

the State Treasurer to pay said funds into the Bituminous Coal Open Pit Mining Reclamation Fund, or to proceed to sell said securities to the extent forfeited and pay the proceeds thereof into the Bituminous Coal Open Pit Mining Reclamation Fund. Any operator aggrieved by reason of forfeiting the bond or converting collateral, as herein provided, shall have a right to contest such action and appeal as provided in section fourteen of this act.

Section 9. Section 16 of the act, amended July 16, 1963 (P. L. 238), is reenacted to read:

Section 16. Any operator who proceeds to mine bituminous coal by the open pit mining method without having received a permit, as herein provided, or who proceeds to mine bituminous coal by the open pit mining method without securing an amended permit, or who proceeds to mine bituminous coal by the open pit mining method without having furnished the proper bond, as herein provided, or who has intentionally filed false information in the application for a permit, shall be guilty of a misdemeanor, and upon conviction, shall be sentenced to pay a fine of not less than five hundred dollars (\$500.00) or not exceeding five thousand dollars (\$5000.00), or imprisonment in the county jail for a period not exceeding three months, or both. The fines shall be paid into and held by the State Treasurer in the "Bituminous Coal Open Pit Mining Reclamation Fund," provided for in section eighteen of this act, and shall be used by the Secretary of Mines and Mineral Industries for the sole purpose of foresting or reclaiming land affected by open pit mining of bituminous coal upon lands situated in the county in which the violation occurred.

APPROVED—The 10th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 371

AN ACT

HB 2583

Amending the act of April 11, 1929 (P. L. 488), entitled, as amended, "An act providing for the certification of inspected seed potatoes, agricultural and vegetable seeds; prohibiting the use of the words "certified," "inspected," "registered," or similar terms, in connection with the sale of seed potatoes and agricultural and vegetable seeds and crop plants vegetatively propagated, unless inspected and certified as provided in this act; providing for the enforcement of this act by the Department of Agriculture; prescribing penalties, and conferring jurisdiction in certain cases upon the courts of common pleas," extending the act to tree and shrub seeds and plants vegetatively propagated, changing the definition of "certified," and providing penalties.

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

Section 1. The title, act of April 11, 1929 (P. L. 488), entitled, as amended, "An act providing for the certification of inspected seed potatoes, agricultural and vegetable seeds; prohibiting the use of the words "certified," "inspected," "registered," or similar terms, in connection with the sale of seed potatoes and agricultural and vegetable seeds and crop plants vegetatively propagated, unless inspected and certified as provided in this act; providing for the enforcement of this act by the Department of Agriculture; prescribing penalties, and conferring jurisdiction in certain cases upon the courts of common pleas," reenacted and amended April 6, 1956 (P. L. 1433), is amended to read:

AN ACT

Providing for the certification of inspected seed potatoes, agricultural [and], vegetable, tree and shrub seeds; prohibiting the use of the words "certified," "inspected," "registered," or similar terms, in connection with the sale of seed potatoes and agricultural [and], vegetable, tree and shrub seeds and [crop] plants, vegetatively propagated, unless inspected and certified as provided in this act; providing for the enforcement of this act by the Department of Agriculture; prescribing penalties, and conferring jurisdiction in certain cases upon the courts of common pleas.

Section 2. Section 1 of the act, amended August 10, 1965 (P. L. 324), is amended to read:

Section 1. Be it enacted, &c., That the term "department" as used in this act, shall mean the Department of Agriculture of the Commonwealth of Pennsylvania.

The term "certified" as used in this act, shall apply to such seed potatoes, agricultural [and], vegetable, tree and shrub seeds and [crop] plants vegetatively propagated as shall have been inspected during their period of growth and preparation for market by the department or its authorized agents (or by the legally constituted inspection officials of the State in which such seed potatoes, agricultural [and], vegetable, tree and shrub seeds and [crop] plants vegetatively propagated were grown, or by such other agencies as may be approved or recognized by the department) to insure genetic identity and genetic purity, and found to be reasonably free from diseases and other defects, including lack of an element of reproduction, as specified in the rules and regulations issued by the Department under the provisions of this act.

The term "seed potatoes," as used in this act, shall be construed to mean the tubers of the Irish potato, which are grown and intended to be used as seed.

