



**House
Legislative
Analysis
Section**

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SEED CERTIFICATION: LIABILITY

House Bill 4630

Sponsor: Rep. Mike Green

Committee: Agriculture & Forestry

Complete to 3-21-95

A SUMMARY OF HOUSE BILL 4630 AS INTRODUCED 3-21-95

Current law defines what constitutes "certified" seed and other classes of seed and authorizes the Department of Agriculture to designate official seed certifying agencies, which assist the department in setting standards for certifying the variety, type, strain, or other genetic characteristics of agricultural and vegetable seeds or plant propagating materials. The bill would amend the act to provide that a person, except as specified in the bill, could not have a cause of action against a designated seed certifying agency or its agents or employees if the agency, its agents, or employees "engaged in duties permitted by [the] act" and utilized written and approved procedures and protocols established by the Department of Agriculture director.

Under the bill, however, official seed certifying agencies or their agents or employees would be liable for injuries to persons and damages to property if one or more of the following occurred:

- * An agency or its agents/employees failed to follow written procedures and protocols;
- * An agency or its agents/employees improperly interpreted laboratory test results even though written procedures and protocols had been followed;
- * The actions taken by an agency or its agents/employees were not within the scope of official duties.

The bill also would repeal a section of the act that currently requires the department director, upon recommendation of the Michigan Agricultural Experiment Station and official seed certifying agencies, to publish and make available to the public a list of varieties and hybrids of agricultural or vegetable seeds or plant propagating materials eligible for certification.

MCL 286.73

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