

FIRST REGULAR SESSION

HOUSE BILL NO. 1015

96TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVES HUGHES (Sponsor), SHIVELY, HODGES,
SCHIEFFER AND QUINN (Co-sponsors).

1999L.02I

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To amend chapter 266, RSMo, by adding thereto one new section relating to farm commodities.

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 266.115, to read as follows:

266.115. 1. As used in this section, the following terms shall mean:

2 (1) "Alien seed or plant", any seed or plant type which is of a different type than
3 the usual or predominant crop planted on the same land;

4 (2) "Farmer", the person responsible for planting, managing, and harvesting a seed
5 or plant crop.

6 2. In any dispute arising against a farmer for unauthorized use of intellection
7 property based on the discovery of alien seeds or plants located on a farmer's land, the
8 accusing party shall be required to submit the case to a dispute resolution process to
9 resolve the dispute prior to filing any cause of action in a court of law.

10 3. In such dispute resolution process:

11 (1) The case shall be heard by a panel of farmers and business representatives with
12 expertise in the type of seeds and plants in dispute from the area in which the dispute
13 arose. All members of the panel shall have no affiliation with any of the parties involved
14 in the dispute;

15 (2) The accusing party shall have the burden of proving by a preponderance of the
16 evidence that the farmer knowingly had alien crops seeded with the farmer's usual or
17 predominant crop seed or plant type; and

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.

18 **(3) The dispute resolution panel shall make a determination, in writing, on whether**
19 **the dispute meets the requirements of subdivision (2) of this section. If the panel finds in**
20 **the affirmative, the accusing party may file a cause of action in a court of competent**
21 **jurisdiction based on such dispute. If the panel does not find sufficient evidence in the**
22 **case, the farmer and the company may file a cause of action in a court of competent**
23 **jurisdiction against the accusing party for damages for lost time, loss of reputation, and**
24 **any reduction in crop yield directly resulting from such dispute.**

25 **4. No court shall hear any cause of action filed for unauthorized use of intellectual**
26 **property as described in this section unless the petitioner files the findings of the dispute**
27 **panel with the petition. The findings of the dispute resolution panel shall be admissible in**
28 **any court action filed in the dispute.**

29 **5. The party the panel finds in favor of shall be liable for any fees or charges**
30 **associated with an investigation by the accusing party pending a final determination in the**
31 **disputed case. The party the panel finds against shall be responsible for paying a**
32 **reasonable portion of the other party's fees and expenses associated with the dispute. The**
33 **amount paid by the party the panel finds against shall not place such party in financial**
34 **hardship.**