

B. All supplies and materials costing [five hundred dollars (\$500.00)] one thousand dollars (\$1,000.00) or more shall be purchased only after due advertisement as hereinafter provided. The Authority shall accept the lowest bid or bids, kinds, quality and material being equal, but the Authority shall have the right to reject any or all bids or select a single item from any bid. The provisions as to bidding shall not apply to the purchase of patented and manufactured products offered for sale in a non-competitive market or solely by a manufacturer's authorized dealer.

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Section 2. This act shall take effect immediately.

APPROVED—The 17th day of August, A. D. 1965.

WILLIAM W. SCRANTON

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No. 187

AN ACT

SB 763

Regulating the selling, offering or exposing for sale of agricultural, vegetable, flower, tree and shrub seeds and seed mixtures for seeding purposes; requiring certain information to be affixed to the container in which such seeds are sold; defining unlawful seed sales and other unlawful acts; conferring powers and imposing duties upon the Department of Agriculture and the secretary thereof; authorizing stop-sale orders by the secretary in certain cases; providing for inspections, reports and surveys by the department; requiring the keeping of records and samples by seed handlers; providing for seizure and disposition of certain seed; imposing powers and duties upon certain courts; and prescribing penalties.

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

Section 1. Short Title.—This act shall be known, and may be cited as "The Pennsylvania Seed Act of 1965."

Section 2. Definitions.—For the purpose of this act, the following terms shall have the meanings ascribed to them in this section, unless the context clearly requires otherwise :

(1) "Department" and "secretary." Respectively, the Pennsylvania Department of Agriculture and the secretary of the department.

(2) "Agent," "inspector" or "deputy." Any person duly authorized or appointed by the secretary to act as the representative of the department in carrying out any of the provisions of this act.

(3) "Agricultural seeds." Includes the seeds of grass, forage, cereal and fibre crops and any other kinds of seeds commonly recognized within this State as agricultural seeds and mixtures of such seeds.

(4) "Tree and shrub seeds." Includes seeds of woody plants commonly known and sold as trees or shrub seeds in this State.

(5) "Vegetable seeds." Includes the seeds of those crops which are grown in gardens or on truck farms, and are generally known and sold under the name of vegetable seeds in this State.

(6) "Flower seeds." Includes seeds of herbaceous plants grown for their blooms, ornamental foliage, or other ornamental parts, and commonly known and sold under the name of flower seeds in this State.

(7) "Weed seeds." Includes the seeds of all plants generally recognized as weeds within this State and prohibited and restricted noxious weed seeds.

(8) "Prohibited noxious weed seeds." The seeds of perennial weeds such as not only reproduce by seed but also spread by underground roots, stems, and other reproductive parts, and which when well established, are highly destructive and difficult to control in this State by ordinary good cultural practice. Prohibited noxious weed seeds shall be listed in the regulations issued by the secretary. After public hearing, seeds of any plants may be added to or subtracted therefrom by regulation.

(9) "Restricted noxious weed seeds." The seeds of such weeds as are very objectionable in fields, lawns and gardens of this State, but can be controlled by good cultural practices. Restricted noxious weed seeds shall be listed in the regulations issued by the secretary. After public hearing, seeds of any plants may be added to or subtracted therefrom by regulation.

(10) "Labeling." Includes all labels, and other written, printed or graphic representations, in any form whatsoever, accompanying and pertaining to any seed whether in bulk or in containers, and representations on invoices.

(11) "Advertisement." All representations, other than those on the label, disseminated in any manner or by any means, relating to seed within the scope of this act.

(12) "Kind." One or more related species or subspecies which singly or collectively is known by one common name, for example, corn, oats, alfalfa, and timothy.

(13) "Variety." A subdivision of a kind characterized by growth, yield, plant, fruit, seed, or other characteristics, by which it can be differentiated from other plants of the same kind.

