

## No. 73

## AN ACT

## HB 1054

Amending the act of April 21, 1937 (P.L.318, No.90), entitled "An act relating to the protection of agriculture and horticulture, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or products thereof, from plant pests; and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; providing penalties; and repealing present laws," by adding a Fruit Tree Improvement Program and providing for financing said program and further providing for certificates of inspection and dates of inspection.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The title, act of April 21, 1937 (P.L.318, No.90), known as "The Pennsylvania Plant Pest Act of 1937," is amended to read:

## AN ACT

Relating to the protection of agriculture and horticulture, including all field crops, vegetables, trees, shrubs, vines, florist and nursery stock and all other plants and parts, or products thereof, from plant pests; and revising, consolidating, and changing the law relating thereto; defining the powers and duties of the Department of Agriculture relating thereto; **establishing and funding a Fruit Tree Improvement Program**; providing penalties; and repealing present laws.

Section 2. Section 2 of the act is amended by adding a subsection to read:

Section 2. For the purpose of this act, the following terms shall be construed respectively to mean:

\* \* \*

*(1) "Fruit tree improvement program" means a program to provide regulations pertaining to the establishment of standards of freedom from pests for fruit tree nursery stock in the Commonwealth by indexing candidate seed and scion trees for all known plant viruses as well as provide the fruit tree nurserymen with "virus free" plant material for propagation.*

Section 3. Sections 6 and 9 of the act are amended to read:

Section 6. The department shall cause to be issued to nurserymen in this State, after the nursery stock in their nurseries has been officially inspected as provided in this act, and found to be apparently free from any plant pests, a certificate of inspection, setting forth the fact of such inspection and the number of acres, or fraction thereof inspected. Said certificate shall be valid, not to exceed one year from **[October first] the date established by rule or regulation**, and shall not be transferable or used to cover uninspected, infested or infected nursery stock from any source.

Section 9. Nurserymen, dealers and nursery agents selling or delivering nursery stock in this State, except as herein otherwise provided, shall make application in writing **[before July first of each year] by the date established by rule or regulation**, to the department for inspection of their nursery stock growing in this State, or failing to give such notice, such nurserymen, dealers or agents shall be liable for any additional expense of inspection of said nursery stock.

Section 4. The act is amended by adding a section to read:

**Section 9.1. Fees for fruit tree improvement program shall be established by the department through rules and regulations developed in cooperation with a committee of Fruit Tree Nurserymen.**

Section 5. Sections 10 and 11 of the act are amended to read:

Section 10. Every dealer located either within or without the State, engaged in or about to engage in selling or soliciting orders for nursery stock within this State, shall secure a dealer's certificate **[by furnishing a sworn affidavit] which will serve as verification** that he will buy and sell only stock which has been duly inspected and certified by an official State or Federal inspector, and he shall furnish the inspector on demand a list of all sources from which he secures his stock.

Section 11. Nurserymen, dealers or other persons residing or doing business outside the State **[desiring] who desire** to solicit orders for nursery stock in the State, shall **[upon filing with the department a certified copy of their original current resident State certificate, together with a statement setting forth the exact acreage owned by the applicants and the acreage being grown for them on contract, be entitled to a certificate permitting such persons to solicit orders for nursery stock in this State] be entitled to solicit orders in this State provided they are certified or licensed and their name appears on the official State Directories of Registered Nurseries and Nursery Dealers issued annually from the state in which their business is conducted.**

Section 6. This act shall take effect immediately.

APPROVED—The 28th day of May, A. D. 1976.

MILTON J. SHAPP