



HOUSE BILL No. 5158

October 20, 1993, Introduced by Reps. Goschka, Lowe, Gernaat, McManus, McBryde, Rhead, Vorva, Whyman, Kukuk, Horton, Voorhees, LeTarte, Dalman and Weeks 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) THE DESIGNATED OFFICIAL SEED CERTIFYING AGENCIES AND
19 THEIR EMPLOYEES, WHILE ENGAGING IN THEIR DUTIES PRESCRIBED BY
20 THIS SECTION, SHALL BE IMMUNE FROM TORT LIABILITY FOR INJURIES TO
21 PERSONS OR DAMAGES TO PROPERTY UNLESS THE INJURIES OR DAMAGES
22 WERE CAUSED BY THE GROSS NEGLIGENCE OR WILLFUL AND WANTON MISCON-
23 DUCT OF THE OFFICIAL SEED CERTIFYING AGENCY OR ITS EMPLOYEES OR
24 AGENTS.