(14) "Pure seed," "germination," etc. All seed labeling and testing terms in common usage shall be defined as in the rules for seed testing published by the Association of Official Seed Analysts effective July 1, 1960 and its amendments, or by regulations adopted by the secretary, if

he shall deem it advisable to define such terms differently.

(15) "Mixture" or "mixed." Seeds consisting of more than one kind or variety when each is present in excess of five per cent of the whole.

(16) "Lot." A definite quantity of seed, identified by a lot number or mark, every portion or bag of which is uniform for the factors which appear in the labeling within permitted tolerances.

(17) "Certified seed." Includes seed potatoes, agricultural, vegetable and such other seeds as shall have been inspected during their period of growth and preparation for market by the secretary or an agent and found to conform to the requirements of the laws and regulations governing seed certification in the State; or such seed potatoes, agricultural, vegetable and such other seeds as shall have been inspected during their period of growth and preparation for market by legally constituted authority in accordance with the laws of the state in which such seed was grown.

(18) "Hybrid." The first generation seed of a cross produced by controlling the pollination and by combining (i) two or more inbred lines; (ii) one inbred or a single cross with an open-pollinated variety; or (iii) two varieties or species, except open-pollinated varieties of corn. The second generation and subsequent generation from such crosses shall not be regarded as hybrids. Hybrid designations shall be treated as variety names. The word "cross" means the union of two varieties of the same species. The words "inbred line" means a relatively homozygous line produced by inbreeding and selection.

(19) "Treated." The seed has received an application of a substance, or that the seed has been subjected to a process, for which a claim is made.

(20) "Processing." The cleaning, blending or other operations which would change the purity or germination of the seeds.

(21) "Record." Includes all information relating to the shipment or shipments involved and includes a file sample of each lot of seed.

(22) "Stop-sale." Includes any written or printed notices given or issued by the secretary or an agent to the owner or custodian of any lot of seeds in the State directing such owner or custodian not to sell, offer or expose for sale or move such seeds within or out of the State until the requirements of this act, and the regulations promulgated under authority hereof, shall have been complied with and a written release has been issued.

Section 3. Seed Package Label Contents.—(a) It shall be unlawful to sell, offer for sale, or expose for sale, or transport any agricultural, vegetable, flower, tree or shrub seeds for seeding purposes in bulk, pack-

age or containers, unless the package or container in which the same shall be exposed or offered for sale or transported, shall have attached thereto in a conspicuous place on the exterior thereof, a tag or label, on which shall be plainly and legibly written or printed in the English language, the following information relating to such seed:

(A) For all seeds named:

(1) The name and address of the person who labeled said seed, or who sells, offers or exposes said seed for sale within this State.

(2) A treatment statement as prescribed by the secretary in the regulations.

(B) For agricultural seeds:

(1) Commonly accepted name of (i) kind, or (ii) kind and variety of each agricultural seed component in excess of five per cent of the whole, and the percentage by weight of each in the order of its predominance or in such other order as the secretary may direct. Where more than one component is required to be named, the word "mixture" or the word "mixed" shall be shown conspicuously on the label.

(2) Lot number.

(3) Country and state or origin of certified seed, and agency responsible for its certification.

(4) Country and state of origin of alfalfa, birdsfoot trefoil, red and white clovers and field corn (except hybrid corn). If the origin is unknown, that fact shall be so stated.

(5) Percentage by weight of all weed seeds.

(6) The name and number of restricted noxious weed seeds, or number of bulblets per pound.

(7) Percentage by weight of agricultural seeds (which may be designated as "crop seeds"), other than those required to be named on the label.

(8) Percentage by weight of inert matter.

(9) For each named agricultural seed: (i) the percentage of germination, exclusive of hard seed; (ii) the percentage of hard seed, if present, and (iii) the calendar month and year the test was completed to determine such percentages. The additional statement "total germination and hard seeds" may be stated after the foregoing, if desired.

(C) For tree and shrub seeds:

(1) Common name of the kind of seed.

