

Sixty-seventh  
Legislative Assembly  
of North Dakota

**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 26 of section 4.1-40-01, subsection 7 of  
2 section 4.1-40-03, subsection 1 of section 4.1-40-06, and section 4.1-40-07 of the North Dakota  
3 Century Code, relating to the definition, licensing, labeling, and inspection fees for specialty  
4 fertilizers.

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

6 **SECTION 1. AMENDMENT.** Subsection 26 of section 4.1-40-01 of the North Dakota  
7 Century Code is amended and reenacted as follows:

8 26. "Specialty fertilizer" means a fertilizer distributed primarily for nonfarm use, including  
9 use on home gardens, lawns, shrubbery, flowers, golf courses, municipal parks,  
10 cemeteries, greenhouses, and nurseries.

11 **SECTION 2. AMENDMENT.** Subsection 7 of section 4.1-40-03 of the North Dakota Century  
12 Code is amended and reenacted as follows:

13 7. The requirements of this section do not apply to persons that distribute only:

14 a. Specialty fertilizers to end users; or

15 b. Seed inoculants.

16 **SECTION 3. AMENDMENT.** Subsection 1 of section 4.1-40-06 of the North Dakota Century  
17 Code is amended and reenacted as follows:

18 1. If the product is in a container, the label must be plainly printed in English and  
19 conspicuously placed on or attached to the container. The label must include:

20 a. The net weight of the product;

21 b. The brand;

22 c. The grade, unless no primary nutrients are claimed;

23 d. The guaranteed analysis; ~~and~~

24 e. The name and address of the registrant; and

- f. The purpose for which non-nutritive soil or plant additives are recommended or guaranteed as effective.

**SECTION 4. 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-five~~ten 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.~~

- 1           b. ~~If a person fails to file the form, at the time and in the manner required by this~~  
2           ~~subsection, the commissioner may impose a late fee of thirty-five dollars.~~
- 3           4. Each distributor shall keep all records regarding purchases and sales for a period of  
4           three years. The records may be examined by the commissioner upon request.
- 5           5.4. The agriculture commissioner shall forward all fees received under this section to the  
6           state treasurer for deposit in the environment and rangeland protection fund.