

4:9-21.2

LEGISLATIVE HISTORY CHECKLIST
Compiled by the NJ State Law Library

(Agricultural liming)

NJSA: 4:9-21.2

LAWS OF: 1995 CHAPTER: 390

BILL NO: S865

SPONSOR(S): Zane

DATE INTRODUCED: March 21, 1994

COMMITTEE: ASSEMBLY: Economic

SENATE: Senior Citizens

AMENDED DURING PASSAGE: Yes Amendments during passage
Second reprint enacted denoted by superscript numbers

DATE OF PASSAGE: ASSEMBLY: January 4, 1996

SENATE: June 13, 1995

DATE OF APPROVAL: January 10, 1996

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: ASSEMBLY: Yes

SENATE: Yes

FISCAL NOTE: No

VETO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

DO NOT WRITE IN THESE SPACES
LIBRARY COPY

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1994

By Senator ZANE

1 AN ACT concerning agricultural liming materials, amending and
2 supplementing P.L.1968, c.392, and repealing part of the
3 statutory law.

4
5 BE IT ENACTED *by the Senate and General Assembly of the*
6 *State of New Jersey:*

7 1. Section 2 of P.L.1968, c.392 (C.4:9-21.2) is amended to read
8 as follows:

9 2. As used in this act:

10 (a) "Agricultural liming materials" means all suitable
11 materials containing calcium or magnesium in chemical form,
12 physical condition and quantity capable of neutralizing soil
13 acidity ², which shall include, but need not be limited to,
14 limestone, burnt lime, marl, and industrial by-product².

15 (b) "Limestone" means a material consisting ²[essentially]
16 primarily² of calcium carbonate or a combination of calcium
17 carbonate with magnesium carbonate [with a total oxide content
18 of not less than 30%, and shall be classified according to its
19 calcium oxide (CaO) or its magnesium oxide (MgO) content]
20 capable of neutralizing soil acidity.

21 [(1) The term "calcite" or "calcitic" may only be used to
22 describe limestone containing less than 6% magnesium oxide
23 (MgO), to describe burnt lime containing less than 11%
24 magnesium oxide or to describe hydrated lime containing less
25 than 8% magnesium oxide.

26 (2) The term "magnesian," "magnesium" or "dolomitic type"
27 may only be used to describe limestone containing at least 6% but
28 less than 15% magnesium oxide (MgO), to describe burnt lime
29 containing at least 11% but less than 27% magnesium oxide or to
30 describe hydrated lime containing at least 8% but less than 20%
31 magnesium oxide.

32 (3) The term "dolomite" or "dolomitic" may only be used to
33 describe limestone containing 15% or more magnesium oxide
34 (MgO), to describe burnt lime containing 27% or more magnesium
35 oxide or to describe hydrated lime containing 20% or more
36 magnesium oxide.]

37 (c) "Burnt lime" means a material, made from limestone,
38 which consists ²[essentially] primarily² of calcium oxide or ^{2a}or²
39 combination of calcium oxide with magnesium oxide.

40 (d) "Hydrated lime" means a material, made from burnt lime,
41 which consists [essentially] of calcium hydroxide or a combination
42 of calcium hydroxide with magnesium oxide ²[and/or] or²

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the
above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Senate SSV committee amendments adopted May 5, 1994.

² Senate floor amendments adopted May 23, 1994.

1 magnesium hydroxide.

2 (e) "Brand" means the term, designation, trademark, product
3 name or other specific designation under which ²[an individual] a
4 single² agricultural liming material is offered for sale.

5 (f) "Fineness" means the percentage by weight of the
6 material, which will pass ²through² sieves of specified sizes. The
7 fineness shall be measured in reference to 20 mesh, 60 mesh and
8 100 mesh sieves of United States Standard designation.

9 (g) "Physical classification" means the fineness of the
10 agricultural liming material as it relates to its particle size.

11 (h) "Ton" means a net weight of 2,000 pounds avoirdupois.

12 (i) "Percent" or "percentage" means by weight.

13 (j) "Bulk" means in nonpackaged form.

14 (k) "Label" means any written or printed matter on or
15 attached to the package or on the delivery ticket which
16 accompanies bulk shipments.

17 (l) "Person" means individual, partnership, association, firm or
18 corporation.

19 (m) "State board" means the State Board of Agriculture of
20 New Jersey.

21 (n) "Secretary" means the Secretary of Agriculture of New
22 Jersey.