(2) The scientific name of the genus and species to which the kind belongs and, for those kinds which belong to subspecies, the name of the subspecies.

(3) Lot number.

(4) The specific locality (state and county in the United States or nearest equivalent political unit in the case of foreign countries) in which seed was collected.

(5) The elevation for forest tree seeds to the nearest five hundred feet above sea level at which the seed was collected.

(6) The calendar year in which the seed was collected.

(7) For those kinds of seed for which standard testing procedures are prescribed:

- (i) Percentage by weight of pure seed.
- (ii) Percentage germination exclusive of hard seed.
- (iii) Percentage hard seed, if present.
- (iv) Calendar month and year the test was completed to determine such percentage.

(D) For vegetable seeds:

- (1) Name of kind and variety of seed.
- (2) Name and number per pound of restricted noxious weed seeds present.

(3) For seeds which germinate less than the standard last established by the secretary under this act:

- (i) Percentage of germination, exclusive of hard seed.
- (ii) Percentage of hard seed, if present.
- (iii) The calendar month and year the test was completed to determine such percentages.

(iv) The words "Below Standard" in not less than eight-point type.

(4) Percentage of germination:

(i) In containers of one pound or less, the year for which the seed was packed for sale such as "Packed for \_\_\_\_\_," or the percentage of germination and the calendar month and year the test was completed to determine such percentages.

(ii) In containers of more than one pound:

(I) The percentage of germination, exclusive of hard seed.

(II) The percentage of hard seed, if present.

(III) The calendar month and year the test was completed to determine such percentages.

(5) Lot number (for containers of more than one pound).

(6) For seeds placed in germination medium, mat, tape, or other device in such a way to make it difficult to determine the quantity of seed without removing the seed from the medium, mat, tape, or device, a statement to indicate the minimum number of seeds in the container.

(E) For flower seeds:

(1) The name of the kind and variety or a statement of type and per-

formance characteristic as prescribed by the secretary in the regulations.

(2) For seeds of those kinds for which standard testing procedures are prescribed and which germinate less than the standard, last established by the secretary, under this act:

- (i) Percentage of germination exclusive of hard seed.
- (ii) Percentage of hard seed, if present.
- (iii) The words "Below Standard" in not less than eight-point type.
- (iv) Calendar month and year the test was completed to determine such percentage.

(3) For flower seeds in packets of one ounce or less as prepared for use in home flower gardens or household plantings or flower seeds in preplanted containers, mats, tapes, or other planting devices:

(i) The year for which the seed was packed for sale such as "Packed for \_\_\_\_\_," or the percentage of germination and the calendar month and year the test was completed to determine such percentage.

(ii) For seeds placed in a germination medium, mat, tape, or other device in such a way as to make it difficult to determine the quantity of seed without removing the seeds, a statement to indicate the minimum number of seeds in the container.

(4) For seeds of more than one ounce in containers other than preplanted containers, mats, tapes, or other planting devices:

- (i) Lot number.
- (ii) For those kinds of seeds for which standard testing procedures are prescribed:
  - (I) The percentage of germination, exclusive of hard seed.
  - (II) The percentage of hard seed, if present.
  - (III) The calendar month and year the test was completed to determine such percentage.

(b) The provisions of this section shall not be construed to prohibit the sale in smaller lots by a retailer to the ultimate user when such sales are made from packages or containers bearing the information required by this section.

Section 4. Unlawful Seed Sales.—It shall be unlawful for any person to sell, offer for sale or expose for sale, any agricultural, vegetable, tree, shrub or flower seed within this State:

(1) Unless the test to determine the percentage of germination required by section 3 shall have been completed within a nine month period, exclusive of the calendar month in which the test was completed, immediately prior to sale, exposure for sale, or offering for sale or transportation.

(2) Containing prohibited noxious weed seeds.

(3) Containing restricted noxious weed seeds in excess of established maximum.

