

SECOND REGULAR SESSION

HOUSE BILL NO. 1300

93RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SHOEMYER.

Read 1st time January 10, 2006 and copies ordered printed.

STEPHEN S. DAVIS, Chief Clerk

4200L.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.**

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