

SENATE BILL NO. 2110

Introduced by

Agriculture Committee

(At the request of the Agriculture Commissioner)

1 A BILL for an Act to amend and reenact sections 19-20.1-03, 19-20.1-03.1 and 19-20.1-06 of
2 the North Dakota Century Code, relating to registration and inspection fees of fertilizer and soil
3 conditioners.

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

5 **SECTION 1. AMENDMENT.** Section 19-20.1-03 of the North Dakota Century Code is
6 amended and reenacted as follows:

7 **19-20.1-03. Registration.** Each brand and grade of fertilizer, material, foliar fertilizer,
8 micronutrient, specialty fertilizer, soil amendment, or plant amendment must be registered in the
9 name of the person whose name appears upon the label before being offered for sale or
10 distributed in this state. The application for registration must be submitted to the commissioner
11 on a form furnished by the commissioner and must be accompanied by a fee of fifty dollars.
12 Upon approval by the commissioner, a certificate of registration must be furnished to the
13 applicant. Registrations cover a two-year period beginning July first and ending June thirtieth of
14 every even-numbered year. Distribution of fertilizer products without prior registration or
15 renewal received after July thirty-first must be assessed a penalty of twenty-five dollars per
16 product. A distributor is not required to register any brand of fertilizer, soil amendment, or plant
17 amendment that is already registered under this chapter by another person, providing the label
18 complies with the issued registration. Compost that is transferred between parties without
19 compensation is exempt from these requirements.

20 **SECTION 2. AMENDMENT.** Section 19-20.1-03.1 of the North Dakota Century Code
21 is amended and reenacted as follows:

22 **19-20.1-03.1. License required - Penalty.** A person may not distribute any fertilizer,
23 soil amendment, or plant amendment in this state without first obtaining a distributor's license
24 from the commissioner. However, a distributor's license is not required for those distributors

1 selling only specialty fertilizers. A license must be obtained for each location or mobile
2 mechanical unit used by a distributor in the state. The application for the license must be
3 submitted on a form furnished by the commissioner and must be accompanied by a fee of one
4 hundred dollars. A license covers a two-year period beginning July first and ending June
5 thirtieth of ~~the second ensuing year~~ every even-numbered year. License renewal applications
6 received after July thirty-first may be assessed a penalty fee of twenty dollars. Licenses are not
7 transferable, and each license must be conspicuously posted at each location and must
8 accompany each mobile mechanical unit operating in the state.

9 **SECTION 3. AMENDMENT.** Section 19-20.1-06 of the North Dakota Century Code is
10 amended and reenacted as follows:

11 **19-20.1-06. Inspection fees and tonnage reports.** There must be paid to the
12 commissioner for all fertilizers, soil amendments, or plant amendments distributed in this state
13 an inspection fee at the rate of twenty cents per ton [907.18 kilograms]. The inspection fee may
14 not be less than ten dollars. Sales to manufacturers or exchanges between them are exempt
15 from the inspection fee. Fees collected under this section must be used for the payment of the
16 costs of inspection, sampling, and analysis, and other expenses necessary for the
17 administration of this chapter.

18 Individual packages of fertilizers, soil amendments, or plant amendments sold
19 exclusively in packages of twenty-five pounds [11.34 kilograms] or less are exempt from the
20 provisions of this section. If a person sells fertilizer, soil amendments, or plant amendments in
21 packages of twenty-five pounds [11.34 kilograms] or less and in packages over twenty-five
22 pounds [11.34 kilograms], that portion sold in packages over twenty-five pounds [11.34
23 kilograms] is subject to the same inspection fee of twenty cents per ton [907.18 kilograms],
24 including the minimum ten dollar fee, as provided in this chapter.

25 Every licensed person who distributes a fertilizer, soil amendment, or plant amendment
26 to a nonlicensed person in this state shall file with the commissioner, on forms furnished by the
27 commissioner, an annual statement for the calendar year, setting forth the number of net tons
28 [kilograms] of each fertilizer, soil amendment, or plant amendment so distributed in this state
29 during the period. A licensed end user shall report all sales and purchases and pay the
30 appropriate tonnage tax. The statement is due on or before January thirty-first of the following
31 year. The person filing the statement shall pay the inspection fee at the rate stated in this

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1 section. If the tonnage statement is not filed and the payment of inspection fee is not made by
2 January thirty-first, a collection fee amounting to ten percent, minimum ten dollars, of the
3 amount must be assessed against the licensee, and the amount of fees due constitute a debt
4 and become the basis of a judgment against the licensee.