

2021 HOUSE AGRICULTURE

HB 1197

2021 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee Room JW327C, State Capitol

HB 1197
1/22/2021
a.m.

Relating to the definition, licensing, labeling, and inspection fees for specialty fertilizers

Chair D. Johnson called the meeting to order at 9:30 a.m.

Attendance	P or Ab
Chair D. Johnson	P
Vice Chair Trottier	P
Representative Beltz	P
Representative Buffalo	AB
Representative Dobervich	P
Representative Fisher	P
Representative Headland	P
Representative Kiefert	P
Representative Richter	P
Representative Satrom	P
Representative Schreiber-Beck	P
Representative Skroch	P
Representative Thomas	P
Representative Tveit	P

Discussion Topics:

- Wholesale tonnage reporting requirements
- Label requirements

Eric Delzer-Pesticide and Fertilizer Division Director, ND Ag. Department:
Attachment # 2212

Chair D. Johnson closed the hearing at 9:43 a.m.

Representative Headland moved Do Pass

Representative Skroch seconded the motion

Roll call vote. Motion passed 13-0-1

Vote	
Chair D. Johnson	Y
Vice Chair Trottier	Y
Representative Beltz	Y
Representative Fisher	Y
Representative Headland	Y
Representative Kiefert	Y
Representative Richter	Y
Representative Satrom	Y
Representative Schreiber-Beck	Y
Representative Skroch	Y
Representative Thomas	Y
Representative Tveit	Y
Representative Buffalo	AB
Representative Dobervich	Y

Representative Dobervich is the carrier (9:45 a.m.)

ReMae Kuehn, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1197: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Eleventh order on the calendar.



**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**

STATE CAPITOL
600 E. BOULEVARD AVE. – DEPT. 602
BISMARCK, ND 58505-0020

**HB 1197 Testimony
Eric Delzer
Pesticide and Fertilizer Division Director
House Agriculture Committee
327C
January 22, 2021**

Chairman Johnson and members of the House Agriculture Committee, my name is Eric Delzer and I am the pesticide and fertilizer division director for the North Dakota Department of Agriculture. I am here today to testify in support of house bill 1197. The main purpose of this bill is to provide a necessary clarification to fertilizer law found in North Dakota Century Code (N.D.C.C.) chapter 4.1-40.

Under this statute, any person who sells a fertilizer product in North Dakota must first obtain a fertilizer distributor's license from the Department. However, under N.D.C.C. 4.1-40-03(7)(a) there is an exemption from the licensing requirements for persons that sell only specialty fertilizer products, which are defined as fertilizer distributed primarily for non-farm use. We believe this exemption was put in place to exempt small local retailers, like a small-town hardware store that sells only a handful of bags of lawn fertilizer, from the licensing and tonnage reporting requirements. However, the way this exemption is written also exempts the large commercial distributors that are importing all the specialty fertilizer into the state.

This bill proposes clarifying the specialty fertilizer exemption so that it would only apply to those that sell specialty fertilizer to an "end user" and changes the reportable package size from 25 pounds to 10 pounds. These simple language changes would ensure that our local retailers would remain exempt from the licensing and tonnage reporting requirements while also making it necessary for the large commercial distributors to be licensed and report their tonnage. This matches licensing and reporting requirements across the country.

HB 1197 will also require a purpose statement for soil amendments and plant amendments. As we're seeing more and more nonnutritive ingredients in fertilizer being guaranteed as beneficial, it is important that they explain the purpose of these ingredients. This language is taken directly from the model bill published by Association of American Plant Food Control Officials (AAPFCO). AAPFCO is an organization comprised of state control officials and fertilizer industry members that works together to develop uniform language for states to use to standardize fertilizer label requirements across all 50 states. This language is highly supported by the specialty fertilizer industry.

The final change proposed in HB 1197 relates to the wholesale tonnage reporting requirements. In 2013 the legislature added this provision at the request of the Department to aid in our tonnage auditing program. It was thought at the time to be necessary for auditing purposes, however the data proved to be not as valuable as we envisioned. Furthermore, the tonnage auditing program was cut by the Department several years ago due to budget constraints and we are no longer using this data, so it is no longer necessary to collect it. The wholesale reporting process is very tedious and burdensome to companies as they must separate their wholesale tons sold from their retail tons sold as well as track how many tons of each product they sold to each licensed facility in the state and report it separately. There is also no revenue to the state associated with this reporting so there will be no fiscal impact associated with its removal from statute.

Chairman Johnson, and committee members, this concludes my testimony on HB 1197, and I would be happy to answer any questions.

2021 HOUSE STANDING COMMITTEE MINUTES

Agriculture Committee
Room JW327C, State Capitol

HB 1197
1/28/2021

Relating to the definition, licensing, labeling, and inspection fees for specialty fertilizers.
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Chair D. Johnson started committee work at 11:35 a.m.

