

ARKANSAS AGRICULTURAL LIMING MATERIALS ACT

**Act 353 of 1969 As Amended By
Acts 724 of 1983 and 783 of 1993**

SECTION 1. (2-19-301) Title.

This Act shall be known as the “Arkansas Agricultural Liming Materials Act.”

SECTION 2. (2-19-303) Definition and Labeling.

Liming Materials Defined

The term “liming material” means all or any form of limestone, lime rock, dolomite, marl, slag, by-product lime, brown lime, industry or factory refuse lime, and any other material moved, prepared, sold, or distributed primarily for correcting soil acidity.

Labeling Requirements

Every lot, package, or parcel of liming material sold or offered or exposed for sale or distribution within this state shall have on each bag, package, or other container in a conspicuous place on the outside; or in the case of bulk lime, there shall accompany each load and the vendor shall present to the purchaser a legible and true statement in the English language giving:

- (a) The net weight of the contents of the package, bag, other container, or bulk load;
- (b) The true name of the product;
- (c) The name and principal address of the manufacturer, importer, or other guarantor;
- (d) The minimum neutralizing value in terms of percent of calcium carbonate equivalent;
- (e) The degree of fineness expressed as:
 - (1) Minimum percentage passing through a ten (10) mesh sieve;
 - (2) Minimum percentage passing through a sixty (60) mesh sieve; and
 - (3) Minimum percentage passing through a one hundred (100) mesh sieve; and
- (f) Any other statements that the State Plant Board in its regulations may require.

Provided, however, that in lieu of (d) and (e) of this section, the Plant Board may in its regulations set minimum standards of calcium carbonate equivalence and fineness for various grades of liming materials, and such grades when stated shall become the minimum guarantees of the liming material so labeled.

SECTION 3 (2-19-306)

(a) Registration

Before any liming material is sold or offered for sale or distribution in this State, the manufacturer, importer, or other guarantor (person or firm who places or mixes liming materials of more than one manufacturer in a stockpile) shall register each such liming material with the Plant Board. Such registration shall contain the statement referred to in Section 2 of this Act or the Regulations provided for therein and be accompanied by a fee of fifteen dollars (\$15.00) for each liming material. Registrations shall expire June 30 of each year.

(b) Vendors License

It shall be unlawful for any person or firm to engage in the spreading of liming material on properties belonging to others unless such person or firm has a current vendor's license issued by the Plant Board. Application for such license shall be in the form prescribed by the Plant Board, and shall state the name and address of the applicant and total number of spreader trucks or other similar vehicles to be used by the applicant. The application shall be accompanied by a fee of fifteen dollars (\$15.00) for the license plus a fee of three dollars (\$3.00) for each spreader truck or similar vehicle. Licenses shall expire June 30 of each year.

SECTION 4. (2-19-307) Quarterly Tonnage Reports and Inspection Fees.

All manufacturers, importers, and other guarantors who are registered pursuant to Section 3(a) of this Act shall forward to the State Plant Board each quarter a report on forms prescribed by the Plant Board, not later than thirty (30) days after the end of each quarter. Quarters shall end September 30, December 31, March 31, and June 30 of each year. The report shall include a sworn statement of the total tonnage of all liming materials distributed in this state and shall be accompanied by the sum of thirty cents (.30) per ton or fractional ton. A fee of thirty cents (.30) will accompany each quarterly report of tonnage which amounts to less than one (1) ton. Provided however, that when sales and/or distributions of liming materials are between registrants, the registrant who sells or distributes to a person or firm who is not a registrant shall be responsible for payment of the inspection fee unless such payment is made by the registrant initiating the transaction. Invoices of transactions between registrants shall be marked "inspection fee paid" or "inspection fee not paid"; otherwise, the registrant initiating the transaction shall be responsible for the inspection fee. The Plant Board shall issue receipts for the amounts received and shall deposit the sums received as follows:

- (a) Twenty cents (.20) of the thirty cents (.30) fee per ton or fractional ton inspected shall be deposited with the State Treasurer as special revenues. It shall be credited to the State Plant Board to be used for its maintenance, operation, support, and improvement; and
- (b) Ten cents (.10) of the thirty cent (.30) fee per ton or fractional ton inspected shall be remitted to the Board of Trustees of the University of Arkansas. This amount shall be credited to a fund to be known as the "University of Arkansas Soil Testing and Research Fund" to be maintained in accounts in one (1) or more financial institutions in the State of Arkansas. This amount shall be expended exclusively for soil testing service and soil fertility research and extension by the Board of Trustees of the University of Arkansas under appropriations made by the General Assembly. It shall be expended in support of one (1) or more soil testing laboratories and soil fertility research activities at the main experiment stations, branch experiment stations, or sub-branch experiment stations, as determined and designated by the Vice President of Agriculture of the University of Arkansas.

