

FIRST REGULAR SESSION

# HOUSE BILL NO. 317

## 93RD GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVES SHOEMYER (Sponsor), WILDBERGER, WHORTON,  
DARROUGH, SELBY, HARRIS (110), DOUGHERTY, FRASER, AULL, KUESSNER, BAKER (25),  
SPRENG, ROBINSON AND HENKE (Co-sponsors).

Read 1<sup>st</sup> time January 25, 2005 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

0658L.011

---

### AN ACT

To amend chapter 266, RSMo, by adding thereto one new section relating to the seed availability and competition act, with a penalty provision.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapter 266, RSMo, is amended by adding thereto one new section, to be  
2 known as section 266.141, to read as follows:

**266.141. 1. This section shall be known and may be cited as the "Missouri Seed  
2 Availability and Competition Act".**

**3 2. Any farmer who plants patented seed on land owned or leased by the farmer and  
4 seeks to retain seed from the harvest of such planting for replanting the following planting  
5 season shall register with the department of agriculture. Such farmer shall provide the  
6 department with the number of bushels of seed to be retained and pay a seven-dollar per  
7 bushel fee for the retention of such seed. Six dollars of the seven-dollar fee shall be  
8 collected by the department and paid on a quarterly basis to the person or persons holding  
9 the patent for the seed. One dollar of the seven-dollar fee may be used by the department  
10 for administrative costs associated with the registration of such seed. Any portion of the  
11 one-dollar fee not used by the department for administrative costs shall be deposited into  
12 a subaccount of the genetically engineered seed fund established in subsection 3 of this  
13 section and shall be subject to appropriation to the University of Missouri for agricultural  
14 research and development.**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15           **3. There is hereby created in the state treasury the "Genetically Engineered Seed**  
16 **Fund", which shall consist of fees collected pursuant to this section. The fund shall be**  
17 **administered by the department of agriculture and all moneys in the fund shall be**  
18 **distributed by the department of agriculture in accordance with this section.**  
19 **Notwithstanding the provisions of section 33.080, RSMo, to the contrary, any moneys**  
20 **remaining in the fund at the end of the biennium shall not revert to the credit of the**  
21 **general revenue fund.**

22           **4. A farmer who plants such seed shall only be liable for any health, safety, and**  
23 **environmental impacts if such farmer intentionally or negligently fails to substantially**  
24 **follow the patent holder's and manufacturer's instructions and guidelines for planting such**  
25 **seed.**

26           **5. Any person who violates the provisions of this section commits the crime of**  
27 **misappropriation of patented seed and is guilty of a class D felony.**

28           **6. Nothing in this section shall preclude the right of the owner of the**  
29 **misappropriated seed from seeking all other remedies available at law.**