23 (o) "Marl" means a granular or loosely consolidated earthy
24 material composed ²[largely] primarily² of ²sea² shell fragments
25 and calcium carbonate.

26 (p) ²["Shells" means a by-product consisting of sea shells.

27 (q)² "Industrial by-product" means any industrial waste or
28 by-product containing calcium or calcium and magnesium in
29 forms that will neutralize soil acidity.

30 ²[(r)] (q)² "Calcium carbonate equivalent" or "CCE" means
31 the acid neutralizing capacity of an agricultural liming material
32 expressed as the percentage by weight of the liming material
33 consisting of calcium carbonate and magnesium carbonate, taking
34 into account the relative molecular weights of the two
35 compounds.

36 ²[(s)] (r)² "Weight" means the weight of undried material as
37 offered for sale.

38 ²[(t)] (s)² "Mesh permeability factor evaluation test" or
39 "MPFET" means the assignment of values to a single agricultural
40 liming material product, in order to rank and label relative
41 particle size, in the following manner:

42
43 Percentage by weight of the product that passes through:

44 20-60 mesh sieve x .4 = A

45 60-100 mesh sieve x .8 = B

46 100 mesh sieve or finer x 1.0 = C

47 ²[(u)] (t)² "Mesh permeability factor" or "MPF" means the
48 value assigned to a single agricultural liming material product
49 based upon relative particle size, obtained from the MPFET
50 conducted pursuant to subsection ²[(t)] (s)² of this section and
51 obtained in the following manner:

52

53 MPF = A + B + C

1 2[(v)] (u)² "Effective neutralizing value" or "ENV" means the
 2 value of the neutralizing capability of a single ²agricultural²
 3 liming material product which takes into account relative
 4 particle sizes and the percentage by weight of the calcium
 5 carbonate equivalent obtained by the following formula:

6
 7
$$\text{ENV} = \text{MPF} \times \text{CCE}$$

8
 9 2(v) "Single agricultural liming material" means a constituent
 10 of agricultural liming materials.

11 (w) "State Chemist" means the person appointed pursuant to
 12 R.S.4:1-42.²

13 (cf: P.L.1968, c.392, s.2)

14 2. Section 3 of P.L.1968, c.392(C.4:9-21.3) is amended to read
 15 as follows;

16 3. (a) Agricultural liming materials sold ²[,] or² offered ²[or
 17 exposed]² for sale in the State shall have affixed to each package
 18 in a conspicuous manner on the outside thereof, a plainly printed,
 19 stamped or otherwise marked label, tag or statement, or in the
 20 case of bulk sales, a delivery slip, setting forth at least the
 21 following information:

22 (1) The name and principal office address of the licensee.

23 (2) The brand or trade name of the material.

24 (3) The identification of the product as to the type of the
 25 agricultural liming material.

26 (4) The net weight of the agricultural liming material.

27 (5) The fineness classification of [the material, if in ground or
 28 powdered form, shall be stated in accordance with rules and
 29 regulations promulgated under this act] all materials except burnt
 30 lime, hydrated lime and marl. A material shall be ²[labelled]
 31 labeled² as fine sized when at least 95% by weight passes through
 32 a 20 mesh sieve, 60% by weight passes through a 60 mesh sieve
 33 and 50% by weight passes through a 100 mesh sieve. A material
 34 shall be ²[labelled] labeled² as medium sized when at least 90%
 35 by weight passes through a 20 mesh sieve, 50% by weight passes
 36 through a 60 mesh sieve, and 30% by weight passes through a 100
 37 mesh sieve. A material shall be labeled as coarse sized when the
 38 material fails to meet minimums for the fine sized and the
 39 medium sized classification.

40 (6) [a.] The minimum percentage [of the total oxides] on a dry
 41 weight basis of calcium and magnesium[, b. the minimum
 42 percentage of calcium oxide (CaO) and c. the minimum
 43 percentage of magnesium oxide (MgO). The total oxides may
 44 exceed the sum of b. plus c].

45 (7) [In the case of hydrated and burnt forms, the maximum
 46 percentage of total oxides present as calcium carbonate and
 47 magnesium carbonate.] (Deleted by amendment, P.L. , c.)
 48 (now before the Legislature as this bill).

49 (8) The calcium carbonate equivalent.

50 (9) The effective neutralizing value.

