

Fifty-fifth
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1136

Introduced by

Agriculture Committee

(At the request of the Department of Agriculture)

1 A BILL for an Act to amend and reenact sections 19-13.1-03, 19-13.1-06, 19-14-02, 19-14-04,
2 and 19-20.1-03.1 of the North Dakota Century Code, relating to commercial feed licenses and
3 inspection fees and fertilizer distributor licenses; and to provide a penalty.

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

5 **SECTION 1. AMENDMENT.** Section 19-13.1-03 of the 1995 Supplement to the North
6 Dakota Century Code is amended and reenacted as follows:

7 **19-13.1-03. Registration and license - Penalty.**

- 8 1. Each pet food and specialty pet food must be registered before being distributed in
9 this state. The application for registration must be submitted on forms furnished by
10 the commissioner. The application must be accompanied by a label and any other
11 printed matter describing each product and the registration fee of fifty dollars per
12 product. Upon approval by the commissioner, a certificate of registration must be
13 furnished to the applicant. Registrations are not transferable. Registration covers
14 a two-year period beginning January first and ending December thirty-first.
15 Registration renewals received after January thirty-first must be assessed a
16 penalty fee of ten dollars per product. Products found marketed in this state
17 without proper registration must be assessed the penalty fee of twenty-five dollars.
- 18 2. A distributor is not required to register any brand of pet food or specialty pet food
19 that is already registered under this chapter by another person.
- 20 3. Each person who manufactures commercial feed or whose name appears on the
21 label of a commercial feed, other than pet food or specialty pet food, shall obtain a
22 feed manufacturer's license from the commissioner for each location. Each person
23 who sells commercial feed, other than pet food or specialty pet food, at retail, shall
24 obtain a feed retailer's license from the commissioner. The license application

1 must be on forms furnished by the commissioner and must be accompanied by a
2 fee of one hundred dollars for feed manufacturers or fifty dollars for feed retailers.
3 The license covers a two-year period beginning January first and ending December
4 thirty-first. If a manufacturer is also a retailer of feed, the retail license is waived. A
5 feed retailer's license must be obtained for each location used by the retailer.
6 Licenses are not transferable. License renewal applications received after January
7 thirty-first may be assessed a penalty fee of ten dollars for retailers and twenty
8 dollars for manufacturers. Distributors of feed without a license may be assessed
9 a penalty of twenty-five dollars for a retailer or fifty dollars for a manufacturer. This
10 subsection does not apply to any person who custom manufactures feed only for
11 another person at that person's request and for that person's own use.

- 12 4. Each feed manufacturer required to be licensed under this chapter shall submit
13 and maintain a current label file of all the feeds distributed in the state with the
14 commissioner except custom formula feeds.
- 15 5. The commissioner may refuse to register or license any product or applicant not in
16 compliance with the provisions of this chapter and to cancel any registration or
17 license subsequently found not to be in compliance with any provision of this
18 chapter; provided, however, that no registration or license may be refused or
19 canceled until the registrant or licensee has been given opportunity to be heard
20 before the commissioner and to amend the application in order to comply with the
21 requirements of this chapter.

22 **SECTION 2. AMENDMENT.** Section 19-13.1-06 of the 1995 Supplement to the North
23 Dakota Century Code is amended and reenacted as follows:

24 **19-13.1-06. Inspection fees.** There must be paid to the commissioner for all
25 commercial feeds and customer-formula feeds, except pet foods and specialty pet foods,
26 distributed in this state an inspection fee at the rate of twenty cents per ton [907.18 kilograms].
27 However, customer-formula feeds are exempted if the inspection fee is paid on the commercial
28 feeds that they contain and distribution of commercial feeds to manufacturers is exempted if the
29 commercial feeds so distributed are used solely in manufacture of feeds that are registered.
30 Every person, except as hereinafter provided, who distributes commercial feed in this state
31 shall:

- 1 1. File, not later than the thirty-first day of January of each year, an annual statement
2 under oath, setting forth the number of net tons [kilograms] of commercial feeds
3 distributed in this state during the preceding year; and upon filing such statement
4 shall pay the inspection fee. The person whose name appears on the label as the
5 manufacturer, guarantor, or distributor shall assume the liability for reporting and
6 paying the inspection fee. If the tonnage statement is not filed and the payment of
7 inspection fees is not made by January thirty-first, a collection fee amounting to ten
8 percent of the amount owed, with a minimum of ten dollars, may be assessed
9 against the licensee.
- 10 2. Keep such records as may be necessary or required by the commissioner to
11 indicate accurately the tonnage of commercial feed distributed in this state and the
12 commissioner has the right to examine such records to verify statements of
13 tonnage.

14 Failure to make an accurate statement of tonnage or to pay the inspection fee or comply as
15 provided herein constitutes sufficient cause for the cancellation of all licenses on file for the
16 distributor.

17 **SECTION 3. AMENDMENT.** Section 19-14-04 of the 1995 Supplement to the North
18 Dakota Century Code is amended and reenacted as follows:

19 **19-14-04. Registration fee - Penalty.** Prior to each annual registration, a registration
20 fee of ten dollars must be paid to the commissioner of agriculture for each livestock medicine
21 that is registered. A civil penalty of up to two thousand five hundred dollars may be assessed
22 against a company with an unregistered livestock medicine.

23 **SECTION 4. AMENDMENT.** Section 19-20.1-03.1 of the 1995 Supplement to the
24 North Dakota Century Code is amended and reenacted as follows:

25 **19-20.1-03.1. License required - Penalty.** A person may not distribute any fertilizer,
26 soil amendment, or plant amendment in this state without first obtaining a distributor's license
27 from the commissioner. However, a distributor's license is not required for those distributors
28 selling only specialty fertilizers. A license must be obtained for each location or mobile
29 mechanical unit used by a distributor in the state. The application for the license must be
30 submitted on a form furnished by the commissioner, and must be accompanied by a fee of fifty
31 dollars. All licenses expire on June thirtieth of each year. License renewal applications

- 1 received after July thirty-first may be assessed a penalty fee of twenty dollars. Licenses are not
- 2 transferable, and each license must be conspicuously posted at each location and must
- 3 accompany each mobile mechanical unit operating in the state. A penalty of fifty dollars may
- 4 be assessed against a person distributing fertilizer without a distributor's license.