

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1937



ENROLLED

SENATE BILL No. 59

(By Mr. Allen)



PASSED March 8 1937

In Effect Today from Passage

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Senate Bill No. 59

(BY MR. ALLEN)

[Passed March 8, 1937; in effect ninety days from passage.]

AN ACT to regulate the sale of agricultural lime.

Be it enacted by the Legislature of West Virginia:

Section 1. The term "agricultural lime" as used in this

2 act, or in any rule or regulation authorized hereunder, unless

3 the context otherwise requires or a different meaning is

4 specifically prescribed, shall mean any neutralizing substance

5 containing calcium and magnesium in form, condition and

6 quantity suitable for neutralizing soil acidity, excepting only

7 the products of kilns, crushers and marl beds when sold at

8 the bed, crusher or kiln without brand name or trade mark

9 and delivered in bulk to users in the community in which

10 said kiln, crusher or marl bed is located, who are presumed
11 to know the quality of the product, and air-slacked lime waste,
12 gas-house lime and tanners lime when sold as such.

Sec. 2. Every bag, barrel, package or bulk shipment of
2 agricultural lime sold, offered or exposed for sale in this
3 state shall have branded thereon or conspicuously attached
4 thereto a statement showing: The name, brand or trade
5 mark of the agricultural lime; the net weight of the pack-
6 age; the name and address of the manufacturer, producer
7 or person responsible for placing the goods on the market;
8 the guaranteed analysis of the agricultural lime. The
9 analysis shall set forth the minimum total neutralizing
10 power, expressed as per cent calcium carbonate equivalent,
11 and the minimum percentages of calcium oxide and magne-
12 sium oxide. In the case of all ground forms of agricultural
13 lime the analysis shall certify the minimum percentages that
14 will pass the twenty, sixty, and one hundred mesh sieves.

Sec. 3. Every manufacture, company or person who shall
2 sell, offer or expose for sale, or distribute, in this state, any
3 agricultural lime, shall, before the same is sold, offered or
4 exposed for sale, obtain from the commissioner of agricul-

5 ture a certificate of registration for each brand of agricul-
6 tural lime to be sold, offered or exposed for sale. The com-
7 missioner of agriculture shall have full power, and is hereby
8 authorized and required, to cancel and withdraw any certifi-
9 cate upon satisfactory evidence that any rules and regula-
10 tions covering the sale of agricultural lime have been violated
11 by the holder of the same. The commissioner shall not issue
12 any certificate of registration except upon the filing with
13 the commissioner of agriculture of a certified copy of the
14 statement specified in section two of this article for each
15 brand of agricultural lime, accompanied by a written state-
16 ment of the tonnage of all brands sold during the past
17 calendar year, and accompanied by a fee of fifteen dollars
18 for each brand registered by manufacturers, companies or
19 persons, which moneys shall become a part of the general
20 revenue of the state, and shall be appropriated to carry
21 out the provisions of this act. All certificates so issued
22 shall become null and void on December thirty-first, next
23 succeeding date of issuance thereof.

Sec. 4. The commissioner of agriculture shall have the
2 power to refuse to accept any certified statement for any

3 agricultural lime under a brand or trade name, or any
4 information or statement accompanying same, which is mis-
5 leading or deceptive or tends to mislead or deceive as to its
6 quality or the constituents or materials of which it is com-
7 posed. Any registration of any agricultural lime may be
8 cancelled by the commissioner whenever it is shown that
9 any statement upon which said registration was made or
10 upon which the agricultural lime is sold is false or mis-
11 leading. He shall also have the power to refuse to register
12 more than one agricultural lime under the same name or
13 brand when offered by the same manufacturer, jobber, im-
14 porter, firm, association, corporation or person. Should any
15 agricultural lime be registered in this state and it is after-
16 ward discovered that such registration is in violation of any
17 of the provisions of this article, the commissioner shall have
18 the power to cancel such registration. The commissioner
19 shall have the power to refuse to allow any manufacturer,
20 importer, jobber, firm, association, corporation or person to
21 lower the guaranteed analysis of any brand of his or their
22 agricultural lime during the term for which registered, unless
23 satisfactory reasons are presented for making such change.

Sec. 5. Whenever a manufacturer, importer, jobber, firm,
2 association, corporation or person manufacturing or selling
3 a brand of agricultural lime shall have filed the statement
4 required by section three and the same has been registered
5 by the commissioner, no other agent, importer, jobber, firm,
6 association, corporation or person shall be required to file
7 for registry such statement for such brand.

Sec. 6. Whenever any agricultural lime as defined in sec-
2 tion one is offered or exposed for sale in bulk or otherwise
3 stored, the manufacturer, importer, jobber, firm, association,
4 corporation or person keeping the same for sale shall keep on
5 hand cards upon which shall be printed the statement re-
6 quired by the provisions of section two, and when such
7 agricultural lime is sold at retail in bulk or in packages
8 belonging to the purchaser, the manufacturer, jobber, firm,
9 association, corporation or person shall furnish the pur-
10 chaser, upon request, with a card or cards upon which ap-
11 pears the statement required by the provisions of section
12 two.

Sec. 7. The commissioner of agriculture in person or by
2 deputy, shall take samples of any agricultural lime on sale

3 in this state, and shall cause such samples to be analyzed
4 according to the methods of the association of official agri-
5 cultural chemists, official at the time, and publish the results
6 of analysis from time to time. Any purchaser of agricul-
7 tural lime within the state may take a sample of the same,
8 in accordance with such rules and regulations as the com-
9 missioner of agriculture may establish, and forward the
10 same for analysis, and if the commissioner has reason to be-
11 lieve that the agricultural lime from which the sample is
12 taken is not as guaranteed in the statement attached to such
13 agricultural lime, he shall cause the sample to be analyzed
14 free of charge and certify the result of the analysis to the
15 person forwarding such sample.

Sec. 8. The enforcement of the provisions of this article
2 shall be vested in the state department of agriculture, and
3 the commissioner of agriculture is authorized to make and
4 enforce such rules and regulations as may be necessary to
5 carry out the intent and purpose of this article. The com-
6 missioner is authorized in person or by deputy, to enter,
7 during business hours, any store room or other place where

8 agricultural lime is sold, offered or exposed for sale, for the
9 purpose of taking samples therefrom for analysis.

Sec. 9. The commissioner of agriculture shall promptly
2 report to the prosecuting attorney of the county in which
3 the offense was committed any violations of this article and
4 all failures to comply therewith.

Sec. 10. Any person who shall sell, offer or expose for
2 sale any agricultural lime without first having secured cer-
3 tificate of registration as provided by section three of this
4 act, or without having branded on or attached to the bag,
5 barrel, package, or bulk shipment of such agricultural lime
6 the statement required by section two of this article, or who
7 shall receive or remove any agricultural lime without its
8 having been registered or branded as provided by this
9 article, shall be guilty of a misdemeanor, and upon convic-
10 tion thereof, shall be fined not less than twenty nor more
11 than one hundred dollars for the first offense, and not less
12 than fifty nor more than five hundred dollars for each sub-
13 sequent offense.

Sec. 11. All acts or parts of acts inconsistent with this
2 act are hereby repealed.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Carl A. Gilchrist

Chairman Senate Committee

Geo. B. Walter

Chairman House Committee

Originated in the.....

Takes effect..... passage.

Chas. D. Smith

Clerk of the Senate

Geo. A. Hall

Clerk of the House of Delegates

Chas. E. Hodges

President of the Senate

James Kay Thomas

Speaker House of Delegates

The within *Approved* this the *15th*

day of *March*, 1937.

Sam A. B.

Governor