

**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-fiveten 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.

Kim A. Lofgren
Speaker of the House

Ernst P. Pelt
President of the Senate

Buell J. Reich
Chief Clerk of the House

Wanda Morgan
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

Buell J. Reich
Chief Clerk of the House

Received by the Governor at 9:33 AM on March 11, 2021.

Approved at 1:18 PM on March 16, 2021.

Doug Burgum
Governor

Filed in this office this 16th day of March, 2021,
at 2:23 o'clock P. M.

Christine Segen
Secretary of State