



SENATE BILL No. 263

February 14, 1995, Introduced by Senators MC MANUS,
GOUGEON, NORTH, SCHUETTE and SHUGARS 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.

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
7 regulations governing the certification of seed as to certain

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

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

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

25 (3) A DESIGNATED OFFICIAL SEED CERTIFYING AGENCY OR ITS
26 AGENT OR EMPLOYEE IS LIABLE FOR INJURIES TO PERSONS AND DAMAGES
27 TO PROPERTY UNDER EITHER OR BOTH OF THE FOLLOWING CIRCUMSTANCES:

1 (A) THE DESIGNATED OFFICIAL SEED CERTIFYING AGENCY OR ITS
2 AGENT OR EMPLOYEE, FAILED TO FOLLOW WRITTEN PROCEDURES AND
3 PROTOCOLS.

4 (B) THE ACTIONS TAKEN BY THE DESIGNATED OFFICIAL SEED CERTI-
5 FYING AGENCY OR ITS AGENT OR EMPLOYEE WERE NOT WITHIN THE SCOPE
6 OF ITS OFFICIAL DUTIES.