

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,~~  
9 ~~including use on home gardens, lawns, shrubbery, flowers, golf courses, municipal~~  
10 ~~parks, cemeteries, greenhouses, and nurseries.~~

11 **SECTION 1. 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 2. 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

- 1           f. ~~The purpose for which non-nutritive soil or plant additives are recommended or~~  
2           ~~guaranteed as effective~~For soil or plant amendments, the purpose for which the  
3           product is used.

4           **SECTION 3. AMENDMENT.** Section 4.1-40-07 of the North Dakota Century Code is  
5 amended and reenacted as follows:

6           **4.1-40-07. Inspection fees - Tonnage reports - Penalty.**

- 7           1. a. An inspection fee of ten dollars or twenty cents per ton [907.18 kilograms],  
8           whichever is greater, must be paid to the commissioner on all fertilizer, fertilizer  
9           material, micronutrients, specialty fertilizer, soil amendments, and plant  
10          amendments distributed in this state.
- 11          b. This subsection does not apply to:
- 12           (1) Exchanges of product between manufacturers and distributors; or
- 13           (2) Individual fertilizers, fertilizer material, micronutrients, specialty fertilizers,  
14           soil amendments, or plant amendments sold exclusively in packages of  
15           ~~twenty-five~~ten pounds [11.344.54 kilograms] or less.
- 16          2. a. On or before January thirty-first, each licensed person who distributes a fertilizer,  
17           fertilizer material, micronutrient, specialty fertilizer, soil amendment, or plant  
18           amendment to an end user in this state shall:
- 19           (1) File with the commissioner a form stating the number of net tons [kilograms]  
20           of each listed product distributed in this state during the preceding calendar  
21           year; and
- 22           (2) Submit to the commissioner the inspection fee required by this section.
- 23          b. If a person fails to submit an inspection fee, at the time and in the manner  
24           required by this section, the commissioner may impose a penalty of ten dollars or  
25           ten percent of the amount due, whichever is greater.
- 26          c. The requirements of subdivisions a and b apply only to the last licensed person  
27          to handle the same lot of fertilizer.
- 28          3. a. ~~On or before January thirty-first, each licensed person that distributes a fertilizer,~~  
29           ~~fertilizer material, micronutrient, specialty fertilizer, soil amendment, or plant~~  
30           ~~amendment to a licensed entity in this state shall file with the commissioner a~~

- 1                    ~~form stating the number of net tons [kilograms] of each listed product distributed~~  
2                    ~~in this state during the preceding calendar year.~~
- 3                    ~~b. If a person fails to file the form, at the time and in the manner required by this~~  
4                    ~~subsection, the commissioner may impose a late fee of thirty-five dollars.~~
- 5                    ~~4.~~ Each distributor shall keep all records regarding purchases and sales for a period of  
6                    three years. The records may be examined by the commissioner upon request.
- 7                    ~~5.4.~~ The agriculture commissioner shall forward all fees received under this section to the  
8                    state treasurer for deposit in the environment and rangeland protection fund.