

Introduced by

Senators Wanzek, Fischer, Nichols

Representatives Berg, Nicholas, B. Thoreson

1 A BILL for an Act relating to awards for the damage and destruction of crops, livestock, or
2 commodities.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

4 **SECTION 1. Damage or destruction of crops, livestock, or commodities -**
5 **Damages.**

- 6 1. A person is liable for damages as provided in subsection 2 if that person willfully
7 and knowingly damages or destroys any crop, livestock, or commodity which is
8 being produced, or has been produced for:
 - 9 a. Personal or commercial purposes; or
 - 10 b. Testing or research purposes as part of a product development program in
11 conjunction with or in coordination with a private research facility, a university,
12 or any federal, state, or local government entity.
- 13 2. In awarding damages under subsection 1, a court shall consider the market value
14 of the crop, livestock, or commodity before the damage or destruction and the
15 production, research, testing, replacement, and development costs directly related
16 to the crop, livestock, or the commodity. A person found by the court to have been
17 damaged under this section may recover reasonable attorneys' fees, exemplary
18 damages, and twice the market value of the crop, livestock, or commodity before
19 the damage or destruction and twice the actual production, research, testing,
20 replacement, and development costs. Damages to crops, livestock, or
21 commodities under this section which are reasonably necessary under a written
22 contract or recorded easement duly entered into by the crop, livestock, or
23 commodity producer are not recoverable.

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- 1 3. This section does not preclude or limit any other right or remedy available under
2 law or equity.