51 (b) [The physical classification shall appear on every package
 52 or on the labels attached to packages. In the case of bulk
 53 shipments it shall appear on the delivery slip.] (Deleted by
 54 amendment, P.L. , c.) (now before the Legislature as this

1 bill).

2 (c) No information or statement shall appear on any package,
3 label or delivery slip or advertising matter which is false or
4 misleading[,] to the purchaser as to the quality, analysis, type or
5 composition of the agricultural liming material.

6 (d) In the case of any material which has been adulterated
7 subsequent to packaging, labeling or loading thereof and before
8 delivery to the consumer, a plainly marked notice to that effect
9 shall be affixed by the vendor to the package or delivery slip such
10 notice to identify the kind and degree of such adulteration
11 therein.

12 (e) At every site from which agricultural liming materials are
13 delivered in bulk and at every place where consumer orders for
14 bulk deliveries are placed, there shall be conspicuously posted a
15 copy of the statement required by this section for each brand of
16 material.

17 (cf: P.L.1975, c.140, s.1)

18 3. Section 4 of P.L.1968, c.392 (C.4:9-21.4) is amended to read
19 as follows:

20 4. (a) No [agricultural liming material shall be sold or offered
21 for sale in this State unless it contains at least 30% total oxides
22 of calcium and magnesium, and unless it meets the minimum
23 physical requirements established by regulations promulgated
24 under this act] person shall sell or offer for sale in this State
25 agricultural liming material unless it complies with the provisions
26 of "The New Jersey Agricultural Liming Materials Act,"
27 P.L.1968, c.392 (C.4:9-21.1 et seq.) and any rules or regulations
28 adopted pursuant thereto.

29 (b) No agricultural liming material shall be sold or offered for
30 sale in this State which contains toxic materials in quantities
31 injurious to plants or animals.

32 (cf: P.L.1968, c.392, s.4)

33 4. Section 6 of P.L.1968, c.392 (C.4:9-21.6) is amended to read
34 as follows:

35 6. No person shall manufacture for distribution in this State or
36 distribute in this State any agricultural liming material until a
37 license has been obtained by the person whose labeling is applied
38 to such agricultural liming material from the State board or its
39 authorized agent. All licenses shall expire on December 31 of
40 each year.

41 (cf: P.L.1975, c.140, s.2)

42 ¹5. Section 8 of P.L.1968, c.392 (C.4:9-21.8) is amended to
43 read as follows:

44 8. Within the 30-day period following December 31 of each
45 year, each licensee shall submit on a form furnished by the State
46 board or its authorized agent a statement setting forth the
47 number of net tons of each agricultural liming material sold by
48 him for use in the State during the previous 12-month period.
49 Such statement shall be accompanied by payment of the
50 inspection fee at the rate of \$0.02 per ton [for all tonnage up to
51 25,000 tons sold and \$0.01 for all tonnage in excess of 25,000
52 tons]. Such reports shall be confidential and no information
53 therein shall be disclosed in any manner that will reveal the
54 operation of any [registrant] licensee.¹

55 (cf: P.L.1975, c.140, s.4)

1 ¹[5.] 6.¹ Section 9 of P.L.1968, c.392 (C.4:9-21.9) is amended
2 to read as follows:

3 9. The State board or its authorized agent is hereby
4 empowered and it shall be the duty of its agent to sample,
5 inspect, test, and analyze agricultural liming materials[, to
6 analyze them and to report promptly to the licensee the results
7 of its analysis. Results shall become official and public after 10
8 days] to determine compliance with the provisions of P.L.1968,
9 c.392 (C.4:9-21.1 et seq.). The State board or its authorized
10 agent for the purpose of taking samples and to examine the
11 records relating to the tonnage of agricultural liming materials
12 distributed in New Jersey, shall have full access during business
13 hours to all places wherein agricultural liming materials are
14 offered for sale or where records of the tonnage distributed in
15 New Jersey are kept. Upon written notice, the State board or its
16 agent may remove from sale any lot of agricultural liming
17 material until it has been determined that the material is in full
18 compliance with this act.