(4) Containing weed seeds, collectively in excess of one per cent by weight.

(5) Not labeled in accordance with the provisions of this act, or having false or misleading labeling.

(6) Pertaining to which there has been a false or misleading advertisement.

(7) If any labeling, advertising, or other representations subject to this act represents the seed to be certified or registered seed unless (i) it has been determined by a seed certifying agency that such seed was produced, processed and packaged, and conforms to standards, in compliance with rules and regulations of such agency pertaining to such seed; and (ii) the seed bears an official label issued for such seed by a seed certifying agency stating that the seed is certified or registered.

Section 5. Unlawful Acts.—It shall be unlawful for any person offering seed for sale within this State:

(1) To detach, alter, deface or destroy, any label provided for in this act or in the rules and regulations made and promulgated thereunder or to alter or substitute seed in a manner that may defeat the purposes of this act.

(2) To disseminate any false or misleading advertisement concerning agricultural, vegetable, tree, shrub or flower seed in any manner or by any means.

(3) To hinder or obstruct in any way any authorized person in the performance of his duties under this act.

(4) To fail to comply with a "stop-sale" order.

Section 6. Nonseeding and Processing Seed.—The provisions of section 3 shall not apply to potatoes or grain not intended for seeding purposes, or to seed in storage in, or being transported or consigned to a seed cleaning or processing establishment for cleaning or processing if (1) the invoice or labeling accompanying any shipment of said seed bears the statement "seed for processing"; and (2) any labeling or other representation which may be made with respect to such unclean or unprocessed seed complies with the similar provisions of this act.

Section 7. Powers and Duties of Secretary and Department.—(a) The department is hereby authorized and empowered to enforce all the provisions of this act, and shall have power to prescribe, modify and enforce such reasonable rules, regulations, standards, tolerances and orders, as in the judgment of the secretary shall be necessary to carry out the provisions of this act.

(b) The secretary or any agent, inspector, or deputy, in carrying out the provisions of this act:

(1) Shall have full access, within reasonable hours, to any premises, building, vehicle, vessel, car or other place, which may be necessary for him to go.

(2) Shall sample, inspect, make analysis of and test agricultural, vegetable, tree, shrub and flower seeds transported, sold, offered or exposed for sale within this State for seeding purposes, at such time and place and to such extent as may be deemed necessary to determine whether said agricultural, vegetable, tree, shrub or flower seeds are in compliance with the provisions of this act.

(3) Shall issue and enforce a written or printed "stop-sale" order to the owner or custodian of any lot of agricultural, vegetable, tree, shrub or flower seed which may be found in violation of any of the provisions of this act to prohibit further sale of such seed until such officer has evidence that the act has been complied with. In respect to seeds which have been denied sale, as provided in this clause, the owner or custodian of such seeds shall have the right to appeal from such order to the court of common pleas of the county where such seeds are located to review the order appealed from.

(4) May, upon request by the owner or custodian of seeds held under a "stop-sale" order, issue a written permit for the sale of such seeds for feed, or for the purpose of processing.

(c) The department is hereby empowered and authorized:

(1) To establish and maintain seed testing facilities, to employ qualified persons, and to incur such expenses as may be necessary, to carry out the provisions of this act.

(2) To make purity and germination tests of seeds for farmers and dealers on request and to prescribe rules and regulations governing such testing and to fix and collect charges for the tests made. All fees collected under this provision shall be paid by the secretary into the State Treasury.

(3) To require that each person whose name appears on the labeling as handling agricultural, vegetable, tree, shrub, or flower seeds subject to this act shall keep for a period of two years complete records of each lot of agricultural, vegetable, tree, shrub or flower seed handled and keep for one year a file sample of each lot of seed after final disposition of said lot. All such records and samples pertaining to the shipment or shipments involved shall be accessible for inspection by the secretary or his agent during customary business hours.

