

**Sixty-seventh Legislative Assembly of North Dakota  
In Regular Session Commencing Tuesday, January 5, 2021**

HOUSE BILL NO. 1197  
(Representatives D. Johnson, Beltz, Thomas, Westlind)  
(Senators Klein, Luick, Myrdal)

AN ACT to amend and reenact subsection 7 of section 4.1-40-03, subsection 1 of section 4.1-40-06, and section 4.1-40-07 of the North Dakota Century Code, relating to the definition, licensing, labeling, and inspection fees for specialty fertilizers.

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

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

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

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

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

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

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

1. a. An inspection fee of ten dollars or twenty cents per ton [907.18 kilograms], whichever is greater, must be paid to the commissioner on all fertilizer, fertilizer material, micronutrients, specialty fertilizer, soil amendments, and plant amendments distributed in this state.
- b. This subsection does not apply to:
  - (1) Exchanges of product between manufacturers and distributors; or
  - (2) Individual fertilizers, fertilizer material, micronutrients, specialty fertilizers, soil amendments, or plant amendments sold exclusively in packages of twenty-fivet~~en~~ pounds [~~11.344.54~~ kilograms] or less.

2. a. On or before January thirty-first, each licensed person who distributes a fertilizer, fertilizer material, micronutrient, specialty fertilizer, soil amendment, or plant amendment to ~~an~~ end user in this state shall:
  - (1) File with the commissioner a form stating the number of net tons [kilograms] of each listed product distributed in this state during the preceding calendar year; and
  - (2) Submit to the commissioner the inspection fee required by this section.
- b. If a person fails to submit an inspection fee, at the time and in the manner required by this section, the commissioner may impose a penalty of ten dollars or ten percent of the amount due, whichever is greater.
- c. The requirements of subdivisions a and b apply only to the last licensed person to handle the same lot of fertilizer.
3. a. ~~On or before January thirty-first, each licensed person that distributes a fertilizer, fertilizer material, micronutrient, specialty fertilizer, soil amendment, or plant amendment to a licensed entity in this state shall file with the commissioner a form stating the number of net tons [kilograms] of each listed product distributed in this state during the preceding calendar year.~~
- b. ~~If a person fails to file the form, at the time and in the manner required by this subsection, the commissioner may impose a late fee of thirty-five dollars.~~
4. Each distributor shall keep all records regarding purchases and sales for a period of three years. The records may be examined by the commissioner upon request.
- ~~5.4.~~ The agriculture commissioner shall forward all fees received under this section to the state treasurer for deposit in the environment and rangeland protection fund.

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Speaker of the House

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President of the Senate

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Chief Clerk of the House

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Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Sixty-seventh Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1197.

House Vote:    Yeas 89            Nays 3            Absent 2

Senate Vote:   Yeas 46            Nays 0            Absent 1

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Chief Clerk of the House

Received by the Governor at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

Approved at \_\_\_\_\_ M. on \_\_\_\_\_, 2021.

\_\_\_\_\_  
Governor

Filed in this office this \_\_\_\_\_ day of \_\_\_\_\_, 2021,

at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

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Secretary of State