

HB 2744

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LEGISLATIVE SERVICES
STATE HOUSE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001



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COMMITTEE SUBSTITUTE
FOR
House Bill No. 2744

(By Delegates Williams, Stemple, Butcher and Boggs)



Passed April 10, 2001

In Effect Ninety Days from Passage

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OFFICE OF THE CLERK
SECRETARY OF STATE

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FOR

H. B. 2744

(BY DELEGATES WILLIAMS, STEMPLE, BUTCHER AND BOGGS)

[Passed April 10, 2001; in effect ninety days from passage.]

AN ACT to amend article nineteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to liability for certain damage or destruction of a sylvicultural or agricultural field test crop and damages recoverable.

Be it enacted by the Legislature of West Virginia:

That article nineteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 19. PRESERVATION OF AGRICULTURAL PRODUCTION.

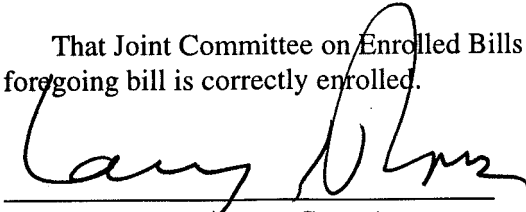
§19-19-6. Liability for damage or destruction of sylvicultural or agricultural field test crop; damages.

1 (a) Any person or legal entity who willfully and knowingly
2 damages or destroys, or allows an instrumentality within his or
3 her control to damage or destroy a silvicultural or agricultural
4 field test crop that is grown for personal purposes, commercial
5 purposes, or for testing or research purposes in the context of a
6 product development program in conjunction or coordination
7 with a private research facility or a university or any federal,
8 state or local government agency, shall be liable for twice the
9 market value of the crop damaged or destroyed prior to damage
10 or destruction, as determined by a court of competent jurisdic-
11 tion, plus interest and reasonable court costs. Where the
12 damaged or destroyed crops are grown for testing or research
13 purposes, damages shall also include twice the actual damages
14 relating to production, research, testing, replacement and crop
15 development costs directly related to the crop that has been
16 damaged or destroyed.

17 (b) The rights and remedies available under this section are
18 in addition to any other rights or remedies otherwise available
19 in law or statute.

20 (c) For the purpose of this section, the term “person” means
21 an individual or any nongovernmental group, association,
22 corporation or any other nongovernmental entity.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



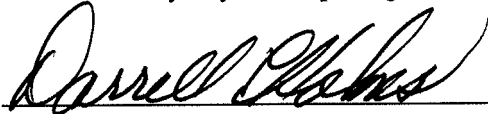
Chairman Senate Committee



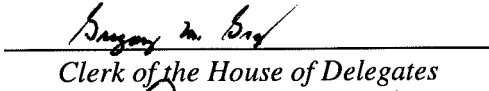
Chairman House Committee

Originating in the House.

In effect ninety days from passage



Clerk of the Senate



Clerk of the House of Delegates

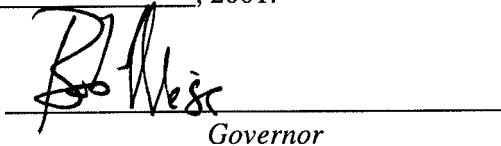


President of the Senate



Speaker of the House of Delegates

The within is approved this the 14th
day of April, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/12/01

Time 5:25 pm