

Act No. 66
Public Acts of 1995
Approved by the Governor
May 30, 1995
Filed with the Secretary of State
May 31, 1995

**STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1995**

Introduced by Reps. Green, Llewellyn, Kukuk, Gnodtke, Horton, Rocca, Wetters, Nye, Jaye, Rhead, Hill,
LaForge, McManus, Anthony and Gernaat

ENROLLED HOUSE BILL No. 4630

AN ACT to amend the title and section 3 of Act No. 221 of the Public Acts of 1959, entitled "An act to define certified and certain classes of seed; to authorize the director of agriculture to promulgate rules and regulations governing the certification of seed as to certain genetic and other standards; to authorize the designation by the director of official seed certification agencies; and to provide penalties for the violation of this act," being section 286.73 of the Michigan Compiled Laws; and to repeal acts and parts of acts.

The People of the State of Michigan enact:

Section 1. The title and section 3 of Act No. 221 of the Public Acts of 1959, being section 286.73 of the Michigan Compiled Laws, are amended to read as follows:

TITLE

An act to define certified and certain classes of seed; to authorize the director of agriculture to promulgate rules and regulations governing the certification of seed as to certain genetic and other standards; to authorize the designation by the director of certain official seed certification agencies; to provide immunity for certain persons under certain circumstances; and to provide penalties for the violation of this act.

Sec. 3. (1) The director of the department of agriculture shall, after consultation with the dean of agriculture of Michigan state university and the director of the Michigan agricultural experiment station, and after due notice and public hearing, designate official seed certifying agencies that he or she finds qualified to assist and advise him or her in carrying out this act in order to advise as to variety, type, strain, or other genetic characteristics and to recommend standards for agricultural or vegetable seeds or plant propagating materials to be certified and the labeling of the seeds. The director of the department of agriculture shall authorize the designated official seed certifying agencies to charge a fee commensurate with the cost of the seed certification function.

(2) Except as otherwise provided in subsection (3), a person shall not have a cause of action against a designated official seed certifying agency or its agent or employee if the designated seed certifying agency or its agent or employee is engaged in duties permitted by this act and utilizes written and approved procedures and protocols established by the director of the department of agriculture.

(3) A designated official seed certifying agency or its agent or employee is liable for injuries to persons and damages to property under 1 or more of the following circumstances:

(a) The designated official seed certifying agency or its agent or employee failed to follow written procedures and protocols.

(b) The designated seed certifying agency or its agent or employee improperly interpreted the laboratory test results even though the written procedures and protocols were followed.

(c) The actions taken by the designated official seed certifying agency or its agent or employee were not within the scope of its official duties.

Section 2. Section 4 of Act No. 221 of the Public Acts of 1959, being section 286.74 of the Michigan Compiled Laws, is repealed.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.