Attendance	P or Ab
Chair D. Johnson	P
Vice Chair Trottier	P
Representative Beltz	P
Representative Buffalo	AB
Representative Dobervich	P
Representative Fisher	P
Representative Headland	P
Representative Kiefert	P
Representative Richter	P
Representative Satrom	P
Representative Schreiber-Beck	P
Representative Skroch	P
Representative Thomas	P
Representative Tveit	P

Discussion Topics:

- Amendment #21.0688.01002
- Fertilizer purpose statement

Representative Satrom moved to reconsider actions of January 22, 2021

Representative Skroch seconded the motion

Voice vote. Motion carried

Eric Delzer, Pesticide & Fertilizer Program Manager, ND Agriculture Department:
Amendment-Attachment #4087

Representative Tveit moved to adopt amendment #21.0688.01002

Representative Skroch seconded the motion

Voice vote. Motion passed.

Representative Skroch moved Do Pass as amended

Representative Satrom seconded the motion

Vote	
Chair D. Johnson	Y
Vice Chair Trottier	Y
Representative Beltz	Y
Representative Fisher	Y
Representative Headland	Y
Representative Kiefert	Y
Representative Richter	Y
Representative Satrom	Y
Representative Schreiber-Beck	Y
Representative Skroch	Y
Representative Thomas	Y
Representative Tveit	Y
Representative Buffalo	AB
Representative Dobervich	Y

Roll call vote. Motion passed 13-0-1. Representative Dobervich is the carrier.

(11:39)

ReMae Kuehn, Committee Clerk

January 28, 2021

DE 1/28/21
1051

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1197

Page 1, line 1, remove "subsection 26 of section 4.1-40-01,"

Page 1, remove lines 6 through 10

Page 2, line 1, remove "The purpose for which non-nutritive soil or plant additives are recommended or"

Page 2, line 2, replace "guaranteed as effective" with "For soil or plant amendments, the purpose for which the product is used"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1197: Agriculture Committee (Rep. D. Johnson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1197 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 26 of section 4.1-40-01,"

Page 1, remove lines 6 through 10

Page 2, line 1, remove "The purpose for which non-nutritive soil or plant additives are recommended or"

Page 2, line 2, replace "guaranteed as effective" with "For soil or plant amendments, the purpose for which the product is used"

Renumber accordingly

PROPOSED AMENDMENTS TO HOUSE BILL NO. 1197

Page 1, lines 8-10, remove “, including use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks, cemeteries, greenhouses, and nurseries”

Page 2, lines 1 and 2, replace “The purpose for which non-nutritive soil or plant additives are recommended or guaranteed as effective” with “Purpose of product (for soil amendments and plant amendments)”

2021 SENATE AGRICULTURE

HB 1197

2021 SENATE STANDING COMMITTEE MINUTES

Agriculture Committee Fort Union Room, State Capitol

HB 1197
3/4/2021

A BILL for an Act relating to the definition, licensing, labeling, and inspection fees for specialty fertilizers

Chair Luick called the committee back to order at 11:00 AM. All committee members were present: Chair Luick, Vice Chair Myrdal, Senator Klein, Senator Lemm, Senator Oley Larsen and Senator Hogan.

Discussion Topics:

- Reporting by stores regarding Fertilizer sales
- Difference between original Bill & Engrossed Bill

(11:00 AM) Eric Delzer Pesticide and Fertilizer Division Director of ND Department of Agriculture testified in favor and provided testimony # 7363.

(11:09 AM) Gary Knutson, ND Agricultural Association testified in favor of the Bill.

(11:11 AM) Vice Chair Myrdal moved a Do Pass on Engrossed HB 1197.

(11:12 AM) Senator Klein 2ND the motion.

Senators	Vote
Senator Larry Luick	Y
Senator Janne Myrdal	Y
Senator Kathy Hogan	Y
Senator Jerry Klein	Y
Senator Oley Larsen	Y
Senator Randy D. Lemm	Y

(11:13 AM) A Roll Call Vote was taken on a Do Pass on Engrossed HB 1197. 6-0-0.

(11:14 AM) Senator Klein will carry the Bill.

(11:15 AM) Chair Luick closed the hearing on HB 1197.

Alice Delzer, Committee Clerk

REPORT OF STANDING COMMITTEE

HB 1197, as engrossed: Agriculture Committee (Sen. Luick, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1197 was placed on the Fourteenth order on the calendar.

COMMISSIONER
DOUG GOEHRING



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**NORTH DAKOTA
DEPARTMENT OF AGRICULTURE**

STATE CAPITOL
600 E. BOULEVARD AVE. – DEPT. 602
BISMARCK, ND 58505-0020

**HB 1197 Testimony
Eric Delzer
Pesticide and Fertilizer Division Director
Senate Agriculture Committee
Fort Union
March 4, 2021**

Chairman Luick and members of the Senate Agriculture Committee, my name is Eric Delzer and I am the pesticide and fertilizer division director for the North Dakota Department of Agriculture. I am here today to testify in support of house bill 1197. The main purpose of this bill is to provide a necessary clarification to fertilizer law found in North Dakota Century Code (N.D.C.C.) chapter 4.1-40.

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Chairman Luick, and committee members, this concludes my testimony on HB 1197, and I would be happy to answer any questions.