

State of South Dakota

SEVENTY-SIXTH SESSION
LEGISLATIVE ASSEMBLY, 2001

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HOUSE ENGROSSED NO. **HB 1169** - 02/13/2001

Introduced by: Representatives Jaspers, Begalka, Duenwald, Flowers, Hanson (Gary), Hargens, Jensen, Juhnke, and Pederson (Gordon) and Senators Diedrich (Larry), Dennert, Drake, Duxbury, Greenfield, Hainje, and Symens

1 FOR AN ACT ENTITLED, An Act to establish a civil remedy for the destruction of certain field
2 crop products, animals, and organisms.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. No person other than the owner may, willfully and knowingly, damage or destroy
5 any field crop, animal, or organism product that is grown for personal or commercial purposes,
6 or for testing or research purposes, in the context of a product development program in
7 conjunction or coordination with a private research facility or a university or any federal, state,
8 or local government agency. Any person who violates this provision is liable for twice the value
9 of the crop, animal, or organism damaged or destroyed. However, this section does not apply
10 to crops, animals, or organism damaged or destroyed by emergency vehicles and personnel
11 acting in a reasonable and prudent manner.

12 Section 2. In awarding damages under this Act, the court shall consider the market value of
13 the crop, animal, or organism prior to damage or destruction, and production, research, testing,
14 replacement, and development costs directly related to the crop, animal, or organism that has

1 been damaged or destroyed as part of the value.

2 Section 3. Damages available under this Act are limited to twice the market value of the
3 crop, animal, or organism prior to damage or destruction plus twice the actual damages involving
4 production, research, testing, replacement, and development costs directly related to the crop,
5 animal, or organism that has been damaged or destroyed.