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3/7/96 Do Pass  
H-3/19/96 agriculture  
FILED FEB 28 1996  
H-3/21/96 Do Pass

SENATE FILE **2348**  
BY COMMITTEE ON AGRICULTURE

(SUCCESSOR TO SSB 2220)

(p. 830)  
Passed Senate, Date 3/18/96 Passed House, Date 4/3/96  
Vote: Ayes 49 Nays 0 Vote: Ayes 100 Nays 0  
Approved April 15, 1996

A BILL FOR

1 An Act relating to agricultural limestone, and providing  
2 penalties, fees, and an effective date.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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S.F. 2348

1 Section 1. Section 8.60, subsection 6, Code 1995, is  
2 amended to read as follows:

3 6. Fertilizer fund created in section 200.9, Code  
4 Supplement 1993, and moneys collected for the administration  
5 of chapter 201A relating to the regulation of limestone  
6 products which were deposited in the fertilizer fund pursuant  
7 to section 201.13, Code 1993 and Code 1995.

8 Sec. 2. Section 200.8, subsection 3, Code 1995, is amended  
9 to read as follows:

10 3. If there is an unencumbered balance of funds from the  
11 amount of the fees deposited in the general fund pursuant to  
12 sections 200.9 and ~~201.13~~ 201A.11 on June 30 of any fiscal  
13 year equal to or exceeding three hundred fifty thousand  
14 dollars, the secretary of agriculture shall reduce the per ton  
15 fee provided for in subsection 1 and the annual license fee  
16 established pursuant to section ~~201.13~~ 201A.11 for the next  
17 fiscal year in such amount as will result in an ending  
18 estimated balance of such funds for June 30 of the next fiscal  
19 year of three hundred fifty thousand dollars.

20 Sec. 3. NEW SECTION. 201A.1 TITLE.

21 This chapter shall be known and may be cited as the "Iowa  
22 Agricultural Liming Material Act".

23 Sec. 4. NEW SECTION. 201A.2 DEFINITIONS.

24 As used in this chapter, unless the context otherwise  
25 requires:

26 1. "Agricultural liming material" means a product having  
27 calcium and magnesium compounds capable of neutralizing soil  
28 acidity.

29 2. "Brand" means the term, designation, trade name,  
30 product name, or other specific designation under which  
31 individual agricultural liming material is offered for sale.

32 3. "Bulk" means material which is in a nonpackaged form.

33 4. "Effective calcium carbonate equivalent" means the  
34 acid-neutralizing capacity of an agricultural liming material.

35 Sec. 5. NEW SECTION. 201A.3 LICENSE REQUIRED.

1 Agricultural liming material shall not be distributed in  
2 this state unless the manufacturer of the agricultural liming  
3 material obtains a license for each facility owned by the  
4 manufacturer for distribution in this state. The manufacturer  
5 shall obtain the license prior to the facility's manufacture  
6 of the agricultural liming material. The license shall expire  
7 on January 1 of each year, and may be renewed for a period  
8 expiring on January 1 of the following year. The manufacturer  
9 shall apply for the license on forms prescribed and according  
10 to procedures required by the department. An application for  
11 a license, including a license renewal, must be accompanied by  
12 a license fee established by the department, which shall not  
13 exceed forty dollars.

14 Sec. 6. NEW SECTION. 201A.4 LABELING AND ADVERTISING.

15 1. Agricultural liming material shall not be sold, offered  
16 for sale, or exposed for sale in this state unless a label  
17 accompanies the agricultural liming material which provides  
18 the following information: •

- 19 a. The name and address of the principal office of the  
20 manufacturer or distributor.
- 21 b. The brand or trade name of the agricultural liming  
22 material.
- 23 c. The identification of the type of the agricultural  
24 liming material.
- 25 d. The undried net weight of the agricultural liming  
26 material.
- 27 e. The effective calcium carbonate equivalent of the  
28 agricultural liming material as determined according to rules  
29 adopted by the department.

30 2. The label must be plainly readable. If the  
31 agricultural liming material is in packaged form, the label  
32 must be affixed to the outside of the package in a conspicuous  
33 manner. The label shall be printed, stamped, or otherwise  
34 marked in a manner required by the department. If the  
35 agricultural liming material is in bulk form, the label may be

1 contained on a delivery slip.

