

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 [~~4.54~~ 1.344 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.