

HB 1015 -- Farm Commodities

Sponsor: Hughes

This bill requires the accusing party in any dispute arising against a farmer for the unauthorized use of intellectual property based on the discovery of alien seeds or plants located on the farmer's land to submit the case to a dispute resolution process to resolve the dispute before filing an action in a court of law.

In the dispute resolution process:

- (1) The case must be heard by a panel of unaffiliated farmers and business representatives with expertise in the type of seeds and plants in dispute from the area in which the dispute rose;
- (2) The accusing party must prove by a preponderance of the evidence that the farmer knowingly had alien crops seeded with the farmer's usual or predominant crop seed or plant type; and
- (3) The panel must make a written determination on whether the accusing party has proven the accusation. If so, the accusing party may file an action in a court of competent jurisdiction. If not, the farmer or the company can file an action in a court of competent jurisdiction for lost time, loss of reputation, and any reduction in crop yield directly resulting from the dispute.

A court cannot hear any action filed for the unauthorized use of intellectual property unless the petitioner files the findings of the panel with the petition. The findings of the panel will be admissible in any court action filed in the dispute.

The party who the panel finds in favor of will be liable for any fees or charges associated with an investigation by the accusing party pending a final determination in the disputed case. The party who the panel finds against will be responsible for paying a reasonable portion of the other party's fees and expenses but cannot place him or her in financial hardship.