2 3. The label or advertising which provides information  
3 regarding the agricultural liming material shall not be false  
4 or misleading to the purchaser, including information relating  
5 to the quality, analysis, type, or composition of the  
6 agricultural liming material.

7 4. If the agricultural liming material is adulterated  
8 after it has been packaged, labeled, or loaded, but prior to  
9 delivery to a purchaser, the vendor shall provide a notice of  
10 the adulteration, which shall be placed on the agricultural  
11 liming material as an additional label as provided in this  
12 section.

13 5. For each brand of agricultural liming material sold in  
14 bulk, a statement shall be conspicuously posted at the  
15 location where the agricultural liming material is delivered  
16 for resale or where purchase orders for deliveries of the  
17 agricultural liming material are placed. The statement shall  
18 include the effective calcium carbonate equivalent of the  
19 agricultural liming material as determined according to rules  
20 adopted by the department.

21 Sec. 7. NEW SECTION. 201A.5 INSPECTION AND  
22 INVESTIGATION.

23 The department shall inspect agricultural liming material  
24 distributed in this state and investigate persons engaged in  
25 the business of manufacturing, distributing, selling, offering  
26 for sale, or exposing for sale agricultural liming material in  
27 this state. Inspections and investigations shall be performed  
28 as determined necessary or practicable by the department, in  
29 order to ensure compliance with this chapter. The inspection  
30 may include the sampling, analysis, and testing of  
31 agricultural liming material, as provided by rules adopted by  
32 the department. The department may enter premises of a  
33 business engaged in the manufacture, distribution, sale, offer  
34 for sale, or exposure for sale of agricultural liming material  
35 in this state. The business shall provide timely, convenient,

1 and free access to its agricultural liming material and to its  
2 books, records, accounts, papers, documents, and any computer  
3 or other recordings relating to the business, during normal  
4 business hours. The business shall facilitate the examination  
5 and aid in the examination to every extent feasible.

6 Sec. 8. NEW SECTION. 201A.6 CERTIFICATION OF EFFECTIVE  
7 CALCIUM CARBONATE EQUIVALENT -- REPORTING.

8 The department shall certify the effective calcium  
9 carbonate equivalent for all agricultural liming material, as  
10 provided by rules adopted by the department. The department  
11 may establish a fee for analyzing samples of agricultural  
12 liming material. The department shall issue a report at least  
13 once every three months which lists the agricultural liming  
14 material certified by the department. The report shall list  
15 the manufacturers of the agricultural liming material, the  
16 locations of facilities used to manufacture the agricultural  
17 liming material, and the identification of the type of the  
18 agricultural liming material produced by the manufacturer.

19 Sec. 9. NEW SECTION. 201A.7 TOXIC MATERIALS PROHIBITED.

20 A person shall not sell, offer for sale, or expose for sale  
21 agricultural liming material which includes material which is  
22 toxic to plants, animals, human, or aquatic life, or which  
23 causes soil or water contamination, as provided by rules  
24 adopted by the department.

25 Sec. 10. NEW SECTION. 201A.8 RULES.

26 The department shall adopt rules pursuant to chapter 17A  
27 required to administer and enforce the provisions of this  
28 chapter.

29 Sec. 11. NEW SECTION. 201A.9 ENFORCEMENT ACTIONS.

30 If the department finds that agricultural liming material  
31 is being manufactured, used, sold, offered for sale, or  
32 exposed for sale in violation of this chapter, the department  
33 may enforce the provisions of this chapter by doing any of the  
34 following:

35 1. Issuing and enforcing a stop order to prevent the

1 manufacture, sale, or removal of agricultural liming material.  
2 The order may require that the owner or custodian hold the  
3 agricultural liming material at a place designated in the  
4 order. The stop order shall be in writing and served upon the  
5 person owning or controlling the manufacture or sale of the  
6 agricultural liming material. The department shall provide  
7 for the termination of the stop order upon compliance with the  
8 provisions of this chapter. The termination of the stop order  
9 shall be in writing and served upon the person as provided for  
10 in the stop order. The department may place conditions upon  
11 the termination of the stop order, including the payment of  
12 reasonable expenses incurred by the department in issuing and  
13 enforcing the stop order.

