

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1054

 Session of
1975

INTRODUCED BY MESSRS. SHELHAMER, COLE, ANDERSON, BITTLE AND
SHUMAN, APRIL 16, 1975

SENATOR CIANFRANI, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, MARCH 30, 1976

AN ACT

1 Amending the act of April 27, 1937 (P.L.318, No.90), entitled
2 "An act relating to the protection of agriculture and
3 horticulture, including all field crops, vegetables, trees,
4 shrubs, vines, florist and nursery stock and all other plants
5 and parts, or products thereof, from plant pests; and
6 revising, consolidating, and changing the law relating
7 thereto; defining the powers and duties of the Department of
8 Agriculture relating thereto; providing penalties; and
9 repealing present laws," by adding a Fruit Tree Improvement
10 Program and providing for financing said program and further
11 providing for certificates of inspection and dates of
12 inspection.

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

15 Section 1. The title, act of April 27, 1937 (P.L.318,
16 No.90), known as "The Pennsylvania Plant Pest Act of 1937," is
17 amended to read:

AN ACT

19 Relating to the protection of agriculture and horticulture,
20 including all field crops, vegetables, trees, shrubs,
21 vines, florist and nursery stock and all other plants
22 and parts, or products thereof, from plant pests; and

1 revising, consolidating, and changing the law relating
2 thereto; defining the powers and duties of the Department
3 of Agriculture relating thereto; establishing and funding
4 a Fruit Tree Improvement Program; providing penalties; and
5 repealing present laws.

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

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

10 * * *

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

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

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

28 Section 9. Nurserymen, dealers and nursery agents selling or
29 delivering nursery stock in this State, except as herein
30 otherwise provided, shall make application in writing [before

1 July first of each year] by the date established by rule or
2 regulation, to the department for inspection of their nursery
3 stock growing in this State, or failing to give such notice,
4 such nurserymen, dealers or agents shall be liable for any
5 additional expense of inspection of said nursery stock.

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

7 Section 9.1. Fees for fruit tree improvement program may ←
8 SHALL be established by the department through rules and ←
9 regulations developed in cooperation with a committee of Fruit
10 Tree Nurserymen.

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

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

21 Section 11. Nurserymen, dealers or other persons residing or
22 doing business outside the State [desiring] who desire to
23 solicit orders for nursery stock in the State, shall [upon
24 filing with the department a certified copy of their original
25 current resident State certificate, together with a statement
26 setting forth the exact acreage owned by the applicants and the
27 acreage being grown for them on contract, be entitled to a
28 certificate permitting such persons to solicit orders for
29 nursery stock in this State] be entitled to solicit orders in
30 this State provided they are certified or licensed and their

1 name appears on the official State Directories of Registered
2 Nurseries and Nursery Dealers issued annually from the state in
3 which their business is conducted.

4 Section 6. This act shall take effect immediately.