19 (cf: P.L.1975, c.140, s.5)

20 ¹[6.] 7.¹ Section 10 of P.L.1968, c.392 (C.4:9-21.10) is
21 amended to read as follows:

22 10. Any person convicted of violating any provision of this
23 ²[amendatory and supplementary]² act or ²[the rules and
24 regulations] any rule or regulation² promulgated thereunder shall
25 be subject to a penalty of not less than \$50[.00] nor more than
26 \$200[.00] to be enforced by summary proceedings under [the
27 Penalty Enforcement Law (N.J.S.2A:58-1 et seq.)] "the penalty
28 enforcement law," N.J.S.2A:58-1 et seq. Upon receiving any
29 information of a violation of any part of this ²[amendatory and
30 supplementary]² act other than a violation involving a weighed or
31 measured deficiency or the rules and regulations issued
32 thereunder, the secretary, or any assistant designated by him for
33 such purpose, is empowered to hold hearings, formal or informal,
34 upon said violation and upon finding the violation to have been
35 committed, to assess a penalty against the person alleged to have
36 committed such violation, in an amount not to exceed the
37 maximum limit set forth in this section as the secretary deems
38 proper under the circumstances. In the event the violator makes
39 satisfactory settlement, no further prosecution shall be had upon
40 that violation. Payment of a penalty, in the form of a
41 settlement, shall be deemed equivalent to a conviction for a
42 violation of this ²[amendatory and supplementary]² act.
43 Violations not settled in this manner, may be referred to the
44 court of competent jurisdiction. Nothing in this ²[amendatory and
45 supplementary]² act shall be construed as requiring the State
46 board or its authorized agent to report for prosecution or for the
47 institution of seizure proceedings as a result of minor violations
48 of [the act] "The New Jersey Agricultural Liming Materials Act,"
49 P.L.1968, c.392 (C.4:9-21.1 et seq.) when it believes that the
50 public interest will best be served by a suitable written warning.

51 (cf: P.L.1968, c.392, s.10)

52 ¹[7.] 8.¹ (New section) The State Board or its authorized
53 agent may issue in writing a stop sale, use or removal order to
54 the owner or custodian of any agricultural liming material when

1 the State Chemist finds that the material is being offered for
2 sale or sold in violation of the provisions of "The New Jersey
3 Agricultural Liming Materials Act," P.L.1968, c.392 (C.4:9-21.1
4 et seq.) or any rules or regulations adopted thereunder. The order
5 may require that the material be held at a designated place until
6 the violation has been corrected and an order has been issued in
7 writing authorizing its removal. The board shall authorize
8 removal of the material when the requirements of P.L.1968,
9 c.392 have been met and any costs and expenses incurred by the
10 department in connection with the action have been paid.

11 ¹[8.] 9.¹ Section 5 of P.L.1968, c.392 (C.4:9-21.5) is repealed.

12 ¹[9.] 10.¹ This act shall take effect immediately and shall
13 apply to all agricultural liming materials sold on or after the date
14 falling one year from the effective date of this act.

15

16

17

18

19 Amends, supplements and repeals in part "The New Jersey
20 Agricultural Liming Materials Act."

1 read as follows:

2 10. Any person convicted of violating any provision of this
3 amendatory and supplementary act or the rules and regulations
4 promulgated thereunder shall be subject to a penalty of not less
5 than \$50[.00] nor more than \$200[.00] to be enforced by summary
6 proceedings under [the Penalty Enforcement Law (N.J.S.2A:58-1
7 et seq.)] "the penalty enforcement law," N.J.S.2A:58-1 et seq.
8 Upon receiving any information of a violation of any part of this
9 amendatory and supplementary act other than a violation
10 involving a weighed or measured deficiency or the rules and
11 regulations issued thereunder, the secretary, or any assistant
12 designated by him for such purpose, is empowered to hold
13 hearings, formal or informal, upon said violation and upon finding
14 the violation to have been committed, to assess a penalty against
15 the person alleged to have committed such violation, in an
16 amount not to exceed the maximum limit set forth in this section
17 as the secretary deems proper under the circumstances. In the
18 event the violator makes satisfactory settlement, no further
19 prosecution shall be had upon that violation. Payment of a
20 penalty, in the form of a settlement, shall be deemed equivalent
21 to a conviction for a violation of this amendatory and
22 supplementary act. Violations not settled in this manner, may be
23 referred to the court of competent jurisdiction. Nothing in this
24 amendatory and supplementary act shall be construed as requiring
25 the State board or its authorized agent to report for prosecution
26 or for the institution of seizure proceedings as a result of minor
27 violations of [the act] "The New Jersey Agricultural Liming
28 Materials Act," P.L.1968, c.392 (C.4:9-21.1 et seq.) when it
29 believes that the public interest will best be served by a suitable
30 written warning.