14 2. Obtaining a court order upon petition filed in district  
15 court for the county where the agricultural liming material is  
16 being manufactured, sold, offered for sale, or exposed for  
17 sale. The court may be petitioned by the department, or, upon  
18 request by the department, the attorney general or the county  
19 attorney. The court shall hear from all parties in the case.  
20 The court may issue an order for any of the following:

21 a. The seizure of the agricultural liming material. The  
22 court shall issue an order, if the court finds that the  
23 petition is supported by facts that agricultural liming  
24 material is being manufactured, sold, offered for sale, or  
25 exposed for sale in violation of this chapter, and the  
26 agricultural liming material must be condemned because it  
27 fails to meet standards required in this chapter. If  
28 warranted, the court shall order that the agricultural liming  
29 material be disposed of in a manner provided by rules adopted  
30 by the department, which may include reprocessing or  
31 relabeling the agricultural liming material in order to ensure  
32 that it complies with this chapter. The court may provide  
33 that any party to the case dispose of the agricultural liming  
34 material.

35 b. A temporary or permanent injunction against a person

1 violating the provisions of this chapter. The court shall  
2 issue an order, if the court finds that the petition is  
3 supported by facts that agricultural liming material is being  
4 manufactured, sold, offered for sale, or exposed for sale in  
5 violation of this chapter. In order to obtain injunctive  
6 relief, the department shall not be required to post a bond or  
7 prove the absence of an adequate remedy at law, unless the  
8 court for good cause otherwise orders. The court may order  
9 any form of prohibitory or mandatory relief that is  
10 appropriate under principles of equity.

11 Sec. 12. NEW SECTION. 201A.10 VIOLATIONS.

12 1. A person violating this chapter or rules adopted by the  
13 department under this chapter is guilty of a simple  
14 misdemeanor.

15 2. The department shall provide for the prosecution of a  
16 violation of this chapter by referring the violation to the  
17 county attorney in the county where the violation occurs. The  
18 department shall compile evidence of the violation for  
19 prosecution. The county attorney shall prosecute any case  
20 determined by the county attorney to be meritorious without  
21 delay. The department shall not refer a violation to the  
22 county attorney until the department provides the person  
23 subject to the violation with an opportunity to be heard by  
24 the department according to procedures adopted by the  
25 department. A right to a hearing is not a contested case  
26 proceeding as provided in chapter 17A. The department is not  
27 required to refer a minor violation to a county attorney, and  
28 may instead issue a warning to the person subject to the minor  
29 violation.

30 Sec. 13. NEW SECTION. 201A.11 FEES AND APPROPRIATION.

31 Fees collected under this chapter shall be deposited in the  
32 general fund of the state and shall be subject to the  
33 requirements of section 8.60. Moneys deposited under this  
34 section to the general fund shall be used only by the  
35 department for the purpose of administering and enforcing the

1 provisions of this chapter, including inspection, sampling,  
2 analysis, and the preparation and publishing of reports.

3 Sec. 14. REPEAL. Chapter 201, Code and Code Supplement  
4 1995, is repealed.

5 Sec. 15. EFFECTIVE DATE AND APPLICABILITY.

6 1. Except as provided in subsection 2, this Act takes  
7 effect on January 1, 1997. However, until January 1, 1998, a  
8 person holding an inventory of packaged agricultural liming  
9 material on January 1, 1997, may continue to sell that  
10 inventory as labeled under chapter 201 as the chapter existed  
11 on December 31, 1997.

12 2. The department may adopt rules to provide for the  
13 administration and enforcement of this Act prior to January 1,  
14 1997. However, the rules must take effect not earlier than  
15 January 1, 1997.

16 EXPLANATION

17 This bill creates a new chapter referred to as the "Iowa  
18 Agricultural Liming Material Act", which replaces current  
19 chapter 201, which regulates the sale of limestone for  
20 agricultural purposes. The bill defines "agricultural liming  
21 material" as a product having calcium and magnesium compounds  
22 capable of neutralizing soil acidity. The department of  
23 agriculture and land stewardship regulates the sale of  
24 limestone for agricultural purposes.