(4) To publish in bulletins or reports any and all information ob-



tained from tests or analysis made under the provisions of this act, which the secretary may deem proper for publication in the interest of the public, including the names and addresses of any persons who have sold, offered for sale, or exposed for sale any agricultural, vegetable, tree, shrub or flower seeds so tested or analyzed. The secretary shall not publish the name or address of any citizen who shall have submitted samples of seeds for test or analysis, but who has not sold, offered for sale, or exposed for sale any such seeds.

Section 8. Seizure and Disposition of Certain Seed.—(a) Any lot of agricultural, vegetable, tree, shrub or flower seed, not in compliance with the provisions of this act, shall be subject to seizure on complaint of the secretary, or his duly authorized agent, inspector or deputy, to a court of competent jurisdiction in the area in which the seed is located.

(b) In the event that the court finds the seed to be in such violation of the act, and orders the condemnation of said seed, it shall become the property of the department and shall be denatured, processed, destroyed, relabeled or otherwise disposed of by the department in compliance with the law.

(c) In no instance shall any disposition of seed be ordered by the court without first having given the claimant an opportunity to apply to the court for the release of said seed, or permission to process or relabel it, to bring it into compliance with the act.

Section 9. Penalties.—Any person violating, neglecting or failing to comply with any provisions or requirements of this act, or any rule or regulation made hereunder, or any notice given pursuant thereto, for the first or second offense, upon conviction thereof in summary proceeding, shall be sentenced to pay a fine of not more than two hundred dollars (\$200) for each offense, and in default of the payment thereof and costs shall undergo imprisonment for a period not to exceed thirty days; and for the third or any subsequent offense, upon conviction thereof, shall be sentenced to pay a fine of not less than two hundred dollars (\$200) nor more than five hundred dollars (\$500), and in default of the payment thereof and costs shall undergo imprisonment for a period not to exceed sixty days.

Section 10. Injunctions.—The Attorney General at the request of the department, may, in the name of the Commonwealth, institute proceedings in equity in the Court of Common Pleas of Dauphin County for the purpose of enjoining the conduct of business in this Commonwealth contrary to the provisions of this act, and for such purpose, jurisdiction is hereby conferred upon said court. In any such case, the

Attorney General shall not be required to give bond.

Section 11. Repeal.—The act of June 5, 1947 (P. L. 426), known as “The Pennsylvania Seed Act of 1947,” and its amendments are hereby repealed.

APPROVED—The 17th day of August, A. D. 1965.

WILLIAM W. SCRANTON

No. 188

AN ACT

HB 938

Amending the act of July 28, 1953 (P. L. 723), entitled “An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto,” providing that the offices of county officials shall be closed on Saturdays except upon an order of a court of record or a judge thereof specifying tasks, functions or duties for which they shall remain open, and permitting their tasks, functions and duties to be performed on the next succeeding secular or business day.

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

Section 1. Section 1313, act of July 28, 1953 (P. L. 723), known as the “Second Class County Code,” added May 17, 1957 (P. L. 149), is amended to read:

Section 1313. [Administrative] Functions in Certain Offices on Saturday.—Any [administrative] tasks, functions or duties required to be performed in the offices of the prothonotary, clerk of the court of quarter sessions and of the court of oyer and terminer, clerk of county court, clerk of juvenile court, [and the] clerk of orphans’ court, jury commissioners, register of wills, recorder of deeds, controller, treasurer, county surveyor, county engineer and the board of viewers, on Saturday, shall be valid if performed or transacted on the next succeeding secular or business day. [The prothonotary, clerk of county court, clerk of juvenile court and recorder of deeds, shall, in the exercise of reasonable judgment, maintain sufficient numbers of employes during such hours as shall be adequate in order to comply with this section. Nothing herein contained shall be considered as permitting the offices to be closed to the general public on Saturday mornings from 9:00 A. M. until noon, except when Saturday falls on a legal or court holiday.] The offices of such officials shall be closed on Saturdays except upon