

SECOND REGULAR SESSION

# SENATE BILL NO. 667

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SHOEMYER.

Pre-filed December 1, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

3281S.011

## AN ACT

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

*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  
2 section, to be known as section 266.141, to read as follows:

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

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

**18 3. There is hereby created in the state treasury the "Genetically  
19 Engineered Seed Fund", which shall consist of fees collected pursuant  
20 to this section. The fund shall be administered by the department of  
21 agriculture and all moneys in the fund shall be distributed by the**

22 departm ent of agriculture in accordance with this section. The state  
23 treasurer shall be custodian of the fund and may approve  
24 disbursements from the fund in accordance with sections 30.170 and  
25 30.180. Notwithstanding the provisions of section 33.080 to the  
26 contrary, any moneys remaining in the fund at the end of the biennium  
27 shall not revert to the credit of the general revenue fund. The state  
28 treasurer shall invest moneys in the fund in the same manner as other  
29 funds are invested. Any interest and moneys earned on such  
30 investments shall be credited to the fund.

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

35 5. Any person who violates the provisions of this section commits  
36 the crime of misappropriation of patented seed and is guilty of a class  
37 D felony.

38 6. Nothing in this section shall preclude the right of the owner  
39 of the misappropriated seed from seeking all other remedies available  
40 by law.

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