25 The bill regulates sale of agricultural liming material in  
26 a bulk and packaged form. It requires the manufacturer of  
27 agricultural liming material to receive a license by the  
28 department for each facility manufacturing the agricultural  
29 liming material. A license fee of up to \$40 is imposed on the  
30 manufacturer. The license expires on January 1 of each year.

31 The bill requires that agricultural liming material be  
32 labeled. The label must include the name and address of the  
33 principal office of the manufacturer or distributor, the brand  
34 or trade name of the agricultural liming material, the  
35 identification of the type of the agricultural liming

1 material, the undried net weight of the agricultural liming  
2 material, and the effective calcium carbonate equivalent of  
3 the agricultural liming material as determined according to  
4 rules adopted by the department.

5 The bill requires the department to inspect agricultural  
6 liming material distributed in this state and investigate  
7 persons engaged in the business of manufacturing,  
8 distributing, selling, offering for sale, or exposing for sale  
9 agricultural liming material. The bill requires the  
10 department to certify the effective calcium carbonate  
11 equivalent for agricultural liming material.

12 The bill prohibits the sale of agricultural liming material  
13 which includes materials which are toxic.

14 The bill provides for enforcement actions, if the  
15 department finds a violation of the chapter. The department  
16 is authorized to issue and enforce a stop order or to obtain a  
17 court order for the seizure of the agricultural liming  
18 material, or for a temporary or permanent injunction.

19 A person violating the bill's provisions is guilty of a  
20 simple misdemeanor. The department is authorized to refer a  
21 violation to a county attorney for prosecution.

22 The bill provides for the deposit of fees into the state  
23 general fund for the use of the department for purposes of  
24 administering and enforcing the bill's provisions.

25 The bill takes effect on January 1, 1997.

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Boswell  
Fraise  
Zieman

SSB-2220  
Agriculture  
Succeeded By  
SF HF 2348

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
AGRICULTURE BILL BY  
CHAIRPERSON PRIEBE)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

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14 dollars, the secretary of agriculture shall reduce the per ton  
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17 fiscal year in such amount as will result in an ending  
18 estimated balance of such funds for June 30 of the next fiscal  
19 year of three hundred fifty thousand dollars.

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32 3. "Bulk" means material which is in a nonpackaged form.

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5 shall obtain the license prior to the facility's manufacture  
6 of the agricultural liming material. The license shall expire  
7 on January 1 of each year, and may be renewed for a period  
8 expiring on January 1 of the following year. The manufacturer  
9 shall apply for the license on forms prescribed and according  
10 to procedures required by the department. An application for  
11 a license, including a license renewal, must be accompanied by  
12 a license fee established by the department, which shall not  
13 exceed forty dollars.

14 Sec. 6. NEW SECTION. 201A.4 LABELING AND ADVERTISING.

15 1. Agricultural liming material shall not be sold, offered  
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17 accompanies the agricultural liming material which provides  
18 the following information:

19 a. The name and address of the principal office of the  
20 manufacturer or distributor.

21 b. The brand or trade name of the agricultural liming  
22 material.

23 c. The identification of the type of the agricultural  
24 liming material.

25 d. The undried net weight of the agricultural liming  
26 material.

27 e. The effective calcium carbonate equivalent of the  
28 agricultural liming material as determined according to rules  
29 adopted by the department.

30 2. The label must be plainly readable. If the  
31 agricultural liming material is in packaged form, the label  
32 must be affixed to the outside of the package in a conspicuous  
33 manner. The label shall be printed, stamped, or otherwise  
34 marked in a manner required by the department. If the  
35 agricultural liming material is in bulk form, the label may be

1 contained on a delivery slip.

2 3. The label or advertising which provides information  
3 regarding the agricultural liming material shall not be false  
4 or misleading to the purchaser, including information relating  
5 to the quality, analysis, type, or composition of the  
6 agricultural liming material.

7 4. If the agricultural liming material is adulterated  
8 after it has been packaged, labeled, or loaded, but prior to  
9 delivery to a purchaser, the vendor shall provide a notice of  
10 the adulteration, which shall be placed on the agricultural  
11 liming material as an additional label as provided in this  
12 section.

