

No. 83

AN ACT

SB 775

Amending the act of August 8, 1961 (P.L.971), entitled "An act to regulate the sale and distribution for agricultural purposes of ground limestone, burned and hydrated lime, gypsum, slag, and related products in the Commonwealth of Pennsylvania; conferring powers and imposing duties on the Department of Agriculture; establishing fees; making an appropriation and prescribing penalties," changing the definition of agricultural liming materials, removing the semi-annual ceiling, providing a penalty for late returns, and changing the penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Clause (3) of section 2, act of August 8, 1961 (P.L.971), known as the "Pennsylvania Agricultural Lime Act," is amended to read:

Section 2. Definitions.—When used in this act—

* * *

(3) The term "agricultural liming materials" means all **[calcitic and other]** materials containing calcium or magnesium in condition and quantity suitable for use in neutralizing soil acidity. **["Gypsum" means products consisting primarily of calcium sulfate.]**

* * *

Section 2. Section 5 of the act, amended April 3, 1968 (Act No. 35), is amended to read:

Section 5. Control Fee.—(a) Each manufacturer or importer of agricultural liming material shall file, not later than the last day of January and July of each year, a semi-annual statement in a form prescribed by the Secretary of Agriculture setting forth the number of net tons of agricultural liming material distributed in this State during the six months' period ending as of the last day of the previous month; and upon filing such statement shall pay a control fee at the rate of two cents (\$.02) per ton, except that no semi-annual payment shall **[exceed one hundred fifty dollars (\$150) nor]** be less than twelve dollars and fifty cents (\$12.50). Failure to make an accurate statement of tonnage or to pay the control fee shall constitute sufficient cause for the cancellation of all registrations on file for the manufacturer or importer.

(b) Sales of agricultural liming materials to manufacturers or exchanges between them are hereby exempted from the control fee. Registration and control fees and fines, when collected, shall be paid into the State Treasury, and shall be credited to the general government operations appropriation of the Department of Agriculture for the payment of the costs of inspection, sampling, analysis, and other expenses necessary for the administration of this act and other acts specified by the General Assembly.

(c) *If the tonnage report is not filed by January 31 or July 31, a penalty amounting to ten percent, a minimum of ten dollars (\$10) shall*

be added to the amount of the inspection fee when payment is made. This penalty fee shall not prevent the secretary from taking other actions as provided in this act.

Section 3. Section 9 of the act is amended to read:

Section 9. Violations; Penalties.—Any person violating any provisions of this act *or any rule, regulation or order made pursuant to this act* shall **[be guilty of a misdemeanor, and, upon conviction, shall]** *for the first or second offense, upon conviction thereof in a summary proceeding,* be sentenced to pay a fine of not less than fifty dollars (\$50) **[for the first offense,]** *nor more than one hundred dollars (\$100) and costs of prosecution* and, in default of payment thereof, *shall be sentenced to* undergo imprisonment for **[a term not exceeding]** *not more than* thirty days, and **[a fine of not less than one hundred dollars (\$100) for each]** *for a third or* subsequent offense, **[and, in default thereof, a term of imprisonment of not less than sixty days]** *or, if three offenses including the last offense are committed within one year, shall be guilty of a misdemeanor, and shall, upon conviction thereof, be sentenced to pay a fine of not less than five hundred dollars (\$500) nor more than one thousand dollars (\$1,000) or to undergo imprisonment not exceeding one year or both.* It shall be the duty of the Secretary of Agriculture to enforce the provisions of this act.

APPROVED—The 12th day of August, A. D. 1971.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 83.



Secretary of the Commonwealth.