

EXHIBIT 5
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February 11, 2009

To: House Agriculture Committee

RE: HB 445 Montana's Farmer Protection Bill

Timeless Seeds, Inc
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Mr. Chairman and members of House Agriculture Committee:

On behalf of myself and the 6 employees of Timeless Seeds, Inc., I would like to go on record supporting HB 445.

I am a third generation Montana farmer and co-founder and manager of Timeless Seeds, Inc. Timeless Seeds is a 20 year old business started by four Montana farmers, headquartered in Conrad, with production facilities in Ulm, near Great Falls. We contract, process, and market specialty grains grown across the state and region, and market them in high value markets both domestically and overseas.

While this bill is titled a "Farmer Protection Bill", in fact it also directly protects independent seed and grain processors and marketers in Montana. Timeless does not intentionally buy or sell patented seed, but we do purchase and process seed from and numerous farmers around the region.

While one would assume that current law protects both farmers and seed plants from unauthorized trespass by large, often multi-national, corporations who own patented seeds; that current law protects farmers and seed plants from liability for unknowingly handling patented seed or grain; that current law protects farmers and seed plants from the unreasonable legal expense of defending oneself from trespass or unknowingly handling patented seed, that is not the case. A number of incidences reported by both farmers and fellow seed plant owners across the country indicate neither farmers nor local seed plants are protected in most states.

HB 445 would establish the basic right to do business without undue financial burden and unfair harassment. We strongly support HB 445 as a needed protection for Montana business enterprises.

Sincerely,

David N. Oien, President
Timeless Seeds, Inc.

February 10, 2009

Dear Chairman and Members of the Montana House Agriculture Committee:

I am a farmer in Indiana and in July of 2004 two men appeared at my home unannounced. Their first question was, "We would like to ask you a few questions about your farming operation." They presented me with a card "McDowell & Associates, LTD." On the card it stated "Providing Actionable information and real life solutions." They did not tell me they were investigators from Monsanto or subcontracted by same. I did not answer all of their questions.

On November 19, 2004 I received a letter from Monsanto's attorney giving me 7 days to send my production records to him.

I kept wondering, why why Why are they after me? I do not plant or use any of their products and have not signed a Monsanto Technology agreement (seed contract). I do not plant or use any of their products. Thankfully Indiana has a seed contract law in force and it states that my trial would be in my Federal Court district, and I would not have to go to St. Louis, Monsanto's home state... I hired a criminal attorney within walking distance of the Federal Court House here in Fort Wayne.

We sent letters giving some information and wanting to know why they pursued me. Finally Monsanto's attorney threatened me with an agreement between his client "Monsanto" & the Indiana Dept of agriculture to search my land. I asked for a copy of said agreement as I knew Indiana did not have a Department of Agriculture at the time. To this day I have not received an answer of any kind from Monsanto!

Farmers deserve to be notified of investigations through an honest process, and farmers who haven't planted patented seed deserve to be protected from unreasonable allegations when wrongly pursued. Most farmers have never seen the inside of a courtroom let alone a Federal Court House. These investigations can be expensive and emotionally stressful.

I hope Montana will follow Indiana and other states, like North Dakota, in passing a bill that provides farmers like me who are mistakenly targeted with seed patent investigations some protections of our rights as farmers. Montana should enact guidelines for patent holders to follow when collecting crop samples and pursuing patent infringement cases. All parties should be aware of the process and kept honest.

Sincerely, David Runyon

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