13 5. For each brand of agricultural liming material sold in  
14 bulk, a statement shall be conspicuously posted at the  
15 location where the agricultural liming material is delivered  
16 for resale or where purchase orders for deliveries of the  
17 agricultural liming material are placed. The statement shall  
18 include the effective calcium carbonate equivalent of the  
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21 Sec. 7. NEW SECTION. 201A.5 INSPECTION AND  
22 INVESTIGATION.

23 The department shall inspect agricultural liming material  
24 distributed in this state and investigate persons engaged in  
25 the business of manufacturing, distributing, selling, offering  
26 for sale, or exposing for sale agricultural liming material in  
27 this state. Inspections and investigations shall be performed  
28 as determined necessary or practicable by the department, in  
29 order to ensure compliance with this chapter. The inspection  
30 may include the sampling, analysis, and testing of  
31 agricultural liming material, as provided by rules adopted by  
32 the department. The department may enter premises of a  
33 business engaged in the manufacture, distribution, sale, offer  
34 for sale, or exposure for sale of agricultural liming material  
35 in this state. The business shall provide timely, convenient,

1 and free access to its agricultural liming material and to its  
2 books, records, accounts, papers, documents, and any computer  
3 or other recordings relating to the business, during normal  
4 business hours. The business shall facilitate the examination  
5 and aid in the examination to every extent feasible.

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7 CALCIUM CARBONATE EQUIVALENT -- REPORTING.

8 The department shall certify the effective calcium  
9 carbonate equivalent for all agricultural liming material, as  
10 provided by rules adopted by the department. The department  
11 may establish a fee for analyzing samples of agricultural  
12 liming material. The department shall issue a report at least  
13 once every three months which lists the agricultural liming  
14 material certified by the department. The report shall list  
15 the manufacturers of the agricultural liming material, the  
16 locations of facilities used to manufacture the agricultural  
17 liming material, and the identification of the type of the  
18 agricultural liming material produced by the manufacturer.

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23 causes soil or water contamination, as provided by rules  
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26 The department shall adopt rules pursuant to chapter 17A  
27 required to administer and enforce the provisions of this  
28 chapter.

29 Sec. 11. NEW SECTION. 201A.9 ENFORCEMENT ACTIONS.

30 If the department finds that agricultural liming material  
31 is being manufactured, used, sold, offered for sale, or  
32 exposed for sale in violation of this chapter, the department  
33 may enforce the provisions of this chapter by doing any of the  
34 following:

35 1. Issuing and enforcing a stop order to prevent the

1 manufacture, sale, or removal of agricultural liming material.  
2 The order may require that the owner or custodian hold the  
3 agricultural liming material at a place designated in the  
4 order. The stop order shall be in writing and served upon the  
5 person owning or controlling the manufacture or sale of the  
6 agricultural liming material. The department shall provide  
7 for the termination of the stop order upon compliance with the  
8 provisions of this chapter. The termination of the stop order  
9 shall be in writing and served upon the person as provided for  
10 in the stop order. The department may place conditions upon  
11 the termination of the stop order, including the payment of  
12 reasonable expenses incurred by the department in issuing and  
13 enforcing the stop order.

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15 court for the county where the agricultural liming material is  
16 being manufactured, sold, offered for sale, or exposed for  
17 sale. The court may be petitioned by the department, or, upon  
18 request by the department, the attorney general or the county  
19 attorney. The court shall hear from all parties in the case.  
20 The court may issue an order for any of the following:

21 a. The seizure of the agricultural liming material. The  
22 court shall issue an order, if the court finds that the  
23 petition is supported by facts that agricultural liming  
24 material is being manufactured, sold, offered for sale, or  
25 exposed for sale in violation of this chapter, and the  
26 agricultural liming material must be condemned because it  
27 fails to meet standards required in this chapter. If  
28 warranted, the court shall order that the agricultural liming  
29 material be disposed of in a manner provided by rules adopted  
30 by the department, which may include reprocessing or  
31 relabeling the agricultural liming material in order to ensure  
32 that it complies with this chapter. The court may provide  
33 that any party to the case dispose of the agricultural liming  
34 material.

