESSION

INTRODUCED

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SENATE BILL NO. 191

Offered January 14, 2004

Prefiled January 13, 2004

A Bill for the relief of Larry and Virginia Mitchell.

Patron—Reynolds

Referred to Committee on Finance

Whereas, Larry and Virginia Mitchell (the Mitchells) live at 1967 Mitchell Cross Road in Hillsville in Carroll County, Virginia; and

Whereas, the Mitchells lease land in Hillsville upon which crops are grown, including corn; and

Whereas, the Mitchells estimate that a wild bear(s) destroyed approximately 20 percent of their corn crop in each of 2002 and 2003; and

Whereas, the Mitchells estimate the cost of this destruction at \$2,000 in 2002 and \$3,000 in 2003 for total losses of \$5,000; and

Whereas, the Department of Game and Inland Fisheries (the Department) visited the Mitchell's farm and confirmed that a bear(s) did destroy part of the Mitchell's corn crop; and

Whereas, such losses occurred in the months of August and September 2002 and the months of August and September 2003; and

Whereas, the Mitchells assert that in the approximate period of 1998 to 2000 the Department on several occasions released bears in Pulaski County; and

Whereas, the Mitchells assert that the place of release in Pulaski County was about 30 miles from the Mitchell's farm; and

Whereas, Larry Mitchell states that he saw a bear with a radio-tracking collar around its neck in May 2002, approximately one-half mile from his farm; and

Whereas, the Mitchells state that a neighbor told them that he saw a Department truck towing a trailer with a bear cage on it in the immediate vicinity of the Mitchell's farm sometime in 2000; and

Whereas, the Mitchells state that their neighbor could not confirm whether or not a bear was inside such cage; and

Whereas, for the foregoing reasons, the Mitchells believe that a bear(s) released by the Department was responsible for the damage to their crops; and

Whereas, the Department denies releasing any bear in the immediate vicinity of the Mitchell's farm; and

Whereas, the Mitchells state that in September of 2003 game wardens issued a warning ticket to their neighbor for leaving bread near the Mitchell's corn crop; and

Whereas, the Department indicated that such a warning ticket was given for baiting bear; and

Whereas, the Mitchells state that in 2003 employees of the Department indicated that they would issue them a kill permit next year if they suffer additional crop damage; and

Whereas, the kill permit would allow the Mitchells to kill a bear damaging their corn crop; and

Whereas, under § 29.1-352 of the Code of Virginia a locality may adopt a damage stamp program to establish a source of funds to compensate citizens for damage to crops caused by a bear; and

Whereas, under the damage stamp program localities may charge hunters an annual fee of \$1 to purchase such a stamp; and

Whereas, a person may not lawfully hunt bear or deer in a locality that has adopted a damage stamp program unless such person has purchased the damage stamp; and

Whereas, one use of the proceeds from the \$1 annual damage stamp fee is to compensate persons for losses caused by bear or deer; and

Whereas, Carroll County has not adopted a damage stamp program and, as a result, the Mitchells cannot apply for relief under such program; and

Whereas, the Mitchells suffered \$5,000 in economic losses from the destruction of their corn crop and have no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there shall be paid for the relief of Mr. and Mrs. Larry and Virginia Mitchell (the Mitchells), from the general fund of the state treasury, upon execution of a release of all claims they may have against the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision in connection with the aforesaid occurrence, the sum of \$5,000 to be paid to the Mitchells, on or before September 1, 2004, by check issued by the State Treasurer on warrant of the Comptroller.*

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