31 (cf: P.L.1968, c.392, s.10)

32 7. (New section) The State Board or its authorized agent may
33 issue in writing a stop sale, use or removal order to the owner or
34 custodian of any agricultural liming material when the State
35 Chemist finds that the material is being offered for sale or sold
36 in violation of the provisions of "The New Jersey Agricultural
37 Liming Materials Act," P.L.1968, c.392 (C.4:9-21.1 et seq.) or
38 any rules or regulations adopted thereunder. The order may
39 require that the material be held at a designated place until the
40 violation has been corrected and an order has been issued in
41 writing authorizing its removal. The board shall authorize
42 removal of the material when the requirements of P.L.1968,
43 c.392 have been met and any costs and expenses incurred by the
44 department in connection with the action have been paid.

45 8. Section 5 of P.L.1968, c.392 (C.4:9-21.5) is repealed.

46 9. This act shall take effect immediately and shall apply to all
47 agricultural liming materials sold on or after the date falling one
48 year from the effective date of this act.

49
50

51 STATEMENT

52

53 This bill would amend and supplement "The New Jersey
54 Agricultural Liming Materials Act" to update the labeling and

1 content requirements for agricultural lime. Similar legislation is
2 being proposed in eight northeastern states so that regional
3 uniformity in labeling can be achieved. Current law requires that
4 liming materials contain certain ingredients at specified levels.
5 This bill would amend and supplement existing law to remove
6 certain content restrictions and to expand labeling requirements.
7 Existing law authorizes the State Board of Agriculture to inspect,
8 analyze and test agricultural liming materials to determine
9 compliance with the act, and to impose monetary penalties for
10 violations thereof. The bill would authorize the State Board of
11 Agriculture to remove or to prevent the sale or use of materials
12 that are sold or offered for sale in violation of the act. The bill
13 would also repeal section 5 of P.L.1968, c.392 (C.4:9-21.5).

14
15
16
17

18 Amends, supplements and repeals in part "The New Jersey
19 Agricultural Liming Materials Act."

ASSEMBLY ECONOMIC DEVELOPMENT, AGRICULTURE, AND
MILITARY AND VETERANS' AFFAIRS COMMITTEE

STATEMENT TO

[SECOND REPRINT]

SENATE, No. 865

STATE OF NEW JERSEY

DATED: JUNE 1, 1995

The Assembly Economic Development, Agriculture, and Military and Veterans' Affairs Committee reports favorably Senate Bill No. 865.

As reported, this bill would amend and supplement "The New Jersey Agricultural Liming Materials Act" to update the labeling and content requirements for agricultural lime. Similar legislation is being proposed in eight northeastern states so that regional uniformity in labeling can be achieved. Current law requires that liming materials contain certain ingredients at specified levels. This bill would amend and supplement existing law to remove certain content restrictions and to expand labeling requirements. Existing law authorizes the State Board of Agriculture to inspect, analyze and test agricultural liming materials to determine compliance with the act, and to impose monetary penalties for violations thereof. The bill would authorize the State Board of Agriculture to remove or to prevent the sale or use of materials that are sold or offered for sale in violation of the act. The bill would also repeal section 5 of P.L.1968, c.392 (C.4:9-21.5).

SENATE SENIOR CITIZENS, VETERANS AFFAIRS
AND AGRICULTURE COMMITTEE

STATEMENT TO

SENATE, No. 865

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 5, 1994

The Senate Senior Citizens, Veterans Affairs and Agriculture Committee favorably reports Senate Bill No. 865 with committee amendments.

This bill would amend and supplement "The New Jersey Agricultural Liming Materials Act" to update the labeling and content requirements for agricultural lime. Similar legislation is being proposed in eight northeastern states so that regional uniformity in labeling can be achieved. Current law requires that liming materials contain certain ingredients at specified levels. This bill would amend and supplement existing law to remove certain content restrictions and to expand labeling requirements. Existing law authorizes the State Board of Agriculture to inspect, analyze and test agricultural liming materials to determine compliance with the act, and to impose monetary penalties for violations thereof. The bill would authorize the State Board of Agriculture to remove or to prevent the sale or use of materials that are sold or offered for sale in violation of the act. The bill would also repeal section 5 of P.L.1968, c.392 (C.4:9-21.5).

Committee amendments remove the discount in the inspection fee of \$0.01 per ton of agricultural liming material for all tonnage in excess of 25,000 tons. The fee would be \$0.02 per ton for any amount of agricultural liming material.