35 b. A temporary or permanent injunction against a person

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13 department under this chapter is guilty of a simple  
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15 2. The department shall provide for the prosecution of a  
16 violation of this chapter by referring the violation to the  
17 county attorney in the county where the violation occurs. The  
18 department shall compile evidence of the violation for  
19 prosecution. The county attorney shall prosecute any case  
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28 may instead issue a warning to the person subject to the minor  
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30 Sec. 13. NEW SECTION. 201A.11 FEES AND APPROPRIATION.

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32 general fund of the state and shall be subject to the  
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34 section to the general fund shall be used only by the  
35 department for the purpose of administering and enforcing the

1 provisions of this chapter, including inspection, sampling,  
2 analysis, and the preparation and publishing of reports.

3 Sec. 14. REPEAL. Chapter 201, Code and Code Supplement  
4 1995, is repealed.

5 Sec. 15. EFFECTIVE DATE AND APPLICABILITY.

6 1. Except as provided in subsection 2, this Act takes  
7 effect on January 1, 1997. However, until January 1, 1998, a  
8 person holding an inventory of packaged agricultural liming  
9 material on January 1, 1997, may continue to sell that  
10 inventory as labeled under chapter 201 as the chapter existed  
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13 administration and enforcement of this Act prior to January 1,  
14 1997. However, the rules must take effect not earlier than  
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19 chapter 201, which regulates the sale of limestone for  
20 agricultural purposes. The bill defines "agricultural liming  
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23 agriculture and land stewardship regulates the sale of  
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1 material, the undried net weight of the agricultural liming  
2 material, and the effective calcium carbonate equivalent of  
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5 The bill requires the department to inspect agricultural  
6 liming material distributed in this state and investigate  
7 persons engaged in the business of manufacturing,  
8 distributing, selling, offering for sale, or exposing for sale  
9 agricultural liming material. The bill requires the  
10 department to certify the effective calcium carbonate  
11 equivalent for agricultural liming material.

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14 The bill provides for enforcement actions, if the  
15 department finds a violation of the chapter. The department  
16 is authorized to issue and enforce a stop order or to obtain a  
17 court order for the seizure of the agricultural liming  
18 material, or for a temporary or permanent injunction.

19 A person violating the bill's provisions is guilty of a  
20 simple misdemeanor. The department is authorized to refer a  
21 violation to a county attorney for prosecution.

22 The bill provides for the deposit of fees into the state  
23 general fund for the use of the department for purposes of  
24 administering and enforcing the bill's provisions.

25 The bill takes effect on January 1, 1997.

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SENATE FILE 2348

AN ACT

RELATING TO AGRICULTURAL LIMESTONE, AND PROVIDING PENALTIES,  
FEES, AND AN EFFECTIVE DATE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section 8.60, subsection 6, Code 1995, is amended to read as follows:

6. Fertilizer fund created in section 200.9, Code Supplement 1993, and moneys collected for the administration of chapter 201A relating to the regulation of limestone products which were deposited in the fertilizer fund pursuant to section 201.13, Code 1993 and Code 1995.

Sec. 2. Section 200.8, subsection 3, Code 1995, is amended to read as follows:

3. If there is an unencumbered balance of funds from the amount of the fees deposited in the general fund pursuant to sections 200.9 and ~~201.13~~ 201A.11 on June 30 of any fiscal year equal to or exceeding three hundred fifty thousand dollars, the secretary of agriculture shall reduce the per ton fee provided for in subsection 1 and the annual license fee established pursuant to section ~~201.13~~ 201A.11 for the next fiscal year in such amount as will result in an ending estimated balance of such funds for June 30 of the next fiscal year of three hundred fifty thousand dollars.

Sec. 3. NEW SECTION. 201A.1 TITLE.

This chapter shall be known and may be cited as the "Iowa Agricultural Liming Material Act".

Sec. 4. NEW SECTION. 201A.2 DEFINITIONS.

As used in this chapter, unless the context otherwise requires:

1. "Agricultural liming material" means a product having calcium and magnesium compounds capable of neutralizing soil acidity.

