

Sixty-seventh
Legislative Assembly
of North Dakota

ENGROSSED HOUSE BILL NO. 1197

Introduced by

Representatives D. Johnson, Beltz, Thomas, Westlind

Senators Klein, Luick, Myrdal

1 A BILL for an Act to amend and reenact subsection 7 of section 4.1-40-03, subsection 1 of
2 section 4.1-40-06, and section 4.1-40-07 of the North Dakota Century Code, relating to the
3 definition, licensing, labeling, and inspection fees for specialty fertilizers.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Subsection 7 of section 4.1-40-03 of the North Dakota Century
6 Code is amended and reenacted as follows:

- 7 7. The requirements of this section do not apply to persons that distribute only:
- 8 a. Specialty fertilizers to end users; or
 - 9 b. Seed inoculants.

10 **SECTION 2. AMENDMENT.** Subsection 1 of section 4.1-40-06 of the North Dakota Century
11 Code is amended and reenacted as follows:

- 12 1. If the product is in a container, the label must be plainly printed in English and
13 conspicuously placed on or attached to the container. The label must include:
- 14 a. The net weight of the product;
 - 15 b. The brand;
 - 16 c. The grade, unless no primary nutrients are claimed;
 - 17 d. The guaranteed analysis; ~~and~~
 - 18 e. The name and address of the registrant; and
 - 19 f. For soil or plant amendments, the purpose for which the product is used.

20 **SECTION 3. AMENDMENT.** Section 4.1-40-07 of the North Dakota Century Code is
21 amended and reenacted as follows:

22 **4.1-40-07. Inspection fees - Tonnage reports - Penalty.**

- 23 1. a. An inspection fee of ten dollars or twenty cents per ton [907.18 kilograms],
24 whichever is greater, must be paid to the commissioner on all fertilizer, fertilizer

1 material, micronutrients, specialty fertilizer, soil amendments, and plant
2 amendments distributed in this state.

3 b. This subsection does not apply to:

4 (1) Exchanges of product between manufacturers and distributors; or

5 (2) Individual fertilizers, fertilizer material, micronutrients, specialty fertilizers,
6 soil amendments, or plant amendments sold exclusively in packages of
7 ~~twenty-five~~ ten pounds [~~11.344~~ 54 kilograms] or less.

8 2. a. On or before January thirty-first, each licensed person who distributes a fertilizer,
9 fertilizer material, micronutrient, specialty fertilizer, soil amendment, or plant
10 amendment ~~to an end user~~ in this state shall:

11 (1) File with the commissioner a form stating the number of net tons [kilograms]
12 of each listed product distributed in this state during the preceding calendar
13 year; and

14 (2) Submit to the commissioner the inspection fee required by this section.

15 b. If a person fails to submit an inspection fee, at the time and in the manner
16 required by this section, the commissioner may impose a penalty of ten dollars or
17 ten percent of the amount due, whichever is greater.

18 c. The requirements of subdivisions a and b apply only to the last licensed person
19 to handle the same lot of fertilizer.

20 3. a. ~~On or before January thirty-first, each licensed person that distributes a fertilizer,~~
21 ~~fertilizer material, micronutrient, specialty fertilizer, soil amendment, or plant~~
22 ~~amendment to a licensed entity in this state shall file with the commissioner a~~
23 ~~form stating the number of net tons [kilograms] of each listed product distributed~~
24 ~~in this state during the preceding calendar year.~~

25 b. ~~If a person fails to file the form, at the time and in the manner required by this~~
26 ~~subsection, the commissioner may impose a late fee of thirty-five dollars.~~

27 4. Each distributor shall keep all records regarding purchases and sales for a period of
28 three years. The records may be examined by the commissioner upon request.

29 5.4. The agriculture commissioner shall forward all fees received under this section to the
30 state treasurer for deposit in the environment and rangeland protection fund.