



# HOUSE BILL No. 4630

March 21, 1995, Introduced by Reps. Green, Llewellyn, Kukuk, Gnodtke, Horton, Rocca, Wetters, Nye, Jaye, Rhead, Hill, LaForge, McManus, Anthony and Gernaat and referred to the Committee on Agriculture and Forestry.

A bill 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:

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

4 TITLE

5 An act to define certified and certain classes of seed; to  
6 authorize the director of agriculture to promulgate rules and

1 regulations governing the certification of seed as to certain  
2 genetic and other standards; to authorize the designation by the  
3 director of CERTAIN official seed certification agencies; TO PRO-  
4 VIDE IMMUNITY FOR CERTAIN PERSONS UNDER CERTAIN CIRCUMSTANCES;  
5 and to provide penalties for the violation of this act.

6       Sec. 3. (1) The director OF THE DEPARTMENT OF AGRICULTURE  
7 shall, after consultation with the dean of agriculture of  
8 Michigan state university and the director of the Michigan agri-  
9 cultural experiment station, and after due notice and public  
10 hearing, designate official seed certifying agencies ~~which~~ THAT  
11 he OR SHE finds qualified to assist and advise him OR HER in car-  
12 rying out this act ~~and~~ IN ORDER to advise as to variety, type,  
13 strain, or other genetic characteristics and to recommend stan-  
14 dards for agricultural or vegetable seeds or plant propagating  
15 materials to be certified and the labeling of the seeds. The  
16 director OF THE DEPARTMENT OF AGRICULTURE shall authorize the  
17 designated official seed certifying agencies to charge a fee com-  
18 mensurate with the cost of the seed certification function.

19       (2) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (3), A PERSON  
20 SHALL NOT HAVE A CAUSE OF ACTION AGAINST A DESIGNATED OFFICIAL  
21 SEED CERTIFYING AGENCY OR ITS AGENT OR EMPLOYEE IF THE DESIGNATED  
22 SEED CERTIFYING AGENCY OR ITS AGENT OR EMPLOYEE IS ENGAGED IN  
23 DUTIES PERMITTED BY THIS ACT AND UTILIZES WRITTEN AND APPROVED  
24 PROCEDURES AND PROTOCOLS ESTABLISHED BY THE DIRECTOR OF THE  
25 DEPARTMENT OF AGRICULTURE.

1       (3) A DESIGNATED OFFICIAL SEED CERTIFYING AGENCY OR ITS  
2 AGENT OR EMPLOYEE IS LIABLE FOR INJURIES TO PERSONS AND DAMAGES  
3 TO PROPERTY UNDER 1 OR MORE OF THE FOLLOWING CIRCUMSTANCES:

4       (A) THE DESIGNATED OFFICIAL SEED CERTIFYING AGENCY OR ITS  
5 AGENT OR EMPLOYEE FAILED TO FOLLOW WRITTEN PROCEDURES AND  
6 PROTOCOLS.

7       (B) THE DESIGNATED SEED CERTIFYING AGENCY OR ITS AGENT OR  
8 EMPLOYEE IMPROPERLY INTERPRETED THE LABORATORY TEST RESULTS EVEN  
9 THOUGH THE WRITTEN PROCEDURES AND PROTOCOLS WERE FOLLOWED.

10       (C) THE ACTIONS TAKEN BY THE DESIGNATED OFFICIAL SEED CERTI-  
11 FYING AGENCY OR ITS AGENT OR EMPLOYEE WERE NOT WITHIN THE SCOPE  
12 OF ITS OFFICIAL DUTIES.

13       Section 2. Section 4 of Act No. 221 of the Public Acts of  
14 1959, being section 286.74 of the Michigan Compiled Laws, is  
15 repealed.