WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1937

ENROLLED

SENATE BILL No. 59
(By Mr. Allen)

PASSED March 8, 1937
In Effect 30 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 act, or in any rule or regulation authorized hereunder, unless the context otherwise requires or a different meaning is specifically prescribed, shall mean any neutralizing substance containing calcium and magnesium in form, condition and quantity suitable for neutralizing soil acidity, excepting only the products of kilns, crushers and marl beds when sold at the bed, crusher or kiln without brand name or trade mark and delivered in bulk to users in the community in which
said kiln, crushe or marl bed is located, who are presumed
to know the quality of the product, and air-slacked lime waste,
gas-house lime and tanners lime when sold as such.

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

Sec. 3. Every manufacture, company or person who shall
sell, offer or expose for sale, or distribute, in this state, any
agricultural lime, shall, before the same is sold, offered or
exposed for sale, obtain from the commissioner of agricul-
ture a certificate of registration for each brand of agricultural lime to be sold, offered or exposed for sale. The commissioner of agriculture shall have full power, and is hereby authorized and required, to cancel and withdraw any certificate upon satisfactory evidence that any rules and regulations covering the sale of agricultural lime have been violated by the holder of the same. The commissioner shall not issue any certificate of registration except upon the filing with the commissioner of agriculture of a certified copy of the statement specified in section two of this article for each brand of agricultural lime, accompanied by a written statement of the tonnage of all brands sold during the past calendar year, and accompanied by a fee of fifteen dollars for each brand registered by manufacturers, companies or persons, which moneys shall become a part of the general revenue of the state, and shall be appropriated to carry out the provisions of this act. All certificates so issued shall become null and void on December thirty-first, next succeeding date of issuance thereof.

Sec. 4. The commissioner of agriculture shall have the power to refuse to accept any certified statement for any
agricultural lime under a brand or trade name, or any information or statement accompanying same, which is misleading or deceptive or tends to mislead or deceive as to its quality or the constituents or materials of which it is composed. Any registration of any agricultural lime may be cancelled by the commissioner whenever it is shown that any statement upon which said registration was made or upon which the agricultural lime is sold is false or misleading. He shall also have the power to refuse to register more than one agricultural lime under the same name or brand when offered by the same manufacturer, jobber, importer, firm, association, corporation or person. Should any agricultural lime be registered in this state and it is afterward discovered that such registration is in violation of any of the provisions of this article, the commissioner shall have the power to cancel such registration. The commissioner shall have the power to refuse to allow any manufacturer, importer, jobber, firm, association, corporation or person to lower the guaranteed analysis of any brand of his or their agricultural lime during the term for which registered, unless satisfactory reasons are presented for making such change.
Sec. 5. Whenever a manufacturer, importer, jobber, firm, association, corporation or person manufacturing or selling a brand of agricultural lime shall have filed the statement required by section three and the same has been registered by the commissioner, no other agent, importer, jobber, firm, association, corporation or person shall be required to file for registry such statement for such brand.

Sec. 6. Whenever any agricultural lime as defined in section one is offered or exposed for sale in bulk or otherwise stored, the manufacturer, importer, jobber, firm, association, corporation or person keeping the same for sale shall keep on hand cards upon which shall be printed the statement required by the provisions of section two, and when such agricultural lime is sold at retail in bulk or in packages belonging to the purchaser, the manufacturer, jobber, firm, association, corporation or person shall furnish the purchaser, upon request, with a card or cards upon which appears the statement required by the provisions of section two.

Sec. 7. The commissioner of agriculture in person or by deputy, shall take samples of any agricultural lime on sale
in this state, and shall cause such samples to be analyzed according to the methods of the association of official agricultural chemists, official at the time, and publish the results of analysis from time to time. Any purchaser of agricultural lime within the state may take a sample of the same, in accordance with such rules and regulations as the commissioner of agriculture may establish, and forward the same for analysis, and if the commissioner has reason to believe that the agricultural lime from which the sample is taken is not as guaranteed in the statement attached to such agricultural lime, he shall cause the sample to be analyzed free of charge and certify the result of the analysis to the person forwarding such sample.

Sec. 8. The enforcement of the provisions of this article shall be vested in the state department of agriculture, and the commissioner of agriculture is authorized to make and enforce such rules and regulations as may be necessary to carry out the intent and purpose of this article. The commissioner is authorized in person or by deputy, to enter, during business hours, any store room or other place where
agricultural lime is sold, offered or exposed for sale, for the purpose of taking samples therefrom for analysis.

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

Sec. 10. Any person who shall sell, offer or expose for sale any agricultural lime without first having secured certificate of registration as provided by section three of this act, or without having branded on or attached to the bag, barrel, package, or bulk shipment of such agricultural lime the statement required by section two of this article, or who shall receive or remove any agricultural lime without its having been registered or branded as provided by this article, shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty nor more than one hundred dollars for the first offense, and not less than fifty nor more than five hundred dollars for each subsequent offense.

Sec. 11. All acts or parts of acts inconsistent with this act are hereby repealed.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the...passage.

Clerk of the Senate

Clerk of the House of Delegate

President of the Senate

Speaker House of Delegates

The within...this the 15th day of March, 1937.

Governor

Filed in the office of the Secretary of State of West Virginia...MAR 15 1937.