2. "Brand" means the term, designation, trade name, product name, or other specific designation under which individual agricultural liming material is offered for sale.

3. "Bulk" means material which is in a nonpackaged form.

4. "Effective calcium carbonate equivalent" means the acid-neutralizing capacity of an agricultural liming material.

Sec. 5. NEW SECTION. 201A.3 LICENSE REQUIRED.

Agricultural liming material shall not be distributed in this state unless the manufacturer of the agricultural liming material obtains a license for each facility owned by the manufacturer for distribution in this state. The manufacturer shall obtain the license prior to the facility's manufacture of the agricultural liming material. The license shall expire on January 1 of each year, and may be renewed for a period expiring on January 1 of the following year. The manufacturer shall apply for the license on forms prescribed and according to procedures required by the department. An application for a license, including a license renewal, must be accompanied by a license fee established by the department, which shall not exceed forty dollars.

Sec. 6. NEW SECTION. 201A.4 LABELING AND ADVERTISING.

1. Agricultural liming material shall not be sold, offered for sale, or exposed for sale in this state unless a label accompanies the agricultural liming material which provides the following information:

a. The name and address of the principal office of the manufacturer or distributor.

b. The brand or trade name of the agricultural liming material.

c. The identification of the type of the agricultural liming material.

d. The undried net weight of the agricultural liming material.

e. The effective calcium carbonate equivalent of the agricultural liming material as determined according to rules adopted by the department.

2. The label must be plainly readable. If the agricultural liming material is in packaged form, the label must be affixed to the outside of the package in a conspicuous manner. The label shall be printed, stamped, or otherwise marked in a manner required by the department. If the agricultural liming material is in bulk form, the label may be contained on a delivery slip.

3. The label or advertising which provides information regarding the agricultural liming material shall not be false or misleading to the purchaser, including information relating to the quality, analysis, type, or composition of the agricultural liming material.

4. If the agricultural liming material is adulterated after it has been packaged, labeled, or loaded, but prior to delivery to a purchaser, the vendor shall provide a notice of the adulteration, which shall be placed on the agricultural liming material as an additional label as provided in this section.

5. For each brand of agricultural liming material sold in bulk, a statement shall be conspicuously posted at the location where the agricultural liming material is delivered for resale or where purchase orders for deliveries of the agricultural liming material are placed. The statement shall include the effective calcium carbonate equivalent of the agricultural liming material as determined according to rules adopted by the department.

Sec. 7. NEW SECTION. 201A.5 INSPECTION AND INVESTIGATION.

The department shall inspect agricultural liming material distributed in this state and investigate persons engaged in the business of manufacturing, distributing, selling, offering for sale, or exposing for sale agricultural liming material in this state. Inspections and investigations shall be performed as determined necessary or practicable by the department, in order to ensure compliance with this chapter. The inspection may include the sampling, analysis, and testing of agricultural liming material, as provided by rules adopted by

the department. The department may enter premises of a business engaged in the manufacture, distribution, sale, offer for sale, or exposure for sale of agricultural liming material in this state. The business shall provide timely, convenient, and free access to its agricultural liming material and to its books, records, accounts, papers, documents, and any computer or other recordings relating to the business, during normal business hours. The business shall facilitate the examination and aid in the examination to every extent feasible.

Sec. 8. NEW SECTION. 201A.6 CERTIFICATION OF EFFECTIVE CALCIUM CARBONATE EQUIVALENT -- REPORTING.

The department shall certify the effective calcium carbonate equivalent for all agricultural liming material, as provided by rules adopted by the department. The department may establish a fee for analyzing samples of agricultural liming material. The department shall issue a report at least once every three months which lists the agricultural liming material certified by the department. The report shall list the manufacturers of the agricultural liming material, the locations of facilities used to manufacture the agricultural liming material, and the identification of the type of the agricultural liming material produced by the manufacturer.

Sec. 9. NEW SECTION. 201A.7 TOXIC MATERIALS PROHIBITED.

A person shall not sell, offer for sale, or expose for sale agricultural liming material which includes material which is toxic to plants, animals, human, or aquatic life, or which causes soil or water contamination, as provided by rules adopted by the department.

