

House Resolution Number

Whereas, for as long as farmers have tilled soil, they have had the right to save seed for their own use. In the last half of the 20th century, however, farmers have been asked to sign contracts with seed companies which makes it illegal to save certain patented seed for replanting; and

Whereas, the Plant Variety Protection Act of 1970 states that farmers can save seed from a crop but only if the seed is for replanting on their own farm, but the Act does not mention genetically-engineered seed which are patented by seed companies. United States patent law extends beyond the Plant Variety Protection Act of 1970 and prevents the practice of harvesting and replanting genetically-engineered seed and other patented seed from one year to the next; and

Whereas, some seed companies have been diligently working to prevent farmers around the world from saving their own seed from plants originally grown with seed purchased from such companies and are trying to find ways to encourage farmers to switch to genetically-engineered, proprietary seed instead of relying on the eons-old practice of saving their own locally-produced and conventionally-bred seed; and

Whereas, even more threatening to the practice of saving seed for replanting is the development of seed terminator technology which creates sterile seed by programming a plant's DNA to kill its own embryos. If such seeds are saved at harvest for future crops, the seed produced by these plants will not grow, thereby forcing farmers to purchase seed every year from seed companies; and

Whereas, the logic for seed terminator technology and the patenting of genetically-engineered seed is based on the financial investments of seed companies in developing and producing new varieties of seed. The seed companies hope to sell large quantities of patented seed to recoup the moneys spent on crop research and seed development, and to realize a profit on their investment; and

Whereas, while there may be hundreds of seed companies that sell a particular genetically-engineered or patented seed, there is only one patent holder for each seed variety and all farmers must sign the same contract, the terms of which are lopsidedly in favor of the patent holder due to a lack of bargaining power by the farmers; and

Whereas, while many farmers are struggling to stay in operation, many of the biotechnology companies lack an understanding of the farmers' plight and are viewed by many to be immune from the current farm crisis, in part because technology fees are collected up-front before the seed ever goes into the ground; and

Whereas, while plant patents, gene licensing agreements, intellectual property laws, investigations and lawsuits brought against farm families for infringing on a seed company's monopoly on seed varieties are some of the means now used to protect the interests of seed companies, the legitimate interests of farmers have not been adequately protected or addressed:

Now, therefore, be it resolved that we, the members of the Missouri House of Representatives, Ninety-second General Assembly, encourage the United States Congress to enact legislation to establish a program that allows farmers who plant patented seed to retain seed from the harvest for replanting the following season by paying a fee to the entities holding the patent for the seed and places adequate restrictions on the use of seed terminator technologies to make it possible to replant harvested seed; and

Be it further resolved that the Chief Clerk of the Missouri House of Representatives be instructed to prepare a properly inscribed copy of this resolution for Ann M. Veneman, Secretary of the United States Department of Agriculture, and each member of the Missouri Congressional delegation.

Offered by _____
Representative Therese Sander
District No. 22

I, Catherine L. Hanaway, Speaker of the House of Representatives, Ninety-second General Assembly, Second Regular Session, do certify that the above is a true and correct copy of House Resolution No. _____, adopted _____, 2004.

Catherine L. Hanaway, Speaker