- (c) The Board of Trustees shall provide for the investment of any funds in the University of Arkansas Soil Testing and Research Fund that are not needed for current operations of the soil testing laboratories and soil fertility service and research and extension activities and shall credit the interest earned on the investment to the credit of the University of Arkansas Soil Testing and Research Fund.
- (d) The investment shall be of the type and nature authorized for the investment of average daily State Treasury balances by the State Board of Finance.

The Plant Board or its agents shall have the right at any time to inspect or audit the books of any manufacturer and manipulator or their agents to determine the correctness of the monthly reports required under this section. Refusal to allow this inspection or audit shall be deemed a violation of this Act, and the violator shall be subject to the penalties provided in it. For a late report or for failure to report the entire amount sold, the tonnage fee on the late report or unreported amount must be doubled and penalties shall be deposited in the State Plant Board Fund; otherwise registrations may be canceled by the Plant Board.

SECTION 5. (2-19-304) Sampling and Analysis; Stop-Sales.

The Plant Board through its authorized agents is hereby authorized to select from any package, bulk load, or lot of liming material exposed for sale or distribution in this state a quantity not less than 2 pounds for a sample, such sample to be used for the purpose of an official analysis for comparison with the statement required by Section 2 of this Act or the Regulations provided for therein. The Plant Board and its authorized agents shall have free access during reasonable business hours to all premises where liming materials are manufactured, sold or stored, and vehicles wherein distributed, and is authorized at all times to stop-sale by written order any and all liming materials that are unregistered, misbranded, fail to meet the guarantee, or otherwise fail to comply with the provisions of this Act.

SECTION 6. (2-19-305) Penalty for Deficiency.

If any liming material offered for sale in this state shall, upon official analysis, prove deficient from its statement of guarantee to the extent of five percent (5%) or more, then the manufacturer, importer, or guarantor of the liming material shall be liable for two (2) times the value of the actual deficiency as shown by the official analysis.

Penalties assessed under this section, except those exceeding the actual value of the shortages found, shall be paid to the consumer of the lot of deficient liming material within thirty (30) days after the date of notice from the State Plant Board to the manufacturer, importer, or guarantor, receipts to be taken therefore and promptly forwarded to the Plant Board.

The value of the deficiencies exceeding the actual shortages and the actual value of the shortages when the consumer cannot be found shall be paid to the Plant Board within forty-five (45) days after the date of notice from the State Plant

Board to the manufacturer, importer, or guarantor and same shall be deposited in the State Plant Board Fund of the State Treasury.

The Plant Board is hereby authorized to cancel the present registration or to refuse to register for the next season any liming materials offered for sale or distribution by any manufacturer, importer, or guarantor who fails or refuses to comply with this Section.

SECTION 7. (2-19-308) Rules and Regulations.

The Plant Board is hereby empowered to enforce the provisions of this Act and to prescribe and enforce such rules and regulations relating to the sale and/or distribution of liming materials as may be deemed necessary to carry into effect the full intent and meaning of this Act.

SECTION 8. (2-19-302) Violations; Prosecution.

Any person or persons who shall violate any provisions of this Act, or any Regulation adopted under this Act, shall upon conviction thereof be fined not less than \$100.00 for the first offense, and not less than \$300.00 for every subsequent offense.

SECTION 9. Severability Provision.

If any section or clause of this Act should be held to be invalid for any reason, such section or portion is hereby declared to be severable from the remaining portions, and said remaining portions shall remain in full force and effect.

SECTION 10. All laws and parts of laws in conflict with this Act are hereby repealed.

SECTION 11. Effective Date. This Act shall become effective on July 1, 1983.