Sec. 10. NEW SECTION. 201A.8 RULES.

The department shall adopt rules pursuant to chapter 17A required to administer and enforce the provisions of this chapter.

Sec. 11. NEW SECTION. 201A.9 ENFORCEMENT ACTIONS.

If the department finds that agricultural liming material is being manufactured, used, sold, offered for sale, or exposed for sale in violation of this chapter, the department may enforce the provisions of this chapter by doing any of the following:

1. Issuing and enforcing a stop order to prevent the manufacture, sale, or removal of agricultural liming material. The order may require that the owner or custodian hold the agricultural liming material at a place designated in the order. The stop order shall be in writing and served upon the person owning or controlling the manufacture or sale of the agricultural liming material. The department shall provide for the termination of the stop order upon compliance with the provisions of this chapter. The termination of the stop order shall be in writing and served upon the person as provided for in the stop order. The department may place conditions upon the termination of the stop order, including the payment of reasonable expenses incurred by the department in issuing and enforcing the stop order.

2. Obtaining a court order upon petition filed in district court for the county where the agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale. The court may be petitioned by the department, or, upon request by the department, the attorney general or the county attorney. The court shall hear from all parties in the case. The court may issue an order for any of the following:

a. The seizure of the agricultural liming material. The court shall issue an order, if the court finds that the petition is supported by facts that agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale in violation of this chapter, and the agricultural liming material must be condemned because it fails to meet standards required in this chapter. If warranted, the court shall order that the agricultural liming material be disposed of in a manner provided by rules adopted by the department, which may include reprocessing or relabeling the agricultural liming material in order to ensure that it complies with this chapter. The court may provide that any party to the case dispose of the agricultural liming material.

b. A temporary or permanent injunction against a person violating the provisions of this chapter. The court shall

issue an order, if the court finds that the petition is supported by facts that agricultural liming material is being manufactured, sold, offered for sale, or exposed for sale in violation of this chapter. In order to obtain injunctive relief, the department shall not be required to post a bond or prove the absence of an adequate remedy at law, unless the court for good cause otherwise orders. The court may order any form of prohibitory or mandatory relief that is appropriate under principles of equity.

Sec. 12. NEW SECTION. 201A.10 VIOLATIONS.

1. A person violating this chapter or rules adopted by the department under this chapter is guilty of a simple misdemeanor.

2. The department shall provide for the prosecution of a violation of this chapter by referring the violation to the county attorney in the county where the violation occurs. The department shall compile evidence of the violation for prosecution. The county attorney shall prosecute any case determined by the county attorney to be meritorious without delay. The department shall not refer a violation to the county attorney until the department provides the person subject to the violation with an opportunity to be heard by the department according to procedures adopted by the department. A right to a hearing is not a contested case proceeding as provided in chapter 17A. The department is not required to refer a minor violation to a county attorney, and may instead issue a warning to the person subject to the minor violation.

Sec. 13. NEW SECTION. 201A.11 FEES AND APPROPRIATION.

Fees collected under this chapter shall be deposited in the general fund of the state and shall be subject to the requirements of section 8.60. Moneys deposited under this section to the general fund shall be used only by the department for the purpose of administering and enforcing the provisions of this chapter, including inspection, sampling, analysis, and the preparation and publishing of reports.

Sec. 14. REPEAL. Chapter 201, Code and Code Supplement 1995, is repealed.

Sec. 15. EFFECTIVE DATE AND APPLICABILITY.

1. Except as provided in subsection 2, this Act takes effect on January 1, 1997. However, until January 1, 1998, a person holding an inventory of packaged agricultural liming material on January 1, 1997, may continue to sell that inventory as labeled under chapter 201 as the chapter existed on December 31, 1997.

2. The department may adopt rules to provide for the administration and enforcement of this Act prior to January 1, 1997. However, the rules must take effect not earlier than January 1, 1997.

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LEONARD L. BOSWELL  
President of the Senate

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RON J. CORBETT  
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 2348, Seventy-sixth General Assembly.

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JOHN F. DWYER  
Secretary of the Senate

Approved April 15, 1996

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TERRY E. BRANSTAD  
Governor