The term "agricultural seeds" shall include all seeds which are commonly known as farm crop seeds, which are grown and intended to be used as seed in raising farm crops.

The term "vegetable seeds" shall include all seeds which are commonly known as vegetable seeds, and which are grown and intended to be used as seed in raising garden and truck crops.

The term "tree and shrub seeds" shall include seeds of woody plants commonly known and sold as tree or shrub seeds in this State.

The term "[crop] plants vegetatively propagated," as used in this act, shall be construed to mean sod pieces or the stolons or rhizomes of the creeping bentgrass species (*Agrostis palustris*) and tree or shrub plant parts intended for vegetative reproduction or whole plants propagated vegetatively or from certified seed, and other crop species as may be designated by the Secretary of Agriculture.

Section 3. Sections 2 and 4 of the act, reenacted and amended April 6, 1956 (P. L. 1433), are amended to read:

Section 2. Any grower of potatoes, agricultural [or], vegetable, tree and shrub seeds or [crop] plants vegetatively propagated.

located in Pennsylvania, may make application to the department for inspection and certification of his crop for seed or propagation purposes, under such rules and regulations as the department may issue.

The department, or its authorized agents, shall issue such certificates of inspection, and designate or provide such official tags for marking containers of "certified seed" or "certified planting material," and establish such standards of grade and quality, as are necessary to safeguard the privileges and service provided for in this act.

Section 4. It shall be a violation of this act to use the term "certified," or any form or modification of this term which tends to convey to the purchaser of such seed or planting material for vegetative propagation that the same has been certified as defined in section one of this act, on tags or containers, either orally or in writing, or in advertising material intended to promote the sale of seed potatoes or agricultural or vegetable seeds or planting material for vegetative propagation, or on labels or containers, except when such seed potatoes or agricultural [or], vegetable, tree and shrub seeds or planting material, unless these shall have been inspected and certified to under the provisions of this act.

Section 4. Section 6 of the act, reenacted and amended April 6, 1956 (P. L. 1433), is reenacted to read:

Section 6. Any person, copartnership, association or corporation, and any officer, agent, servant or employe thereof, violating any of the provisions of this act, shall, upon summary conviction for the first or second offense, be sentenced to pay a fine of not more than one hundred dollars (\$100), and in default of the payment thereof

shall undergo imprisonment for not more than thirty days, and for the third or subsequent offense shall be sentenced to pay a fine of not more than five hundred dollars (\$500), or undergo imprisonment for ninety days, or both. All fines collected under this act shall be paid to the department and shall be, by it, paid into the State Treasury through the Department of Revenue.

APPROVED—The 11th day of December, A. D. 1968.

RAYMOND P. SHAFER.

No. 372

AN ACT

HB 2689

Amending the act of May 27, 1949 (P. L. 1903), entitled "An act providing for powers, responsibilities, duties and limitations of the Governor, Adjutant General, Department of Military Affairs, Pennsylvania State Armory Board, Military Reservation Commission in connection with the armed Military and Naval forces and the internal security of the Commonwealth; for the definition, organization, powers and limitations of the unorganized militia, Pennsylvania National Guard, Pennsylvania Guard, Naval Militia, Pennsylvania Naval Militia and for coordination with the government of the United States in the organization and functioning of the Pennsylvania National Guard and the National Guard of the United States apportioned the Commonwealth," further regulating the pay of officers and men on active duty and State service in certain cases.

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

Section 1. Section 834, act of May 27, 1949 (P. L. 1903), known as "The Military Code of 1949," amended November 10, 1959 (P. L. 1473), is amended to read:

Section 834. Pay of Officers and Men on Active Duty and State Service.—When the Pennsylvania National Guard or Pennsylvania Guard, or any part thereof, is ordered on active duty for State service by the Governor as Commander-in-Chief and pay is authorized for such duty under the order prescribing the performance thereof, the commissioned officers, warrant officers and enlisted personnel so ordered shall be entitled to the same per diem pay and allowances and transportation in kind provided for in current Armed Forces Pay and Allowance Act: Provided, That notwithstanding any provisions of such act, the per diem pay of any such personnel shall not be less than ten dollars (\$10) per diem. The grades of enlisted men shall be

such as the Governor as Commander-in-Chief may from time to time direct, and shall conform to the grades authorized in tables of organization for the National Guard published by the Department of