

Senate Fiscal Agency
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SFA**BILL ANALYSIS**

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House Bill 5136 (Substitute H-3 as reported without amendment)
Sponsor: Representative Tom Meyer
House Committee: Agriculture and Resource Management
Senate Committee: Farming, Agribusiness and Food Systems

Date Completed: 4-8-02

RATIONALE

Some environmentalists espouse a "hands-off nature" doctrine that includes objections to genetically engineered or modified crops. Altering a plant's genetics, some claim, works against nature by bypassing millions of years of evolution, and could cause long-term, unforeseen consequences. Environmental extremist groups such as the Earth Liberation Front (ELF) believe that physically destroying genetically engineered or modified plants is the most effective method of protest. Recent examples of ELF's sabotage include a fire set at a global biotechnology project at Michigan State University. The 1999 arson caused \$400,000 in damage, according to an article in *The Christian Science Monitor* (7-5-02). A website posted by the Center for Food and Agricultural Research lists additional groups that have claimed responsibility for the destruction of research crops at the University of Washington and the University of California at Berkeley, as well as numerous incidents in the United Kingdom. Replacement of the crops is sometimes impossible, or, at the least, very costly. Some people believe that future "eco-terrorism" would be deterred if those found guilty of destroying research crops were forced to pay substantial fines.

CONTENT

The bill would amend the Revised Judicature Act to provide that any person who intentionally damaged or destroyed all or part of a field crop grown for research or testing would be liable for the plaintiff's damages and legal costs and fees.

Under the bill, the court would have to award damages to the prevailing plaintiff in the

amount of twice the market value of the field crop damaged or destroyed, and, if applicable, the value of the crop research or testing. In addition, the court would have to award to the plaintiff costs and fees associated with the civil action, including reasonable attorney fees, the reasonable and necessary expenses of expert witnesses, and the reasonable cost of any study, analysis, engineering report, test, or project determined necessary by the court to prepare the party's case.

"Crop research or testing" would mean a crop produced in conjunction with or as a part of a private research or testing program or facility, or a research or testing program funded by a Federal, State, or local governmental agency. "Field crop" would mean plants that include, but are not limited to, those considered and grown as production crops, ornamentals, vegetables, fruit, turf, horticultural crops, industrial crops, plants grown for the production of pharmaceuticals or similar use, seed production crops, livestock crops, and animal feed crops.

Proposed MCL 600.2973

ARGUMENTS

(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)

Supporting Argument

Biotechnology helps sustain the world's food supply. Genetic scientists alter plants to combat disease, promote health, fight hunger, and reduce pesticides. For example, a strain of genetically altered corn requires fewer herbicide applications and less tilling of the

soil, thus benefitting the environment and cutting down on topsoil erosion. Because of a genetic modification, some strawberries are more frost-resistant, resulting in a greater supply of fresh berries and more profit for farmers. More significantly, rice that has been modified to contain beta-carotene has been introduced in Asia to combat human vitamin-A deficiency.

While science ultimately progresses despite ignorance and violence, the actions of a few extremist groups can have detrimental effects on consumers, farmers, animals, and Third World nations. Regardless of whether one supports or opposes genetic engineering, eco-terrorists should be deterred from destroying years of knowledge and millions of dollars of research. The bill would dissuade future vandals and rectify injustices by forcing those convicted of harming or ruining research crops to pay their victims for the damage they have caused. Reportedly, 17 other states already have passed laws strengthening penalties for attacks on research crops.

Legislative Analyst: Claire Layman

FISCAL IMPACT

The bill would have an indeterminate impact on the State and local units of government. The extent to which universities or governmental units would become plaintiffs in those actions in the future is not determinable.

Fiscal Analyst: Bill Bowerman

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.