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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

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.

MCL 600.2973

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.

Date Completed: 3-21-02

Fiscal Analyst: Bill Bowerman